

5:30 PM – Work Session regarding Agenda Item B-1 and B-2

**AMENDED
CITY OF ANDERSON
COUNCIL AGENDA
March 23, 2020**

INVOCATION: Mayor Pro Tem Tony Stewart

RESPECTS TO FLAG: Council Member Beatrice Thompson

Approval of Minutes of March 9, 2020

A. OLD BUSINESS:

- Request second reading of Ordinance 20-04 to annex and zone to GC, General Commercial, 9.7 acres located at 3304, 3434 and 3472 Cinema Center.

B. NEW BUSINESS:

- Request consideration of an ordinance providing for the issuance and sale of City of Anderson General Obligation Bonds in the principal amount of not exceeding \$1,590,000 for refunding of the outstanding 2008 General Obligation Bonds.
- Request consideration of a resolution extending the due date for payment of Business License and Hospitality taxes.
- Request consideration of referrals to the Planning Commission to rezone:
 - 608 Boulevard from R-15, Single-Family Residential to NC, Neighborhood Commercial
 - 1226 Springdale Road from R-15, Single-Family Residential to RM-18, Multi-Family Residential
 - 503 College Avenue from R-15, Single-Family Residential to RM-18, Multi-Family Residential
 - 328 Kingsley Road from R-15, Single-Family Residential to RM-18, Multi-Family Residential
 - 796 and 798 Wilson Street from R-15, Single-Family Residential to RM-18, Multi-Family Residential
 - 209-217 Williamston Road from RM-10, Multi-Family Residential to RM-18, Multi-Family Residential
- Request consideration of referrals to the Planning Commission to annex and zone:
 - 3710 Clemson Boulevard to GC, General Commercial

- 153 Civic Center Boulevard to RM-18, Multi-Family Residential
 - Hembree Station Subdivision to R-5, Single-Family Residential
 - 103 Allison Circle (Walden Oaks Apartments) to RM-18, Multi-Family Residential
 - 10.66 acres known as Tract 1 at 1225 Salem Church Road to RM-18, Multi-Family Residential
 - 100 Hudson Circle (The Hamptons Apartments) to RM-18, Multi-Family Residential
 - 1104 Salem Church Road to GC, General Commercial
- Request consideration of a referral to the Planning Commission a petition to amend Article 17 of the City of Anderson Zoning Ordinance as it pertains to the definition of “Family”.
 - Request consideration to purchase property located at 118 East Earle Street.
 - Request consideration of an emergency ordinance temporarily suspending City Code Section 2-71 to permit telephonically, video conferencing or other virtual means for meetings to slow the spread of COVID-19.

C. **EXECUTIVE SESSION:** Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, and receipt of legal advice.

- 3710 Clemson Boulevard to GC, General Commercial
 - 153 Civic Center Boulevard to RM-18, Multi-Family Residential
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C. **EXECUTIVE SESSION:** Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, and receipt of legal advice.

City Council Hearing
March 9, 2020

The City Council Hearing was held this date in City Hall Council Chambers at 5:00 pm to discuss appeal of Notice of Decision denying Protest of Award of the Project Demolition Site Restoration at 600 S. Main Street by Moats Construction Company. In attendance were Mayor Terence Roberts, Mayor Pro Tem Stewart, Council Members Thompson, Chapman, Harbin, Laughridge, John Roberts, Newton and Jeff Roberts. Russell Moats was not in attendance. Council upheld the City Manager's decision not to award bid to Moats Construction Company.

Regular Meeting
March 9, 2020

The regular meeting of City Council was held this date in City Hall Council Chambers at 6:00 pm. In attendance were Mayor Terence Roberts, Mayor Pro Tem Stewart, Council Members Thompson, Harbin, Laughridge, Chapman, John Roberts, Newton and Jeff Roberts. Also in attendance were City Manager, David McCuen; Assistant City Manager, Andrew Strickland; Finance Director, Margot Martin; City Attorney, Frankie McClain; Planning Director, Maurice McKenzie; and Police Chief, Jim Stewart. The invocation was given by Councilman Chapman and respect to the flag was given by Councilman Jeff Roberts.

PROCLAMATION
Anderson University

Proclamation

WHEREAS, Anderson University is a selective, comprehensive university offering bachelor's, master's, and doctoral degrees on campus and online. They are ranked as one of the best regional universities in the South by both *US News and World Report* and *The Princeton Review*; and

WHEREAS, at the heart of their educational program is an uncompromising commitment to the liberal arts as a means of preparing students with both a

breadth and depth of knowledge they need not only to be successful in the career of their choice, but to be successful in all realms of life – in family, community, work, and church; and

WHEREAS, April 2, 2020 is Anderson University (AU) fourth annual **A Day**; and

WHEREAS, **A Day** is an exciting 24-hour fundraising drive to support AU students, faculty, and campus programs. It is a day for people everywhere to come together in support of Anderson University – every gift makes a difference and

WHEREAS, during **A Day** we will celebrate all the things that make Anderson special and Trojans across the globe will participate in remembering the past, celebrating the present, and impacting the future; and

WHEREAS, the City of Anderson wishes Anderson University a very successful **A Day**. Everyone can support the cause by joining the festivities. Together our Community is stronger.

NOW THEREFORE, I, Terence V. Roberts, Mayor of the City of Anderson, along with my fellow members of City Council, do proclaim April 2, 2020 as

Anderson University Day

in the City of Anderson and encourage the community to share their support of AU on social media, **SUPPORT** the cause, **SHINE** in your black and gold, and **SHOW** the world that you are True to AU.

Signed this 9^h day of March, 2020

Terence V. Roberts
Mayor

APPROVAL OF MINUTES

A motion by Council Member Thompson seconded by Councilman Harbin carried unanimously (9-0) to approve the minutes of February 24, 2020 meeting as presented.

REQUEST SECOND READING OF ORDINANCE 20-02 TO REZONE 203 MCCULLY STREET
FROM RM-10, MULTI-FAMILY RESIDENTIAL TO GC, GENERAL COMMERCIAL

Planning Director, Maurice McKenzie said the applicant is seeking to rezone the subject property located at the corner of McCully Street and Murray Avenue to General Commercial in order to construct an electrician's shop on the vacant parcel. In addition to the two street frontages, this property abuts land that is zoned both RM-10, Multi-Family Residential and GC, General Commercial. Properties located directly across McCully Street and Murray Avenue are zoned GC, General Commercial.

The City Council approved this on First Reading at the February 24th meeting, and the Planning Commission unanimously recommended approval. If approved, the applicant must submit site plans to ensure that the requirements pertaining to setbacks, parking, landscaping/screening, etc. are adequately met.

A motion by Council Member Thompson seconded by Mayor Pro Tem Stewart carried unanimously (9-0) to approve Ordinance 20-02 to rezone 203 McCully Street from RM-10, Multi-Family Residential to GC, General Commercial on Second Reading.

REQUEST SECOND READING OF ORDINANCE 20-03 AUTHORIZING THE CITY OF
ANDERSON TO ENTER INTO INSTALLMENT PURCHASE TRANSACTION TO FINANCE THE
COSTS RELATING TO THE ACQUISITION OF MCDUFFIE STREET PARKING GARAGE;
AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATING TO
THE FINANCIAL TRANSACTION, INCLUDING BASE LEASE AGREEMENT AND A MUNICIPAL
FACILITIES PURCHASE AND OCCUPANCY AGREEMENT; AND APPROVING THE ISSUANCE
OF A BOND BY THE ANDERSON PUBLIC FACILITIES CORPORATION

City Manager, David McCuen said based on the parking needs of the City, Council approved going forward with the McDuffie Street Parking Garage with Resolution # 19-06 on September 9, 2019 using Installment Purchase Revenue Bonds to fund the

project.

Finance Director, Margot Martin said the total project is estimated to cost \$9,000,000. Funding would be from three sources: (1) TIF funds of \$ 1,300,000; (2) Hospitality funds of \$700,000; and (3) Installment Purchase Revenue Bond (IPRB) for an amount not exceeding \$7,000,000.

IPRB is a financing structure available to the City and the debt is not subject to constitutional debt limit equal to 8% of assessed value. There is not a specific pledge of revenue but rather the debt service is collateralized by the asset (parking garage). City Council forms a nonprofit – Anderson Public Facilities Corporation - who issues the bonds and use the proceeds to construct the parking garage. The land is owned by the City and leased to the Corporation pursuant to Base Lease agreement. The City makes annual payments to the Corporation via a Municipal Facilities and Occupancy agreement and obtains a percentage of ownership of the park garage with each payment. Once the final debt service payment is made, the Parking Garage will be 100% owned by the City.

Council attended a work session discussing this financing in detail on February 24, 2020. Council approved first reading on February 24, 2020.

Borrowing not to exceed \$7,000,000 with annual interest rate of 3.34% and average annual debt service payments of \$484,727 for 20 years. First debt service interest payment will be due September 1, 2020 and first principal debt service payment will be due March 1, 2021 and will be paid from the General Fund.

A motion by Mayor Pro Tem Stewart seconded by Councilman Laughridge carried unanimously (9-0) to approve Ordinance 20-03 authorizing the City of Anderson to enter into Installment Purchase transaction to finance the costs relating to the acquisition of McDuffie Street Parking Garage; authorizing the execution and delivery of various documents relating to the financial transaction, including Base Lease agreement and a Municipal Facilities Purchase and Occupancy agreement; and approving the issuance of a bond by the Anderson Public Facilities Corporation on Second Reading.

REQUEST CONSIDERATION OF ORDINANCE 20-04 TO ANNEX AND ZONE TO GC, GENERAL COMMERCIAL, 9.7 ACRES LOCATED AT 3304, 3434 AND 3472 CINEMA CENTER

City Manager, David McCuen said pursuant to the previously recorded Water/Sewer Service Agreement and Restrictive Covenant guidelines signed by the property owner in June 2017, it is requested to annex the subject property which is contiguous to the city

limits. The 9.7 acres is well within the boundaries for the provision of City services.

A zoning classification of GC, General Commercial is recommended. This zoning is consistent with surrounding properties in the Clemson Boulevard corridor.

The Planning Commission unanimously recommended approval of this request at their March 3rd meeting.

A motion by Councilman Newton seconded by Councilman Chapman carried unanimously (9-0) to approve Ordinance 20-04 to annex and zone to GC, General Commercial, 9.7 acres located at 3304, 3434 and 3472 Cinema Center on First Reading.

REQUEST CONSIDERATION OF MEDICAL CONTRACT FOR THE DETENTION CENTER

Police Chief, Jim Stewart said this Detention Center houses both male and female detainees for the City of Anderson, the United States Marshall Service, Bureau of Prisons and some sentenced inmates, generally having sentences of less than 3 months. The Detention Center must provide health care for detainees including initial screening, dispensing medications, acute care, etc. with a physician available 24/7.

SHP is responsible for all medical care for all inmates at the Detention Center, including the purchase of medicines. This responsibility of Provider for the medical care of an inmate commences with the commitment of the inmate to the custody of the administration of the Detention Center and ends with the discharge (or temporary release) of the inmate from the custody of the City at the Detention Center.

Inmates held in the Detention Center for other jurisdictions such as other counties or the US Justice Department will be included in the count, and the on-site care for these inmates will be the responsibility of the Provider for nursing and physician care, any supplies used, and for over-the-counter medications. Other medical costs which can be identified for specific inmates such as prescriptions, x-rays, dental procedures, and all off-site medically related consultations and procedures will be billed back to the originating agency, either by the City, the actual community agency providing the care, or by the Provider.

The contract amount is \$176,315.40 for the second year period with the ability to extend for a third year. The second year 3% increase is \$5,135.40.

The benefit rests in the total turnkey health care delivery being provided by SHP.

Funding for the contract will be from the Detention budget.

A motion by Councilman Harbin seconded by Councilman John Roberts carried unanimously (9-0) to approve a medical contract with Southern Health Partners in the renewal of the second year for \$176,315.40.

REQUEST CONSIDERATION TO PURCHASE VEHICLES FOR THE POLICE DEPARTMENT

Police Chief, Jim Stewart said the Special Operations Division requests purchase of two law enforcement vehicles from Cooper Motor Company in Clinton, SC.

Bids: (2) Vehicles

Cooper Motor Company \$28,697 X 2 = \$ 57,394

Santee Automotive \$28,767 (State Contract)

Required vehicle emergency equipment will be purchased from Perfect Shade Window Tinting and Accessories (Anderson, SC) and will cost \$6,040 for both vehicles. Decals for one marked vehicle will be ordered from current provider at \$310. Total cost for both vehicles and equipment is \$63,744.

The department also requests purchase of two vehicles (state contract) from Santee Automotive in Santee, SC.

(2) Vehicles

Santee Automotive \$34,786 X 2 = \$69,572

Required vehicle emergency equipment will be purchased from Perfect Shade Window Tinting and Accessories (Anderson, SC) and will cost \$6,667.52 for both vehicles. The total cost of the vehicles and equipment is \$76,239.52.

The Police Department maintains a vehicle for each officer. This purchase will enhance our fleet of emergency vehicles.

The vehicles will be purchased as follow: \$63,744 from the Narcotics Account and \$76,239.52 from the General Fund.

A motion by Councilman Harbin seconded by Councilman Laughridge carried unanimously (9-0) to approve the purchase of (2) Dodge Durango in the amount of

\$63,744 from the Narcotics Account and (2) Ford 150 Police Responder pickups and emergency equipment in the amount of \$76,239.52 from the General Fund.

ADMINISTRATIVE BRIEFING

UPCOMING EVENTS

City Manager, David McCuen reminded Council of the following upcoming events and meetings in March 2020.

March 10th – Seat 6 – Neighborhood Watch
March 17th – Westside Community Coalition
March 17th – Seat 2 – Neighborhood Watch
March 19th – Southeast Anderson Task Force
March 23rd – Council Meeting

EXECUTIVE SESSION

A motion by Mayor Pro Tem Stewart seconded by Councilman Laughridge carried unanimously (9-0) to move into Executive Session:

Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual arrangements and sale or purchase of property, and receipt of legal advice.

A motion by Councilman Laughridge seconded by Councilman John Roberts carried unanimously (9-0) to move out of Executive Session.

ADJOURNMENT

A motion by Councilman Newton seconded by Councilman Harbin carried unanimously (9-0) to adjourn.

ATTEST:

Terence V. Roberts
Mayor

Margot B. Martin
City Clerk Treasurer

Date: March 23, 2020
Item No: A-1

Agenda

**City of Anderson
Council Agenda**

Title/Description: Old Business

Request: Second reading of Ordinance 20-04 to annex and zone to GC, General Commercial, 9.7 acres located at 3304, 3434 and 3472 Cinema Center.

Executive Summary:

Background: Pursuant to the previously recorded Water/Sewer Service Agreement and Restrictive Covenant guidelines signed by the property owner in June 2017, it is requested to annex the subject property which is contiguous to the city limits. The 9.7 acres is well within the boundaries for the provision of City services.

A zoning classification of GC, General Commercial is recommended. This zoning is consistent with surrounding properties in the Clemson Boulevard corridor.

Benefit: N/A

Funding: N/A

Recommendation: The City Council approved this on first reading at their March 9th meeting. The Planning Commission unanimously recommended approval of this request at their March 3rd meeting.

Action Requested:

<input type="checkbox"/> Ordinance 1 st Reading	<input type="checkbox"/> Information Only
<input checked="" type="checkbox"/> Ordinance 2 nd Reading	<input type="checkbox"/> General Approval
<input type="checkbox"/> Resolution	<input type="checkbox"/> Referral

ORDINANCE NO. 20-04

AN ORDINANCE OF THE MAYOR AND
COUNCIL OF THE CITY OF ANDERSON
TO AMEND THE CITY OF ANDERSON
ZONING ORDINANCE BY ANNEXING AND
ZONING 9.7 ACRES LOCATED AT 3304,
3434 and 3472 CINEMA CENTER TO
GC, GENERAL COMMERCIAL.

WHEREAS, the City of Anderson has been petitioned by William L. Grainger to annex and zone 9.7 acres located at 3304, 3434 and 3472 Cinema Center to GC, General Commercial which is more specifically described as follows:

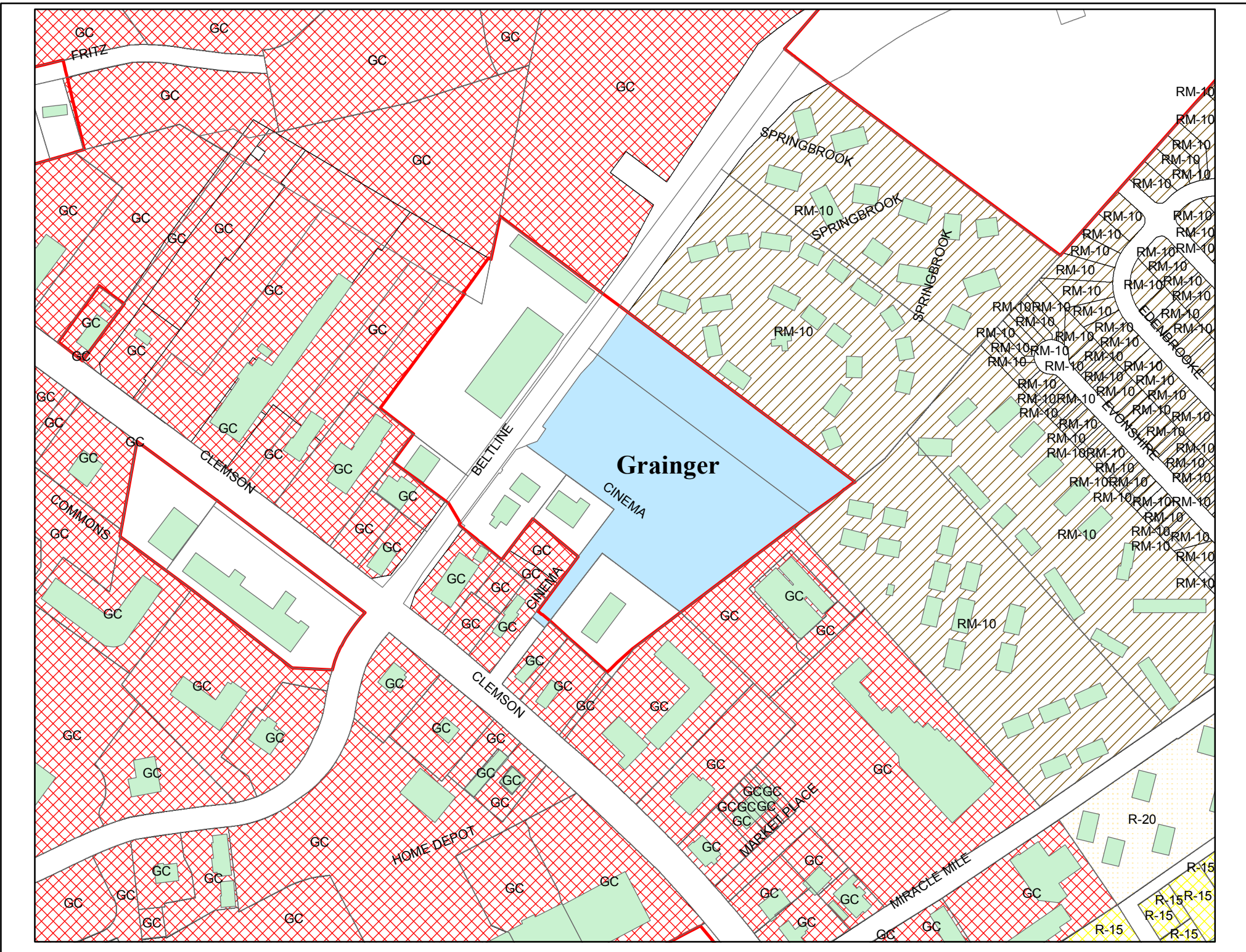
All that certain piece, tract or parcel of land situate, lying and being in the County of Anderson, SC, State of South Carolina, being known and designated as Tract A and part of B, containing 9.75 acres, more or less, as shown on a survey prepared for the Cinema Center, LLC by Nu-South Surveying, Inc., Earle O'Brien, under date of August 28, 2007 and of record in the Office of the Clerk of Court for Anderson County, SC in Plat Book/Slide 1724 at Page 1&2; the metes and bounds, courses and distances are as follows:

Beginning at a ½ inch rebar shared with TMS# 121-06-01-011 running N52 41 18W for a distance of 287.84 feet to a 5/8 inch rebar; thence turning and running S37 29 37W for a distance of 254.79 feet to a ½ inch rebar; thence running S37 42 53W for a distance of 224.33 feet to a ¾ inch pipe; thence turning and running N46 14 28W for a distance of 7.15 feet to a point; thence running N49 38 28W for a distance 42.93 feet to a ½ inch pipe; thence turning and running N37 42 57E for a distance of 275.28 feet to a ½ inch rebar; thence running N37 46 16E for a distance 51.21 feet to a ½ inch rod; thence running N37 30 27E for a distance of 98.82 feet to a ¾ inch pipe; thence running N37 32 48E for a distance of 170.94 feet to a 5/8 rebar; thence turning and running N53 47 27W for a distance of 169.74 feet to a 5/8 inch rebar; thence running N53 35 29W for a distance 139.43 feet to a ½ inch rod; thence turning and running N54 24 55E for a distance of 30.95 feet to a point; thence running N36 53 23E for a distance of 43.9 feet to a nail; thence turning and running N53 06 37W for a distance of 12 feet to a point; thence turning and running N36 53 23E for a distance 186.10 feet to a nail; thence running N44 51 34E for a distance 50.49 feet to a ½ inch rod; thence running N36 53 23E for a distance of 170.87 feet to a ½ inch rod; thence turning and running S53 03 32E for a distance of 815.76 feet to a 5/8 inch rebar; thence turning and running S53 07 48W for a distance of 156.35 feet to a ¾ inch pipe; thence running S53 11 09W for a distance of 467.84 feet to the point of beginning.

WHEREAS, the City of Anderson Planning Commission reviewed the petition on March 3, 2020 and recommended approval of the request.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

- The Zoning Ordinance of the City of Anderson, dated January 12, 1998, and amendments thereto, be amended by annexing and zoning 9.7 acres located at 3304, 3434 and 3472 Cinema Center to GC, General Commercial.
- All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.
- This ordinance shall take effective immediately upon its adoption by the Anderson City Council.



Date: March 23, 2020

Agenda Item No: B - 1

**City of Anderson
Council Agenda**

Title/Description: New Business

Request approval of an Ordinance providing for the issuance and sale of City of Anderson General Obligation Bonds in the principal amount of not exceeding \$1,600,000 for refunding of the outstanding 2008 General Obligation Bonds.

Executive Summary:

Request: The City of Anderson staff is requesting first reading for the ordinance authorizing the issuance and sale of not exceeding \$1,600,000 General Obligation Refunding Bonds, Series 2020, of the City of Anderson for the purpose of refunding the City’s \$2,850,000 original principal amount General Obligations Bonds, Series 2008.

Background: The City of Anderson has outstanding principal balance of \$1,530,000 for the 2008 General Obligation Bonds, with current interest rate of 4.39%. The original proceeds of \$2,850,000 were used to construct Fire Station Three (3) and purchase of a new fire truck. The current G.O. Bond will be paid in full in April 2028.

The City will issue a Bank Placement RFP on March 24, 2020. Currently, the staff is estimating a proposed interest rate of 1.75%.

A work session will be held on March 23, 2020 prior to the City’s council meeting with David Cheatwood, financial advisor with First Tryon.

Benefit: The City is estimated to recognize a net cash flow savings of \$146,000 over the remaining life (4/1/2028) of the bonds due to the lower interest costs.

Recommendation: Approve on first reading an Ordinance providing for the issuance and sale of the City of Anderson General Obligation bonds in the principal amount of not exceeding \$1,600,000 for refunding the outstanding 2008 General Obligation Bonds. This ordinance was prepared by bond attorney Mike Burns, with Burr Forman McNair Law Firm.

Action Requested:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Ordinance 1st Reading | <input type="checkbox"/> Information Only |
| <input type="checkbox"/> Ordinance 2nd Reading | <input type="checkbox"/> General Approval |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

ORDINANCE NO. __

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$1,600,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020, OF THE CITY OF ANDERSON, SOUTH CAROLINA FOR THE PURPOSE OF REFUNDING THE CITY'S \$2,850,000 ORIGINAL PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES 2008; FIXING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS; AUTHORIZING THE MAYOR OR THE CITY MANAGER TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF THE BONDS; AND OTHER MATTERS RELATING THERETO.

Enacted: April 13, 2020

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDERSON, SOUTH CAROLINA, AS FOLLOWS:

SECTION

Definitions. Unless the context shall clearly indicate some other meaning, the terms defined in this Section shall have, for all purposes of this Ordinance, the meanings hereinafter specified, with the definitions equally applicable to both the singular and plural forms and vice versa. The term:

“2008 Bond Ordinance” shall mean Ordinance No. 08-04 of the City enacted by the City Council on February 11, 2008, authorizing the issuance and sale of the Bonds to be Refunded.

“Bonds of 2008” or “Bonds to be Refunded” shall mean the \$2,850,000 original principal amount General Obligation Bonds, Series 2008, dated June 19, 2008, currently outstanding in the principal amount of \$1,530,000.

“Bond Act” shall mean Title 5, Chapter 21, Article 5 and Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended.

“Bondholders” or the term “Holders” or any similar term shall mean the registered owner or owners of any outstanding Bond or Bonds.

“City” shall mean the City of Anderson, South Carolina.

“City Council” shall mean the City Council of the City of Anderson, South Carolina.

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

“Constitution” shall mean the Constitution of the State of South Carolina, 1895, as amended.

“Government Obligations” shall mean cash and, to the extent permitted by Section 6-5-10 of the South Carolina Code or any other authorization relating to the investment of funds by the School District, any of the following: (1) United States Treasury Obligations –State and Local Government Series; (2) United States Treasury bills, notes, bonds or zero coupon treasury bonds all as traded on the open market; (3) direct obligations of the U.S. Treasury which have been stripped by the Treasury itself, including CATS TIGRS and similar securities; (4) obligations of any agencies or instrumentalities which are backed by the full faith and credit of the United States of America; (5) bonds or debentures issued by any Federal Home Loan Bank or consolidated bonds or debentures

issued by the Federal Home Loan Bank Board; (6) obligations of the Federal National Mortgage Association; (7) general obligations of the State or any of its political units which, at the time of purchase, carry an AAA rating from Standard & Poor's or an Aaa rating from Moody's Investors Service; or (8) any legally permissible combination of any of the foregoing. Government Obligations must be redeemable only at the option of the holder thereof.

"Interest Payment Dates" shall mean October 1, 2020, and April 1 and October 1 of each year thereafter, or such other date (including the commencement date) as determined by the Mayor (or in his absence the Mayor Pro Tempore) or the City Manager.

"Ordinance" shall mean this Ordinance.

"Paying Agent" shall mean a bank or trust company or the City's Finance Director.

"Record Date" shall mean the fifteenth (15th) day of the month immediately preceding each Interest Payment Date on the Series 2020 Bonds or the date of notice of any proposed redemption, if any, of the Bonds.

"Refunding Act" shall mean Title 11, Chapter 15, Article 5, and Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended.

"Registrar" shall mean a bank or trust company or the Clerk of the City.

"S.C. Code" shall mean the Code of Laws of South Carolina 1976, as amended.

"Series 2020 Bonds" shall mean the General Obligation Refunding Bonds, Series 2020 (or year in which issued), authorized to be issued pursuant to Section 3 hereof.

"State" shall mean the State of South Carolina.

SECTION 2. Findings and Determinations. The City Council hereby finds and determines:

(a)

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

(b)

Article X, Section 14 of the Constitution provides that general obligation debt may be incurred by the governing body of each city of the State of South Carolina for any public and corporate purpose in an amount not exceeding eight percent of the assessed value of all taxable property of such city.

(c)

The Refunding Act authorizes and provides the procedure for the issuance of general obligation bonds whose proceeds are to be used to pay, in whole or in part, sums due on general obligation bonds previously issued and further provides that any issuer (defined to include a municipality) may issue general obligation bonds to such extent as such issuer shall be indebted by way of principal, interest, and redemption premium upon any outstanding general obligation bonds.

(d) Pursuant to applicable constitutional and statutory authorizations including, without limitation, the Bond Act, the City has issued the Bonds of 2008. The Bonds of 2008 are currently outstanding in the principal amount of \$1,530,000. The principal amounts of the Bonds of 2008 maturing on and after April 1, 2019, are subject to redemption at the option of the City on or after April 1, 2018, as a whole or in part any time, in such order of their maturities as the City shall determine and by lot within a maturity at a redemption price equal to 100% of the principal amount of Bonds to be redeemed together with the interest accrued thereon to the date fixed for redemption.

(e) The assessed value of all taxable property in the City for the fiscal year ending June 30, 2019 is not less than \$104,880,000. Eight percent (8%) of such sum is \$8,390,400. As of the date hereof, the outstanding general obligation debt of the City subject to the limitation imposed by Article X, Section 14(7)(a) of the Constitution is \$1,530,000, representing the outstanding principal balance of the Bonds of 2008. The outstanding principal amount of the Bonds to be Refunded (\$1,530,000) will be refunded with a portion of the proceeds of the Series 2020 Bonds. Accordingly, the City may incur general obligation debt evidenced by the Series 2020 Bonds in the principal amount not to exceed \$1,600,000 within its applicable constitutional debt limitation.

(f)

Based on current market conditions and projections of savings, the City Council finds that it is in the best interest of the City to effect a refunding of the Bonds to be Refunded because a savings can be effected through the refunding and redemption of such Bonds to be Refunded. The City Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, will be realized through the refunding of the Bonds to be Refunded, and that the Mayor (or in his absence the Mayor Pro Tempore) or City Manager are authorized and empowered to determine certain matters relating to such refunding as set forth in Section 4 of this Ordinance. There can be no assurance that market conditions at the time of the sale of the Series 2020 Bonds will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the Series 2020 Bonds authorized by this Ordinance do not result in satisfactory debt service savings, the Mayor (or in his absence the Mayor Pro Tempore) or the City Manager will be empowered to reject bids for the purchase of the Series 2020 Bonds.

(g)

The proceeds of the Series 2020 Bonds authorized by this Ordinance shall be used to refund the Bonds to be Refunded and to pay costs of issuance of the Series 2020 Bonds. The issuance of the Series 2020 Bonds authorized by this Ordinance for such purpose is necessary, and such Series 2020 Bonds will be issued for a corporate purpose and a public purpose of the City.

(h)

The City Manager has caused to be distributed by the City's financial advisor a Notice of Sale in the form attached hereto as Exhibit A hereto to various banks, financial institutions and other prospective purchasers of the Series 2020 Bond.

(g)

It is now in the best interest of the City for the City Council to provide for the issuance and sale of general obligation refunding bonds of the City in a principal amount of not exceeding \$1,600,000 pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina in order to effect the refunding of the Bonds to be Refunded.

SECTION 3. Authorization and Details of Series 2020 Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, there is hereby authorized to be issued general obligation refunding bonds of the City (the "Refunding Bonds" or the "Series 2020 Bonds") to effect a refunding of the Bonds to be Refunded. The Series 2020 Bonds shall be issued in a principal amount determined by the Mayor (or in his absence the Mayor Pro Tempore) or City Manager which amount will be sufficient to provide for the payment of the principal of and accrued interest on the Bonds to be Refunded to the date fixed for redemption of the Bonds to be Refunded and all costs of issuance incurred in connection with the issuance of the Series 2020 Bonds. The Refunding Bonds shall be designated "(principal amount issued) General Obligation Refunding Bonds, Series 2020, of the City of Anderson, South Carolina."

The Series 2020 Bonds shall be issued as fully registered Bonds; shall be dated as of the date of their initial delivery or such other date as the Mayor (or in his absence the Mayor Pro Tempore) or City Manager determine; shall be in denominations of \$1,000 or any integral multiple thereof not exceeding the principal amount of the Bonds maturing in each year unless issued as a single Bond in the entire principal amount of the issue; shall bear interest from their date payable on each Interest Payment Date at such rate or rates as may be determined at the time of the sale thereof by the Mayor (or in his absence the Mayor Pro Tempore) or City Manager; and shall mature serially in successive annual installments payable on April 1 of each year as determined by the Mayor (or in his absence the Mayor Pro Tempore) or City Manager pursuant to Section 4 hereof. Interest on the Series 2020 Bonds shall be calculated on the basis of a 360-day year comprised of twelve 30-day months, unless otherwise agreed upon by the Mayor (or in his absence the Mayor Pro Tempore) or City Manager. Both the principal of and interest on the Series 2020 Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts, without presentation and surrender by the Holder thereof.

SECTION 4. Authority to Determine Certain Matters. The City Council hereby authorizes the Mayor or the City Manager to offer the Series 2020 Bonds for sale at such date and time and in such manner as he may determine. The City Council hereby further authorizes the Mayor or the City Manager to:

(a)

determine the original issue date of the Series 2020 Bonds;

(b)

determine the aggregate principal amount of the Series 2020 Bonds, provided such aggregate principal amount shall not exceed \$1,600,000;

(c)

determine the maturities and principal amounts of the Bonds to be Refunded that are to be refunded, designate the redemption date thereof, and direct the paying agent for the Bonds to be Refunded to provide notice of redemption of the Bonds to be Refunded to the registered holders thereof;

(d)

determine the Interest Payment Dates, including the first Interest Payment Date, and the respective maturity dates and principal amounts maturing on such dates;

(e)

designate the Paying Agent and Registrar for the Series 2020 Bonds;

(f)

determine the optional and mandatory redemption dates and terms for the Series 2020 Bonds;

(g)

determine the date and time of sale of the Series 2020 Bonds;

(h)

receive bids for the Series 2020 Bonds on behalf of the City, determine the interest rate or rates on the Series 2020 Bonds, and award the sale of the Series 2020 Bonds to the bidder which provides the most advantageous proposal therefor in accordance with the terms of the Notice of Sale for the Series 2020 Bonds;

(i)

make adjustments to the principal amounts of the Series 2020 Bonds immediately following the sale thereof;

(j)

determine whether to publish a notice of the adoption of this Ordinance as provided in Section 11-27-40(8) of

(k)

negotiate and execute all other contracts and approve any other matters necessary to effect the issuance of the Series 2020 Bonds;

(l)

determine whether the Series 2020 Bonds shall be designated as “qualified tax-exempt obligations” under Section 265(b)(3) of the Code; and

(m)

approve any other matters necessary to effect the issuance of the Series 2020 Bonds and the refunding of the Bonds to be Refunded.

After the sale of the Series 2020 Bonds, the Mayor or the City Manager shall submit a written report to the City Council setting forth the results of the sale of the Series 2020 Bonds.

SECTION 5. Redemption Provisions; Refunding of the Bonds to be Refunded. The Series 2020 Bonds may be subject to redemption prior to maturity at such time or times and upon such terms and conditions as the Mayor or City Manager agrees upon. If less than all the Series 2020 Bonds of any maturity are called for redemption, the Series 2020 Bonds of such maturity to be redeemed shall be selected by lot by the Registrar. In the event the Series 2020 Bonds or any portion thereof shall be called for redemption, notice of the redemption, describing the Series 2020 Bonds to be redeemed, specifying the redemption date and the redemption price payable on such redemption, shall be mailed by first-class mail, postage prepaid, to the registered owner thereof as shown on the registry books of the City kept by the Registrar not less than ten (10) days (or such greater number of days as determined by the City Manager) and not more than sixty (60) days (or such lesser number of days as determined by the City Manager) prior to the redemption date. If the Series 2020 Bonds or any portion thereof shall have been duly called for redemption and notice of the redemption mailed as aforesaid, and if on or before the date fixed for redemption payment thereof shall be duly made or provided for, interest on the Series 2020 Bonds to be redeemed shall cease to accrue from and after the redemption date specified in such notice. The notice may further state that the redemption of the Series 2020 Bonds being called for redemption is conditional upon the Paying Agent receiving on or before the redemption date of sufficient money for the redemption thereof.

The refunding of any or all of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Series 2020 Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the respective provisions of the 2008 Bond Ordinance, at the redemption price thereof, together with accrued interest on such Bonds to be Refunded to the date

fixed for redemption.

Upon the delivery and closing of the Refunding Bonds, the principal proceeds thereof, less costs of issuance, together with certain other available funds (if any) as determined by the City Manager shall be transferred to the paying agent for the Bonds to be Refunded in order pay the outstanding principal and accrued interest on the Bonds to be Refunded on such date.

SECTION

Registration of the Series 2020 Bonds. The City shall cause the Books of Registry to be kept at the offices of the Registrar, for the registration and transfer of the Series 2020 Bonds. Upon presentation at its office for such purpose, the Registrar shall register or transfer, or cause to be registered or transferred, on such Books of Registry, the Series 2020 Bonds under such reasonable regulations as the Registrar may prescribe.

Each Bond shall be transferable only upon the Books of Registry of the City, which shall be kept for such purpose at the principal office of the Registrar, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond, the Registrar on behalf of the City shall issue in the name of the transferee a new fully registered Bond or Bonds of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar.

The City, the Registrar and the Paying Agent may deem or treat the person in whose name any fully registered Bond shall be registered upon the Books of Registry as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order and shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Registrar or the Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the City shall execute and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. Neither the City nor the Registrar or the Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an Interest Payment Date on such Bonds.

With the consent of the Purchaser of the Series 2020 Bonds, and notwithstanding any provision to the contrary contained in this Ordinance or in the Series 2020 Bonds, the Series 2020 Bonds may be sold or transferred by the Purchaser thereof only to purchasers ("Qualified Investors") who execute an investment letter delivered to the City, in form satisfactory to the City (the "Investment Letter"), containing certain representations, warranties and covenants as to the suitability of such purchasers to purchase and hold the Series 2020 Bonds. Such restrictions shall be set forth on the face of the Series 2020 Bonds and shall be complied with by each transferee of the Series 2020 Bonds.

SECTION 7. Execution of Series 2020 Bonds. The Series 2020 Bonds shall be executed in the name of the City with the manual or facsimile signature of the Mayor of the City (or in his absence the Mayor Pro Tempore) attested by the manual or facsimile signature of the Clerk of the City under a facsimile of the seal of the City which shall be impressed, imprinted or reproduced thereon. The Series 2020 Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Series 2020 Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Series 2020 Bonds. The Series 2020 Bonds shall be in substantially the following form. In the event the Bonds are issue as a single Bond for each separate maturity, the form of bond may be revised accordingly.

(FORM OF BOND)

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

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 CITY OF ANDERSON
 GENERAL OBLIGATION REFUNDING BOND, SERIES 2020

KNOW ALL MEN BY THESE PRESENTS, that the City of Anderson, South Carolina (the “City”), is justly indebted and, for value received, hereby promises to pay to _____, in _____, _____ (the “Bank”), its successors or registered assigns, the principal amount of \$ _____ together with interest on the unpaid principal balance hereof at the rate of ____% per annum. Interest on this Bond shall be calculated on the basis of a 360-day year comprised of twelve 30-day months, and shall be payable semiannually on April 1 and October 1 of each year commencing October 1, 2020. This Bond is payable in annual installments on April 1 in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>
2021	
2022	
2023	
2024	
2025	
2026	
2027	

2028	
------	--

Both the principal of and interest on this Bond are payable at the office of the Finance Director of the City, as paying agent (the “Paying Agent”) without presentation and surrender of this Bond in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, the Purchaser agrees to surrender this Bond before or within a reasonable time after its final maturity.

This Bond is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 15, Article 5, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted on April 13, 2020 by the City Council (the “Ordinance”).

For the payment of the principal and interest of this Bond as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the City are hereby irrevocably pledged, and there shall be levied and collected annually upon all taxable property in the City an *ad valorem* tax, without limitation as to rate or amount, sufficient for such purposes.

[This Bond is subject

without payment of any premium or penalty.] In the event this Bond is called for redemption, the City shall give notice of redemption of this Bond by first-class mail, postage prepaid, to the registered owner hereof as shown on the books of registry of the City not less than [ten (10)] days prior to the date fixed for the redemption hereof.

This Bond is transferable as provided in the Ordinance, only upon the registration books of the City kept for that purpose at the office of the Clerk of the City, in Anderson, South Carolina, as Registrar, by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer reasonably satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully registered Bond or Bonds in the same aggregate principal amount, interest rate, and maturity date shall be issued to the transferee in exchange therefor as provided in the Ordinance. The City, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner thereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and

laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the City, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection annually upon all taxable property of the City of an *ad valorem* tax, without limitation as to rate or amount, sufficient for the payment of the principal and interest of this Bond as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof.

IN WITNESS WHEREOF, THE CITY OF ANDERSON, SOUTH CAROLINA, has caused this Bond to be signed with the (manual or facsimile) signature of the Mayor of the City, attested by the (manual or facsimile) signature of the Clerk of the City under the seal of the City impressed or affixed hereon and this Bond to be dated the ____ day of _____, 2020

CITY OF ANDERSON, SOUTH CAROLINA

(SEAL)

Mayor

ATTEST:

Clerk

REGISTRATION

This Bond has been registered in the name of _____ in _____, _____, on the registration books kept by the Clerk of the City of Anderson, South Carolina, as Registrar.

Dated this ___ day of _____, 20__.

Clerk, City of Anderson, South Carolina

SECTION 9. Security for Series 2020 Bonds. The full faith, credit, taxing power and resources of the City are hereby irrevocably pledged for the payment of the principal and interest of the Series 2020 Bonds as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof. There shall be levied and collected annually upon all taxable property in the City an *ad valorem* tax, without limitation as to rate or amount, sufficient for such purposes. The appropriate official of the City shall be notified as to the delivery of and payment for the Series 2020 Bonds and is hereby directed to levy and collect annually upon all taxable property in the City an *ad valorem* tax, without limitation as to rate or amount.

SECTION 10. Defeasance. The obligations of the City under this Ordinance and the pledges, covenants and agreements of the City herein made or provided for, shall be fully discharged and satisfied as to any portion of the Series 2020 Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) such Bond or Bonds shall have been purchased by the City and surrendered to the City for cancellation or otherwise surrendered to the City or the Paying Agent and is canceled or subject to cancellation by the City or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds either (1) shall have been made or caused to be made in accordance with the terms thereof, or (2) shall have been provided for by irrevocably depositing with the Paying Agent in trust and irrevocably setting aside exclusively for such payment, (a) moneys sufficient to make such payment, or (b) Government Obligations maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the Paying Agent. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the maturity date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

SECTION 11. Exemption from State Taxes. Both the principal of and interest on the Series 2020 Bonds shall be exempt, in accordance with the provisions of Section 12250 of the S.C. Code from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 12. Sale of Series 2020 Bonds, Notice of Sale and Notice of Use of Proceeds. The Series 2020 Bonds shall be sold pursuant to the Notice of Sale which has been distributed to prospective in substantially the form attached hereto as Exhibit A. A summary of such Notice of Sale shall be published in a newspaper having general circulation in the State and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

SECTION 13. Deposit and Use of Proceeds. A portion of the proceeds derived from the sale of the Series 2020 Bonds necessary to provide for the payment of the Bonds to be Refunded shall be paid to the paying agent for the Bonds to be Refunded. If necessary, such proceeds may be deposited into an escrow fund established with an escrow agent (which may be the paying agent for the Bonds to be Refunded) pursuant to an escrow agreement in order to defease the Bonds to be Refunded. The remaining proceeds of the Series 2020 Bonds shall be deposited with the Finance Director in a special fund to the credit of the City and shall be applied solely to the payment of costs of issuance of the Series 2020 Bonds, except that the accrued interest, if any, shall be used to discharge in part the first interest to become due on the Series 2020 Bonds.

SECTION 14. Federal Tax Covenants. The City hereby covenants and agrees with the holders of the Series 2020 Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2020 Bonds to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Series 2020 Bonds and that no use of the proceeds of the Series 2020 Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds”, as defined in the Code, and to that end the City hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Series 2020 Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, 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 time and places required by the Code.

The City Manager or Finance Director is hereby authorized to adopt written procedures to ensure the City's compliance with federal tax matters relating to the Series 2020 Bonds.

To the extent the Series 2020 Bonds are designated as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code, the City covenants that it 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 2020, all within the meaning of Section 265(b)(3) of the Code.

SECTION 15. Filings with Central Repository. In accordance 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 (5%) of the City's revenue or its tax base.

SECTION 16. Miscellaneous. The City Council hereby authorizes the City Manager to retain Burr & Forman LLP, as bond counsel in connection with the issuance of the Series 2020 Bonds. The City Council further authorizes the Mayor, Mayor Pro Tempore, City Manager, Finance Director, City Clerk, and City Attorney to execute such documents and instruments as may be necessary to effect the purposes intended by this Ordinance, including, but not limited to, the issuance of the Series 2020 Bonds and the refunding of the Bonds to be Refunded, or to make modifications in any documents including but not limited to the form of the Bond or Notice of Sale.

SECTION

Ratification of Prior Acts; Repeal. All actions heretofore taken by the City Manager, Assistant City Manager, Finance Director, City Attorney and other officials and personnel of the City in connection with the dissemination of the Notice of Sale referenced herein, the discussion or negotiation of the sale of the Series 2020 Bond with prospective purchasers thereof, or the issuance of the Series 2020 Bonds shall be and hereby are ratified and approved. All rules, regulations, ordinances, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Series 2020 Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its enactment.

Section 18. Effective Date

This Ordinance shall be effective upon its enactment by City Council.

[signature page follows]

Enacted by the City Council of the City of Anderson, South Carolina, this 13th day of April, 2020.

(SEAL)

CITY OF ANDERSON, SOUTH CAROLINA

ATTESTED TO:

Terence V. Roberts, Mayor

Margot B. Martin
Clerk

Donald G. Chapman

Matthew C. Harbin

Richard A. Laughridge

APPROVED AS TO FORM:

Kyle L. Newton

J. Franklin McClain
City Attorney

Jeffrey D. Roberts

John M. Roberts

James A. Stewart, Mayor Pro Tempore

REVIEWED BY:

Dr. Beatrice R. Thompson

David E. McCuen IV
City Manager

COUNCIL MEMBERS

[Signature page]

Exhibit A

FORM OF NOTICE OF SALE

Date: 3-23-2020
No: B - 2

Agenda Item

**City of Anderson
Council Agenda**

Title/Description: New Business

Request approval of Resolution extending the due dates for payment of Business License and Hospitality taxes.

Executive Summary:

Background: The COVID-19 pandemic has caused many businesses to see a decrease in revenues due to the restrictions placed on many of the City's businesses.

Issuing a Resolution allows City Council to defer payments of fees, without penalty, for those businesses that have been adversely affected due to COVID-19.

The City will require that each business still file their annual business license application by April 30, 2020. Businesses may request to defer payment of the fee in the payment section of their application or contact the business license office for the deferred payment approval process. The payment of the business license fee must be paid by June 30, 2020.

The City will require that each business still file their monthly hospitality forms by the 20th of each month. There will be no penalty charged for Hospitality taxes collected beginning March 1, 2020 provided reports are filed timely and paid by June 30, 2020.

Recommendation: Approve Resolution authorizing the City of Anderson to extend the deadline for payment of business license fees and March – May Hospitality fees until June 30, 2020 without penalty.

Action Requested:

_____ Ordinance 1st Reading
Only

_____ Information

_____ Ordinance 2nd Reading
Approval

_____ General

 X Resolution

_____ Referral

RESOLUTION NO. 20-

A RESOLUTION OF THE MAYOR
AND COUNCIL OF THE CITY OF
ANDERSON, SOUTH CAROLINA
EXTENDING THE DUE DATE
FOR PAYMENT OF BUSINESS
LICENSE AND HOSPITALITY TAXES

WHEREAS, payment of the City of Anderson Business License Tax is due on or before April 30, 2020, and

WHEREAS, Hospitality Taxes are due on the 20th of the month following the month of collection, and

WHEREAS, restrictions placed on many businesses due to COVID-19 pandemic has resulted in a decrease in revenues, and

WHEREAS, it is the desire of the City Council to defer payments of taxes for those businesses that have been affected.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

- Businesses that have been adversely affected due to COVID-19 pandemic may defer payment of their license fee until June 30, 2020, without penalty.
- A request for the deferment must be included on the application for the license which must be submitted by April 30, 2020. Penalties will be enforced if an application is not filed.
- Hospitality taxes collected during February must be paid by March 20, 2020. There will be no penalty charged for hospitality taxes collected beginning March 1, 2020, provided reports are filed timely and paid by June 30, 2020.

- This resolution shall take effect immediately upon its adoption by Mayor and Council of the City of Anderson.

Date: March 23, 2020
Agenda Item No: B-3

**City of Anderson
Council Agenda**

Title/Description: New Business

Request: Consideration of referrals to the Planning Commission petitions to rezone:

- 608 Boulevard from R-15, Single-Family Residential to NC, Neighborhood Commercial
- 1226 Springdale Road from R-15, Single-Family Residential to RM-18, Multi-Family Residential
- 503 College Avenue from R-15, Single-Family Residential to RM-18, Multi-Family Residential
- 328 Kingsley Road from R-15, Single-Family Residential to RM-18, Multi-Family Residential
- 796 and 798 Wilson Street from R-15, Single-Family Residential to RM-18, Multi-Family Residential
- 209-217 Williamston Road from RM-10, Multi-Family Residential to RM-18, Multi-Family Residential

Executive Summary:

Background:

608 Boulevard: The applicant wishes to rezone the large residential dwelling to NC, Neighborhood Commercial in order to market it as a special events venue. NC zoning permits the proposed use.

1226 Springdale Road/503 College Avenue: Anderson University previously petitioned for these properties to be rezoned, but final action was not taken by Council. Because of the length of time that has passed since being heard by the Council (May 2018), it is recommended to start the public process over. The applicant (Anderson University) proposes to utilize these properties for university-related purposes.

328 Kingsley Road: The applicant, Anderson University, wishes to rezone the 4.27 acres in order to utilize the property and dwelling as their Christian Ministries office and related uses. RM-18 zoning is the predominant zoning classification for Anderson University's campus and it allows university-related uses.

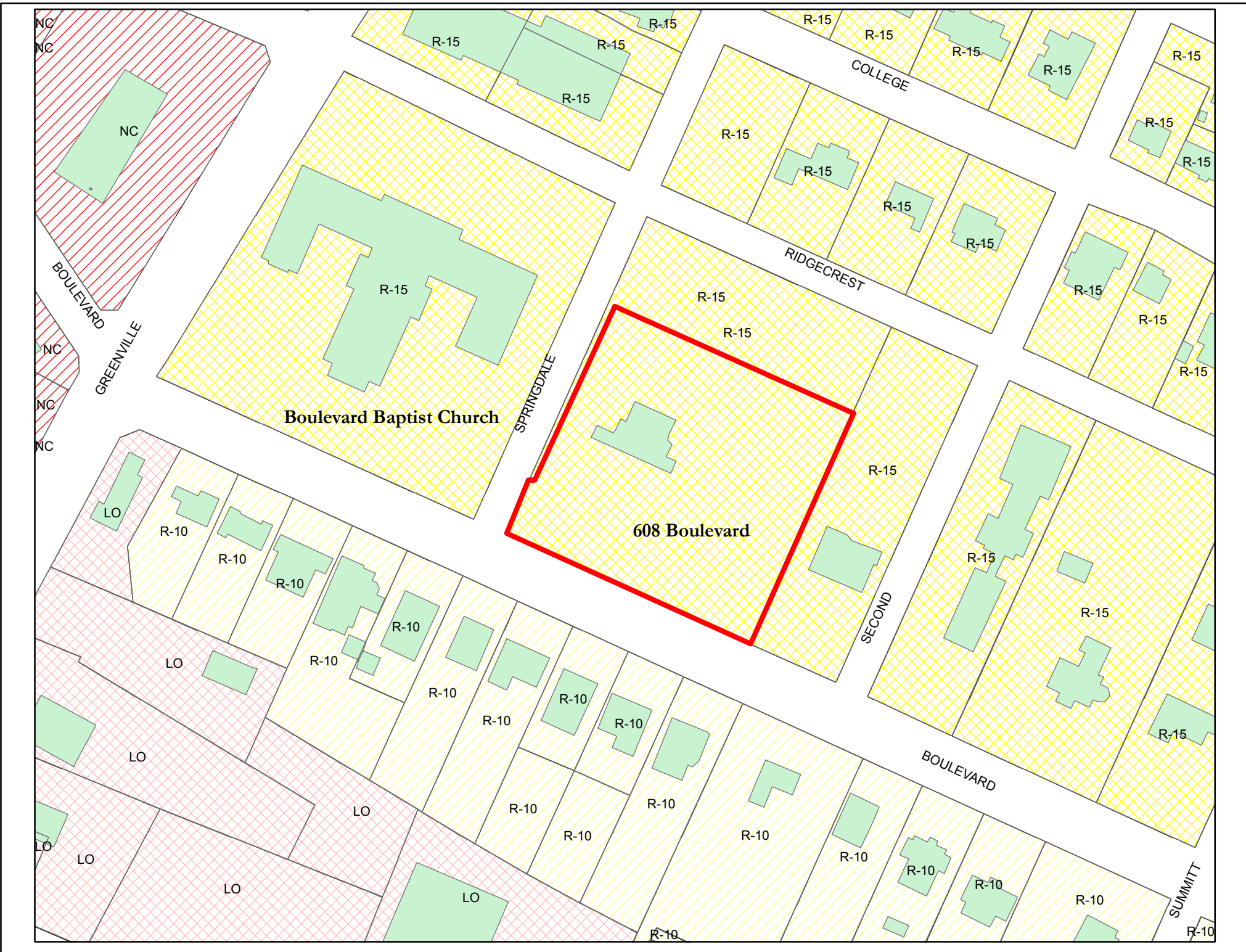
796 and 798 Wilson Street: The applicant, Anderson University, wishes to utilize the dwellings for campus housing and would like to rezone them to RM-18 to be consistent with other campus properties.

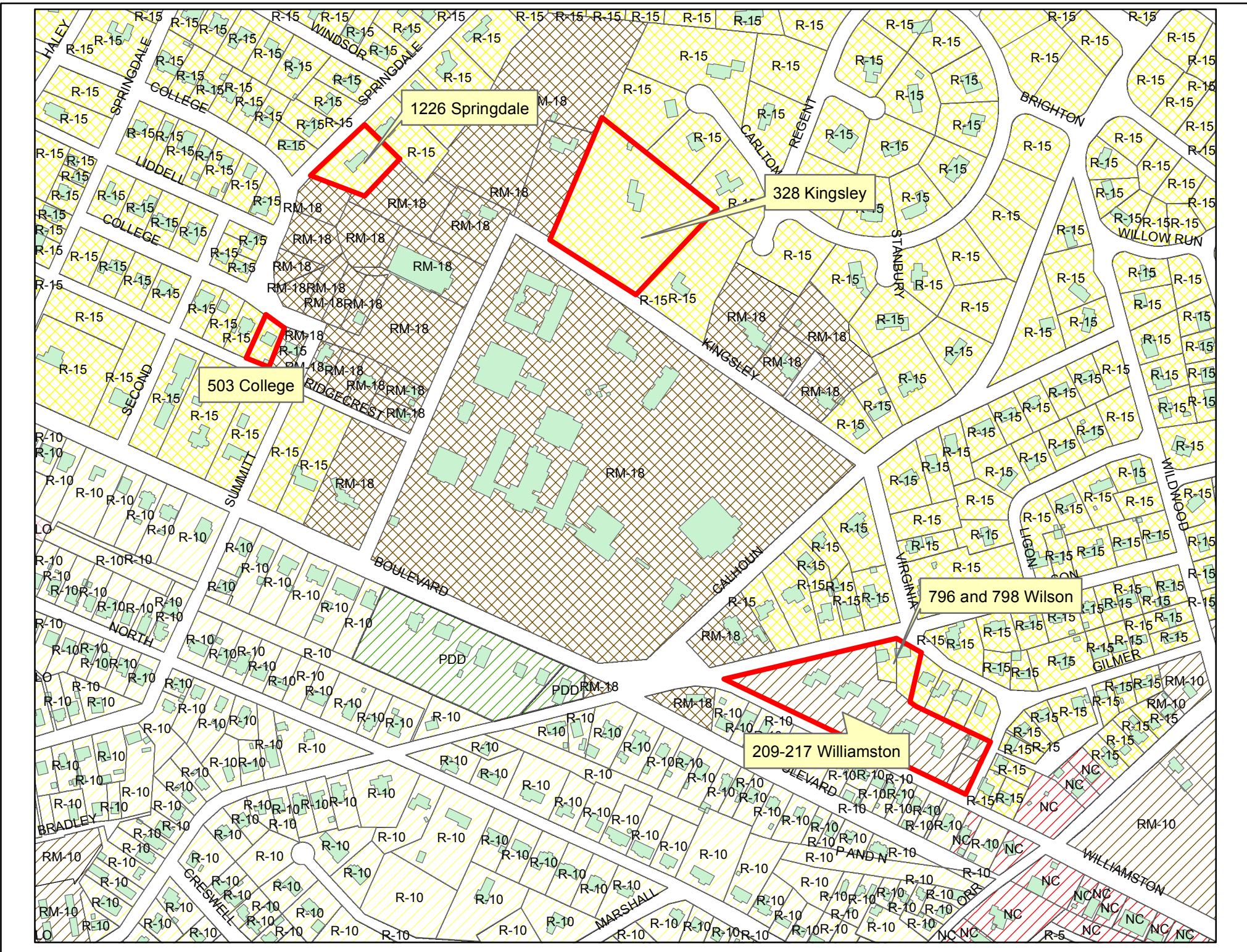
209-217 Williamston Road: This is known as Stringer Commons, which are existing residence halls. Although the RM-10 zoning allows the current land use, the applicant, Anderson University, wishes to change the zoning to RM-18 in order to develop a more consistent zoning pattern for their campus properties.

Recommendation: Referral of all items to the Planning Commission. Upon referral, the Planning Commission will consider these requests at their April 14th meeting.

Action Requested:

Referral





1226 Springdale

328 Kingsley

503 College

796 and 798 Wilson

209-217 Williamston

Date: March 23, 2020
Agenda Item No: B-4

**City of Anderson
Council Agenda**

Title/Description: New Business

Request: Consideration of referrals to the Planning Commission petitions to annex and zone:

- 3710 Clemson Boulevard to GC, General Commercial
- 153 Civic Center Boulevard to RM-18, Multi-Family Residential
- Hembree Station Subdivision to R-5, Single-Family Residential
- 103 Allison Circle (Walden Oaks Apartments) to RM-18, Multi-Family Residential
- 10.66 acres known as Tract 1 at 1225 Salem Church Road to RM-18, Multi-Family Residential
- 100 Hudson Circle (The Hamptons Apartments) to RM-18, Multi-Family Residential
- 1104 Salem Church Road to GC, General Commercial

Executive Summary:

Background: Pursuant to the previously recorded Water/Sewer Service Agreement and Restrictive Covenant guidelines signed by the property owners, it is requested to annex the subject properties which are contiguous to the city limits. These properties are within the boundaries for the provision of city services.

3710 Clemson Boulevard: The current use of this property is an urgent care clinic. GC, General Commercial zoning allows office, commercial, medical and retail uses that are typically found along a commercial corridor. This zoning classification is consistent with other properties along Clemson Boulevard.

153 Civic Center Boulevard: The current use of this property is an apartment complex (Station 153). RM-18, Multi-Family Residential zoning is the appropriate zoning that matches the density and use of the property.

Hembree Station Subdivision: This single-family residential subdivision has 87 lots and approximately 60 houses have been completed. Most of the lots are less than 10,000 square feet in size, so the R-5, Single-Family Residential zoning classification allows this development to be conforming.

103 Allison Circle: The current use of this property is an apartment complex

(Walden Oaks). RM-18, Multi-Family Residential zoning is the appropriate zoning that matches the density and use of the property.

10.66 acres at 1225 Salem Church Road: This vacant property was subdivided from the tract where Walden Oaks Apartments are located. Because it abuts multi-family residential development, RM-18, Multi-Family Residential zoning is appropriate.

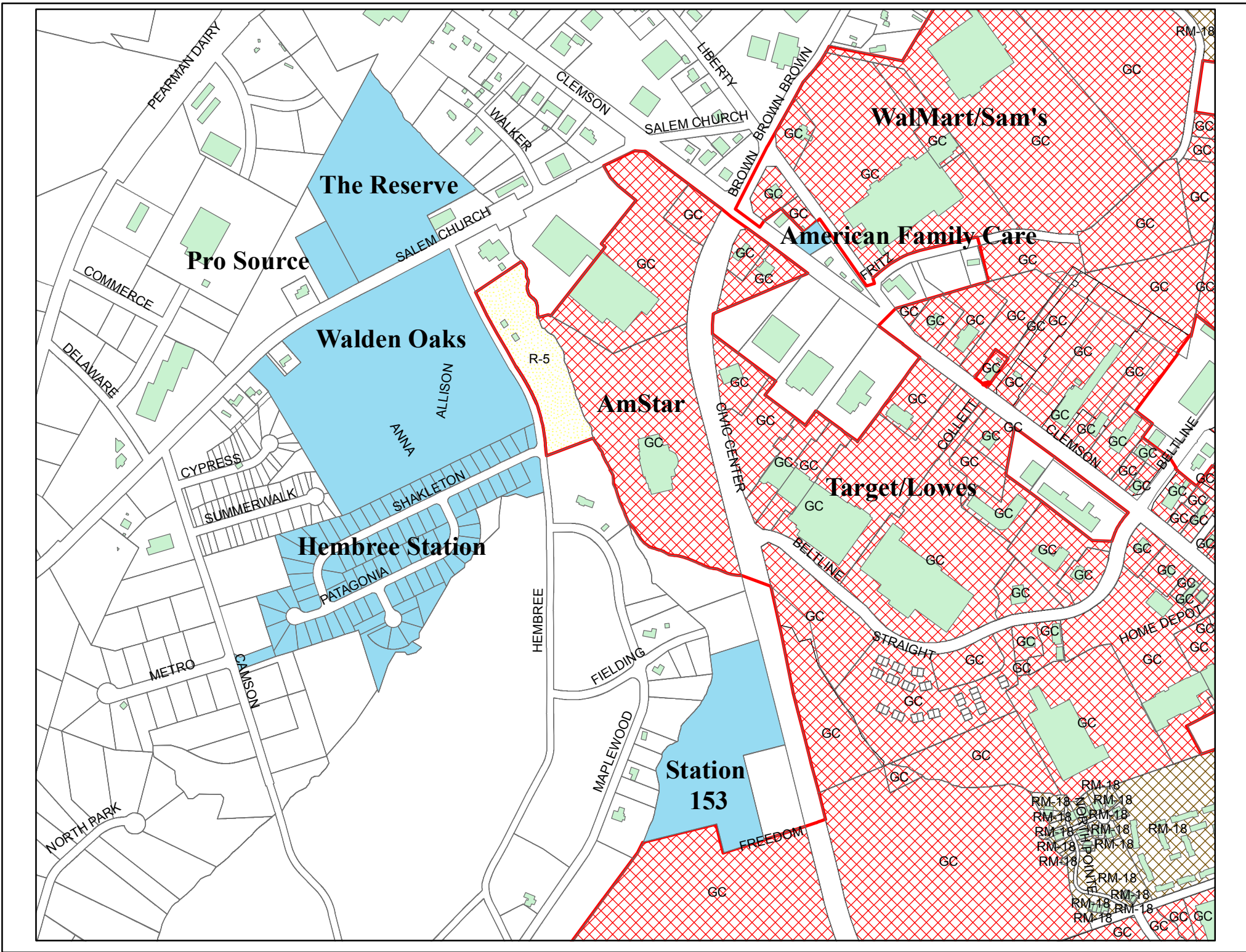
100 Hudson Circle: The current use of this property is an apartment complex (The Hamptons). RM-18, Multi-Family Residential zoning is the appropriate zoning that matches the density and use of the property.

1104 Salem Church Road: The current use of this property is a plumbing supply company. GC, General Commercial zoning allows a variety of commercial uses, and this type of business fits within this classification.

Per the section of the Water/Sewer Service Agreement and Restrictive Covenant pertaining to the Power of Attorney duties, the City Council must request that the City Attorney sign any annexation petitions that were not signed. Requesting this will allow the City Attorney sign on the owner's behalf.

Recommendation: Request that the City Attorney sign the necessary annexation petitions and refer all items to the Planning Commission. Upon referral, the Planning Commission will consider these requests at their April 14th meeting.

Action Requested: X Referral



Date: March 23, 2020
B-5

Agenda Item No:

**City of Anderson
Council Agenda**

Title/Description: New Business

Request: Consideration of a referral to the Planning Commission a petition to amend Article 17 of the City of Anderson Zoning Ordinance as it pertains to the definition of "Family".

Executive Summary:

Background: Current zoning guidelines allow up to 4 unrelated persons to occupy a dwelling unit, as described by the definition of "Family" in the Zoning Ordinance:

Family - An individual or two or more persons who are related by blood or marriage living together and occupying a single household unit with single culinary facilities, or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost-sharing basis. Domestic servants, employed and residing on the premises, shall be considered as part of the family.

There have been instances when multiple unrelated occupants in a household create parking congestion, noise, and other conditions, particularly in single-family residential neighborhoods. By revising the language in the definition of "Family" in the Zoning Ordinance, which includes reducing the number of unrelated occupants from 4 to 3, a reduction in the issues associated with occupancy can be accomplished. Draft language is being finalized and will be presented to the Planning Commission and City Council for consideration.

Recommendation: Referral to the Planning Commission. Upon referral, the Planning Commission will consider this request at their April 14th meeting.

Action Requested:

____ Ordinance 1st Reading

____ Information Only

____ Ordinance 2nd Reading

____ General Approval

____Resolution

 X Referral

AN EMERGENCY ORDINANCE

TO ESTABLISH IN FURTHERANCE OF HEALTH, PUBLIC SAFETY AND WELFARE, AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING THE REQUIREMENTS OF CITY CODE SECTION 2-71 REQUIRING THE PHYSICAL PRESENCE OF COUNCILMEMBERS AT CITY COUNCIL MEETINGS AND COMMITTEE MEETINGS TO PERMIT PARTICIPATION AT THESE EVENTS, AND AT MEETINGS OF OTHER CITY BOARDS AND COMMISSIONS, TELEPHONICALLY OR BY VIDEO CONFERENCING OR OTHER VIRTUAL MEANS TO SLOW THE SPREAD OF COVID-19.

WHEREAS, on March 13, 2020, the President of the United States declared a state of emergency to address the existing public health emergency associated with the coronavirus (COVID-19); and,

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina declared a state of emergency in South Carolina pertaining to the COVID-19 public health emergency and on March 15, 2020 issued an order closing all schools in the State of South Carolina; and,

WHEREAS, the CDC has issued guidelines to mitigate the spread of the virus, including recommending on March 15, 2020 that for the next eight (8) weeks, in-person events that consist of 50 people or more throughout the United States be postponed or cancelled; and,

WHEREAS, Public Health officials and experts have determined that the coronavirus is an imminent threat to the region; and,

WHEREAS the possible increased threat from COVID-19 constitutes a threat of an imminent disaster to the health and welfare of the citizens of the City of Anderson and surrounding areas; and,

WHEREAS, the City of Anderson is implementing measures to reduce the increased risk of exposure to the coronavirus, including urging social distancing and limits on gatherings in public indoor places where the public gathers.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

- Section 2-71 of the Code of the City of Anderson is temporarily suspended, and City Councilmembers are permitted to attend City Council meetings and all City Council Committee meetings telephonically or by video conference or

other virtual means in accordance with the South Carolina Freedom of Information Act.

- Members of other City Boards and Commissions are permitted to attend their meetings telephonically or by video conference or other virtual means in accordance with the South Carolina Freedom of Information Act.
- This Ordinance shall become effective April 1, 2020, and shall expire sixty (60) days thereafter or upon the termination of the state of emergency as declared by the Mayor, whichever is earlier.