



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, January 14, 2012**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of Minutes of the December 10, 2012 City Council Meeting**
- IV. Approval of Agenda of the January 14, 2013 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Election of 2013 Mayor Pro Tempore**
Presenter: Mayor Junie White
- VII. Briefing on Fire Department Structure Burns/Scientific Testing**
Presenter: Shane Ray, State Fire Marshal
- VIII. Ordinance**
 - A. To Amend the Code of the City of Spartanburg 1988, Chapter 6, "Elections" to Transfer the Conducting of Municipal Elections to the Spartanburg County Election Commission and to Provide that Public Notice be Given by the Spartanburg County Election Commission Ninety (90) Days Prior to Elections, and Further to Amend to Reflect Current State Law Concerning When No Election is Necessary (First Reading)**
Presenter: Cathy McCabe, City Attorney
- IX. Consent Agenda**
 - A. To Amend Chapter 7, Fire Prevention and Protection, Article I, Section 7-6, "Burning Rubbish, Etc." to Provide for the Public Safety Director to Permit Burning of Debris or Structure(s) for the Purpose of Fire Personnel Training or Research (Second Reading)**
Presenter: Marion Blackwell, Fire Chief

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

X. Other Business

A. Award of Bid for Wood/Brush Chipper

Presenter: Mark Ford, Grounds Maintenance Manager

B. Award of Bid for Arkwright Dump Post Closure Groundwater and Methane Gas Monitoring

Presenter: Jay Squires, Storm Water Manager

C. Skating on the Square Update

Presenter: Mitch Kennedy, Community Services Director
Mandy Merck, Special Events Manager

D. 2012 United Way Campaign Update

Presenter: James Rice, City Recreation Supervisor

E. Declaration of Vacancy on Planning Commission

Presenter: Connie McIntyre, City Clerk

XI. City Council Updates

XII. Executive Session to Receive Legal Advice Regarding a Contractual Matter

XIII. Adjournment

** City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.*



CITY OF
SPARTANBURG
SOUTH CAROLINA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, December 10, 2012

(These minutes are subject to approval at the
January 14, 2013 City Council meeting.)

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Cate Ryba, Councilmembers Linda Dogan, Robert Reeder, Sterling Anderson, Jerome Rice, and Jan Scalisi. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

I. **Moment of Silence – observed.**

II. **Pledge of Allegiance – recited.**

III. **Approval of Minutes of the November 26, 2012 City Council Meeting –**
Councilmember Dogan made a motion to approve the minutes as received.
Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.

IV. **Approval of Agenda of the December 10, 2012 City Council Meeting –**
Councilmember Dogan made a motion to approve the agenda as received. Mayor pro tem Ryba seconded the motion, which carried unanimously 7 to 0.

V. **Public Comment - none**

*Citizen Appearance forms are available at the door and should be submitted to the City Clerk

VI. **Ordinance**

A. **To Amend Chapter 7, Fire Prevention and Protection, Article I, Section 7-6,
“Burning Rubbish, Etc.” to Provide for the Public Safety Director to Permit
Burning of Debris or Structure(s) for the Purpose of Fire Personnel Training or
Research (First Reading)**

Presenter: Marion Blackwell, Fire Chief

Chief Blackwell presented the item to City Council as follows:

“Spartanburg Fire Division has partnered with the National Institute of Standards and Technology, International Society of Fire Service Instructors and SC Fire Marshal’s Office to conduct research that will improve firefighter safety. This research is possible through a grant provided by Grants Program Directorate of the Federal Emergency Management Agency, Fire Prevention and Safety category of the Assistance to Firefighters Grant. The grant will provide funds to prepare eight residential structures located on Folsom Street for fire research. These structures

would be ignited and allowed to burn under very controlled conditions. Very precise monitoring and recording equipment will be used to measure the effectiveness of various fire fighting techniques. All hazardous materials would be removed from the structures in advance of the test burn. This testing and research will be conducted January 22nd – 31st.

Removal of these structures will assist the Northside Initiative by funding the abatement of hazards and removal of structures to provide sites for future development. Cleveland Academy of Leadership will be contacted and asked if their faculty and students would like to participate in the field experimentation as a walking field trip. This partnership is a great example of how federal, state, local, and private entities can come together and conduct research and create training programs that will improve service to the citizens and firefighter safety while supporting the needs of the community.

Councilwoman Dogan, Community Services Director Mitch Kennedy, and Curt McPhail (Program Manager with the Mary Black Foundation) have met with Northside residents to discuss this effort. The community is very supportive. Additional outreach efforts will be conducted in January to include door-to-door notification.

To facilitate this research and training, and to avoid any questions or concerns from state regulatory agencies, a text amendment to Chapter 7 of the City Code is proposed. This amendment would specifically allow the city to issue a permit for the burning of structures for the purpose of fire personnel training or research.

Staff is requesting First Reading Approval of an Ordinance to Amend Chapter 7 – Fire Prevention and Protection.

BUDGET & FINANCIAL DATA: No financial impact to budget. Grant funding of \$80,000 to prepare structures for research and removal of debris after research and training is concluded.”

Councilmember Linda Dogan made a motion to approve the ordinance on first reading. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

VII. Resolutions

A. Approving the Purchase of 665 Saxon Avenue, Block Map Sheet 7-11-08-115.00 Presenter: Wesley Corrothers, Neighborhood Services Director

Mr. Corrothers presented the item to City Council as follows:

“The City owns several parcels on Saxon Avenue near the Northwest Center which were either purchased with Neighborhood Stabilization Program (NSP) funds or donated for future redevelopment. The owner of the property at 665 Saxon Avenue has offered that property for sale to the City. Based on appraisals of properties previously purchased, \$9,000 is a fair purchase price for the property and the owner has agreed to accept that offer.

Staff is requesting approval of Resolution approving the voluntary purchase of property at 665 Saxon Avenue, Block Map Sheet 7-11-08-115.00.

BUDGET AND FINANCIAL DATA: CDBG funds in the amount of \$9,000.00.”

Councilmember Dogan made a motion to approve the resolution as presented.

Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

B. Approving Donation of Property Located at 0 North Converse Street Presenter: Wesley Corrothers, Neighborhood Services Director –

Mr. Corrothers presented the item to City Council as follows:

‘Staff has been approached by the owner of a parcel of vacant land located on North Converse Street, TMS 7-12-06-140.00, (formerly known as 142 Keene Street) regarding her desire to donate the property to the City of Spartanburg. This property is located adjacent to a triangular parcel owned by the City, TMS 7-12-06-141.00. Both of these parcels are located within the Renaissance Park area. The only cost to the City would be payment of 2011 taxes, which are delinquent in the amount of \$339.89.

Staff is requesting approval of a Resolution accepting the donation of TMS 7-12-06-140.00 to the City of Spartanburg.

BUDGET & FINANCIAL DATA: A payment of 2011 taxes for \$339.89 is to be funded by CDBG funds.”

Councilmember Dogan made a motion to approve the resolution as requested. Mayor pro tem Ryba seconded the motion, which carried unanimously 7 to 0.

VIII. Consent Agenda

A. To Amend Chapter 10, “Motor Vehicles and Traffic,” to Add a Section to Provide that a Vehicle Owner is Presumed Responsible for Parking Violations (Second Reading)

Presenter: Mark Cleveland, Downtown Manager

Councilmember Reeder made a motion to approve the consent agenda on second reading. Councilmember Dogan seconded the motion, which carried unanimously 7 to 0.

IX. Other Business

A. Presentation of *The Main Street Challenge*

Presenter: Patty Bock, Economic Development Director

Ron Thomas, Economic Development Project Developer

Ms. Bock presented the item to City Council as follows:

“The City’s Economic Development staff has been working on an innovative recruitment program that is intended to attract new businesses to downtown Spartanburg. Called the Main Street Challenge, it is a business start up competition that will take place over a period of five months and will generate viable business concepts to open up in the empty storefronts along Main Street. The contest will benefit the downtown of Spartanburg in many ways.

Highlights of the program are below. A significant amount of preparatory work is underway in anticipation of a public competition launch on January 6, 2013.

Purpose and Benefits

- To generate ideas, leads and other information to aid our efforts to support job creation and revenue growth.
- To proactively initiate recruitment of new and existing businesses that will enhance the retail mix along Main Street.
- To highlight available downtown properties and transform storefronts into attractive places of business.
- To increase consumer traffic and generate sales in the downtown.
- To create a buzz and promote Spartanburg as a great place to open a business.

- To showcase Spartanburg's creative approach to assisting entrepreneurs with the support they need and to remove some of the barriers that prohibit some from starting or expanding a business.
- To strengthen the economy and downtown environment of Spartanburg.

Program Description

- The City will administer a contest designed to select up to three (3) business concepts submitted by those desiring to open a new or expand an existing business to downtown Spartanburg.
- The City has confirmed with six property owners and their representatives of downtown properties/buildings, to secure their premises for promotion in the program. Confirmed properties are street level, with storefront exposure on Main Street. Should the chosen storefronts become occupied prior to the awarding of the winners, the City shall expand within the corridor beginning at Spring St. and West Main St., extending to the intersection of Converse St, and East Main St., or alternative corridors within close proximity of this designated area.
- The City will award up to three (3) cash incentives of \$12,000 each and distributed in monthly \$1,000 dollar increments for a period of one year (these distributions will represent a forgivable loan once contingencies are met). Total program funding of \$40,000 (\$36,000 in cash awards and \$4,000 in advertising costs), is available in the MCIP Fund.
- An additional \$8,000 of in-kind professional services will be awarded by local businesses. These services include, but are not limited to the following: accounting, architectural, payroll, signage, telephone/internet, website design, office supplies, and advertising. In-kind services bring the total value of the combined awards to approximately \$20,000 per winner.
- Applicants will go through several phases of a selection process with the top finalists preparing a business presentation to a Selection Committee. The Selection Committee will be comprised of up to six (6) individuals from the Spartanburg community with solid business and civic minded attributes.
- There are eligibility requirements for applicants and additional requirements that contest winners must adhere to. This information will be available upon the date of the launch, January 6, 2013.

Program Timeline for Phase I of Contest

- Pre-Announcement- now through January 5, 2013 City staff is securing all arrangements needed prior to the program launch. This includes confirming details with Selection Committee and property owners, preparing storefronts, acquiring all professional in-kind services and completing all marketing and promotional collateral for the contest.
- Program launch on Sunday, January 6, 2013 City will promote through various print and social media and have applications accessible in City offices.
- First Submittal Deadline, Friday February 8, 2013

Much upfront planning and groundwork is required in order to successfully launch the Main Street Challenge. Staff is confident that this program will be welcomed by downtown stakeholders. Other positives will flow from this contest, include future leads and business ideas that staff can pursue and hopefully develop into additional

businesses opening in our city. Downtown property owners will notice firsthand that the City is creating positive change in a unique way. The enhanced business mix and increased vacancy may influence them to become more receptive to development projects that include their property. All of this will help to drive consumer traffic, consumer spending at new and existing businesses and spur the demand for residential projects.

Staff is optimistic that this is the ideal time to launch the Main Street Challenge. I encourage each Council member to feel free to contact me for any questions. Program packets containing more detailed information will be provided to each Council member at the December 10, 2012 City Council meeting.”

Ms. Bock stated that the winner of the challenge would be announced at the end of May 2013 with a deadline for opening the business of November 1, 2013.

After extensive discussion, it was the consensus of City Council to proceed with the program.

B. Discussion of Swim Center

Presenter: Chris Story, Assistant City Manager
Ed Memmott, City Manager

Mr. Story presented information to City Council as follows:

“Since our last discussion about the possibility of closing the Swim Center, staff has met with the leadership of the Spartanburg YMCA about the possibility of helping economically disadvantaged city-resident swim center users transition to that facility. We believe a mutually beneficial program can be arranged. Should Council choose to pursue such a program, we would recommend that Council endorse the following program guidelines.

To be eligible for City assistance, individual must be:

City resident, and

Active Swim Center user as verified by Swim Center user rolls, and

Able to provide documentation of household income below area median.

The subsidy provided by the City would be sized to fund the difference between the applicable monthly membership fees of the two facilities for a period of 12 months. (We should note that it would be inaccurate to directly compare the two facilities. In addition to two state of the art pools, a Y membership entails access to a wide variety of wellness programs and amenities not available at the Swim Center.)

The YMCA, through its Gateway program, currently offers a sliding scale reduced monthly fee for the economically disadvantaged. The application process for their Gateway program provides a fair and credible method of assessing financial need.

We average 80 city resident members at the Swim Center. We do not know what percentage of that number would apply or qualify for this transitional subsidy and we have yet to pursue a formal agreement with the Y. However, we are confident that the full cost of the subsidy program as described here would not exceed \$25,000.”

After extensive questions, answers, concerns, and discussion concerning the effects on the community of closing the Swim Center and the adverse economic effects on the City of keeping it open, *Councilmember Anderson made a motion to close the Swim Center in the spring or summer, keeping the center open during the remaining winter months, continued offering of swimming lessons to low income children, and income based subsidy offerings for a YMCA membership to current members.*

Mayor pro tem Ryba seconded the motion. Mayor White clarified that the subsidy would be for just one budget year after closing the Swim Center and would have to be reconsidered by council each budget year.

Councilmember Scalisi stated that she would recommend just closing the center with no subsidies.

Councilmember Rice questioned closing the center for the summer.

Mayor White called for the question.

The vote was 5 to 2 against the motion. Mayor pro tem Ryba and Councilmember Anderson voted in favor of the motion. Councilmembers Dogan, Rice, Scalisi, Reeder, and Mayor White voted against the motion.

Councilmember Dogan made a motion to close the Swim Center in the fall of 2013 and that the City provide a subsidy to the current members of the Swim Center for a YMCA membership and for swimming lessons for the youth. **Councilmember Anderson** seconded the motion. The vote was 4 to 3 in favor of the motion. Mayor White, Mayor pro tem Ryba, and Councilmembers Dogan and Anderson voted in favor of the motion. Councilmembers Scalisi, Reeder and Rice voted against the motion.

X. City Council Updates -

Councilmember Ryba shared that the past Tuesday she attended the CD release of “Voices of the Northside”, which the Mary Black Foundation and HubBub put together. It is a compilation of oral presentations of the histories of people on the northside.

She also shared that she would be riding a B-Cycle in the Christmas parade the next evening at 6:30 p.m. along with Councilmember Anderson.

Councilmember Dogan wished everyone a good holiday. She shared that she, Councilmember Scalisi and Councilmember Reeder had attended the NLC Conference in Boston and that she had brought back valuable information. She mentioned that she was on the National Board of Human Development and that she was on the Regional Director for the National Black Caucus for Local Elected Officials. She mentioned the rendition of “Twas the Night Before Christmas” written by City Clerk Connie McIntyre and read at the Annual Administration Luncheon enjoyed by all.

Councilmember Rice mentioned the Shrine Bowl and that both teams were practicing at Spartanburg High School. He asked that everyone support their efforts and stated his appreciation of the positive economic impact the event would have on the City.

Councilmember Anderson echoed Ms. Dogan’s positive reaction to the Administrative Luncheon and thanked everyone involved. He thanked the Fire Chief for the positive reaction of his staff on a couple of incidents in his area the previous week.

Councilmember Anderson congratulated Mayor pro tem Ryba on accepting the position of Executive Director at HubBub.

Councilmember Scalisi echoed Ms. Dogan’s comments on the positive experience at the NLC Conference and all the opportunities for gaining valuable knowledge for the City.

City Manager Memmott mentioned the many positive effects that “Skating on the Square” had already had for the downtown area.

Mayor White echoed Mr. Memmott’s comments regarding the skating rink.

XI. Executive Session to Provide Legal Advice Concerning the City Election Commission

Mayor pro tem Ryba made a motion to adjourn to Executive Session at 6:53 p.m. for the stated reason. Councilmember Dogan seconded the motion, which carried unanimously 7 to 0.

Council reconvened to regular session at 7:09 p.m. Mayor White stated that discussion was regarding the election commission with no decisions made and no action taken.

Councilmember Dogan made a motion to have the City Attorney draft an ordinance transferring the responsibilities and duties of the city elections to the Spartanburg County Voter Registration and Election office and to abolish the City's Election Commission. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

XII. Adjournment -

Councilmember Dogan made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0, and the meeting adjourned at 7:10 p.m.



Connie S. McIntyre, City Clerk



MEMORANDUM

TO: Ed Memmott, City Manager

FROM: Marion F. Blackwell, Jr., Fire Chief

SUBJECT: City Council Briefing on Fire Department Structure
Burns/Scientific Testing

DATE: January 9, 2013

I am requesting State Fire Marshal Shane Ray be added to the January 14 City Council Agenda.

Shane Ray, SC State Fire Marshal, would like to brief the Mayor, City Council and Staff on the scientific testing that will take place January 22 through February 1 on Folsom Street. SFM Ray is the past president of International Society of Fire Service Instructors, which is the grant recipient for conducting the scientific analysis of fire service suppression techniques and fire behaviors under different environmental conditions. SFM Ray will entertain questions pertaining to the testing from the Mayor, City Council, and Staff.



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
Mayor and Members of Council

FROM: Cathy McCabe, City Attorney

SUBJECT: Ordinance amending Chapter 6, "Elections," to transfer the conducting of municipal elections to the Spartanburg County Election Commission, to provide that notice be given by the Spartanburg County Election Commission sixty (60) days prior to elections and further to amend Chapter 6 to reflect the current state law concerning when no election is necessary.

DATE: January 14, 2013

BACKGROUND:

In the December 10, 2012 Council Meeting, City Council voted to do away with the City Election Commission and transfer the responsibilities for conducting municipal elections to the Spartanburg County Election Commission. This Ordinance amends Chapter 6, "Elections," to accomplish this. Also, Chapter 6 is amended to reflect the current state law concerning when no election is necessary by adding a new Section 6-3.

ACTION REQUESTED:

For Council's consideration and approval.

BUDGET AND FINANCE DATA:

The City will still be responsible for paying for the costs of holding the City elections and for the costs of public notice requirements. However, the City will no longer need to expend funds for training the Commissioners of the City Election Commission or paying their transportation costs for such training.

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 6, "ELECTIONS" TO TRANSFER THE CONDUCTING OF MUNICIPAL ELECTIONS TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND TO PROVIDE THAT PUBLIC NOTICE BE GIVEN BY THE SPARTANBURG COUNTY ELECTION COMMISSION SIXTY (60) DAYS PRIOR TO ELECTIONS, AND FURTHER, TO AMEND CHAPTER 6 TO REFLECT CURRENT STATE LAW CONCERNING WHEN NO ELECTION IS NECESSARY.

WHEREAS, § 5-15-145, S.C. Code of Laws, 1976, as amended, provides for the transfer of the powers, duties and responsibilities for conducting municipal elections from the municipal elections commission to the county elections commission upon the adoption of an appropriate ordinance by the governing body of the municipality transferring such powers, duties and responsibilities and adoption by the county governing body of an appropriate ordinance accepting the transfer of authority for conducting municipal elections; and

WHEREAS, the City of Spartanburg is desirous of transferring the responsibilities for conducting its municipal elections to the Spartanburg County Election Commission.

BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend the Code of the City of Spartanburg 1988, Chapter 6, "Elections," Article I, "In General" to transfer the responsibilities for conducting its municipal elections to the Spartanburg County Election Commission and to provide that public notice be given by the Spartanburg County Election Commission sixty (60) days prior to elections and to amend to reflect current state law concerning when no election is necessary. Sections in Article I not amended are restated herein for the purpose of clarity. After amendment said "Article I. In General" shall read in its entirety as follows:

ELECTIONS

ARTICLE I. IN GENERAL

Sec. 6-1. Elections to be nonpartisan.

All regular and special elections conducted in the City after December 12, 1977 shall be nonpartisan elections, and no political party affiliation shall be placed on the ballot for any candidate.

Sec. 6-2. Date of general elections; public notice.

A general election to fill all offices required to be filled under the laws of the state or the ordinances of the City shall be held in odd-numbered years on the first Tuesday in November. Public notice of all elections shall be given at least sixty (60) days prior to the date of the holding of such election by the Spartanburg County Election Commission.

Sec. 6-3. When no election is necessary.

If the City has an upcoming election for one seat and only one candidate files and no one files as a write-in candidate within the 14 calendar day period after filing closes, no election will be necessary.

Further, if the City has three City Council seats that are elected by district, if only one candidate files for each district seat and no one files as a write-in for any seat during the appropriate time, no election would need to be held. If one write-in files for a particular district seat, that election would have to be held, while the other two district elections would not have to be held.

If no election needs to be held, the Spartanburg County Election Commission would still meet to certify any filed candidates as the winner.

Sec. 6-4. Determination of election results.

Election results shall be determined according to the nonpartisan and run-off election method prescribed by state law.

Sec. 6-5. Candidacies.

Candidates for the office of Mayor and the office of a Member of City Council shall sign a Statement of Candidacy which shall be completed and filed with the Spartanburg County Election Commission no later than Noon ninety (90) days prior to the election date, unless that date falls on a weekend or holiday at which time the filing closes at Noon on the following Monday. Such Statements of Candidacy shall be delivered timely to the Spartanburg County Election Commission.

Candidates shall pay a filing fee to the City of Spartanburg prior to the filing of the Statement of Candidacy. The fee for mayoral candidates shall be \$500.00 and the fee for City Council candidates shall be \$250.00.

The Spartanburg County Election Commission will not be responsible for collecting filing fees. A candidate will have to submit a receipt from the City acknowledging payment of said fee and attach it to the Statement of Candidacy or the City would have to certify to the Spartanburg County Election Commission that the filing fee has been paid.

Sec. 6-6. Municipal election commission authority transferred to the Spartanburg County Election Commission.

All authority for the conducting of municipal elections is hereby transferred to the Spartanburg County Election Commission in the following particulars:

- 1. The Spartanburg County Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the City of Spartanburg.**
- 2. Immediately upon the closing of the polls at any municipal election in the City of Spartanburg, the Spartanburg County Election Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Council person, canvass the vote and publicly display the unofficial results.**

3. **The Spartanburg County Election Commission shall thereafter certify the results of the elections and transmit the certified results to the City of Spartanburg Council or an appointed authority representing City government as soon as practical following the certification.**
4. **The Spartanburg County Election Commission shall hear and decide protests and certify the results of municipal elections.**
5. **The Spartanburg County Election Commission shall utilize a computer counting system with the count publicly conducted.**
6. **The Spartanburg County Election Commission shall take such other action as may be necessary or appropriate to conduct municipal elections and certify results.**
7. **Reimbursement of Election Costs. The City of Spartanburg shall reimburse the Spartanburg County Election Commission for its share of all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the City of Spartanburg. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the City of Spartanburg shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Spartanburg County Election Commission shall provide invoices and/or other documentation to the City of Spartanburg of all costs and expenses incurred in the conduct of City of Spartanburg municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.**
8. **Preclearance by United States Justice Department. Any required submission to the United States Justice Department for preclearance, now or in the future necessitate by City mandated election changes, will be prepared by and submitted by the City of Spartanburg. The costs incurred for such submission and future expense, if any, for additional preclearance required by City mandated election changes will be borne by the City.**

- 9. Notice of Elections.** The Spartanburg County Election Commission shall publish two notices of general and special elections held in a newspaper of general circulation in the municipality. Included in each notice shall be a reminder of the last day persons may register to be eligible to vote in the election for which notice is give, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 2:00 p.m. on election day at a place designated in the notice by the Spartanburg County Election Commission. The first notice must appear no later than sixty days before the election and the second notice must appear no later than two weeks after the first notice.
- 10. Voting Hours.** Polling places shall be open at such times and places as determined by the Spartanburg County Election Commission.
- 11. Procedure for contesting results of elections; appeals.** Within forty-eight hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Spartanburg County Election Commission. Within forty-eight hours after the filing of such notice, the Spartanburg County Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the Clerk of Court of Spartanburg County, notify the parties concerned of the decisions made, and when the decision invalidates the election, City Council shall order a new election as to the parties concerned. Neither the Mayor not any member of Council shall be eligible to participate on the issues arising in any contest in which he or she is a party.

Within ten days after notice of the decision of the Spartanburg County Election Commission, any party aggrieved thereby may appeal from such decision to the Court of Common Pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the Clerk of Court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appeal.

12. Declaration of Results. The Spartanburg County Election Commission shall declare the results of an election no later than three days following the election.

Sec. 6-7. Abolishment of Municipal Election Commission.

The Municipal Election Commission will be abolished upon adoption of an appropriate Ordinance by the governing body of Spartanburg County accepting the responsibility for the conduct of elections for the City and submission to the United States Justice Department and subsequent receipt of pre-clearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

Sec. 6-8. When Mayor and Councilmembers take office.

The Mayor and Members of City Council will assume the duties of the office to which they are elected on the first Monday after January first of the year following the general election.

Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

Officers newly elected at a special election shall subscribe to the oath required by the Constitution and laws of the State and take office at a meeting of Council which is at least forty-eight (48) hours after an election which is not contested, or, for an election which is contested, at a meeting of Council held after protests are finally determined.

Secs. 6-9 – 6-20. Reserved.

Section 2. This Ordinance shall take effect upon approval by the United States Department of Justice.

DONE AND RATIFIED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

___/___/___ 1st Reading

___/___/___ 2nd Reading



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
Chris Story, Assistant City Manager

FROM: Mark Ford, Manager, Grounds Maintenance

SUBJECT: Award Bid for Wood/Brush Chipper

DATE: January 3, 2013

BACKGROUND:

This piece of equipment is routinely used by the Grounds Maintenance Division's Tree Crew in performing their limb and brush chipping responsibilities.

Five companies submitted bids, but only the two that provided the required on-site demo were accepted. Those companies were:

Morbark Inc. Winn, Michigan	\$42,198.00
Vermeer Inc., Simpsonville, SC	43,579.00

No MWBE bids were submitted.

The Grounds Maintenance Division is recommending the Vermeer unit over the Morbark unit based on the following:

- a) Vertical feed rollers provide increased safety to the user
- b) Winch and feed system do not operate simultaneously – a very critical safety feature.

ACTION REQUESTED: Staff is requesting that Council approve the award of bid to Vermeer Inc. in the amount of \$43,855.00 based on the evaluations performed by Grounds and Fleet Maintenance during the on-site demo.

BUDGET AND FINANCIAL DATA: Funds for procurement of the equipment will allocate from the Equipment Replacement Fund.



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Jay Squires, Storm Water Manager
SUBJECT: Arkwright Dump – Post Closure Groundwater and Methane Gas Monitoring
DATE: January 3, 2013

BACKGROUND

Under the terms of an agreement with South Carolina Department of Health and Environmental Control, the city agreed to conduct post closure ground water and methane gas monitoring of the Arkwright dump for 3 years. To obtain the professional services needed for this work, staff prepared technical specifications and a request for proposals. The RFP was advertised. A proposal review committee comprised of city employees and Arkwright project consultant (Mike Garrett) reviewed all proposals submitted and interviewed several firms. After this review, the committee determined that Rogers and Collcott Engineers, Inc. to be the most qualified firm for the completion of this work.

Proposals were submitted by:

Rogers & Collcott Engineers, Inc.
Schnabel Engineering Consultants, Inc.
Altamont Environmental, Inc.
Crawford Environmental Services, Inc.
S&ME
Froehling & Robertson, Inc.
ECS Carolinas, LLP
Davis & Floyd, Inc.
Terracon Consultants, Inc.

No bids were submitted from MWBE certified contractors.

ACTION REQUESTED:

Allow staff to accept the proposal from Rogers & Collcott Engineers, Inc. and authorize the City Manager to enter into a contract with Rogers & Collcott Engineers, Inc. for the completion of the project.

BUDGET AND FINANCE DATA:

\$ 113,000 from the Arkwright Capital Project fund.



MEMORANDUM

TO: Ed Memmott, City Manager

FROM: Mitch Kennedy, Community Services Director
Mandy Merck, Special Events Manager

SUBJECT: Report on Skating on Square

DATE: January 9, 2013

Staff would like to brief City Council on Skating on the Square. We are extremely pleased with first year results and believe the ice rink provided tremendous community benefit and want to share the positive news with City Council.



TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: 2012-13 City of Spartanburg United Way Campaign

DATE: January 9, 2013

The City recently completed one of its most successful United Way campaigns. I have asked James Rice, City Recreation Supervisor, to brief Council on this matter. Mr. Rice participated on the City's campaign committee which did a terrific job in leading this year's effort.