

Seneca City Council Meeting
 March 10, 2020
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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 28th. 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 1st 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 1st 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 1st 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)

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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
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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 2nd 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 1st 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

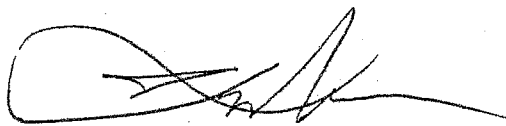
Seneca Improvements Corporation Board Meeting
March 11, 2020
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MOTION by Mr. Faires to adjourn the meeting at 8:18 am.

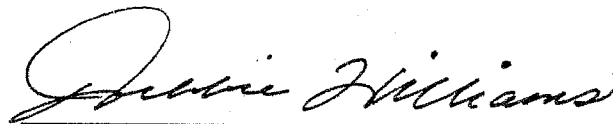
Second by Mr. Riches

Vote was unanimous

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Scott Moulder', written over a horizontal line.

Scott Moulder, Chairman

A handwritten signature in black ink, appearing to be 'Debbie Williams', written over a horizontal line.

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 is 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.

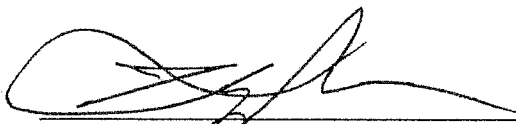
Hearing no further discussion, the motion was approved unanimously by those members present.

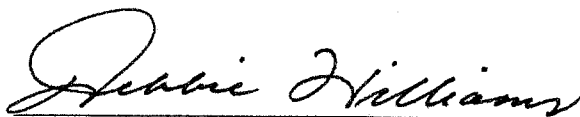
MOTION: Mr. Halbig made a motion that the meeting be adjourned at 8:32 am.

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

SENECA IMPROVEMENT CORPORATION

Exh F

BOARD MEETING City Hall – Seneca, South Carolina

May 6, 2020

The board of directors of the Seneca Improvement Corporation met on Wednesday, May 6, 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 Norman Cannada; Kandace Addington, Salon K; Bob Moore, 403 E Main Street; 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 8:02 am, and Mr. Halbig gave the invocation.

Mr. Moulder thanked those present for their attendance.

The first item on the agenda was a review of the EDIP application received by Salon K located on Ram Cat Alley. Mr. Moulder asked Mr. Halbig to give his analysis of the EDIP application.

Mr. Halbig said there are qualifying items on the application and some criteria that Salon K will not meet. He said that since the Salon is currently closed because of Covid-19 restrictions, the utilities as well as revenues would need to be estimated for purposes of approving this application. Since the salon does not generate hospitality taxes or accommodation taxes, the only qualifying items would be estimated revenues, utilities and business license fees. After further discussion, consensus of the members was that the qualifying period for reimbursement should be extended to compensate for Covid-19 closure.

Next on the agenda was the submission of the CBIP application from Robert Moore, 403 E. Main Street, site of a proposed pizza restaurant and upstairs apartment.

Mr. Moore says that he has closed on the building. He said that he will be the landlord and is leasing the building and apartment to the individual who will be operating the business and living upstairs in the apartment.

Mr. Halbig explained that the formula of 15% reimbursement will be used but not all the project costs would be necessarily included. A discussion ensued with questions being asked by board members concerning Mr. Moore's cost analysis for the project.

Next on the agenda was the continuation of the economic incentive plans. Mr. Moulder explained that sunset on this program will be June 30 at which time the program will expire. He asked the board if they wished to recommend continuation of these programs to the Seneca City Council.

A discussion ensued about the past performance of the programs. Mayor Alexander said that results that should be considered: what kind of economic impact the program has had, how many jobs have been generated as a result of the programs, what amount of HAT money has been generated, and how we might possibly measure money put back into the economy.

Mr. Halbig said the results are visible in the Seneca businesses. He said the board should consider if both programs are performing as we want the programs to perform. He remarked that we are heavily invested in restaurants and those businesses that generate HAT tax. He said we continue to be interested in businesses that bring people and employment downtown. Mr. Halbig asked the board to consider if we want to modify the program to reflect a more equitable balance between those that generate HAT tax and those that do not.

Mr. Moulder commented that we need to look at the residual effect of the businesses and consider if they are bringing people downtown 7 days a week. He said some businesses do not generate people but one or two days a week. He said our intent is to generate increased revenue for everyone.

Mr. Moulder asked Mr. Halbig to formulate a draft of possible changes to the two programs to bring back to this board for consideration before a final recommendation to continue the two programs is made to City Council. Mr. Halbig said he would do so.

MOTION by Mr. Faires to approve reimbursement of up to \$3,000 to Salon K for the Commercial Building Project Application submitted by Kandace Addington of Salon K contingent upon actual expenses and receipts.

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

Second by Mr. Riches

Vote was unanimous

MOTION by Mr. Halbig to extend the period of EDIP reimbursement for Salon K by 3 to 4 months due to Covid-19 closure.

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

Second by Mr. Faires

Vote was unanimous

Seneca Improvements Corporation Board Meeting

May 6, 2020

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MOTION by Mr. Halbig to approve the CBIP application submitted by Mr. Moore for 403 E. Main Street for up to \$40,000 dependent upon actual receipts submitted.

Second by Mr. Riches

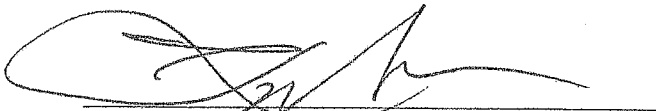
Vote was unanimous

MOTION by Mr. Faires to adjourn the meeting at 8:36 am.

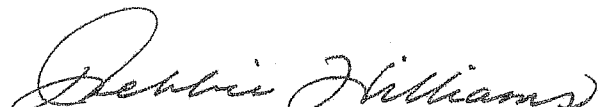
Second by Mr. Riches

Vote was unanimous

Respectfully submitted,



Scott Moulder, Chairman



Debbie Williams, Exec. Admin. Assistant

GENERAL CONTRACT FOR PRESERVATION SERVICES

This Contract for Services (herein the "Contract") is made effective as of **March 29, 2020** by and between **The City of Seneca** (herein "Contractee"), and Preservation South, LLC.

1. DESCRIPTION OF SERVICES. Beginning on **March 29, 2020** Preservation South, LLC will provide to Contractee the following services (collectively, the "Services"):

District Expansion

- **Preservation South will undertake the necessary research and documentation to expand the Ram Cat Alley Historic District, part of the National Register of Historic Places.**
- **Preservation South will consult with SCDAH on the nomination and respond to their review comments as necessary.**
- **Preservation South will present the nomination to the State Review Board for their consideration and acceptance.**

Historic Tax Credits

- **Preservation South will provide the Contractee's architect with guidance on the development of rehabilitation plans for the commercial buildings owned by the Contractee in Seneca, South Carolina in accordance with the *Secretary of the Interior's Standards for Rehabilitation*.**
- **Preservation South will research, create and submit the Part 1; Historic Preservation Certification Application to the South Carolina Department of Archives and History (SCDAH) and National Park Service (NPS).**
- **Preservation South will compile and submit the required Notices of Intent for the Abandoned Building Tax Credits to the Department of Revenue.**
- **Preservation South will compile the Part 2 Application for the Historic Tax Credits for the project and submit it to the SCDAH and NPS for review and comment.**
- **Preservation South will make regular site visits throughout the project build out period to consult with the General Contractor and take representative photos as required by the Federal and State Historic Tax Credits.**
- **Preservation South will compile and submit Part 3 of the Historic Tax Credit Application to SCDAH and NPS for review and certification upon completion of the project.**
- **Preservation South will submit any change notifications required for substantive changes to the plans during the construction process.**

- **Preservation South will serve as a liaison between the project and SCDAH/ NPS for all matters related to the tax incentives on this project.**
- **Preservation South will provide additional consultation and support to the Contractee, its staff and assigns throughout the project with reasonable notice.**

2. PAYMENT.

District Expansion: The National Register district expansion is billed at a flat rate of \$10,000.00 dollars. This fee is divided into two equal payments, the first is due at the acceptance of this contract. The second payment is due within 10 working days of the presentation to the State Review Board.

Historic Tax Credits: The historic tax credits are billed at a rate of **7.5%** of the gross tax credit amount. This fee will be paid in three equal installments based on each specific submission requirement for the project; the first third (2.5% of the gross tax credit amount) is due within 10 working days of the approval of the Part 1. The second payment is due within 10 working days of the approval of the Part 2 application from NPS. The remaining payment is due at the time the Part 3 of the Historic Tax Credit Application is submitted for review to SCDAH.

If any invoice is not paid when due, interest will be added to and payable on all overdue amounts at 1.5% per month after payment is due, or the maximum percentage allowed under applicable South Carolina laws, whichever is less.

Contractee shall pay all costs of collection, including without limitation, reasonable attorney fees. In addition to any other right or remedy provided by law, if Contractee fails to pay for the Services when due, Preservation South, LLC has the option to treat such failure to pay as a material breach of this Contract and may cancel this Contract and/or seek legal remedies.

3. RESPONSIBILITIES OF CONTRACTEE. The Contractee guarantees that they will:

- **Contractee is responsible for all application and review fees for the Historic Tax Credits.**
- **Provide reasonable access to the project site for documentation.**
- **Provide responses to inquiries by Preservation South in a reasonable time frame, typically 48 hours.**

4. WARRANTY. Preservation South, LLC shall provide its services and meet its obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services which meet generally acceptable standards in Preservation South, LLC's community and region, and will provide a standard of care equal to, or superior to, care used by service providers similar to Preservation South, LLC on similar projects.

5. EXCLUSION OF LIABILITY. Preservation South, LLC is not a structural engineering firm and does not provide expert advice with relation to structural issues that may be present in historic buildings and does not assume liability for any structural issues and associated costs that may be incurred based on unidentified structural issues. Preservation South, LLC undertakes no liability for any future issues with regard to structural integrity. Contractee assumes full responsibility in regard to structural and maintenance liabilities.

In related matters, Preservation South will provide the Contractee with guidance based on the Secretary of the Interior's Standards for Rehabilitation. However, Preservation South is not responsible for decisions and/or changes made by the client, their independent designer, independent contractor, or subsidiary that are contrary to guidance provided expressly by Preservation South.

Preservation South will make all reasonable efforts to obtain approval by the appropriate state and federal review entities for any applicable tax credits. However, due to the subjective nature of the tax credit review process, Preservation South makes no guaranty that a project will receive tax credits. No attempt to attain tax credits for the Contractee is an expressed or implied guarantee that Preservation South will be successful in its attempt.

6. RIGHTS RESERVED. Preservation South reserves the right to utilize the project location and photographs of the building from before, during, and after the work is completed in its marketing and promotional materials. Preservation South also reserves the right to post a promotional sign on the premises for the length of the project.

7. TERM. This Contract will terminate automatically upon completion by Preservation South, LLC of the Services required by this Contract and final payment by Contractee.

8. DEFAULT. The occurrence of any of the following shall constitute a material default under this Contract:

- a. The failure to make a required payment when due.
- b. The insolvency or bankruptcy of either party.
- c. The subjection of any of either party's property to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or government agency.

d. The failure to make available or deliver the Services in the time and manner provided for in this Contract.

9. REMEDIES. In addition to any and all other rights a party may have available according to law, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have 10 days from the effective date of such notice to cure the default(s). Unless waived in writing by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract.

10. FORCE MAJEURE. If performance of this Contract or any obligation under this Contract is prevented, restricted, or interfered with by causes beyond either party's reasonable control ("Force Majeure"), and if the party unable to carry out its obligations gives the other party prompt written notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term Force Majeure shall include, without limitation, acts of God, fire, explosion, vandalism, storm or other similar occurrence, strikes, lock-outs, work stoppages, or supplier failures. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, or its employees, officers, agents, or affiliates.

11. DISPUTE RESOLUTION. The parties will attempt to resolve any dispute out of or relating to this Contract through friendly negotiations amongst the parties. If the matter is not resolved by negotiation, the parties will resolve the dispute using the below Alternative Dispute Resolution (ADR) procedure.

Any controversies or disputes arising out of or relating to this Contract will be submitted to mediation in accordance with any statutory rules of mediation. If mediation does not successfully resolve the dispute, the parties may proceed to seek an alternative form of resolution in accordance with any other rights and remedies afforded to them by law.

12. ENTIRE AGREEMENT. This Contract contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

13. SEVERABILITY. If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Contract is invalid or

unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

14. AMENDMENT. This Contract may be modified or amended in writing by mutual agreement between the parties, if the writing is signed by the party obligated under the amendment.

15. GOVERNING LAW. This Contract shall be construed in accordance with the laws of the State of South Carolina.

16. WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

17. ATTORNEY'S FEES TO PREVAILING PARTY. In any action arising hereunder or any separate action pertaining to the validity of this Contract, the prevailing party shall be awarded reasonable attorney's fees and costs, both in the trial court and on appeal.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by their duly authorized representatives (INSERT NAME HERE) as the property owner and Kyle Campbell for Preservation South, LLC, effective as of the date first above written.

Service Recipient:

By: _____

Date

Service Provider:
Preservation South, LLC

By: _____
Kyle Campbell, Owner

Date

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. 2020-01AN 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 10th day of March, 2020.

R. Boatner Bowman, City Attorney

APPROVED AND RATIFIED on First Reading this 10th 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