

Seneca City Council Meeting  
 March 10, 2020  
 Page one of three

The Seneca City Council held a Council Meeting on Tuesday, March 10, 2020, at 6:00 pm in the Seneca City Hall Council Chambers. Members present were: Mayor Daniel Alexander, Al Gaines, Denise Rozman, Stuart Pohl, Joel Ward, Dana Moore, and WC Honeycutt. Absent: Mayor Pro Tem Ronnie O'Kelley and Scott Durham.

Also present were: Scott Moulder, City Administrator; Bo Bowman, City Attorney; Josh Riches, Finance Director; Ed Halbig, Planning Director; John Covington, Police Chief; Richie Caudill, Fire Chief; Ernie Beck, Public Works Director; Bob Faires, Utilities Director; Rick Lacey, Recreation Director; Danielle Smith, Assistant Finance Officer; Carol Hall, Clerk/Treasurer; and other interested citizens. The press and public were notified of the meeting in advance as required by law.

MEETING TO  
ORDER

Mayor Alexander called the meeting to order. Mr. Moore gave the invocation and Mr. Ward led the pledge of allegiance.

APPROVAL OF  
PREVIOUS  
MEETING  
MINUTES

Motion by Mr. Honeycutt to approve the City of Seneca Council meeting minutes dated February 11, 2020, exhibit A.

Seconded by Mr. Moore

The motion passed by unanimous vote (7)

Motion by Mr. Ward to approve the Special Called Council meeting minutes dated February 25, 2020, exhibit B.

Seconded by Mr. Pohl

The motion passed by unanimous vote (7)

Motion by Mr. Gaines to approve the Strategic Planning meeting minutes dated February 27, 2020, exhibit C.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (7)

Motion by Ms. Rozman to approve the Events Committee meeting minutes dated February 12, 2020, exhibit D.

Seconded by Mr. Moore

The motion passed by unanimous vote (7)

Motion by Mr. Moore to approve the Board of Architectural Review meeting minutes dated February 24, 2020, exhibit E.

Seconded by Mr. Pohl

The motion passed by unanimous vote (7)

Motion by Mr. Ward to approve the Zoning Board of Appeals meeting minutes dated February 27, 2020, exhibit F.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (7)

Mayor Alexander mentioned the passing of Angela Hamilton, the sister of previous Mayor Devoe Blackston. The poem on the wall in the council chambers was written by Mrs. Hamilton. Mrs. Hamilton was a part of the dedication ceremony of the City Hall building in 1994.

Monica Alles White – 242 Point Rd

PUBLIC  
COMMENTS

Ms. White is a member of the Oconee County 2020 Census Complete Count Committee. She is also hired by the U S Census Bureau as an enumerator this year. She was speaking to ask for their help to reach out to the community and to ensure that every citizen participates in the 2020 census. The U S census is important to Oconee County, the State of South Carolina, and to the City of Seneca. The responses will determine how we are represented in Congress. It also guides the allocation of approximately \$675 billion federal dollars to municipalities and states for infrastructure and services,, such as schools, transportation projects, public safety, and health care.

Mayor Alexander presented Ms. White with a proclamation supporting the goals and ideals for the 2020 Census and encouraging citizens to participate in the process of obtaining a complete and accurate account of all person in our community.

Joanne Johnson – 208 Winterberry Lane

Ms. Johnson is the new Executive Director of the Oconee County Chamber of Commerce. She spoke about the annual State of Oconee Luncheon being held at the Shaver Recreation Complex on April 28<sup>th</sup>. She is requesting that the rental fees for the event be waived.

PAY CITY'S  
BILLS

Motion by Mr. Ward to pay the city's bills.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (7)

OCONEE  
CHAMBER OF  
COMMERCE  
REQUEST

Motion by Ms. Rozman to approve the Oconee Chamber of Commerce request to waive rental and set up fees for the Annual Luncheon to be held on April 28, 2020, at the Shaver Recreation Complex.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (7)

ORDINANCE  
2020-1,  
OPERATING  
HOURS

Motion by Mr. Gaines to approve on 1<sup>st</sup> Reading Ordinance 2020-1, an ordinance to establish operating hours for Parks and Recreation Facilities, exhibit G.

Seconded by Mr. Moore

The motion passed by unanimous vote (7)

ORDINANCE  
2020-2,  
BUILDING  
APPENDICES

Motion by Mr. Moore to approve on 1<sup>st</sup> Reading Ordinance 2020-2, an ordinance to adopt the Building Appendices, exhibit H.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (7)

ORDINANCE  
2020-3, LEASE/  
PURCHASE PPE  
FIRE DEPT

Motion by Mr. Ward to approve on 1<sup>st</sup> Reading Ordinance 2020-3, an ordinance to lease/purchase Personal Protective Equipment for the Fire Department.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (7)

Seneca City Council Meeting  
March 10, 2020  
Page three of three

PEAK  
GENERATION  
SAVINGS  
TRANSFER TO  
SIC

Motion by Mr. Gaines to transfer \$250,000 from Peak Generation Savings to Seneca Improvements Corporation for the asbestos abatement for the Harpers and Kimbrells buildings.

Seconded by Mr. Moore

The motion passed by unanimous vote (7)

BRAC MURAL  
ART PROGRAM

Motion by Mr. Ward to use \$10,000 from HAT funds for the Mural Art Program in association with the Blue Ridge Arts Center.

Seconded by Mr. Moore

The motion passed by unanimous vote (7)

POWER  
PURCHASE  
AGREEMENT –  
ENEL HYDRO  
ELECTRIC

Motion by Mr. Honeycutt to approve a Power Purchase Agreement between the City of Seneca and Enel Hydro Electric to be signed by the Mayor or the City Administrator.

Seconded by Mr. Moore

The motion passed by unanimous vote (7)

ADJOURNMENT

Mayor Alexander called the meeting adjourned at 6:19 pm.

---

Daniel W Alexander, Mayor

---

Carol Hall, Clerk/Treasurer

Seneca City Special Called Council Meeting  
March 24, 2020  
Page one of one

The Seneca City Council held a Special Called Council Meeting on Tuesday, March 24, 2020, at 4:00 pm in the Seneca City Hall Council Chambers. Members present were: Mayor Daniel Alexander, Al Gaines, Denise Rozman, Stuart Pohl, Joel Ward, Dana Moore (4:07pm), and WC Honeycutt. Absent: Mayor Pro Tem Ronnie O'Kelley.

Also present were: Scott Moulder, City Administrator; Josh Riches, Finance Director; Carol Hall, Clerk/Treasurer; and Norm Canada, Daily Journal. The press and public were notified of the meeting in advance as required by law.

Mayor Alexander called the meeting to order. Mayor Alexander gave the invocation and Mr. Durham the pledge of allegiance.

Mr. Moulder explained the need for the Oconee County's Hazard Mitigation Plan, the City of Seneca "State of An Emergency" Ordinance, and the Personal Protective Equipment Ordinance.

RESOLUTION  
MITIGATION  
PLAN

Motion by Mr. Pohl to approve the Resolution adopting Oconee County's Hazard Mitigation Plan and allow the Mayor to sign.

Seconded by Mr. Durham

The motion passed by unanimous vote (8)

STATE OF  
EMERGENCY  
ORD 2020-04

Motion by Mr. Durham to approve on first and final reading Ordinance 2020-04, an ordinance to temporarily suspend the normal operating procedures of Seneca council meetings and to authorize the Seneca City Administrator to develop and enact a plan in order to ensure continuity in the delivery of government services in light of the COVID-19 outbreak; and matters related thereto.

Seconded by Mr. Pohl

The motion passed by unanimous vote (8)

PERSONAL  
PROTECTIVE  
EQUIPMENT –  
FIRE DEPT  
ORD 2020-03

Motion by Mr. Ward to approve on 2<sup>nd</sup> Reading Ordinance 2020-03, an ordinance to lease/purchase Personal Protective Equipment for the Fire Department, exhibit A.

Seconded by Mr. Pohl

The motion passed by unanimous vote (8)

ADJOURN

Mayor Alexander called the meeting adjourned at 4:11 pm.

---

Daniel W Alexander, Mayor

---

Carol Hall, Clerk/Treasurer

Seneca City Special Called Council Meeting  
April 7, 2020  
Page one of one

The Seneca City Council held a Special Called Council Meeting on Tuesday, April 7, 2020, at 5:30 pm in the Seneca City Hall Council Chambers. Members present were: Mayor Daniel Alexander, Mayor Pro Tem Ronnie O'Kelley, Al Gaines, Denise Rozman, Stuart Pohl, Joel Ward, Dana Moore, and WC Honeycutt.

Also present were: Scott Moulder, City Administrator; Josh Riches, Finance Director; Carol Hall, Clerk; and Caitlin Harrington, Daily Journal. The press and public were notified of the meeting in advance as required by law.

Mayor Alexander called the meeting to order. Mr. Honeycutt gave the invocation and Mr. Ward led the pledge of allegiance.

Mr. Moulder explained the need for Ordinance 2020-5 in order to take advantage of refinancing opportunities with low interest rates that are available now.

ORD 2020-05  
REVENUE  
BONDS  
\$4,500,000

Motion by Mr. Moore to approve on 1<sup>st</sup> Reading Ordinance 2020-05, in title only, an ordinance to provide the issuance and sale of combined utility system refunding revenue bonds, Series 2020, in the principal amount of not exceeding \$4,500,000, authorizing the city administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto.

Seconded by Mr. Durham

The motion passed by unanimous vote (9)

Mr. Moulder explained the need for the Body Camera Contract for the Police Department in order to take full advantage of the State reimbursement plan.

BODY CAMERA  
CONTRACT –  
AXON  
ENTERPRISES  
INC

Motion by Mr. Durham to allow Chief Covington to sign a five-year contract with Axon Enterprises Inc for the purchase of the Officer Safety Package that includes 25 new Taser Axon Body Cameras. The initial payment of \$34,000.56 to come from within the police department's fiscal year 2020/2021 budget with the remaining payments of \$54,070.34 a year for four years to be budgeted by the police department, exhibit A.

Seconded by Mr. Honeycutt

The motion passed by unanimous vote (9)

Mr. Moulder mentioned the letter for each council member on city letterhead to be kept in their car when traveling to and from city hall for meetings showing they are an essential employee and are authorized to travel for work purposes.

Mrs. Rozman asked about meeting electronically. Mr. Moulder explained that the emergency ordinance passed last week did not cover meeting electronically.

ADJOURN

Mayor Alexander called the meeting adjourned at 5:43 pm.

Daniel W Alexander, Mayor

Carol Hall, Clerk

# SENECA IMPROVEMENT CORPORATION

Exh. D

## BOARD MEETING City Hall – Seneca, South Carolina

March 11, 2020

The board of directors of the Seneca Improvement Corporation met on Wednesday, March 11, 2020, at 8:00 am in the Seneca City Hall Conference Room. The following members were present: Scott Moulder, President and City Administrator; Mayor Dan Alexander; Josh Riches, City Finance Director; Robert Faires, City Utility Director; and, Ed Halbig, City Planning Director.

Also present were Seneca Daily Journal reporter Greg Oliver, and, City Executive Administrative Assistant, Debbie Williams. The press and public were notified of the meeting in advance as required by law.

Mr. Moulder called the meeting to order at 8:06 am, and Mayor Alexander gave the invocation.

Mr. Moulder thanked those present for their attendance.

The only item on the agenda was a review of the proposed contract to complete the asbestos abatement work at both the Kimbells and Harpers Buildings.

Mr. Moulder opened the discussion by giving an overview of the proposed contract with EHG, a company out of Mooresville, NC. Mr. Moulder told the board that EHG had submitted the best price for the work to be done. He said they quoted \$114,000 for the work at Harpers and \$114,700 for the work at Kimbrells. That work would be a complete abatement of both buildings and would allow planning for future work to move forward. He said that EHG is currently doing work at the Newry Mill. Mr. Moulder said that they had already made a submission to DHEC for the work to be done at our two buildings and would be ready to go by the end of April.

Mr. Faires asked if the air monitoring work was separate and Mr. Moulder said that it is separate at a cost of \$2,000 with work done by Crossroads Environmental.

**MOTION** by Mr. Halbig to approve the asbestos abatement contract with EHG of Mooresville, NC, for complete asbestos abatement at the Harpers and Kimbrells Buildings in the amount of \$114,000 for the Harpers Building, \$114,700 for the Kimbrells Building, and to also include air monitoring work in the amount of \$2,000, with total amount approved for all work up to \$250,000 .

Mr. Moulder asked if there were any questions or items for discussion. There were none.

Second by Mr. Riches

Vote was unanimous

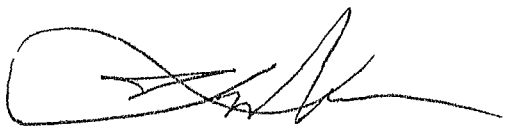
Seneca Improvements Corporation Board Meeting  
March 11, 2020  
Page two of two

**MOTION** by Mr. Faires to adjourn the meeting at 8:18 am.

Second by Mr. Riches

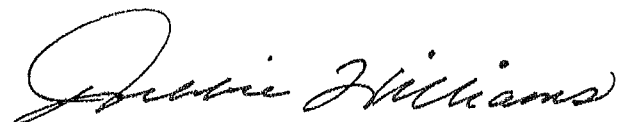
Vote was unanimous

Respectfully submitted,



---

Scott Moulder, Chairman



---

Debbie Williams, Exec. Admin. Assistant

**SENECA FACILITIES CORPORATION****BOARD MEETING  
City Hall – Seneca, South Carolina****March 11, 2020**

The board of directors of the Seneca Facilities Corporation met on Wednesday, March 11, 2020, at 8:00 am in the Seneca City Hall Conference Room. The following members were present:

Scott Moulder, President and City Administrator; Mayor Dan Alexander; Bob Faires, City Utilities Director; Josh Riches, City Finance Director; and Ed Halbig, City Planning Director.

Also present were Seneca Daily Journal reporter Greg Oliver; Randall Molloseau, City Buildings & Projects Director; and, City Executive Administrative Assistant, Debbie Williams. The press and public were notified of the meeting in advance as required by law.

Mr. Moulder called the meeting to order at 8:18 am, and Mayor Alexander gave the invocation.

Mr. Moulder thanked those present for their attendance.

The first item on the agenda was the Approval of Paving Proposal for the West Side, Seneca Industrial Complex. However, Mr. Moulder asked the board for permission to reverse the order of the agenda items so that Mr. Molloseau could give a Progress Update that might be helpful background information on the proposed paving contract.

Mr. Molloseau gave a summary overview on all projects and work going on at Seneca Industrial Complex. He said on the east side, the base in place and unless it rains again, the asphalt should be going down this week. He said they will start on the west side immediately when the east side is completed. Mr. Molloseau said there is signage yet to be done as well as up lighting for the parking lot and uplighting for the building signs. He said he is working with Ms. Williams and T&R Graphics on the building signs. He completed his overview by sharing that he would like to place a gigantic flag at the facility.

Mr. Moulder thanked the buildings and projects department for their hard work thus far on the facility.

The next item on the agenda was the proposed paving contract with JDavis Construction Company for the west side of the facility in the amount of \$229,891. 00.

A short discussion ensued concerning the proposed timing for the project and coordination with the east side project currently underway.



**Seneca Facilities Corporation Board Meeting**  
**March 11, 2020**  
**Page two of two**

**MOTION:** Mr. Halbig made a motion that the Seneca Facilities Corporation approve the proposal from JDavis Construction Company for paving the west side of the Seneca Industrial Complex in an amount not to exceed \$229,891.00.

**SECOND** by Mr. Faires.

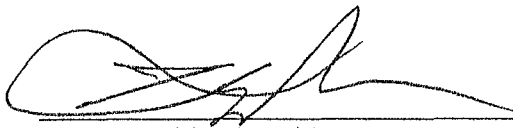
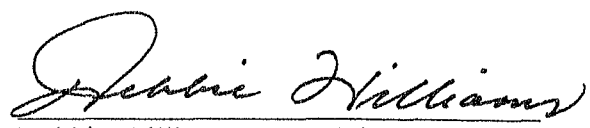
Hearing no further discussion, the motion was approved unanimously by those members present.

**MOTION:** Mr. Halbig made a motion that the meeting be adjourned at 8:32 am.

**SECOND** by Mr. Faires.

There was no further comment or discussion by board members, and the motion was approved unanimously by those members present.

Respectfully submitted,

  
\_\_\_\_\_  
Scott Moulder, President  
\_\_\_\_\_  
Debbie Williams, Exec. Admin. Assistant

## RESOLUTION

**A RESOLUTION OF THE CITY OF SENECA, SOUTH CAROLINA CERTIFYING AN ABANDONED BUILDING ELIGIBLE FOR CREDIT AGAINST INCOME TAXES PURSUANT TO THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, SECTION 12-67-100, ET. SEQ., OF THE CODE OF LAWS OF SOUTH CAROLINA (1976), AS AMENDED, REGARDING PROPERTY LOCATED AT 403 E. MAIN STREET SENECA, SOUTH CAROLINA.**

**WHEREAS**, the South Carolina Abandoned Buildings Revitalization Act (the "Act") was enacted in Title 12, Chapter 67, of the South Carolina Code of Laws to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and

**WHEREAS**, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and

**WHEREAS**, many abandoned buildings pose public safety concerns and increase the cost to local government by requiring additional law enforcement, fire and public safety services due to excessive vacancies; and

**WHEREAS**, the Act provides for a credit against South Carolina income taxes in connection with qualified "rehabilitation expenses" incurred with respect to an "abandoned building", as such terms are defined in the Act; and

**WHEREAS**, Section 12-67-120 of the Act provides the following definitions (in pertinent part):

1. "Abandoned building" means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate". For purposes of this item, a building or structure that otherwise qualifies as an "abandoned building" may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned. For purposes of this item, an abandoned building is not a building or structure with an immediate preceding use as a single-family residence. For purposes of this item, use of any portion of a building or structure listed on the National Register for Historic Places when used solely for storage or warehouse

purposes is considered nonoperational for income producing purposes; provided, however, that the credit provided under Section 12-67-140(B) is further limited by disqualifying for credit purposes the portion of the building or structure that was operational and used as a storage or warehouse for income producing purposes. This limitation is calculated based on the actual percentage of the space which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate" divided by one hundred percent.

2. "Building site" means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's income producing use.
3. "Rehabilitation expenses" means the expenses or capital expenditures incurred in the rehabilitation, renovation or redevelopment of the building site, including without limitations, the renovation or redevelopment of existing buildings, environmental remediation, site improvements, and the construction of new buildings and other improvements on the building site, but excluding the cost of acquiring the building site or the cost of personal property located at the building site. For expenses associated with a building site to qualify for the tax credit, the abandoned buildings on the building site must be either renovated or redeveloped.

**WHEREAS**, Section 12-67-130 of the Act provides, in part, that the Act applies to abandoned building sites or phase or portions thereof put into operation in which a taxpayer incurs more than one hundred fifty thousand dollars for a building located in a municipality in the county with a population of at least one thousand persons, but not more than twenty-five thousand persons based on the most recent official United States census; and

**WHEREAS**, Section 12-67-160 of the Act provides, in pertinent part, that, notwithstanding any other provision of law, a taxpayer intending to incur rehabilitation expenses may apply to the municipality in which the applicable abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality; and

**WHEREAS**, the taxpayer, Robert S. Moore (the "Taxpayer"), has submitted to the City of Seneca (the "City") a request (the "Certification Request") that the City Council of the City, as the City's governing body, adopt a resolution certifying the building (the "Building") and the building site (the "Building Site") located at 403 E. Main Street Seneca, South Carolina and having Oconee County Tax Map Number(s) 520-29-12-009 as an abandoned building site under and in accordance with the provisions of Section 12-67-130 of the Act; and

**WHEREAS**, the entire Building has been, based on various City records, continuously unoccupied since 2012, and the City has determined that (i) such abandoned building site was

an abandoned building as defined in Section 12-67-120(1) of the Act, and (ii) the geographic area of the abandoned building site is consistent with Section 12-67-120(2) of the Act; and

**WHEREAS**, this Resolution is intended to certify (i) that the above-described Building Site is an “abandoned building” as such term is defined in Section 12-67-120(1) of the Act, and (ii) the geographic area of the Building Site is consistent with Section 12-67-120(2) of the Act;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SENECA, SOUTH CAROLINA**, this 14th day of April 2020, as follows:

**Section 1.** The City’s Planning Department has reviewed the Certification Request, evaluated supporting documentation, conferred with the Taxpayer and conducted its own review of the property and has found and hereby certifies (i) that the above-described Building Site is an “abandoned building” as defined in Section 12-67-120(1) of the Act, and (ii) the geographic area of the Building Site is consistent with Section 12-67-120(2) of the Act.

**Section 2.** The City hereby certifies that the above-described property meets the eligibility criteria as an abandoned building as defined by the Act.

**Section 3.** This Resolution shall be effective upon the date of its adoption, and shall be deemed a binding resolution of the City Council of the City which may be relied upon by the Taxpayer in accordance with the provisions of Section 12-67-160 of the Act.

[signature page follows]

Adopted by the City Council of the City of Seneca, South Carolina, this 14th day of April 2020.

CITY OF SENECA, SOUTH CAROLINA

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk

March 27, 2020

Scott Moulder, City Administrator  
City of Seneca  
221 East North First Street  
Seneca, SC 29679

**NOTICE OF INTENT TO REHABILITATE**

As a condition to apply for the State of South Carolina Abandoned Building Revitalization Credit, I hereby submit this letter to notify the City of Seneca of my intent to rehabilitate the building located at 403 E. Main Street, Seneca, SC TMK: 520-29-12-009. Per the Department of Revenue, State of South Carolina, a taxpayer may apply to the municipality or county where the building is located for certification that it is an abandoned building or state-owned abandoned building.

SC DOR defines an abandoned building as a building or structure with at least 60% of the space closed to business or nonoperational for income producing purposes for at least five years immediately before the date the taxpayer files a Notice of Intent to Rehabilitate. An abandoned building must be able to be identified separately from other buildings or structures. A qualifying abandoned building can be subdivided into separate units or parcels. Each unit or parcel is considered a separate site in determining whether it is abandoned. A building or structure that was previously used as a single family residence is not considered abandoned. If a building or structure is listed on the National register for Historic Places, any portion used only for storage or as a warehouse is considered nonoperational for income producing purposes, but any portion used for income producing purposes does not qualify for the credit. If only a portion of the building was closed to business or nonoperational for income producing purposes for five years before the Notice of Intent was filed, the credit is limited by the same percentage. Per my understanding of this definition, 403 E. Main Street qualifies as an abandoned building.

The building is located on .04 acre and includes 1,742 square feet of interior space, divided by two floors. The estimated eligible rehabilitation expenses for the building is expected to total \$255,000. No expansion of the interior space is planned.

If approved, I will take the credit against real property taxes on the building.

Respectfully submitted,



Robert S. Moore

605 Coleridge Ct.  
Seneca, SC 29672-0777

CITY OF SENECAORDINANCE NO. 2020-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,  
CITY OF SENECA, SOUTH CAROLINA, TO ESTABLISH OPERATING  
HOURS FOR PARKS AND RECREATIONAL FACILITIES LOCATED  
WITHIN THE CITY LIMITS AND TO PROVIDE FOR PENALTIES FOR  
OCCUPANCY OUTSIDE OF THE DESIGNATED OPERATING HOURS

WHEREAS, problems have arisen with individuals vandalizing and damaging City property and facilities within the parks and recreational facilities of the City during nighttime hours; and,

WHEREAS, the City of Seneca, South Carolina, finds it desirable and appropriate to restrict the hours of operation for the parks and recreational facilities of the City so that the same can be preserved and maintained in good repair for use by members of the public during scheduled hours of operation, as well as during duly authorized events and/or activities:

NOW, THEREFORE, upon motion of City Council, and BY SENECA CITY COUNCIL, in Council duly assembled, and with a quorum present and voting, BE IT ORDAINED, that the Code of Ordinances, City of Seneca, South Carolina, shall be amended as follows:

Sec. 23-10. Hours of Operation for City Parks and Recreational Facilities.

**Every public park, park facility, recreational facility, and playground in the city shall be open to the public from 5:30 a.m. until 11:00 p.m. unless the public park, park facility, recreational facility, or playground is hosting a city organized or permitted activity, is staffed by the city, or the director of the department of recreation or the city administrator has ordered different hours of operation. The director of the department of recreation and the city administrator may close any park, park facility, recreational facility, playground, or portion thereof for maintenance or ground protection at any time. Hours of operation shall be posted at individual park locations. Occupancy of these premises outside of the designated hours shall be unlawful as provided in Section 18-174 of this Code and, upon conviction, shall be punished as provided in Section 1-15 of this Code.**

Sec. 18-174. Trespass on Property of City Parks and Recreational Facilities

**It shall be unlawful for any person, other than those duly authorized by the city, to enter the grounds and/or facilities of any public park, park facility, recreational facility, or playground in the city outside of the designated times and events as prescribed and provided for in Section 23-10 of this Code. Any person who violates the provisions of this section shall, upon conviction thereof, be punished as provided in Section 1-15 of this Code.**

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

PROPOSED ORDINANCE APPROVED AS TO FORM this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
R. BOATNER BOWMAN, City Attorney

APPROVED AND RATIFIED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of

7 YES 0 NO 0 ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ ABSTAIN

\_\_\_\_\_, Clerk

Attest:

\_\_\_\_\_, Mayor



CITY OF SENECAORDINANCE NO. 2020-02AN ORDINANCE TO AMEND SECTION 7-1 OF THE CODE OF ORDINANCES  
OF THE CITY OF SENECA

Whereas the South Carolina Building Codes Council has adopted the 2018 editions of the Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas and Energy Conservation Codes, published by the International Code Council for use in South Carolina, and

Whereas the City of Seneca in 2016 enacted through ordinance to adopt the current editions of the Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas and Energy Conservation Codes, published by the International Code Council as directed by the South Carolina Building Codes Council, and

Whereas the City of Seneca may at its discretion adopt appendices to the current editions of the Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas and Energy Conservation Codes, published by the International Code Council that have been approved by the South Carolina Building Codes Council, and

Whereas the City of Seneca in 2016 adopted Appendix K of the International Building Code, Appendix F of the International Residential Code, and Appendix D of the International Fire Code, and

Whereas the City of Seneca seeks to adopt Appendix Q of the International Residential Code as it relates to the design and construction of Tiny Houses,

BE IT ENACTED BY THE governing Body of the City of Seneca and Council duly assembled, and by the authority of same that Section 7.1 of the Code of Ordinances of the City of Seneca are hereby amended to read as follows:

Sec. 7-1. Building Codes—Adopted.

In addition, the following appendices are hereby adopted:  
Appendix Q of the International Residential Code (Tiny Houses)

PURPOSE. In pursuance of authority conferred by the South Carolina Codes of Laws, 1976, Title 6 Chapter 9 and to facilitate proper inspection activities by the City of Seneca relating to construction and maintenance of buildings within the corporate limits, and to promote public safety, health, and general welfare, the Mayor and Council members of the City of Seneca do hereby ordain and enact into law the following articles and sections.

CONFLICT. Wherever there is or appears to be a conflict between any rules, regulations, and standards of this building code section and any other ordinances of the City of Seneca, any ambiguity shall be construed in favor of the laws of the State of South Carolina or the Ordinances of the City of Seneca.

SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

REPEAL. All ordinances or part of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

ENFORCEMENT. Any person, firm, corporation or agent who shall violate a provision of this ordinance, or fail to comply herewith, or with any requirements thereof, or who shall erect, construct, alter, install, demolish, or move any structure, electrical, gas, mechanical, or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be found guilty of a misdemeanor. Each such person shall be considered guilty of a separate offence for each and every day or portion thereof during which any violation of any provision of this ordinance is committed or continued, and upon conviction of any violation such person shall be punished within the limits provided by the City of Seneca and the State of South Carolina.

ADMINISTRATION. The Building Official is hereby appointed to administer and enforce the codes adopted by this ordinance.

PROPOSED ORDINANCE APPROVED AS TO FORM this 10<sup>th</sup> day of March, 2020.

\_\_\_\_\_  
R. Boatner Bowman, City Attorney

APPROVED AND RATIFIED on First Reading this 10<sup>th</sup> day of March, 2020 by a vote of

7 YES 0 NO 0 ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by a vote of

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ ABSTAIN

\_\_\_\_\_, Clerk

Attest:

\_\_\_\_\_, Mayor

---

---

CITY OF SENECA, SOUTH CAROLINA  
SEVENTH SUPPLEMENTAL ORDINANCE NO. 2020-05

A SEVENTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE  
ISSUANCE AND SALE OF CITY OF SENECA, SOUTH CAROLINA,  
COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS,  
SERIES 2020, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING  
\$4,500,000; AUTHORIZING THE CITY ADMINISTRATOR TO  
DETERMINE CERTAIN MATTERS WITH RESPECT TO THE BONDS;  
PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND  
OTHER MATTERS RELATING THERETO.

Enacted: April 14, 2020

---

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SENECA, SOUTH CAROLINA,  
IN COUNCIL ASSEMBLED:

Section 1. Definitions. The terms in this Section 1 and all words and terms defined in General Bond Ordinance No. 2004-09 (the "General Bond Ordinance") enacted by the Council on June 15, 2004, as amended by the Third Supplemental Ordinance and the Fourth Supplemental Ordinance, shall for all purposes of this Seventh Supplemental Ordinance (except as herein otherwise expressly provided or unless the context otherwise requires) have the respective meanings given to them in the General Bond Ordinance and in Section 1 hereof. The term:

"2007 SRF Note" shall mean the \$1,993,633 original principal amount Promissory Note of the City, Series 2007, payable to the South Carolina Water Quality Revolving Fund Authority, outstanding as of the date hereof in the principal amount of \$998,079.20.

"2014 SRF Note" shall mean the not exceeding \$11,625,000 Promissory Note of the City, Series 2014, payable to the South Carolina Water Quality Revolving Fund Authority, outstanding as of the date hereof in the principal amount of \$9,251,608.11.

"2018 SRF Note" shall mean the not exceeding \$6,100,000 Promissory Note of the City, Series 2018, payable to the South Carolina Water Quality Revolving Fund Authority, with respect to which funds remain to be drawn.

"2020 Bond and Interest Redemption Fund" shall mean the fund established pursuant to Section 6.7 of the General Bond Ordinance and Section 8 herein to provide for the payment of principal and interest on the Series 2020 Bonds.

"Bonds of 2012" shall mean the \$8,350,000 original principal amount Combined Utility System Refunding Revenue Bonds, Series 2020, dated March 29, 2012, outstanding as of the date of enactment of this Seventh Supplemental Ordinance in the principal amount of \$4,250,000.

"Bonds of 2013" shall mean the \$5,840,000 original principal amount Combined Utility System Revenue Bonds, Series 2013, dated September 26, 2013, outstanding as of the date of enactment of this Seventh Supplemental Ordinance in the principal amount of \$4,255,000.

"Bonds to be Refunded" shall mean the Bonds of 2013.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Custodian" shall mean the bank selected by the City as custodian of the Cost of Issuance Account described in Section 9 hereof.

"Fifth Supplemental Ordinance" shall mean Fifth Supplemental Ordinance No. 2014-01 of the City enacted on February 25, 2014 authorizing the issuance of the 2014 SRF Note.

"Fourth Supplemental Ordinance" shall mean Fourth Supplemental Ordinance No. 2013-14 of the City enacted on August 27, 2013, authorizing the issuance of the Bonds of 2013, and amending the General Bond Ordinance in certain particulars.

"General Bond Ordinance" shall mean General Bond Ordinance No. 2004-09 duly enacted on June 15, 2004, by the Council of the City authorizing and providing for the issuance of Combined Utility System Revenue Bonds, as amended by the Third Supplemental Ordinance and the Fourth Supplemental Ordinance.

"Interest Payment Date" shall mean [February] 1 and [August] 1 of each year commencing [August] 1, 2020, or such other dates as the Mayor and City Manager may determine pursuant to Section 4(a) hereof.

"Paying Agent" shall mean Regions Bank in Atlanta, Georgia, as Paying Agent for the Series 2020 Bonds.

"Principal Payment Date" shall have the meaning given to such term in Section 3(a).

"Purchaser" shall mean the original purchaser of the Series 2020 Bonds and its successors or assignees.

"Registrar" shall mean Regions Bank, as Registrar for the Series 2020 Bonds.

"Second Supplemental Ordinance" shall mean Second Supplemental Ordinance No. 2007- 07 of the City enacted on June 19, 2007, authorizing the issuance of the 2007 SRF Note.

"Series 2020 Bonds" shall mean the City of Seneca, South Carolina, Combined Utility System Refunding Revenue Bonds, Series 2020, in the amount of not exceeding \$4,500,000 authorized to be issued hereunder.

"Seventh Supplemental Ordinance" shall mean this Seventh Supplemental Ordinance No. \_\_\_\_ authorizing the issuance of the Series 2020 Bonds.

"Sixth Supplemental Ordinance" shall mean Sixth Supplemental Ordinance No. 2017-14 of the City enacted on October 10, 2017, authorizing the issuance of the 2018 SRF Note.

"Third Supplemental Ordinance" shall mean Third Supplemental Ordinance No. 2012-01 of the City enacted on February 28, 2012, authorizing the issuance of the Bonds of 2012, and amending the General Bond Ordinance in certain particulars.

## Section 2. Certain Findings and Determinations.

The City hereby finds and determines:

(a) This Seventh Supplemental Ordinance supplements the General Bond Ordinance, constitutes and is a "Supplemental Ordinance" within the meaning of such quoted term as defined and used in the General Bond Ordinance, and is enacted under and pursuant to the General Bond Ordinance.

(b) The Series 2020 Bonds constitute and are "Bonds" within the meaning of the quoted word as defined and used in the General Bond Ordinance.

(c) The Net Revenues pledged under the General Bond Ordinance are not encumbered by any lien and charge thereon or pledge thereof, other than the lien and charge thereon and pledge created by the General Bond Ordinance and the following Supplemental Ordinances: (i) the Second Supplemental Ordinance for payment and security of the 2007 SRF Note; (ii) the Third Supplemental Ordinance for payment and security of the Bonds of 2012; (iii) the Fourth Supplemental Ordinance for payment and security of the Bonds of 2013; (iv) the Fifth Supplemental Ordinance for payment and security of the 2014 SRF Note; (v) the Sixth Supplemental Ordinance for payment and security of the 2018 SRF Note; and (vi) this Seventh Supplemental Ordinance for payment and security of the Series 2020 Bonds.

(d) There does not exist an Event of Default, nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute such Event of Default.

(e) The estimated cost of refunding the Bonds to be Refunded does not exceed \$4,500,000.

(f) Section 3.3 of the General Bond Ordinance provides that Bonds may be issued in accordance with the terms, conditions and limitations set forth therein in such amounts and from time to time as the City may deem to be necessary or advisable for any corporate purpose of the City and upon compliance with certain conditions. Bonds issued upon compliance with Section 3.2 and Section 3.3 of the General Bond Ordinance shall be issued on a parity with respect to the pledge of and lien upon the Net Revenues of the System *inter sese*.

(g) Section 3.4(B) of the General Bond Ordinance provides that Bonds may be issued at any time for the purpose of refunding (including by purchase) other Bonds, including amounts to pay principal, redemption premium and interest to the date of redemption (or purchase) of the refunded bonds and the Costs of Issuance; provided that (i) the aggregate Debt Service on all Bonds to be Outstanding after the issuance of the proposed Series of refunding Bonds shall not be greater than would have been the aggregate Debt Service of all Bonds not then refunded and the Bonds to be refunded; or (ii) the requirements of parts (A), (B), (C) and (E) of Section 3.3 of the General Bond Ordinance are met with respect to the refunding Series.

(h) Section 12.1 of the General Bond Ordinance provides that the obligations of the City under the General Bond Ordinance and the liens, pledges, charges, trusts, covenants and agreements of the City made or provided for therein shall be fully discharged and satisfied as to any Bond, and such Bond or Series of Bonds shall no longer be deemed to be Outstanding under the General Bond Ordinance when payment of the principal of, redemption premium, if any, and interest on such Bond or Series of Bonds shall have been provided for by irrevocably depositing with the Trustee in trust and irrevocably setting aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment, and all necessary and proper fees, compensation and expenses of the Trustee, the Paying Agent and the Registrar, or a combination thereof.

(i) No Debt Service Reserve Fund shall be established with respect to the Series 2020 Bonds.

(j) The period of usefulness of the System is in excess of 20 years from the date hereof.

(k) The proceeds of the Series 2020 Bonds are being used for the purposes of (i) refunding the Bonds to be Refunded; and (ii) paying the Costs of Issuance of the Series 2020 Bonds.

(l) It is necessary and in the best interest of the City to undertake the refunding of the Bonds to be Refunded and to issue the Series 2020 Bonds in the principal amount of not exceeding \$4,500,000 in accordance with the Act, the General Bond Ordinance and this Seventh Supplemental Ordinance for any or all of the purposes set forth above.

### Section 3. Authorization of Series 2020 Bonds.

(a) There is hereby authorized to be issued a Series of Bonds designated "City of Seneca, South Carolina, Combined Utility System Refunding Revenue Bonds, Series 2020 [or other appropriate series designation reflecting the year of issuance]" (the "Series 2020 Bonds"), in the aggregate principal amount of not exceeding \$4,500,000. The proceeds of the Series 2020 Bonds shall be used for any or all of the purposes set forth in Section 2(k) hereof.

Unless otherwise determined by the City Administrator pursuant to Section 4(a) hereof, the Series 2020 Bonds shall mature on [August] 1 in each of the years (each a "Principal Payment Date") and in the principal amounts as determined by the City Administrator pursuant to Section 4(a) hereof.

(b) The Series 2020 Bonds may be represented by one bond for each maturity or as a single fully registered bond, or such other form as the Purchaser may request; shall be registered in the name of the Purchaser thereof; shall be dated the date of their or its delivery; shall be in the principal amount of not exceeding \$4,500,000; and shall be payable on each Interest Payment Date. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

(c) Principal of and redemption premium, if any, and interest on the Series 2020 Bonds shall be payable at the corporate trust office of the Paying Agent at such location as the Paying Agent determines. Such payment shall be made to the Purchaser or subsequent Holders as of the immediately preceding Record Date by the Paying Agent by check or draft mailed to each Holder at the address as it appears on the Books of Registry maintained at the corporate trust office of the Registrar at such location as the Registrar determines, or, in the case of a Holder of \$1,000,000 or more in principal amount of Series 2020 Bond, by wire transfer to an account within the continental United States upon the timely receipt of a written request of such Holder. Payment of the principal of and interest on the Series 2020 Bonds may be payable to the Holder thereof without presentation and surrender of such Series 2020 Bonds.

(d) Unless otherwise agreed to by the City Administrator, the Series 2020 Bonds may be sold or transferred by the Purchaser only to purchasers ("Qualified Investors") who execute an investment letter delivered to the City, in form satisfactory to the City (the "Investment Letter"), containing certain representations, warranties and covenants as to the suitability of such purchasers to purchase and hold the Series 2020 Bonds. Such restriction shall be set forth on the face of the Series 2020 Bonds and shall be complied with by each transferee of the Series 2020 Bonds.

(e) The Series 2020 Bonds shall be in substantially the form set forth in Exhibit A hereto, with such necessary or appropriate variations, omissions and insertions as are incidental to the issuance of the Series 2020 Bonds or as are otherwise permitted or required by law or by the Ordinance, including this Seventh Supplemental Ordinance. The Series 2020 Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor (or in his absence, the Mayor Pro Tempore) and Clerk of the City.

#### Section 4. Sale and Issuance of Series 2020 Bonds; Authority of the City Administrator

(a) Without further authorization, the Council hereby authorizes and directs the City Administrator to:

- (i) determine the original issue date the Series 2020 Bonds;
- (ii) determine the aggregate principal amount of the Series 2020 Bonds if less than authorized by this Seventh Supplemental Ordinance;
- (iii) determine the portion or portions of the Bonds to be Refunded which will be refunded by the respective Series 2020 Bonds, provide one or more notices of redemption or directions to call the Bonds to be Refunded for redemption in connection with the Refunding, and determine the date or dates upon which the Bonds to be Refunded will be redeemed;
- (iv) determine the principal repayment schedule for the Series 2020 Bonds and the Principal Payment Dates of the applicable Series 2020 Bonds if different from that set forth herein;

(v) determine the Interest Payment Dates and initial Interest Payment Date for the Series 2020 Bonds if different from that set forth herein;

(vi) determine the interest rate or rates of the Series 2020 Bonds;

(vii) determine the mandatory and optional redemption terms for the Series 2020 Bonds;

(viii) negotiate the sale of the Series 2020 Bond directly with one or more banks or financial institutions, or to approve the forms of one or more Requests for Proposals with respect to the Series 2020 Bonds and the distribution of such Requests for Proposals to various banks and other financial institutions in the City and other areas as the Finance Director of the City determines;

(ix) determine the dates and times for receipt of bids for the purchase of the Series 2020 Bond under the Request for Proposals, if applicable;

(x) award the sale of the Series 2020 Bonds to the bidder or bidders providing the most advantageous proposals therefor in accordance with the terms of the Request for Proposals, if applicable, or to reject all bids and negotiate the sale of the Series 2020 Bond directly with one or more bidders or other banks or financial institutions; and

(xi) agree to any other covenants, terms, provisions and matters necessary or advisable to effect the issuance of the Series 2020 Bonds, including such terms as may be requested by the respective Purchasers.

To the extent any of the foregoing items (i) through (xi) have already been determined or undertaken by City Administrator, such actions are hereby ratified by the Council.

(b) A copy of this Seventh Supplemental Ordinance shall be filed with the minutes of the Council meeting at which this Seventh Supplemental Ordinance was enacted.

(c) The Council hereby authorizes and directs all of the officers and employees of the City to carry out or cause to be carried out all obligations of the City hereunder and to perform such other actions as they shall consider necessary or advisable in connection with the issuance, sale and delivery of the Series 2020 Bonds, and the effectuation of any of the undertakings authorized by this Seventh Supplemental Ordinance.

Section 5. Recording and Transfer of Ownership of the Series 2020 Bonds. The Series 2020 Bonds will be issued as one bond for each maturity or as a single fully registered Bond representing the entire principal amount of the Series 2020 Bonds in the name of the Purchaser thereof. The City, the Paying Agent and the Registrar may treat the Purchaser or subsequent Holder thereof as the sole and exclusive owner of the Series 2020 Bonds registered in its name for the purpose of payment of the principal of, and interest or premium, if any, on the Series 2020 Bonds, giving any notice permitted or required to be given to the Purchaser or subsequent Holder under the General Bond Ordinance or this Seventh Supplemental Ordinance, registering the transfer of the Series 2020 Bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever, and shall not be affected or by any notice to the contrary.

Section 6. Optional Redemption of Series 2020 Bonds. The Series 2020 Bonds shall be subject to prepayment or redemption as determined by the City Administrator pursuant to Section 4 (a) hereof. In the event the Series 2020 Bonds are called for redemption, the Registrar shall give notice of redemption by first-class mail, postage prepaid, to the registered Holder thereof as shown on the Books of Registry of the City not less than five (5) Business Days prior to the date fixed for redemption thereof.



Section 7. Payment of the Series 2020 Bonds. The Series 2020 Bonds, together with the interest thereon, shall be payable, in such coin or currency of the United States of America which at the time of such payment is legal tender for public and private debts, solely from the Net Revenues of the System in accordance with the provisions of the General Bond Ordinance and this Seventh Supplemental Ordinance. The Series 2020 Bonds shall be secured by a pledge of Net Revenues on a parity with the pledge of Net Revenues securing the 2007 SRF Note, the Bonds of 2012, the 2014 SRF Note, and the 2018 SRF Note (each as defined in this Seventh Supplemental Ordinance) and any other Bonds (as defined in the General Bond Ordinance) issued pursuant to the General Bond Ordinance.

The Series 2020 Bonds do not constitute an indebtedness of the City within any State constitutional provisions (other than Article X, Section 14, Paragraph 10 of the South Carolina Constitution authorizing obligations payable solely from special sources not involving revenues from any tax or license) or statutory limitation. The Series 2020 Bonds shall not be a debt of the City, nor a charge, lien or encumbrance, legal or equitable, upon any property of the City or upon any income, receipts or revenues thereof, other than the aforesaid Net Revenues of the System pledged thereto. No recourse shall be had for the payment of the Series 2020 Bonds or the interest thereon against the general fund of the City, nor shall the credit or taxing power of the City be deemed to be pledged thereto. The full faith, credit and taxing powers of the City are not pledged to the payment of the principal of or interest on the Series 2020 Bonds.

Section 8. Establishment of 2020 Bond and Interest Redemption Fund. In accordance with Section 6.7 of the General Bond Ordinance, the 2020 Bond and Interest Redemption Fund is hereby directed to be established by the Trustee on the date of the original delivery of the Series 2020 Bonds for the benefit of the Purchaser or subsequent Holders of the Series 2020 Bonds. In accordance with Section 6.7(a), (b) and (c) of the General Bond Ordinance, there is hereby directed to be established within the 2020 Bond and Interest Redemption Fund an Interest Account, a Principal Account and, if applicable, a Bond Redemption Account for the payment of interest, principal and sinking fund installment requirements of Term Bonds, respectively, on the Series 2020 Bonds as the same become due and payable.

Section 9. Costs of Issuance Account. There is hereby created the "Costs of Issuance Account for the Series 2020 Bonds" (hereinafter referred to and defined as the "Costs of Issuance Account"). The Costs of Issuance Account shall be held by a Custodian selected by the City. The moneys on deposit in the Costs of Issuance Account shall be used and applied to the payment of Costs of Issuance of the Series 2020 Bonds. Withdrawals from the Cost of Issuance Account shall be made in the manner withdrawals from other funds of the City are made. Moneys on deposit in the Cost of Issuance Account shall be invested upon direction of the City in Permitted Investments.

Section 10. Authorization to Effect Refunding; Redemption of the Bonds to be Refunded. Upon delivery of the Series 2020 Bonds, a portion of the principal proceeds thereof, together with all or a portion of the amounts (if any) deposited in the Bond and Interest Redemption Fund with respect to the Bonds to be Refunded, and other funds of the City if necessary, may be paid directly to the Holder of the Bonds to be Refunded, may be paid to the Paying Agent for the Bonds to be Refunded, or may be deposited in an escrow fund held by an escrow agent pursuant to the terms of an escrow agreement. Subject to the terms of such escrow agreement, it shall be the duty of the escrow agent to keep such proceeds invested and reinvested to the extent that it shall be practical in Government Obligations and to apply the principal and interest of the trust so established in the manner prescribed in such escrow agreement. The Mayor and City Administrator are hereby authorized and directed for and on behalf of the City to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Seventh Supplemental Ordinance, including, if necessary, the execution and delivery of an escrow agreement. Such escrow agreement shall be dated the date of delivery of the Series 2020 Bonds, and shall be in such form as the Mayor or City Administrator approves, the execution thereof to be conclusively deemed evidence of the approval.

The Registrar is hereby directed to call the Bonds to be Refunded for redemption on such dates as directed by the Mayor or City Administrator. If an escrow agreement is executed in connection with the refunding of the Bonds to be Refunded, the escrow agent is directed to pay the principal of and interest on the Bonds to be Refunded, when due and upon the redemption thereof, from the moneys and obligations deposited in the escrow fund established pursuant to the provisions of the escrow agreement authorized herein. All moneys and obligations deposited with the escrow agent pursuant to the escrow agreement and the income therefrom shall be held, invested, and applied in accordance with the provisions of this Seventh Supplemental Ordinance and the escrow agreement.

Section 11. Designation of Registrar and Paying Agent. The Council hereby designates Regions Bank, as Registrar for the Series 2020 Bonds. The Council hereby further designates Regions Bank as Paying Agent for the Series 2020 Bonds. The Registrar and the Paying Agent shall signify their acceptances of their respective duties upon delivery of the Series 2020 Bonds.

Section 12. Federal Tax Covenants. The City hereby covenants and agrees with the Purchaser or subsequent Holders of the Series 2020 Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2020 Bonds to become includable in the gross income of the Purchaser or subsequent Bondholders for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Series 2020 Bonds and that no use of the proceeds of the Series 2020 Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Series 2020 Bonds would have caused the Series 2020 Bonds to be "arbitrage bonds," as defined in the Code; and to that end the City hereby shall:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Series 2020 Bonds are Outstanding;
- (b) establish such funds, make such calculations and pay such amounts, if necessary, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebate of certain amounts to the United States; and
- (c) make such reports of such information at the times and places required by the Code.

The Mayor, City Administrator, and Finance Director of the City, or any of them acting alone, are hereby authorized to adopt written procedures to ensure the City's compliance with federal tax matters relating to the Series 2020 Bonds and to any other bonds or obligations of the City issued on a federal tax-exempt basis.

Section 13. Series 2020 Bonds Designated Qualified Tax-Exempt Obligations. The City covenants that, in accordance with the applicable provisions of the Code, the Series 2020 Bonds are designated as "qualified tax-exempt obligations" as defined in the Code. The City and all subordinate entities thereof do not anticipate issuing more than \$10,000,000 in tax-exempt bonds or other tax-exempt obligations in calendar year 2020 other than private activity bonds (other than private activity bonds which are "qualified 501(c)(3) bonds" as defined in the Code). The City represents that the sum of all tax-exempt obligations (other than such private activity bonds) issued by the City and all subordinate entities thereof during calendar year 2020 is not reasonably expected to exceed \$10,000,000.

Section 14. Filings with Central Repository. So long as and to the extent required pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended ("Section 11-1-85"), the City covenants that it will file with a central repository for availability in the secondary bond market when requested:

(i) A copy of the annual audit of the City, within 30 days of the City's receipt of the audit; and

(ii) Event-specific information within 30 days of an event adversely affecting more than 5% percent of Revenues or the City's tax base.

The only remedy for failure by the City to comply with the covenant of this Section 14 shall be an action for specific performance of this covenant; and failure to comply shall not constitute a default or an "Event of Default" under the General Bond Ordinance or this Seventh Supplemental Ordinance. The Trustee shall have no responsibility to monitor the City's compliance with this covenant. The City specifically reserves the right to amend or delete this covenant in order to reflect any change in Section 11-1-85, without the consent of the Trustee, the Purchaser or subsequent Holders of any Series 2020 Bonds.

Section 15. Further Actions. The Mayor, City Administrator, Finance Director, Clerk, and City Attorney are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate issuance of the Series 2020 Bonds and to carry out the intentions of this Ordinance, including, but not limited to, the adoption of written procedures to ensure the City's compliance with federal tax matters relating to the Series 2020 Bonds. The Council hereby authorizes the City Administrator to retain Burr & Forman LLP, as Bond Counsel, with regard to the issuance of the Series 2020 Bonds.

Section 16. Headings. The headings and titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Seventh Supplemental Ordinance.

Section 17. Notices. All notices, certificates or other communications hereunder or under the Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given addressed as provided in the General Bond Ordinance or as follows:

If to the City:

City of Seneca  
Attn: City Administrator  
221 East North 1<sup>st</sup> Street (29678)  
P.O. Box 4773 (29679)  
Seneca, SC

If to the Paying Agent:

Regions Bank  
Corporate Trust Services  
1180 West Peachtree St., Suite 1200  
Atlanta, Georgia 30309

If to the Purchaser:

[To be provided in other documents]

If to the Registrar:

Regions Bank  
Corporate Trust Services  
1180 West Peachtree St., Suite 1200  
Atlanta, Georgia 30309

If to the Trustee:

Regions Bank  
Corporate Trust Services  
1180 West Peachtree St., Suite 1200  
Atlanta, Georgia 30309

The City, the Registrar, the Paying Agent, the Trustee and Purchaser may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 18. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the City, and any part of any ordinance or resolution, inconsistent with this Seventh Supplemental Ordinance are hereby repealed to the extent of such inconsistency.

Section 19. Effective Date. This Seventh Supplemental Ordinance shall become effective upon its enactment.

[Signature Page Follows]

Enacted by the City Council of the City of Seneca, South Carolina, this 14th day of April, 2020.

SENECA CITY COUNCIL

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Date of First Reading: April 7, 2020

Date of Second Reading: April 14, 2020

Approved as to form:

\_\_\_\_\_  
City Attorney, City of Seneca, South Carolina

[Signature Page]

## FORM OF SERIES 2020 BOND

## TRANSFER RESTRICTED

**THIS BOND MAY BE SOLD OR TRANSFERRED IN WHOLE OR IN PART ONLY TO A PURCHASER OR TRANSFEREE CONSTITUTING A QUALIFIED INVESTOR (AS SUCH TERM IS DEFINED IN THE HEREAFTER DEFINED SEVENTH SUPPLEMENTAL ORDINANCE UNDER WHICH THIS BOND IS ISSUED), AND ONLY UPON SUCH QUALIFIED INVESTOR DELIVERING TO THE CITY AN INVESTMENT LETTER IN THE FORM REQUIRED UNDER THE SEVENTH SUPPLEMENTAL ORDINANCE.**

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
CITY OF SENECA  
COMBINED UTILITY SYSTEM REFUNDING REVENUE BOND  
SERIES 2020

The City of Seneca, South Carolina (the "City"), is justly indebted and, for value received, hereby promises to pay to \_\_\_\_\_ (the "Purchaser"), its successors or registered assigns, but solely from the Net Revenues hereinafter mentioned and not otherwise, the principal amount of \$\_\_\_\_\_ together with interest, but solely from such Net Revenues and not otherwise, on the outstanding principal balance hereof at the rate of \_\_\_\_\_% per annum (the "Interest Rate") until this Bond matures. This Bond is payable in annual installments on \_\_\_\_\_ 1 in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>

Interest on the unpaid principal balance of this Bond is payable on \_\_\_\_\_, 20\_\_ and semiannually thereafter on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 of each year. Interest on this Bond shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

THIS BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF TITLE 6, CHAPTER 17, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION (OTHER THAN ARTICLE X, SECTION 14, PARAGRAPH 10 OF THE SOUTH CAROLINA CONSTITUTION AUTHORIZING OBLIGATIONS PAYABLE SOLELY FROM SPECIAL SOURCES NOT INVOLVING REVENUES FROM ANY TAX OR LICENSE) OR STATUTORY LIMITATION. THIS BOND SHALL NOT BE A DEBT OF THE CITY, NOR A CHARGE, LIEN OR ENCUMBRANCE,

LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY OR UPON ANY INCOME, RECEIPTS OR REVENUES THEREOF, OTHER THAN THE AFORESAID NET REVENUES OF THE SYSTEM PLEDGED THERETO. NO RECOURSE SHALL BE HAD FOR THE PAYMENT OF THIS BOND OR THE INTEREST THEREON AGAINST THE GENERAL FUND OF THE CITY, NOR SHALL THE CREDIT OR TAXING POWER OF THE CITY BE DEEMED TO BE PLEDGED THERETO. THE FULL FAITH, CREDIT AND TAXING POWERS OF THE CITY ARE NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THIS BOND.

Both the principal of and interest on this Bond are payable without surrender of this Bond at the principal office of Regions Bank in Atlanta, Georgia, in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, the Purchaser agrees to surrender this Bond within a reasonable time after its final maturity.

[Redemption terms.]

This Bond shall not be entitled to any benefit under the Bond Ordinance (hereinafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

This Bond is issued by the City for the purpose of refunding the Bonds to be Refunded (as defined in the hereinafter described Seventh Supplemental Ordinance) and paying costs of issuance. This Bond is issued under, pursuant to and in full compliance with the Constitution and statutes of the State of South Carolina, including particularly Article X, Section 14(10) of the South Carolina Constitution and Title 6, Chapter 17, of the Code of Laws of South Carolina 1976, as amended (collectively, the "Act"). This Bond is issued under and pursuant to General Bond Ordinance No. 2004-09 of the City Council of the City (the "Council") duly enacted on June 15, 2004 (the "General Bond Ordinance"), as amended by Third Supplemental Ordinance No. 2012-01 of the Council enacted on February 28, 2012 (the "Third Supplemental Ordinance") and by Fourth Supplemental Ordinance No. 2013-14 of the Council enacted on August 27, 2013 (the "Fourth Supplemental Ordinance"), and as supplemented by Seventh Supplemental Ordinance No. \_\_\_\_ of the Council enacted on \_\_\_\_\_, 2020 (the "Seventh Supplemental Ordinance", and the Seventh Supplemental Ordinance, together with the General Bond Ordinance, as amended, the "Bond Ordinance") of the City Council of the City enacted on April 14, 2020, under the Act which Bond Ordinance has been duly codified and indexed as prescribed by law.

This Bond and the interest thereon is a special obligation of the City and is secured by and payable solely from, and secured equally and ratably by a pledge of and lien upon, the Net Revenues (as defined in the General Bond Ordinance) derived from the combined utility system (the "System") controlled and managed by the City on a parity with any pledge of and lien upon Net Revenues securing the 2007 SRF Note, the Bonds of 2012, the 2014 SRF Note, and the 2018 SRF Note, (as such terms are defined in the Seventh Supplemental Ordinance) and any Series of Bonds hereafter issued under the General Bond Ordinance payable from such Net Revenues on a parity and equally and ratably secured therewith.

The Bond Ordinance contains provisions defining terms, including the properties comprising the System; sets forth the revenues pledged for the payment of the principal of and interest on this Bond and the Bonds of other series which have heretofore or may hereafter be issued on a parity herewith under the Bond Ordinance; sets forth the nature, extent and manner of enforcement of the security of this Bond and of such pledge, and the rights and remedies of the holder hereof with respect thereto; sets forth the terms and conditions upon which and the extent to which the Bond Ordinance may be altered, modified and amended; sets forth the terms and conditions upon which have been issued or upon which other bonds may be hereinafter issued payable as to principal, premium, if any, and interest on a parity with this Bond and equally and ratably secured herewith; sets forth the rights, duties and obligations of the City thereunder; and sets forth the terms and

conditions upon which the pledge made in the Bond Ordinance for the security of this Bond and upon which the covenants, agreements and other obligations of the City made therein may be discharged at or prior to the maturity or redemption of this Bond with provisions for the payment thereof in the manner set forth in the Bond Ordinance. The provisions of the Act and the Bond Ordinance shall be a contract with the holder of this Bond.

To the extent and in the manner permitted by the terms of the Bond Ordinance, the provisions of this Bond or of the Bond Ordinance, or any ordinance amendatory thereof or supplemental thereto, may be amended or modified by the City in certain cases, without the consent of any Bondholders (as defined in the General Bond Ordinance) and, in other cases, with the written consent of the holders of at least sixty-six and two-thirds percent (66-2/3%) in principal amount of the Bonds of the series of which this Bond is one then outstanding under the Bond Ordinance (including the Bonds of the series of which this Bond is one); provided, that no such amendment or modification shall (i) extend the time of payment of principal of or the interest on any Bond (as defined in the General Bond Ordinance), or reduce the principal amount thereof or the rate of interest thereon or the premium payable upon the redemption thereof, or (ii) give to any Bond or Bonds (as defined in the General Bond Ordinance) any preference over any other Bond or Bonds, or (iii) authorize the creation of any pledge prior to, or except as provided herein for the issuance of Series of Bonds (as defined in the General Bond Ordinance), on a parity with the pledge afforded by the Bond Ordinance, or (iv) reduce the percentage in principal amount of the Bonds (as defined in the General Bond Ordinance) required to assent to or authorize any such modification to the Bond Ordinance.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise. This Bond has been designated a "qualified tax-exempt obligation" pursuant to Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended.

It is hereby certified, recited and declared that all acts, conditions and things required by the Constitution and statutes of the State of South Carolina to exist, to happen and to be performed precedent to and in the issuance of this Bond, do exist, have happened and have been performed in due time, form and manner as required by law; that the series of which this Bond is a part does not exceed any constitutional or statutory limitation of indebtedness; and that provision has been made for the payment of the principal of and interest on this Bond and the series of which it is a part, as provided in the Bond Ordinance.



IN WITNESS WHEREOF, the City of Seneca, South Carolina, has caused this Bond to be executed this \_\_\_\_ day of \_\_\_\_\_, 2020 in its name by the manual/facsimile signature of the Mayor of the City and attested by the manual/facsimile signature of the Clerk of the City under the seal of the City impressed, imprinted or reproduced hereon.

CITY OF SENECA, SOUTH CAROLINA

By: \_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk

(FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION)

This bond is the bond described in the within-mentioned Ordinance of City of Seneca, South Carolina.

Regions Bank,  
Registrar

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Officer