



EXHIBIT A

CITY OF SENECA REGULAR COUNCIL MEETING MARCH 8, 2022, 6:00PM-CITY HALL COUNCIL CHAMBERS

ATTENDEES: Council Members- Mayor Dan Alexander, Mayor Pro Tem Ronnie O'Kelley, Al Gaines, Denise Rozman, Lekesha Benson, Joel Ward, Dana Moore, Scott Durham, and WC Honeycutt.

ALSO PRESENT: Scott Moulder-City Administrator, Bo Bowman-City Attorney, Josh Riches-Finance Director, Danielle Smith-Assistant Finance Officer, Bob Faires-Utilities Director, Ed Halbig-Planning Director, Ernie Beck-Public Works Director, Casey Bowling-Police Chief, Kathy Wilkes-Municipal Clerk, Richie Caudill-Fire Chief & Employees of the City of Seneca Fire Department.

CALL TO ORDER:

Mayor Alexander called the meeting to order at 6:00pm.

WELCOME:

Mayor Alexander

INVOCATION:

Joel Ward

PLEDGE OF ALLEGIANCE:

Lekesha Benson

PUBLIC COMMENTS:

No public comments.

APPROVAL OF MINUTES:

MOTION by Mr. Ward, **SECONDED** by Mr. Moore to approve the City of Seneca Council meeting minutes dated January 24, 2022, Exhibit A. ***Approved unanimously 9-0.***

MOTION by Mr. Durham, **SECONDED** by Mr. Moore to approve the Seneca Improvement Corp meeting minutes dated January 26, 2022, Exhibit B. ***Approved unanimously 9-0.***

MOTION by Mr. Gaines, **SECONDED** by Mr. Durham to approve the City of Seneca Council meeting minutes dated February 8, 2022, Exhibit C. ***Approved unanimously 9-0.***

MOTION by Mrs. Rozman, **SECONDED** by Mr. Moore to approve the City of Seneca Special Called meeting minutes dated February 22, 2022, Exhibit D. ***Approved unanimously 9-0.***

MOTION by Mr. Durham, **SECONDED** by Mr. Moore to approve the City of Seneca Special Called meeting minutes dated February 28, 2022, Exhibit E. **Approved unanimously 9-0.**

MOTION by Mr. Durham, **SECONDED** by Mr. Moore to approve the Seneca Planning Commission meeting minutes dated February 28, 2022, Exhibit F. **Approved unanimously 9-0.**

PAY CITY'S BILLS:

MOTION by Mr. O'Kelley, **SECONDED** by Mr. Ward to pay City bills. **Approved unanimously 9-0.**

ORDINANCE 2022-01-(2ND/Final Reading)

MOTION by Mr. Gaines, **SECONDED** by Mr. Moore to approve the 2nd reading of Ordinance 2022-01. An Ordinance to Rezone 315 Holland Ave from RM-8 to NC-Exhibit G. **Approved unanimously 9-0.**

ORDINANCE 2022-02-(2ND/Final Reading)

MOTION by Mrs. Rozman, **SECONDED** by Mr. Ward to approve the 2nd reading of Ordinance 2022-02. An Ordinance to Annex Nelson Lane-Exhibit H. **Approved unanimously 9-0.**

ORDINANCE 2022-03-(2ND/Final Reading)

MOTION by Mr. Ward, **SECONDED** by Mr. Durham to approve the 2nd reading of Ordinance 2022-03. An Ordinance to zone 106 Nelson Lane to GC-Exhibit I. **Approved unanimously 9-0.**

ORDINANCE 2022-05-(1st Reading)

MOTION by Mr. Moore, **SECONDED** by Ms. Benson to approve the 1st reading of Ordinance 2022-05. An Ordinance to rezone The Sunrise Ln Neighborhood from R-20 to R-10-Exhibit J. **Approved unanimously 9-0.**

Mayor Alexander: *"Ed, refresh my memory, location?"*

Ed Halbig: *"This is between W.S. 4th Street and W. S. 5th Street, and between Pine St. and West to the Fire Station."*

Mr. Moore: *"So originally, we had three people on the petition, is this for the whole neighborhood? I know you had a meeting."*

Ed Halbig: *"We had a meeting and we had ten people on the petition, so essentially half of the properties in the neighborhood were combined to get the minimum two acres and it actually worked out to about three and a half acres that was proposed to be rezoned. The applicant didn't seek everyone for the rezoning, so we sent mailers out to that entire neighborhood to ask if anyone wanted to additionally sign on. We haven't heard anything back for or against the rezone from the ones who were not originally on the petition. During the Planning Commission meeting everything was received positively, the applicant spoke on behalf of the recommendation, and no one spoke against it. So, the recommendation was to extend the rezoning to R-10 over the whole block."*

Mayor Alexander: *"Before we put this next item on the floor because it wasn't on the work session, I would like for Ed to explain what he is recommending. Then, if we would like to move forward, I will make a motion."*

Ed Halbig: *"The Planning Commission heard a proposal to amend the zoning ordinance section 701, which is the road classification ordinance that would essentially be a road classification and design standard. There will be several different levels of right of ways based on the amount of traffic that's expected to generate that would*

determine what the minimum design construction would be. I provided everyone a memo with what the changes are. So, we would change from two classifications, major and minor, to seven classifications. Arterial and minor arterial, major collector, minor collector, residential sub-collector, residential local, commercial, or industrial, and private responsibility of the landowner, developer, or HOA. There's a section that talks about what establishes the threshold and at what point a road needs to be complete before we start building houses. We have standards that talk about materials, dimensions, geometry, and other safety standards that are equivalent to those at Oconee County and the SCDOT. We also include warranty information that requires developers to warranty their work for a period of ten years. We are trying to put more responsibility on the developers of these new developments."

Mayor Alexander: "We can put a motion on the floor, this is the 1st reading, and then at the work session we can have more discussion and Ed can come by to answer any questions or give any additional details."

ORDINANCE 2022-06-(1st Reading)

MOTION by Mr. Ward, **SECONDED** by Mr. Durham to approve the 1st reading of Ordinance 2022-06. An Ordinance to Amend Section 701 of the Seneca Zoning Ordinance-Exhibit K. **Approved unanimously 9-0.**

JAZZ ON THE ALLEY STREET FOOD VENDOR POLICIES

MOTION by Mr. Gaines, **SECONDED** by Mr. Ward to approve the Jazz on the Alley Street Food Vendor Policies-Exhibit L. **Approved unanimously 9-0.**

Mrs. Rozman: "I was talking with Mr. Moulder before the meeting and I had some concerns that we were only going to allow five vendors for Jazz on the Alley, but he explained it to me in more detail."

Mr. Moulder: The only place that we are limiting the numbers is inside the actual Jazz on the Alley set-up area. We're doing that for a couple of reasons. Number one is because of space. If you have too many vendors then you won't have room for tables, chairs, and the people. Also, we now have more brick-and-mortar restaurants inside the Jazz area. That does not limit a food vendor who wants to set up outside of the Jazz area on one of the other streets. They can still complete a Use of City Streets application ahead of time, letting us know that you would like to come, and we can find you a spot outside of the set-up area. Again, we are not limiting how many vendors can come to Jazz, we're only limiting how many can be inside the L-shape set up area. You will need to fill out the Use of City Streets application and get permits ahead of time like usual."

JULY 4TH & YOUTH FESTIVAL EVENTS

MOTION by Mr. O'Kelley, **SECONDED** by Mr. Durham for approval to enter into contracts for the July 4th and Youth Festival events prior to the FY2023 budget being passed. **Approved unanimously 9-0.**

Mr. Moulder: "Deposits are what we're looking at now, and because these are big dates, especially July 4th, most require a 50% deposit to reserve that date. The issue we have is that we don't currently have the authority to spend those funds because the budget starts July 1st, but we need to put it on the books so we can at least pay the deposit."

ORDINANCE 2022-07- CAPITAL VEHICLE/EQUIPMENT LEASE FOR FY2023- "IN TITLE ONLY"

MOTION by Mr. Gaines, **SECONDED** by Mr. Durham to approve the 1st reading of Ordinance 2022-07. The capital vehicle/equipment lease for the FY2023- **"IN TITLE ONLY"**-**Approved unanimously 9-0.**

Mr. Moulder: "I want to give you an update on where we are with the capital lease. I spoke with the attorneys, and they are drafting the ordinance. We have submitted the initial list of vehicles that we previously talked about. There's still about \$350,000 in that 1.6 million that we're trying to nail down the actual vehicle. The attorney would like to have those prior to finishing up the ordinance. We will have all that ready for you ahead of time before second reading so that you can see that list and see the ordinance. We have our budget meetings that will begin over the next couple of weeks. We've asked the department heads to bring their needs, not their wants, to the meeting. We'll decide based off those meetings what vehicles and equipment needs we have. The process is moving, and we'll make sure you're clearly informed on what we're asking."

(The City of Seneca Fire Department employees were in attendance in support of the Quint/Ladder Fire Truck reading, but during the meeting they had to leave for a call.)

Mayor Alexander: "We all are very grateful for the city employees. I'll tell you; I think the fire truck went out last night about 10 times. I know you all are busy including Casey Bowling, Public Safety, Light and Water, and the Street Department, but we wouldn't be what we are without all of you to make Seneca what it is. Thank all of you."

QUINT/LADDER FIRE TRUCK PURCHASE

MOTION by Mr. Honeycutt, **SECONDED** by Mr. Ward for approval to order Quint/Ladder Fire Truck for \$1,100,000 prior due to the estimated wait of 16-24 months upon receipt of purchase order. **Approved unanimously 9-0.**

Mr. Moulder: "There is one item that I'd like to update you on. We have received the structural assessment for the Harpers property. I reviewed that today and it was not as bad as I thought that it was going to be. The building is from the 1890's or maybe even earlier so it's going to have some structural issues. We have the report and their recommendations. There is one section of the original Harpers building that they are recommending that we disassemble but maintain the brick and use that to rebuild the wall. About 70 to 75% of that brick can be reused. There is about a 10-foot section in the back of the building that we need to disassemble and redo the footings. They have recommended some additional testing of the mortar joints like pressure testing. Other than that, it's sealing cracks and the ceiling, temporary stabilization on the walls to maintain their integrity. There will be permanent bracing once everything is put back together. I've talked with the architect and with Ronald Butts and once they talk, we can get some direction on starting the work. We are getting closer to seeing more exciting activity with the Harpers building."

Dana Moore: "Something for everyone to remember, Thursday March 10, 2022, Casey Bowling has a street clean up event. If anyone wants to participate, it starts at 9:30am at Shaver. It's a community event and we appreciate Casey and his people for getting out in the community and working with the people."

Denise Rozman: "Is there a rain date Chief?"

Police Chief Casey Bowling: "Not yet, but we will figure a rain date out."

ADJOURN:

Mayor Alexander adjourned the meeting at 6:26pm.

Daniel W. Alexander, Mayor

Kathy Wilkes, Municipal Clerk

EXHIBIT B

Seneca Zoning Board of Appeals
 March 17th, 2022
 Page 1 of 4

The Seneca Zoning Board of Appeals met on Thursday, March 17th, 2022, at 6:00 p.m. in the City Hall Council Chambers. Members present included Mr. Marvin Gray, Chair, Dr. Ronald Moore, Mr. Allen Hart, and Mr. John Voss. Also present was Mr. Edward Halbig, Director; and Ms. Tracy J. Chapman, Zoning Administrator, and other interested persons (list in minute book). The press and public were duly notified as required by law. Vice Chair, Ms. Tammy Garland was absent.

Mr. Gray called the meeting to order at 6:00 p.m. He asked if there was any conflict of interest among the board members with the following request and asked that the record reflect there was a quorum.

Without objection the minutes of previous meeting were approved.

**MINUTES
MOTION**

Mr. Gray read the hearing process and procedures.

Ms. Chapman read the variance application.

VA-2022-
01

Docket No 1:	VA 2022-01
Property Owner:	Lori Sons
Applicant	Same
Property Address:	210 S. Townville St.
Tax Map #:	520-34-06-003

Mr. Halbig read the staff report. He noted that while certain conditional uses can be permitted, other uses that were being requested were not permitted as commercial uses in R-10 zoning district. He explained that the application could not be considered as a variance as it would violate section 904.2(e) of the zoning ordinance. He explained the need for an appeal, as the issue was not of the uses occurring, since they currently occur with other non-commercial uses, but of the commercial character of the uses proposed in this application. Mr. Halbig stated that residential zoning districts provide confidence to residents that choose to locate in them that they are protected from commercial encroachment.

Mr. Gray asked for staff for clarification on the variance request and reiterated that the board was being asked to dispute or affirm the determination of the planning staff. Mr. Halbig agreed.

Mr. Voss asked if a variance would need to follow the appeal. Mr. Halbig stated that following the board's decision, the planning staff would be able to act without need of a variance.

Mr. Voss asked if the board would be setting a precedent. Mr. Halbig stated that they would be setting precedent for the planning staff to follow regarding incidental or secondary uses to a permitted use.

Dr. Moore asked about the Zoning Administrator's determination in this case. Mr. Halbig stated that as Zoning Administrator, planning staff determined that they did not have authority to grant additional commercial uses should be granted along with a conditional commercial use.

Mr. Gray questioned whether there was language in section 904 that might assist in their ruling as two sections, 904.2(d) and (e) contained language that might describe the two outcomes of the board's decision. Mr. Halbig stated that either of those could be cited in the rationale for granting an appeal.

Mr. Voss asked for clarification on Zoning Administrator decision and uses. He asked if the authorized to grant this request. Mr. Halbig agreed. Mr. Voss said that the Board's determination could be that the Zoning Administrator has the authority to make determination.

Dr. Moore asked about religious and community organizations being able to conduct such activities. Mr. Halbig stated that such groups were able to conduct such activities and even expected to conduct such activities. The question as to whether those activities could be conducted by individual property owners for commercial purposes was the issue before the board.

Mr. Voss asked about potential to decide two questions and set two precedents. He questioned whether approval of this appeal expands the scope of the Zoning Administrator's authority. Mr. Halbig agreed. Mr. Voss asked if the board affirms the Zoning Administrator's decision, then the board would authorize the use in the specific district. Mr. Halbig stated that staff would make that authorization.

Mr. Hart stated that it is standard practice for the Zoning Administrator to make a judgement and asked about the converse of the argument as to whether the vote would restrict the ability of the Zoning Administrator to interpret the code. Discussion ensued. Mr. Halbig stated that the bounds of this decision would only be related to secondary uses to conditional uses.

Mr. Gray stated to clarify how to base a decision of the board and then asked if there was anyone who wished to speak in favor of the application.

Ms. Lori Sons introduced herself to the board as the homeowner of the property. She presented a PowerPoint presentation to the board members. Ms. Sons discussed the property's history, the character of the neighborhood, walkability, and the former tenants of the property. Ms. Sons talked about the neighborhood in a state of decline and their investment in the house and the neighborhood.

Ms. Sons then spoke of the property and its highest and best use, and that the uses being proposed are in the best interest of the community. She said that she sees the community changing. She spoke of the damage of the tornado, the repairs and how the residential character remains. She talked about the Bed and Breakfast use and the need to supplement that use with other activities. She requested ancillary use as a location for high tea, birthday parties, small weddings. She addressed parking, noise, traffic, and trash. She stated that historic buildings are treasures, but without active use and care historic buildings can be lost.

Mr. Brad LeCroy spoke in favor and stated that the use would be a good addition to the neighborhood, and that the use would be little different than that of the women's club.

Mr. Gray asked for a show of hands if there were any other speakers in favor of the request. He asked the board if they had any objection to allowing two more speakers to speak as others had indicated an interest in doing so.

Ms. Anna Sons introduced herself to board as applicant's daughter. She stated she was in favor of allowing the request. She discussed how pleasing the neighborhood was to live so close in proximity to the downtown area, library, and museum. She spoke on behalf of Emily Sons, reading a written statement from her.

Ms. Martha Hawkins spoke in favor of the request, speaking about the need for such uses in the area.

Mr. Gray asked if there were anyone to speak in opposition to the request.

Mr. Andy King spoke in opposition and stated that he was concerned about the use and where such activities would lead. He also stated that he had concerns about the additional noise and parking issues.

Mr. Voss asked a question of Mr. King regarding his residence and rental properties he owned.

Mr. David Storey spoke in opposition. He complimented the historic home but expressing concern about parking and raising his family next door. He stated a preference to having the property stay residential.

Mrs. Karen Storey spoke in opposition with concerns about preserving the residential character and increased traffic of the proposed use.

Mr. Gray asked if anyone else wished to speak in opposition. There being none.

Mr. Voss asked for clarification. He asked whether the City Attorney had been consulted and whether he had been asked to render an opinion. Mr. Halbig said that he had not received guidance at the time of the meeting. Mr. Voss reviewed the report and clarified the roles of the Zoning Administrator and whether the scope of the decision would expand both the authority of the Zoning Administrator and the Board.

Dr. Moore asked if this was too large of a decision for the board to make given the precedence that could be set.

Mr. Hart stated the board's decision was only that of determining if the Zoning Administrator made the correct decision.

Mr. Gray reiterated using Section 904.2 to make decision. Mr. Voss disagreed because those applied to a variance, and not an appeal.

Mr. Halbig discussed that Section 904.1 is to hear and decide appeals to the Zoning Administrator's decision. He stated that the application came to the office as a variance, but the staff determined that the application could not be considered a variance under 904.2(e) if the Zoning Administrator's decision that the uses are not permitted was a correct decision. Mr. Halbig stated that the problem is that the city must determine if uses that are allowed for other conditional uses would be allowed if they were part of a commercial enterprise. He stated that creating a business out of an otherwise accepted activity changes the nature of the activity. He stated that the Bed and Breakfast was conditionally permitted, and that it was in fact a commercial use.

Mr. Voss stated conditional uses have restrictions attached to them. He asked if these uses were allowed as conditional use, which of the restrictions would apply.

Ms. Sons asked if the city's zoning ordinances are not out of SC Code of Laws. She asked how other cities are allowed to do so, such as Charleston, Greenville, and Pendleton. She felt that everyone should use the same ordinances. Dr. Moore asked if those areas were zoned for those uses. He stated that the applicants were asking for a commercial use in a residential area.

Mr. Gray stated that it was time for a motion and asked for a motion.

MOTION made by Mr. Voss to affirm the Zoning Administrator's interpretation of the City's Zoning Ordinance. SECOND made by Dr. Moore. There was no discussion.

YEA Dr. Moore, Mr. Voss, and Mr. Hart

NAY None

MOTION

Ms. Sons asked Mr. Halbig if there was a count of who was in favor and who was against. Mr. Halbig stated that he serves the board, and that the applicant needs to address the board. Ms. Sons addressed the board and asked why everyone didn't get a chance to speak. Ms. Sons addressed Ms. Chapman about the numbers of people who spoke in favor and who spoke against. Ms. Chapman stated that she had the speakers in the record. Ms. Sons stated that everyone should have been allowed to speak. Ms. Chapman explained the 15-minute procedure stated at the beginning of the meeting. Ms. Sons asked the audience for a show of hands. Dr. Moore objected.

Dr. Moore spoke to the audience and stated that the zoning is the issue of this case and not the interpretation.

Mr. Voss stated that this was not about the merits of the application but about the board's role to decide an appeal.

Ms. Sons stated she was familiar with Planning Commission process but not that of the Zoning Board.

Dr. Moore stated that a change to the zoning was in order and that the board did not want to take on the issue of establishing precedence. Discussion ensued.

OLD
BUSINESS

Mr. Gray stated that the board sought to be fair and equitable.

Mr. Gray asked if there was any old business to discuss.

NEW
BUSINESS

There being none.

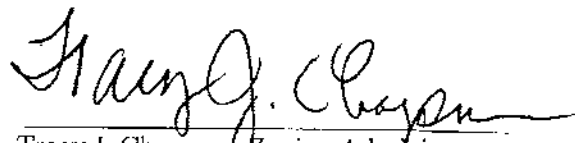
Mr. Gray asked if there was any new business to discuss.

There being none.

ADJOURN

Meeting adjourned at 7:10 p.m.


Edward Halbig, Director
Planning & Development


Tracy J. Chapman, Zoning Administrator
Planning & Development



**CITY OF SENECA SPECIAL CALLED COUNCIL MEETING
MARCH 29, 2022, 6:00PM-CITY HALL COUNCIL CHAMBERS**

ATTENDEES: Mayor Dan Alexander, Mayor Pro Tem Ronnie O'Kelley.

Council Members-Denise Rozman, Dana Moore, Scott Durham, WC Honeycutt, Joel Ward, and Lekesha Benson.
(Not Present- Al Gaines.)

ALSO PRESENT- Scott Moulder-City Administrator, Josh Riches-Finance Director, Bob Faires-Utilities Director, Ed Halbig-Planning Director, Casey Bowling-Police Chief, Richie Caudill-Fire Chief, Danielle Smith-Assistant Finance Officer, Ernie Beck-Public Works Director, Kathy Wilkes-Municipal Clerk.

CALL TO ORDER:

Mayor Alexander called the Work Session to order at 6:00pm.

WELCOME:

Mayor Alexander

INVOCATION:

Mr. WC Honeycutt, Jr.

PLEDGE OF ALLEGIANCE:

Mrs. Denise Rozman

WORK SESSION:

• **Stancil, Cooley, Estep & Stamey, LLP-Mike Stancil, Audit Report-June 30, 2021**

Mr. Moulder: This evening we have a presentation from Mr. Mike Stancil, he's our CPA with Stancil, Cooley, Estep & Stamey who's here locally in Seneca. They have completed the audit of our financial statements. We received the final packet today and met with Mr. Stancil to review the information.

Mr. Stancil: I have a summary that is very summarized and short. I am showing some changes in some key items. Your total assets increased a million dollars. Cash and investments decreased about 2 million. Total liabilities increased about 2 million. I hate this net pension liability, but the SC Retirement System is unfunded by over 30 million dollars. They now require that all entities show their share of what they think their portion would be. Net liability increased 2.4 million dollars from last year. So, your net position, which is basically your bottom line, decreased \$14,000. Without the net pension liability increase, your net position would have increased over 2 million dollars. So financially you're improving because the net pension liability has no effect on what you do. The debt decreased about \$200,000 and depreciation is up. It increased about \$124,000. Budget to various funds were both over and under budget. The general fund had a net positive budget of 2.7 million dollars, 2.3 million of that was from bond issue so your net increase was about \$375,000. The Light and Water fund had an overall negative budget of 2.8 million dollars. That was due to the decrease in utility revenues, increase in budget expenditures and larger transfers out. During the year the City also had 1.685 million dollars of financial assistance. That is not proprietary funds. It also had 5.2 million dollars of

construction in progress in the proprietary funds included in fix assets. In summary, the city had a decrease of \$14,858 in net position. That decreased was caused in part by the increase of the net pension liability of 2.4 million dollars. If you take that away, your net position would have been up to 2.4 million dollars. We conducted our audit in accordance with auditing standards issued by the Comptroller General of the United States. The city is receiving an unmodified opinion. Thank you to Seneca, the Mayor, Council, Administration, and Finance for all your assistance during the audit.

Mr. Moulder: We understand that you just received the report this evening, so take time to look through it and if you have any questions, the finance staff and I welcome an opportunity to sit down one-on-one with you to look through the statements and for you to ask questions. Mr. Stancil was correct; we saw a significant increase in our capital assets and investments. These statements are from July 1, 2020, through June 30, 2021. July 1, 2020 was just a few months shy of April 13, 2020 so there was still a lot of significant investments going into our infrastructure. When you look at the decrease in cash of the 2 million dollars, the majority of that was in the continuous rebuilding of the electrical system. This is the third year in a row that our general fund had a net positive. A lot of that is due to our finance guy who's watching our department head's spending. This was the year that we asked our department heads to cut back significantly, and they did. Thanks to the department heads and what they did to allow the general fund to have a net positive. We also had the SRF loan for the lift station repairs of over 6 million dollars. We've spent a lot of money on the assets of this city to repair the lift station and to recover from the tornado. Hopefully after this audit, we won't have to include the tornado anymore because we'll be significantly recovered from it at that point, and we'll see our financial statements get back into a steady position. As your administrator, I am very pleased at how this audit turned out considering what we were dealing with at the time. There were no deficiencies that the auditors found that needed to be brought to council's attention. We recognize that we are late bringing this to you, we're working together to improve that, and we're committed to getting it to you by December 31.

- **Ordinance 2022-05-Ordinance to rezone The Sunrise Ln Neighborhood from R-20 to R-10**

Ed Halbig: We have 2nd reading coming up of the ordinance to rezone the Sunrise Ln neighborhood from R-20 to R-10. Since the Planning Commission's recommendation and 1st reading there's been no comments to the negative with continuing with this process.

- **Ordinance 2022-06-Ordinance to Amend Section 701 of the Seneca Zoning Ordinance**

- **Ed Halbig:** We have ordinance 2022-06 which is to amend section 701 of the Seneca Zoning Ordinance about road development. The major parts of that are designation of different types of roads and requirements for developers to meet certain standards to install roads before the development occurs.

Mr. Durham: What was the biggest change in the ordinance?

Mr. Halbig: The original section of 701 only defined major and minor street's it was not a true road ordinance. The biggest difficulty the city has been dealing with is when a developer comes in and subdivides land but doesn't put a road into place that is sufficient. It causes difficulty to the potential buyer, and to the city when providing utilities and other services. It also puts the financial responsibility back on developers and not the city.

Mr. O'Kelley: I want to say thank you to Tracy and Ed on the Sunrise Ln neighborhood area. They had a meeting at the Fire Department instead of City Hall and I think that was a plus. Everyone felt very comfortable, asked questions and everything was covered that night that sometimes maybe in a setting like this everyone doesn't feel comfortable to ask questions or get involved. That was a very good move on Ed and Tracy's part, and everyone left that meeting making positive comments.

- **Water Backflow Ordinance-DHEC recommends municipal utilities to have a water backflow ordinance.**

Bob Faires: DHEC has recommended a water backflow ordinance. They do not have a specific rule ordinance that everyone must abide by, but they do have the mandate that everyone has one. I've been to

Columbia a few times to listen to what they have to say, and I must tell you that everyone around the state has a very good program. Chris Morgan is who's operating that program for us, and he has been a wonderful asset. He has come up with a very comprehensive ordinance outline that I have forwarded to our Attorney who is reviewing it to put it into an ordinance form. It is very straight forward in what we do, and it protects our water system. Once it's in ordinance form, we hope that it'll be available at the next meeting.

Mr. Moore: So, we're taking our existing policies and putting them into an ordinance?

Mr. Faires: Yes, that's basically what we're doing.

PUBLIC COMMENTS:

None

ADJOURN:

Mayor Alexander adjourned the meeting at 6:18pm.

Daniel W. Alexander, Mayor

Kathy Wilkes, Municipal Clerk

The Seneca Planning Commission met on Thursday, March 31st, 2022, at 6:00 p.m. in the Council Chambers at City of Seneca. Members present included Mr. Barry Duvall, Chairman, Mr. Keith Hart, Vice Chairman, Mr. Matt Durham, and Mr. John Gillespie. Also present, Mr. Edward Halbig, Director, Ms. Tracy Chapman, Zoning Administrator, and other interested persons listed in minute book. The press and public were duly notified as required by law. Mr. Drew Merck was absent.

OPENING

Mr. Duvall opened the meeting.

**MOTION-
MINUTES**

Motion made by Mr. Durham to approve minutes as submitted.

SECOND made by Mr. Hart

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

NAY none

**DOCKET# 1-
ZA 2022-05 and
AN 2022-02**

Mr. Duvall discussed rearranging of agenda items based on the feedback that many in attendance may wish to speak on Docket Item 2.

Ms. Chapman read application for Docket Item # 1 ZA 2022-05 and AN 2022-02

Mr. Duvall read procedures.

Mr. Halbig read staff report and discussed the addendum to the report. He stated that if the property were not annexed it could still be developed. He discussed the addendum that came to staff's attention from the fire marshal that the IBC (International Building Codes 2018) and Fire Code that the city adopted in 2020 have requirements that state one- or two-family developments that exceed 30 lots shall be provided with two separate and approved fire apparatus access roads. He discussed there being several variables that could be dictated, such as the flood area, and access roads.

Mr. Duvall asked if anyone wished to speak in favor of application.

There being none.

Mr. Duvall asked if anyone wished to speak in opposition to the application.

There being none.

Mr. Duvall asked board members if they had would like to move toward discussion.

**MOTION: TO
DISCUSS**

MOTION made by Mr. Hart to discuss.

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

NAY none

SENECA PLANNING COMMISSION

March 31st, 2022

Mr. Hart stated he didn't feel the layout as presented fits the requirements of R-6 zoning.

Mr. Duvall discussed the number of variables and felt that a PD-R (Planned Development Residential) zoning would be a better fit. He understood the pitfalls if the applicant does not want to change zoning classification and then decides not to annex into the city. He asked based on the new information if staff had received any comments from applicant.

Mr. Halbig stated that the new information was brought to staff's attention the other day, so applicant isn't aware of addendum. He stated that since applicant is not at meeting the best decision might be to table the applications.

Mr. Duvall felt it would be in best interest to the city as well as the applicant to table meeting until able to receive feedback.

MOTION: Table

MOTION made by Mr. Durham to table application.

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

NAY none

**Docket# 3-
ZA 2022-07**

Ms. Chapman read Docket Item # 3 -ZA 2020-07. She stated that the two applications were combined into one, due to both parcels being contiguous and applicant being same.

Mr. Halbig read staff report.

Mr. Duvall asked if there was anyone to speak in favor of application.

Mr. Barrett Wood introduced himself to board as applicant. He discussed his intent of property was to develop townhomes. He felt that it aligned with the city's future land use map.

Mr. Mike Paluizzi asked for the record to show that the owners name is Blue Bird Enterprises, not Blue Bird Property LLC.

Mr. Duvall asked if there was anyone who wished to speak in opposition of application.

There being none.

**MOTION: To
Discuss**

MOTION made by Mr. Durham to discuss

SECOND made by Mr. Hart

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

NAY none

Mr. Durham stated it had been a vacant lot for some time and he felt that it was in a good location.

SENECA PLANNING COMMISSION

March 31st, 2022

**MOTION: To
approve 2022-07**

MOTION made by Mr. Durham to approve ZA 2022-07 as submitted.
SECOND made by Mr. Gillespie
AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie
NAY none

**Docket# 2-
ZA 2022-06**

Ms. Chapman read Docket Item # 2 -ZA 2022-06.

Mr. Duvall reiterated the procedures of tonight's meeting, for the citizens in attendance.

Mr. Halbig read staff report and the reason for the denial of the application.

Mr. Duvall asked if there was anyone who wished to speak in favor of the application.

Ms. Adrienne Hennes introduced herself to board. She stated she represented the applicants. She discussed their intent and her discussion with Mr. Halbig regarding if not approved at RM-16 that applicants could come back with a new zoning request of PD-R (Planned Development Residential).

Mr. Duvall asked if applicant is prepared to go PD-R later, would she like to resend this application and move forward with PD-R zoning designation.

Ms. Hennes stated they did not have a plan for PD-R zoning.

Mr. Duvall asked if there was anyone who wished to speak in opposition of the application.

Ms. Vandra McDowell spoke in opposition. She stated she was representing the Mountain View Neighborhood Community. She discussed their concerns about traffic, noise, safety, decline in property values, and overflow of parking.

Mr. Eric Rothell spoke in opposition.

Mr. Mike Pfister spoke in opposition.

Ms. Teresa Smith spoke in opposition.

Ms. Beverly Duncan spoke in opposition.

**MOTION: To
discuss**

Ms. Becky Hetherington spoke in opposition.

MOTION by Mr. Durham to discuss
SECOND made by Mr. Hart
AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie
NAY none

SENeca PLANNING COMMISSION

March 31st, 2022

Mr. Durham asked for clarification on road access.

Mr. Halbig stated the applicants do not on any access to Hwy 123 and the only access would be off Mountain View or Short Street.

Mr. Duvall discussed the density. He felt that it does not make sense to recommend the application.

Mr. Hart agreed.

**MOTION: To Deny
2022-06**

MOTION made by Mr. Durham to recommend denial of ZA 2022-06 as submitted.

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

NAY none

New Business

Mr. Duvall asked if there was any new business to discuss.

Mr. Halbig discussed the Comprehensive Plan proposals that have been received and the possibility of having a third party to give city guidance.

Mr. Halbig stated that the applicant for Docket #1 had arrived and its was the board's decision to hear application if they so choose.

**MOTION: Untable
2022-02**

MOTION made by Mr. Hart to remove from the table Docket Item #2022-02.

SECOND made by Mr. Gillespie

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

NAY none

Mr. Jason Smith introduced himself to board. He stated he was the architect on project. He discussed the intent of the applicant.

Mr. Durham asked Mr. Smith if he was aware of the Fire Code that was introduced at tonight's meeting. He asked how many homes was planned.

Mr. Smith stated 51 lots.

Mr. Duvall discussed zoning designations and possible use of PD-R (Planned Development-Residential) zoning and its requirements.

Mr. Smith stated that applicant wants residential, and he felt there would be no problem with the PD-R classification.

Discussion followed.

Mr. Duvall discussed how to proceed, either table until applicant is aware of PD-R zoning classification or proceed with changing request from R-6 to PD-R.

SENECA PLANNING COMMISSION

March 31st, 2022

Mr. Hart asked if plans needed to be submitted.

Mr. Duvall stated typically no.

Mr. Halbig discussed sitting down with Fire Marshal to discuss all options of access.

Mr. Smith asked if it would be fire access.

Mr. Halbig stated yes.

Mr. Smith stated he felt the PD-R zoning classification if issues such as fire access were addressed. He stated application main intent was to annex into the city limits.

Mr. Halbig stated that if it is rezoned to PD-R it will have to come back to Planning Commission.

Mr. Hart stated he wouldn't feel comfortable not having a zoning classification with the annexation.

Mr. Halbig discussed using PD-U (Planned Development Undeveloped).

MOTION made by Mr. Durham to approve zoning Docket #1 ZA 2022-05 and AN 2022-02 with PD-U zoning classification and the annexation request.

SECOND made by Mr. Hart

AYE Mr. Hart, Mr. Durham, Mr. Duvall, and Mr. Gillespie

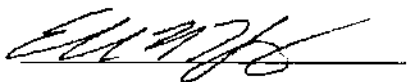
NAY none

MOTION: To
approve 2022-05
and 2022-02

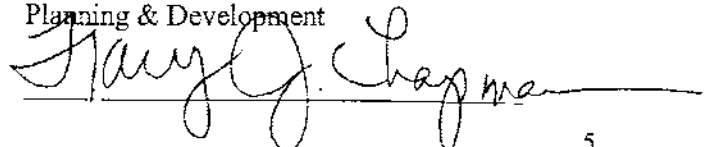
ADJOURN

Meeting adjourned at 7:00 p.m.

Edward Halbig, Director
Planning & Development



Tracy J. Chapman, Zoning Administrator
Planning & Development



ORDINANCE NO. 2022-05AN ORDINANCE TO AMMEND THE OFFICIAL ZONING ORDINANCE
OF THE CITY OF SENECA

WHEREAS, that certain properties located between W. South 4th Street on the north, W. South 5th Street on the south, Pine Street on the east and the City of Seneca property on the west, denoted as Adams East View subdivision and adjacent properties, and containing 7.9 acres including rights-of way, and denoted by the Tax Map numbers listed in exhibit "A" and the map attached herein as Exhibit "A", and:

WHEREAS, pursuant to application, said properties are requested to be rezoned from R-20 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 between W. South 4th Street on the north, W. South 5th Street on the south, Pine Street on the east and the City of Seneca property on the west, denoted as Adams East View subdivision and adjacent properties, and containing 7.9 acres including rights-of way, and denoted by the Tax Map numbers listed in exhibit "A" and the map 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 8th day of March 2022.

R. Boatner Bowman, City Attorney

APPROVED AND RATIFIED on First Reading this 8th day of March 2022 by a vote of

9 YES 0 NO 0 ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this _____ day of _____ 2022 by a vote of

_____ YES _____ NO _____ ABSTAIN

_____, Clerk

Attest:

_____, Mayor

Exhibit A

Tax Map Numbers of properties included in Ordinance 2022-05

520-39-01-004
520-39-01-005
520-39-01-006
520-39-01-007
520-39-01-008
520-39-02-001
520-39-02-002
520-39-02-003
520-39-02-004
520-39-02-005
520-39-02-006
520-39-02-007
520-39-02-008
520-39-02-009
520-39-02-010
520-39-02-011
520-39-02-012
520-39-02-013
520-39-02-014
520-39-02-015

Exhibit B

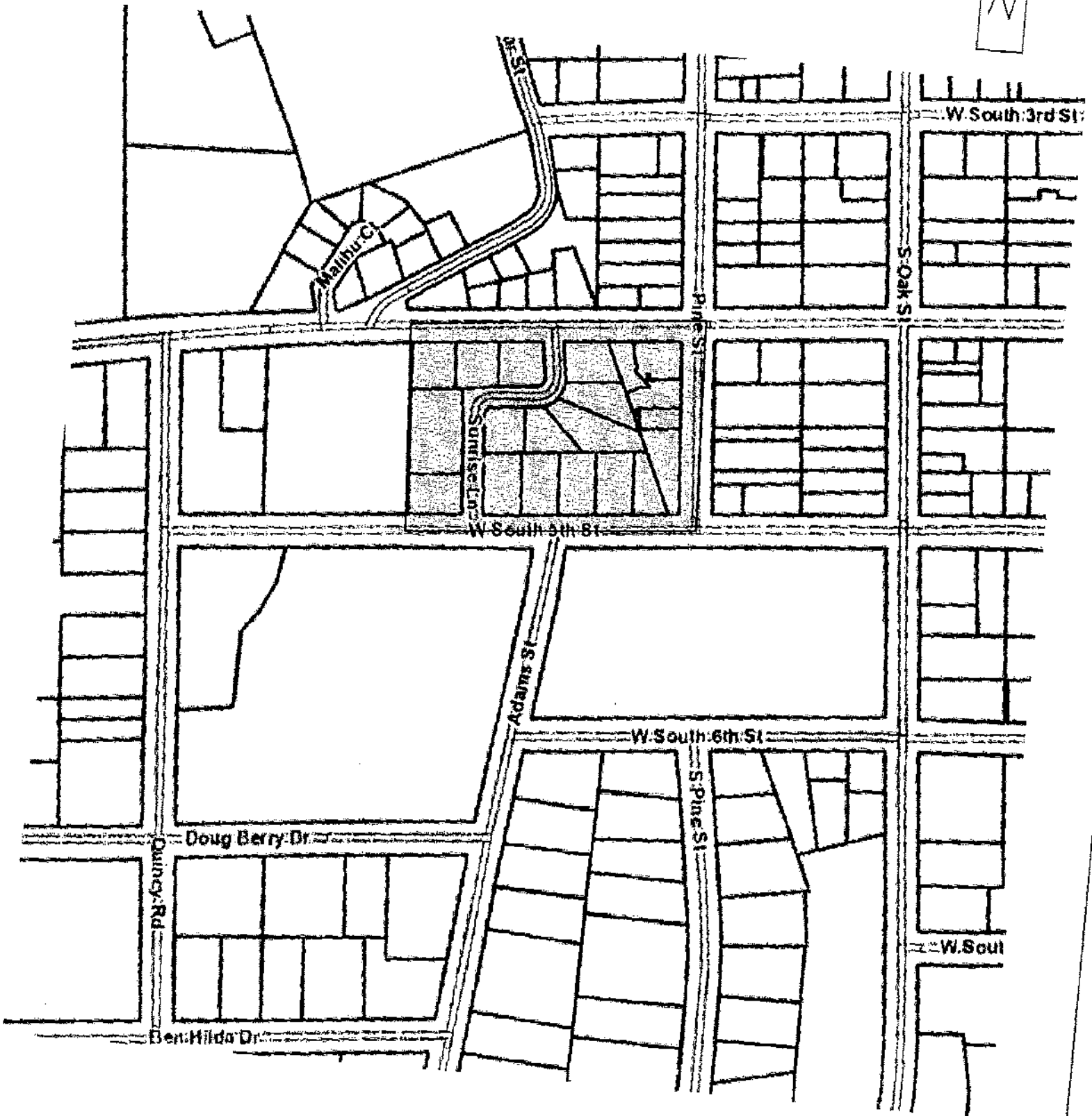
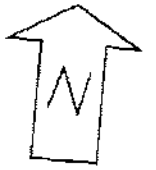


Exhibit F

Ordinance 2022-06

AN ORDINANCE TO AMEND SECTION 701 OF THE SENECA ZONING ORDINANCE

WHEREAS, the City of Seneca seeks to promote safer, more efficient subdivision and development, and

Whereas, the City of Seneca seeks to reduce the financial burden of maintaining substandard roads,

Now, therefore be it ordained by the mayor and councilmembers of the City of Seneca, that section 701 of the City of Seneca Zoning Ordinance shall be hereby amended as follows:

SECTION 701 ROAD CLASSIFICATION AND DESIGN STANDARDS

Before any private connections to public water and or sewer infrastructure for new construction are made, all street improvements shall have been completed and approved in accordance with the design standards as set forth in this section and in accordance with SCDOT and AASHTO guidelines. Such approval shall be set forth in writing by the Zoning Administrator stating that said improvements are located within the corporate limits of a municipality and were completed in accordance with standards and specifications.

701.1 Roadway Classifications

For the purpose of this Ordinance, all streets within the City of Seneca shall be classified based upon the projected traffic volume on the street. These classifications and the required Design Standards for each are included in the table below and further detailed in following descriptions.

Classification	Pavement Width (feet)	Maximum Design Speed	Vehicles Per Day	Minimum Pavement Section	Minimum Right of Way (feet)
Arterial and Minor Arterial	Per SCDOT	Per SCDOT	> 4,000	Per SCDOT	120
Major Collector	Per SCDOT	Per SCDOT	> 4,000	Per SCDOT	100
Minor Collector	26	40 mph	1,250 – 4,000	1.5" Top; 2.5" Base; 6" Stone Sub base	80
Residential Sub-collector	24	35 mph	400 – 1,250	1.5" Top; 2.5" Base; 6" Stone Sub base	50
Residential Local	24	25 mph	< 400	1.5" Top; 2.5" Base; 6" Stone Sub Base	50
Commercial or Industrial	28	40 mph	N/A	2" Top; 4" Base; 6" Stone Sub Base	80

Private Responsibility of Landowner, Developer or HOA	24	AS DESIGNED	N/A	2" Top; 6" Stone Sub Base	50
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In cases where access will serve subdivisions of not more than four lots, unless greater dimensions and standards are otherwise required by the adopted International Fire Code or lesser standard is allowable and approved by the Fire Marshal, the access may be provided by a shared driveway/street having a minimum 50 foot wide ingress/egress easement with a minimum road width of 20 feet, with such road width having at least a 6 inch stone base, and adequate storm drainage provided within the ingress/egress easement. The driveway/street shall be no longer than 500 feet in length. The developers must require and receive a hold harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the Zoning Administrator prior to final platting and shall operate to relieve the city of any liability or responsibility arising from the construction and use of the private street and/or drainage facility. This release shall be in favor of the city from any harm which may result from the use of the private street by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat and reference shall be made as to the character of the road on the plat.

701.2 Roadway Design Standards

Street and road design shall comply with the following design standards as reviewed and approved by the Zoning Administrator and Seneca Fire Department based on the most recently adopted edition of the International Fire Code by the S.C. Building Codes Council, and those appendices that have been adopted by Seneca City Council. To ascertain standards applying to any specific classification, refer to the design standards chart. In all instances where reference is made to a section of the South Carolina Department of Transportation (SCDOT) specifications for highway construction (SCDOT specifications), it is the most recent edition.

a) Right-Of-Way and Roadway Cross Section - A proposed right-of-way shall be of sufficient width to accommodate the required street cross section, but in no case shall the right-of-way be less than that required in the design standards chart. In instances where construction or maintenance may necessitate going beyond the normal right-of-way, a temporary right-of-way will be required to be given by easement.

Pavement width shall be sufficient to serve the projected traffic on and use of the street, but in no instance shall the pavement width be less than that required in the Design Standards Chart.

b) Grades - The minimum vertical tangent grade on any proposed curbed street shall not be less than one-half (0.5) percent and the maximum grade shall not exceed five (5) percent.

All proposed street grades when intersecting an existing street or highway shall be constructed as to meet the same horizontal grade of the existing intersection and shall have a maximum approach grade

of four (4) percent for a distance of 100 feet from the gutter line elevation of the existing street to which the proposed connection is being.

c) K Factors/Vertical Curves - All vertical curve design shall be in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

d) Horizontal Curves - Where a deflection angle in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of proposed street rights-of-way in all areas shall be designed in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

At subdivision entrances there should be a minimum of 50-foot tangent prior to the start of any horizontal curve.

e) Signs - All signs and speed limit designations shall be in accordance with the most current Manual of Uniform Traffic Control Devices (MUTCD).

f) Reverse Curves - Reverse curves in the street rights-of-way shall be connected by tangents of not less than 100 feet for all roadway classifications with the exception on non-residential which shall be a minimum of 150 feet.

g) Intersecting Streets - Minor Collector, Residential Sub collector, Residential Local and Nonresidential streets shall be laid out so as to intersect other streets at right angles whenever possible. No street shall intersect any other street at an angle less than 75 degrees.

h) Street Offsets - Where there is an offset in the alignment of a street across an intersection, the minimum offset of the centerline shall be as shown in the following chart:

SPEED LIMIT ON MAIN THROUGH STREET	OFFSET IN FEET
25 MILES PER HOUR	125 FEET
35 MILES PER HOUR	150 FEET
45 MILES PER HOUR	175 FEET
55 MILES PER HOUR	200 FEET

i) Cul-de-sac Streets - Cul-de-sac streets are defined as those streets designed to be terminated. Cul-de-sacs shall have a minimum length of 125 feet and a maximum length of 1,200 feet.

701.3 General Survey Standards

In order to maintain and improve Oconee County land records, general survey standards must be followed. Land parcels subject to the requirements specified herein, are required to be referenced by South Carolina State Plane Coordinates, as defined in the SC Code of Laws, (The South Carolina Coordinate Act, as amended), either by Global Positioning System (GPS) Surveys or Terrestrial Surveys. Additionally, digital files shall be submitted in a standard format, in addition to standard printed

documents required by this Article. These files consist of a copy of the CAD drawing containing all applicable layers and an ASCII text file describing the technical parameters and contact information for the CAD file (metadata).

701.4 Guaranty of Maintenance

Where the development or subdivision is to be served by private roads, the mechanism for the perpetual maintenance of private roads and the collection of funds for future maintenance shall be explicitly documented before the planning commission at the time of submission and recorded with the approved plat allowing lot sales in the form of restrictive covenants. All transactions involving properties accessed by said private road shall contain a copy of the private road maintenance provisions contained in the restrictive covenants. At a minimum, a process for collecting or creating a fund for future maintenance shall be documented in the covenants and restrictions affecting the parcels to use the private roads, and the planning commission shall require a property or homeowners association be formed and restrictive covenants and by-laws adopted and filed of record before issuing final approval for the subdivision and/or sale of lots. Included in the submission to the Planning Commission shall be an estimate provided by a licensed South Carolina Professional Engineer of the maintenance costs for the roads, including the estimated cost of resurfacing/refurbishing after the expected life of the initial pavement not to exceed a period of ten (10) years; the fund for future maintenance shall be designed so as to create a fund of no less than 125% of the estimated costs at time of resurfacing/refurbishing, as well as an ongoing fund to provide periodic maintenance and repair when predicted to be needed. Nothing contained herein shall be construed or interpreted as creating a responsibility or liability of the city for the adequacy of the mechanism and/or amounts to be collected for maintenance.

701.5 Guaranty of Workmanship/Materials

- a) The subdivider/developer shall guaranty the completed roadways and drainage system improvements against defect in function, workmanship, and materials for two years following acceptance of such improvements under warranty.
- b) The subdivider/developer shall furnish a cash bond, letter of credit, or other acceptable security with the city guaranteeing the maintenance of the improvements and/or correction of deficiencies during the warranty period.
- c) The warranty period security shall be in an amount equal to 20 percent of the cost of the completed roadway and drainage system improvements.
- d) The security shall empower the city to draw on the posted funds to correct deficiencies which the subdivider/developer does not correct in a timely manner."

701.6 Noncompliance

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a Plat Approval, Construction Permit or Certificate of Occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any Construction Permit or



CITY OF SENECA

Planning & Development

P.O. Box 4773
221 East North First Street
Seneca, South Carolina 29679
(864) 885-2726
FAX: 864-885-2726

Edward R. Halbig, AICP
Director

MEMORANDUM

To: City Council
City Administrator
City Attorney
Department Heads

From: Edward R. Halbig, AICP

Date: March 8, 2022

RE: Changes to Section 701 of the City's Zoning Ordinance -- Classification of Streets

The March 8th City Council agenda has an ordinance to amend Section 701 of the City's Zoning Ordinance. Below is a list of the substantive changes to the ordinance.

1. **Classification:** the amended ordinance describes seven (7) road classifications (above the original two classifications).
2. **Activation:** the amended ordinance establishes a threshold of road construction that must be met before private owners may connect to utilities. This ensures that property owners have sufficient access to their properties before they invest in construction or occupation.
3. **Standards:** the amended ordinance defines the minimum standards in materials, dimensions, geometry and other safety standards that are similar in scope to those required through the county and SCDOT.
4. **Warranty:** the amended ordinance requirements for securities to warranty new roads against failure for a period of ten (10) years.

Certificate of Occupancy, as the case may be. If the Zoning Administrator and/or Building Official finds that any conditions of site plan approval have not been met, the Planning and Development department shall give the applicant ten (10) days written notice to comply with said conditions, and failure to comply within this ten-day period shall result in revocation of the Zoning Permit, Construction Permit, Certificate of Occupancy or Certificate of Temporary Occupancy, as the case may be.

This ordinance shall take effect upon second reading thereof.

PROPOSED ORDINANCE APPROVED AS TO FORM this ____ day of _____ 2022.

R. Boatner Bowman, City Attorney

APPROVED AND RATIFIED on first reading this 8th day of March 2022 by vote of

9 YES

0 NO

0 ABSTAIN

APPROVED, RATIFIED AND ADOPTED on second and final reading this ____ day of ____ 2022 by vote of

____ YES

____ NO

____ ABSTAIN

_____, Clerk

Attest

_____, Mayor

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

CITY OF SENECA)

RESOLUTION 2022-03

A RESOLUTION RECOGNIZING APRIL 2022 AS FAIR HOUSING MONTH

WHEREAS, the City of Seneca desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and,

WHEREAS, the City of Seneca rejects discrimination on the basis of race religion, color, sex, national origin, disability, and/or familial status in the sale, rental, or provision of other housing services; and,

WHEREAS, the State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and,

WHEREAS, April is recognized as Fair Housing Month; and,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Seneca, South Carolina, the Seneca City Council, that the City of Seneca does hereby designate April 2022 as Fair Housing Month.

Approved by the Seneca City Council in meeting duly assembled this 12th day of April 2022.

Attest:

Daniel W. Alexander
Mayor, City of Seneca

T. Scott Moulder
City Administrator

CITY OF SENECA, SOUTH CAROLINA

ORDINANCE NO. 2022-__

AUTHORIZING THE CITY OF SENECA, SOUTH CAROLINA, TO EXECUTE AND DELIVER AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$1,600,000 BETWEEN THE CITY AND THE LESSOR THEREOF TO DEFRAY THE COST OF ACQUIRING CERTAIN EQUIPMENT; AND OTHER MATTERS RELATING THERETO.

Enacted: _____, 2022

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 ("Council") of the City of Seneca, South Carolina, hereby finds and determines:

(a) The City of Seneca, South Carolina (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) Section 5-7-40 of the Code of Laws of South Carolina, 1976, as amended (the "S.C. Code"), empowers all municipalities to own and possess real and personal property and such municipalities may lease any such property.

(c) The City desires to enter into a lease-purchase agreement (the "Lease Agreement") with a bank or other financial institution for the purpose of financing the acquisition of the equipment set forth on Exhibit A hereto (the "Equipment").

(d) The Lease Agreement will not constitute a "financing agreement" and the Equipment will not constitute an "asset" as such terms are defined in Section 11-27-110 of the South Carolina Code of Laws 1976 as amended (the "S.C. Code"). Thus, the amount of the Lease Agreement will not be included when calculating the City's constitutional debt limit under Article X, Section 14 of the Constitution of the State of South Carolina. The Lease Agreement will be subject to annual appropriation by the Council.

(e) It is in the best interest of the City to acquire the Equipment by entering into the Lease Agreement. The Lease Agreement will enable the City to finance and thereafter purchase the Equipment which is necessary and useful to the operations of the City government.

Section 2. Approval of Lease/Purchase Financing; Delegation of Authority to Determine Certain Matters Relating to the Lease/Purchase Financing. The Equipment described in Exhibit A shall be acquired pursuant to a lease purchase financing which is hereby authorized and approved in the aggregate principal amount of not exceeding \$1,600,000. A Request for Proposals in substantially the form set forth as Exhibit B hereto may be distributed to various banks and other financial institutions in the City and other areas as the Finance Director of the City may determine.

Without further authorization, the Council authorizes the Mayor or the City Administrator to (a) determine the principal amount of the Lease Agreement, provided such principal amount shall not exceed \$1,600,000; (b) determine the payment schedule under the Lease Agreement; (c) determine the rate or rates of interest of the Lease Agreement; (d) determine the terms relating to prepayment of the Lease Agreement and penalties or premium paid in connection with such prepayment, if any; (e) determine the date and time for receipt of bids under the Request for Proposals, if distributed; (f) award the sale of the Lease Agreement to the bidder (the "Bidder") submitting the proposal determined to be the most advantageous to the City in accordance with the terms of the Request for Proposals, if distributed; (g) reject all bids received in connection with a Request for Proposals and negotiate with, and award the sale of the Lease Agreement to, the Bidder or other bank or financial institution offering to purchase the Lease Agreement on the most advantageous terms to the City, as determined by the Mayor or City Administrator in his sole discretion; (h) negotiate with one or more banks or financial institutions for the sale of the Lease Agreement without distributing a Request for Proposals, and award the sale of the Lease Agreement to the bank or financial institution offering to purchase the Lease Agreement on the most advantageous terms to the City, as determined by the Mayor or City

Administrator in his sole discretion; (i) make changes to the quantity, cost or description of the Equipment set forth in Exhibit A attached hereto; and (j) make such other determinations as may be necessary to effect the lease-purchase financing authorized hereby.

Section 3. Approval of Lease Agreement. Without further authorization, the Mayor or City Administrator are authorized to approve the form, terms and provisions of the Lease Agreement proposed by the Bidder or other bank or financial institution to which the sale of the Lease Agreement is awarded (the "Lessor") by the Mayor or City Administrator pursuant to the authority given under Section 2 above. The Mayor or City Administrator are hereby authorized and empowered to execute, acknowledge and deliver the Lease Agreement in the name and on behalf of the City. The Lease Agreement is to be in the form as shall be approved by the Mayor or City Administrator, the Mayor's or City Administrator's execution thereof to constitute conclusive evidence of such approval.

Section 4. Execution of Documents. The Mayor, City Administrator, Finance Director and Clerk-Treasurer of the City are each fully empowered and authorized to take such further action and to execute and deliver such additional documents as may be reasonably requested by the Lessor or as may be necessary to effect the execution and delivery of the Lease Agreement in accordance with the terms and conditions therein set forth and the transactions contemplated hereby and thereby, including, but not limited to, an escrow or project fund agreement to govern the deposit and disbursement of the proceeds of the Lease Agreement entered into with the Lessor or other bank or financial institution selected by the City Administrator or Finance Director of the City, and the action of such officers in executing and delivering any of such documents, in such form as the Mayor, City Administrator, Finance Director or Clerk-Treasurer shall approve, is hereby fully authorized.

Section 5. Federal Tax Covenant. The City, as lessee, agrees and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest components of the payments to be made under the Lease Agreement to become includable in the gross income of the Lessor or its successor or assignee for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and regulations promulgated thereunder in effect on the date of original issuance of the Lease Agreement, and that it will comply with all applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder, to maintain the exclusion from gross income for federal income tax purposes of the interest portion of the payments to be made under the Lease Agreement; and to that end the City 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 Lease Agreement is outstanding;
- (b) establish such funds, make such calculations and pay such amounts in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates 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 City does not reasonably anticipate that it will issue more than \$10,000,000 in tax-exempt obligations which are not "private activity bonds" during calendar year 2022, all within the meaning of Section 265(b)(3) of the Code. In accordance with Section 265(b)(3) of the Code, the Lease Agreement is hereby designated a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code.

The Council hereby declares that this Ordinance shall constitute its declaration of official intent

pursuant to §1.150-2 of the U.S. Treasury Regulations (the "Regulation §1.150-2") to reimburse the City from the proceeds of the Lease Agreement for certain expenditures in the approximate amount of \$200,000 (the "Expenditures") made by the City with respect to the acquisition of a portion of the Equipment prior to the issuance of the Lease Agreement. The Council understands that Expenditures which may be reimbursed are limited to Expenditures which are (a) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Regulation §1-150-2) under general federal income tax principles; or (2) certain *de minimis* or preliminary expenditures satisfying the requirements of Regulation §1.150-2(f). The source of funds for the Expenditures will be the City's general fund. In order for Expenditures to be eligible for reimbursement, a reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Equipment was placed in service, but in no event more than three (3) years after the date of the original Expenditures.

The Mayor, City Administrator and Finance Director of the City, or any of them acting alone, are hereby authorized to adopt written procedures for and on behalf of the City to ensure the City's compliance with federal tax matters relating to the Lease Agreement.

The City will timely file Form 8038-G in accordance with the applicable regulations of the Internal Revenue Service.

Section 6. Filings with Central Repository. In compliance with Section 11-1-85 of the S.C. Code, the City covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the City within thirty (30) days of the City's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the City, adversely affects more than five percent (5%) of the City's revenue or its tax base.

Section 7. Severability. All orders, ordinances and parts thereof, procedural or otherwise, in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. Effective Date. This Ordinance shall become effective upon its enactment.

[Execution Page Follows]

Enacted by the City Council of the City of Seneca, South Carolina, this 12th day of April, 2022.

CITY COUNCIL OF THE CITY OF SENECA,
SOUTH CAROLINA

(SEAL)

Mayor _____

ATTEST:

Clerk-Treasurer _____

Date of First Reading: March 8, 2022

Date of Second Reading: April 12, 2022

Approved as to form:

City Attorney

City of Seneca, South Carolina

EXHIBIT A

Equipment

Equipment	Estimated Cost
Ext Cab 4x4 Pickup Truck	\$ 36,000
Five (5) Chevrolet Tahoes fully equipped	215,000
Cab Tractor 4x4 w/ bushhog	48,000
Cab High Track Skid Steer	73,500
Forestry Head	40,000
Asphalt Paver	104,000
Refurb Rotopac Garbage Tk	267,100
Gator	10,000
Sprayer	3,100
Trailer	2,000
Split Face Dugouts	120,000
3/4 ton crew pickup 4x4	43,000
Zero Turn Mower	14,500
(Used) Dodge Ram 2500	15,000
1/2 Ext Cab Pickup 4x4	35,000
3/4 Ton Crew Pickup 4x4	43,000
Three (3) Crew Cab 4x4 Utility Bed Trucks	186,000
Equipment Trailer 15K	7,000
Tractor 4x4 Cab Loader Bush Hog	55,000
Two (2) Crew Cab 4x4 Utility Bed Trucks	124,000
One Ton Regular Cab Diesel Utility	64,000
Single Axle Dump Truck	20,000
Miscellaneous	74,800
TOTAL	\$ 1,600,000

EXHIBIT B

Form of Request for Proposals

REQUEST FOR PROPOSALS

City of Seneca, South Carolina
\$1,600,000* Equipment Lease-Purchase Financing, 2022

Response Due: _____, 2022
12:00 pm., South Carolina Time

BANK QUALIFIED

The City of Seneca, South Carolina (the "City"), is requesting proposals from various banks and financial institutions its \$1,600,000* tax-exempt lease-purchase financing to defray the costs of acquisition of certain equipment as described herein. The City invites interested parties to submit a proposal to finance the equipment by specifying a rate of interest and other conditions for such financing.

*Principal amount subject to adjustment as provided herein.

Mailed or Hand Delivered Bids: Each mailed or hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for 2022 Equipment Lease Purchase" and should be mailed or delivered to:

Joshua Riches
Finance Director
City of Seneca, South Carolina
221 East North First Street
Seneca, SC 29678

E-Mail Bids: Electronic proposals may be e-mailed to the attention of Joshua Riches at e-mail address: jriches@seneca.sc.us with a copy to bnorris@burr.com.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL OR BY E-MAIL TRANSMISSION, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE CITY AT THE PLACE, DATE AND TIME APPOINTED, AND THE CITY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Please note that this Request for Proposals is also being sent to a number of other institutions as well, and that the City reserves the right to select the proposal determined to be the most advantageous to the City in its sole discretion. The selection process will be heavily weighted toward lowest financing costs; however, lowest financing cost is not the only factor that may be considered by the City. The City reserves the right to reject any or all bid proposals as well as negotiate with the lowest responsive bidder.

SECTION 1. Terms and Conditions

(a) Equipment. The equipment to be financed by the lease (the "Equipment") is described on Exhibit A attached hereto.

(b) Amount to be Financed: The amount to be financed is anticipated to be \$1,600,000. After the receipt of proposals, the City reserves the right, in its sole discretion, to decrease the principal amount of the lease by up to fifteen percent (15%). In the event of any such adjustment to principal, no rebidding or recalculation of the proposals submitted will be required or permitted, and the successful bidder may not withdraw its bid as a result of any changes made within the above limits. A bid for less than the total principal amount of the lease will not be considered.

(c) Interest: Bidders must submit a bid designating a fixed rate of interest. Bids containing variable rates of interest, or rates of interest which may adjust upon the occurrence of specified events, may be rejected by the City. Unless otherwise designated by a bidder interest on the lease will be calculated based on a 360-day year comprised of twelve 30-day months. **Bids containing rates of interest which may adjust upon the occurrence of specified events, including changes in the Internal Revenue Code, changes in the bidder's capital requirements or cost of capital, or for any other reason (other than loss of tax exemption due to the actions or omissions of the City) may be rejected.**

(d) Principal and Interest Payment Schedule: The City will make [seven (7)] approximately equal principal and interest payments to the lessor annually on [November] 1 of each year commencing [November 1, 2022] to and including [November 1, 2028].

(e) Guarantee of Interest Rate: The interest rate, costs and other terms of the bid submitted must be guaranteed from the date of your proposal to the closing date (expected to be on or about _____, 2022).

(f) Form of Equipment Lease/Purchase Agreement: A bidder's proposed form of lease agreement ("Lease Agreement") should be provided to the City's Special Counsel identified below within three (3) business days of the award of the successful proposal.

(g) Non-appropriation: A non-appropriation provision acceptable to the City must be included in the Lease Agreement. Any and all amounts due, including, but not limited to, scheduled lease payments, reimbursements, penalties and fees under the Lease Agreement or any escrow agreement relating to an Acquisition/Escrow Account (as defined below), must be subject to annual appropriation by the City.

(h) Non-substitution: A non-substitution provision is not permitted to be included in the Lease Agreement.

(i) Deficiency Judgment: No deficiency judgment can be assessed or imposed against the City nor will the full faith, credit and taxing power of the City be pledged to the payment of the Lease Agreement.

(j) Title: Title to the equipment will be in the name of the City subject to the bidder's rights under the Lease Agreement. Upon the closing of the Lease Agreement, the successful bidder shall be responsible for taking all actions it deems necessary to impose its lien upon or perfect any security interest in the Equipment. Unencumbered title to the Equipment must be provided to the City, and the bidder's lien on the equipment must be released, on payment of the final principal and interest payment on [November 1, 2028] or earlier prepayment of all principal and accrued interest thereon in accordance with the terms of the Lease Agreement.

(k) Acquisition Account: The City will require the successful bidder to transfer by Federal funds the full amount of this financing on the date of the closing. If a bidder requires that the acquisition or escrow account (the "Acquisition/Escrow Account") be held by it or its designee, the bidder

must so indicate on its proposal (including any fees required thereunder). Otherwise, the City retains the right to designate a bank to act as custodian of the Acquisition/Escrow Account. Interest earnings in the Acquisition/Escrow Account must accrue to the City. Payments therefrom may be made either to the City as reimbursement for prior expenditures or directly to the equipment vendor for payment of the equipment as directed by the City. Without limitation of the foregoing, funds on deposit in the Acquisition/Escrow Account must be made available upon request of the City for periodic partial payments to equipment vendors for the manufacture and/or assembly of equipment prior to delivery and acceptance of such equipment by the City. In such cases, funds will be paid to the City as reimbursement for prior expenditures, or directly to the equipment vendor, as directed by the City. All funds invested or deposited in the Acquisition/Escrow Account shall at all times be invested or deposited, as applicable, in a manner which satisfies the requirements of the laws of the State of South Carolina relating to investment or deposit of public funds, including, without limitation, Section 6-5-10 or Section 6-5-15 of the Code of Laws of South Carolina 1976, as amended, as applicable.

(l) Costs of Issuance: All such costs relating to the preparation of the Lease Agreement and fees of Special Counsel will be paid by the City. Any fees and costs of the bidder to be paid by the City must be stated in the response to this Request for Proposals. The Lease Agreement must allow the City to pay its legal fees and costs related to execution and delivery of the Lease Agreement out of the proceeds of the Lease Agreement.

(m) Insurance: The City provides insurance through the South Carolina Municipal Insurance and Risk Financing Fund for equipment/personal property. The equipment will be insured in a similar manner at face value. The lessor may be listed as a loss-payee, but may not be listed as an additional insured under the City's insurance arrangement with the South Carolina Municipal Insurance and Risk Financing Fund.

(n) Closing: The City expects to accept the successful proposal on _____, 2022, and close the transaction on or about _____, 2022.

(o) Lease Agreement Designated as Qualified Tax-Exempt Obligation: The City has designated the Lease Agreement as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended (the "Code") relating to the ability of financial institutions to deduct from income for federal income tax purposes interest expense that is allocable to carrying and acquiring tax-exempt obligations.

(p) Prepayment: Unless otherwise specifically provided in a bidder's proposal and agreed to by the City, the Lease Agreement will be subject to prepayment at the option of the City in whole or in part at any time without any prepayment penalty.

SECTION 2. Form of Proposal

(a) The proposal must be in writing. It is preferred that a bidder's proposal not be subject to further credit or underwriting approval.

(b) No proposal may be modified by a bidder after it has been submitted.

(c) Proposals should include: the name, address, telephone number of your institution; the primary contact; and identity of legal counsel, if any.

(d) Proposals must include a list of all requirements and conditions associated with the bid.

(e) Proposals must indicate a single fixed rate of interest for the total principal amount of the lease. It is requested that proposals include an amortization schedule showing annual payment amounts for the term of the financing.

(f) Proposals must provide full disclosure of all financing costs, including any closing, legal or tax opinion charges.

(g) Any prepayment penalty or other fee requirements should be detailed in the proposal.

SECTION 3. Evaluation of Proposals and Award

The Lease Agreement may be awarded to the bidder that provides the most advantageous proposal, as determined by the City in its sole and absolute discretion. After the proposals are received, they will be evaluated by the officials of the City based on various factors, including, but in no way limited to, the interest rate, redemption terms, additional credit or underwriting approval, additional covenants and terms, if any, and other conditions set forth therein. The City reserves the right to reject any and all bids or to waive irregularities in any proposal. The City expects to accept the successful proposal on _____, 2022.

SECTION 4. Legal Opinions. The execution and delivery of the Lease Agreement is subject to the respective opinions of Burr & Forman LLP, Special Counsel, and [R. Boatner Bowman], the City's attorney.

SECTION 5. Tax Exemption and Other Tax Matters. The Code, and the Treasury Regulations promulgated thereunder, include provisions that relate to tax exempt obligations, such as the Lease Agreement, including, among other things, permitted uses and investment of the proceeds of the Lease Agreement and the rebate of certain net arbitrage earnings from the investment of such proceeds to the United States Treasury. Noncompliance with these requirements may result in interest paid under the Lease Agreement becoming subject to federal income taxation retroactive to the date of issuance of the Lease Agreement. The City has covenanted to comply with the requirements of the Code to the extent required to maintain the exclusion of interest on the Lease Agreement from gross income for federal tax purposes. Failure of the City to comply with these covenants could cause the interest on the Lease Agreement to be taxable retroactively to its date of issuance.

Interest on the Lease Agreement is not an item of tax preference for purposes of the federal alternative minimum tax.

The accrual or receipt of interest on the Lease Agreement may affect the federal income tax liability of the recipient. The extent of these other tax consequences will depend upon the recipient's particular tax status or other items of income or deduction. Prospective purchasers of the Lease Agreement should be aware that ownership of the Lease Agreement may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, individual recipients of Social Security or Railroad Retirement benefits, certain S corporations with "excess net passive income," foreign corporations subject to the branch profits tax, life insurance companies and taxpayers otherwise entitled to claim the earned income credit and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry or have paid or incurred certain

expenses allocable to the Lease Agreement. Special Counsel will not express any opinion as to such collateral tax consequences. Prospective purchasers of the Lease Agreement should consult their tax advisors as to collateral federal income tax consequences.

Special Counsel will not undertake to determine (or to inform any person) whether any action taken (or not taken) or event occurring (or not occurring) after the date of issuance of the Lease Agreement may affect the tax status of interest on the Lease Agreement. In rendering its opinion, Special Counsel will rely upon certificates and representations of the City with respect to certain material facts solely within the knowledge of the City relating to the application of the proceeds of the Lease Agreement.

SECTION 6. Investment Letter. The lessor will be requested to execute a letter to the City in substantially the form submitted with this Request for Proposals.

SECTION 7. Additional Information. Persons seeking additional information should communicate with:

Joshua Riches
City of Seneca
Finance Director
221 East North First Street
Seneca, SC 29678
Phone: 864.885.2722
E-mail: jriches@seneca.sc.us

Brandon T. Norris, Esquire
Burr & Forman LLP
Special Counsel
104 S. Main Street, Ste. 700
Greenville, SC 29601
Phone: 864.351.8407
E-mail: bnorris@burr.com

CITY OF SENECA, SOUTH CAROLINA

Dated: _____, 2022

Schedule A

Equipment