



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, June 22, 2015
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the June 8, 2015 City Council Meeting**
- IV. **Approval of Agenda of the June 22, 2015 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Resolution for Honorary Street Name Sign for Betsy Teter and John Lane - Teter Lane**
Presenter: Will Rothschild, Marketing Director
- VII. **Consent Agenda**
 - A. **To Provide for the Adoption of a City Operating Budget, Its Execution and Effect, for the Fiscal Period July 1, 2015 through June 30, 2016 (Second Reading)**
Presenter: James Kennedy, Budget & Accounting Director
Chris Story, Assistant City Manager
Ed Memmott, City Manager
 - B. **To Raise Revenues for the City of Spartanburg for the Fiscal Year 2015 – 2016 to Levy Taxes on All Real Estate and Personal Property, Except Such as is Exempted by Law, in the Corporate Limits of the City of Spartanburg for Corporate Purposes for the Fiscal year 2015 – 2016 and to Provide Penalties for the Delinquent Payment of Taxes Levied and Provided For (Second Reading)**
Presenter: James Kennedy, Budget & Accounting Director

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.

VIII. Other Business

- A. East Main Street Improvements**
Presenter: Tim Carter, Engineering Administrator
- B. Bus Purchases**
Presenter: Dennis Locke, Finance Director
- C. Transit Management Contract**
Presenter: Dennis Locke, Finance Director
- D. Approval of Title VI Plan**
Presenter: Dennis Locke, Finance Director

IX. City Council Updates

X. Executive Session to Discuss Potential Downtown Economic Development Project

XI. 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 Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, June 8, 2015
5:30 p.m.**

**(These minutes are subject to approval at the
June 22, 2015 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Erica Brown, Councilmembers Jan Scalisi, Robert Reeder, Jerome Rice, and Laura Stille. Councilmember Sterling Anderson was out of town. 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 with the help of two Boy Scouts in attendance.**
- III. Approval of the Minutes of the May 26, 2015 and June 1, 2015 City Council Meetings –**
*Councilmember Rice made a motion to approve the minutes as received.
Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.*
- IV. Approval of Agenda of the June 8, 2015 City Council Meeting –**
*Mayor pro tem Brown made a motion to amend the agenda by adding the words “Public Hearing” to Item VII. A. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.
Councilmember Scalisi made a motion to approve the amended agenda. Councilmember Stille seconded the motion, which carried unanimously 6 to 0.*
- V. Public Comment**
**Citizen Appearance forms are available at the door and should be submitted to the City Clerk
Zenobia Wade, 193 Briarcliff Rd., came forward to express concerns regarding overgrown grass, trees, and shrubs on the property next door to her house.*
- VI. FY14-15 Fraud Risk Assessment Report**
Presenter: James Kennedy, Budget & Accounting Director
Mr. Kennedy presented the item to City Council as follows:
“At the upcoming Council meeting, we will present the results of our annual fraud risk self-assessment. As you know, this practice is not made necessary by any particular problem or shortcoming of the City; it is simply one of our many routine efforts to ensure

we are taking all reasonable steps to improve our management of City resources. The American Institute of Certified Public Accountants (AICPA) Statements on Auditing Standards (SAS) No. 99 and No. 112 require entities to conduct an annual fraud risk assessment and communicate the results with the governing body. Please be aware that these auditing standards require that the potential area of risk must be at a high level of the possibility in order for our financial statements to be materially misstated.

In preparation of the City's upcoming FY 2014 - 2015 audit, departments were asked to conduct an assessment of their department for potential risk areas. An assessment request was sent to all departments, including over forty-three staff members. The goal is to identify fraud risks that have a more than remote likelihood of occurring, and a more than inconsequential impact on the City's finances. These risks could be in loss of assets, lack of proper controls, or weaknesses. Generally Accepted Accounting Principles (GAAP) requires the City to maintain a system of internal controls to reduce the risk of fraud (misappropriation of assets). This assessment focuses on areas where there are potential risks and no existing mitigating internal controls.

Our purpose is to understand where fraud is most likely to occur so that the risk of fraud can be effectively controlled. A fraud risk assessment and internal controls do not guarantee that fraud will not occur.

The attached report requires no Council action and it is presented for information only. However, we will welcome any questions you may have." (the document mentioned is available upon request)

City Council received the report as information.

VII. Ordinance – Public Hearing

A. To Provide for the Adoption of a City Operating Budget, Its Execution and Effect, for the Fiscal Period July 1, 2015 through June 30, 2016 (First Reading)

Presenter: James Kennedy, Budget & Accounting Director

Chris Story, Assistant City Manager

Ed Memmott, City Manager

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

“In accordance with Section 2-119 of the Code of the City of Spartanburg 1988 the City is required to adopt an annual budget. The City Council held budget workshops on 05/11/2015, 05/26/2015, 06/01/2015. During that time, discussions were held concerning General Fund revenues, proposed personnel cost changes, and other inflationary expenditure increases. The recommended FY 2015 – 2016 budget is reflective of management's efforts to meet long term funding obligations.

The FY 2015 – 2016 budget includes the following:

- No change to the current millage rate
- 4% projected increase in General Fund revenues
- 2.0% employee cost-of-living pay increase

- Acquisition of 85 Tasers for police \$30,000
- Approx. \$60,504 for mandatory increases in retirement
- 10% increase for the medical insurance fund
- \$220,000 for building facilities maintenance
- Continued implementation of the Capital Improvement Plan adopted in FY2014

ACTION REQUESTED: Adoption of an Ordinance to approve the operating budget for fiscal year July 1, 2015 – June 30, 2016.”

Mayor White opened the public hearing. He asked if there was anyone to speak in favor of or in opposition to the proposed budget.

Monier Abusaft came forward questioning one bid for body cameras and Tasers. He also questioned the priorities of distribution of discretionary funds compared to the priorities of the black community.

Dr. Bill Bledsoe came forward with a proposed ordinance for a procurement process.

Linda Dogan came forward to ask that councilmembers look after their districts. She asked that Hub-Bub be negated from any funding because it was time for them to stand on their own. She reminded council that there was a need for a new TK Gregg center and told them she would not forget about it.

Councilmember Reeder made a motion to close the public hearing.

Councilmember Scalisi seconded the motion, which carried unanimously 6 to 0.

Councilmember Reeder asked if there was only one bid on the cameras and Tasers. Mr. Story explained that there were no bids at present because they had not put the cameras and Tasers out for bid since council had not appropriated funds to do so. He added that the numbers council had been given relating to Tasers and body cameras were to inform budget discussions, not to purchase anything. He reiterated that there was a separate process for procurement that would have to be followed when the funds were identified and appropriated by Council.

Councilmember Scalisi asked Mr. Story to speak to the efforts in Columbia for the body cameras. He responded that staff presumed the governor would sign the legislation that passed the general assembly this year, which provides a mechanism for local governments to be funded by the state for the purchase of body cameras. Staff has recommended to council that the city pursue utilizing state funds, which, from what staff understands, will be a process that will play out over the coming state fiscal year, but there are funds appropriated, presuming the governor signs legislation that would provide a route for us to be granted funds to purchase the body worn cameras.

Councilmember Reeder asked that if the governor did not sign the legislation, could the city have an action plan to move forward with the body cameras.

Mr. Memmott explained that there were two potential funding sources, one being the state and one being federal funding. In the event that neither of those options develops for the city, staff would return to council with options to implement the purchase of Tasers and body cameras. It would require a budget amendment in which staff would identify options for council to cut, make reductions in the

existing budget or to fund with a onetime transfer from the fund balance the amount sufficient to purchase body cameras for the first year, recognizing that the recurring expenses in subsequent years would be at the top of the list of items that would have to go into the budget the following year. He stated that there would be an option for a backup plan in the event of no state or federal funding. He added that if staff could find a way, staff would do the due diligence, preparations, and specifications for the procurement process anticipating that there would be a funding source and doing everything staff could in advance to make sure our procurement process complied with the funding source. He added that staff would be as ready as they could, with the anticipation that the governor would sign the legislation.

Councilmember Reeder asked if Mr. Memmott was saying that there was no way council could look at having the body cameras in the proposed budget. Mr. Memmott responded that he was suggesting that if council amended the proposed budget now to include the body cameras, in order to balance the budget, they would have to either cut planned expenses or fund the first year's body cameras expense from the general fund balance. He reiterated that he could not tell council until the close out of the FY15 exactly where the fund balance would be. He stated that that generally took until the end of August to obtain.

Councilmember Reeder asked if Chief Thompson was fine with the Tasers versus the body cameras.

Chief Thompson came forward and stated that in the best case scenario he would prefer both, but with the budget constraints, he would prefer Tasers because Tasers save lives and reduce injuries for officers and citizens.

Mayor pro tem Brown asked if the Mary Black Foundation grant for law enforcement could be used to fund the first year expenses for the body cameras.

Mr. Memmott stated that staff had to request the funds and that he did not anticipate any problems with the funds being used for that purpose. He added that the gap in funding would have to come from the city budget.

Mayor White stated that he thought the police department needed both and that staff would need to find some funds for them. He added that there was an outcry for both and that it was not going to go away.

Councilmember Stille added that as a clarification of part of what she had read about the state bill was that there would be some standardization as to the handling of the storage and release of the data collected by the cameras and that to her was appealing that there would be some standardization across the state as to how that information would be released in a court of law or to the victim's family or used by the police.

Councilmember Reeder asked if the Mayor was saying by second reading council needed to have a budget showing purchase...**Mayor White** interjected either council would have to cut or eliminate, but council needed a budget that included cameras and Tasers because it was not going to go away. He looked to Mr. Memmott for a response.

Mr. Memmott recapped that it was his understanding that Council wanted a backup plan, in the event of no state funding for body cameras, by second reading

of the budget ordinance, to include funding for 85 Tasers and 85 body cameras for the police department.

Mr. Memmott asked for a motion from Council to amend the budget with recommended cuts across the budget to achieve the funding necessary for Tasers and body cameras, or Council always had the option of funding them from the fund balance.

Councilmember Rice asked for clarification that the request was for 85 Tasers and 85 body cameras.

Mr. Memmott replied that was not yet clarified by council and that the current proposed budget included 85 Tasers for patrol and traffic officers only, not all sworn police personnel. He suggested that council propose 85 Tasers and 85 body cameras.

Councilmember Rice asked for clarification that the recommendation for an amendment to the budget was only if the state and federal government approved funding of the body cameras.

Mr. Memmott stated that from a management level, if the state came through, he would put a “collar” on the funds to make sure they were spent only on Tasers and body cameras. He stated that staff would come back to council for direction on where the funds in the amended budget for Tasers and body cameras would be spent. He added that they could be put back in the general fund.

Mayor White stated the funds should be put back where they came from.

Councilmember Reeder made a motion that staff “redirect the budget to reflect the cost of the 85 body cameras and 85 Tasers before the second reading for us to look at”. **Councilmember Rice** seconded the motion, which carried unanimously 6 to 0.

Mr. Story advised that council needed to move forward with first reading of the budget and if there were other amendments to other aspects of the budget that council would like to entertain that night they should do so.

Mayor White stated that he needed a motion to approve the budget as amended on first reading.

Councilmember Stille stated that she was on the board of Partners for Active Living that would be receiving \$21,000 of the hospitality tax funding for Bike Town and ArtCycle. She recused herself and left council chambers.

Councilmember Scalisi made a motion to approve the recommendation for Hospitality Tax for Partners for Active in the amount of \$21,000 for FY16 on first reading. Mayor pro tem Brown seconded the motion, which carried unanimously 5 to 0.

Mayor White made a motion that council approve “everything else in the budget except PAL on first reading.” **Councilmember Scalisi** seconded the motion, which carried unanimously 6 to 0.

- B. To Raise Revenues for the City of Spartanburg for the Fiscal Year 2015 – 2016 to Levy Taxes on All Real Estate and Personal Property, Except Such as is Exempted by Law, in the Corporate Limits of the City of Spartanburg for Corporate Purposes for the Fiscal year 2015 – 2016 and to Provide Penalties**

for the Delinquent Payment of Taxes Levied and Provided For (First Reading)

Presenter: James Kennedy, Budget & Accounting Director

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

“The purpose of this Ordinance is to establish the property tax millage rate for the City of Spartanburg for FY 2015 – 2016. The current year’s millage is 105.0. This proposed millage Ordinance includes no change in the current millage rate of 105.0 mils.

ACTION REQUESTED: Adoption of an Ordinance to approve the millage for fiscal year July 1, 2015 – June 30, 2016.”

Mayor pro tem Brown made a motion to approve the millage mortgage as presented on first reading. Councilmember Stille seconded the motion, which carried unanimously 6 to 0.

VIII. Consent Agenda

- A. Ordinance Accepting the Property Owned by Bright-Meyers Cedar Springs, LLC, and Being Located at 203 and 205 Cedar Springs Road, and that Portion of Cedar Springs Road and Southport Road Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7-17-15-025.00 as a Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel of the City of Spartanburg (Second Reading)**

Presenter: Chris Story, Assistant City Manager

Councilmember Reeder made a motion to approve the consent agenda as received. Councilmember Scalisi seconded the motion, which carried unanimously 6 to 0.

IX. City Council Updates

Councilmember Scalisi stated that she was delighted to see council and community support in favor of Tasers and body cameras for the city police officers. She thanked staff for their work on the budget.

She mentioned that she was glad to see work beginning on the Sparkle City Mini-Putt Putt.

Councilmember Stille mentioned the bear sighting in Converse Heights.

She commended staff for their work on the budget. She stated that Council needs to find new ways to generate revenue for the city.

She mentioned that she was happy to see the new restaurant “Select” opened just off the MB Rail Trail.

Councilmember Rice reminded everyone of the groundbreaking at 10:00 a.m. the following morning for the Highland Crossing development.

He offered condolences to family and friends of Stewart Elliott, a long time educator and statistician with School District 7 who recently passed.

Councilmember Reeder shared that the Mt. Moriah Health Fair was a great success. He thanked the many partners who were a part of the event.

He also expressed appreciation of the support of the community for Tasers and body cameras for the city police officers.

Mayor pro tem Brown thanked everyone for their support and comments regarding body cameras and Tasers for city police officers.

She expressed appreciation to staff for their work on the budget.

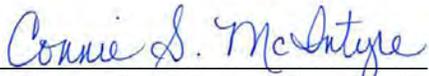
She reminded everyone of the farmer's market on Saturdays at Harvest Park and on Wednesdays on Wall Street.

She mentioned the \$30,000 Arts Grant for 4 Artlets on the Northside.

Mayor White thanked everyone for attending the council meeting and showing interest in what was going on in the city.

X. Adjournment –

Councilmember Reeder made a motion to adjourn the meeting. Mayor pro tem Brown seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 6:40 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Will Rothschild, Communications Manager
SUBJECT: Resolution for Honorary Street Name for Betsy Teter and John Lane
DATE: June 18, 2015

The city's Honorary City Street Signs ordinance provides City Council with an avenue to recognize and honor local citizens who, in the determination of City Council, deserve to be honored for their significant contributions to the city. An honorary street naming does not officially change the name of a street, but does add the honorary name to the existing street signage.

In accordance with the policy, Betsy Teter and John Lane have been nominated by City Council Member Jan Scalisi and seconded by City Council Member Laura Stille. Ms. Teter and Mr. Lane are two of the three founders of the Hub City Writer's Project (HCWP), which has evolved into a nationally renowned independent book publisher and which has just celebrated its 20th anniversary. In addition, HCWP renovated part of the ground floor of the historic Masonic Temple on West Main Street in downtown Spartanburg to house a thriving independent local bookstore. The HCWP has created a vibrant local literary culture with its writer-in-residence program, and dozens of annual readings, book signings, writing workshops, and other events. The presence of the HCWP and the Hub City Bookshop has added immeasurable cultural vitality and significant economic activity to Spartanburg's downtown specifically and the larger community in general. Thanks to the achievements of the HCWP, it has created regional and national media attention that has raised Spartanburg's profile in a positive way and put the city on the lips of writers and publishers everywhere.

The honorary street sign for Ms. Teter and Mr. Lane would be installed on King Street adjacent to the Hub City Bookshop.

RESOLUTION

CREATING AN HONORARY STREET NAME SIGN IN HONOR OF BETSY TETER AND JOHN LANE ON KING STREET

Whereas, the City Council approved a policy for honorary City street signs in 2014;

Whereas, the City's honorary street sign program is a means to honor individuals who have made significant contributions to the City as determined by City Council;

Whereas, this honorary street sign shall not be identified on any official maps prepared or maintained by the City government or County government;

Whereas, Betsy Teter and John Lane are two of the founders of the nationally renowned Hub City Writers Project, a nationally renowned independent publisher that has published more than 70 titles and 700 writers and opened a thriving independent book shop in downtown Spartanburg;

Whereas, Ms. Teter and Mr. Lane through the work of the Hub City Writers Project have added immeasurable cultural vitality and helped create a literary culture in Spartanburg that is respected around the world;

Whereas, Ms. Teter and Mr. Lane have been nominated for the City's honorary street sign program by City Councilmember Jan Scalisi and seconded by City Councilmember Laura Stille;

Whereas, all property owners adjacent to the proposed segment of Beaumont Avenue have been notified of the proposed honorary name;

Whereas, the City Council has determined that this honorary street name will be to the benefit of the citizens and the City of Spartanburg;

**NOW, THEREFORE, THE MAYOR AND COUNCIL MEMBERS OF THE
CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED DO HEREBY RESOLVE:**

1. Brown honorary street name signs reading Teter Lane be installed on King Street at West Main Street and Ezell Street.
2. This Resolution shall become effective immediately upon its enactment.

DONE AND RATIFIED THIS 22nd DAY OF JUNE 2015.

Junie L. White, Mayor

ATTEST:

Connie McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Tim Carter, Engineering Administrator
SUBJECT: East Main Street Improvements
DATE: June 18, 2015

BACKGROUND:

Council is aware that work has started on the East Main Street Streetscaping Project. Part of this project will include the replacement of sidewalk pavers. The replacement of pavers will enhance appearances and correct significant sections of the sidewalk which have settled or which have been broken and/or patched by utility work over the years. Staff bid this work separately from the storm drainage replacement/curb and gutter replacement to achieve cost savings. The following bids were submitted.

Paver Installations & Construction (Spartanburg, SC)	\$97,700.00
Parris Lawn Management, LLC (Spartanburg, SC)	\$105,009.50
Don Greene's Landscaping Service (Spartanburg, SC)	\$123,540.00

Staff has reviewed the bids received and the qualifications for each of these contractors and determined that Paver Installations & Construction is the responsive low bidder. No bids were submitted from MWBE certified contractors.

ACTION REQUESTED:

Allow staff to accept the bid from Paver Installations & Construction and authorize the City Manager to enter into a contract with Paver Installations & Construction for the completion of the project.

BUDGET AND FINANCE DATA:

\$ 97,700 from Broad Street Tax Increment Funds



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Dennis R. Locke, Finance Director
SUBJECT: Bus Purchases
DATE: June 16, 2015

BACKGROUND:

The City was awarded a grant by SCDOT in the amount of \$800,000 to replace two buses that have fully depreciated. This grant covers the purchase price for two buses at 100% of the replacement cost up to \$800,000.

The grant was award based on the requirement that we replace the buses with heavy duty models with long lifespans. Large buses have advantages associated with safety, route efficiency, and rider convenience and comfort.

ACTION REQUESTED:

Staff requests approval to purchase (2) two 35-foot heavy duty diesel buses from Gillic, LLC.

BUDGET & FINANCIAL DATA:

The bid price for each of the two diesel buses is \$400,897.



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Dennis R. Locke, Finance Director
SUBJECT: Transit Management Contract
DATE: June 16, 2015

BACKGROUND:

Bids were received on February 24th for Transit Management Services for the bus system. A committee of City employees and citizens evaluated the proposals. After rating the proposals based on the requirements a decision was made to negotiate a contract with First Transit who's our current provider. We received their Best and Final offer on June 9th. This offer includes some there agreement to perform a passenger survey, analyze the current route data & times to determine if any changes need to be recommended. I have attached the completed list of items they included in their final proposal.

ACTION REQUESTED:

Authorize City Manager to award the bid to Transit Management Services to First Transit Inc.

BUDGET & FINANCIAL DATA:

Year One Fee	\$116,513.50
Year Two Fee	\$116,513.50
Year Three Fee	\$121,220.65
1 st Option year	\$123,645.06
2 nd Option year	\$126,117.96



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Dennis R. Locke, Finance Director
Carmen Mays, Minority Business Development Coordinator

SUBJECT: Title VI Plan

DATE: June 17, 2015

BACKGROUND:

Every three years the City is required to update its Title VI Plan since we are recipients of Federal Transit Administration (FTA) funds. The Title VI Plan outlines how SPARTA shall provide information to the public regarding its Title VI obligations and apprise members of the public of the protections against discrimination, language assistance and special meetings afforded to them by Title VI. This will be accomplished by publishing a notice in the local newspaper, flyers in the transfer center and on the website. The contents of the notice shall include:

1. A statement that the agency operates programs without regard to race, color, and national origin.
2. A description of the procedures that members of the public should follow in order to request additional information about SPARTA's Title VI obligations.
3. A description of the procedures that members of the public should follow in order to file a discrimination complaint against SPARTA

ACTION REQUESTED:

Staff is recommending the approval of our update plan that complies with FTA regulations.

BUDGET & FINANCIAL DATA: none

Title VI Plan

SPARTA

City of Spartanburg, South Carolina

June 18, 2015

Submitted to:

U. S. Department of Transportation

Federal Transit Administration

Office of Civil Rights

Region IV

Recipient Information

Recipient: City of Spartanburg
Submittal Date: June 18, 2015
Expiration Year: 2018
Grantee No: 5509

Contact Information

Luis R. Gonzalez

General Manager
SPARTA
150 Airflow Dr.
P.O. Box 1607
Spartanburg, SC 29306
lgonzalez@cityofspartanburg.org
Phone: 864-595-2710
Fax: 864-595-2722

Carmen Mays

Minority Business
Development Coordinator
City of Spartanburg
P.O. Box 1749
Spartanburg, SC 29304
cmays@cityofspartanburg.org
Phone: 864-596-3449
Fax: 864-562-4419

Dennis Locke

Finance Director
City of Spartanburg
P.O. Box 1749
Spartanburg SC, 29304
dlocke@cityofspartanburg.org
Phone: 864-596-2119
Fax: 864-596-2424

Table of Contents

General Requirements.....	4
Public Notification	4
Complaints	4
Procedure	5
Active Complaints.....	6
Public Participation Plan	6
LEP Language Assistance Plan.....	7
Planning and Advisory Bodies	7
Title VI Equity Analysis	7
Chapter IV Requirements.....	8
Service Standards	8
Service Policies	8
Appendix A – Title VI Notice to the Public.....	9
Appendix B – Title VI Complaint Form.....	10
Appendix C – Four Factor Analysis.....	12
Appendix D – City Council Meeting Minutes.....	14

General Requirements

Public Notification

SPARTA shall provide information to the public regarding its Title VI obligations and apprise members of the public of the protections against discrimination, language assistance and special meetings afforded to them by Title VI. This will be accomplished by publishing a notice in the local newspaper, flyers in the transfer center and on the website. The contents of the notice shall include:

1. A statement that the agency operates programs without regard to race, color, and national origin.
2. A description of the procedures that members of the public should follow in order to request additional information about SPARTA's Title VI obligations.
3. A description of the procedures that members of the public should follow in order to file a discrimination complaint against SPARTA

Complaints

In compliance with 49 CFR Section 21.9(b), SPARTA has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. SPARTA's complaint procedures and complaint form are contained within the body of context.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process.

SPARTA will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

Procedure

Any person who believes they have been discriminated against on the basis of race, color, or national origin by SPARTA may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. SPARTA investigates complaints received no more than 180 days after the alleged incident. SPARTA will process complaints that are complete.

Once the complaint is received, SPARTA will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing the complainant whether the complaint will be investigated by our office.

SPARTA has 30 days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, SPARTA can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, they will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the

alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, they have 10 business days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Active Complaints

During this Title VI Compliance review of SPARTA, there were no active lawsuits or complaints naming SPARTA alleging discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

Public Participation Plan

SPARTA shall seek out and consider viewpoints of minority, low-income and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. SPARTA shall make every effort to include the following practices:

1. Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
2. Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities

In order to reach minority, low-income and LEP populations SPARTA will partner with local organizations such as: Hispanic Alliance, Spartanburg Housing Authority, Urban League of the Upstate and local churches.

Consequently, within the last three years SPARTA has not had any increases in the fare structure or any other changes warranting public input, therefore no public meetings or hearings were conducted during this time. Since there were no meetings or hearings there was no outreach to minority, low-income and LEP populations.

LEP Language Assistance Plan

SPARTA shall take steps to ensure meaningful access to the benefits, services, information and other important portions of programs and activities for individuals who are Limited English Proficient (LEP). Currently SPARTA utilizes First Transit Inc. for interpretation services via phone with passengers at the transfer center upon request. If we are in need of translation services, we will contact a local company or a local college. These services will cover all applicable languages.

Our largest and fastest growing population of LEP persons speaks Spanish. We will communicate with them by creating media in Spanish as well as engaging the Hispanic Alliance. As other languages become more prevalent, we will address them in a similar manner. We will continue to monitor our population estimates using Census data as well as be attentive to obvious changes in the participation of LEP persons with SPARTA. SPARTA has only had two requests for interpretation (Spanish) in the past three years.

As more requests for language services come in we will evaluate the effectiveness of our existing protocols and update them as necessary. All employees and staff are trained to assist LEP persons. Per policy, if an employee encounters someone who needs language assistance, the employee will figure out what language the person speaks by using the “I Speak” cards. They then will contact First Transit, Inc. to find a translator.

Planning and Advisory Bodies

SPARTA currently has no nonelected or appointed bodies that advise or govern it.

Title VI Equity Analysis

No Equity Analyses were conducted as there were no activities performed by SPARTA that warranted such.

Chapter IV Requirements

Service Standards

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for the following indicators. Individual public transportation providers will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- a. *Vehicle load for each mode:* Vehicles shall not exceed 150 percent of seating capacity.
- b. *Vehicle headways for each mode:* Regular transit routes shall operate a minimum of once each hour.
- c. *On-time performance for each mode:* Buses shall operate within zero minutes early to 5 minutes late at least 95 percent of the time.
- d. *Service availability for each mode:* The preferred distance between bus stops is every three blocks where practical.

Service Policies

FTA requires that all providers of fixed route public transportation develop *qualitative* policies for the following procedures. These policies are to be set by individual transit providers; therefore, these policies will apply to individual agencies rather than across the entire transit industry.

Vehicle Assignment Policy

It is SPARTA's policy that all buses are rotated on all of the fixed routes regardless of age. All vehicles are equipped with air conditioning and automated stop announcement systems.

Transit Amenities Policy

While existing locations shall be grandfathered, new shelter locations shall require a minimum of 15 daily boardings.

Appendix A – Title VI Notice to the Public

NOTICE TO BENEFICIARIES OF PROTECTION UNDER TITLE VI

Non-discrimination Notice

SPARTA provides services and operates programs without regard to race, color, and national origin in compliance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with SPARTA.

Request for Information

SPARTA shall post this notice on its website, in the passenger center and on all buses. To request additional information about SPARTA's non-discrimination obligations, send your written request to:

Carmen Mays

Minority Business Development Coordinator

City of Spartanburg

P.O. Pox 1749

Spartanburg, SC 29304

cmays@cityofspartanburg.org

Complaint Process

As a member of the general public if you desire to file a discrimination complaint under Title VI, you may file a written complaint with the City of Spartanburg's Minority Business Development Coordinator or the Federal Transit Administration Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Appendix B – Title VI Complaint Form

SPARTA TITLE VI COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				

Section IV				
Have you previously filed a Title VI complaint with this agency?			Yes	No
Section V				
Have you filed this complaint with any other Federal, State, or local agency, or with any				

Federal or State court?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint. Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Carmen Mays
 Minority Business Development Coordinator
 City of Spartanburg
 145 W. Broad Street
 Spartanburg, SC 29304
cmays@cityofspartanburg.org

Appendix C – Four Factor Analysis

1. SPARTA examined the US Census 2009-2013 American Community Survey 5 Year Estimates and was able to determine that approximately 8.7% (25,647 residents) of people spoke a language other than English. Of the 8.7% of people reporting they speak other languages than English, 47.3% (12,131 residents) of respondents speak English “less than very well”.

Subject	Total	Percent of specified language speakers	
		Speak English "very well"	Speak English less than "very well"
	Estimate	Estimate	Estimate
Population 5 years and over	294,791	95.9%	4.1%
Speak only English	91.3%	(X)	(X)
Speak a language other than English	8.7%	52.7%	47.3%
Spanish or Spanish Creole	5.0%	48.3%	51.7%
Other Indo-European languages	2.2%	62.8%	37.2%
Asian and Pacific Island languages	1.4%	51.4%	48.6%
Other languages	0.1%	71.4%	28.6%

Source: [American Community Survey 5-Year Estimates: LANGUAGE SPOKEN AT HOME 2009-2013](#)

2. SPARTA has assessed the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes analyzing Census bureau documentation, population and the service area routes. In addition, SPARTA examined phone inquiries and staff feedback. SPARTA has had two requests in the past three years for an interpreter (Spanish) and zero requests for translated documents. Other than the Executive Director that handled the interpretation himself, the staff and drivers have had very little to no contact with LEP individuals.

3. There is no large geographic concentration of any one type of LEP individuals in the SPARTA's service area. The overwhelming majority of the population, 91.3%, speaks only English. However we are mindful of our growing Spanish speaking population and are preparing to assist them.

4. SPARTA assessed its available resources that could be used for providing LEP assistance. This included utilizing First Transit Inc. for professional interpreters, available "[I Speak Cards](#)" and translated documents upon request. First Transit Inc, the company that manages SPARTA on behalf of the City of Spartanburg, provides interpretation services via phone. This service is available at the Passenger Center. When we are in need of translation services we will reach out to either a private company or consult with the Hispanic Alliance.

Appendix D – City Council Meeting Minutes