



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, February 11, 2013

I. Moment of Silence

II. Pledge of Allegiance

III. Approval of Minutes of the January 28 2013 City Council Meeting

IV. Approval of Agenda of the February 11, 2013 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 the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #7-16-06-104.00 – Located on 710 South Church Street, which is Currently Zoned R-6 with a Land Use Designation of General Residential District to Zone LC with a Land Use Designation of Limited Commercial District; and Providing for Severability and an Effective Date (First Reading)**

Presenter: Joshua T. Henderson, Planning Coordinator

VII. Other Business

- A. Award of Bid for Barclay Downs Drive Culvert Improvement Project**

Presenter: Jay Squires, Storm Water Manager

- B. Award of Bid for Demolition of T. K. Gregg Community Center**

Presenter: David Cook, Construction Project Manager

VIII. City Council Updates

IX. 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, January 28, 2013**

**(These minutes are subject to approval at the
February 11, 2013, City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Jerome Rice, Councilmembers Linda Dogan, Robert Reeder, Sterling Anderson, and Jan Scalisi. Councilmember Ryba was absent due to illness. 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 January 14, 2013 City Council Meeting –
Councilmember Dogan made a motion to approve the minutes as received.
Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

IV. Approval of Agenda of the January 28, 2013 City Council Meeting –
Mayor pro tem Rice made a motion to approve the agenda as received. Councilmember Reeder 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. Resolution

**A. Approving Donation of Property Located at 227 Short Hill Street
(TMS 7-11-04-086.00)**

Presenter: Wes Corrothers, Neighborhood Services Director

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

“Staff has been approached by the owner of a parcel of land located at 227 Short Hill Street, TMS 7-11-04-086.00 regarding their desire to donate the property to the City of Spartanburg. This property is located just off Howard Street in the Cleveland Park area. The only cost to the City would be payment of 2012 taxes for \$1,067.57. Staff recommends acceptance of this property.

Staff is requesting City Council approval of this Resolution accepting the donation of TMS 7-11004-086.00 to the City of Spartanburg.

BUDGET & FINANCIAL DATA: Payment of 2012 taxes in the amount of \$1,067.57 to be funded by CDBG funds.”

Councilmember Dogan made a motion to approve the resolution as requested. Mayor pro tem Rice seconded the motion, which carried unanimously 6 to 0.

VII. Consent Agenda

- A. **To Amend the Code of the City of Spartanburg 1988, Chapter 6, “Elections” to Transfer the Conducting of Municipal Elections to the Spartanburg County Election Commission and to Provide that Candidates File Ninety (90) Days Before Elections, that Public Notice be Given by the Spartanburg County Election Commission Sixty (60) Days Prior to Elections, and Further, to Amend Chapter 6 to Reflect Current State Law Concerning When No Election is Necessary (Second Reading)**

Presenter: Cathy McCabe, City Attorney

Councilmember Reeder made a motion to approve the consent agenda on second reading. Councilmember Scalisi seconded the motion, which carried unanimously 6 to 0.

VIII. Other Business

- A. **Update Regarding 2012-13 Leaf Collection**

Presenter: Mark Ford, Grounds Maintenance/Green Waste Collection Manager

Mr. Ford reviewed the City’s Public Works Division leaf collection efforts since late October. He advised Council that the Green Waste Collection Team had worked in conjunction with other Public Works departments to improve efficiency and reliability of the collection process. Mr. Ford shared that the Leaf Collection Team collected 3.4 million pounds of leaves since late October.

2012 – 13 LEAF COLLECTION TEAM

Wayne Abernathy	Horace Anderson	Randy Bailey
James Boyle	Modestine Byrd	Roland Cantrell
Chris Crothers	Joe Davis	Gerardo Delgado
Richard Ferguson	Ronald Foster	Robert Hodge
Robert Knight	Barry Miller	Sam Miller
John Moreton	Randall Pollard	
Vince Waugerman	Trevor Whitt	Danny Wilkins

Council received the report as information.

- B. **2nd Quarter FY 2012 – 2013 Budget Report**

Presenter: James Kennedy, Budget and Accounting Director

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

“The quarterly budget report provides City Council with summary financial information for all funds as of the end of the second quarter (July 2012 – December 2012) budget results.

General Fund Revenues

As of December 31, 2012 revenues are in line with projections. Please be mindful that the City's largest revenue sources (i.e. property taxes, business license tax, franchisee fees, and insurance tax) are not collected until the third and fourth quarters. Staff is projecting a potential shortfall in delinquent property taxes for the year.

General Fund Expenditures

At the end of the quarter expenditures were in line with projections at 51% of budget. Second quarter personnel cost were slightly higher than budgeted expenditures. This was due primarily to additional general leave payout costs. Actual personnel cost were \$10,171,979 and operating cost were \$6,947,137 for the second quarter. The adopted budget also included a "planned credit" of \$200,000 for the fiscal year. At the end of the second quarter staff projected approximately \$49,960 of the planned credit (salary savings) had been realized. As of the end of the quarter the General Fund has advanced the Medical Insurance Fund \$116,531.99, compared to \$176,302.66 one year ago.

Hospitality Tax Fund

Year-to-date collections at the end of the second quarter represent five months of payments (July 2012 – November 2012). Please be aware that Hospitality taxes are due the 20th of the following month. Collections at the end of the quarter were at 44% of budgeted revenues which is in line with projections. Collection trend analysis provides us with a positive outlook. Second quarter collections represent a 4.00% increase compared to one year ago. Hospitality Tax expenditures are in line with projections."

Council received the report as information.

C. Comprehensive Annual Financial Report (CAFR) FY 2012

Presenter: Dennis R. Locke, Finance Director

Mr. Locke provided an overview of the financial status of the City as of June 20, 2012.

Kevin Madden, CPA and partner in Greene, Finney & Horton, CPAs, reviewed the firm's audit of the City's financials. He reported that the City received the highest rating possible for the audit.

Council received the report as information.

D. FY14 CDBG Public Service Funding

Presenter: Wes Corrothers, Neighborhood Services Director

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

"Since the inception of the Community Development Block Grant ("CDBG"), the City has allocated grant funds to procure needed support services for eligible low and moderate income individuals and families. Past City Councils have approved a variety of programs that have included enhanced police patrols of public housing complexes, youth enhancement programs, legal services, and drug court. A summary of the City's CDBG public service funding for the past two years is attached as information. CDBG regulations limit public service expenditures to 15% of the grant award.

Historically, staff has requested public service funding requests which meet basic HUD eligibility requirements. All funding requests received are compiled and then provided to Council for review. A public hearing is scheduled. At this public hearing, each requesting agency has the opportunity to present its funding request directly to Council. Staff is comfortable continuing this process. Council can change this process and set targeted grant objectives such as at risk teen intervention, homelessness prevention, drug abuse prevention/counseling, financial literacy, credit counseling, and/or job readiness. If more specific objectives are set, staff would incorporate those objectives in the FY14 public service grant application process. Approximately \$70,000 will be available for FY14.

Staff is seeking direction from Council on this matter prior to moving forward with advertising for grant requests. If Council prefers to set targeted objectives, a Council consensus and articulation of those objectives will need to be reached at the February 11 Council meeting. Staff would then schedule a public hearing for the March 18 meeting so that Council can hear directly from requesting organizations. Staff would make its full (including public service funding recommendations) for FY14 CDBG/HOME budget at the April 1 Council meeting.

BUDGET AND FINANCE DATA: Approximately \$70,000 in FY14 CDBG – Public Service Funding.

Public Service Funding Regulations

Eligible Public Service Activities: The CDBG regulations allow the use of grant funds for a wide range of public service activities, including, but not limited to: Employment services (e.g., job training); Crime prevention and public safety; Child care; Health services; Substance abuse services (e.g., counseling and treatment); Fair housing counseling; Education programs; Energy conservation; Services for senior citizens; Services for homeless persons; Welfare services (excluding income payments); Down payment assistance; and Recreational services.

Qualifying non-profit organizations must demonstrate the following for eligibility: Funds will be used towards services for low-to-moderate (“LMI”) income populations. Records must be kept verifying that at least 51% of clientele meet LMI income restrictions, as defined by the City’s Consolidated Plan, the U.S. Census Bureau, and the U.S. Department of Housing and Urban Development. LMI persons must maintain a family income of no more than eighty percent (80%) of the Median Family Income for the respective area. LMI persons, therefore, must have a qualifying family income.

FY12 & FY13 CDBG Public Service Funding

Public Service Agencies	Funded FY 11-12	Funded FY 12-13
Art in Motion	\$ 2,117	\$ 2,117
Bethlehem Center	\$ 5,098	\$ 5,098
Big Brothers/Big Sisters	\$ 4,638	\$ 4,638
Butterfly Foundation	\$ 2,550	\$ 2,550
C.O.L.O.R.S.	\$ 5,385	\$ 5,385

Christmas In Action - Project	\$ 15,300	\$ 15,300
Christmas In Action - Admin.	\$ 10,200	\$ 10,200
Drug Court	\$ 24,352	\$ 24,352
Safe Homes - Rape Crisis	\$ 5,950	\$ 5,950
SC Center for Equal Justice	\$ 3,653	\$ 3,653
Upstate Homeless	\$ 5,100	\$ 5,100
Urban League	\$ 3,247	\$ 3,247
Total	\$ 87,590	\$ 87,590
Public Service Grant Percentage	13%	14%

Mr. Corrothers asked for Council’s input regarding the CDBG allocation process. **Councilmember Rice** suggested that a larger amount of funds be awarded to a limit of four (4) organizations. **Mayor White** suggested that the process in place stay the same. **Councilmember Dogan** suggested that the process in place stay the same. **Councilmember Reeder** suggested that the larger amount of funding given to some organizations be lessened and more funds given to the smaller organizations. **Councilmember Scalisi** expressed concern that the same system allocating somewhat the same amounts had been in place for several years and perhaps the system could be reviewed for improvements. *It was the consensus of Council that each member would express their opinions/suggestions to Mr. Corrothers and/or Mr. Memmott regarding the allocation of CDBG funding prior to the next Council meeting.*

IX. City Council Updates

Councilmember Scalisi listed all the MLK events and thanked Mitch Kennedy, his staff, and everyone involved in the success of each one of them. **Mayor pro tem Rice** echoed Councilmember Scalisi’s comments. **Councilmember Anderson** also commended staff for the success of the MLK events. He reminded everyone of the Hub City Hog Fest to benefit Mobile Meals to be held on March 22 and 23 in the Grain District. **Councilmember Reeder** thanked everyone for the success of the MLK events. He shared that he had visited the Soup Kitchen and encouraged everyone to do the same. **Councilmember Dogan** shared her regrets that she missed the MLK events, but share she was at the inauguration and enjoyed being there. She stated that she works at the Soup Kitchen on Wednesdays and encouraged other councilmembers to volunteer there as well. **Mayor White** thanked Mayor pro tem Rice for filling in for him at the MLK events due to his illness. He commended everyone involved with the events for a job well done.

- X. Executive Session to Discuss Potential Economic Development Project**
Councilmember Anderson made a motion to adjourn to Executive Session for the stated reason. Councilmember Reeder seconded the motion, which carried unanimously 6 to 0. Council adjourned to Executive Session at 6:31 p.m.

Council reconvened to the regular meeting at 7:06 p.m.

Mayor White stated that discussion was held with no decisions made.

- XI. Adjournment – Councilmember Reeder made a motion to adjourn the meeting.**
Councilmember Anderson seconded the motion, which carried unanimously 6 to 0 and the meeting adjourned at 7:07 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 710 S. Church St., Charles Atchison, Sr.
DATE: February 11, 2013

SUMMARY: On January 17, 2013, the Planning Commission reviewed a rezoning request submitted by Charles Atchison, Sr., Owner, to rezone parcel 7-16-06-104.00 from R-6/General Residential to B-1/Neighborhood Shopping District. The property is located at 710 S. Church Street. After review of the application, Staff recommended the Planning Commission reconsider rezoning the property to LC/Limited Commercial instead of B-1. Limited Commercial would be a better fit with regards to the surrounding residential properties and would also allow the proposed beauty salon that is wishing to utilize the structure. If the property is rezoned to LC, then it is also possible to use the property as a residential structure in the future. Limited Commercial is consistent with the Comprehensive Plan as stated in the attached report.

The Planning Commission held a public hearing on the proposal on January 17, 2013. 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 against the proposed zone change of B-1 and support Staff's recommendation for the zone change from R-6 to LC (which the applicant was in agreement with). The Commission was concerned for future use that could be allowed under the zoning classification of B-1 and the effects of those possible uses on the surrounding residentially zoned properties.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on January 17, 2013.

STAFF RECOMMENDATION: Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the Planning Commission meeting, and Staff Report with attachments are included.

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 #7-16-06-104.00 – LOCATED ON 710 SOUTH CHURCH STREET, WHICH IS CURRENTLY ZONED R-6 WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT TO ZONE LC WITH A LAND USE DESIGNATION OF LIMITED OFFICE 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 Lot 104.00 as shown on Spartanburg County Block Map Sheet 7-16-06, from R-6, General Residential District to LC, Limited Commercial 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 January 17, 2013, 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 against the proposed zone change of B-1, and support Staff's recommendation for the zone change from R-6 to LC (which the applicant was in agreement with). The Commission was concerned for future use that could be allowed under the zoning classification of B-1 and the effects of those possible uses on the surrounding residentially zoned properties.

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 104.00 on Spartanburg County Block Map Sheet 7-16-06, shall be now designated as LC, Limited Commercial 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 _____, 2013.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

Location Map

RZC 12 11-06
 710 S. Church St.

Planning Department
 596-2068



0 20 40 80 Feet
 1 inch = 104 feet

Planning Commission Meeting - January 17, 2013
 Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Department
 J. Henderson 12-27-12

Location Map

RZC 12 11-06
710 S. Church St.

Planning Department
596-2068



0 10 20 40 Feet
|-----|
1 inch = 50 feet

Planning Commission Meeting - January 17, 2013
Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Department
J. Henderson 12-27-12



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Jay Squires, Storm Water Manager
SUBJECT: Barclay Downs Drive Culvert Improvement Project
DATE: February 6, 2013

BACKGROUND

Staff received bids for the Barclay Downs Drive Improvement Project on February 5, 2013. This project consists of removal and replacement of approximately 350 feet of storm drainage pipe from under Barclay Downs Drive.

The following bids were submitted:

McAbee Contracting, Inc. (Inman, S.C.)	\$ 39,996.00
Bishop Mays, Inc. (Greer, S.C.)	\$ 63,501.50
Martin & Son Contracting, Inc. (Spartanburg, S.C)	\$ 98,100.00

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

ACTION REQUESTED:

Allow staff to accept the bid from McAbee Contracting, Inc. and authorize the City Manager to enter into a contract with McAbee Contracting, Inc. for the completion of the project.

BUDGET AND FINANCE DATA:

\$ 39,996.00 from the Storm Water Utility fund will be used to complete the project.

Barclay Downs Drive Culvert Replacement



Proposed location of Pipe Replacement

BARCLAY DOWNS DR

SAINT MATTHEWS LN

WO EZELL BLVD

WO EZELL BLVD

WINCHESTER PL

CAMELOT DR

NORMANDY TER

RUNNYMEADE LN

FIELDSTONE RD

VII. B



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: David Cook, Construction Project Manager
SUBJECT: Award for Demolition Contract for TK Gregg Community Center
DATE: February 7, 2013

BACKGROUND:

Staff received bids for the demolition of the T K Gregg Community Center. This work will consist of asbestos and lead base paint abatement, demolition of the structure, removal of all debris, and grassing of the site.

Bids were received from 10 contactors as follows:

Contactor	Bid
B & B Demolition Specialists	\$87,125.00
Complete Demolition	91,000.00
Demteck LLC.	98,423.00
NEO Corporation	114,000.00
D H Griffin Wrecking Co. Inc.	114,545.00
Carolina Wrecking Inc.	116,175.00
NCM Demolition and Remediation, LP	139,200.00
Target Contractors	144,204.00
Eastern Environmental Inc.	153,450.00
Clearsite Industrial	184,893.00

After reviewing contactor qualifications and references, staff is recommending award of this contact to B & B Demolition Specialists. No certified MWBE firms submitted bids for this project. However, B&B has indicated that it expects to utilize MWBE firms for approximately 30% of the contact value.

ACTION REQUESTED:

Authorization for the City Manager to negotiate and sign a contract with B & B Demolition Specialists for construction services for the demolition of the T K Gregg Community Center.

BUDGET AND FINANCIAL DATA: Facility Replacement Fund