



# **CITY OF SPARTANBURG**

SOUTH CAROLINA

## **CITY COUNCIL AGENDA**

**City Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC  
Monday, August 11, 2014  
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the July 28, 2014 City Council Meeting**
- IV. Approval of Agenda of the August 11, 2014 City Council Meeting**
- V. Public Comment**  
\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Special Presentation – Proclamation for National Health Center Week 2014**  
**Presenter: Mayor Junie White**
- VII. Public Hearing**
  - A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel 7-12-09-280.00 located on 148 N. Walker Street, which is Currently Zones B-4, with a Land Use Designation of Heavy Commercial District to Zone B-3, with a Land Use Designation of General Business District, from David R. Seegers, Owner. The purpose for the request is to permit the Owner to turn the property back into a residential property and live there. (First Reading)**  
**Presenter: Joshua Henderson, Planning Coordinator**
- VIII. Ordinance**
  - A. Authorizing the City of Spartanburg, South Carolina, To Execute and Deliver Equipment Lease Purchase Agreements in an Aggregate Amount Not Exceeding \$218,000 Between the City and the Lessor Thereof to Defray the Cost of Acquiring Certain Equipment; and Other Matters Relating Thereto (First Reading)**  
**Presenter: Chris Story, Assistant City Manager**

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.

**IX. Resolutions**

- A. Approving the Purchase of 880 California Boulevard, Parcel 7-15-16-082.00, 896 California Boulevard, Parcel 7-15-16-077.00 and 101 Vermont Avenue, Parcel 7-15-16-078.00**  
**Presenter: Darwin Simpson, Airport Manager**

**X. Other Business**

- A. Approval of Applicants for Boards and Commissions – Zoning Board**  
**Presenter: Connie McIntyre, City Clerk**

**XI. City Council Updates**

**XII. Executive Session to Discuss a Potential Economic Development Project**

**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 Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC  
Monday, July 28, 2014  
5:30 p.m.**

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes of the July 14, 2014 City Council Meeting –**  
*Mayor pro tem Scalisi made a motion to approve the minutes as received.  
Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of Agenda of the July 28, 2014 City Council Meeting –**  
*Councilmember Rice made a motion to approve the agenda as received.  
Councilmember Brown 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. Special Presentation – Proclamation for National Night Out**  
**Presenter: Mayor Junie White**  
Mayor White read the proclamation and presented copies to several neighborhood associations represented.
- VII. Special Presentation – Police Department Uniforms**  
**Presenter: Colonel Jennifer Kindall**  
Colonel Kindall presented the new patch and had two officers dressed in the new uniforms that the Police Department will be wearing.
- VIII. Other Business**
  - A. Award of Bid for Cameron Drive Culvert Improvement Project**  
**Presenter: Jay Squires, Storm Water Manager**  
Mr. Squires presented the item to City Council as follows:  
“Staff received bids for the replacement of a culvert under Cameron Drive. This project consists of removal and replacement of approximately 140 feet of storm

drainage pipe from under Cameron Drive, between Sycamore Court and Juniper Court.

The following bids were submitted:

Martin & Son Contracting, Inc. (Spartanburg, S.C.)	\$126,837.00
Larry Green Grading, Inc. (Lyman, S.C.)	\$139,474.60

Staff has reviewed the bids and the qualifications for each of these contractors. Based on that review, staff has determined that, Martin & Son Contracting, Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors. It is anticipated that it will take 45 days (depending on weather) to complete this project. Staff will give neighborhood residents advance notice using door hangers and mailers. A portion of Cameron Drive will be closed during construction for safety reasons. A detour route will be in place for convenience while the segment of road is closed.

**ACTION REQUESTED:** Allow staff to accept the bid from Martin & Son Contracting, Inc. and authorize the City Manager to enter into a contract with, Martin & Son Contracting, Inc. or the completion of the project.

**BUDGET AND FINANCE DATA:** \$ 126,837 from the Storm Water Utility fund will be used to complete the project.”

*Councilmember Ryba made a motion to award the bid as requested to Martin & Son Contracting, Inc. in the amount of \$126,837. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.*

## **B. Parking Agreement – Pediatric Clinic in Broadwalk Building**

### **Presenter: Ed Memmott, City Manager**

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

“Johnson Development has reached an agreement with Greenville Health System to develop a pediatric clinic in the Broadwalk Building in downtown Spartanburg. This clinic will accept patients receiving Medicaid benefits.

To facilitate this project, Johnson Development has asked that the City provide 30 parking spaces in Kennedy Street Garage for clinic patient parking at no charge to clinic patients.

Given the community benefit of this project, I am requesting Council authorization to make available the requested parking at no charge to the patients. These parking spaces would only be available for parent-patient parking only. Parking for clinic employees would be available at the public rate of \$14.50 per month. The City would retain the option to reduce the number of reserved patient parking spaces should there be insufficient utilization of the spaces assigned.

**ACTION REQUESTED:** Authorization for staff to make available 30 parking spaces in the Kennedy Street Garage for clinic patient parking in the Kennedy Street Garage at no charge.

**BUDGET AND FINANCE DATA:** The Kennedy Street Garage has significant unused capacity. The provision of the parking proposed would let the City assist in bringing a much needed resource to the Spartanburg Community.”

*After discussion, Councilmember Anderson made a motion to approve the request as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

**C. CC Woodson Playground Partnership**

**Presenter: Mitch Kennedy, Community Services Director**

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

“The City of Spartanburg’s Parks and Recreation Department has been presented with a unique partnership opportunity with Select Health of South Carolina to build a new playground at C.C. Woodson Community Center. Select Health is the oldest and largest private administrator of Medicaid in South Carolina, and is part of the AmeriHealth Caritas Family of Companies, a national leader in health care solutions for the underserved. AmeriHealth, as part of its corporate mission, periodically funds community health initiatives. The C.C. Woodson site was selected from a long list of potential sites in the Upstate. The Site Selection Committee was impressed with the programming at C.C. Woodson, and the City’s commitment to parks and recreation, as evidenced by the work on the athletic field and additional parking. Representatives from The Marcus Lattimore Foundation participated in the site selection.

The terms of the partnership include: 1) The City would be responsible for all site preparation and construction of walks/paths/retaining wall to make the playground fully accessible (Staff estimates these cost at \$25,000). 2) Select Health and the City would host a community input meeting for the youth to participate in design of the playground. 3) Select Health would purchase and install the new playground (estimates on cost to purchase/install: \$60,000 - \$80,000).4) The playground would be installed to the rear of CC Woodson building near the pool.

Staff has identified funds within our current Park Improvement Capital Budget to cover the cost of the site improvements (\$25,000).

**ACTION REQUESTED:** Approve the use of \$25,000 in park improvement funds for the site improvements at the Proposed C.C. Woodson Playground

**BUDGET AND FINANCIAL DATA:** Neighborhood Park Improvement Capital Project GP1270.”

Mr. Kennedy introduced Mike Saia, Media Relations Specialist with Select Health of South Carolina and Steve Sendzik, Playground Consultant, AmeriHealth Caritas Partnerships. They reviewed the playground partnership plans with City Council. They shared that “Build Day” would take place on November 21 from 7:30 – 2:30, and invited everyone to come and take part in the event.

***Councilmember Reeder** made a motion to approve the use of \$25,000 park improvement funds for the site improvement at the proposed CC Woodson playground. Councilmember Ryba seconded the motion, which carried unanimously 7 to 0.*

**D. Approval of Applicants for Boards and Commissions – Airport Advisory Committee, SADAC, Zoning Board**

**Presenter: Connie McIntyre, City Clerk**

**Council** took the following actions:

***Councilmember Reeder** made a motion to waive the rules and appoint Hamp Lindsey to the Airport Advisory Council. Mayor pro tem Scalisi seconded the motion, which carried unanimously 7 to 0.*

*Councilmember Reeder made a motion to waive the rules and appoint Dr. Jean P. Blackley to the Alcohol and Drug Abuse Commission. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

*Mayor pro tem Scalisi made a motion to waive the rules and appoint Don N. Bramlett to the Zoning Board of Adjustment and Appeals. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.*

**E. Introduction of New Mobile App**

**Presenter: Will Rothschild, Communications and Marketing Manager**

**Mr. Rothschild** updated council on a new mobile app that will provide citizens with a new platform to communicate with the City. The following information can be found by visiting the City's website, clicking on Communications and Marketing, then clicking on City News Page. Scroll down until you see the information below:

“City introduces 'HeySpartanburg!' citizen request mobile app  
Monday, July 28

New app will allow citizens and City officials to communicate directly about service issues, problems, requests

City of Spartanburg citizens have a new, free, easy-to-use digital product they can use to report issues and ask for help. HeySpartanburg! is now available via the City's website (click here) or through the iTunes and Android stores for your mobile devices.

The new mobile app will allow bring city services to the fingertips of citizens, allowing them to request services, such as a large greenwaste pickup, or to report problems or other issues such as potholes, damaged sidewalks, street light or traffic light outages, and downed trees. The requests are automatically routed to the appropriate City official. In turn, City officials will be able to use HeySpartanburg! to communicate with citizens, updating them on the status of the response to their inquiry or to ask for more information or clarification on the problem or request. The City will also be able to utilize HeySpartanburg! to send push notifications to citizens about important issues or share information in emergency situations.

“We are pleased to offer this new tool to the public,” City Communications Manager Will Rothschild said. “It will complement our mobile-friendly website, and will build on the efforts we have made over the past several years to become more accessible, responsive, and efficient. The capabilities we will have with this mobile app are tremendous. In the case of the recent train derailment near Daniel Morgan Avenue, we could have used HeySpartanburg! to first alert citizens of the incident and then keep them updated about road closures and reopenings.”

HeySpartanburg! also allows citizens to attach photos of the issue they are reporting and see what other requests or inquiries have been submitted. Service requests can also be shared on Facebook and twitter, keeping the process transparent to everyone. HeySpartanburg! also will provide links from its main page to essential “on-the-go” information about the downtown parking and garages, and solid waste, recycling and green waste collection maps, schedules and updates.

HeySpartanburg! is built on the award-winning mobile platform developed by PublicStuff. While more than 200 cities and organizations nationwide are using PublicStuff technology to become more accessible to their citizens and stakeholders, Spartanburg is the first city in South Carolina to partner with PublicStuff.

Follow the links below to download HeySpartanburg! for your device.



*Council received the report as information.*

#### **IX. City Council Updates**

**Mayor pro tem Scalisi** commended the Convention and Visitors Bureau and the City’s Special Events department for the success of the Hubapalooza event held the previous week. She also mentioned the opening of Panthers Training Camp, thanked the organization for 20 years in Spartanburg, and shared the hope for 50,000 visitors by the end of camp.

**Councilmember Anderson** shared he was glad to be back. He thanked the Parks and Recreation staff for their work on the approval of the agreement with St. Matthews Church in his district.

**Councilmember Rice** thanked Select Health and the Marcus Lattimore Foundation for their partnership for the playground improvements at CC Woodson.

**Councilmember Ryba** also thanked Select Health for the playground partnership at CC Woodson. She shared that Hub-Bub had put out a call for all things related to cats for an upcoming art show. She stated the deadline for the items was August 16.

**Councilmember Brown** thanked Select Health for the CC Woodson playground partnership. She mentioned the Chapman Cultural Center “Cultural Counts” mapping project on July 31.

**Councilmember Reeder** thanked Select Health for the CC Woodson playground partnership. He mentioned that he was just back from an NLC trip to St. Paul, MN for an economic development summit. He mentioned that he was the only person from SC on the board, and that Economic Development Director, Patty Bock was complimented by many on the board who knew her and her work. He thanked Ed Memmott and Will Rothschild for the PowerPoint he took with him to showcase the good things happening in our City. He shared that a group from Texas would be visiting soon to observe economic development projects happening in the City.

- X. Adjournment – Mayor pro tem Scalisi made a motion to adjourn the meeting. Councilmember Rice seconded the motion, which carried unanimously 7 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:** Joshua T. Henderson, Planning Coordinator  
**SUBJECT:** Rezoning of a property located at 148 N. Walker Street, David Russell Seegars, Owner.  
**DATE:** August 11, 2014

**SUMMARY:** On July 17, 2014, the Planning Commission held a public hearing and reviewed a rezoning request submitted by David Russell Seegars, Owner, to rezone parcel 7-12-09-280.00 from Zone B-4/Heavy Commercial District to B-3/General Business District, in order to permit the owner to turn the property back into a residential property and reside there. The use of the property as a single family residential use is permitted under the zoning classification of B-3 with a Conditional Use

Under Section 303.5 Conditional Use Determination in a B-3, General Business District, in the City of Spartanburg Zoning Ordinance, a single family use is allowed under the B-3 zoning classification if the following conditions are met:

- The traffic count on the primary road that the proposed residential fronts cannot exceed 4,000 vehicles per day;
- The applicant must provide a traffic analysis report, and if the traffic count is less than 1,250 vehicles per day, no additional review is required. If the count is greater than 1,250, but less than 4,000, then the applicant must seek Planning Commission approval. If the traffic vehicle count exceeds 4,000 then residential, single family, patio home, condominium, and two family dwelling is not allowed; and
- The minimum lot frontage is 50' with a 15' front setback, 20' rear setback, and 5' side yard setback (there would be an additional requirement that the structure meet a street side setback, for a corner lot property, of 10').

To aid the property owner in a traffic analysis, the City of Spartanburg Traffic Engineering Department, conducted a traffic study to determine the amount of vehicles per day on this block of N. Walker Street. According to the report, there were approximately 300 vehicles that traveled in both northbound and southbound directions during the days of June 26 beginning at 10 a.m. through July 1 ending at 12 p.m. This would give an average of 50 vehicles per day during this 146 hour time period. According to the provided, and previously recorded plat, from 1960, and the current 2013 aerial, the structure is setback approximately 10' from the street side property line, 17' from the interior side property line, 19.5' from the front property line and 55' from the rear property line. Since the traffic count is under 1,250 vehicles and the structure meets all setback requirements, there is no additional review required with regards to the Conditional Use regulations.

(continued)

The Planning Commission held a public hearing on the proposal on July 17, 2014. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the parcel from B-4 to B-3.

**PLANNING COMMISSION RECOMMENDATION:** The request was unanimously endorsed by the Planning Commission on July 17, 2014. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

**ADDITIONAL INFORMATION:** Minutes from the July 17, 2014 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

**BUDGET AND FINANCE DATA:** N/A

## AN ORDINANCE

**ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY PARCEL #7-12-09-280.00 – LOCATED ON 148 NORTH WALKER STREET, WHICH IS CURRENTLY ZONED B-4 WITH A LAND USE DESIGNATION OF HEAVY COMMERCIAL DISTRICT) TO ZONE B-3 WITH A LAND USE DESIGNATION OF GENERAL BUSINESS DISTRICT, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of Parcel Number 280.00 as shown on Spartanburg County Block Map Sheet 7-12-09, from B-4, Heavy Commercial District to Zone B-3, General Business District; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on July 17, 2014, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the rezoning request be approved as recommended by City Staff.

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

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

- The Lot currently identified as 280.00 on Spartanburg County Block Map Sheet 7-12-09, shall be now designated as B-3, General Business District.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Junie L. White, Mayor

ATTEST:

\_\_\_\_\_  
Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

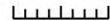
\_\_\_\_\_  
Cathy H. McCabe, City Attorney

\_\_\_/\_\_\_/\_\_\_ (First Reading)

\_\_\_/\_\_\_/\_\_\_ (Second Reading)



0 15 30 60 Feet



1 inch = 83 feet

Planning Commission Meeting - July 17, 2014  
Council Chambers of City Hall - 5:30 P.M.



0 15 30 60 Feet



1 inch = 83 feet

Planning Commission Meeting - July 17, 2014  
Council Chambers of City Hall - 5:30 P.M.

**Spartanburg City Planning Commission Meeting Minutes**  
**Thursday, July 17, 2014**

*City Hall Council Chambers*  
*Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, July 17, 2014, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Richard Letchworth, Bob Pitts, and Howard Kinard. James Jenkins, Wendell Cantrell, and George Harakas were absent. Representing the Planning Department were City Attorney Cathy McCabe and Julie Roland, Planning Department Administrative Assistant.

[Editor's Note: A Pre-Agenda meeting was held at 5:00 P.M. in the City Manger's Conference Room, where they were briefed on one rezoning request.]

***Roll Call***

Ms. Hogan, the Chair, stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Ms. Hogan noted that four Planning Commissioners were present, constituting a quorum. Ms. Hogan went over the rules and procedures for conducting a public hearing.

Mr. Letchworth moved approval of the Agenda for the July 17, 2014 meeting, with second by Mr. Kinard. The motion was unanimously approved by a vote of 4 to 0.

***Disposition of the Minutes from the June 19, 2014 meeting of the Spartanburg City Planning Commission***

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Mr. Kinard moved approval of the June 19, 2014 meeting minutes as submitted, with second by Mr. Pitts. The motion was unanimously approved by a vote of 4 to 0.

***Old Business – None.***

***New Business***

***REZONING REQUEST – TMS#7-12-09, 280.00. Located at 148 North Walker Street. Zone B-4, Heavy Commercial District to Zone B-3, General Business District, in order for the new Owner to be able to utilize the property as an owner occupied single family residential property. David R. Seegars, Owner.***

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City Attorney Cathy McCabe came forward and was sworn, and submitted the information the Planning Commissioners had previously received via email in their meeting packets, as well as the slides and presentation into evidence as Exhibit A. She submitted a letter of support on behalf of a neighboring property owner by Judy Humphries who was a personal representative of Martha Humphries who owned the property to the back of the proposed property at 149 N. Forest Street into evidence as Exhibit B, and a letter entitled 148 North Walker Street submitted by the petitioner as Exhibit C. The City Attorney informed the Planning Commissioners that North Walker Street and the surrounding properties was zoned B-4; and the owner was asking the property be rezoned to B-3 because he had purchased the property and would like to rehab the house and live there. She explained Zone B-4 does not allow for residential use, but under Zone B-3 allowed for various commercial uses, as well as single family residential under special conditions. The City based their ability to grant a Conditional Use based on the amount of traffic that flows on and through that road; and in this case the City conducted a traffic study on that block of North Walker Street, and it was determined between the time of June 26, 2014 and July 1, 2014 there were an average of 300 vehicles that traveled in both northbound and southbound directions. This would average 50 vehicles per day. City Attorney McCabe explained to the Planning Commissioners since the traffic count was so low, the City did not have to do any more inquiry regarding whether or not the Planning Commissioners could consider this property to be rezoned to B-3. The following slides were shown in order to better illustrate the request: location map, close up of proposed property and structure, slides of the surrounding area that included the property of Ms. Humphries who was in support of the request, as well as some other residential properties, and businesses in the surrounding area. The City Attorney explained the surrounding residential properties were zoned B-4, and had been grandfathered in when the City had the Zoning Ordinance redone a few years ago. The problem was that Mr. Seegars

property had been vacant for five years; and she explained that once a property had been vacant for more than 120 days, it reverted back to its former use, in this case which would be non-conforming.

Mr. David Russell Seegars came forward and was sworn. He explained to the Planning Commissioners that in October of last year he began looking for a home in Spartanburg City Limits. He really liked the house on N. Walker Street but could not afford it at the time. He found another house in Beaumont Village and had filled out a contract to buy, and then at the last moment something happened with that house, and he was not able to purchase it. About the same time, the price dropped on the 148 N. Walker Street property to a price he could afford. He looked at the home and although it needed a lot of work to restore it to its original quality, he fell in love with the home. He spoke to Mr. Henderson with the Planning Department to see what the City had planned for that area; and found out the property was zoned B-4; but there was a possibility he could ask for a rezoning from the Planning Commission to help him get into the house.

Board Questions:

- Mr. Letchworth asked Mr. Seegars if he went ahead and purchased the home. Mr. Seegars said he did.

City Attorney McCabe came forward again and concluded her presentation by saying Staff supported the request and their report and findings were in the meeting packets the Planning Commissioners had previously received.

[Editor's Note: the report included the following list of criteria for the Commission to consider when reviewing a rezoning request and Staff's analysis of those criteria:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The purpose of the B-3/General Business District zone, as described in the City of Spartanburg Zoning Ordinance, is to “provide central concentrations of goods and services for more than one neighborhood. They provide comparison shopper’s goods, convenience goods and services, specialty goods, amusements and numerous services for less than a city-wide market. They also provide locations for small businessmen with a city-wide market who cannot operate in the downtown areas. The predominant purpose of all these functions is retail trade.” As previously mentioned under Section 303.5, single family residential, patio home, condominium, and two-family dwelling may be permitted in a B-3 zone meeting the aforementioned conditions.

The 2004 Comprehensive Plan has specified General Activity for the property in question. General Activity Center is intended to be a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses. Public, civic, and recreational uses are compatible with this land use designation. Also, the recommended zoning classifications for this land use category are LOD/Limited Office District, LC/Limited Commercial District, B-1/Neighborhood Shopping District, and B-3/General Business District. While single family residential is not necessarily mentioned in the recommended zoning classifications, it is allowed, with conditions, under the B-3 zone.

2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The property is surrounded by a mix of commercial and residential uses. The proposed B-3 zone will allow for less intense uses than the current zoning classification of B-4. This will provide better protection for the properties currently being used as a non-conforming residential use and be compatible with the surrounding uses.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – Since the proposed use of the property is for residential use, it will have to comply with current International Residential Code (IRC) requirements prior to occupying. The property owner will be required to pull all necessary building permits prior to any work being done on the property. There are no additional property requirements since the use is residential, unless any additions to the structure, fencing, or property subdivision is to occur.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment* – The marketability of the

property would decrease with the zoning change. The zoning change will not allow for as wide of a range of commercial uses under B-3.

5. *Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use – Both water and sanitary sewer services are available to this site.]*

**STAFF RECOMMENDATION**

The proposed zoning map amendment is consistent with the Comprehensive Plan. Staff is of the opinion that the proposed zone change will not cause an adverse impact on surrounding properties with regards to possible uses allowed under the B-3 zoning classification. Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment, as presented, from B-4 to B-3.

Ms. Hogan opened the public hearing and asked anyone who wished to speak in favor of the request, or against the request to come forward. No one came forward. Ms. Hogan closed the public hearing.

Board Deliberation:

- Mr. Letchworth asked the City Attorney assuming the request was passed before City Council what the time frame was for the petitioner to get the work done. The City Attorney explained if it was approved by two readings of City Council, what the permit process would be.
- Mr. Kinard felt the petitioner seemed very anxious and committed to get his house restored.

Mr. Kinard made a motion to approve the request as presented, and he was seconded by Mr. Letchworth. The motion was unanimously approved by a vote of 4 to 0.

Ms. Hogan informed the petitioner the request would be forwarded to the next applicable Council Meeting which would be on August 11, 2014.

**Site and Landscape Plans Approved since the June 19, 2014 Meeting**

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- None were approved.

**Other Business:**

**Discussion of proposed 2013 Excellence in Design Awards.**

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Mrs. Roland informed the Board Members she did not know if Mr. Henderson had gotten the information from the Building Official regarding the applicable projects that received a certificate of occupancy in 2013; and she would check that out with him when he returned from his vacation.

**City Council Updates (FYI) Since Last Mtg. of Planning Commission on June 19, 2014 Mtg:**

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Mrs. Roland went over the updates from City Council that pertained to the Planning Commission since the June 19, 2014 Planning Commission Meeting as follows:

- June 23, 2014 County Mtg.: Second Reading Approval of Annexation Request at 207 Brian Ct. from Mary K. Randall, Owner. Zoned R-15 upon Annexation.

**Staff Announcements**

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- Mrs. Roland informed the Planning Commissioners that Mr. Cantrell was reappointed by the Mayor and City Council to serve another term at the June 23, 2014 meeting.
- Mrs. Roland said they currently had four vacancies on the HARB Board, and 2 vacancies on the Board of Zoning Appeals Board; and no new Board Members had yet been appointed that she was aware of.
- Mrs. Roland informed Mr. Letchworth she still needed to get him scheduled for his 2014 Continued Education training sometime this year. Mr. Letchworth said there were two continued education sessions listed in October that he could attend either one that was on the last schedule she sent him.

The meeting adjourned at 5:50 P.M.

Respectfully Submitted,

\_\_\_\_\_  
Nancy Hogan, Chair

Minutes by Julie Roland, Administrative Assistant

"Exhibit B"

July 9, 2014

Dear Planning Commission;

my name is Judy Humphries, the personal representative of Martha L. Humphries, who is the owner of the property located on 149 N. Forest Street, which is directly behind the property in question, referred as TrMS # 7-12-09-280.00 located on 148 N. Walker Street. We are in favor of the rezoning request from B-4 to B-3.

I personally believe the entire block, the two houses fronting Forest Street and the house on Walker Street, should be rezoned to B-3. My family has lived on Forest St. for 52 years and a zone of B-3 for General Business District makes more sense for this block. Please vote in favor of the rezoning.

Thank you,  
Judy Humphries

## 148 North Walker Street



September 2012



June 2014

The residence at 148 North Walker Street was built around 1900. Between 1940 and just a few years ago, it was owned by only two families, according to my research. Then it was seized by the bank (either by foreclosure or tax sale, the exact nature is unclear). The bank then sold it to a holding company, who recently sold it to me.

I intended to live in this house and fix it back up while living there. The day before closing, I checked with the Planning and Zoning office and discovered that the residence had been zoned B-4, which means that no residences are allowed. The family who lives in the house right behind mine told me they had been living there 50 years, although, it turns out, their property is also zoned B-4, as is the residence next door to that one. All three houses on the upper side of the block (bordered by N Walker, Blessingate & Forest) are owned by the people who live there. Or, in my case, the person who wants to live there.

The residence at 148 North Walker, unlike most houses in Spartanburg, has a fairly prominent location and is seen by thousands of Spartanburg residents daily. If you are at Church Street and St. John, a quarter mile away, and look west, you can't help but see it. I want this house to be a point of pride to Spartanburg, but I won't be able to if I am not allowed to live there – I'll be forced to sell the property. I really do not want to do that.

This is why I'm requesting that the Planning Commission rezone my property from B-4 to B-3. I understand that if a traffic count shows less than 1250 vehicles per day, that I can then live in my house if the property is zoned B-3. By what I've seen of North Walker Street, this should not be a problem. I've already gotten the traffic study lined up; it should be done the first few days in July. I've also gotten a new survey of the property set up; the surveyors are currently researching the property for the survey. The results from both surveys, traffic and property, should be available soon, and will be submitted as soon as they are received by me. Currently, what I have is the most recent survey of the property recorded at the office of the Register of Deeds (attached).

This house has stood for over a hundred years. I would like to be able to keep it standing for another hundred years. If the property is rezoned to B-3, I will at least have a chance to try.





## REQUEST FOR COUNCIL ACTION

**TO:** Spartanburg City Council

**FROM:** Chris Story, Assistant City Manager

**SUBJECT:** Ordinance to Authorize Lease Purchase Agreements for New Unified Communications Platform to Replace Office Phone System

**DATE:** August 7, 2014

The attached ordinance is necessary for the City to retire our aging office telephone system and transition to a state of the art voice-over-internet (VOIP) system that will provide the following benefits.

- Immediate 40% cost savings with additional further savings to be achieved at the termination of the lease purchase
- Vastly improved functionality including:
  - Ability to dial direct from desktop computers
  - Ability to seamlessly automatically route calls to mobile devices as desired
  - Immediate conversion of voicemail to text to enable better field response
  - Ability to provide automated call routing to minimize unanswered citizen calls
  - Improved redundancy and emergency recovery achieved through cooperative efforts with Spartanburg County

Although the transition will be time consuming, and will likely include some hiccups along the way, ultimately this system will improve employee productivity and enable better customer service.

The vendor, ShoreTel, was selected following rigorous analysis by our Information Technology staff. Pricing was established via competitive procurement administered by the Federal Government's General Services Administration; therefore no local competitive procurement was necessary.

The attached ordinance enables us to lease purchase the tangible equipment necessary, spreading the cost over several years and adding to immediate cost savings this transition provides.

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

ORDINANCE NO. 12-604.4-8.25.14

AUTHORIZING THE CITY OF SPARTANBURG, SOUTH CAROLINA, TO EXECUTE AND DELIVER EQUIPMENT LEASE PURCHASE AGREEMENTS IN AN AGGREGATE AMOUNT NOT EXCEEDING \$218,000 BETWEEN THE CITY AND THE LESSOR THEREOF TO DEFRAY THE COST OF ACQUIRING CERTAIN EQUIPMENT; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, AS FOLLOWS:

SECTION 1. Findings and Determinations. The City Council (the "Council") of the City of Spartanburg, South Carolina, hereby finds and determines:

(a) The City of Spartanburg, South Carolina (the "City"), is an incorporated municipality located in Spartanburg County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of this State.

(b) Section 5-7-40 of the Code of Laws of South Carolina, 1976, as amended (the "S.C. Code"), empowers all municipalities to own and possess real and personal property and such municipalities may lease any such property.

(c) The City desires to enter into two lease-purchase agreements (the "Lease Agreements") with Kansas State Bank of Manhattan (the "Lessor") for the purpose of financing the acquisition of certain telecommunications equipment (the "Equipment").

(d) Each of the Lease Agreements will not constitute a "financing agreement" and the Equipment will not constitute an "asset" as such terms are defined in Section 11-27-110 of the S.C. Code. Thus, the amount of the Lease Agreements will not be included when calculating the City's constitutional debt limit under Article X, Section 14 of the Constitution of the State of South Carolina.

(e) The Lease Agreements will be subject to annual appropriation by the Council.

(f) It is in the best interest of the City to acquire the Equipment by entering into the Lease Agreements. The Lease Agreements will enable the City to acquire the Equipment which will provide services necessary or useful to the operations of the City government.

SECTION 2. Approval of Lease/Purchase Financing; Authorization to Determine Certain Matters Relating to the Lease/Purchase Financing. The Equipment shall be acquired pursuant to the Lease Agreements with the Lessor which are hereby approved in an aggregate principal amount of not exceeding \$218,000. The Council hereby authorizes the City Manager to (a) determine the principal amounts of each of the Lease Agreements; (b) determine the payment schedules under each of the Lease Agreements; (c) determine which of the Lease Agreements, if

any, shall be issued on a federally taxable or tax-exempt basis; and (d) determine which of the Lease Agreements, if any, shall be designated as a “qualified tax-exempt obligation” for purposes of Section 265 of the Internal Revenue Code of 1986 relating to the ability of financial institutions to deduct from income for federal income tax purposes interest expense that is allocable to carrying and acquiring tax-exempt obligations.

SECTION 3. Approval of Lease Agreement. Without further authorization, the City Manager is authorized to approve the form, terms and provisions of each of the Lease Agreements. The City Manager is hereby authorized, empowered and directed to execute, acknowledge and deliver each of the Lease Agreements in the name and on behalf of the City. The Lease Agreements shall be in the form as shall be approved by the City Manager, the City Manager's execution thereof to constitute conclusive evidence of such approval.

SECTION 4. Execution of Documents; Written Procedures. The Mayor, Mayor Pro Tempore, City Manager, Finance Director, City Attorney and Municipal Clerk are fully empowered and authorized to take such further action and to execute and deliver such additional documents as may be reasonably requested by the Lessor to effect the delivery of the Lease Agreements, in accordance with the terms and conditions therein set forth, and the transactions contemplated hereby and thereby, and the action of such officers in executing and delivering any of such documents, in such form as the Mayor or City Manager shall approve, is hereby fully authorized. In addition, the Mayor, Mayor Pro Tempore, City Manager and Finance Director, or any of them acting alone, are further authorized and directed to adopt written procedures on behalf of the City to ensure the City's compliance with federal tax matters relating to the Lease Agreements to the extent that such Lease Agreement is issued on a federal tax-exempt basis.

SECTION 5. Federal Tax Covenant. With respect to any Lease Agreement which is issued on a federal tax-exempt basis, the City, as lessee, agrees and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest components of the payments to be made under such Lease Agreement to become includable in the gross income of the Lessor or its successors or assignees for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the “Code”) and regulations promulgated thereunder in effect on the date of original issuance of such Lease Agreement, and that it will comply with all applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder, to maintain the exclusion from gross income for federal income tax purposes of the interest portion of the payments to be made under such Lease Agreement; and to that end the City shall:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as such Lease Agreement is outstanding;
- (b) establish such funds, make such calculations and pay such amounts in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the times and places required by the Code.

The City will timely file Form 8038-G for such Lease Agreement in accordance with the applicable regulations of the Internal Revenue Service.

SECTION 6. Filings with Central Repository. In compliance with Section 11-1-85 of the S.C. Code, the City covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the City within thirty (30) days of the City's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the City, adversely affects more than five (5%) of the City's revenue or its tax base.

SECTION 7. Severability. All ordinances, orders, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the execution of the Lease Agreements are, to the extent of such conflict, hereby repealed.

SECTION 8. Effective Date. This Ordinance shall be effective upon its enactment.

[Execution Page Follows]

DONE AND RATIFIED this 25<sup>th</sup> day of August, 2014.

CITY OF SPARTANBURG, SOUTH  
CAROLINA

(SEAL)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Date of First Reading: August 11, 2014  
Date of Second Reading: August 25, 2014

This Ordinance has been reviewed by me and is hereby approved as to form and legality.

\_\_\_\_\_  
City Attorney, City of Spartanburg, South Carolina





## REQUEST FOR COUNCIL ACTION

**TO:** Spartanburg City Council

**FROM:** Chris Story, Assistant City Manager

**SUBJECT:** Resolution Authorizing FAA-funded Purchase of Three Residential Parcels for Runway Safety Area Project

**DATE:** August 7, 2014

As you know, the Federal Aviation Administration has provided funds for the design and engineering of a runway safety area at the City's Downtown Memorial Airport. This extensive project is a precursor to the planned runway extension.

In preparation for this work, the FAA has funded several property acquisitions in recent years. During the course of the engineering and design of the runway safety area, they identified three additional residential parcels for proposed acquisition. They are identified and illustrated in the attached supporting materials.

The attached resolution would authorize staff to proceed with acquisition. As a federally funded project, staff will follow all federal requirements which ensure that the sellers' and tenants' rights are fully protected throughout and sellers and tenants are fairly compensated. Preliminary informal interaction with the property owners indicate a willingness to sell at fair market value as defined by independent appraisal. Should that not prove to be the case, this matter will be brought back before the Council for further discussion.

The attached resolution will enable us to initiate the process. We recommend your approval. Please let us know if you have any questions.

A RESOLUTION

APPROVING THE PURCHASE OF 880 CALIFORNIA BOULEVARD  
PARCEL 7-15-16-082.00, 896 CALIFORNIA BOULEVARD, PARCEL  
7-15-16-077.00 AND 101 VERMONT AVENUE, PARCEL 7-15-16-078.00

WHEREAS, the City of Spartanburg's Airport is vital to promoting the economic development of the City of Spartanburg ("City"); and

WHEREAS, in 2003 the Federal Aviation Administration ("FAA") approached the City about the lack of a Runway Safety Area ("Area"); and

WHEREAS, FAA has provided reimbursement for the purchase of properties in the Area; and

WHEREAS, FAA has identified the purchases described below as necessary for the project and has indicated that funds for their acquisition will be included in forthcoming grant awards.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Members of City Council of the City of Spartanburg, South Carolina, in Council assembled:

SECTION 1: The City Attorney is authorized to proceed with the purchase of 880 California Boulevard, Parcel 7-15-16-082.00, 896 California Boulevard, Parcel 7-15-16-077.00, and 101 Vermont Avenue, Parcel 7-15-16-078.00 for the appraised value of the properties with reimbursement from FAA.

SECTION 2: This Resolution shall become effective immediately upon its enactment.

DONE AND RATIFIED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



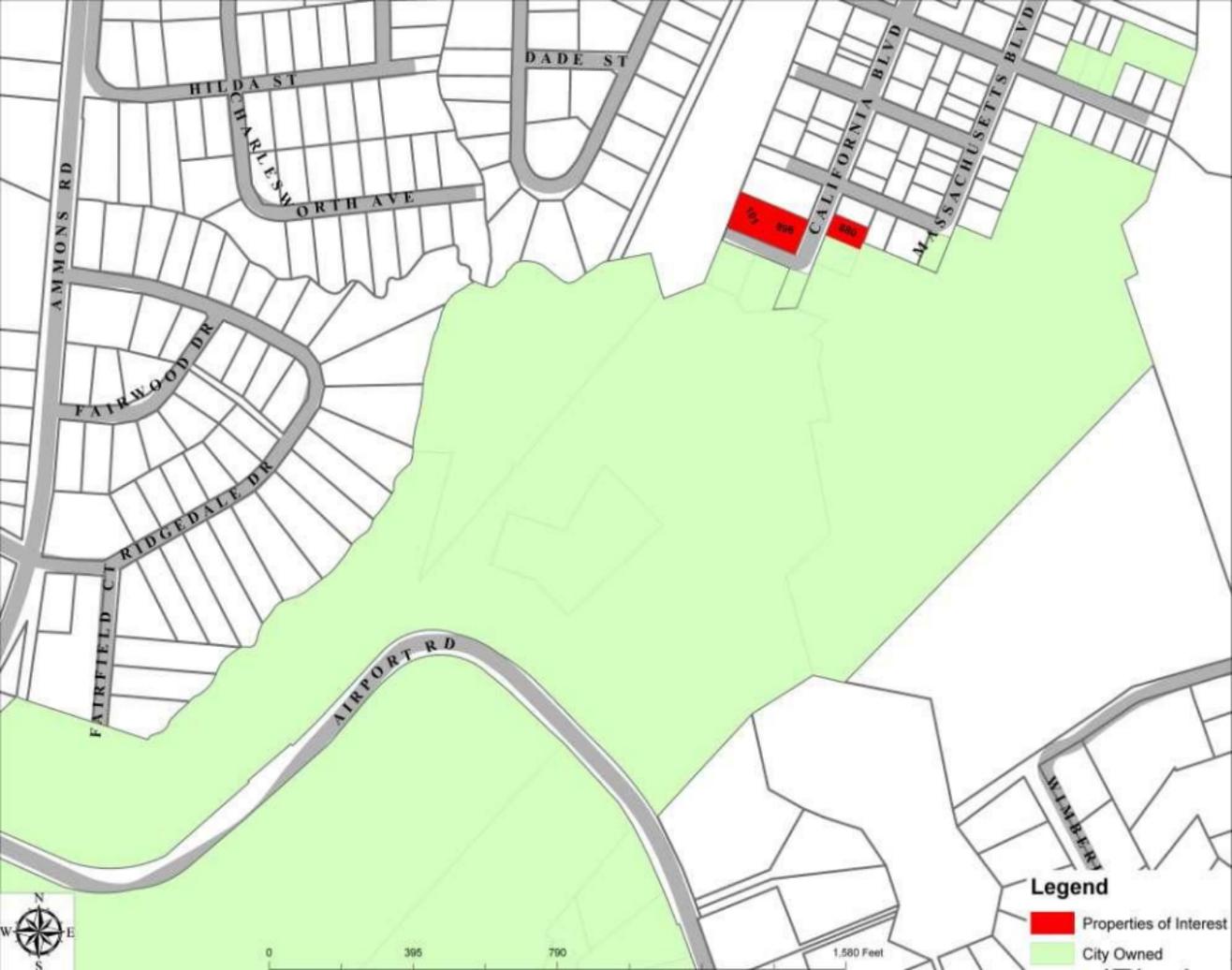
**LEGEND**

- EXISTING AIRPORT PROPERTY LINES
- EXISTING RUNWAY SAFETY AREA (RSA)
- EXISTING RUNWAY APPROACH ZONE (RAZ)
- PROPOSED 650' RUNWAY EXTENSION



RWY 5/23 DECLARED DIMENSIONS		
1000'	RWY 9	RWY 23
1000'	2,800'	2,800'
1000'	2,800'	2,800'
1000'	2,800'	2,800'
1000'	2,800'	2,800'

**EXHIBIT III-1**  
**PROPOSED DEVELOPMENT PLAN**  
**650' EXTENSION ON RWY 23**  
**SPARTANBURG DOWNTOWN MEMORIAL**  
**AIRPORT**  
**SPARTANBURG, SOUTH CAROLINA**



DADE ST

HILDA ST

CHARLESWORTH AVE

AMMONS RD

FAIRWOOD DR

RIDGEDALE DR

FAIRFIELD CT

AIRPORT RD

CALIFORNIA BLVD

MASSACHUSETTS BLVD

WILBER

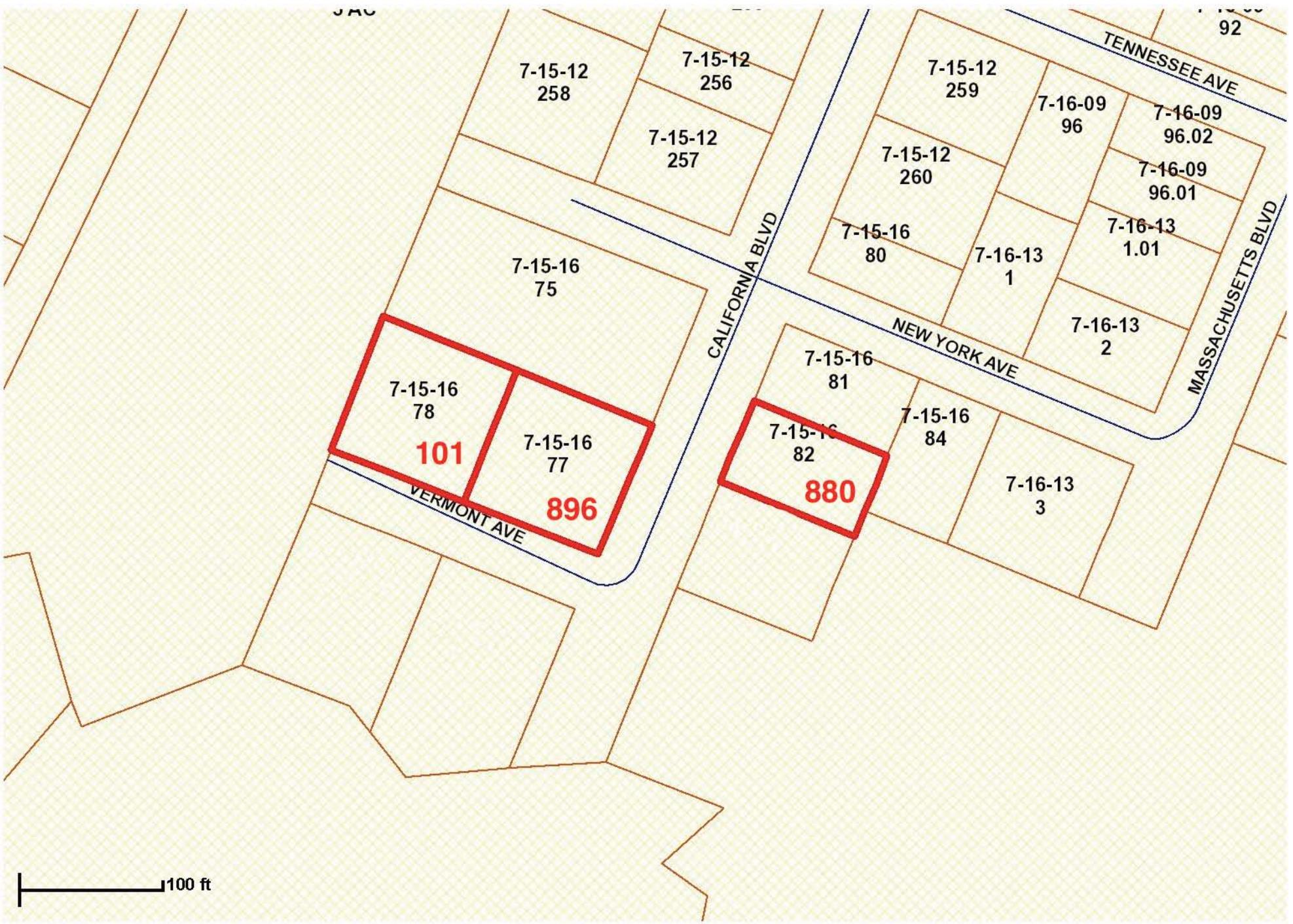
**Legend**

 Properties of Interest

 City Owned



0 395 790 1,580 Feet







**Boards and Commissions Nominee Form**  
(Please print or type information)

BOARD/COMMITTEE: \_\_\_\_\_ Zoning Appeals Board \_\_\_\_\_

CITY RESIDENT: YES  NO \_\_\_\_\_ SEX:  M  F RACE: Black \_\_\_\_\_

NAME: Michael Alston \_\_\_\_\_

ADDRESS: 101 Tennyson Court, Spartanburg, SC 29301 \_\_\_\_\_  
Street City, State, Zip Code

BUSINESS PHONE: 574-6000 HOME PHONE: 574-1168 EMAIL: malston50@aatt.net

OCCUPATION: Retired / Real Estate Broker Part-time \_\_\_\_\_

EMPLOYER: N/A \_\_\_\_\_

OTHER VOLUNTEER OR CIVIC ACTIVITIES: None \_\_\_\_\_

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I am interested in community service, especially in the area housing and home ownership.

RECOMMENDED BY: Councilman Robert Reeder \_\_\_\_\_

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?  
YES \_\_\_\_\_ NO  IF YES, PLEASE LIST: \_\_\_\_\_

\_\_\_\_\_  
DATE 7/25/14

Return via FAX to (864) 596-2313. MAIL or Email to:

Connie S. McIntyre, City Clerk  
City of Spartanburg  
PO Drawer 1749  
Spartanburg, SC 29304  
Email: [cmcintyre@cityofspartanburg.org](mailto:cmcintyre@cityofspartanburg.org)