



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, June 9, 2014
5:30 p.m.**

**(These minutes were approved at the
June 23, 2014 City Council Meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Jan Scalisi, Councilmembers Cate Ryba, Erica Brown, Robert Reeder, and Jerome Rice were in attendance. Councilmember Sterling Anderson was on vacation. 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 the Minutes of the May 27, 2014 City Council Meeting -**
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 9, 2014 City Council Meeting -**
Mayor pro tem Scalisi made a motion to approve the agenda as received.
Councilmember Ryba seconded the motion, which carried unanimously 6 to 0.
- V. Public Comment – none**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Special Presentation of CALEA Certificates of Reaccreditation to Spartanburg Police Department**
Presenters: Representative Eddie Tallon and SC Supreme Court Justice John W. Kittredge
Representative Tallon and Justice Kittredge commended all members of the Spartanburg Police Department for their efforts in the reaccreditation process, presenting the reaccreditation plaque to Police Chief Thompson and the reaccreditation SPD group, and recognition plaques to Chief Thompson and Accreditation Specialist McNair.

VII. Ordinances

- A. Ordinance to Provide for the Adoption of a City Operating Budget, Its Execution and Effect, for the Fiscal Period July 1, 2014 Through June 30, 2015 (Second Reading)**

Presenter: James Kennedy, Budget and Accounting Director
Chris Story, Assistant City Manager

Councilmember Reeder made a motion to approve the Hospitality Tax portion of the budget ordinance. Councilmember Ryba recused herself from this portion of the budget vote at 5:45 p.m., as she serves as Executive Director of Hub-Bub that receives Hospitality Tax from the City. Mayor pro tem Scalisi seconded the motion, which carried unanimously 5 to 0.

Councilmember Ryba returned to Council Chambers at 5:47 p.m.

Mayor pro tem Scalisi made a motion to approve the budget ordinance without the Hospitality Tax portion. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.

- B. To Raise Revenues for the City of Spartanburg for the Fiscal Year 2014 – 2015 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 2014 – 2015 and to Provide Penalties for the Delinquent Payment of Taxes Levied and Provided for (Second Reading)**

Presenter: James Kennedy, Budget and Accounting Director
Chris Story, Assistant City Manager

Councilmember Rice made a motion to approve the ordinance as presented on second reading. Councilmember Ryba seconded the motion, which carried unanimously 6 to 0.

- C. Ordinance to Confirm Eligibility of the Former Beaumont Mill for the State of South Carolina Textiles Communities Redevelopment Tax Credits (First Reading)**

Presenter: Chris Story, Assistant City Manager

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

“The South Carolina Textile Communities Revitalization Act provides financial incentives to support the redevelopment of the many former textile mill sites throughout the state. The program entitles the developers of qualifying projects on certified sites to receive either a credit against a portion of local property taxes or a credit against a portion of state taxes. The owners of the Beaumont Mill site are pursuing the state tax credits. The City must certify a site for it to be eligible. The site clearly qualifies with the definitions in the code and its inclusion is consistent with the intent of the program.

Because this action relates specifically to taxes paid to the State, this incentive will have no effect on any local revenues derived from the site now or in the future. To the extent that it encourages high quality redevelopment, this action should strengthen the city’s tax base.

We recommend your approval. We welcome any questions you may have.”

After discussion, Mayor White made a motion to approve the ordinance as requested. Mayor pro tem Scalisi seconded the motion, which carried unanimously 6 to 0.

VIII. Public Hearing

A. Ordinance Accepting the Property Owned by Mary K. Randall and Being Located at 207 Brian Court, and that Portion of Brian Court Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7-13-04-088.00 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 (First Reading)

Presenter: Joshua T. Henderson

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

“Staff received a request from Mary K. Randall, owner of 207 Brian Court for annexation of the property into the City of Spartanburg. Because this property will be zoned R-15, Single Family Residential upon Annexation, there is no need to obtain zoning designation by the Planning Commission.

Additionally, said parcel is located in the Hillbrook Forest Subdivision. Since the parcel is contiguous to the City Limits, the property owner has submitted an annexation petition under the 100 percent Petition and Ordinance method. Since the zoning designation for the contiguous parcel is R-15, Single Family Residential; Staff is requesting Council to designate the parcel as R-15.

ACTION REQUESTED: Staff recommends that the City Council take the following actions:

- a) Approve the annexation of 207 Brian Court (TMS7-13-04-088.00).
- b) Designate the zoning for this property as R-15 (Single Family Residential) upon annexation.

BUDGET AND FINANCE DATA: The parcel will generate property tax after annexation. Additional service costs will be minimal.”

Mayor White opened the Public Hearing asking if there was anyone to speak in favor of or in opposition to the proposed annexation.

Hearing none, Mayor pro tem Scalisi made a motion to close the Public Hearing. Councilmember Ryba seconded the motion, which carried unanimously 6 to 0.

Mayor pro tem Scalisi made a motion to approve the annexation as presented. Councilmember Brown seconded the motion, which carried unanimously 6 to 0.

IX. Other Business

A. Award of Contract for Installation of New Roof at City Hall

Presenter: David Cook, Construction Project Manager

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

“The roof at City Hall needs to be replaced. It has exceeded its life cycle and is leaking in isolated locations. Continued patching or partial replacement is not

practical. To address this situation, staff prepared specifications for replacement and solicited bids. The project will include the installation of a single ply roof membrane, flashing, and metal trim. The new roof will have a 20 year warranty on the materials. Four bids were received.

Cannon Roofing Inc.	Spartanburg, SC	\$156,000
Guy Roofing Inc.	Spartanburg, SC	\$166,700
Alternative Roofing Solutions	Charlotte NC	\$162,752
Pickens Roofing	Spartanburg SC	\$230,700

No bids were received from qualified MWBE's. After reviewing the bids, staff recommends awarding the project to Cannon Roofing Inc.

ACTION REQUESTED: Authorization for the City Manager to sign a contract with Cannon Roofing Inc. for roof installation at City Hall.

BUDGET AND FINANCE DATA: \$ 156,000.00 from Building Facilities Fund"

After discussion, Councilmember Rice made a motion to award the bid for a new roof at City Hall to Cannon Roofing in the amount of \$156,000. Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.

B. Ordinance to Authorize a Parks Improvements Assistance Agreement Between the City of Spartanburg and the Mary Black Foundation (First Reading)

Presenter: Chris Story, Assistant City Manager

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

"In late 2013 City Council authorized a \$2.58 million plan to make a number of improvements and additions to the City's parks, recreations, and active-living facilities. To accelerate the implementation of these projects, that plan called for \$1 million of the planned improvements to be funded via a loan from the Mary Black Foundation. The attached ordinance is necessary to formally authorize that arrangement.

As you know, the Mary Black Foundation remains one of the City's most valued partners in enhancing our community and improving the health and wellbeing of the people we serve. This proposed loan arrangement will allow the City to access this necessary capital according to terms more favorable than would be available otherwise thereby lowering the cost of these planned improvements. This non-recourse loan will have a five year term at a rate equal to the 5-year treasury plus 150 basis points at time of closing (today, that is 3.03%).

We are grateful for this strong partnership with the foundation.

We recommend your approval."

After discussion, Councilmember Ryba made a motion to approve the ordinance as presented on first reading. Councilmember Brown seconded the motion, which carried unanimously 6 to 0.

C. Update on Park and Recreation Improvement Projects

Presenter: Kim Moultrie, Parks and Recreation Superintendent

Ms. Moultrie presented City Council with a PowerPoint showing current and proposed updates of playground equipment prior to asking for approval to make the purchase.

D. Approval to Purchase Playground Equipment

Presenter: Kim Moultrie, Parks and Recreation Superintendent

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

“Staff is requesting approval to contract with Cunningham Recreation in the amount of \$219,552.61 for the purchase and installation of playground equipment for Duncan Park Hillcrest Park, Happy Hollow Park, Priscilla Rumsley Park, and Summer Hill Park. Cunningham was the successful low bidder of a national playground equipment and installation services solicitation process conducted by US Communities, a nationwide purchasing alliance.

Purchasing this playground equipment from Cunningham through US Communities allows the City to achieve the most competitive pricing available and fully complies with the City’s procurement policy.

ACTION REQUESTED: Authorize the City Manager to execute necessary purchase agreements/contracts with Cunningham for purchase and installation of playground equipment as outlined above.

BUDGET AND FINANCE DATA: \$219,553 from Parks and Recreation Improvement Project Funds”.

Mayor White made a motion to approve the purchase and installation of playground equipment as requested from Cunningham Recreation in the amount of \$219,552.61.

E. Award of Contract for Improvements at C. C. Woodson Community Center

Presenter: Tim Carter, Engineering Manager

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

“Consistent with the City’s Park and Recreation Improvement Program, staff has prepared specifications for athletic field and parking improvements at the CC Woodson Community Center. The athletic field improvements will allow for additional sports programming throughout the year. The parking lot improvements will accommodate high demand events and programming at the center. These improvements are shown in Attachment 1.

Bids were submitted from the following contractors. Based on the unit cost pricing, staff has made adjustments to the scope of work. Based on this revised scope of work, costs to construct the improvements are as follows:

Capitol Construction of the Carolinas, LLC	\$206,139
Vaughn Curbing Company (Woodruff, SC)	\$224,447
Raby Construction Company, LLC (Greenville, SC)	\$253,763

No bids were submitted from MWBE certified contractors. Staff is conducting its due diligence and confirming qualifications of Capitol. This company has not performed work for the City.

ACTION REQUESTED: Authorize the City Manager to negotiate final terms and sign contract with the responsive low bidder.

BUDGET AND FINANCE DATA: Park and Recreation Capital Improvement Budget”.

Councilmember Reeder made a motion to award the contract for improvements to CC Woodson to Capitol Construction of the Carolina, LLC in the amount of \$206,139 (pending final due diligence of the company).

F. Authorization to Proceed with Butterfly Branch Project

Presenter: Ed Memmott, City Manager

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

“In February, Council was briefed on plans to extend the runway at the Downtown Memorial Airport. The airport project will require a creek to be piped and covered with a substantial amount of dirt to achieve a level grade. Federal wetlands protection regulations require the City to mitigate the impact to this stream by purchase of mitigation credits or by the construction of a qualifying offsite stream protection project. Purchase of mitigation credits outside of the City was an unappealing option. Staff wanted to keep these resources in Spartanburg if possible while not delaying work at the airport.

After evaluating options, staff believes that the “day lighting” of the Butterfly Branch on the Northside is the best option. This project provides an opportunity to move forward with a significant element of the Northside Master Plan. Exhibit 1 is a conceptual rendering of the project. The design is intended to return to the stream to its natural condition and will include a mix of native plant materials. The City would not be allowed to construct improvements (trails, benches, lighting, public art, etc.) inside the buffer but could construct those improvements immediately adjacent to the buffer. Airport project funds cannot be used to construct park/trail features. Staff is, however, optimistic that those funds can be identified as the Northside project moves forward. The day lighted stream and liner park/trail would provide direct connectivity from VCOM to the proposed site of the new TK Gregg Center.

The project has been submitted to Army Corps of Engineers and is under review. Staff is encouraged by initial feedback and is hopeful that approval will be granted soon. If approved, all project expenses would be reimbursed to the City under the terms of the airport grant.

A total of 22 parcels would have to be acquired. The Northside Development Corporation) owns 15 of these 22 parcels. 3 of the remaining properties are occupied rental structures. These tenants would receive relocation benefits in accordance with the Federal Uniform Relocation Act (“URA”). The owners of these investment properties would be paid fair market value.

One of the properties is an owner occupied home. This owner would receive fair compensation for her property and would also receive any difference in the cost to purchase a comparable (size, number of bedrooms, number of bathrooms) replacement home. City staff has met with this owner and her family and believes she is willing to sell her property with the intention of buying another home in the Northside.

ACTION REQUESTED: Authorize staff to proceed with project. In order to implement this project, the City will have to:

1. Purchase all of the property necessary including the rental and owner occupied structures using its power of eminent domain (if necessary) to acquire the necessary property.
2. Relocate residents directly impacted by property purchases in accordance with the URA.
3. Manage construction of the mitigation project.
4. Establish and record protective covenants on the buffer.
5. Maintain the buffer.

If approved, staff will return to Council periodically over the next several months requesting approval to purchase individual properties.

BUDGET AND FINANCE DATA: All Butterfly Branch project expenses would be paid by Airport Runway Safety Zone Project funds. Other funds will have to be found for the park/trail improvements.”

After discussion, Councilmember Ryba made a motion to approve the request as presented. Mayor pro tem Scalisi seconded the motion, which carried unanimously 6 to 0.

G. Discussion of Parking in Residential Areas

Presenter: Ed Memmott, City Manager

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

“From time-to-time, city code enforcement and police personnel deal with citizen concerns about vehicles being parked in a location which blocks or partially blocks pedestrian passage or which causes concern about neighborhood appearances. Typically, when city staff is contacted, a vehicle is parked near or over the front yard property line and the public right-of-way. In situations where a vehicle is actually blocking pedestrian traffic or otherwise creating a hazard, staff is typically able to address the situation by asking the vehicle owner to move the vehicle. If a parked vehicle is not causing a hazard and the concern is about neighborhood appearances, staff has not intervened.

Councilwoman Brandt-Ryba has asked staff to research this matter and present Council with options that would give the City more regulatory authority in these situations.

Draft Ordinance Amendment #1 would prohibit vehicles from being parked in such a way to straddle a curb, the grass strip between the outer edge of a sidewalk and curb, the edge of pavement/property line, or blocking any portion of a sidewalk. Staff cautions that adoption of this standard may prompt car owners to simply park their vehicles fully on private property in their front or side yards. The City does not currently regulate where a vehicle is parked on private property in residential areas.

Draft Ordinance Amendment #2 would set standards comparable to those found in some other communities with regard to parking in front or side yards. Staff cautions, however, that many owners park vehicles in their front or side yards temporarily when hosting guests. Vehicles are sometimes parked partially in driveways. Staff is concerned that enforcement of this standard on a consistent basis could prove difficult. Additionally, full compliance to this standard would require many property owners to modify existing driveways or make changes to pave or install gravel in a portion of their yards. Finally, staff cautions Council that adoption of more rigorous code standards in this area will trigger additional enforcement actions which could divert staff from more pressing code enforcement needs.

In any event, staff wanted to provide Council with information for its consideration. I am asking that should Council want to move to adopt either new standard, it allow staff a final opportunity to review proposed language and then bring a proposed amendment(s) back to Council at the June 23 meeting. Council may also want to consider incorporating a specific grace period before implementation of new standards.

ACTION REQUESTED: Council discussion of options to regulate parking in residential areas.”

Discussion was held with a consensus of Council to make no decision at this time.

X. City Council Updates

Councilmember Rice shared he attended a SMA Board meeting and was excited about things to come. He shared that he toured the Urban Farm the previous Saturday with his boys and was very impressed.

Councilmember Reeder shared he attended a Health Fair/Eye Screening at Mt. Moriah Church the previous Saturday and that it was well attended.

He also mentioned a Focus on Fatherhood event to be held the following Saturday at noon at City Hall.

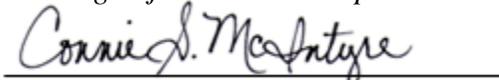
Councilmember Ryba invited everyone to the 3rd Annual USCU Short Film Festival on Saturday at 7:00 to be held at the Chapman Cultural Center.

Mayor pro tem Scalisi congratulated the Police Department for the honor and reaccreditation they received that evening.

Councilmember Brown reminded everyone of the “Pickin in the Park” at Barnet Park on June 11.

XI. Adjournment – Mayor pro tem Scalisi made a motion to adjourn the meeting.

Councilmember Ryba seconded the motion, which carried unanimously 6 to 0, and the meeting adjourned at 7:05 p.m.



Connie S. McIntyre, City Clerk