

City of Easley



AGENDA

City of Easley City Council Meeting
Monday, February 12, 2017
7:00 p.m. Law Enforcement Center
220 Northwest Main St. Easley, SC 29640

1. CALL TO ORDER – Mayor Larry Bagwell
2. INVOCATION: Rev. Zack Shaw, Pastor of Jones Ave. Baptist Church
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES AS WRITTEN
5. REPORT FROM COUNCIL MEMBERS
6. CITIZENS WISHING TO ADDRESS CITY COUNCIL
7. INTRODUCTION OF NEW EMPLOYEES
8. PRESENTATIONS:
 - Boy Scout Troop 37
 - EHS Band
 - Trains on Main
9. UNFINISHED BUSINESS: Ordinance Second Reading:
 - A. Ordinance No. 2017-01 to amend 112.01 (Closing Hours) and repeal 112.02 (Sunday Sales Prohibited) from the City of Easley's Code of Ordinances.
 - B. Ordinance No. 2017-02 Eleventh Supplemental Ordinance authorizing a borrowing by the City of Easley, South Carolina, in a principal amount not exceeding \$11,000,000, which may be in the form of Combined Utility System Refunding Revenue Bonds, Series 2018a

10. NEW BUSINESS: Ordinance – First Reading:

- A. Ordinance No. 2017-03: To rezone 612 West 4th Ave Easley SC 29640 Tax Map No. 5109-19-51-2387 from R10 to GR2

11. New Resolutions:

- A. Resolution No. 2017-01 Authorizing a lease/purchase agreement, series 2017 in the principal amount of not exceeding \$142,395 relating to the financing of a brush truck and related equipment to be used for municipal purposes; authorizing the execution and delivery of various documents including the lease agreement; and other matters relating thereto.

Council Meeting
January 9, 2017

Easley City Council met on January 9, 2017 at 7:00 p.m. in the court room of the LEC. All members were present with the exception of Councilman Garrison who was absent. The press was notified. Lisa Chapman, City Clerk, served as the recording secretary.

Mayor Bagwell called the meeting to order at 7:00p.m. Dr. John Adams pastor of Easley First Baptist Church gave the invocation, followed by the pledge of allegiance.

The minutes from the December meeting were approved as written.

Mayor Bagwell called on council for their reports.

Ward 1: No Report Councilman Garrison was absent.

Ward 2: Councilman Dykes – Commended the Public Works Department on a job well done taking care of the streets during the recent snow.

Ward 3: Councilman Mann –Thanked all the departments for keeping the City safe during the snow. The Bike Committee met with some of the citizens of Wilbur St about the concerns they had with the Doodle Trail Extension. Blake Sanders provided three options based on their suggestions. They were more in favor of 6’ risers instead of vertical dividers. The dividers will be about every 30 ft and will not be in front of any driveways and will go through the cemetery. King Asphalt is ready to start as soon as the weather clears. Councilman Mann also wished the Mayor a Happy 80th Birthday.

Ward 4: Councilman Moore –Voiced his appreciation for the Public Works Department and the good work they do.

Ward 5: Councilman Wright – Invited everyone to the Family Unity Parade on April 8th at 1:00. The lineup will begin between 12:00-12:30.

Ward 6: Councilman Robinson: Wished Mayor Bagwell a Happy Birthday and everyone a Happy New Year.

Mayor Bagwell called on City Administrator Stephen Steese for his report. There are three calendars for upcoming closures and meeting dates. The Council retreat will be February 17th and location will be forthcoming. The City will be closed on January 16th for Martin Luther King, Jr. day. The Pickens County Municipal Association will be meeting at Dunburks at 6:30 on January 23rd. Jan 31-Feb 1 is Hometown Legislation Action Day in Columbia. Councilman Robinson asked for a budget update. The Revenue is looking better than last year. Property taxes are starting to come in. Business license are up from last year, partly due to a lot of delinquents paying up. The department are doing well on expenses and staying on budget.

Citizens wishing to address council: None

Presentations: None

Old Business: Second Reading

Ordinance No. 2016-14 to annex certain pieces, parcels or lots of land lying and being in the State of South Carolina, Count of Pickens, being shown and designated as tax map numbers

5038-06-47-6666 and 5038-06-47-4519 and bordering the intersection of Rock Springs Road and Powdersville Road to the West, and to provide a zoning designation of general commercial (GCD). Councilman Dykes made the motion to approve with a second from Councilman Mann. There was no discussion. Councilman Mann called for the question and the motion passed 6-0 with Councilman Garrison being absent.

Ordinance No. 2016-15: to appropriate \$75,000 dollars in FY 2016-17 State Accommodations Tax Monies and amend the FY 2016-17 City of Easley State Accommodations Tax Operating Budget accordingly. Councilman Mann made the motion to approve with a second from Councilman Moore. Councilman Mann called for the question and the motion passed 6-0 with Councilman Garrison being absent.

Ordinance 2016-16: to amended the FY2016-17 City of Easley Stormwater Operating Budget. Councilman Mann made the motion to approve with a second from Councilman Wright Councilman Mann called for the question and the motion passed 6-0 with Councilman Garrison being absent.

New Business: First Reading of Ordinance: Ordinance No. 2017-01 to amend 112.01 (Closing Hours) and repeal 112.02 (Sunday Sales Prohibited) from the City of Easley's Code of Ordinances. Councilman Wright made the motion to bring to the floor for discussion with a second from Councilman Moore. Mr. Steese explained. In November City residents voted for Sunday Alcohol Sales and our code outlawed Sunday Sales. This repeals that section and amends closing hours for off premise sales for gas stations, grocery stores, etc. Councilman Mann called for the question and the motion passed 5-1 with Councilman Moore voting no and Councilman Garrison being absent.

Ordinance No. 2017-02 Eleventh Supplemental Ordinance authorizing a borrowing by the City of Easley, South Carolina, in a principal amount not exceeding \$11,000,000, which may be in the form of Combined Utility System Refunding Revenue Bonds, Series 2018a. Councilman Dykes made the motion to bring to the floor for discussion with a second from Councilman Moore. Joel Ledbetter with Easley Combined Utility was present and Mr. Steese asked him to explain. This is a refund bond to lower interest rate and allow them to start taking proposals. Transactions will not take place until 2018. Councilman Dykes called for the question and the motion passed 5-0 with Councilman Garrison being absent and Councilman Robinson abstaining because he represents Easley Combined Utility.

Councilman Mann made the motion to adjourn at 7:20 p.m.

Mayor

ATTEST:

City Clerk

AN ORDINANCE TO AMEND §112.01 (CLOSING HOURS) AND REPEAL §112.02 (SUNDAY SALES PROHIBITED) FROM THE CITY OF EASLEY'S CODE OF ORDINANCES.

WHEREAS, pursuant to S.C. Code Ann. §61-4-510(A) and §61-6-2010(C)(1), permits authorizing the sale of beer or wine for off-premises consumption and the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments authorized to be licensed for consumption-on-premises sales and regardless of the days or hours of sale may only be issued to these businesses in the City of Easley when a majority of the qualified electors voting in a referendum held during the next general election vote in favor of authorizing the issuance such permits; and,

WHEREAS, such Referendum was placed on the ballot during the general election held November 8, 2016 and a majority of voters approved the Referendum; and

WHEREAS, §112.01 (Closing Hours) and §112.02 (Sunday Sales Prohibited) of the City of Easley's Code of Ordinances conflict with the now passed Referendum and the City Council desires to amend §112.01 (Closing Hours) and repeal §112.02 (Sunday Sales Prohibited) to ensure these sections to not conflict with the approved Referendum.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and the Council of the City of Easley, that §112.01 is amended as written below and §112.02 of the City of Easley's Code of Ordinances is hereby repealed effective upon final reading;

§112.01 (Closing Hours)

- (A) Establishments within the city which are licensed to sell beer or wine by the South Carolina Department of Revenue's Alcohol Beverage Licensing Division for on premise consumption shall close not later than 12:00 midnight, Monday through Sunday, and remain closed until 7:00 a.m. Monday through Sunday.
- (B) The term "closing" or "closed," as used in this section, during the hours set out in this section, shall mean that the sale shall be entirely stopped and the traffic effectively shut off during such hours so that drinking and the conveniences for drinking and other activities shall be no longer accessible, and that those who frequent the places for that purpose or other purposes during such hours shall be dispersed. The offense consists of the place being open, not in selling or offering to sell or give away. This section shall be in force at the back door as well as at the front. The intent of the Council in enacting this section is that the places covered herein are to be closed during certain hours, and a beer joint, saloon or tavern is not closed within the meaning of this section when the public or any part of it is allowed to stay in the beer joint, saloon or tavern. If the doors are closed and drinking takes place, such beer joint, saloon or tavern is not closed and the owner thereof is subject to the provisions and penalties of this section. Further, such beer joint, saloon or tavern is not closed within the meaning of this section when, after locking up, any person remains in the beer joint, saloon or tavern with the owner, keeper or employee, and such persons, after scrubbing or cleaning up, take a "night cap" before leaving. This section requires the proprietor to see that his beer joint, saloon or tavern is not open for any purpose within the hours and conditions set out in this section.
- (C) Establishments within the city which are licensed to sell beer or wine by the South Carolina Department of Revenue's Alcohol Beverage Licensing Division for only off premise consumption shall be exempt from this section, but must comply with all other State and Local laws.
- (D) Reports of violations and convictions under this section shall be made to the State Tax Commission, Beverage Tax Division.

First Reading: _____

Mayor

Second Reading: _____

Attest:

City Clerk

AN ORDINANCE

TO RE-ZONE APPROXIMATELY .294 ACRES OF REAL PROPERTY LOCATED 612 WEST 4TH AVE. EASLEY, SOUTH CAROLINA 29640 FROM R-10 TO GR-2 (TAX MAP NUMBER 5019-19-51-2387)

WHEREAS, Michelle and Jordan Neuschwinger of Neu Properites, LLC as owner has applied to the City Planning Commission and City Council to rezone a piece of property at 612 West 4th Avenue, Easley SC 29640 Tax Map Number 5019-19-51-2387, from R-10 to GR-2; and

WHEREAS, the City Planning Commission pursuant to public notice held a public hearing on January 17, 2017, to consider the proposed rezoning, and the Commission recommended approval of the proposed zoning designation of GR-2; and

WHEREAS, City Council finds the GR-2 classification to be compatible with the established zoning of surrounding properties;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EASLEY, SOUTHR CAROLINA, that the parcel of property currently titled in the name of Neu Properties, LLC shown as Tax Map Number 5019-19-51-2387 and located at 612 West 4th Avenue shall be rezoned from R-10 to GR-2. The attached plat shown as Exhibit A, prepared by the City of Easley Building Official's Department, is incorporated by reference for purposes of identifying the location of the property. This Ordinance shall be effective upon second and final reading by City Council.

First Reading February 13, 2017

Second Reading March 14, 2017

Mayor

Attest:

City Clerk

REZONING APPLICATION
City of Easley

Date Filed 12-29-16

Request No. _____

Instructions

A zoning map amendment may be initiated by the property owner (s), Planning Commission, Zoning Administrator, or City Council. If the applications on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent section.
The filing fee is \$100.00

THE APPLICANT HEREBY REQUESTS that the property described below be rezoned

From R10 to ~~G-2~~ G-R-2

APPLICANTS (PRINT): New Properties LLC Michelle + Jordan Neuschwinger M.M.
Address: 113 Satterfield Circle Liberty SC 29557
Telephone: 864-525-1949 (work) Same MNEUSCH113@yahoo.ca

OWNER(S) (if other than the applicant(s): _____
Address: _____
Telephone: _____ (work) _____

PROPERTY ADDRESS: 612 West 4th Ave Easley SC 29640
Lot # 2 Block# _____ Subdivision _____
Tax map # 5019-19-51-2387 Plat Book _____ Page _____
Lot Dimensions: 150.8 x 85 x 150.8 x 85 Acres .294

“Subdivision Restrictions” A search has been done on this property to determine that this zoning request will meet the current subdivision restrictions.

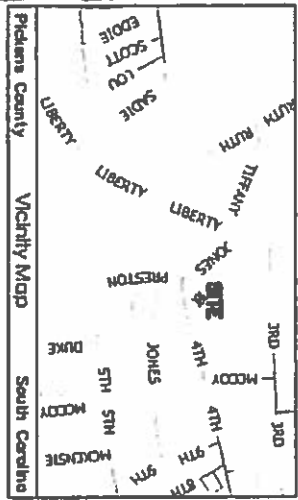
DESIGNATION OF AGENT (Complete only if owner is not applicant):
I (we) here appoint the person named as Applicant as my (our) agent to represent me (us) in this request for rezoning.

Date: _____ Owners Signature(s) _____

I (We) certify that the information in this request is correct.

Date: _____ Owner Signature(s) Michelle Neuschwinger Managing Member
Michelle Neuschwinger MANAGING MEMBER
New Properties LLC

P& Z Meeting Date Approved 1-17-17
1st Council Date _____
2nd Council Date _____



- Legend
- (New) Found
 - 1/2" Red/Rubber
 - Mag Nail
 - ▲ Computed Point
 - Mag Nail Set
 - Over Hoisting



NOTES:

- TMS# 5018-19-51-2387
- Reference Deed 1807 pg. 772
- Reference Plot 5 pg. 15
- Physical Address: 612 West 4th Avenue
- North Reference: Reference Plot

Except as specifically stated or shown on this plot, this survey does not purport to reflect any of the adjoining which may be applicable to the subject property; easements, other than easements that were in existence at the time of making of this survey; building setbacks; restrictive covenants; subdivision references; or other facts that on accurate and current USGS search may disclose.

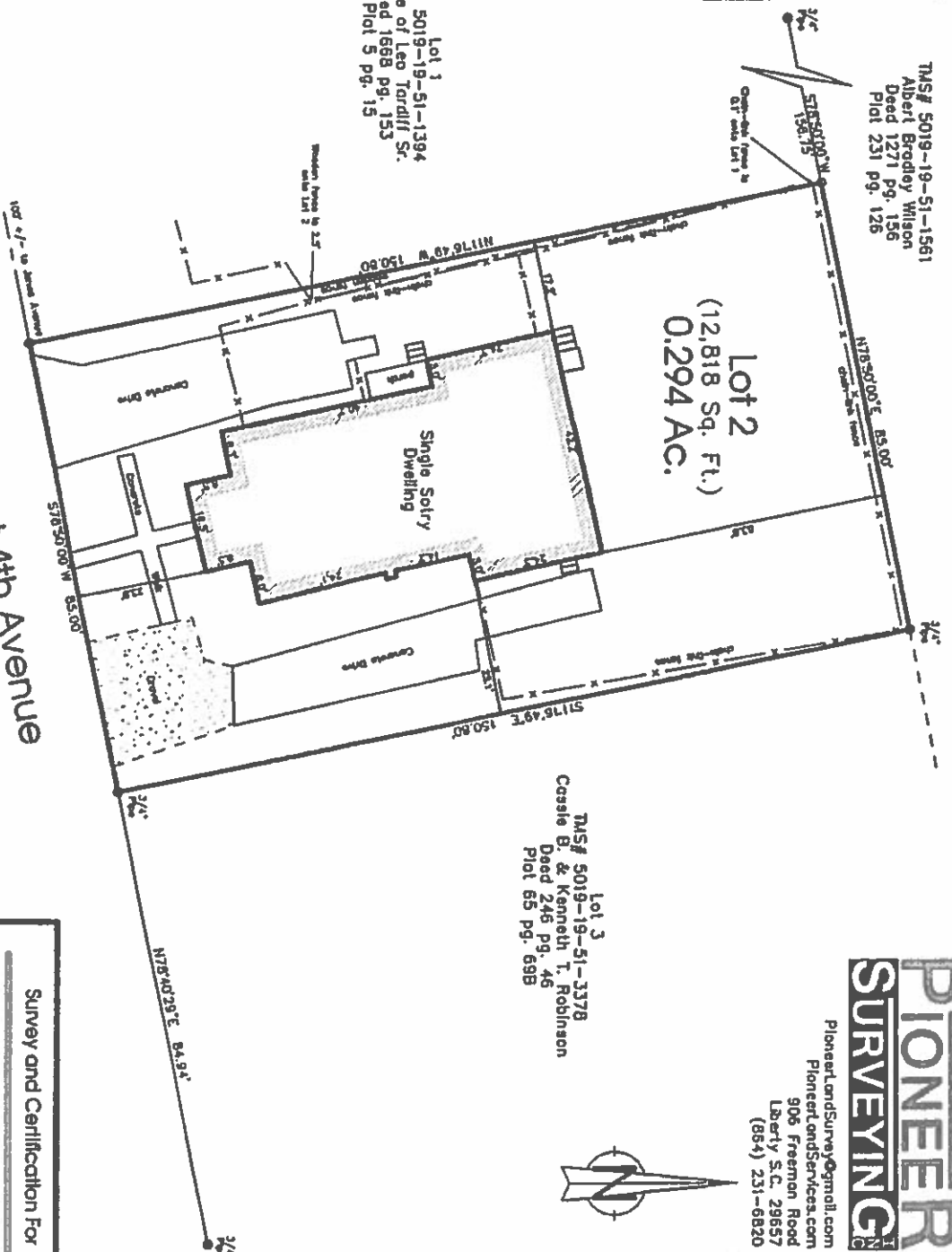
DELEGATION FROM REVIEW PROCEDURE
 This plot is a RESURVEY of an existing lot of record.
 William C. Hutchins, P.L.S. #29117

I hereby state that to the best of my knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the Uniform Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also I have no vested, unexpired or projected claim thereon.

William C. Hutchins P.L.S. No. 29117

TMS# 5019-19-51-1561
 Albert Bradley Wilson
 Deed 1271 pg. 156
 Plot 231 pg. 126

Lot 1
 TMS# 5019-19-51-1394
 Estate of Leo Tardiff Sr.
 Deed 1668 pg. 153
 Plot 5 pg. 15



West 4th Avenue
 R/W Unknown

Lot 3
 TMS# 5019-19-51-3378
 Cassie B. & Kenneth T. Robinson
 Deed 246 pg. 46
 Plot 65 pg. 698



PIONEER SURVEYING
 PioneerLandSurvey@gmail.com
 PioneerLandservices.com
 906 Freeman Road
 Liberty S.C. 29657
 (864) 231-6820

Drawn By	Field Crew	Map #
SG, CM	DR, CM, SG	16345

Survey and Certification For
Neu Properties, LLC
 Date December 19, 2016

State of South Carolina)
)
County of Pickens)

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Bayview Loan Servicing, LLC, (hereinafter called "Grantor") in consideration of Eight Thousand and XX/100-----Dollars (\$8,000.00), to the Grantor in hand paid at and before the sealing of these presents, by Neu Properties, LLC (hereinafter called "Grantee") in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these present does grant, bargain, sell and release unto

Neu Properties, LLC,

All that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon, situate, lying and being in the state of South Carolina, County of Pickens, in the City of Easley on the North side of West Fourth Avenue known and designated as Lot No. Two (2), on plat of J. A. Pickens, Surveyor, November 30, 1940, of the Ethel F. Nalley-Holcombe property; said lot being in the shape of a rectangle with a frontage of Eighty-Five (85') feet and a depth back from the street of One Hundred Fifty (150') feet

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

This being the same property conveyed to Bayview Loan Servicing, LLC by deed of R. Murray Hughes, as Special Referee for Pickens County, dated August 3, 2015 and recorded August 17, 2015 in Book 1704 at Page 156 in the Register of Deeds Office for Pickens County, South Carolina.

TMS#: 5019-19-51-2387
Property Address: 612 West 4th Avenue
Easley, South Carolina 29640

Grantee's Address:

County Auditor
222 McDaniel Ave., B-7
Pickens, SC 29671

County Assessor
222 McDaniel Ave., B-8
Pickens, SC 29671

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, and the Grantee's heirs and assigns forever. And the Grantor does hereby bind Grantor and the Grantor's heirs and successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs or successors and against Grantors and Grantor's successors and assigns, but this warranty deed is limited to the time in which said real estate was lawfully seized and possessed by Grantors herein and does not extend to any previous time thereto. GRANTOR will defend the same against the lawful claims of all persons claiming by, through or under GRANTOR, and no others.

Any reference to this instrument to the singular shall included the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by gender of the Grantee.

WITNESS the Grantor's hands and seals this 4th of October, 2016.

SIGNED, SEALED AND DELIVERED

In the presence of:

Natalia Huntack
First Witness Natalia Huntack

Bayview Loan Servicing, LLC,

CE
Second Witness Celia Viton
REO Closer

By: [Signature]
ITS: _____

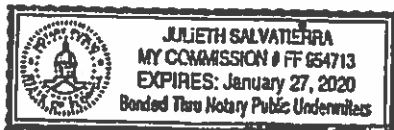
State of Florida)
County of Miami-Dade)

PROBATE

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that (s)he saw the within-named representative of Bayview Loan Servicing, LLC sign, seal, and as his act and deed, deliver the within-written Title to Real Estate, and that (s)he, with the other witness subscribed above, witnesses the execution thereof.

SWORN to before me this 4th day of October, 2016.
[Signature] (SEAL)
Notary Signature
Notary Public for _____
My Commission Expires: _____

Natalia Huntack
First Witness Natalia Huntack



A RESOLUTION

AUTHORIZING A LEASE/PURCHASE AGREEMENT, SERIES 2017 IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$142,395 RELATING TO THE FINANCING OF A BRUSH TRUCK AND RELATED EQUIPMENT TO BE USED FOR MUNICIPAL PURPOSES; AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS INCLUDING THE LEASE AGREEMENT; AND OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EASLEY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. The City Council (the "*Council*") of the City of Easley, South Carolina (the "*City*"), as lessee, hereby finds and determines that:

- (a) the City is a body politic and corporate and a municipal corporation and, as such, possesses all powers granted to municipal corporations by the Constitution and general laws of the State of South Carolina; and
- (b) the City desires to enter into a lease/purchase agreement (the "*Lease*") with a bank or financial institution for the purpose of financing the acquisition of a brush truck and related equipment (the "*Equipment*"); and
- (c) the payments by the City under the Lease will be subject to annual appropriation by the Council.

Section 2. The Council hereby ratifies the actions of the City Administrator in distributing a request for proposals to one or more financial institutions and authorizes the City Administrator to determine the final principal amount and maturity date of the Lease in accordance with the terms hereof. The Council hereby authorizes the City Administrator to select the financial institution that offers the best overall proposal to the City considering the interest rate, prepayment provisions, fees and any other covenants requested by the financial institution; provided however, that the principal amount cannot exceed \$142,395, the interest rate cannot exceed 4.0% per annum and the term cannot exceed five years from the date of the Lease, without further action required of the Council.

Section 3. The Council hereby authorizes the Mayor, the City Administrator, the City Clerk and the City Attorney, acting jointly or individually, to execute and deliver the Lease and such other documents and instruments as necessary to effect the execution and delivery of the Lease.

Section 4. The Lease will be designated as a "qualified tax-exempt obligation" within the meaning of and for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, provided the Lease is executed and delivered in calendar year 2017.

Done in meeting duly assembled this 13th day of February, 2017.

CITY OF EASLEY, SOUTH CAROLINA

Mayor

ATTEST:

City Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

CERTIFICATE OF RESOLUTION

I, the undersigned City Clerk of the City of Easley, South Carolina (the "*City*"), do hereby certify as follows:

Attached hereto is a full, true and correct copy of a resolution duly adopted by the City Council of the City at a meeting thereof duly held on February 13, 2017, which resolution has not been amended, altered or repealed but the same and each and every part thereof is in full force and effect at the date hereof.

IN WITNESS WHEREOF, I have hereunto set my Hand this 13th day of February, 2017.

CITY OF EASLEY, SOUTH CAROLINA

City Clerk