

The Seneca City Council held a Council Meeting following the Public Hearing on Tuesday, October 13, 2020, at 6:00 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, Scott Durham, and WC Honeycutt.

Also present were: Scott Moulder, City Administrator; Ed Halbig, Planning Director; Casey Bowling Interim Police Chief; Ernie Beck, Public Works Director; Bob Faires, Utilities Director; Richie Caudill, Fire Chief; Danielle Smith, Assistant Finance Officer; Carol Hall, Clerk; and other interested citizens. The press and public were notified of the meeting in advance as required by law.

Public
Hearing

Mayor Alexander called the Public Hearing to order. The Public Hearing was for Ordinance 2020-23, an ordinance to close and abandon unimproved Right-of-Way between S Townville Street and S Fairplay Street (south of 7th Street) and to transfer real property to the City of Seneca.

Mr. Halbig added that this is one of the places where there is a lot of brush piled up and we are hoping that once we get this ordinance in place, we will be able to move forward with the transferring of the property to the owners, getting the area cleaned up and getting it ready for some development.

Mr. Moore asked for clarification that the ordinance is to transfer the property to the City and then our plan is to revert it back to the property owners in the area. Mr. Halbig said yes. The city has had a survey done of the property and every property owner that touches it essentially gets the piece perpendicular to what they touch to the middle of the right of way. It has all been split between the adjacent property owners, so that when we transfer the property to the city, we are already ready to divest it to those adjacent property owners, each in the amount equivalent to their right-of-way that they are touching.

Mr. Durham asked about the time frame. Mr. Halbig said that they are hoping to have it done within the next 60 days. Mr. Moulder said the hardest part will be the deed preparation for each one of the parcels and then a closing for conveyance to those property owners.

Mayor Alexander opened the floor to the public for any comments or questions about the budget. There were none. Mayor Alexander closed the Public Hearing and moved into the Special Called Council Meeting.

Meeting to
Order

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

Fire Fighter of
the Year
Award –
Dashiell
Lucero

Mayor Alexander recognized Fire Chief Caudill for presentation of the "Firefighter of the Year Award." Chief Caudill introduced Ms. Helen Westmoreland, the Community Outreach Coordinator with the Oconee County Sheriff's Office. Ms. Westmoreland explained that this is the 3rd year in a row that the Blue Ridge Electric Cooperative Program has had a Municipal Public Servant award. They presented an award a few weeks ago to Brian Sheriff when he retired. In the past Blue Ridge Electric would supply a dinner and the awards would be presented at that time.

However, this year because of Covid-19, the presentations will be put into a slide show and will be sent out when it is finished.

Ms. Westmoreland contacted Chief Caudill about who he chose for "Firefighter of the Year" award and explained that in place of the dinner the recipient would receive a \$25 gift card to go out to eat with their family.

Chief Caudill recognized the firefighters that were in the audience. They were the shift on duty on August 21st at 1:41 am when they received a call at Pleasant Drive about a structural fire with an entrapment. They were able to enter the house under very horrible conditions and pull the person living in the house out and to attempt resuscitation. Chief Caudill explained that the person living in the house did not survive, but the fact that the firefighters got into the house and made the effort to get him out says a lot about who we have working for the City.

Chief Caudill explained why he chose Dashiell Lucero as the "Firefighter of the Year." He said that he has known Dash since they worked together at Keowee Fire Department. Chief Caudill said that he would take ten more just like Dash, he comes to work every day ready to go, and never complains no matter what you throw at him. Chief Caudill presented Dash with the "Fire Fighter of the Year" award.

Approval of
Previous
Meeting
Minutes

Motion by Mr. Ward to approve the City of Seneca Council meeting minutes dated September 8, 2020, exhibit A.

Seconded by Mr. Pohl

The motion passed by unanimous vote (9)

Motion by Mr. Durham to approve the City of Seneca Special Called Council meeting minutes dated September 29, 2020, exhibit B.

Seconded by Mr. Moore

The motion passed by unanimous vote (9))

Motion by Mr. Moore to approve the Seneca Planning Commission meeting minutes dated September 21, 2020, exhibit C.

Seconded by Mr. Durham

The motion passed by unanimous vote (9)

Motion by Mr. Durham to approve the Board of Architectural Review meeting minutes dated September 28, 2020, exhibit D.

Seconded by Mr. Pohl

The motion passed by unanimous vote (9)

Motion by Mr. Pohl to approve the Seneca Improvements Corporation meeting minutes dated September 29, 2020, exhibit E.

Seconded by Mr. Moore

The motion passed by unanimous vote (9)

Public
Comments

Mr. Kenneth Ted Cooper – 412 S Townville Street

Mr. Cooper said he has lived at 412 S Townville Street for 46 years. He purchased the property from Rupert and Zola Nimmons. When he bought the property, his lot was grown up like the other three lots are now. One of the first projects Mr. Cooper had was to clean off the back of his property. Dr. Richardson owned the apartments at the time and he said if Mr. Cooper wanted to clean the whole twenty-two feet, he could use the twenty-two feet. Mr. Cooper cleaned the twenty-two feet, but he never used it. He has kept it clean all these years. Mr. Cooper said that he has talked with all four adjoining homeowners and he asks council to consider the recommendation to allow the homeowners to receive the property and let them pay what they have to pay. He has met with Mr. Moulder to discuss this issue.

Mr. Cooper added that he has been before some committees due to the tornado and those committees have helped him every time. He and his wife were hit very hard and they are still not back in their home. Mr. Cooper wanted to personally thank the Mayor and the City of Seneca for all they have done for the Historical District, especially Townville Street.

Mr. Moulder explained Mr. Cooper's request is similar to the item on tonight's agenda to abandon a right-of-way. There are a number of areas in the city where in the center of a block, there was at one time many years ago, a right-of-way that was created as a part of the development of those lots. There is a twenty-two foot right-of-way that actually extends along the backs of their properties. It is platted on the GIS website.

There are a number of these right-of-ways across the city. Mr. Moulder has talked with Mr. Beck and Mr. Halbig about the right-of-way issue over the last couple of months. He would like to start a process of dissolving the right-of-ways because they are really alley ways that don't exist, and there is no need to maintain that right-of-way. It is similar to what council is doing tonight and what Mr. Cooper and his neighbors are requesting, which is for the city to go through the same process and potentially dissolve those right-of-way properties and deed them to the property owners.

Mr. Willie Holland – 531 E S 5th Street

Mr. Holland commended the city on the great job done during the tornado. The tornado hit him and his wife very hard. His mother lives on the west side of town and he has been helping her. If you go south down Walnut Street and then take a right going west, a great job has been done going that way. But going down Walnut Street and take a left going east towards the mill hill, Perry Hill, and Mr. Holland's house, he said it seems as though they have been forgotten. There is an alley way right up from Mr. Holland's house that he keeps clean. They put trees there and have not come back to clean it up. The branch behind his house has been stopped up since the tornado, his wife had a garden and there are musk rats and beavers. He is a taxpayer and feels that that side of town has been forgotten. A council member came out a month ago and nothing has been done. He called an engineer for the city and nothing has been done. He feels that each time he comes, he gets a deaf ear. He came before when a lady was talking about a skateboard park for the kids. We are more concerned with bringing in businesses than looking at where our kids can go and keep them out of trouble. We need to help them while they are young instead of looking at a new jail that we can build to put them in. They have nowhere to go around here. Mr. Holland is asking for some help not a handout. Mr. Holland thanked council for their time.

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Pay the City's
Bills

Motion by Mr. O'Kelley to pay the City's bills.

Seconded by Mr. Durham

The motion passed by unanimous vote (9)

Ord 2020-20
RecoverSC Local
Government
Liquidity
Program

Motion by Mr. Honeycutt to approve on 2nd Reading Ordinance 2020-20, an ordinance authorizing the participation by the City in the RecoverSC Local Government Liquidity Program; authorizing the execution and delivery of an Intergovernmental Agreement with the South Carolina Jobs-Economic Development Authority and such other documents and agreements in connection with the sale of bonds issued by the authority to fund the RecoverSC Local Government Liquidity Program; authorizing an appropriation or the issuance of a Tax Anticipation Note for the initial payment thereunder; or other matters relating thereto.

Seconded by Mr. Durham

The motion passed by unanimous vote (9)

Ord 2020-21
Rezone property
at S Townville
St, S Fairplay St,
E S Fifth St

Motion by Mr. Moore to approve on 1st Reading Ordinance 2020-21, an ordinance to rezone property at S Townville St, S Fairplay St and E S Fifth St from NC to R-10, exhibit F.

Seconded by Mr. Durham

The motion passed by unanimous vote (9)

Ord 2020-22
Zone property at
Shaver
Recreation

Motion by Mr. Ward to approve on 1st Reading Ordinance 2020-22, an ordinance to zone property at Shaver Recreation to R-20, exhibit G.

Seconded by Mr. Pohl

The motion passed by unanimous vote (9)

Ord 2020-23
close and
abandon ROW
S Townville &
S Fairplay St

Motion by Mr. Pohl to approve on 1st Reading Ordinance 2020-23, an ordinance to close and abandon unimproved Right-of-Way between S Townville St and S Fairplay St and to transfer real property of the City of Seneca, exhibit H

Seconded by Mr. Moore

The motion passed by unanimous vote (9)

Mayor Alexander requested that Mr. Moulder bring a recommendation back to council on Mr. Cooper's request and to get with Mr. Holland about his request.

Executive
Session
(6:24-7:02pm)

Motion by Mrs. Rozman to go into an executive meeting to discuss a contractual matter concerning Possible Future Developer/Business Investors and to include Mayor, Council, and City Administrator.

Seconded by Mr. Durham

The motion passed by unanimous vote (9)

Council returned from executive session. No action taken.

Mayor Alexander recognized Mr. Moulder. Mr. Moulder introduced Interim Police Chief Casey Bowling. Mr. Moore congratulated the Police Department on a good drug bust over the weekend.

Mayor Alexander called the meeting adjourned at 7:04 pm.

Daniel W Alexander, Mayor

Carol Hall, Clerk

CITY OF SENECA, SOUTH CAROLINA

ORDINANCE NO. 2020-20

AUTHORIZING THE PARTICIPATION BY THE CITY IN THE RECOVERSC LOCAL GOVERNMENT LIQUIDITY PROGRAM; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT WITH THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION WITH THE SALE OF BONDS ISSUED BY THE AUTHORITY TO FUND THE RECOVERSC LOCAL GOVERNMENT LIQUIDITY PROGRAM; AUTHORIZING AN APPROPRIATION OR THE ISSUANCE OF A TAX ANTICIPATION NOTE FOR THE INITIAL PAYMENT THEREUNDER; AND OTHER MATTERS RELATING THERETO.

Enacted: October 13, 2020

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

Section 1. Findings and Determinations. The City Council (the "**Council**") of the City of Seneca, South Carolina (the "**City**") hereby finds and determines:

A. The City is an incorporated municipality located in Oconee County, South Carolina and as such possesses all powers granted to municipalities by the Constitution and laws of this State.

B. Pursuant to Section 5-5-10, Code of Laws of South Carolina 1976, as amended (the "**South Carolina Code**"), the City has selected the Council-Manager form of government and is governed by a City Council composed of a Mayor and six council members which constitute the governing body of the City.

C. Section 5-7-30 of the South Carolina Code provides, in part, that municipalities may enact ordinances, not inconsistent with the Constitution and general law of the State of South Carolina (the "**State**"), respecting any subject which appears necessary and proper for the security, general welfare, and convenience of the municipality and for the preservation of the general health, peace, order and good government in the municipality, and further, under the case of Williams v. Town of Hilton Head, 429 S.E.2d 802 (1993), a municipality may enact regulations (ordinances) without the requirement for further specific statutory authorization so long as such regulations are not inconsistent with the Constitution and general law of the State.

D. The South Carolina Jobs-Economic Development Authority ("**Authority**") has developed and implemented the RecoverSC Local Government Liquidity Program ("**Program**") to provide a vehicle for South Carolina local governments to bridge potential financial gaps resulting from lost revenues or delayed collections and other financial impacts arising from the COVID-19 pandemic.

E. The City has determined it has already experienced or may in the future experience a financial gap as described above arising directly or indirectly from the COVID-19 pandemic and previously submitted an application ("**Application**") and its expression of intent to the Authority to participate in and receive an advance of funds under the Program in an amount not exceeding \$950,000 ("**Advance**") in order to secure funds to continue to provide services to the citizens of the City and foster and promote their security and general welfare, and to preserve health, peace, order and good government. The City has determined that it is in the best interest of the City and its citizens to obtain the Advance to defray or reimburse the City for the costs incurred in connection with repairs and improvements to certain City property and infrastructure resulting from the tornado and severe weather which impacted the City on or about April 13, 2020, and to pay certain other capital or operating expenditures of the City (the "**Authorized Uses**").

F. The Authority has determined to issue its Economic Development Revenue Bonds, in one or more series (the "**Bonds**"), to fund the Program and the Advance (the portion of the Bonds allocable to the Advance, the "**2020C Bonds**").

G. The Authority and the City desire to enter into an Intergovernmental Agreement ("**Agreement**") setting forth the terms and conditions of the City's receipt of the Advance and providing for, among other things, semi-annual repayments (collectively, the "**Payments**," and each, a "**Payment**"), subject to the City's right to annually not appropriate funds therefor.

H. The Authority will pledge as security for the payment of the principal of, and premium, if any, and interest on the 2020C Bonds when due, all of its right, title and interest in the

Agreement (except for certain reserved rights), including specifically the right to receive revenues and receipts under the Agreement.

I. In connection with the sale of the 2020C Bonds, the purchaser thereof (“**Purchaser**”) has requested the City, as a participant in the Program and party to the Agreement, provide certain financial and operating information about the City to the Purchaser for use in connection with the sale of the Bonds, and to execute and deliver certain certificates and other documents containing certain representations, warranties and covenants of the City to the Purchaser.

J. Under the terms of the Agreement, the first Payment is scheduled to be made in April, 2021 (the “**First Payment**”) of the current fiscal year (e.g, the fiscal year ending June 30, 2021) and the City desires to authorize an appropriation of funds and, as an alternative, the issuance a tax anticipation note of the City (“**TAN**”) to provide funds for the First Payment.

Section 2. Authorization to Participate in the Program; Determination of Public Purpose; Expenditure of Proceeds of Advance for Authorized Uses. The City is hereby authorized to participate in the Program and receive the Advance. The City’s participation in the Program, and the receipt and expenditure of the Advance on the Authorized Uses, are proper and valid public and corporate purposes under the laws of the State, and will enable the City to continue to provide services to the citizens of the City and foster and promote their security and general welfare, and to preserve health, peace, order and good government. Expenditure of the proceeds of the Advance for the Authorized Uses is hereby authorized and approved. All actions previously taken by the City and its representatives in connection with the Program (including the City’s application related thereto) are hereby ratified, confirmed and approved.

Section 3. Approval of Agreement; Authorization to Execute, Deliver and Perform Obligations Under the Agreement. The City is authorized to enter into and carry out its obligations under the Agreement, the substantially final form of which is attached to this Ordinance as Exhibit A, and the form, terms and provisions of the Agreement are approved and authorized as if set forth in this Ordinance in their entirety with such changes as may be approved by any one or more of the Mayor, the City Administrator and the Finance Director of the City (each, an “**Authorized Representative**”).

Each Authorized Representative is authorized to execute and deliver the Agreement to the Authority. The final terms of the Agreement shall not be inconsistent with or contrary to purposes to be accomplished by the Program. The execution of the Agreement and delivery to the Authority shall constitute conclusive evidence of the approval by the Authorized Representative of the final terms of the Agreement on behalf of the City.

Section 4. Payments; Appropriation of Funds and Approval of Issuance of TAN. The City acknowledges that its obligation to pay the Payments under the Agreement is a current expense of the City and is dependent upon lawful appropriations of funds being made by the Council to pay the Payments in each fiscal year under the Agreement; provided, that the Agreement shall not in any way be construed to be a debt of the City in contravention of any applicable constitution or statutory limitations or requirements concerning the creation of indebtedness by the City, nor shall anything contained in this Ordinance or the Agreement constitute a pledge of the full faith, credit or taxing power of the City or a pledge of general tax revenues, funds moneys or credit of the City. Further, the City may make the Payments from any legally available source of revenues, subject to City’s right to not appropriate funds to make Payments in any fiscal year.

For the First Payment, which will be due and payable in the current fiscal year (e.g., the fiscal year ending June 30, 2021) and the anticipated amount of which is shown in Exhibit A of the

Agreement, the Council hereby appropriates funds sufficient therefor, and as an alternate source of funds for the First Payment, authorizes the issuance of the TAN pursuant to Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, and Title 11, Chapter 27 of the Code of Laws of the State of South Carolina, 1976, as amended, in an amount not exceeding the amount of the First Payment (as shown on the final, executed Agreement) plus the amounts necessary to pay for the costs incurred in the issuance of the TAN.

If the Mayor or City Administrator determine that the issuance of a TAN is in the best interest of the City to make the First Payment, then the TAN shall be issued as a single fully-registered note at that time as may be determined by the Mayor or City Administrator. Council delegates to the Mayor or City Administrator the power to make all determinations with respect to the details of the TAN, including the form, maturity date, manner and time of sale and award, and redemption provisions, and authorizes the Mayor and the City Administrator, or either of them acting alone, to execute the TAN in the name of and on behalf of the City and deliver it to the purchaser thereof.

For the payment of the principal of and interest on the TAN when and if issued, the City hereby pledges (i) the full faith, credit and taxing power of the City; and (ii) the ad valorem taxes in anticipation of which the TAN is issued.

The Mayor and City Administrator may consult with the City's bond counsel and financial advisor in making any determinations with respect to the TAN.

Section 5. Authorization to Prepare and Execute Documents in Connection with Sale of the 2020C Bonds. The Council acknowledges that the Authority intends to issue and sell the 2020C Bonds to the Purchaser to fund the Advance. The Authorized Representative is authorized to prepare and provide such information as may be requested by the Purchaser about the City in connection with the purchase of the 2020C Bonds and any offering document related thereto and to deem such information "final" as may be required under any applicable securities laws. The City, by and through the Authorized Representative, is further authorized to execute and deliver such other certificates, documents and agreements (including without limitation a letter of representations and a continuing disclosure or reporting agreement) as may be requested by the Authority, the Purchaser or other participants in connection with the issuance and sale of the Bonds or the Program.

Section 6. Further Acts. The Authorized Representative is further authorized to take such actions and make such other determinations as may be necessary or appropriate (a) to facilitate the City's participation in the Program and receipt of the Advance and (b) to carry out the transactions contemplated by this Ordinance and the Agreement and is directed and empowered to consult with such counsel as the Authorized Representative determines, in his or her sole discretion, may be necessary or advisable regarding the Program.

Section 7. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the City, and any part of any ordinance or resolution, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings, to the extent of such conflict, are hereby repealed.

Section 9. Effective Date. This Ordinance shall be effective upon its enactment by the City Council for the City Seneca, South Carolina.

[execution page follows]

Enacted by the City Council of the City of Seneca, South Carolina, this 13th day of October, 2020.

CITY COUNCIL OF THE CITY OF SENECA,
SOUTH CAROLINA

Mayor

(SEAL)

ATTEST:

Clerk

First Reading: September 29, 2020
Second Reading: October 13, 2020

Approved as to form:

City Attorney
City of Seneca, South Carolina

EXHIBIT A

Form of Intergovernmental Agreement

[see attached]

Exh C

CITY OF SENECA

ORDINANCE NO. 2020-21

AN ORDINANCE TO AMMEND THE OFFICIAL ZONING ORDINANCE
OF THE CITY OF SENECA

WHEREAS, that certain property located at 501 South Fairplay Street, 104 E S 5th Street, South Townville Street and 506 South Townville Street and denoted by Tax Map # 520-40-05-001, 520-40-05-002, 520-40-05-003, and 520-40-05-004, as shown on a plat of survey attached herein as Exhibit "A", and:

WHEREAS, pursuant to application, said property shown in exhibit "A" is requested to be rezoned from NC to R-10.

BE IT ENACTED BY THE governing Body of the City Of Seneca and Council duly assembled, and by the authority of same that the Official Zoning Ordinance of the City Of Seneca is herein amended to rezone property located at 501 South Fairplay Street, 104 E S 5th Street, South Townville Street and 506 South Townville Street and denoted by Tax Map # 520-40-05-001, 520-40-05-002, 520-40-05-003, and 520-40-05-004, as shown on a plat of survey attached herein as Exhibit "A" to R-10.

DONE AND DULY ORDAINED BY THE municipal Council of the City Of Seneca, in Council duly assembled on the date hereinafter set forth.

PROPOSED ORDINANCE APPROVED AS TO FORM this _____ 2020.

R. Boatner Bowman, City Attorney

APPROVED AND RATIFIED on First Reading this 13th day of October 2020 by a vote of

_____ YES _____ NO _____ ABSTAIN

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

_____ YES _____ NO _____ ABSTAIN

_____, Clerk

Attest:

_____, Mayor

Exh D

CITY OF SENECA

ORDINANCE NO. 2020-22

AN ORDINANCE TO AMMEND THE OFFICIAL ZONING ORDINANCE
OF THE CITY OF SENECA

WHEREAS, that certain property located at E. Perkins Creek Road and denoted by Tax Map # 238-00-03-005, 238-00-03-006, 238-00-03-007, 238-00-03-008 as shown on a plat of survey attached herein as Exhibit "A", and:

WHEREAS, pursuant to application, said property shown in exhibit "A" is requested to be zoned R-20.

BE IT ENACTED BY THE governing Body of the City Of Seneca and Council duly assembled, and by the authority of same that the Official Zoning Ordinance of the City Of Seneca is herein amended to zone property located at E. Perkins Creek Road and denoted by Tax Map # 238-00-03-005, 238-00-03-006, 238-00-03-007, 238-00-03-008, as shown on a plat of survey attached herein as Exhibit "A" to R-20.

DONE AND DULY ORDAINED BY THE municipal Council of the City Of Seneca, in Council duly assembled on the date hereinafter set forth.

PROPOSED ORDINANCE APPROVED AS TO FORM this _____ 2020.

R. Boatner Bowman, City Attorney

APPROVED AND RATIFIED on First Reading this 13th day of October 2020 by a vote of

_____ YES _____ NO _____ ABSTAIN

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

_____ YES _____ NO _____ ABSTAIN

_____, Clerk

Attest:

_____, Mayor