

**Amended
CITY OF ANDERSON
COUNCIL AGENDA
January 10, 2022
6:00 PM**

INVOCATION: Mayor Terence Roberts

RESPECTS TO FLAG: Councilman Kyle Newton

SPECIAL RECOGNITION: Captain Doyle Carpenter

APPOINTMENT OF INTERIM MAYOR PRO TEM

Approval of Minutes of December 13, 2021

A. OLD BUSINESS:

1. Request second reading of Ordinance 22-01 to amend Ordinance 21-19 to include the unexpired term of Seat 2 in the April 5, 2022, General Election.

B. NEW BUSINESS:

1. Request consideration of a contract for Fire Station 2 roof repairs.
2. Request consideration of a change order for the East Market Street Parking Garage.
3. Request consideration of a resolution to provide certification as provided by the SC Abandoned Building's Revitalization Act for the building and building site at 120 and 122 East Earle Street.
4. Request consideration of a resolution for allocation of American Rescue Plan Funds.
5. Request consideration of a construction contract for the Shared Kitchen.
6. Request consideration to purchase equipment for the Shared Kitchen.

Work Session – Economic Development
December 13, 2021

The work session of City Council was held this date in City Hall Council Chambers at 5:00 pm. In attendance were Mayor Terence Roberts, Mayor Pro Tem Chapman, Council Members Thompson, Laughridge, Stewart, Harbin, Newton, John Roberts, and Jeff Roberts. Also, in attendance were City Manager, David McCuen; Assistant City Manager, Andrew Strickland; City Attorney, Frankie McClain; Finance Director, Margot Martin; Strategic Project Director, Mary Haley Thompson; and Planning Director, Maurice McKenzie.

EXECUTIVE SESSION

A motion by Councilman Newton seconded by Councilman Jeff Roberts carried unanimously (9-0) to move into Executive Session:

Section 30-4-70(a)(5) – Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging economic development.

A motion by Councilman Newton seconded by Council Member Thompson carried unanimously (9-0) to move out of Executive Session.

No action was taken.

Regular Meeting
December 13, 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 Thompson, Laughridge, Stewart, Harbin, 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; Strategic Project Director, Mary Haley Thompson; Fire Chief, Randy Bratcher; and Utilities Director, Scott Banks. The invocation was given by Councilman Matt Harbin and respect to the flag was given by Councilman John Roberts.

Mayor Pro Tem Chapman announced his retirement from Seat 2. He thanked fellow Council Members and City Staff for their friendship and service to the City of Anderson. He announced he will run for election for the South Carolina House Representative Seat 8. The Mayor presented a plaque to Mayor Pro Tem Chapman for his years of service from 2008-2021.

SPECIAL RECOGNITION
Fire Chief Randy Bratcher Retirement

Mayor Terence Roberts congratulated and presented a plaque to Fire Chief Randy Bratcher for his 38 years of service to the City of Anderson. City Manager, David McCuen thanked Chief Bratcher for years of service, the guidance of the Incident Management and his relentless effort to protect our community from the COVID pandemic. Senator Mike Gambrell also spoke about his many years of friendship with Chief Bratcher and his commitment to the City of Anderson.

SPECIAL PRESENTATION
Annual Financial Report for FY 2020-2021

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 26 years in a row. Also, Mr. Phillips shared the following highlights:

- General Fund – The unassigned fund balance is \$7.4M, which is 26%.
- Hospitality Fund – Revenues were \$3.3M in 2021 and increased \$0.3M (10%) compared to the prior year. Net increase in fund balance of approximately \$0.2M in 2021 which leaves a fund balance of \$4.8M at year end.
- Sewer Fund – Net position increased \$1.5M.
- Water Fund – Net position increased \$0.9M.
- Good financial position at June 30, 2021.

APPROVAL OF MINUTES

A motion by Councilman Harbin seconded by Councilman Laughridge carried unanimously (9-0) to approve the minutes of the November 8, 2021, meeting as presented.

REQUEST CONSIDERATION OF AN ORDINANCE TO REZONE COLLEGE PARKE TOWNHOMES AND
AN ADJACENT LOT OFF OLD WILLIAMSTON ROAD FROM PDD, PLANNED DEVELOPMENT
DISTRICT TO RM-18, MULTI-FAMILY RESIDENTIAL

Planning Director, Maurice McKenzie said Anderson University seeks to rezone the subject properties to RM-18, Multi-Family Residential in order to make the zoning consistent with most of their campus properties. RM-18 allows university-related uses. The applicant proposes to

continue the expansion of student housing and related amenities. This request involves two parcels of land; 4.7 acres that is partially developed with student housing and 17-acres that is undeveloped.

The PDD document that applies to these properties allows a maximum of 72 multi-family units on the 4.7-acre parcel containing College Parke townhomes. Currently, there are 29 units on the site. If rezoned, the RM-18 guidelines will allow a maximum of 18 units per acre (84 units) and campus-related uses. However, recently approved plans indicated that 12 more units will be built on this property, which will cap the number of units at 41.

For the larger 17-acre parcel, current PDD language allows either single-family or multi-family uses, not to exceed 80 units. As indicated above, RM-18 zoning will allow 18 units per acre (306 units) and campus-related uses. However, based on the university's plans to continue a similar development pattern with the layout recently approved on the other parcel, approximately 40 additional units will be built on this land, according to the applicant. A significant portion of this property has topographical/floodplain issues which makes it difficult to develop.

The new units to be built will house up to 8 students each. The City's Zoning Ordinance focuses on the density of units and not the number of occupants, particularly for university-related uses. A total of approximately 81 units containing 500-525 beds will be on the entire 21.7 acres, according to the applicant. Most of the existing 29 units have 2-4 occupants.

Because of the size of the overall property and the higher density of the RM-18 district, the allowable number of units is technically very high (approximately 390 units). However, based on the existing development pattern, topography/floodplain, and Anderson University's intentions, the total amount of units will be far less than what is technically allowed. The number of units is well under the density permitted under the current PDD zoning. Because of these factors, the Planning Commission recommended approval of this request at their December 7th meeting.

Councilman Jeff Roberts expressed his concern about the parking issue, the left and right egress on the Old Williamston Road and the site distance for the additional 500 cars. He would like to revisit the layout and pause this approval.

Charlie Dickerson, Public Safety Director of Anderson University said the University has plans for additional parking and accommodating the students. Mr. Dickerson agreed they can take a step back and improve the plan.

A motion by Councilman Stewart seconded by Council Member Thompson carried unanimously (9-0) to table this request to a future meeting.

REQUEST CONSIDERATION OF AN ORDINANCE TO REZONE APPROXIMATELY 28 ACRES LOCATED OFF CROWTHER ROAD AND US 29 BYPASS FROM HI, HEAVY INDUSTRIAL TO PDD, PLANNED DEVELOPMENT DISTRICT

Planning Director, Maurice McKenzie said the applicant proposes to rezone the subject property to PDD, Planned Development District in order to develop "Rocky River Retreat", which will be considered an agritourism community. The development will consist of a farm-to-table restaurant/brewery, retail space, as well as gathering spaces for educational, tourism and event activities. Farming will take place on the property to grow and raise items for the restaurant/brewery, which will also provide an agritourism element. In addition, a maximum of 159 small energy-efficient cottages are proposed for the property. These cottages will be a for-sale product and available for short term rentals as part of the agritourism and events that take place on the property.

The property consists of approximately 28 acres. The zoning of PDD, Planned Development District requires a document that outlines specific development details for the property, and serves as the zoning classification for the subject site. More specifics are addressed in the attached PDD document.

The existing zoning of HI, Heavy Industrial is the most intensive zoning classification in the Zoning Ordinance. It allows medium to high intensity industrial uses. The requested zoning, per the details in the PDD document, is less-intensive in nature and is considered a downzoning. Approximately half of the property will remain as open space.

This is a unique concept that has the ability to transform the property into an active use, while preserving the natural characteristics of the property. An agritourism use such as this also has the ability to be an economic development catalyst for the general area. Also, the proposed uses of the property are much less-intensive than what is permitted in the HI zoning district. The Planning Commission considered this request at their December 7th meeting and unanimously recommended approval.

Mayor Pro Tem Chapman encouraged Council to not approve PDD with further input.

Councilman Laughridge requested more information on this concept and the success in other regions.

Applicants, Justin Draplin and David Thornton, said the PDD addresses parking and SCDOT. The concept of the Retreat Center is for special events, classes, and education events. The sustainable agricultural, Winery and Brewery will increase the Hospitality fees as well as Accommodation Tax revenue from the Cottages available to rent. Most of the property will be low impact development.

The Cottages will be 400 square feet with high end production. The applicants said the cottages are for short term stays and there is a high demand for this type of accommodation. The cottages are not mobile homes and will have permanent foundations. These cottages are not intended for long term stays.

Council agrees that more information needs to be provided from the applicants. There are more parameters that need to be met. Council thinks this is a great concept but would like more information.

A motion by Councilman Newton seconded by Councilman John Roberts carried unanimously (9-0) to table this request to a future meeting.

REQUEST CONSIDERATION OF AN APPOINTMENT TO THE MUNICIPAL ELECTION COMMISSION

City Attorney, Frankie McClain said the Municipal Election Commission is composed of three people who serve six-year terms. The Commission is charged with the task of conducting the municipal elections. However, in 1994, the City transferred responsibility for the actual conduct of the elections to the Anderson County Registration and Elections Commission. This was done in an effort to provide for uniformity in the conduct of municipal elections statewide. Thus, the MEC now serves more in an oversight capacity by certifying ballots, election results, etc. Time commitment is minimal due to the election process occurring every two years. However, the MEC members are required to attend local training as well as statewide training. Thus, some travel is required.

The current three-member Commission is composed of David Ford, Clara Humphrey, and Renee Fields York. Mr. Ford's term extends through December 31, 2023, Ms. Humphrey's term extends through December 31, 2021, and Mrs. Renee Fields-York's term extends through December 31, 2025.

Mrs. Clara Humphrey is willing to continue serving in this capacity. The staff recommends her reappointment to the MEC for a term of service through December 31, 2027.

A motion by Councilman Harbin seconded by Council Member Thompson carried unanimously (8-0) to reappoint Mrs. Clara Humphrey to the Municipal Election Commission for a term ending December 31, 2027. Councilman Laughridge was not present for vote.

REQUEST CONSIDERATION OF AN ORDINANCE TO AMEND ORDINANCE 21-19 TO INCLUDE THE UNEXPIRED TERM OF SEAT 2 IN THE APRIL 5, 2022 GENERAL ELECTION

City Attorney, Frankie McClain said the Anderson City Council passed Ordinance No. 21-19 on November 8, 2021, providing for the April 5, 2022 election.

The resignation of the Councilman representing Seat Two results in the need to fill the unexpired term. Section 5-7-200(b) of the South Carolina Code of Laws provides that a vacancy of council shall be filled for the remainder of the term at the next regular election.

The City Council desires to amend Ordinance No. 21-19 by adding Seat Two to the scheduled April 5, 2022 General Election to elect a candidate to serve the unexpired term of Seat Two.

A motion by Councilman Harbin seconded by Council Member Thompson carried unanimously (8-0) to approve of an Ordinance to amend Ordinance 21-19 to include the unexpired term of Seat 2 in the April 5, 2022, General Election on First Reading. Councilman Laughridge was not present for vote.

REQUEST CONSIDERATION OF RESOLUTION 21-25 TO PROVIDE CERTIFICATION AS PROVIDED BY THE SC ABANDONED BUILDING'S REVITALIZATION ACT FOR THE BUILDING AND BUILDING SITE AT 110 AND 112 EAST BENSON STREET

City Attorney, Frankie McClain said the City of Anderson, South Carolina ("City"), acting by and through its City Council ("Council"), is authorized and empowered to certify real property as an "abandoned building site" according to South Carolina Code Annotated 12-67-100, *et seq.*, as amended ("Act").

According to section 12-67-120(1) of the Act, an "Abandoned Building" means, among other things, "a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a 'Notice of Intent to Rehabilitate'.

According to section 12-67-120(2) of the Act, a "Building Site" means "the abandoned building together with the parcel of land upon which it is located, and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's income producing use".

Benson Street Ventures LLC (“BSV”) has informed the City that BSV owns the property described as 110 and 112 East Benson Street, Anderson, South Carolina, with Anderson County tax map numbers 123-30-28-005(-000) and 123-30-28-006(-000) (collectively, “Property”).

According to section 12-67-140(B) of the Act, BSV has requested the City to determine the eligibility of the building and building site for the income tax credit.

The City will benefit by the restoration of an abandoned building into a productive asset for our community and downtown area.

A motion by Mayor Pro Tem Chapman seconded by Councilman John Roberts carried unanimously (8-0) with Councilman Laughridge not present for the vote, to approve Resolution 21-25 to provide certification as provided by the SC Abandoned Building’s Revitalization Act for the building and building site at 110 and 112 Benson Street.

REQUEST CONSIDERATION TO PURCHASE THREE MAGNESIUM PUMPS AND CONTROLLERS FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT

Utilities Director, Scott Banks said the Wastewater Plants use magnesium to adjust the pH of the wastewater. There are 3 pumps with constant speed controllers currently at the Rocky River Plant. Currently only one pump and controller are operational. These are the original pumps and controllers and have reached their useful life. The Plant has received good service from these pumps and the operators are familiar with their operation. Likewise, the needed modifications would be less if we stay with the Watson Marlow pumps. For the above reason, staff recommends replacing the pumps with the same brand and style as previously installed and to upgrade to variable speed controllers instead of the current constant speed controllers. By utilizing variable speed controllers, we will be able to feed only the amount needed to adjust the pH to the desired level and save on chemical. Premier Water is the designated distributor for Watson-Marlow/Bredel Pumps, therefore it would be a sole source purchase.

This purchase will allow the plant to properly feed magnesium to maintain the required pH and help to conserve chemical costs by feeding only the amount required to reach the desired pH level.

This purchase will be funded by the Rocky River Treatment Plant budget.

Staff recommends the purchase of 3 Watson-Marlow Bredel Pumps and variable speed controllers from Premier Water in Charlotte, NC in the amount of \$105,153.18.

A motion by Councilman Jeff Roberts seconded by Council Member Thompson carried unanimously (8-0) to approve three Watson-Marlow Bredel Pumps and variable speed controllers from Premier Water in Charlotte, NC in the amount of \$105,153.18. Councilman Laughridge was not present for vote.

REQUEST CONSIDERATION OF A REFERRAL TO THE PLANNING COMMISSION A PETITION TO REZONE APPROXIMATELY 60 ACRES LOCATED ON CANTERBURY ROAD FROM R-20, SINGLE-FAMILY RESIDENTIAL TO PDD, PLANNED DEVELOPMENT DISTRICT

Planning Director, Maurice McKenzie said the applicant proposes to rezone the subject property in order to develop a single-family residential subdivision. The current zoning allows single-family development on lots of at least 20,000 square feet. The applicant wishes to change the density and outline details relating to open space, amenities, and other specifics. Therefore, a PDD zoning classification is proposed. The PDD zoning will require a document outlining the specific development details of the project, which is forthcoming.

Staff recommends referral to the Planning Commission. The Planning Commission will consider this request at their February 7th meeting.

City Manager McCuen stated he would like to have a work session prior to this item going to the Planning commission. Councilman Newton stated that he does have some concerns regarding this area, and he would like to see this development carefully planned with conservation taken into consideration. All properties around this area are zone R-20.

A motion by Councilman Newton seconded by Councilman Stewart carried unanimously (8-0) to approve referral to the Planning Commission a petition to rezone approximately 60 acres located on Canterbury Road from R-20, Single-Family Residential to PDD, Planned Development District. Councilman Laughridge was not present for vote.

REQUEST CONSIDERATION OF RESOLUTION 21-26 CONSENTING TO PLACEMENT OF CERTAIN PROPERTY INTO A MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE CREDIT AGREEMENT WITH FAIR STREET PARTNERS, LLC, AND ANDERSON COUNTY; AND APPROVING A PROJECT AGREEMENT WITH FAIR STREET PARTNERS, LLC

Mary Haley Thompson stated that primary missions of the City of Anderson are to encourage private development, improve the tax base, and enhance the livability of the Anderson area.

Fair Street Partners LLC has requested financial assistance from the City of Anderson in return for a \$29 million investment to develop a downtown gateway site located along Murray Avenue, Tribble Street and Fair Street. The development will include the construction of approximately 126 new apartments, public pocket parks and greenspace, and a commercial building(s) for uses such as retail, restaurant, or office tenants. The scope includes primarily new construction as well as the renovation of an existing warehouse building.

The project will transform a major gateway site to downtown Anderson. The property was identified as one of the seven development sites within the City's downtown master plan, "Shock this Block." Public infrastructure benefits will include new public parks and greenspace, streetscape enhancements, and roadway improvement opportunities. The project will include 126 new apartments for up to 174 residents and new commercial buildings for restaurant, retail, or office tenants. The development will create 35-50 new jobs.

This item was discussed earlier in the Council's work session at 5:00 pm. Councilman Stewart had concerns about how long it will take to develop the project and when will it be sold? If the development takes too long to build, will there be code enforcement issues? Councilman Harbin thanked staff for taking the time to work on this project. Councilman John Roberts stated that due to the significant impact on the community, this agreement is needed. Mayor Roberts wanted to thank Anderson County and Councilman Dunn for helping with this project.

A motion by Councilman Stewart seconded by Councilman Newton carried unanimously (8-0) to approve Resolution 21-26 consenting to placement of certain property into a Multi-County Industrial and Business Park; authorizing the execution and delivery of an infrastructure credit agreement with Fair Street Partners, LLC, and Anderson County; and approving a project agreement with Fair Street Partners, LLC. Councilman Laughridge was not present for vote.

After the vote, the developer thanked Council for all their help and complimented our staff and our willingness to work with him on this process.

Before the meeting's adjournment, Mayor Roberts reminded fellow Council members of the 15th Annual Martin Luther King Breakfast on January 14, 2022, at the Civic Center. The Mayor wished our community a happy Holiday season.

Councilmembers thanked Mayor Pro Tem Chapman for his passion and commitment to the City and City Council members with his talent with his design and construction expertise. Councilmembers wished him well with his future endeavors.

ADJOURNMENT

A motion by Mayor Pro Tem Chapman seconded by Councilman Jeff Roberts carried unanimously (8-0) to adjourn at 7:45 p.m. Councilman Laughridge was not present for vote.

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

Date: January 10, 2022

Agenda Item No.: A-1

**City of Anderson
Council Agenda**

Title/Description: New Business

Request second reading of an ordinance amending Ordinance 21-19 providing for the April 5, 2022 General Election for the Municipal Council Seats for Mayor and Seats One, Three, Five, and At-Large Seat Seven, to include the election for the unexpired term for Seat Two.

Executive Summary:

The Anderson City Council passed Ordinance No. 21-19 on November 8, 2021, providing for the April 5, 2022 election.

The resignation of the councilman representing Seat Two results in the need to fill the unexpired term. Section 5-7-200(b) of the South Carolina Code of Laws provides that a vacancy of council shall be filled for the remainder of the term at the next regular election.

The City Council desires to amend Ordinance No. 21-19 by adding Seat Two to the scheduled April 5, 2022 General Election to elect a candidate to serve the unexpired term of Seat Two.

Action Requested

Ordinance 1st reading

Information Only

Ordinance 2nd reading

General Approval

Resolution

Other

ORDINANCE NO. 22-01

AN ORDINANCE TO AMEND ORDINANCE NO. 21-19 PROVIDING FOR THE APRIL 5, 2022, GENERAL ELECTION FOR THE MUNICIPAL COUNCIL SEATS FOR MAYOR AND SEATS ONE, THREE, FIVE, AND AT LARGE SEAT SEVEN, TO INCLUDE THE ELECTION FOR THE UNEXPIRED TERM FOR SEAT TWO.

WHEREAS, the Anderson City Council passed Ordinance No. 21-19 on November 8, 2021, providing for the April 5, 2022 election, and

WHEREAS, the resignation of the Council member representing Seat Two results in the need to fill the unexpired term for Seat Two, and

WHEREAS, the City Council desires to amend Ordinance No. 21-19 by adding Seat Two to the scheduled April 5, 2022 General Election to elect a candidate to serve the unexpired term of Seat Two.

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

Ordinance No. 21-19 is hereby amended and after amended shall provide as follows:

- A) The general election for the Municipal Council seats for Mayor and Seats One, Three, Five, At-Large Seat Seven, and the unexpired term for Seat Two, shall be held according to the following schedule:
 - 1. General Election.....Tuesday, April 5, 2022
 - 2. Filing Period for Candidates.....Thursday, January 20, 2022 Noon through Thursday, February 3, 2022 Noon
 - 3. Run-off Election, If Necessary.....Tuesday April 19, 2022
- B) The filing for candidacy shall be initiated at the Anderson County Registration and Elections Office at 301 N. Main Street. Upon completion of the Statement of Intention of Candidacy form, payment of the filing fee shall be submitted to the City Clerk and Treasurer at

City Hall, 401 S. Main Street. As a safeguard, the Anderson City Clerk and Treasurer will regularly check to ensure all persons paying the filing fee and receiving the candidacy form have filed with the Anderson County Registration and Elections Commission.

- C) All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to extent of such inconsistency or conflict. All State laws and City ordinances not inconsistent herewith shall remain in full force and effect, and shall be applicable to all future elections.
- D) This ordinance shall take effect immediately upon its adoption by the Mayor and Council of the City of Anderson.

Date: January 10, 2022

Agenda Item No: B - 1

City of Anderson
Council Agenda

Title/Description: New Business

Request approval to replace roof at Anderson Fire Department Station 2.

Executive Summary:

Request: Staff recommends replacing the roof over the truck bay and day room at Anderson Fire Department Station 2.

Background: We have received two bids for the tear off and replacement. The bids received were \$55,175.06 from Pickens Contracting, Inc. and \$78,080 from Turn Key Roofing and Home Improvements. A quote was requested from C.E. Bourne & Co. on December 8, 2021, with no reply received.

Funding: The funds will come from the Capital Replacement Fund.

Recommendation: Staff recommends approval of contract with Pickens Contracting, Inc. to perform the roof replacement in the amount of \$55,175.06.

Action Requested:

Ordinance 1st Reading

Information only

Ordinance 2nd Reading

General Approval

Resolution

Other

Date: January 10, 2022

Agenda Item No: B-2

**City of Anderson
Council Agenda**

Title/Description: New Business

Request consideration of a change order for the East Market Street Parking Garage.

Executive Summary:

Background:

In late 2019, the City began construction of a 305-space parking garage through a public-private partnership with McDuffie Parking LLC. The parking garage was designed to accommodate parking for the adjacent Home2 Suites hotel, as well as future parking needs for the South Main area of Downtown.

The garage was designed with two Schindler elevators to serve all seven levels of the garage, including the rooftop amenity and restaurant space. The two elevators were installed according to approved plans; however, upon inspection by the State elevator inspector, it was determined that additional heated and cooled vestibules needed to be constructed at the rooftop level of both elevators in order to better protect the elevator equipment from extreme temperatures. Subsequent conversations with the State Department of Labor, Licensing, and Regulation revealed that the elevators would not be allowed to be put into service without the construction of the two vestibules.

The parking garage contractor, Van Winkle Construction, provided a Change Order in the amount of \$75,860 for the two vestibules, which included glass storefront framing, electrical, mechanical, and additional structural support for the rooftop paver system.

Funding: The project is being funded by a mix of cash and Special Obligation Bond funding.

Recommendation: Staff recommends approval of the change order in the amount of \$75,860.

Action Requested:

____ Ordinance 1st Reading

____ Information Only

____ Ordinance 2nd Reading

X General Approval

Date: January 10, 2022

Agenda Item No: B-3

**City of Anderson
Council Agenda**

Title/Description: New Business

Request consideration of a resolution to provide certification as provided by the South Carolina Abandoned Building’s Revitalization Act of 2013 (S.C. Code Section 12-67-100 Et. Seq.) for the building at 120 and 122 East Earle Street, Anderson, SC.

Executive Summary:

Background:

The South Carolina Abandoned Buildings Revitalization Act (the “Act”) was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina.

The Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities.

Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local real property taxes.

OG Group, LLC, a South Carolina limited liability company, (“OG”) has informed the City that OG owns the property described as 120 and 122 East Earle Street, Anderson, South Carolina, with Anderson County tax map number 123-30-03-002 (collectively, “Property”). The taxpayer intends to develop the Property as commercial space and has requested that the City, by way of binding resolution, certify that the Building Site is abandoned as defined by Section 12-67-120.

Benefit:

The City will benefit by the restoration of an abandoned building into a productive asset for our community and downtown area.

Funding:

Not applicable

Recommendation:

City Staff recommends that the Resolution be passed.

Action Requested:

Ordinance 1st Reading

Information Only

Ordinance 2nd Reading

General Approval

Resolution

Other

RESOLUTION NUMBER 22-1

A RESOLUTION CERTIFYING CERTAIN REAL PROPERTY IN THE CITY OF ANDERSON AS AN ABANDONED BUILDING SITE

WHEREAS, the City of Anderson, South Carolina (“City”), acting by and through its City Council (“Council”), is authorized and empowered to certify real property as an “abandoned building site” according to South Carolina Code Annotated 12-67-100, *et seq.*, as amended (“Act”); and

WHEREAS, according to section 12-67-120(1) of the Act, an “Abandoned Building” means, among other things, “a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a ‘Notice of Intent to Rehabilitate’;” and

WHEREAS, according to section 12-67-120(2) of the Act, a “Building Site” means “the abandoned building together with the parcel of land upon which it is located, and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's income producing use;” and

WHEREAS, OG Group, LLC, a South Carolina limited liability company, (“OG”) has informed the City that OG owns the property described as 120 and 122 East Earle Street, Anderson, South Carolina, with Anderson County tax map number 123-30-03-002 (collectively, “Property”); and

WHEREAS, pursuant to section 12-67-160 of the Act, OG has requested that the City certify the eligibility of the building and building site for purposes of seeking the income tax credit provided under the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDERSON, SOUTH CAROLINA, AS FOLLOWS:

It is hereby certified that:

- (a) The building located on the Property qualifies as an “Abandoned Building” as defined in section 12-67-120(1) of the Act.
- (b) The Property qualifies as a “Building Site” as provided in section 12-67-120(2) of the Act and the geographic area is consistent therewith.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect upon its adoption.

Date: January 10, 2022

Agenda Item No: B - 4

**City of Anderson
Council Agenda**

Title/Description: New Business

Request consideration of a Resolution approving use of the City of Anderson’s American Rescue Plan funds allocation.

Executive Summary:

Background: The American Rescue Plan passed in March of 2021, allocated funds to the Coronavirus State and Local Fiscal Recovery Funds. The City of Anderson’s allocation is \$14,507,668. Payments are made in two tranches, with the City receiving \$7,253,834 in June 2021 and the next allocation to be in June 2022.

Funding objectives for these funds include support urgent COVID-19 response efforts, replace lost public sector revenues, support immediate economic stabilization, and address systemic public health and economic challenges.

Based on the published criteria of the Department of Treasury, Interim final rule, the City of Anderson is proposing to use these funds in the following approved expenditure categories:

\$2,256,100 Premium Pay -for employees who have been and continue to be relied upon to maintain continuity of operations of essential critical infrastructure sectors. *(This is a lump sum one-time payment to be paid January 14, 2022).*

\$ 1,118,000 Infrastructure – Broadband

\$11,132,900 Infrastructure – Utilities (water/sewer/stormwater)

\$14,507,000 Total allocation of American Rescue Funds

City Council held a work session on January 6, 2022, to review the detail allocation of funds among projects. A copy of the resolution is attached.

Recommendation: Staff recommends approval of the resolution approving the use of the City of Anderson’s American Rescue Plan funds allocation.

Action Requested

XX Resolution

_____ Other

RESOLUTION NO. 22-02

A RESOLUTION APPROVING
PREMIUM PAY FOR ELIGIBLE
WORKERS PURSUANT TO THE
AMERICA RESCUE PLAN

WHEREAS, the City of Anderson has been allocated \$14,507,668 as part of the Coronavirus State and Local Fiscal Recovery Funds of the America Rescue Plan, and

WHEREAS, an allowable use of the funds is premium pay for eligible workers performing essential work during the Covid-19 public health emergency and who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and well-being of their communities, and

WHEREAS, the City of Anderson, South Carolina, is an essential governmental operation as defined by the US Department of Homeland Security for the Essential Critical Infrastructure Workforce, and

WHEREAS, allowable uses of the funds include premium pay for eligible employees, utility infrastructure and broadband projects, and

WHEREAS, it is the desire of the City Council to use the funds for the premium pay for eligible employees and for allowable infrastructure and broadband projects.

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

1. Premium pay lump sum payments shall be paid to essential employees pursuant to the following plan:
 - A. Period covered – July 1, 2020 – October 31, 2021. Employees hired after July 1, 2020, will be paid a prorated amount.
 - B. Employees that separated from employment during the period and are no longer working are not eligible for payment.

- C. Employees who retired in December 2021 and remain on payroll for their sick leave payout, will be eligible for this one-time lump sum payment.
- D. Amounts to be paid are:
 - 1. Full Time - \$5,500.00 : includes Public Safety (Police, Fire, First Responders, and Detention), Utilities (Water Operations and Wastewater Operations), Public Transportation (Transit), Public Works/Facilities Maintenance (Sanitation, Street, Stormwater Operations, Cemetery, Parks and Recreation Maintenance and Workers to ensure continuity of building functions), Information Technology, workers at operation centers, customer service and support staff including management and professional services, including payroll, accounts payable, and billing.
 - 3. Permanent Part Time - \$2,750.00
 - 4. Premium pay amounts are considered wages. Federal and State income tax, social security tax and Medicare tax will be withheld.
 - 5. The payment is a one-time lump sum payment and retirement contributions will not be withheld.
 - 6. The balance of the allocated funds after payment of the lump sum premium pay will be applied to broadband and utility infrastructure clean water projects.
- 2. This Resolution shall take effect immediately upon its adoption of the Mayor and Council of the City of Anderson.

Date: January 10, 2022

Agenda Item No: B-5

City of Anderson
Council Agenda

Title/Description: New Business

Request approval of construction contract for the Shared Kitchen.

Executive Summary:

Background: In 2020 the City was awarded grant funding from USDA Rural Business Development Program and the Appalachian Regional Commission for the Shared Kitchen Project, an incubator designed to serve food industry entrepreneurs. Sealed bids were solicited from qualified contractors for the construction of the City of Anderson Shared Kitchen located at 110 N. Murray Avenue. Bids were opened on October 19, 2021 at City Hall. Three bids were received for construction services.

The bids were:

Company Name	Location	Bid Amount
J.M. Cope	Greenville, SC	\$1,081,675
Lazer Construction	Anderson, SC	\$1,052,400
Jonscot General Contractors	Greenville, SC	\$913,500

Funding: Appalachian Regional Commission Grant in the amount of \$500,000. The remaining balance of the project will be funded using the City’s General Fund.

Recommendation: The apparent low bid (Jonscot General Contractors) was determined unresponsive by DP3 Architects and City staff for the following reasons: bid form was not signed, performance/payment bond missing from bid documents, Certificate of Insurance documentation missing. The next lowest bid (Lazer Construction) was also determined unresponsive by DP3 Architects for missing Certificate of Insurance.

Staff recommends awarding the construction contract to J.M. Cope. The firm was able to successfully demonstrate its desire and ability to complete the project in a timely manner and is the only responsive bidder with consistently positive references.

Action Requested:

____ Ordinance 1st Reading

____ Information Only

____ Ordinance 2nd Reading

X General Approval

Date: January 10, 2022

Agenda Item No: B-6

City of Anderson
Council Agenda

Title/Description: New Business

Request award of equipment contract for the Shared Kitchen.

Executive Summary:

Background: In 2020 the City was awarded grant funding from USDA Rural Business Development Program and the Appalachian Regional Commission for the Shared Kitchen Project, an incubator designed to serve food industry entrepreneurs. Sealed bids were solicited from qualified food service equipment contractors for the food service equipment at the Shared Kitchen located at 110 N. Murray Avenue. Bids were opened on October 19, 2021 at City Hall. Three bids were received for food service equipment.

The bids were:

Company Name	Location	Bid Amount
Trimark Equipment	Winston-Salem, NC	\$532,002.84
Culinary Depot	Columbia, SC	\$498,537.64
Innovative Food Service Group	Greenville, SC	\$531,890.79

Funding: USDA Rural Business Development Grant in the amount of \$500,000. The remaining balance of the project will be funded using the City’s General Fund.

Recommendation: The apparent low bid (Culinary Depot) was determined unresponsive by DP3 Architects and City staff for not acknowledging the addendum attached to the project and for not including delivery, sales tax, or shipping cost itemizations to their final bid. Staff recommends awarding the food service equipment contract to Innovative Food Service Group. The firm was able to successfully demonstrate its desire and ability to complete the project at a competitive price. As one of the largest food service equipment providers in SC, Innovative Food Service Group will bring expertise to an important project.

Action Requested:

____ Ordinance 1st Reading

____ Information Only

____ Ordinance 2nd Reading

 X General Approval