

Regular Meeting
July 12, 2021

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 Chapman, Council Members Newton, Jeff Roberts, Stewart, Thompson, Laughridge, Harbin, and John 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; Police Chief, Jim Stewart; Recreation Director, Bobby Beville; and Economic Director, Kimberly Spears. The invocation was given by Mayor Pro Tem Chapman and respects to the flag was given by Councilman Jeff Roberts.

ELECTION OF MAYOR PRO TEM

City Manager, David McCuen said the Anderson City Code specifies that the mayor pro tem shall be elected from the council membership and shall serve a term of one year. The mayor pro tem serves in the absence of the Mayor and as a representative of the City and Council at events, functions, speaking engagements and other such duties and responsibilities otherwise attached to the office of Mayor.

As per Sec. 2-220. Mayor pro tempore.

- (a) Prior to July 1st of each year, or as soon thereafter as may be practicable, the council shall elect from its membership a mayor pro tempore for a term of one year to run from July 1st to June 30th or until his or her successor is officially named and designated. The council shall elect the member who has served the longest period of time as council person and is willing to serve as mayor pro tempore. The person elected shall not serve consecutive terms. The person elected shall have a minimum of two years' service on council. The person elected shall be succeeded by the person next in length of service who is willing to serve as mayor pro tempore. Should two members of council have equal service, the member with the earliest birth date shall serve first. The council shall have an election each year to name the next eligible member in the rotation. Should circumstances prevent the eligible member from serving, the member may maintain his position of seniority in the rotation for subsequent elections.

Based upon Sec. 2-220, the next Council member in rotation is Don Chapman, who is willing to serve as Mayor Pro Tem.

A motion by Councilman Harbin seconded by Councilman Laughridge carried unanimously (8-0) to approve Councilman Don Chapman to Mayor Pro Tem for period of one year. Council member Thompson was not present for this vote.

APPROVAL OF MINUTES

A motion by Council Member Laughridge seconded by Councilman Newton carried unanimously (8-0) to approve the minutes of the June 28, 2021, meeting as presented. Council member Thompson was not present for this vote.

REQUEST CONSIDERATION OF AN ORDINANCE TO ANNEX AND ZONE TO PDD, PLANNED DEVELOPMENT DISTRICT, APPROXIMATELY 323 ACRES LOCATED OFF WILLIAMSTON ROAD NEAR THE INTERSECTION OF US 29 BYPASS

Planning Director, Maurice McKenzie stated that the applicant requests to annex the subject property to construct a single-family residential development. A significant portion of the acreage is in a floodplain and is not to be developed. The requested zoning is PDD, Planned Development District, so all of the specifications for the development are outlined in that document, which was provided to Council.

This request initially came to the City Council on May 24th, but was continued so that the applicant could strengthen the PDD document and refine various development details. Since that time, the following changes have been made and are reflected in the revised PDD Document:

- A reduction in the maximum number of lots from 690 to 620.
- Increase in minimum lot sizes/widths from 5,000 square feet/42 feet wide to 6,500 square feet/47 feet wide.
- Creation of a wider variety of lot sizes/widths: Some being a minimum of 6,500 square feet/47 feet wide and some being a minimum of 7,600 square feet/57 feet wide; average lot size 8,027 square feet.
- Addition of language to require undeveloped breaks across from "T" style intersections to eliminate vehicle headlights from shining directly onto houses.
- Land clearance shall be limited to areas necessary for and directly related to the construction and improvements, including buildings, roads, related structures, material storage areas, transition grades, ponds, stormwater/other utility improvements, or other areas specifically authorized by the land disturbance permit.

Other highlights of the document include:

- Six (6) development phases.
- 168 acres not to be developed (157 acres mostly in floodplain and 11 acres of common area); at least 10% open space is in each development tract.
- Common amenity to include a clubhouse, pool, and athletic courts.
- 3-5-bedroom homes are proposed to be constructed.
- Driveways and garages will allow at least 2 off-street parking spaces.
- Home construction will consist of various building materials to provide a range of colors and accents.
- 2 trees to be planted per lot, with one providing a street tree effect.
- All single-family dwellings shall have a finished floor elevation a minimum of 12 inches above the adjacent grade, per the new city guidelines.

The Planning Commission considered this request at their May 4th meeting and recommended approval. The revisions made since the original submission strengthens the development plan and should address many of the initial concerns brought forth by the City Council.

Upon final approval of the annexation and zoning, the subdivision plat must be submitted to the Planning Commission and various city departments for review and consideration.

A motion by Councilman Stewart seconded by Councilman John Roberts carried unanimously (9-0) to approve Ordinance to annex and zone to PDD approximately 323 acres located off Williamston Road, near the intersection with US 29 Bypass on first reading.

REQUEST CONSIDERATION OF AN ORDINANCE TO ANNEX AND ZONE TO PDD,
PLANNED DEVELOPMENT DISTRICT, APPROXIMATELY 50 ACRES LOCATED AT
THE CORNER OF MIDWAY ROAD AND CRESTVIEW ROAD

Maurice McKenzie, Planning Director, stated that the applicant requests to annex the subject property to construct a single-family residential subdivision. The requested zoning of PDD, Planned Development District requires a document that outlines details created specifically for this new subdivision, and acts as the zoning and development standards for the property. The draft PDD document was provided to Council as a reference.

This request initially came to the City Council on June 14th. At that meeting, new information was presented that added more detail and reduced density. However, after reviewing the information and hearing public concerns, the City Council continued the request to a future meeting so that details could be more closely studied. Per the details of the current document, the following are some specifics of the PDD:

- A maximum of 159 single-family residential dwellings are proposed.
- Minimum Lot Size: 7,800 square feet.
- Varying lot sizes to provide some diversity in the look and layout of the development:
 - 25% of the lots will be over 11,000 square feet, about 40 lots
 - 20% of the lots will be between 8,500-11,000 square feet, about 32 lots
 - Remaining lots will be between 7,800-8,500 square feet, about 87 lots
- To minimize long stretches of lots/dwellings, a street or green space at approximately 10 lot intervals will be incorporated into the development plan.
- Landscaped islands (6 minimum) will be in strategic locations within the development to act as both traffic calming measures and aesthetic features.
- Sidewalks will be incorporated into the development.
- Undeveloped, landscaped green spaces will be across from "T" style intersections to eliminate vehicle headlights from shining directly onto houses.
- All lots are required to have 2 trees per lot, one of which is to be planted near the front property line to provide a street tree appearance along the street.

- 4 off-street parking spaces per house, up to 2 of which are in garage. A minimum of 20 feet of separation will be provided from front property line to the front of the garage to ensure no overhang over sidewalks/streets.
- House sizes: 1,500-4,000 square feet.
- All dwellings shall have a finished floor elevation a minimum of 12 inches above the adjacent grade – no slab on grade houses.
- Left/right out turn lanes will be designed onto Midway Road.

Based on City Council review and input, the following items have been conveyed to the applicant for their incorporation into the development plan:

- Make efforts to create a subdivision layout to retain the mature trees on the site and add tree preservation language in the PDD document.
- Create a subdivision design with internal traffic calming measures in place.
- Add language to require larger trees/plantings in areas where there is green space.
- Work with the SCDOT on the encroachment permit process to construct a deceleration/right turn lane on Midway Road for access into the new development.

The applicant is currently working with their engineer to determine the feasibility of each item above and plans to provide a site layout for the Council to review prior to their final approval.

The revisions made since the original application submittal further refines the development plan and has reduced density. Those items, along with the ability of the applicant to incorporate the four other items as indicated above, should address many of the concerns of the City Council.

Upon final approval of the annexation and zoning, the subdivision plat must be submitted to the Planning Commission and various city departments for review and approval, per the standards in the land development/subdivision regulations.

The following residents spoke against the annexation:

- Crystal McCall, an attorney with Nelson Mullis law firm speaking on behalf of the neighborhood
- Cheryl Leftland, 104 Raspberry Lane, who has former planning commission experience in another jurisdiction.
- Bill Eaton, 304 Autumn Lane
- Richard Hanks, Hampton Acres
- Lucy Owens, City resident with Climate Reality Project in Anderson County
- Tom Thompson, 3032 Midway Road
- Richard McConnell, 3412 Midway Road
- Norman Leftland, 104 Raspberry Lane

These residents, who were wearing pink ribbons to unite against the annexation, expressed the following concerns:

- Proper/adequate infrastructure and limitations of the two lane roads and its effect on emergency response time for public safety (fire, police, and first responders)
- Concern with the high density of the area and increased traffic

- School capacity with the increase of new families moving to the area – they estimate 1,000 additional school age children due to recent annexations in this area
- Losing the “Country” atmosphere and quality of life – the residents feel they are being impacted negatively with this annexation
- Lack of information provided to the residents – difficult to find on City’s website information about proposed annexation
- Questioned if Environmental Impact reports have been conducted
- Questioned the City’s Master Plan and why the City is not required to follow the County’s zoning requirements
- Not treating all the residents fairly in the community including the rural residents
- Requesting smart growth in the community with “conservation subdivisions” (using natural resources and greenspace) and that this be connected to the new East/West Connector trail.
- Concern that residents will lose the small/hobby farms
- Would like the subdivision to be built similar to Country Place and its density

After the residents spoke, Council members had discussion about the annexation as follows:

Mayor Roberts stated that the City is in a wonderful position due to the growth of Anderson and the County’s economic development and plant expansions, that we have “City Seekers”, and that Anderson has a lot of offer new residents including proximity to two universities, Lake Hartwell, healthcare, schools, and jobs and that the new residents need adequate housing. The City’s role is to provide public safety and infrastructure for proper growth to meet the housing needs. The City’s responsibility is to vet developers to ensure that houses are being well developed and not substandard.

Councilmember Stewart stated this developer (Mr. Jeffcoat) has a vested interest in the Anderson Community. He would like to pass on first reading to get this moving, but requested the additional plan information be provided to council before second reading, including an update from SCDOT confirming the deadlines of the traffic circles.

Councilmember Jeff Roberts stated that council’s role to help shape the growth and that our development standards are evolving with the goal to make the City the most desirable city in the Southeast to live. He agrees that traffic is an issue, but SCDOT has a solution. He also challenges the County to work on making Oakhill Dr/Harriet Circle traffic issues better. Mr. Roberts wants to put an end to mass grading and preserve the natural features of the property. Mr. Roberts also stated he appreciates the additional greenspace added to the subdivision as well as the traffic calming circles.

Mayor Pro Tem Chapman requested Mike Gay, with City’s Transportation Planner, to provide update on SCDOT traffic plan for this area.

Mr. Gay stated that he received the following updated information from SCDOT:

- a) Currently in preliminary engineering phase

- b) Right of Ways - August 2022. Additional time for the ROW phase due to creek crossings that require environment permits and require additional time.
- c) Construction is set to begin in February 2024 and should be completed in one year.

The Mayor Pro Tem Chapman appreciates the developer and their willingness to change/modify the plans for this residential development, but due to the intersection issues and four year SCDOT timeline, he can't support the development at this time.

Councilman Harbin questioned the progression with the roundabouts with SCDOT. In the past, SCDOT timelines don't seem to be consistent based on experience with projects such as East/West Connector. Mr. Harbin questioned the school capacity and their ability to handle the inflow.

Councilman Newton stated that the school district is aware of all new planned developments through the planning commission and every five years the district does a demographic study with the next one due in September 2021.

Mr. McCuen discussed the talented workforce coming to Anderson County with the development of 6,000 new jobs in the County and the need for housing.

Councilman Harbin requested that Mr. McCuen expand on the annexation process. Public process starts with the published notices regarding the planning commission's public hearing. Per state law, this is the only required public input meeting. This was held June 1, 2021. Anderson City Council gave the courtesy to citizens and allowed additional comments at the regular scheduled council meetings June 14th and tonight, July 12th. Purpose of first reading is to let the developer know that the City is interested in the annexation and development – publicly declaring the City's intention by vote. Second reading council may vote yes, no, or extend waiting on additional information from the developer.

Councilman John Roberts that while he is not against the development, as he has a commitment to the City and growth, he is concerned with the overwhelming traffic issues that already exists even before the new development. With a proposed 4-year time frame for the completion of the roundabouts, he will have to vote no until the traffic issue is resolved.

Council member Thompson stated that we have too much at stake not to make this project a success and figure out a way to make it happen.

A motion by Councilman Stewart seconded by Councilman Newton carried (7-2), with Mayor Pro Tem Chapman and Councilman John Roberts opposed, to approve Ordinance to annex and zone to PDD approximately 50 acres located at the corner of Midway Road and Crestview Road on first reading.

REQUEST CONSIDERATION OF RESOLUTION 21-13 AUTHORIZING THE EXECUTION
AND DELIVERY OF A LAW ENFORCEMENT ASSISTANCE AND SUPPORT
AGREEMENT BETWEEN THE CITY OF ANDERSON POLICE DEPARTMENT AND THE
TOWN OF IVA POLICE DEPARTMENT

Police Chief Jim Stewart stated that the City of Anderson, South Carolina and the Town of Iva, South Carolina are both incorporated municipalities located in Anderson County, South Carolina, and as such have all powers granted to municipalities by the Constitution and general laws of this State.

As amended on June 3, 2016, South Carolina Code Ann. Section 23-20-10, *et seq.*, provides for contractual agreements between and among state, county, municipal and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines.

The City of Anderson Police Department desires to enter into such an agreement with the Town of Iva Police Department for the purposes of securing to each other the benefits of mutual aid in the event of a natural disaster, disorder, special events, emergency situations, and any other law enforcement activities.

It is in the best interest of the City of Anderson to enter into the agreement authorized by this Resolution.

The citizens of the City of Anderson and the Town of Iva will benefit by having enhanced law enforcement response in the event of natural disasters, disorder, special events, emergency situations, and any other law enforcement activities.

A motion by Councilman Stewart seconded by Mayor Pro Tem Chapman carried unanimously (9-0) to approve the Resolution 21-13 authorizing the Law enforcement assistance and support agreement between the City of Anderson and the Town of Iva police departments .

REQUEST CONSIDERATION OF AN ORDINANCE AMENDING THE 2020 - 2021
ANNUAL BUDGET

Finance Director Margot Martin stated the City Council adopted the 2020 - 2021 Annual Budget by Ordinance 20-07 on June 22, 2020. These amendments allow the budget and audit to more accurately reflect actual revenues received and expenditures made that were unknown when the budget was originally adopted. Therefore, comparisons between budget and actual are more meaningful.

This Budget amendment request is to reflect City Council approval of revenues and expenditures that occurred after the original budget was implemented. The Budget amendment includes:

1. Increasing the General Fund, Water Fund, Sewer Fund and Capital Replacement fund

- budget for the carryover from FYE 2020 of the City Hall and Municipal Business Center Roof projects (\$1,608,328)
2. Increasing Transit fund budget to reflect capital grants from FTA and SCDOT for the purchase of a van, two buses, and construction of the CNG Facility (\$1,279,985)
 3. Reflects use of General fund's prior year fund balance for purchase/projects that were approved in FYE 2020 but carried over to FYE 2021:
 - a. Police Vehicles (\$63,744)
 - b. Fire Mobile Safety House (\$119,686)
 - c. Fire Exhaust Removal System (\$88,116)
 4. Increasing Brownfields grant award (\$68,567 – total allocated \$300,000 over three years)
 5. Increasing the utility funds for tap and capacity fees, transfers to the general fund, and Economic development incentive (\$84,982)
 6. Reflecting use of fund balance for IT network switches (\$11,591)
 7. Reflecting use of fund balance for Christmas Bonuses not budgeted (\$99,200 – all funds)
 8. Increasing additional Online Auction sale proceeds to pay for the Fuel Management system upgrade (\$30,650)
 9. Reflecting use of fund balance for Police Division Crowd Control Gear (\$33,251)
 10. Reflecting use of General fund's prior year Pay Tel funds for monies received in FYE 2020 but spent in FYE 2021 for tables in the jail and vehicles (\$111,466)
 11. Reflecting use of General fund's prior year Commissary monies received in FYE 2020 but spent in FYE 2021 for detention shower upgrades and security cameras (\$54,522)
 12. Increasing Confiscated funds for purchase of SWAT Vests/Equipment (\$35,301)

Staff is requesting approval of Ordinance amending the 2020 - 2021 Annual Budget by increasing the General Fund budget \$1,221,371, Water Fund budget \$814,204, Sewer Fund budget \$437,411, Transit Fund budget \$1,284,485, Capital Replacement Fund budget \$454,495, Stormwater Fund \$1,000, Cemetery Fund \$1,600, Sanitation Fund \$7,200, Recreation Fund \$6,100, and Community Development \$1,000.

A motion by Councilman Harbin seconded by Councilman Laughridge carried unanimously (9-0) to approve the ordinance amending the 2020 - 2021 Annual Budget as proposed on first reading.

REQUEST CONSIDERATION OF A CONTRACT FOR RECREATION CENTER PHASE III

Bobby Beville Recreation Director, stated he is requesting consideration to award the Recreation Complex Phase III bid to provide clearing, grading, storm drainage, sewer, water, grassing, asphalt paving, concrete, and erosion control. The project consists of a restroom/concession building, synthetic multi-purpose field, Musco LED lighting, concrete bleacher seating, concrete shared path, open air pavilion/picnic area, security cameras and parking lot.

Bid documents were advertised in the Independent Mail, South Carolina Business Opportunities (SCBO) and the city's website. A mandatory pre-bid meeting was held at the site on May 26, 2021. Scoring criteria included experience with projects of similar nature, past performance, ability of professional staff, adequate staff, resources and equipment, cost, financial resources, and bonding capacities, demonstrated ability to meet time and budget requirements, proximity of firm

to project location, recent, current, and proposed workloads, excellent safety record, other relevant information. Contractors were required to submit a list of the sub-contractors being used.

Bids were accepted until June 17, 2021, at 2:00 pm at which time the bids were opened and publicly read aloud in the council chambers. Five firms submitted bids.

The city has a co-op agreement with Musco lighting to purchase the LED lighting and complete pole in the air installation. The agreement is for \$299,119.00 and will be added to the base bid price.

Phase III will include a state-of-the art Saltex Legacy synthetic turf system, using a certified organic fill material. The material is completely organic, fully biodegradable and recyclable. The material is completely safe for the participants and the environment. There are currently three Saltex systems in the United States. The multi-purpose field will be used for youth baseball/softball programming and can easily be converted to a regulation soccer or football field. A restroom/concession/storage building will be erected between Phase II & III. A 10 ft. wide section of the Whitner Creek greenway will be constructed as part of this project between Piedmont and Bleckley Streets. The expansion will include Musco LED lighting and 12 security cameras. The completion of the expansion will give our youth participants a quality field to play on, be totally ADA compliant, and provide the ability to attract youth tournaments.

Funding will be through the Special obligation bonds.

Listed below are the bidders:

1. M.B. Kahn Construction Co., Inc. Greenville, SC\$4,693,850.25
2. J.M. Cope, Inc., Rock Hill, SC\$4,711,679.90
3. Sossamon Construction Co. Inc.,Gaffney, SC\$4,954,666.20
4. J. Davis Construction, Inc. Westminister, SC\$5,111,113.82

LandPlan Group reviewed all the bids in depth to ensure quantities and pricing were correct. Staff reviewed and scored the submittals, contacted references, and recommends awarding the bid to J.M. Cope Inc., in the amount of \$4,711,679.90. The Musco contract of \$299,199 is added bringing the total cost of the project to \$5,010,878.90.

A motion by Councilman Stewart seconded by Council member Thompson carried unanimously (9-0) to approve the construction contract with J.M.Cope Inc, in the amount of \$4,711,679.90 and the Musco contract of \$299,199 for total approval of \$5,010,878.90.

A motion by Councilman John Roberts seconded by Councilman Laughridge carried unanimously (9-0) to go into executive session to discuss matters relating to the proposed location, expansion, or the provision of services encouraging Economic Development per Section 30-4-70(a)(5).

A motion by Councilman Laughridge seconded by Councilman Newton carried unanimously (9-0) to come out of Executive Session. No votes were taken in Executive Session.

REQUEST CONSIDERATION OF A RESOLUTION 21-14 AUTHORIZING THE
EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT FOR
DEVELOPMENT AT 122-124 WEST WHITNER STREET

Kimberly Spears stated that 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.

Vessel Investments requested financial assistance from the City of Anderson in return for a \$1.2 Million investment to renovate the properties located at 122-124 W. Whitner Street or commercial tenants within the boundaries of the Central Business District.

The investment will significantly enhance the properties by creating mixed use developments offering new retail and restaurant offerings in Downtown Anderson. Revenues resulting from the proposed development are estimated to exceed \$136,000 over a 5-year period. The development will result in the creation of 35 new jobs with an annual economic impact of \$300,000.

Terms are not to exceed \$6,000 per year for four years for total of \$24,000 and will be paid from the General Fund based on anticipated revenues.

A motion by Councilman Harbin seconded by Councilman John Roberts carried unanimously (9-0) to approve the resolution consenting to authorizing the execution and delivery of a development agreement with Vessel LLC in the amount of \$24,000.

REQUEST CONSIDERATION OF A RESOLUTION 21-15 AUTHORIZING THE
EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT FOR
DEVELOPMENT AT 110-112 EAST BENSON STREEET

Kimberly Spears stated that 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.

Vessel Investments requested financial assistance from the City of Anderson in return for a \$1.4 Million investment to renovate the properties located at 110-112 E. Benson Street for commercial and residential tenants, which are within the boundaries of the Central Business District.

The investment will significantly enhance the properties by creating mixed use developments offering new retail, restaurant, and residential units in Downtown Anderson. Revenues resulting from the proposed development are estimated to exceed \$144,000 over a 5-year period. The development will result in the creation of 20 new jobs and up to 8 new residents, with an annual economic impact of \$280,000.

Terms are not to exceed \$8,000 per year for four years for total of \$32,000 and will be paid from the General Fund based on anticipated revenues.


A motion by Council member Thompson seconded by Councilman Laughridge carried unanimously (9-0) to approve the resolution consenting to authorizing the execution and delivery of a development agreement with Vessel LLC in the amount of \$32,000.

ADJOURNMENT

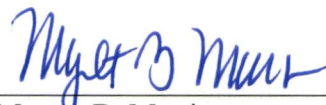
A motion by Councilman Newton seconded by Councilman John Roberts carried unanimously (9-0) to adjourn at 8:30 p.m.

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