

Regular Meeting  
December 14, 2020

The regular meeting of City Council was held this date at the Recreation Center at 6:00 pm. In attendance were Mayor Terence Roberts, Mayor Pro Tem Laughridge, Council Members Thompson, Chapman, Stewart, Harbin, Newton, John Roberts 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; Transit Director, Keith Scott; and Utilities Director, Jeff Caldwell. The invocation was given by Mayor Terence Roberts and respect to the flag was given by Councilman Kyle Newton.

SPECIAL PRESENTATION  
Comprehensive Annual Financial Report for FY 2019-2020  
Greene Finney, LLP

Mr. David Phillips, Audit Partner, stated that the City received an unmodified opinion which is the best opinion that the City can receive. He also stated that the City had received the GFOA Award for Excellence in Financial Reporting for 25 years in a row. Also, Mr. Phillips shared the following highlights:

- General Fund – The unassigned fund balance is \$8.5M, which is 28%.
- Hospitality Fund – Revenues were \$3.0M in 2020 and were down \$83K (3%) compared to the prior year (minimal decrease despite health pandemic). Net increase in fund balance of approximately \$0.9M in 2020 which leaves a fund balance of \$4.5M at year end.
- Sewer Fund – Net position increased \$1.7M.
- Water Fund – Net position increased \$1.0M.
- Good financial position at June 30, 2020.

APPROVAL OF MINUTES

A motion by Mayor Pro Tem Laughridge seconded by Councilman Harbin carried unanimously (9-0) to approve the minutes of the November 9, 2020 meeting as presented.

**REQUEST CONSIDERATION OF ORDINANCE 20-33 TO ANNEX AND ZONE TO PDD, PLANNED DEVELOPMENT DISTRICT, APPROXIMATELY 131+/- ACRES GENERALLY LOCATED OFF HARRIETT CIRCLE AND CRESTVIEW ROAD**

Planning Director, Maurice McKenzie said the applicant proposes to annex the subject properties in order to construct a residential development consisting of single-family houses and the potential for townhouses. The PDD document outlines details that are created for this specified area and will act as the zoning and development standards for the subject acreage. The 131 acres will consist of 4 development tracts, as seen on the map in the attached PDD document. Detailed information relating to each tract and the overall development is outlined in the PDD document, but below are some of the highlights:

- A maximum of 450 dwelling units are proposed for the entire site; Each tract has a maximum number of units for construction flexibility, but the entire development is capped at 450 units
- The proposal is for a predominantly a single-family development with the potential for townhouses on 3 tracts (A, B and C), depending on market conditions
- All single-family dwellings shall have a finished floor elevation a minimum of 12 inches above the adjacent grade.
- Common areas/amenities, sidewalks and landscaping are required and addressed in the PDD document
- Single-Family lot requirements for each tract:
  - 6,500 square feet minimum lot size
  - Houses ranging in size between 1,500-3,500 square feet
- Townhouse lot requirements for Tracts A, B and C (if developed):
  - 2,250 minimum lot size
  - Townhomes ranging in size between 1,000-2,400 square feet

The current zoning in the county is IZD, Innovative Zoning District for Tracts A and B, and R-20, Single-Family Residential for Tracts C and D. R-20 requires half-acre minimum lot sizes, while IZD allows a denser development pattern.

Because of increased traffic demands in the general area, Harriett Circle and the Midway Road/Crestview Road intersection were identified as a need for future road improvements. The Anderson Area Transportation Study (ANATS) Policy Committee included this area in their Long-Range Plan and later advanced the project using their allotted federal funding. Since these roads are state maintained, the SCDOT is creating preliminary designs, which may include roundabouts and a road relocation. The applicant and the SCDOT have been in contact to ensure that the planned traffic improvements and proposed development will mesh with each other's plans.

The Planning Commission considered this request at their December 1<sup>st</sup> meeting and recommended approval by a 5-2 vote. Since the time of the meeting some refinements have been made to the PDD document, which includes:

- An increase in minimum lot sizes for single-family dwellings from 5,000 square feet to 6,500 square feet, making it more in keeping with other newly developed subdivisions in the general area
- An increase in side yard setbacks from 6 feet to 7.5 feet
- A requirement for the single-family houses to be built with a higher finished floor elevation than required by the building code (a minimum of 12 inches)

Jeffery Stevens of Barefoot Trail spoke to Council against this annexation and zoning. He was concerned about the high-density housing, traffic problems and the need for traffic circles and widened roads. Mr. Stevens moved to the area for a more rural environment and believes this development will take away from this.

Rick Smothers of 3005 Barefoot Trail said he moved from downtown Greenville to this rural area. He thinks the high-density housing does not fit the area or the existing community. He is concerned with the traffic congestion around Midway Elementary School and surrounding areas. He is against this proposal and asked Council to reconsider.

Councilman Chapman requested the City Attorney, Frankie McClain to elaborate on the annexation of the 10' foot strip of land. Per City Attorney, applicant requested this annexation.

Councilman Jeff Roberts requested that Transportation Planner, Michael Gay speak on the traffic issue. Mr. Gay said federal money will be used to rework several intersections. Traffic circles will be added to Midway Road/Crestview and Midway Road/Harriett Circle. This will also involve road relocation. Traffic cannot be avoided during the drop off and dismissal of Midway Elementary School.

A motion by Councilman Harbin seconded by Mayor Pro Tem Laughridge carried unanimously (9-0) to approve Ordinance 20-33 to annex and zone PDD, Planned Development District; approximately 131+/- acres generally located off Harriett Circle and Crestview Road on First Reading.

**REQUEST CONSIDERATION OF AN ORDINANCE TO REZONE 1509 EAST RIVER STREET FROM LO, LIMITED OFFICE TO GC, GENERAL COMMERCIAL**

Planning Director, Maurice McKenzie said the applicant proposes to rezone the subject property to GC, General Commercial in order to operate a U-Haul business with rental vehicle storage. Under the current zoning of LO, Limited Office, vehicle rentals are not allowed and requires a GC zoning classification. The GC, General Commercial classification allows higher intensity office, commercial, retail and service activities that are generally found along major thoroughfares.

This property was the subject of a rezoning in June 2019 when it was changed from R-5, Single-Family Residential to LO, Limited Office. At the time, the applicant proposed to utilize the site for office-related uses. Since a commercial-style building was already on the site, the City Council determined it was a practical move to rezone it to LO, which is a classification that can be compatible with nearby residential properties.

Abutting properties are zoned R-5, Single-Family Residential. There are properties zoned GC, General Commercial across East River Street and Shockley Ferry Road.

The Planning Commission considered this request at their December 1<sup>st</sup> meeting and recommended approval of the rezoning primarily because GC zoning exists on all other corners of the intersection. Because the existing LO zoning allows office and personal service uses that are compatible with the abutting residential neighborhood and GC allows more intensive uses, the staff recommended denial of the request.

Gary Simpson, the property manager spoke on behalf of Mrs. Fields the owner, expressed to Council the need to make the property General Commercial.

Councilman Stewart said this property should not be zoned to General Commercial due to the residential neighborhoods nearby. Limited Office is a good comprise for this property and requests to deny this Ordinance.

A motion by Councilman Stewart seconded by Mayor Pro Tem Laughridge carried unanimously (9-0) to deny an Ordinance to rezone 1509 East River Street from LO, Limited Office to GC, General Commercial.

#### REQUEST REFERRAL TO THE PLANNING COMMISSION A PETITION TO REZONE 304 BROAD STREET FROM RM-10, MULTI-FAMILY RESIDENTIAL TO LO, LIMITED OFFICE

Planning Director, Maurice McKenzie said the applicant proposes to rezone the subject property to LO, Limited Office in order to operate a dog grooming business. The LO zoning classification allows low-intensity businesses/personal services uses such as this.

The Planning Commission meets on January 5, 2021.

A motion by Councilman Harbin seconded by Council Member Thompson carried unanimously (9-0) to approve referral to the Planning Commission a petition to rezone 304 Broad Street from RM-10, Multi-Family Residential to LO, Limited Office.

REQUEST CONSIDERATION OF ORDINANCE 20-34 TO REZONE 812 WEST WHITNER STREET  
FROM RM-10, MULTI-FAMILY RESIDENTIAL TO NP, NEIGHBORHOOD PROFESSIONAL

Planning Director, Maurice McKenzie said the applicant proposes to rezone the subject property to NP, Neighborhood Professional in order to operate an office. An office existed for several years as a legal non-conforming use but has been vacant for some time. Since it was vacant for more than four months and lost its non-conforming status, it must be rezoned in order to operate as requested. The building is configured in a manner for an office use and there is a small parking lot that serves the property.

The requested zoning of NP, Neighborhood Professional is the least intensive commercial zoning classification in the Zoning Ordinance. It was created to allow professional and business offices in areas that are predominately residential in nature. Only offices and single-family dwellings are allowed in the NP district.

The applicant, Kathy Harris, did confirm that a Law Office, CPA or something of that nature would occupy the house.

The Planning Commission considered this request at their December 1<sup>st</sup> meeting and unanimously recommended approval. The staff also recommends approval.

A motion by Council Member Thompson seconded by Councilman Stewart carried unanimously (9-0) to approve Ordinance 20-35 to rezone 812 West Whitner Street for RM-10, Multi-Family Residential to NP, Neighborhood Professional on First Reading.

REQUEST CONSIDERATION OF RESOLUTION 20-10 TO EXPRESS THE DESIRE OF THE CITY  
COUNCIL THAT THE G. ROSS ANDERSON, JR. FEDERAL BUILDING AND U.S. COURTHOUSE  
REMAIN OPEN AND FUNCTIONING AS A U.S. COURTHOUSE; AND OTHER MATTERS RELATED  
THERETO

City Attorney, Frankie McClain said it has come to the attention of the Anderson City Council that the United States General Services Administration, the Administrative Office of the United States Courts, and the United States Court of Appeals for the Fourth Circuit plan to incorporate the Courthouse services provided by the G. Ross Anderson, Jr. Federal Building and U.S. Courthouse into the new federal courthouse presently under construction in Greenville, South Carolina. The City of Anderson has made economic development a priority attracting 18 new businesses to locate downtown in the past year. The City of Anderson expects economic development within the County to flourish well into the future. Anderson County is an emerging population center with well over 200,000 residents and additional residents arriving each year. The G. Ross Anderson, Jr. Federal Building and U.S. Courthouse is located within the central business district of the City of Anderson. The more than 12 full-time employees and hundreds of people who

conduct business at the Courthouse bring significant patronage to the local shopping daily. The closure of the Courthouse would have a serious detrimental impact on local small businesses and an impact on important tax revenues of the City. The City has recently invested several million dollars to construct a 320-space parking facility across the street from the Courthouse. The parking facility was designed, in part, to afford easy access to jurors, litigants and others. The City of Anderson houses a daily average of 90 federal prisoners in the City Detention facility which is located adjacent to the Courthouse. The resident United States District Court Judge is the Honorable Timothy Cain, who is originally from Oconee County but now a resident of the City of Anderson. The G. Ross Anderson, Jr. Federal Building and U.S. Courthouse provides a valuable service to the residents of the Anderson Division of the South Carolina Federal District Court consisting of the Counties of Anderson, Oconee, and Pickens. The G. Ross Anderson, Jr. Federal Building and U.S. Courthouse, constructed in 1938, is on the National Register of Historic Places and is a significant community landmark.

The benefit of the Resolution is hopefully to have the decision to close the Federal Courthouse reconsidered.

A motion by Councilman Harbin seconded by Mayor Pro Tem Laughrige carried unanimously (9-0) to approve Resolution 20-10 to express the desire of the City Council that the G. Ross Anderson, Jr. Federal Building and U.S. Courthouse remain open and functioning as a U.S. Courthouse; and other matters related thereto.

#### REQUEST CONSIDERATION OF THE ELECTRIC CITY TRANSIT AGENCY SAFETY PLAN FOR 2021

Transit Director, Keith Scott said the FTA issued its final rule (49 C.F.R. Part 673) requiring certain operators of public transportation systems that receive financial assistance under 49 U.S.C. § 5307 to develop Public Transportation Agency Safety Plans.

The Benefit of this safety plan will make our Transit Operations safer by including all employees in the Agency Safety Plan.

SCDOT has covered all cost for training and preparing the Agency Safety Plan for the Transit System.

A motion by Councilman Harbin seconded by Council Member Thompson carried unanimously (9-0) to approve the Electric City Transit Agency Safety Plan for 2021.

**REQUEST CONSIDERATION OF A CONSTRUCTION CONTRACT FOR THE GRAY STREET AND  
CHURCHWELL AVENUE SEWER REPLACEMENT PROJECT**

Utilities Director, Jeff Caldwell said several months ago, our wastewater collection staff investigated a sinkhole complaint and determined the issue to be related to a sewer line failure near 404 Gray Street. We immediately assessed the sewer lines and manholes on Gray Street and determined that a full replacement was needed.

As we assessed additional sewer infrastructure in the area, we determined that a parallel street, Churchwell Avenue, should be considered for replacement also.

Due to the emergency nature of this project, we solicited bids from three (3) local contractors and received the following two (2) bids:

**Contractor Bid Amount**

J&M Construction - \$304,870

Moorhead Construction, Inc. - \$475,558

Moving forward with this project will allow the City to meet our wastewater system goals and compliance with Infrastructure Rehabilitation Program under our CMOM initiatives.

This project will be funded by the Sewer budget.

City Staff recommends a construction contract with J&M Construction in the amount of \$304,870.

A motion by Councilman Stewart seconded by Councilman John Roberts carried unanimously (9-0) to approve a construction contract with J&M Construction in the amount of \$304,870 for the Gray Street and Churchwell Avenue Sewer Replacement Project.

Mayor Terence Roberts requested to Council to move into Executive Session.

**EXECUTIVE SESSION**

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

Section 30-4-70(a)(2) – Discussion of matters covered by the attorney/client privilege relating personnel and potential claims and discussion of negotiations incident to proposed contractual arrangements.

A motion by Mayor Pro Tem Laughridge seconded by Councilman Chapman carried unanimously (9-0) to move out of Executive Session.

REQUEST CONSIDERATION OF RESOLUTION 20-09 APPROVING THE AMENDED AND RESTATED CITY OF ANDERSON RETIREMENT PLAN

Finance Director, Margot Martin said the City of Anderson Retirement Plan was amended and restated effective January 1, 2015. Section 9.1 (a) of the Plan authorizes the City Manager and the Financial Director to amend the Plan from time to time without approval of Council when such changes are limited to those which are required to maintain the Plan's compliance with the applicable tax laws (i.e. mandatory amendments). The City Manager and Finance Director have amended the plan from time to time to comply with the Employee Retirement Income Act, the Internal Revenue Code, and the Department of Labor and Treasury Regulations. In the case of discretionary amendments, the approval of City Council is required. It is the recommendation of staff that the plan be amended and restated in order to clarify and update the plan.

The benefit is to be compliance with tax laws and regulations and fair treatment of employees.

Staff recommends approval of this Resolution, to include the following discretionary amendments: 1) a 30-year cap in benefit formula for all new hires after January 1, 2021; 2) change cost to purchase service time to actuarial calculation; and 3) updated section 4-8 pre-retirement death benefit for vested participants who die before the earliest retirement date.

A motion by Councilman Chapman seconded by Council Member Thompson carried unanimously (9-0) to approve Resolution 20-09 approving the Amended and Restated City of Anderson Retirement Plan.

REQUEST CONSIDERATION OF RESOLUTION 20-11 CONSENTING TO PLACEMENT OF CERTAIN PROPERTY INTO A MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT WITH ANDERSON COUNTY; AND APPROVING AN INFRASTRUCTURE CREDIT AGREEMENT WITH FRIENDSHIP SC PRESERVATION, L.P.

City Manager, David McCuen said the primary missions of the City of Anderson are to encourage private development, improve the tax base, and enhance the livability of the Anderson Area.

Friendship SC Preservation, L.P. has requested financial assistance from the City of Anderson in return for a \$5.5 million investment to renovate the property known as Friendship Court located at 719 West Mauldin Street within the City-limits of Anderson.



The investment will significantly enhance each apartment unit, the curb appeal, and security infrastructure throughout the property.

A motion by Councilman Harbin seconded by Mayor Pro Tem Laughridge carried unanimously (9-0) to approve Resolution 20-11 consenting to placement of certain property into a Multi-County Industrial and Business Park; authorizing the execution and delivery of an Intergovernmental Agreement with Anderson County; and approving an Infrastructure Credit Agreement with Friendship SC Preservation, L.P.

#### ADJOURNMENT

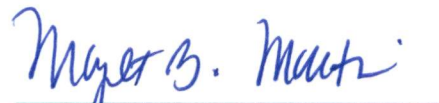
A motion by Councilman Newton seconded by Councilman John Roberts carried unanimously (9-0) to adjourn at 8:30 p.m.

*Notice of this meeting was posted on the City of Anderson's website and the Anderson Independent Mail newspaper was notified of the meeting at least 24 hours in advance of the meeting in accordance with the S.C. Freedom of Information Act.*

ATTEST:



Terence V. Roberts  
Mayor



Margot B. Martin  
City Clerk Treasurer