

**CITY OF ANDERSON
COUNCIL AGENDA
February 22, 2021
6:00 PM**

INVOCATION: Mayor Pro Tem Rick Laughridge

RESPECTS TO FLAG: Councilman Jeff Roberts

Approval of Minutes of February 8, 2021

A. OLD BUSINESS:

1. Request second reading of Ordinance 21-05 to amend Section 14.5 of the City of Anderson Zoning Ordinance by adding a provision requiring a minimum floor elevation for new single-family dwellings.

B. NEW BUSINESS:

1. Request consideration of construction contract for building foundation remedial repair at 512 South Murray Avenue as part of the Murray Avenue and Towers Street drainage project.
2. Request consideration of medical contract for the Detention Center.
3. Request consideration of an ordinance to amend City of Anderson Business License Ordinance 19-15 to exempt owner-occupied commercial property from business license requirement.

C. EXECUTIVE SESSION: Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual arrangements and the receipt of legal advice related to potential claims or other matters covered by the attorney-client privilege.

Regular Meeting
February 8, 2021

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

APPROVAL OF MINUTES

A motion by Councilman Stewart seconded by Councilman John Roberts carried unanimously (6-0) to approve the minutes of the January 25, 2021 meeting as presented.

REQUEST CONSIDERATION OF AN ORDINANCE TO AMEND SECTION 14.5 OF THE CITY OF ANDERSON ZONING ORDINANCE BY ADDING A PROVISION REQUIRING MINIMUM FLOOR ELEVATION FOR NEW SINGLE – FAMILY DWELLINGS

Planning Director, Maurice McKenzie said it is sometimes necessary to refine the Zoning Ordinance to maintain its effectiveness and efficiency because of changes in laws, community conditions and preferences, and other factors. Based on the City's desire to improve aesthetics with residential construction, language was recently developed for a residential Planned Development District (PDD) requiring all new single-family dwellings to have a finished floor elevation a minimum of 12 inches above the adjacent grade. This provision does not apply to garages, carports, and porches.

For this guideline to apply citywide for every newly constructed detached single-family dwelling, the following language is proposed to be added to the Zoning Ordinance:

Minimum floor elevation. Every new single-family detached dwelling erected shall have a minimum finished floor elevation of 12 inches above the adjacent grade. This provision does not apply to garages, carports, or porches. The zoning administrator may allow additional exemptions based on established policy. The exemptions are as follows:

- Active subdivision developments that are nearing completion, specifically: Oak Hill, Village at Glenwood, and Martin’s Trail may be exempted from the provisions of Section 14.5(b) of the Zoning Ordinance.
- Building permits obtained prior to the passage of this ordinance may be exempted from the provisions of Section 14.5(b) of the Zoning Ordinance.
- Any other exemptions, alterations, or modifications to the provisions of this policy must be approved by the City Council.

The Planning Commission considered this request at their February 2nd meeting and unanimously recommended approval.

A motion by Councilman Jeff Roberts seconded by Councilmember Thompson carried unanimously (6-0) to approve an ordinance to amend Section 14.5 of the City of Anderson Zoning Ordinance by adding a provision requiring minimum floor elevation for new single-family dwellings on first reading.

REQUEST CONSIDERAION OF A CONSTRUCTION CONTRACT AND AMENDED ENGINEERING SERVICES CONTRACT FOR THE BYRUM-WHITNER CREEK SEWER REPLACEMENT PROJECT

Utilities Director, Jeff Caldwell explained that in June 2014, the City began to develop several CMOM (Capacity Management Operation Maintenance) programs with the goal to eliminate all discharges of untreated wastewater known as Sanitary Sewer Overflows. One of the final programs focused on a Capital Improvement Plan to address Infrastructure Rehabilitation. One of the initial projects considered under this program is the rehabilitation/replacement of a portion of trunk lines along Byrum and Whitner Creeks. Byrum and Whitner Creeks intersect to form Generostee Creek on the former Anderson Country Club property.

On April 22, 2019, council approved the design, bidding, and construction administration phases of the project. On January 19, 2021, the City received bids for the construction of the proposed improvements. The following bids were received:

Bidder	Location	Cost
Moorhead Construction, Inc.	Belton, SC	\$2,117,910.00
McClam & Associates, Inc.	Little Mountain, SC	\$2,229,264.00
Saluda Construction, LLC	Greenville, SC	\$2,632,015.00

During the bidding phase, several bidders requested an adjustment to the construction schedule from 6 months to 11 months, which led to more competitive bidding but does increase the cost of construction administration activities. Therefore, this request does include

an increase \$40,000 from \$54,000 to \$94,000 to match the required services to the construction schedule.

In addition, staff is requesting the approval of on-site engineering resident services to ensure all construction activities are completed according to the plans and specifications, efficient response to any construction issues, accurate record keeping, accurate payment application, etc. These services are estimated at \$135,000.

Moving forward this project will provide for a more reliable sewer collection system, eliminate sewer stop-ups, provide the necessary steps to protect our environment, and provide flow for future development. Mr. Caldwell clarified that this project would add flow capacity increasing the 15"/18" pipes to 24"/27" pipes.

Funding for this project is included in the Capital Improvement Plan supported by the Sewer Fund.

A motion by Councilman Jeff Roberts seconded by Councilman Newton carried unanimously (6-0) to approve the construction contract with Moorhead Construction, Inc. in the amount of \$2,117,910 and amend the engineering contract with Design South Professionals, LLC. to include the additional cost of construction administration and resident services in the amount of \$175,000.

REQUEST CONSIDERATION OF A WASTEWATER TREATMENT PLANTS INSTRUMENTATION UPGRADE PROJECT

Utilities Director, Jeff Caldwell explained that during the 2006 and 2008 upgrade and expansion of the City's two wastewater treatment plants, the City installed state-of-the-art instrumentation to allow for the control of equipment and data reporting for regulatory compliance. Over the years, many components of the instrumentation systems have become obsolete; therefore, continued operation requires an upgrade to our Programmable Logic Controllers (PLCs). As part of the Sewer's capital equipment plan, the City developed a plan to upgrade and replace two (2) of its instrumentation PLCs at each wastewater plant over several years. As the City upgrades four (4) total PLCs, this will supply spare parts for other PLCs in case of any failures until the plants are fully upgraded.

The City's instrumentation and proprietary software developer is MR Systems. The cost for each WWTP is below:

Generostee Creek WWTP	\$65,946
Rocky River WWTP	\$68,048

To provide flexibility to address any unforeseen issues, staff is recommending to budget \$80,000 at each WWTP. This purchase will be funded by the Wastewater Treatment Plant's Repair and Replacement funds.

This equipment is essential to the daily operation of the City's wastewater treatment plants and assists in compliance with state discharge permits.

A motion by Councilman Stewart seconded by Councilmember Thompson carried unanimously (6-0) to approve proposal with MR Systems not to exceed \$160,000 for wastewater treatment plant instrumentation upgrade project.

REQUEST CONSIDERATION OF AN ENGINEERING CONTRACT FOR THE EVERGREEN AREA
WATERLINE IMPROVEMENT PROJECT

Utilities Director, Jeff Caldwell explained that the Water System Master Plan and a long-range capital plan was adopted in 2011 (updated in 2018) to address needed improvements to the City's water distribution system. This plan is required to meet our system goals of (1) providing the highest quality of water possible, (2) providing adequate water pressures, (3) providing ample fire protection, (4) supporting economic development, (5) preparing for future growth, and (6) reducing customer complaints.

The Evergreen Area project was identified for FY21 budget year. This project includes Strickland Avenue, Finley Street, Nixon Street, Foster Street, Richey Street, and Gilbert Street. Existing water lines and services are installed in the backyards, and, over the years, the addition of fencing, home additions, animals, and detached buildings have made this area difficult to maintain lines and read meters.

The engineering proposal of \$106,500 includes design of the improvements, bidding services, and construction administration services to complete the project, as shown below.

Preliminary Design	\$20,000
Final Design, Permitting	\$40,000
Bidding	\$6,000
Construction Administration	\$39,000
Easement Exhibits, if needed	\$1,500

The overall project budget is estimated at \$750,000. Hulsey McCormick & Wallace, Inc. is the firm selected through the RFP process for water system projects. The water operations budget designated funds for this project.

A motion by Councilman John Roberts seconded by Councilman Stewart carried unanimously (6-0) to approve engineering contract with Hulsey McCormick & Wallace, Inc in the amount of \$106,500.

EXECUTIVE SESSION

A motion by Councilman Stewart seconded by Councilman John Roberts carried unanimously (6-0) to move into Executive Session:

Section 30-4-70(a)(2) – Discussion of negotiations incident to proposed contractual agreements and the receipt of legal advice relating to matters covered by the attorney-client privilege.

A motion by Councilman Jeff Roberts seconded by Councilman John Roberts carried unanimously (6-0) to move out of Executive Session.

There was no action by Council on the item discussed in Executive Session.

The Mayor reminded everyone that February is Black History Month.

ADJOURNMENT

A motion by Councilman Newton seconded by Councilman Jeff Roberts carried unanimously (6-0) to adjourn at 7:00 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

Date: February 22, 2021

Agenda Item Number: A-1

City of Anderson
Council Agenda

Title/Description: Old Business

Request: Consideration of Ordinance 21-05 to amend Section 14.5 of the City of Anderson Zoning Ordinance by adding a provision requiring a minimum floor elevation for new single-family dwellings.

Executive Summary:

Background: It is sometimes necessary to refine the Zoning Ordinance in order to maintain its effectiveness and efficiency because of changes in laws, community conditions and preferences, and other factors. Based on the City's desire to improve aesthetics with residential construction, language was recently developed for a residential Planned Development District (PDD) requiring all new single-family detached dwellings to have a finished floor elevation a minimum of 12 inches above the adjacent grade. This provision does not apply to garages, carports, and porches.

In order for this guideline to apply citywide for every newly constructed detached single-family dwelling, the following language is proposed to be added to the Zoning Ordinance:

Minimum floor elevation. Every new single-family detached dwelling erected shall have a minimum finished floor elevation of 12 inches above the adjacent grade. This provision does not apply to garages, carports, or porches. The zoning administrator may allow additional exemptions based on established policy.

Attached is a policy that further clarifies this provision, which mainly pertains to development projects that are currently underway.

Benefit: N/A

Funding: N/A

Recommendation: Approval. The City Council approved this on first reading at their February 8th meeting and the Planning Commission also unanimously recommended approval.

Action Requested:

X Ordinance 2nd Reading

ORDINANCE NO. 21-05

AN ORDINANCE TO AMEND
SECTION 14.5 OF THE CITY OF
ANDERSON ZONING ORDINANCE
BY ADDING A PROVISION REQUIRING
A MINIMUM FLOOR ELEVATION
FOR NEW SINGLE FAMILY
DWELLINGS

WHEREAS, it is the City's desire to improve aesthetics of single-family detached dwellings, and

WHEREAS, Section 14.5 of the Anderson City Code provides for the location of buildings on lot of record, and

WHEREAS, it is the desire of the City Council of the City of Anderson to provide for a minimum floor elevation for new single-family detached dwellings.

THEREFORE, be it ordained by the Mayor and City Council of the City of Anderson that:

Section 14.5 of the Code of the City of Anderson is hereby amended and after amended shall provide as follows:

1. Section 14.5. *Location of building or lot of record, minimum floor elevation.*
 - A. *Location of buildings on lot of record.* Every building or use hereafter erected or established shall be located on a lot of record, and every one-and two-family dwellings, except as herein provided, shall also be located on an individual lot of record. In all cases, the principal buildings on a lot shall be located within the buildable area formed by the building setback lines of the district in which the use is located, and in no case shall such buildings infringe on space outside the buildable area described above and into the respective front, side, and rear yards, or other setbacks required for the district in which the lot is located.
 - B. *Minimum floor elevation.* Every new single-family detached dwelling erected shall have a minimum finished floor elevation of 12 inches above the adjacent grade. This provision does not apply to garages, carports, or porches. The zoning administrator may allow additional exemptions based on established policy.
2. All ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the new inconsistency or conflict.
3. This ordinance shall take effect immediately upon adoption by the Mayor and Council of the City of Anderson.

POLICY REGARDING ORDINANCE _____

- Active subdivision developments that are nearing completion, specifically: Oak Hill, Village at Glenwood, and Martin's Trail may be exempted from the provisions of Section 14.5(b) of the Zoning Ordinance.
- Building permits obtained prior to the passage of this ordinance may be exempted from the provisions of Section 14.5(b) of the Zoning Ordinance.
- Any other exemptions, alterations or modifications to the provisions of this policy must be approved by the City Council.

City of Anderson
Council Agenda

Title/Description: New Business

Request consideration of construction contract with UMA Geotechnical Construction, Inc for Building Foundation Remedial Repair - 512 S Murray Ave.

Executive Summary:

Background: The City was notified of a sinkhole along the rear of the building of 512 South Murray Avenue (commonly referred to as Mac’s Tire). After researching the history of the failing pipe, it was determined that the pipe is part of a stormwater drainage system that was built circa 1914 by the city as part of a railroad spur expansion. The City contracted with Schnabel Engineering to prepare construction plans for the repair and stabilization of the Mac’s Tire building and with Davis & Floyd Engineers to design the relocation and replacement of the affected portion of the drainage system. Schnabel Engineering has evaluated and monitored the existing Mac’s Tire building foundation (exposed by the pipe failure) and developed remediation plans for long-term stabilization of the building.

The foundation repair phase of the project was bid using the City’s website, Anderson Independent Mail and South Carolina Business Opportunities (SCBO). A pre-bid meeting was held on January 25, 2021 at the project site and was attended by representatives from six companies. Sealed bids were due February 1, 2021. Five bids were submitted for consideration. The results are as follows:

Bidder	Location	Base Bid
Breccia Construction	Columbia, SC	\$299,500
Engineered Solutions of GA	Marietta, GA	\$333,225
Foothills Contracting Service	Central, SC	\$453,800
Lazer	Williamston, SC	\$229,900
UMA Geotechnical Construction	Kernersville, NC	\$198,914

This bid for this project was both lump sum items and unit price items, therefore individual line items that could affect the final price were also considered in the final selection, as were contractor qualifications.

Benefit: Moving forward with this project will provide increased safety along the drainage system and of the existing structure. Once the building stabilization has occurred the replacement of failing drainage infrastructure can proceed.

Funding: Funding for this project will be from the stormwater fund.

Recommendation: Schnabel Engineering and Public Works Staff have reviewed the bids, past projects, and references. Staff recommends the approval of the construction contract with UMA Geotechnical Construction in the amount not to exceed \$198,914.

Action Requested: X General Approval

Date: February 22, 2021

Agenda Item No. B-2

**City of Anderson
Council Agenda**

Title/Description: New Business

Request consideration to contract with Southern Health Partners (SHP) for the medical care of all inmates housed at the Anderson City Detention Center.

Executive Summary:

Background: The Detention Center houses both male and female detainees for the City of Anderson, the United States Marshall Service, Bureau of Prisons, and some sentenced inmates, generally having sentences of less than 3 months. The Detention Center must provide health care for detainees including initial screening, dispensing medications, acute care, etc. with a physician available 24/7.

SHP (Provider) is responsible for all medical care for all inmates at the Detention Center, including the purchase of medicines. This responsibility of Provider for the medical care of an inmate commences with the commitment of the inmate to the custody of the administration of the Detention Center and ends with the discharge (or temporary release) of the inmate from the custody of the City at the Detention Center.

Inmates held in the Detention Center for other jurisdictions such as other counties or the US Marshall or Bureau of Prisons will be included in the count, and the on-site care for these inmates will be the responsibility of the Provider for nursing and physician care, any supplies used, and for over-the-counter medications. Other medical costs which can be identified for specific inmates such as prescriptions, x-rays, dental procedures, and all off-site medically related consultations and procedures will be billed back to the originating agency, either by the City, the actual community agency providing the care, or by the Provider.

Benefit: The benefit rests in the total turnkey health care delivery being provided by SHP.

Funding: Funding for the contract will be from the Detention budget.

Recommendation: Staff recommends approval of the contract with Southern Health Partners in the renewal of the third year for \$186,604.92.

 X Approval of contract

Date: February 22, 2021

Agenda Item No: B - 3

**City of Anderson
Council Agenda**

Title/Description: New Business

Request consideration of an ordinance to amend City of Anderson Business License Ordinance 19-15 to exempt owner-occupied commercial property from business license requirement.

Executive Summary:

Background: Section 19 of Business License Ordinance No. 19-15 requires a business license for persons who own five (5) or more residential rental units or gross rental revenue is excess of \$30,000.00 per annual and provides that all commercial real estate rental/lease must have a business license.

It has come to Council’s attention that many businesses in the City own their property and pay rent to themselves for accounting purposes, and it was not the intention of City Council to require a license for commercial properties that are owner-occupied and have no other tenants.

Council desires to clarify its intention by providing a definition of Commercial Property in the Business License Ordinance:

“Commercial Property” means property not solely used as residences or dwellings. Commercial/rental property requires a business license. If the same entity owns more than one property, one business license will be required with all gross income included on that license. A license is not required of commercial properties that are owner-occupied and have no other tenants.”

Recommendation: Staff recommends approval of the ordinance to amend the City of Anderson Business License Ordinance 19-15 to exempt owner-occupied commercial property from business license requirement on first reading.

Action Requested:

Ordinance 1st reading

Information Only.

Ordinance 2nd reading

General Approval

Resolution

Other

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CITY
OF ANDERSON BUSINESS LICENSE
ORDINANCE NO. 19-15 TO EXEMPT
OWNER-OCCUPIED COMMERCIAL
PROPERTY FROM BUSINESS
LICENSE REQUIREMENT

WHEREAS, Section 19 of Business License Ordinance No. 19-15 requires a business license for persons who own five (5) or more residential rental units or gross rental revenue is excess of \$30,000.00 per annual, and

WHEREAS, Section 19 provides that all commercial real estate rental/lease must have a business license, and

WHEREAS, it has come to Council's attention that many businesses in the City own their property and pay rent to themselves for accounting purposes, and

WHEREAS, it was not the intention of City Council to require a license for commercial properties that are owner-occupied and have no other tenants, and

WHEREAS, Council desires to clarify its intention by providing a definition of Commercial Property in the Business License Ordinance.

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

1. Section 2. Definitions of the City of Anderson Business License Ordinance 19-15 is hereby amended by addition of the following definition:

“Commercial Property” means property not solely used as residences or dwellings. Commercial/rental property requires a business license. If the same entity owns more than one property, one business license will be required with all gross income included on that license. A license is not required of commercial properties that are owner-occupied and have no other tenants.