

**CITY OF ANDERSON
COUNCIL AGENDA
August 14, 2017
6:00 PM**

INVOCATION: Councilman Don Chapman

RESPECTS TO FLAG: Councilman Kyle Newton

Approval of Minutes of July 10, 2017

A. OLD BUSINESS:

None

B. NEW BUSINESS:

1. Request consideration of an ordinance amending the 2016-2017 budget.
2. Request consideration of a resolution approving an agreement with Anderson County to provide for the allocation of Accommodations Tax Revenue.

C. ADMINISTRATIVE BRIEFING:

1. Upcoming Events

D. EXECUTIVE SESSION: Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual arrangements and proposed sale of property owned by the City of Anderson located at 129 East Whitner Street.

Regular Meeting
July 10, 2017

The regular meeting of City Council was held this date in City Hall Council Chambers at 6:00 pm. In attendance were Mayor Pro Tem Harbin, Council Members Chapman, Thompson, Buck Roberts, Stewart, Laughridge, John Roberts and Newton. Mayor Roberts was not present. Also in attendance were City Manager, Linda McConnell; Finance Director, Peggy Maxwell; City Attorney, Frankie McClain; Planning Director, Maurice McKenzie; Police Chief, Jim Stewart; Battalion Chief, Michael Guest and Utilities Director, Jeff Caldwell. The invocation was given by Mayor Pro Tem Harbin with respects to the flag by Councilman John Roberts.

SPECIAL RECOGNITIONS
Police Department Promotions
Sergeant Danny Hart
Sergeant Jason Mitchell

Police Chief, Jim Stewart said Sergeant Danny Hart began his Law Enforcement Career at Williamston Police Department in 1983, where he was promoted to the Rank of Sergeant 3 years later, and then to Lieutenant in 1989. Sergeant Hart oversaw Operations and Officer Training for 14 years before joining the Anderson Police Department in 2003. After 5 years in Patrol Division, Sergeant Hart transferred to the Training Division, where he currently serves, including as primary firearms instructor.

Sergeant Jason Mitchell transferred to Patrol from the Detention Center. Sergeant Mitchell started with the Anderson Police Department in 2007. Sergeant Mitchell served the Detention Center as a team Sergeant with a field promotion. Sergeant Mitchell has also served as a K-9 handler, Field Training Officer, and currently on the SWAT team. Sergeant Mitchell will be assigned to Charlie Shift as a Patrol Sergeant.

Police Chief Stewart pinned and swore-in Sergeant Hart and Sergeant Mitchell.

SWEARING-IN CEREMONY
Firefighter Jacob Cooley

Battalion Chief, Michael Guest said Firefighter Jacob Cooley is a 2014 graduate of Palmetto High School. Firefighter Cooley received his NFPA Firefighter II from the South Carolina Fire Academy, and is a volunteer firefighter with the West Pelzer Fire Department. Firefighter Cooley has been employed at the Anderson Fire Department since December 2016.

Battalion Chief Guest pinned and swore-in Firefighter Cooley.

ELECTION OF MAYOR PRO TEM
Councilman John Roberts

City Manager, Linda McConnell 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 John Roberts, who is willing to serve as Mayor Pro Tem.

A motion by Councilman Chapman seconded by Councilman Laughridge carried unanimously (8-0) to elect Councilman John Roberts as Mayor Pro Tem to serve a one-year term.

APPROVAL OF MINUTES

A motion by Councilman Laughridge seconded by Councilman Buck Roberts carried unanimously (8-0) to approve the minutes of the June 26, 2017 meeting as presented.

REQUEST SECOND READING OF ORDINANCE 17-07 TO REZONE 402 BOULEVARD FROM R-15, SINGLE FAMILY RESIDENTIAL TO RM-18, MULTI-FAMILY RESIDENTIAL; 303 BOULEVARD AND 200 WILLIAMSTON ROAD FROM LO, LIMITED OFFICE TO RM-18, MULTI-FAMILY RESIDENTIAL

City Manager, Linda McConnell said the applicant, Anderson University, wishes to rezone the following properties to RM-18, Multi-Family Residential, which allows uses associated with colleges and universities:

402 Boulevard: This large single-family dwelling was acquired by Anderson University in 2016. They desire to rezone this property to RM-18, which is consistent with their main campus. They plan to utilize this space for their Development Office and related uses. This parcel is in the Boulevard Historic District, so any exterior changes to this site will be subject to review and approval by the Board of Architectural Review.

303 Boulevard: This small parcel, most recently utilized as a beauty salon, was acquired by Anderson University in 2011. The applicant requests to rezone the property to RM-18 in order to make it consistent with the main campus. Current plans involve this building being a student store or a use geared for students. This parcel is in the Boulevard Historic District, so any exterior changes to this site will be subject to review and approval by the Board of Architectural Review.

200 Williamston Road: This parcel has been used as office space for Anderson University for a number of years. There are no plans to change the use, but the applicant wishes to rezone the property to RM-18 in order to continue the consistent zoning pattern with much of the surrounding campus.

For the applicant, it will allow them to utilize 402 Boulevard for university-related uses. For the other two parcels, rezoning to RM-18 will help to continue efforts to create a more consistent zoning pattern for the school.

The City Council considered this request at their June 26th meeting and approved it on first reading. Also, the Planning Commission considered this request at their June 20th meeting and unanimously recommended approval.

A motion by Councilman Stewart seconded by Council Member Thompson carried unanimously (8-0) to approve Ordinance 17-07 to rezone 402 Boulevard from R-15, Single-Family to RM-18, Multi-Family Residential; 303 Boulevard and 200 Williamston Road from LO, Limited Office to Rm-18, Multi-Family Residential on Second Reading.

REQUEST CONSIDERATION OF ALLOCATION OF MATCHING FUNDS FOR STREET PAVING
THROUGH THE ANDERSON COUNTY TRANSPORTATION COMMITTEE (ACTC)

Planning Director, Maurice McKenzie said the Anderson County Transportation Committee (ACTC) is a seven-member board appointed by the County's Legislative Delegation, and is charged with administering funds through the SCDOT "C" Program. This program is a partnership between the SCDOT and each county in South Carolina to fund the improvements of state and local roads. These funds are derived from a portion of the state's gasoline tax and are allocated to each county based on a three-part formula—land area, population, and rural road mileage.

Last year, the ACTC revised their funding policy that now requires the County and its municipalities to produce a 10% match in order to receive road improvement monies. This ensures more accountability and commitment from local governments for projects.

For local streets (not SCDOT maintained), the ACTC's consultants, CoTransCo, worked with staff to estimate the amount needed to pave the top eight streets on the City's adopted local street paving list, which was approved by the City Council in September 2015. The estimated amount needed to pave these streets is \$414,750. If the actual costs are higher or lower, this could alter the amount of work to be completed, but at this time, it is expected that the following streets can be repaved with the \$414,750.

E. Market Street (local portion)
High Street
Beltline Boulevard
Geer Drive
Hanks Circle
Revere Street
Townsend Street
Kensington Court

A 10% match by the City (\$41,450) will ensure that the ACTC will allot \$373,300 for repaving these streets. The ACTC's consultant will administer the work on these roads, along with streets from other municipalities and the County. Although the timeframe for completion has not been determined, the streets inside the City should be repaved in the coming months.

This allocation will improve an additional eight streets inside the City of Anderson.

The General Fund will fund the 10% match of \$41,450.

A motion by Council Member Thompson seconded by Councilman John Roberts carried unanimously (8-0) to approve a 10% match of \$41,450 in order to receive road improvement monies, \$373,300, allocated by the Anderson County Transportation Committee.

REQUEST CONSIDERATION OF FUNDING FOR PHASE II OF THE WEST MARKET STREET PARKING LOT

City Manager, Linda McConnell said the West Market Street Parking lot construction was completed with the exception of the garbage enclosure and the separate adjacent concrete parking area that fronts on West Market Street. These items were delayed, providing an opportunity to review cost savings. The request is for funding to complete the renovation of the lower concrete parking lot and purchase the materials necessary to construct the trash enclosure.

Garbage enclosure:

Original cost by contractor was beyond the budget. The construction scope was revised to include the concrete pad, steel bollards, and steel gate posts only. This was completed by Thrift Construction.

City crews will purchase construction materials and build the walls for the enclosure. Materials will include fabricated doors by Pap's Ornamental (same vendor as other decorative railings on the site). Pap's will also install the double swing gates on the enclosure. The enclosure will be constructed by City crews using split-face block which matches the materials used to construct the landscape retaining wall along West Market Street. The total cost for the garbage enclosure is \$11,894.50.

West Market Street concrete parking lot:

Initial plan for this parking area was to patch and retain the concrete. Upon further review of its condition, patching is not recommended due to the deteriorated condition of the concrete. The renovation proposal includes removal of all of the existing concrete, removal of the curb and gutter, preparation of the sub-grade, new curb and gutter installation, and repaving of the whole parking lot from the back of the sidewalk to the retaining wall. The cost for this is \$32,327.44. Thrift Brothers was originally to perform the work in this area and did complete the landscaped islands, but delayed the rest of the work in order to revise the scope of work as outlined above.

The benefit is the completion of the West Market Street Parking Lot. It also continues the City's streetscape/public infrastructure improvements to the west of Main Street and visually opens the enhanced exposure from Murray Avenue.

The project will be funded by the TIF and Hospitality Funds.

The Staff recommends approval of the \$11,894.50 for completion of the trash enclosure. The staff also recommends approval of the revised Thrift Brothers contract scope for the renovation of the concrete parking lot in the amount of \$32,327.44.

A motion by Councilman Chapman seconded by Councilman Buck Roberts carried unanimously (8-0) to approve \$11,894.50 for completion of the trash enclosure at the West Market Street Parking Lot.

A motion by Councilman John Roberts seconded by Council Member Thompson carried unanimously (8-0) to approve \$32,327.44 to revise the Thrift Brothers contract scope for the renovation of the West Market Street concrete parking lot.

REQUEST CONSIDERATION TO PURCHASE EQUIPMENT FOR THE WASTEWATER DEPARTMENT

Utilities Director, Jeff Caldwell said in September 2016, city council approved Ordinance 16-18. This ordinance authorized the lease purchase of \$800,000 of vehicles and equipment for the wastewater department. During this discussion, staff shared that each individual purchase request would come back to Council prior to purchase. Under this direction, Council has previously approved 4 vehicles, a backhoe, and a skid steer in the total amount of \$256,780.33.

In March 2017, the city issued a Request for Proposals for the acquisition of several pieces of used equipment. Unfortunately, no proposals were received. After further discussion with the prospective proposers, we found that the equipment vendors could not meet the specification to hold the equipment for 30 days to allow for city inspection and council consideration.

To successfully procure the needed equipment at the recommended budget, staff requests approval to purchase the used equipment under the following previously approved budget amounts up to the maximum amounts as listed below. This recommendation meets our procurement regulations.

<u>Equipment</u>	<u>Budget</u>
Excavator	\$100,000
Loader	110,000
Dump Truck (16CY)	100,000
Dump Truck (5CY)	45,000
Tractor and Bush hog	<u>50,000</u>
TOTAL	<u>\$405,000</u>

This equipment is used daily in the operation, maintenance, and construction of the wastewater collection system specifically to meet the EPA CMOM Requirements. This equipment will support the new CMOM program; therefore, there is no equipment being removed because of this purchase.

This purchase will be funded by the previously approved Equipment Lease Purchase authorized under Ordinance 16-18.

A motion by Councilman Chapman seconded by Councilman Buck Roberts carried unanimously (8-0) to approve the purchase of used vehicles and equipment for the Wastewater Department in the amount of \$405,000.

REQUEST CONSIDERATION OF RESOLUTION 17-02 TO RENEW AN INTER-GOVERNMENTAL AGREEMENT WITH ANDERSON COUNTY REGARDING A CONSOLIDATED REAL AND PERSONAL PROPERTY TAX COLLECTION SYSTEM

City Manager, Linda McConnell said the City of Anderson and the Anderson County entered into an agreement in 2007 for the collection by the County of the real and personal property taxes from the City's taxpayers. The agreement was extended for an additional five years by resolution of the City Council dated April 09, 2012. The County has presented an agreement to extend the prior agreement until June 30, 2022.

The agreement provides for an efficient simple cost-saving consolidated tax collection system for the citizens.

A motion by Council Member Thompson seconded by Councilman Laughridge carried unanimously (8-0) to approve Resolution 17-02 to renew an Inter-Governmental Agreement with Anderson County regarding a consolidated real and personal property tax collection system.

ADMINISTRATIVE BRIEFING

QUARTERLY REPORTS

City Manager, Linda McConnell asked Council to review the Quarterly Progress Report included in the Council Packet.

UPCOMING EVENTS

City Manager, Linda McConnell, reminded Council of the following upcoming events and all meetings in July 2017.

July 12th – Dog Park Dedication

July 18th – Sounds in the Park – CWP

July 21st – Movie Night in CWP – Rogue One

EXECUTIVE SESSION

A motion by Councilman Buck Roberts seconded by Councilman Chapman carried unanimously (8-0) to move into Executive Session to discuss Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual arrangements and proposed sale of property owned by the City of Anderson located at 128 East Whitner Street.

A motion by Council Member Thompson seconded by Councilman Laughridge carried unanimously (8-0) to move out of Executive Session.

No action was taken.

ADJOURNMENT

A motion by Councilman Newton seconded by Councilman John Roberts carried unanimously (8-0) to adjourn.

ATTEST:

Terence V. Roberts
Mayor

Peggy G. Maxwell
City Clerk Treasurer

Date: 08-14-17

Agenda Item No: B-1

**City of Anderson
Council Agenda**

Title/Description: New Business

Request consideration of an ordinance amending the 2016-2017 Annual Budget.

Executive Summary:

Request: Consideration of an ordinance amending the 2016-2017 Annual Budget by increasing the General Fund budget \$1,908,341.

Background: The City Council adopted the 2016-2017 Annual Budget by Ordinance 16-10 on June 27, 2016. During the year, the general fund received unbudgeted revenue for the police (e share) and council approved financing for fire equipment and council chamber audio/visual equipment. Council also approved budgeted contingency funds for the 2016 Compensation Plan.

Benefit: The amendments allow the budget and audit to more accurately reflect revenue received and expenditures made that were unknown when the budget was originally adopted. Therefore, comparisons between budget and actual are more meaningful.

Funding: Does not apply.

Recommendation: Approve first reading of an ordinance amending the 2016-2017 Annual Budget. The ordinance is attached.

Action Requested:

Ordinance 1st Reading

Information Only

Ordinance 2nd Reading

General Approval

Ordinance

FY 2016-2017 Budget Amendments

An Ordinance of the Mayor and Council of the City of Anderson to amend Budget Adoption Ordinance 16-10 by increasing the General Fund budget \$1,908,341 providing for details of such amendments, and certain other matters,

WHEREAS, the City adopted Ordinance 16-10 on June 27, 2016, setting forth the revenues of the General, Sewer, Water, Storm Water, Transit, Community Development, Accommodation Tax, Hospitality Fee, Perpetual Care, Economic Development and Endowment Funds for FY 16-17.

WHEREAS, the City monitors the financial activities as they relate to this budget;

WHEREAS, in order to ensure actual revenues and expenditures are consistent with the budget:

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

The following amendments are hereby authorized:

General Fund: Police Approved by City Council 10-10-16 (90) Body Cameras

10-00360-70910-0-0	E Share Revenue	\$	14,458	Increase
10-00335-40723-0-0	SCDPS-Body Camera Award		55,036	Increase
10-42123-30073-0-0	Patrol Specialized Equipment		69,494	Increase

General Fund: Police Approved by City Council 11-14-16 (53) Chromebooks

10-00360-70901-0--0	E Share Revenue	\$	17,004	Increase
10-42123-20073-0-0	Patrol Specialized Equipment		17,004	Increase

General Fund: Fire Approved by City Council 8-22-16 (2) Fire Trucks and Equipment

10-00393-71400-0-0	Lease Proceeds	\$	1,700,000	Increase
10-42200-30085-0-0	Machinery & Equipment		916,285	Increase
10-42200-30086-0-0	Other Equipment		450,993	Increase
10-42200-30088-0-0	Special Projects		332,722	Increase

General Fund: Debt Service Payment on Fire Trucks included in budget contingency

10-47250-20095-0-0	Capital Lease Payment	\$	300,000	Increase
10-49100-20125-0-0	Contingency		300,000	Decrease

General Fund: Information Technology Approved by City Council 10-10-16 Audio/Visual Equipment

10-00360-70800-0-0	Prior Year Funds	\$	121,843	Increase
10-41912-30086-0-0	IT-Other Equipment		121,843	Increase

General Fund: 2016 Compensation Plan

10-42123-10001-0-0	Patrol-Salaries	\$	144,988	Increase
10-42123-10003-0-0	Patrol-Pension		13,194	Increase
10-42123-10004-0-0	Patrol-FICA		11,092	Increase
10-42126-10001-0-0	Detention-Salaries		17,500	Increase
10-42126-10003-0-0	Detention-Pension		1,593	Increase
10-42126-10004-0-0	Detention-FICA		1,339	Increase
10-41912-10001-0-0	Information Technology-Salaries		3,196	Increase
10-41912-10003-0-0	Information Technology-Pension		291	Increase
10-41912-10004-0-0	Information Technology-FICA		244	Increase
10-41911-10001-0-0	Planning-Salaries		3,702	Increase
10-41911-10003-0-0	Planning-Pension		337	Increase
10-41911-10004-0-0	Planning-FICA		283	Increase
10-42400-10001-0-0	Building Inspection-Salaries		3,845	Increase
10-42400-10003-0-0	Building Inspection-Pension		350	Increase
10-42400-10004-0-0	Building Inspection-FICA		294	Increase
10-42450-10001-0-0	Building Maintenance-Salaries		1,076	Increase

10-42450-10003-0-0	Building Maintenance-Pension	98	Increase
10-42450-10004-0-0	Building Maintenance-FICA	82	Increase
10-41210-10001-0-0	Courts-Salaries	864	Increase
10-41210-10003-0-0	Courts-Pension	79	Increase
10-41210-10004-0-0	Courts-FICA	66	Increase
10-41540-10001-0-0	Human Resources-Salaries	2,862	Increase
10-41540-10003-0-0	Human Resources-Pension	260	Increase
10-41540-10004-0-0	Human Resources-FICA	219	Increase
10-42200-10001-0-0	Fire-Salaries	7,481	Increase
10-42200-10003-0-0	Fire-Pension	681	Increase
10-42200-10004-0-0	Fire-FICA	572	Increase
10-42500-10001-0-0	Fleet-Salaries	3,235	Increase
10-42500-10003-0-0	Fleet-Pension	294	Increase
10-42500-10004-0-0	Fleet-FICA	247	Increase
10-46760-10001-0-0	Public Works Administration-Salaries	3,089	Increase
10-46760-10003-0-0	Public Works Administration-Pension	281	Increase
10-46760-10004-0-0	Public Works Administration-FICA	236	Increase
10-43240-10001-0-0	Sanitation-Salaries	58,440	Increase
10-43240-10003-0-0	Sanitation-Pension	5,318	Increase
10-43240-10004-0-0	Sanitation-FICA	4,471	Increase
10-43160-10001-0-0	Signal & Sign-Salaries	6,700	Increase
10-43160-10003-0-0	Signal & Sign-Pension	610	Increase
10-43160-10004-0-0	Signal & Sign-FICA	513	Increase
10-43100-10001-0-0	Streets-Salaries	21,091	Increase
10-43100-10003-0-0	Streets-Pension	1,919	Increase
10-43100-10004-0-0	Streets-FICA	1,613	Increase
10-49100-20125-0-0	Non-Departmental-Contingency	324,646	Decrease

Date: August 14, 2017

Agenda Item No: B-2

**City of Anderson
Council Agenda**

Title/Description: New Business

Request approval of an agreement between the City of Anderson and Anderson County to provide for the allocation of Accommodations Tax Revenue.

Executive Summary:

Local governments are authorized by Section 6-1-20 of the 1976 Code of Laws of South Carolina, and Article VIII Section 13 of the South Carolina Constitution to enter into contractual agreements with each other to provide joint public facilities and services when considered mutually desirable.

Background:

The City of Anderson (City) and County of Anderson (County) previously entered into an agreement providing for the financing and construction of the Anderson County Sports and Entertainment Complex (Sports Complex).

A previous agreement between Anderson County and the City of Anderson regarding the use of ATAX monies expired May 1, 2017.

Anderson County and the City of Anderson desire to extend the agreements regarding the use of ATAX money at the Complex for an additional five (5) years in order to benefit the citizens of the County and the City.

Anderson County Council approved this agreement at its meeting July 18, 2017.

Benefit:

The continued maintenance and improvement of the Sports and Entertainment Complex will be a benefit to the citizens of Anderson and will enhance their recreational opportunities. In addition, the City will receive additional funding for its recreational master plan through the 3% local accommodations tax collected by the County from in-city lodging facilities.

Funding:

3% local accommodations tax

Recommendation:

It is recommended that the City Council approve the agreement.

Action Requested:

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

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A
FIVE YEAR EXTENSION OF THE
AGREEMENT BETWEEN ANDERSON
COUNTY AND CITY OF ANDERSON
REGARDING USE OF ACCOMOCATIONS
TAX (ATAX) REVENUES FOR USE AT THE
ANDERSON COUNTY SPORTS AND
ENTERTAINMENT COMPLEX: AND
OTHER MATTERS RELATED THERETO.**

WHEREAS, Article VIII, Section 13 of the South Carolina Constitution and S. C. Code Section 6-1-20 authorize local governments to enter into contractual agreements with each other to provide joint public facilities and services when considered mutually desirable;

WHEREAS, Anderson County and the City of Anderson previously entered into an agreement providing for financing and construction of the Anderson County Sports and Entertainment Complex (“Complex”);

WHEREAS, a previous agreement between Anderson County and the City of Anderson regarding the use of ATAX monies expired May 1, 2017; and

WHEREAS, Anderson County and the City of Anderson desire to extend the agreements regarding the use of ATAX money at the Complex for an additional five (5) years in order to benefit the citizens of the County and the City.

NOW THEREFORE, be it resolved by the Anderson County Council in meeting duly assembled that:

1. The Anderson City Council hereby approves the Agreement with the County of Anderson attached as Exhibit A and further authorizes the City Manager to execute the Agreement on behalf of the City of Anderson.
2. All orders and resolutions in conflict herewith are, to the extent of such conflict only, repealed and rescinded.
3. This resolution shall take effect and be in force immediately upon its adoption by the Mayor and Council.

AGREEMENT

1. The County will develop a 5-year plan for the maintenance and improvement of the Sports Complex.
2. The City agrees that the County shall continue to collect and apply the City Allocation up to \$100,000.00 annually as follows:
 - a. Maintenance and improvement of the Sports Complex.
 - b. Contributions to Celebrate Anderson.
 - c. Payment of utilities including water, electricity and stormwater fees.
3. The County agrees that the City will not be charged a user fee for the use of the fields at the Sports Complex.
4. It is agreed that the City will have first priority of scheduling use of the fields and tennis courts at the Sports Complex from Monday through Thursday. The City will continue to reimburse the County for costs of the facility manager for times the City is using the facility.
5. The City agrees that the stormwater fee charged to the County for the Sports Complex will not exceed \$5,000.00 per year which the County may elect to pay from the City Allocation. Any outstanding storm water fees claimed to be due the City from the County as of effective date of this agreement, which the County disputes, shall be deemed satisfied.
6. The County will provide a full accounting of the annual revenues generated by the ATAX broken down by county and city lodging facilities.
7. In January of each year, the County will, with suggestions from the City, submit a proposed budget detailing the use of the ATAX revenues from both City and County lodging facilities. The City shall have final approval with respect to the budgeting of the City Allocation and such approval shall not be unreasonably withheld.

8. The amount of the City Allocation collected by the County which exceeds \$100,000 annually, if any, shall be transferred to the City on or before June 30 of each year.
9. This agreement shall be effective May 1, 2017 and shall extend for a period of five (5) years expiring on April 30, 2022, and shall automatically renew for one year periods on May 1st of each year unless either party gives at least 60 days written notice of its intent not to renew.
10. If any provision of this agreement shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this agreement as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.
11. From time to time after the execution of this agreement, the parties hereto shall within their legal authority execute other documents as may be necessary, helpful, or appropriate to carry out the terms of this agreement at all times subject to any approvals required by the parties' respective governing bodies.
12. This agreement shall constitute the entire understanding among the parties hereto, superseding any and all previous understandings, oral or written, pertaining to the subject matter contained herein. No party hereto has relied, or will rely, upon any oral or written representation or oral or written information made or given to such party by any representative of the other party or anyone on its behalf.
13. This contract may not be amended, changed, modified or terminated without in each instance the prior written consent of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed; the action of the County having been authorized by a resolution duly adopted by the Anderson County Council, and the action of the City having been authorized by a resolution duly adopted by the City Council of the City.

SIGNED, SEALED AND DELIVERED this ___ day of _____, 2017.

Witnesses:

(As to the County)

Anderson County (SEAL)

BY: _____ Chairman

BY: _____ Administrator

ATTEST: _____ Clerk
(for Anderson County)

(As to the City)

City of Anderson (SEAL)

BY: _____ Mayor

BY: _____ City Manager

ATTEST: _____ Clerk
(for the City of Anderson)