



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

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

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of Minutes of the November 12, 2012 City Council Meeting**
- IV. Approval of Agenda of the November 26, 2012 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Ordinance**
 - A. To Amend Chapter 7, Fire Prevention and Protection, Article I, Section 7-6, “Burning Rubbish, Etc.” to Provide for the Public Safety Director to Permit Burning of Debris or Structure(s) for the Purpose of Fire Personnel Training or Research (First Reading)**
Presenter: Marion Blackwell, Fire Chief
- VII. Resolutions**
 - A. Approving the Purchase of 665 Saxon Avenue, Block Map Sheet 7-11-08-115.00**
Presenter: Wesley Corrothers, Neighborhood Services Director
 - B. Approving Donation of Property Located at 0 North Converse Street**
Presenter: Wesley Corrothers, Neighborhood Services Director
- VIII. Consent Agenda**
 - A. To Amend Chapter 10, “Motor Vehicles and Traffic,” to Add a Section to Provide that a Vehicle Owner is Presumed Responsible for Parking Violations (Second Reading)**
Presenter: Mark Cleveland, Downtown Manager

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. Other Business

A. Presentation of *The Main Street Challenge*

Presenter: Patty Bock, Economic Development Director

Ron Thomas, Economic Development Project Developer

B. Discussion of Swim Center

Presenter: Chris Story, Assistant City Manager

Ed Memmott, City Manager

X. City Council Updates

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

XII. 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 26, 2012**

**(These minutes are subject to approval at the
December 10, 2012 City Council meeting.)**

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

- I. **Moment of Silence** - observed
- II. **Pledge of Allegiance** - recited
- III. **Approval of Minutes of the November 12, 2012 City Council Meeting** –
*Councilmember Dogan made a motion to approve the minutes as presented.
Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.*
- IV. **Approval of Agenda of the November 26, 2012 City Council Meeting** –
*Councilmember Scalisi made a motion to approve the agenda as presented.
Councilmember Anderson 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. **Ordinance**
 - A. **To Amend Chapter 10, “Motor Vehicles and Traffic,” to Add a Section to Provide that a Vehicle Owner is Presumed Responsible for Parking Violations (First Reading)**
Presenter: Mark Cleveland, Downtown Manager
Mr. Cleveland presented the item to City Council as follows:
“In prosecuting parking violations in Municipal Court, there is not a provision currently that specifies the responsible party. The proposed Ordinance will provide that a vehicle owner is presumed responsible for parking violations which would clarify who the Court should be prosecuting for parking violations. Other

municipalities use similar language that the registered owner of the vehicle shall be held *prima facie* responsible.

Staff is requesting first reading approval of the ordinance as presented.”

Councilmember Dogan made a motion to approve the ordinance as presented on first reading. Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.

VII. Consent Agenda

A. To Amend the Business License Provisions for Insurance Companies (Second Reading)

Presenter: Dennis Locke, Finance Director

Councilmember Dogan made a motion to approve the consent agenda on second reading as presented. Mayor pro tem Cate Ryba seconded the motion, which carried unanimously 6 to 0.

VIII. Other Business

A. Silver Hill Street Culvert Improvement

Presenter: Jay Squires, Stormwater Manager

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

“Staff received bids for the Silver Hill Street Improvement Project on October 23, 2012. This project consists of removal and replacement of approximately 20 feet of storm drainage pipe and two catch basins on the south side of Silver Hill Street.

The following bids were submitted:

Martin & Son Contracting, Inc. (Spartanburg, S.C.)	\$ 38,700
Bishop Mays, Inc. (Greer, S.C)	\$ 198,945

Staff has reviewed the bids receive, and the qualifications for each of these contractors, and determined that Martin & Sons Contracting, Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors.

Staff requests that Council allow staff to accept the bid from Martin & Sons Contracting, Inc and authorize the City Manager to enter into a contract with Martin & Sons Contracting, Inc for the completion of the project.

BUDGET AND FINANCE DATA: \$ 38,700 from the Storm Water Utility fund will be used to complete the project.”

Councilmember Dogan made a motion to approve the award of bid to Martin & Son Contracting, Inc. of Spartanburg, SC in the amount of \$38,700. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

IX. City Council Updates

Councilmember Reeder thanked all involved with the Ice Rink and commented on the good things that were happening on the square because of it.

Mayor pro tem Ryba shared that nearly 1,000 people participated in the “Turkey Trot” held in Downtown on Thanksgiving morning with canned food brought by participants given to The Soup Kitchen. She also thanked everyone for the success of the Ice Rink.

Councilmember Scalisi echoed comments regarding the success of the Ice Rink. She reminded everyone of “Dickens of A Christmas” and the annual tree lighting that would be held the following night Downtown. She mentioned that she, Councilmember Dogan, and

Councilmember Reeder would be attending the winter National League of Cities Conference in Boston November 28 – December 1 and hoped to bring back helpful information and ideas for the City.

Councilmember Dogan shared that she worked at The Soup Kitchen on Thanksgiving Day, and she asked that everyone remember the men and women serving in the armed forces during the holidays.

Mr. Memmott mentioned that Mitch Kennedy would be going to Washington during the week for a meeting to discuss neighborhood grants.

X. Executive Sessions – Mayor pro tem Ryba made a motion to adjourn to Executive Session for the reasons stated. Councilmember Dogan seconded the motion, which carried unanimously 6 to 0. Council adjourned to Executive Session at 5:44 p.m.

A. Receive Legal Advice Concerning Various Business License Types and Classifications

B. To Receive Legal Advice Regarding a Contractual Matter

Council reconvened to regular session at 7:05 p.m. Mayor White stated that legal advice was received, discussion was held, and no decisions were made.

XI. Adjournment – Councilmember Reeder made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 7:06 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Marion Blackwell, Fire Chief
SUBJECT: Ordinance Amending Chapter 7 of the Code – Fire Prevention and Protection
DATE: December 10, 2012

BACKGROUND: Spartanburg Fire Division has partnered with the National Institute of Standards and Technology, International Society of Fire Service Instructors and SC Fire Marshal's Office to conduct research that will improve firefighter safety. This research is possible through a grant provided by Grants Program Directorate of the Federal Emergency Management Agency, Fire Prevention and Safety category of the Assistance to Firefighters Grant. The grant will provide funds to prepare eight residential structures located on Folsom Street for fire research. These structures would be ignited and allowed to burn under very controlled conditions. Very precise monitoring and recording equipment will be used to measure the effectiveness of various fire fighting techniques. All hazardous materials would be removed from the structures in advance of the test burn. This testing and research will be conducted January 22nd – 31st.

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

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

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

ACTION REQUESTED: First Reading Approval of an Ordinance to Amend Chapter 7 – Fire Prevention and Protection

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

AN ORDINANCE

TO AMEND CHAPTER 7, FIRE PREVENTION AND PROTECTION, ARTICLE I, SECTION 7-6, "BURNING RUBBISH, ETC." TO PROVIDE FOR THE PUBLIC SAFETY DIRECTOR TO PERMIT BURNING OF DEBRIS OR STRUCTURE(S) FOR THE PURPOSE OF FIRE PERSONNEL TRAINING OR RESEARCH.

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

Section 1. To amend the Code of the City of Spartanburg 1988, Chapter 7, "FIRE PREVENTION AND PROTECTION," Article I, "In General," Section 7-6 "Burning rubbish, etc." to provide that the Director of Public Safety can issue a permit for the burning of debris or structure(s) for the purpose of fire personnel training or research so that after amendment, said section shall read as follows:

Sec. 7-6. Burning rubbish, etc.

It shall be unlawful to burn rubbish in the open or to burn any material whatsoever so as to create or give off obnoxious smoke or odor within the City. Provided, however, that the Director of Public Safety or his designee may issue a controlled burn permit for the limited burning of debris resulting from the clearing of land on large tracts under such terms and conditions as are established by the City of Spartanburg. Further, the Directory of Public Safety or his designee may issue a permit for the burning of debris or structure(s) for the purpose of fire personnel training or research. The City Manager may establish an impact fee for such permits. Bonfires as a part of special events shall be allowed subject to the terms and conditions established by the City of Spartanburg for a limited bonfire permit. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 2. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this ____ day of _____, 2012.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Wesley Corrothers, Neighborhood Services Director
SUBJECT: Voluntary Purchase – 665 Saxon Avenue
DATE: December 4, 2012

BACKGROUND:

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

ACTION REQUESTED:

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

BUDGET AND FINANCIAL DATA:

CDBG funds in the amount of \$9,000.00.

RESOLUTION

**APPROVING THE PURCHASE OF
665 Saxon Avenue, Block Map Sheet 7-11-08-115.00**

WHEREAS, the City of Spartanburg (the “City”) from time to time will take advantage of offers to purchase properties within areas the City already owns or is redeveloping properties; and

WHEREAS, the City owns four parcels located on Saxon Avenue near the Northwest Center; and

WHEREAS, the owner of the property at 665 Saxon Avenue has expressed an interest in selling this house and lot to the City as a voluntary transaction for \$9,000.00.

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 hereby authorized to proceed with the purchase of property at 665 Saxon Avenue, Block Map Sheet 7-11-08-115.00 for the price of \$9,000.00.

SECTION 2: This Resolution shall become effective upon the date of enactment.

DONE AND RATIFIED This _____ day of December, 2012.

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Wesley Corrothers, Neighborhood Services Director

SUBJECT: Donation of Property – 7-12-06-140.00 (0 North Converse Street)

DATE: December 4, 2012

BACKGROUND:

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

ACTION REQUESTED:

Approval of a Resolution accepting the donation of TMS 7-12-06-140.00 to the City of Spartanburg.

BUDGET & FINANCIAL DATA:

A payment of 2011 taxes for \$339.89 is to be funded by CDBG funds.

**A RESOLUTION
APPROVING DONATION OF PROPERTY
LOCATED AT 0 NORTH CONVERSE STREET
(TMS 7-12-06, Parcel 140.00)**

WHEREAS, the City of Spartanburg (the "City") in an effort to stabilize its neighborhoods has from time-to-time purchased or accepted as a donation real property; and

WHEREAS, the City has determined that it is in the public interest to accept donation of 0 North Converse Street, TMS 7-12-06-140.00.

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: Acceptance of the property located on North Converse Street known as TMS 7-12-06-140.00 from Janice E. Mallindine is hereby authorized;

SECTION 3: This Resolution shall become effective upon the date of enactment.

DONE AND RATIFIED This _____ day of December, 2012.

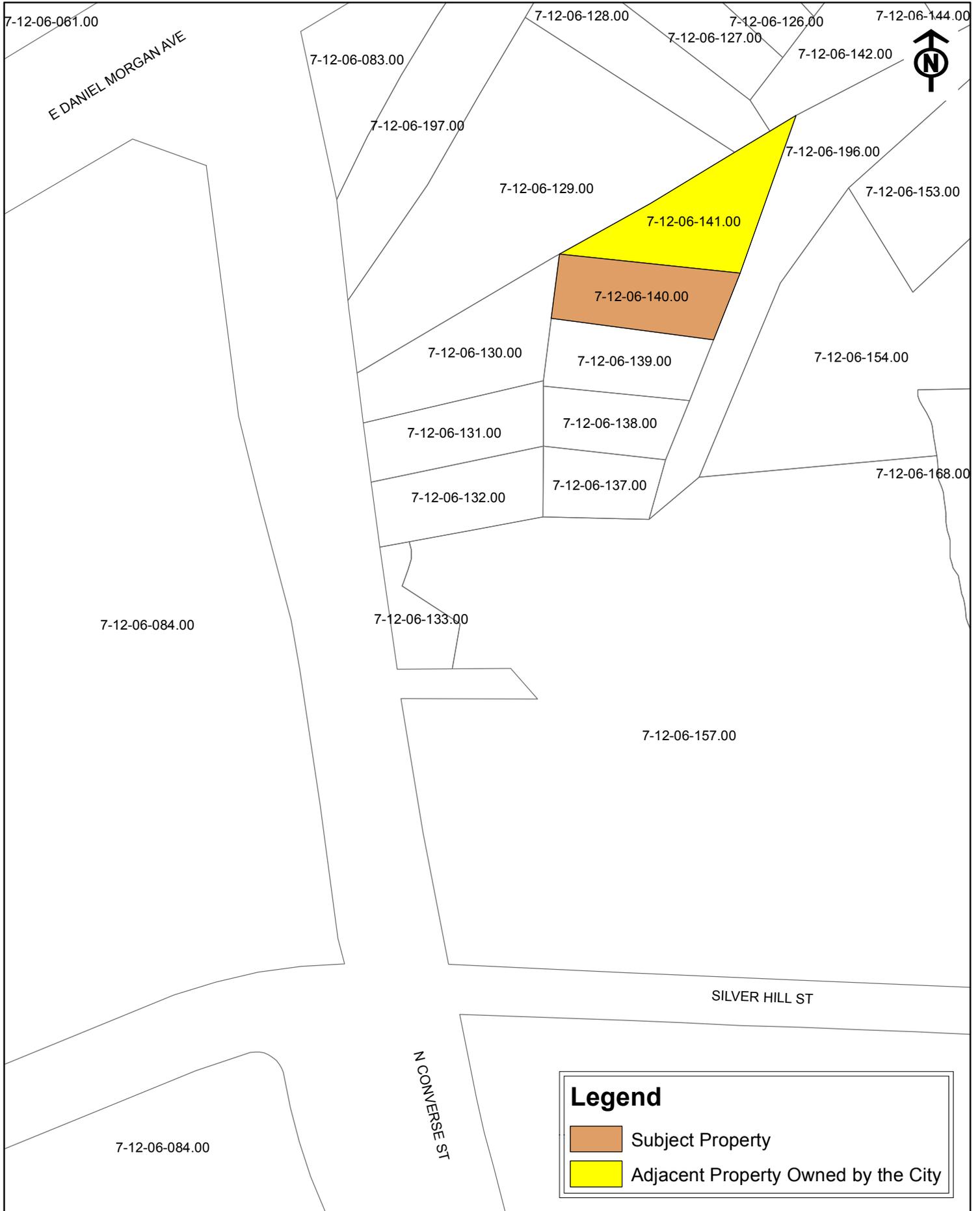
MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



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SUMMARY REPORT

TO: Ed Memmott, City Manager

FROM: Patty Bock, Economic Development Director

SUBJECT: Launch of Main Street Challenge a contest to draw retail oriented businesses to vacant downtown storefronts

DATE: December 5, 2012

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

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

Purpose and Benefits

- To generate ideas, leads and other information to aid our efforts to support job creation and revenue growth.
- To proactively initiate recruitment of new and existing businesses that will enhance the retail mix along Main Street.
- To highlight available downtown properties and transform storefronts into attractive places of business.
- To increase consumer traffic and generate sales in the downtown.
- To create a buzz and promote Spartanburg as a great place to open a business.
- To showcase Spartanburg's creative approach to assisting entrepreneurs with the support they need and to remove some of the barriers that prohibit some from starting or expanding a business.
- To strengthen the economy and downtown environment of Spartanburg.

Program Description

- The City will administer a contest designed to select up to three (3) business concepts submitted by those desiring to open a new or expand an existing business to downtown Spartanburg.
- The City has confirmed with six property owners and their representatives of downtown properties/buildings, to secure their premises for promotion in the program. Confirmed properties are street level, with storefront exposure on Main Street. Should the chosen storefronts become occupied prior to the awarding of the winners, the City shall expand within the corridor beginning at Spring St. and West Main St., extending to the intersection of Converse St, and East Main St., or alternative corridors within close proximity of this designated area.

- The City will award up to three (3) cash incentives of \$12,000 each and distributed in monthly \$1,000 dollar increments for a period of one year (these distributions will represent a forgivable loan once contingencies are met). Total program funding of \$40,000 (\$36,000 in cash awards and \$4,000 in advertising costs), is available in the MCIP Fund.
- An additional \$8,000 of in-kind professional services will be awarded by local businesses. These services include, but are not limited to the following: accounting, architectural, payroll, signage, telephone/internet, website design, office supplies, and advertising. In-kind services bring the total value of the combined awards to approximately \$20,000 per winner.
- Applicants will go through several phases of a selection process with the top finalists preparing a business presentation to a Selection Committee. The Selection Committee will be comprised of up to six (6) individuals from the Spartanburg community with solid business and civic minded attributes.
- There are eligibility requirements for applicants and additional requirements that contest winners must adhere to. This information will be available upon the date of the launch, January 6, 2013.

Program Timeline for Phase I of Contest

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

Much upfront planning and groundwork is required in order to successfully launch the Main Street Challenge. Staff is confident that this program will be welcomed by downtown stakeholders. Other positives will flow from this contest, include future leads and business ideas that staff can pursue and hopefully develop into additional businesses opening in our city. Downtown property owners will notice firsthand that the City is creating positive change in a unique way. The enhanced business mix and increased vacancy may influence them to become more receptive to development projects that include their property. All of this will help to drive consumer traffic, consumer spending at new and existing businesses and spur the demand for residential projects.

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



CITY COUNCIL AGENDA – SUMMARY REPORT

TO: Ed Memmott, City Manager

FROM: Chris Story, Assistant City Manager

SUBJECT: Subsidizing YMCA Use by Current Swim Center Users

DATE: December 5, 2012

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

To be eligible for City assistance, individual must be:

- City resident, and
- Active Swim Center user as verified by Swim Center user rolls, and
- Able to provide documentation of household income below area median

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

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

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

Please let me know if you have any questions.