

City of Anderson  
Regular Meeting  
November 9, 2015

The regular meeting of City Council was held this date in City Hall Council Chambers at 6:00 pm. In attendance were Mayor Roberts, Mayor Pro Tem Chapman, Council Members Kirven, Thompson, Laughridge, Harbin, and John Roberts. Councilmen Buck Roberts and Stewart were not present. Also in attendance were City Manager, John Moore, Assistant City Manager, Linda McConnell; Finance Director, Peggy Maxwell; and City Attorney, Frankie McClain. The invocation was given by Mayor Roberts with respects to the flag by Council Member Thompson.

APPROVAL OF MINUTES

A motion by Councilman Laughridge seconded by Council Member Thompson carried unanimously (7-0) to approve the minutes of the October 26, 2015 meeting as presented.

REQUEST CONSIDERATION OF ORDINANCE 15-12 ESTABLISHING THE APRIL 2016 GENERAL  
ELECTION

City Manager, John Moore said the next general election is scheduled for Tuesday, April 5, 2016 for the Municipal Council Seats for Seats Two, Four, Six, and At-Large Seat Eight. Candidates for this election shall be elected to serve a four-year term.

The filing period for candidates is noon Thursday, January 21, 2016 to noon Thursday, February 4, 2016. The filing for candidacy shall be initiated at the Anderson County Registration and Elections Office at 301 N. Main Street. Upon completion of the necessary candidacy forms, payment of the \$200 filing fee shall be submitted to the City Clerk and Treasurer at City Hall, 401 S. Main Street.

The last day to register to vote in the April 5, 2016 election is Saturday, March 5, 2016.

A motion by Council Member Thompson seconded by Councilman John Roberts carried unanimously (7-0) to approve Ordinance 15-12 establishing the next general election date for Municipal Council Seats as Tuesday, April 5, 2016 on First Reading.

REQUEST CONSIDERATION OF SETTLEMENT AND RELEASE AGREEMENT WITH TRIANGLE  
CONSTRUCTION COMPANY

Attorney, Mike Glenn, represents the City, said the gym floors at the Recreation Center were installed and finished in April 2006. In August 2006 polyballs appeared on the floors. A report from the Maple Floor Manufacturing Association concluded that the problem was due to wet mopping after installation. The floors were sanded and were satisfactory.

Problems resurfaced between January and March, 2012. Evidence of water under the floor was found. In August 2012, Southern Flooring began removing the damaged floor to install a new floor. During a rain, water was seen coming under an outside door and running under the gym floor.

Experts hired by the City determined that the failure of the gym floors and other water problems in the building were due to a combination of defective design of the building, defective design of the drainage system and defective construction.

Between August and December, 2012, engineering and construction of revised stormwater drainage system was completed and repairs were made to the building in an attempt to prevent further water intrusion. Two gym floors were installed between February and June, 2013. One floor did fine for several months but both floors have failed to lay out properly.

Attempts to resolve without litigation were unsuccessful. Arbitration cases were filed against Triangle Construction and Neal-Prince Architects in May, 2014. A complaint against Seamon-Whiteside (the site engineer) was filed in the Court of Common Pleas.

The City was not successful in having all the cases tried together. The case against Triangle was scheduled for arbitration the week of October 26. Depositions and other discovery were completed.

Triangle previously offered to pay \$40,000 toward the damages. The attorneys began negotiating the week prior to the scheduled arbitration and Triangle has now offered \$175,000 for its contribution towards the damages. In addition, Triangle has agreed to pay for several repairs to the roof. The attorneys for the City and the experts feel this is a reasonable offer to compensate the City for the damages that resulted from the construction of the building. The issues concerning the faulty design of the building and the drainage system will be litigated in the cases against Neal-Prince and Seamon-Whiteside.

The City will benefit by resolving this case without additional legal cost for a reasonable amount. In addition, the settlement will facilitate repairs to the building in a timely manner.

Triangle will pay to the City the sum of \$175,000 within ten (10) days of the date of the agreement. Triangle will perform or contract the performance (through Pickens Roofing and

others) of items recommended by Jeff Martin except for the total replacement of the metal and translucent wall panels. The City will release Triangle from all claims it has raised or could have raised during the arbitration or prior to the date of the Agreement.

A motion by Mayor Pro Tem Chapman seconded by Councilman Laughridge carried (7-0) to approve a settlement with Triangle Construction in the amount of \$175,000. The City will release Triangle from all claims it has raised or could have raised during the arbitration or prior to the date of the Agreement.

REQUEST CONSIDERATION OF AN AGREEMENT TO PURCHASE 301 SOUTH MURRAY AVENUE  
FROM BENSON STREET PROPERTIES, LLC

Mr. Moore said the City has previously entered into agreement with Benson Street Properties, LLC for the development of an event center and adjacent parking area on the property owned by the City.

The lot at 301 S. Murray Avenue is located between City property and S. Murray Avenue. By acquiring the lot, the City will be able to provide additional parking and include this area in the construction of the parking lot previously agreed upon.

The additional parking will not only benefit the development of the event center but will also enhance the economic development possibility for the general area which is located in the Downtown TIF district.

The agreement provides for payment of \$200,000 for the property in 4 annual installments of \$50,000 with an interest rate of 1.52%. The seller will be responsible for the cost of demolition of the structures and for the preparation of the lot for development.

TIF funds are eligible and available for use in this purchase. Based upon the price paid for the property by Benson Street Properties, LLC (\$175,000.00), other costs involved in the acquisition and the obligation to pay for the demolition and preparation of the lot, staff feels the sales price is fair.

A motion by Councilman Harbin seconded by Council Member Thompson carried unanimously (7-0) to approve the purchase of 301 South Murray Avenue from Benson Street Properties, LLC in the amount of \$200,000 with four payment installments of \$50,000 with an interest rate of 1.52%.

## ADMINISTRATIVE BRIEFING

### UPCOMING EVENTS

City Manager, John Moore reminded Council of the following upcoming events and all meetings in November and December 2015.

November 12<sup>th</sup> – Anderson County Municipal Association Meeting

November 18<sup>th</sup> – Public Works Committee Meeting

November 20<sup>th</sup> – Holiday Ice Skating Opening – CWP

December 3<sup>rd</sup> – Employee Christmas Lunch

December 4<sup>th</sup> – Christmas Tree Lighting

December 6<sup>th</sup> – Christmas Parade

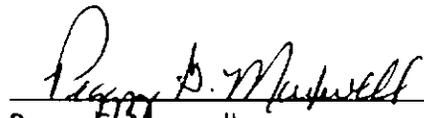
### ADJOURNMENT

A motion by Council Laughridge seconded by Mayor Pro Tem Chapman carried unanimously (7-0) to adjourn.

ATTEST:



Terence V. Roberts  
Mayor



Peggy G. Maxwell  
City Clerk Treasurer