



**City Council Meeting
City Council Chambers
145 West Broad Street
Monday, September 10, 2012**

**(These minutes were approved at the
September 24, 2012 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Councilmembers Linda Dogan, Jerome Rice, Robert Reeder, Sterling Anderson, and Jan Scalisi. Mayor pro tem Cate 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 August 27, 2012 City Council Meeting –
Councilmember Dogan made a motion to approve the minutes as received.
Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.

IV. Approval of Agenda of the September 10, 2012 City Council Meeting –
Mayor White stated that Item VII. A would be continued until another meeting.
Councilmember Rice made a motion to approve the agenda as amended.
Councilmember Scalisi 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. Redistricting Presentation

Presenter: Bobby Bowers, Director of Office of Research and Statistics of South Carolina Budget and Control Board

Mr. Bowers presented Council with suggested redistricting Plan I map and supporting statistics for Council's consideration (attached and made a part of these minutes.) He explained the rationale, due to the 2010 Census figures, of redistricting Plan I. *Discussion was held and it was the consensus of Council to hold a Public Forum on October 4, 2012 in the Training Room of City Hall from 4:30 p.m. until 6:30 p.m. to give City citizens an opportunity to view Plan I, ask questions and give input before any final decisions were made.*

VII. Public Hearing – THIS ITEM WAS CONTINUED UNTIL A FUTURE COUNCIL MEETING

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance, by Amending Section 206, Changes to District Boundaries, Specifically Parcel 7-13-01-032.00, Located on 1585 East Main Street, which is Currently Zoned LOD, Limited Office District to Zone B-1, Neighborhood Shopping District; and Providing for Severability and an Effective Date. Bill Akkary and His Agent, Craig Jacobs of Spencer Hines Properties, on Behalf of National Bank of SC, Owner. The Purpose for the Zone Change Application is to allow the Property to be Sold for Use as a Restaurant (First Reading)
Presenter: Joshua Henderson, Planning Coordinator**

VIII. Ordinances

- A. Authorizing the City Manager to Execute a Deed Conveying Two Vacant Lots in the Timberwood Acres Subdivision to the Lower Spartanburg County Habitat for Humanity**

Presenter: Wes Corrothers, Neighborhood Services Director

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

“In November of 2011, City Council approved a resolution accepting the receipt of the assets, both cash and real property, from the now dissolved Spartanburg Residential Development Corp (SRDC). The City agreed to use those assets to promote affordable housing in Spartanburg. Part of those assets included two (2) vacant lots in a subdivision located in Woodruff. The City has received a proposal from the Lower Spartanburg County Habitat for Humanity organization to buy each parcel for \$2,000. The City’s only intent was to sell them to a developer that would keep them affordable to low-and-moderate income families. The City Manager of Woodruff has no objections with this transaction. Therefore, staff is recommending the sale of these two vacant lots, in the Timberwood Acres subdivision, for \$4,000 to Habitat for Humanity.

Staff is requesting approval of an Ordinance authorizing the City Manager to execute a deed conveying the two (2) properties listed below to the Lower Spartanburg County Habitat for Humanity for a total of \$4,000.

4-41-00-200.00	205 Old Timber Road
4-41-00-207.00	198 Old Timber Road”

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

- B. Ordinance to Amend the Text of Section 512, Regulations for Video Casinos and Poker Machines by Removing Current Subsections, and Amending Entire Section to include the Allowances and Requirements for Defining “Internet Cafes”, “Sweepstakes Promotions” and/or “Internet Sales”, and other Business using Electronic Gaming and Simulated Gambling Devices, City of Spartanburg, Agent (First Reading)
Presenter: Joshua Henderson, Planning Coordinator**

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

“Section 512 of the City of Spartanburg Zoning Ordinance is inconsistent with state laws since the state of South Carolina has banned video casinos and video poker machines. There are new devices on the market that use the internet in “games of chance” which do not fall under the two previously mentioned and removed categories. Earlier this year, City Council placed a moratorium on these devices and related “internet cafe” establishments.

Staff recommends the amendment as laid out in Attachment A to include definitions, locations, parking requirements, etc. for these proposed uses.

PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on August 16, 2012. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

Staff and the Planning Commission recommend that the City Council approve the text amendment request.”

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

C. Ordinance to Amend the Text of Section 514, Tattoo Facilities, by including “Body Piercing” Definition and Allowances. City of Spartanburg, Agent (First Reading)

Presenter: Joshua Henderson, Planning Coordinator

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

“In April, 2005, City Council voted to amend the City of Spartanburg Zoning Ordinance and include a new section regulating the placement and use of tattoo parlors within the City Limits. It was after an inquiry for a body piercing facility that Staff began to realize that the Zoning Ordinance did not regulate these uses within that section, the use table, parking requirements, or any other section of the Zoning Ordinance. Per the South Carolina Department of Health and Environmental Control (SCDHEC), Health Regulations, the uses of a tattoo parlor and body piercing facility are similar in use due to the health risks when releasing blood-borne pathogens into the air. Since they are similar uses, Staff is only amending the section to include the definition of a body piercing facility and to include the term “body piercing” or “body piercing facility” throughout the section in conjunction with tattoo parlor.

PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on August 16, 2012. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

Staff and the Planning Commission recommend that the City Council approve the text amendment request.”

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

D. Text Amendment Change to the Zoning Ordinance to Amend Section III, District Use Regulations, Subsection 302.5 (A)(2)(3), R-6 General Residential District, Uses Permitted by Right, Removing #2) Group Homes, Rooming, Boarding and Lodging Houses (excluding Hotels, Motels, and Tourist Homes), where Renting of Rooms is not Subordinate to Some Other Use; and; #3) Mobile Home Parks. City of Spartanburg, Agent (First Reading)

Presenter: Joshua Henderson, Planning Coordinator

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

“Under Section 302 Use Regulations for Residential Districts in the City of Spartanburg Zoning Ordinance for R-6 – General Residential District, the allowance for group homes, mobile home parks, and similar uses has been permitted for some time. Upon the request by city residents, Staff has reviewed these allowances with regards to the interaction between these uses and surrounding single family and multifamily uses. There are no other residential zones within the City of Spartanburg that allow for these types of facilities either permitted by right or permitted by Special Exception. The proposed text amendment would be to remove the following sections that are currently allowed according to section 302.5 of the City of Spartanburg Zoning Ordinance:

1. Group homes, rooming, boarding and lodging houses (excluding hotels, motels, and tourist homes), where the renting of rooms is not subordinate to some other use;
2. Mobile Home Parks

The proposed text amendment would also be to remove the statement under Section 508.12 Mobile Homes and Mobile Commercial Buildings – Locations referencing the allowed location of R-6.

PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on August 16, 2012. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

Staff and the Planning Commission recommend that the City Council approve the text amendment request.”

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

E. Text Amendment Change to the Zoning Ordinance to Remove all Statements of the Previous Zoning Classification of B-2. City of Spartanburg, Agent (First Reading)

Presenter: Joshua Henderson, Planning Coordinator

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

“On February 28, 2011, City Council voted to adopt the new Downtown Urban Code. It became effective on July 1, 2011, effectively replacing the zoning requirements for the downtown area which included all properties which had previously been zoned B-2. However, the necessary housekeeping text amendment removing the former B-2/Central Business District classification from the Zoning Ordinance was not

implemented at that time. Staff has since prepared this Zoning Ordinance strike-through amendment removing all sections mentioning the B-2 zoning classification. PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on August 16, 2012. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

Staff and the Planning Commission recommend that the City Council approve the text amendment request.”

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

IX. Resolution

A. Regarding Consent of Council of the Reappointment of the Prosecutor by the City Attorney

Presenter: Cathy McCabe, City Attorney

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

“In September of 2011, City Council approved the appointment of the Law Firm of Wilkins & Bouton, LLC (“Firm”) as the City Prosecutor for one year. After consulting with the Public Safety Department and Judge McJimpsey, all parties are pleased with the Firm’s performance.

Staff is requesting approval of the recommendation and consenting to the reappointment of the Firm as the Prosecutor for the City and authorizing the City Manager or City Attorney to negotiate for a new one-year term for \$48,000 and annual evaluation by Public Safety and the Municipal Judge. This is an increase of \$3,000 to offset the additional duties for the increased volume of Circuit Court appearances.

BUDGET AND FINANCE DATA: \$48,000 annual payment. This amount is in the budget.”

Councilmember Anderson recused himself from the vote due to a close friendship with the members of the law firm.

Councilmember Dogan made a motion to approve the resolution as presented.

Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.

X. City Council Updates –

Councilmember Rice thanked everyone involved in the reopening of Stewart Park and commented on the outstanding turnout from the community.

Councilmember Scalisi also thanked everyone for the reopening of Stewart Park and commented on what a nice, delightful ceremony it was. She shared that the facility was immediately used by the children in attendance.

Councilmember Anderson thanked everyone for the well wishes while he was away for 9 weeks on required military service at Maxwell Air Force Base.

Councilmember Reeder echoed his thanks and praise for the Stewart Park reopening event.

Councilmember Dogan also thanked everyone for the Stewart Park reopening and the great day everyone had. She mentioned the passing of her long time friend and local attorney Danny Allen.

Mayor White complimented the City staff on all the good things that were happening in the City and thanked them for their hard work.

Mr. Memmott also commented on the great work by everyone for the Stewart Park reopening and thanked staff for their efforts. He mentioned that closing of the Arkwright Dump was nearing an end and that a ceremony would be planned when the project was completed.

- XI. Adjournment** – *Councilmember Dogan made a motion to adjourn the meeting. Councilmember Reeder seconded the motion, which carried unanimously 6 to 0, and the meeting adjourned at 6:22 p.m.*



Connie S. McIntyre, City Clerk