



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, November 23, 2015
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the November 9, 2015 City Council Meeting**
- IV. Approval of Agenda of the November 23, 2015 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Way to Wellville Update**
Presenters: Chris Story, Assistant City Manager
Molly Talbot-Metz, Vice President of the Mary Black Foundation
- VII. Ordinances**
 - A. Authorizing the City of Spartanburg, South Carolina, to Execute and Deliver a Lease Purchase Agreement in an Aggregate Amount Not to Exceed \$879,932 Between the City and the Lessor Thereof to Defray the Cost of Acquiring Certain Law Enforcement Software; and Other Matters Related Thereto (First Reading)**
Presenter: Dennis Locke, Finance Director
 - B. To Provide Certification of Beaumont Mill as a Textile Mill Site Under the South Carolina Textiles Communities Revitalization Act for the Purpose of Allowing the Developer To Qualify for State Income Tax Credits (First Reading)**
Presenter: Chris Story, Assistant City Manager
- VIII. City Council Updates**
- IX. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Relating to the Oakview Apartments**

X. 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, November 9, 2015
6:00 p.m.**

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes of the October 26, 2015 City Council Meeting –**
*Councilmember Rice made a motion to approve the minutes as received.
Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of Agenda of the November 9, 2015 City Council Meeting –**
Councilmember Scalisi made a motion to approve the agenda as received. Mayor pro tem Brown seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment – Joe Kowal from the Beaumont Neighborhood Association, 790 Camp Street, Spartanburg, SC 29303, informed and invited City Council to participate in the many events that would take place over the year for the Beaumont Village 125th Year Anniversary.**
- VI. Announcement of the Winners of the Neighborhood Challenge to Participate in Seeing Spartanburg In A New Light Public Art Project**
Presenter: Jennifer Evins, CEO & Director of Development, Chapman Cultural Center
Ms. Evins announced the following winners of the “Seeing Spartanburg in a New Light”:
 - Beaumont Village
 - Downtown Spartanburg
 - Forest Park
 - Hampton Heights
 - Highland Neighborhood
 - Maxwell Hills/Duncan Park
 - Northside
 - South ConverseAndrews Farm and Converse Heights will participate in a joint installation on the Cottonwood Trail that connects both neighborhoods

She shared that Neighborhood Design Charrettes would take place December 8 -10, the design process January – March 2016, fabrication and installation April-July 2016 and “Lights On” Tuesday, August 2, 2016.

Council received the report as information.

VII. Spartanburg School District 7 Potential Capital Improvements Update

Presenter: Dr. Russell Booker, District 7 Superintendent

Dr. Booker reviewed District 7 plans for a new high school, stadium, elementary school, and renovations to the current high school for a move of the middle school to that location. He stated that public meetings had and were continuing to be held, that the District 7 board would need to vote to move forward with the plan, and that after the board vote, the plan would go to the voters as a referendum.

Council received the report as information.

VIII. Other Business

A. Authorization to Proceed with Demolition of 142 Oakland Avenue

Presenter: Ed Memmott, City Manager

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

Buddy Bush, City Building Official, has determined that 142 Oakland Avenue is a hazardous structure that poses serious health and safety concerns. 142 Oakland is a large two story structure that has a significant amount of asbestos in it. Mr. Bush recently ordered the owner to either repair or demolish the structure. The property owner, Mr. Joe Mabry resides in a nursing home. His wife, Ida Mabry also resides in a nursing home. They do not have the financial means to repair the property. It has been vacant for several months. The home was left with furniture, clothing, and other household items in it. The Mabry’s have no ability to correct the extensive deficiencies at the structure. Staff has been in contact with family members who have no interest and/or financial ability to intervene. There are several lenders who have recorded mortgages on the property. These lenders have determined that is not in their financial interest to involve themselves in the matter. At this point, there is no other party for the City to hold responsible for the property. Staff does not believe these circumstances will change.

At my direction, code enforcement staff solicited bids for asbestos abatement and demolition of the structure. Two bids were received. The low bid for removal of the structure was \$79,950. There are no funds budgeted to cover this expense. A total of \$101,000 in Community Development Block Grant funds was budgeted for FY16 for demolition. These funds have been obligated for the demolition of other derelict structures.

As I see it, the following options are available:

- Do nothing.
- Postpone demolition until July/August of 2016 when additional funds would be available. I would remind Council that the amounts of Community Development Block Grants have been declining. Budgeting sufficient funds for demolition of 142 Oakland Avenue and the 12-14 homes which typically require demolition in the course of any year would

necessitate significant cuts in other programs supported by CDBG funding.

- Rebid to determine if a lower bid price emerges. This approach can result in higher expenses.
- Pursue other options such as a controlled burn of the property. Given the location of this property and its very close proximity to other businesses, I have been reluctant to pursue this option.

ACTION REQUESTED: I am requesting Council authorization to proceed with asbestos abatement and demolition as an unbudgeted expense.

BUDGET & FINANCIAL DATA: \$79,950 expense to General Fund.

Councilmember Reeder made a motion to approve the request as presented. Mayor pro tem Brown seconded the motion, which carried unanimously 7 to 0.

B. Police Department Records Management Purchase

Presenter: Alonzo Thompson, Police Chief

Chief Thompson presented the item to Council as follows:

“The Police Department has utilized its current computer based police records management system for over fifteen years. This TriTech software system, formally known as VisionAir, has replaced the officers’ clipboard with a mobile computer that is utilized within the patrol vehicle. This system manages millions of police records and archives every criminal incident that occurs in our community. However, with the development of technology, the current system has become stagnant, offering very few options that are available through modern technologically advanced software. Because of the current software limitations, the police department has had to purchase multiple software databases to compensate for TriTech’s shortcomings. We must utilize separate databases for evidence tracking, image storage, training, equipment, personnel records, GIS mapping and data research, and incident link analysis.

UPDATE INFORMATION: Within the recent years, the police department and the City IT team has researched and evaluated several innovative police records management systems. During this research, a top priority was finding a database through which data sharing could be accomplished. The research continuously led back to a locally used records management system, Spillman Technologies. The Spartanburg Sheriff’s Office utilizes the Spillman Technology’s RMS system and has for many years. Through their usage, the Sheriff’s Office has established a wealth of sharable data which would be advantageous for the betterment of the City Police Department because of the opportunity for data sharing. Data sharing in policing is critical because individuals involved in the commission of crimes do not limit their activities to specific jurisdictions.

Advantages of Moving from TriTech to Spillman’s Record Management System

1. Acquisition of Spillman would lead to the two largest law enforcement agencies in Spartanburg County sharing real-time police intelligence and incident data. This also opens the door for smaller, local municipalities to join

- the data sharing initiative, with little or no cost. A software agreement has already been signed between the City of Spartanburg and Spartanburg County.
2. The transition would combine multiple in-house databases into one user-friendly system. Over time, these databases will transition into the main Spillman system. This in turn, would eliminate the yearly maintenance fees for these systems which would mean a potential for an estimated \$80,000 annual savings.
 3. Each officer would have crime analysis, crime mapping, and predictive policing tools on the mobile computer in their patrol vehicle. These tools will greatly enhance the in-the-field crime fighting strategies and tactics.
 4. The City and County databases would be a mirror system. This would allow for a duplicate and identical data storage system. This creates a stronger disaster recovery protocol for both agencies. For example, in the event of a natural or man-made disaster resulting in destruction of one system, the redundancy and duplication of the software database would provide a secure and safe system through the other agency.
 5. Spillman Technologies is a stable company that has been privately owned for over 30 years. They have never been “bought out” and only focus on public safety clients.
 6. Because the Sheriff’s Department has a successful history with the Spillman organization, and data sharing is the most logical solution for our agency, this would be a sole source purchase.

BUDGET AND FINANCE DATA: The net cost of this system upgrade would be \$116,000 in the current fiscal year and \$46,000 each of the next seven years. We intend to repurpose \$66,000 of existing grant funds currently in hand to reduce the impact on the current fiscal year to \$50,000.

We recommend that the City Manager be authorized to execute the necessary agreements.”

After discussion, Councilmember Rice made a motion to approve the request as received with the understanding that an ordinance would be presented for approval at the next council meeting. Mayor pro tem Brown seconded the motion, which carried unanimously.

IX. City Council Updates –

Councilmember Stille shared she had attended the National League of Cities in Nashville with Councilmembers Scalisi and Reeder. She stated that she enjoyed the networking opportunities, the workshops, and that she would be sharing more from the workshops at a later date.

Councilmember Rice shared that he was pleased with the District 7 plan forward and looking forward to the possibilities it presented. He stated that he had participated Tuesday past in a panel discussion with Assistant City Manager Chris Story about a transit system collaboration with the county.

Mayor pro tem Brown reminded everyone of “Sundays Unplugged” at the Chapman Cultural Center from 2 – 4. She encouraged everyone to vote in the runoff election on Tuesday, November 17 for the Commissioner of Public Works seat. She complemented

Spartanburg Little Theatre for the great opening of “Of Mice and Men”. She reminded everyone of the Art Walk on Thursday from 5 – 9.

Councilmember Reeder offered congratulations to all the winners of the “Seeing Spartanburg in a New Light Public Art Project”. He shared that he enjoyed the NLC Nashville conference and the great workshops he attended. He shared that he would continue to serve on the NLC Economic Development Committee for another two year term. He congratulated the Spartanburg High School Football for advancing to Region Champions.

Councilmember Scalisi shared that she also enjoyed the NLC conference. She was particularly impressed with a workshop entitled, “Innovation in Courts” and the information indicating courts were moving more toward social services and rehabilitation of lives. She cited an urban revitalization that involved renting property in an empty box mall to Vanderbilt University that they repurposed by building around it.

Councilmember Anderson shared that he had attended a SPATS meeting that morning with the Mayor where Highway 29 and the needs on it were addressed. He mentioned Veteran’s Day on Wednesday and expressed appreciation to all who have and are serving in the armed forces of our country.

X. Adjournment -

Councilmember Reeder made a motion to adjourn the meeting. Councilmember Scalisi seconded the motion, which carried unanimously 7 – 0. The meeting adjourned at 7:08 pm.



Connie S. McIntyre, City Clerk



MEMORANDUM

TO: Spartanburg City Council

FROM: Chris Story, Assistant City Manager

SUBJECT: Update on Spartanburg's Way to Wellville

DATE: November 19, 2015

At the upcoming City Council meeting, Molly Talbot-Metz, Vice President of the Mary Black Foundation will present a brief update on Spartanburg's Way to Wellville, our strategic collaborative and innovative initiative to improve health in the City.



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Dennis R. Locke, Finance Director
SUBJECT: Capital Lease Financing – Spillman Technologies
DATE: November 19, 2015

BACKGROUND:

At the November 9, 2015 City Council meeting, the City Manager was given authorization to execute the necessary agreement to obtain new software for the Police Department.

ACTION REQUESTED:

Staff has determined to use the lease purchase option to acquire the software. Therefore an ordinance is required to finance the project. Staff is requesting approval to enter into the lease agreement, not to exceed \$879,932, with Government Capital.

BUDGET & FINANCIAL DATA:

Our initial down payment of \$60,000 will be paid from grant funds. There will be six annual payments of approximately \$155,000 thereafter.

ORDINANCE

AUTHORIZING THE CITY OF SPARTANBURG, SOUTH CAROLINA, TO EXECUTE AND DELIVER A LEASE PURCHASE AGREEMENT IN AN AGGREGATE AMOUNT NOT TO EXCEED \$879,932 BETWEEN THE CITY AND THE LESSOR THEREOF TO DEFRAY THE COST OF ACQUIRING CERTAIN LAW ENFORCEMENT SOFTWARE; AND OTHER MATTERS RELATED THERETO.

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

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 a lease-purchase agreement (the “Lease Agreement”) with Government Capital Corporation (the “Lessor”) for the purpose of financing the acquisition of certain Law Enforcement Software (the “Software”).

(d) The Lease Agreement will not constitute a “financing agreement” and the Software 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 Agreement 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 Agreement will be subject to annual appropriation by the Council.

(f) It is in the best interest of the City to acquire the Software by entering into the Lease Agreement. The Lease Agreement will enable the City to acquire the Software 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 Software shall be acquired pursuant to the Lease Agreement with the Lessor which is hereby approved in an aggregate principal amount of not exceeding \$879,932. The Council hereby authorizes the City Manager to (a) determine the principal amount of the Lease Agreement; (b) determine the payment schedule under the Lease Agreement; (c) determine if the Lease Agreement shall be issued on a federally taxable or tax-exempt basis; and (d) determine if the Lease Agreement 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 the Lease Agreement. The City Manager is hereby authorized, empowered and directed to execute, acknowledge and deliver the Lease Agreement in the name and on behalf of the City. The Lease Agreement 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 Agreement, 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 Agreement 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 Agreement 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 ____ day of _____, 2015

CITY OF SPARTANBURG, SOUTH CAROLINA

MAYOR

ATTEST:

CITY CLERK

Date of First Reading: _____

Date of Second Reading: _____

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: Ordinance Restating the Certification of Beaumont Mill as a Textile Mill Site under the SC Textile Communities Revitalization Act

DATE: November 19, 2015

This is a housekeeping matter simply involving a restatement of an action originally approved by City Council in June 2014.

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 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 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. City Council originally approved this certification last year. Ownership of the property and the phasing of the project have since changed thereby necessitating a restatement of the certification.

We recommend your approval.

We welcome any questions you may have.

AN ORDINANCE

TO PROVIDE CERTIFICATION OF BEAUMONT MILL AS A TEXTILE MILL SITE UNDER THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT FOR THE PURPOSE OF ALLOWING THE DEVELOPER TO QUALIFY FOR STATE INCOME TAX CREDITS

WHEREAS, Beaumont Revitalization, LLC (“Developer”), desires to continue redevelopment of a portion of the abandoned textile manufacturing facility located in the City of Spartanburg, County of Spartanburg, State of South Carolina, formerly known as the Beaumont Mill (“Beaumont Mill”), which portion is more particularly listed as tax parcel 7-12-03-047.00 and is depicted on the map attached hereto as Exhibit A (the “Property”); and

WHEREAS, as part of the redevelopment by Developer, portions of the Property are anticipated to qualify for state income tax credits pursuant to the South Carolina Textiles Communities Revitalization Act (Section 12-65-30 (A)(2) specifically and Chapter 65 of Title 12 of the South Carolina Code generally) (the “Textile Mill Statute”); and

WHEREAS, the Textile Mill Statute contains a detailed definition of the specific property that will qualify as a “Textile Mill Site” (as defined in the Textile Mill Statute); and

WHEREAS, Developer acquired the Property from Jimmy I. Gibbs, L.L.C. (“JIG”), an affiliated taxpayer; and

WHEREAS, the Property is a portion of the Beaumont Mill site previously certified by the Spartanburg City Council as a Textile Mill Site to the benefit of JIG; and

WHEREAS, JIG continues to own the remaining portions of the Beaumont Mill site previously certified by the Spartanburg City Council, which portions are more particularly listed as tax parcels 7-12-03-045.00, 7-12-03-047.02, 7-12-03-047.03, 7-12-03-047.04 and 7-12-03-047.05; and

WHEREAS, JIG previously claimed tax credits on the initial phase of the redevelopment pursuant to the Textile Mill Statute; and

WHEREAS, Developer is not required to file a Notice of Intent to Rehabilitate pursuant to Section 12-65-30(C)(2) of the Textile Mill Statute because the Property was acquired by an affiliated taxpayer prior to January 1, 2008; and

WHEREAS, Developer has requested a certification of the Textile Mill Site pursuant to Section 12-65-60 of the Textile Mill Statute from the Spartanburg City Council; and

WHEREAS, the Spartanburg City Council has, after careful investigation and due deliberation, determined that the redevelopment of the Property will be beneficial to the City of Spartanburg, and the City agrees to provide an ordinance in compliance with Section 12-65-60 of the Textile Mill Statute.

NOW THEREFORE, BE IT ORDAINED by the Spartanburg City Council:

Section 1. That all recitals hereof are true and correct and a part of this Ordinance.

Section 2. That the Property was part of a facility that was last used for textile manufacturing, dying or finishing operations and for ancillary uses to those operations (i.e. a “textile mill”) as more particularly defined in Section 12-65-20(3) of the Textile Mill Statute.

Section 3. That the Property was “abandoned” in 1999 as defined in Section 12-65-20(1) of the Textile Mill Statute.

Section 4. That the Property as depicted on the map attached hereto as Exhibit A constitutes a Textile Mill Site consistent with Section 12-65-20(4) of the Textile Mill Statute.

Section 5. That the Property was acquired by JIG on January 7, 2000 and JIG then completed the initial phase of the redevelopment, which qualified for tax credits.

Section 6. That, subsequent to the completion of the initial phase of the redevelopment by JIG, the Property was acquired by Developer on August 6, 2015.

Section 7. That, with respect to Developer, the Property continues to be “abandoned” as defined in Section 12-65-20(1) of the Textile Mill Statute.

Section 8. That in accordance with Section 12-65-30(D), Developer is eligible to receive tax credits notwithstanding that the facility previously received tax credits in connection with the initial phase of the redevelopment conducted by JIG.

Section 9. That in accordance with Section 12-65-30(D), the Developer did not own the Textile Mill Site when it was operational and immediately prior to its abandonment.

Section 10. That this Ordinance is intended to comply with the certification requirements set forth in Section 12-65-60 of the Textile Mill Statute.

Section 11. This Ordinance shall become effective upon the date of enactment.

[Remainder of Page Intentionally Left Blank]

DONE AND RATIFIED this _____ day of _____, 2015.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading

EXHIBIT A

