



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, September 22, 2014
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the September 8, 2014 City Council Meeting**
- IV. Approval of Agenda of the September 22, 2014 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Resolution**
 - A. Regarding Consent of Council of the Reappointment of the Prosecutor by the City Attorney**
Presenter: Cathy McCabe, City Attorney
- VII. Other Business**
 - A. Update - Receipt of Office of Violence Against Women FY 204 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program Grant**
Presenter: Joyce Lipscomb, Operations Analyst, Police Department
 - B. Update – Law Enforcement Body Worn Camera System**
Presenter: Major Steve Lamb, Police Department
 - C. Downtown Parking Signage and Public Information**
Presenter: Will Rothschild, Communications Manager
 - D. Committee Report Regarding Funding Request for Miss Spartanburg Pageant Organization**
Presenter: Mayor pro tem Jan Scalisi
- 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, September 8, 2014
5:30 p.m.**

**(These minutes are subject to approval at
the September 22, 2014 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Jan Scalisi, Councilmembers Erica Brown, Robert Reeder, Jerome Rice, and Sterling Anderson. Councilmember 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 the Minutes of the August 25, 2014 City Council Meeting –
Councilmember Rice 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 8, 2014 City Council Meeting –
Mayor pro tem Scalisi made a motion to approve the agenda as received. Councilmember Brown 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. Update - Church Street Lofts

Presenter: Nancy Burt and Julie Pierson, Church Street Lofts Representatives

Ms. Burt and Ms. Pierson invited everyone to an open house to view the renovations at Church St. Lofts (Schuyler Building) on Thursday, September 11 from 4:30 to 6:30 p.m. Ms. Burt shared that there were 4 one bedroom lofts with the rest being studio lofts featuring a 1950's-inspired international style. She stated that rent for the lofts would range from \$685 to \$985 with water, sewer and trash collection included. Some of the amenities of the renovated lofts include stained concrete floors, modern lighting fixtures, washer/dryer connections, elevator, stainless steel appliances, 55" flatscreen TV in each loft, quartz countertops,

Venetian plastered ceilings, Art Deco contemporary style, secured building access, rooftop sundeck and fitness center, and magnificent City views.

Councilmembers expressed to Ms. Burt and Ms. Pierson their gratitude to Pace Burt for his vision and completion of the project in downtown.

VII. Resolutions

A. To Approve the City to Enter Into an Interagency Agreement with Charles Lea Industrial Corporation (Clean Crew), a Subsidiary of the Charles Lea Center **Presenter: David Cook, Construction and Facility Manager**

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

“For many years the City has contracted for janitorial services. As with any contracted service, staff monitors contractor performance and periodically reviews options to improve services.

At this time, staff believes the City would be better served by terminating its current janitorial contract and entering into an agreement with Clean Crew. Clean Crew is a subsidiary of the Charles Lea Center.

City staff has worked carefully to fully specify janitorial needs and has worked prospectively with Clean Crew management to review those specifications at each facility. Staff believes the City will receive much better service from Clean Crew.

Under procurement codes, the City is permitted to negotiate directly with another governmental entity for service without engaging in a competitive bid process. Staff is very optimistic that Clean Crew will provide a high level of service to the City. Staff is also excited about the possibility of providing additional employment opportunities for people having developmental challenges.

The annual contract with Charles Lea will be \$121,643 which is within approved budget limits.

ACTION REQUESTED: Authorize the City Manager to execute an Interagency Agreement with Charles Lea to provide janitorial services in City facilities.

BUDGET & FINANCIAL DATA: \$121,643.”

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

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

B. Directing the Closing of an Unopened 50’ Public Right-of-Way on Market Street between 489 and 505 W. Main Street from W. Main Street to Marlboro Road **Presenter: Cathy McCabe, City Attorney**

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

“Some of the property owners abutting an unopened 50’ public right-of-way, described as Market Street, located between the West Main QT and their property, requested that the City close the unopened right-of-way so as to develop their property more advantageously. These owners will then have to contact all property owners abutting the unopened public right-of-way and bring an action in Circuit Court which

will be at their expense to have this portion of the public right-of-way closed and deeded to them.

Staff requests approval of Resolution.”

Councilmember Rice made a motion to approve the resolution as requested.

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

VIII. City Council Updates –

Councilmember Rice shared that he had toured the Northside with the Grassroots Leadership Group and was impressed with a new perspective of inquiries from a different group of citizens experiencing the project for the first time.

Mayor pro tem Scalisi stated that she wanted everyone to know that there was plenty to do in Spartanburg. She shared that she recently attended an art exhibit in downtown, a fundraiser for the Hub City Food Co-op at Refuel, and a reception for Congressman James Clyburn honoring his efforts for economic and environmental justice. She reminded everyone of the September 20 “Downtown Bites” event to be held on Morgan Square.

Councilmember Brown reminded everyone of the Converse College “Hub City High Heel 100” event to be held on Friday in Downtown to bring attention to the gender pay gap for women. She shared that she attended the #1Spark event at the Chapman Cultural Center with 1,600 to 2,000 others, enjoying music, vendors, food, artists, etc. She reminded everyone of the Spartanburg Little Theatre’s production of “Hairspray” beginning Friday September 12 and running through Sunday, September 21. She mentioned “Live on the Green with Bruce Hornsby” at Barnet Park at 8:00 p.m. on September 20, 2014. She also reminded everyone of the LGBT event on Saturday, September 13 at Barnet Park.

Councilmember Reeder also mentioned the Congressman James Clyburn event. He shared that Spartanburg was named a Model City due to the remediation of the Arkwright Dump Site. He expressed concern with a renewed problem with littering in the city. He asked the City Attorney if she would look into what could be done concerning littering, if any citations could be issued, etc.

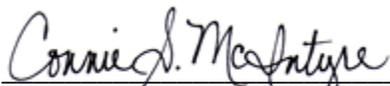
Mayor White introduced several members of the VISTA program who were in attendance. He thanked them for their participation in our city.

IX. Executive Session to Receive Economic Development Update –

Mayor pro tem Scalisi made a motion to adjourn to Executive Session. **Councilmember Reeder** seconded the motion, which carried unanimously 6 to 0. Council adjourned to Executive Session at 6:02 p.m.

Council reconvened to regular session at 6:07 p.m. Mayor White stated that information was received with no decisions made.

X. Adjournment – Councilmember Rice made a motion to adjourn the meeting. **Mayor pro tem Scalisi** seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 6:08 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Cathy McCabe, City Attorney

SUBJECT: Resolution Regarding the Consent of Council of the Reappointment of the Prosecutor by the City Attorney

DATE: September 22, 2014

BACKGROUND

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.

ACTION REQUESTED:

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.

BUDGET & FINANCIAL DATA:

\$48,000 annual payment. This amount is in the budget.

RESOLUTION REGARDING CONSENT OF COUNCIL
OF THE REAPPOINTMENT OF THE PROSECUTOR
BY THE CITY ATTORNEY

WHEREAS, the Law Firm of Wilkins & Bouton, LLC (“Firm”) has provided part-time prosecutorial services for the City of Spartanburg by contract since October 1, 2011; and

WHEREAS, the partners of the Firm are able criminal attorneys, Robert W. Wilkins and William I. Bouton; and

WHEREAS, the City Attorney is satisfied with the services provided by the Firm; and

WHEREAS, the Municipal Judge and the Public Safety Department are satisfied with the services provided by the Firm; and

WHEREAS, the City Attorney wishes to reappoint the Firm to provide part-time prosecutorial services for the City of Spartanburg and such reappointment requires the advice and consent of Council.

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

Section 1. Council hereby approves the reappointment by the City Attorney of the Law Firm of Wilkins & Bouton, LLC, to perform part-time prosecutorial services for the City of Spartanburg.

Section 2. Council hereby authorizes the City Manager and/or the City Attorney to negotiate a one-year Contract with the Firm to provide these services for a contract amount of Forty-eight Thousand Dollars (\$48,000.00) annually, payable monthly, with the Contract to further provide for the Municipal Judge and Public Safety the opportunity to annually evaluate the services of the Firm.

Section 3. The City Manager is to provide an office in City Hall for the Firm and provide administrative support for the prosecutorial services.

Section 4. This Resolution shall become effective upon the date of enactment.

This Resolution adopted this _____ day of _____, 2014.

Junie L. White, Mayor.

ATTEST:

Connie S. McIntyre, City Clerk.

APPROVED AS TO FORM:

Cathy Hoefler McCabe, City Attorney.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

CONTRACT FOR
PROSECUTORIAL SERVICES
FOR THE CITY OF SPARTANBURG

This Contract is effective the 1st day of October, 2014, between City of Spartanburg (“City”) and Wilkins & Bouton, LLC (“Law Firm”), to provide prosecutorial services for City for a period of one (1) year.

WHEREAS, Law Firm has provided prosecutorial services for the City of Spartanburg by contract since October 1, 2011; and

WHEREAS, the partners of the Firm are able criminal attorneys, Robert W. Wilkins and William I. Bouton; and

WHEREAS, the City Attorney is satisfied with the services provided by the Law Firm; and

WHEREAS, the Municipal Judge and Public Safety are satisfied with the services provided by the Firm; and

WHEREAS, Law Firm has agreed to work and to perform such part-time prosecutorial services as an independent contractor; and

WHEREAS, the City Council on September ____, 2014 authorized the reappointment of the Law Firm by the City Attorney and authorized a new one-year Contract with the Law Firm.

NOW, THEREFORE, in consideration of these promises and other good and valuable consideration, which is acknowledged, the City and Law Firm agree as follows:

1. Scope of Work: Law Firm is to act as an agent of the City reporting to the City Attorney to perform the following prosecutorial services which includes, but is not limited to:

- a. Provides professional-level prosecutorial work for criminal, traffic, livability and civil matters as necessary, including legal research, pre-trials, jury trials, bench trials and appeals.

- b. Makes recommendations on sentencing, conditions and release pleas, etc.
- c. Provides legal advice and training to police officers and occasionally other City departments to ensure proper investigation, documentation and presentation in court.
- d. Meets with the court, City Attorney and police personnel to discuss inter-office procedures.
- e. Keeps City Attorney apprised of potential problems as needed.
- f. Establishes and maintains effective relations with City, County and State officials, Court officials, members of the Bar, other City departments, other prosecutorial agencies and the general public.
- g. Efficiently manages the daily activities of the City Prosecutor's administrative staff and office under the general supervision of the City Attorney.
- h. Keeps abreast of current law and statutes.
- i. Law Firm's Partners maintain South Carolina Bar Licenses.

2. Office in City Hall: The City will provide an office in City Hall for the Law Firm and will provide administrative support for the prosecutorial services.

3. Evaluation of Services: The Municipal Judge, Public Safety and City Council are given the opportunity to annually evaluate the services of the Firm, with any such evaluations provided to the City Attorney sixty (60) days prior to the end of the one-year Contract.

4. Responsibility of Parties: City and Law Firm shall cooperate with one another to fulfill their obligations under this Contract. Both parties will endeavor to maintain good working relationships.

5. Confidential Information: Law Firm shall maintain the confidentiality of information designated as confidential by the City, unless withholding such information would violate a law, create the risk of significant harm to the public or prevent Law Firm from establishing a claim or defense in a legal proceeding. By their signatures below, the Partners agree that they and the Law Firm will maintain this confidentiality.

6. Compensation for Services: The compensation for services charged by Law Firm shall be Forty-eight Thousand Dollars (\$48,000.00) annually for the one-year Contract.

7. Payment: Payment shall be made to Law Firm monthly in the amount of Four Thousand Dollars (\$4,000.00) with the first payment being made on or before November 1, 2012. Law Firm, as an independent contractor, is responsible for all tax liabilities associated with its contract with the City as an independent contractor.

8. Degree of Skill and Care: Law Firm shall perform its services according to the same procedures, standards, practices and methods and level of skill generally prevailing on the effective date which are common and ordinary to perform such services in the United States.

9. Independent Contractor: Law Firm acknowledges that it is an independent contractor and nothing is to be construed that Law Firm is an employee of the City.

10. Termination For Cause: In the event that either party defaults under the terms of this Contract and the defaulting party does not cure, or initiate a cure, of the default within ten (10) days of the receipt of the notice of such default, the non-defaulting party may terminate this Contract upon fifteen (15) days' written notice to the defaulting party. If City terminates this Contract, Law Firm shall be paid for the services performed hereunder up to the date of the termination as determined by the City Attorney. Copies of any and all documents, including, but not limited to, all documents that have been provided as services thus far, shall be provided to the City of Spartanburg.

11. Termination without Cause. Either party may terminate the Contract upon thirty (30) days' notice to the other party with no liability to either party.

12. Ownership of Documents: Any and all documents and data created by Law Firm for the City belong to the City.

13. Notice: Notice is considered having been made by first-class mail to the following addresses:

City: City Manager
City of Spartanburg
Post Office Drawer 1749
Spartanburg, SC 29304

Law Firm: Wilkins & Bouton, LLC
Attorneys at Law
Post Office Box 8373
Greenville, SC 29604

14. Indemnification: Law Firm shall defend, indemnify and hold harmless the City of Spartanburg, its agents, officers and employees, from any and all damages to the extent they arise in any manner from and in connection or out of this Contract as a result of any injury to the partners of Law Firm including, but not limited to, death.

15. Controlling Laws: This Contract is governed by the laws of the State of South Carolina.

16. Mediation: The parties themselves shall attempt to resolve all disputes arising out of or relating to this Contract. Should the parties themselves be unable to agree on a resolution of the dispute, then the parties shall proceed with a non-binding Mediation. On written notice of either party to the other of the election to submit any dispute under this Contract to non-binding Mediation, the parties shall attempt to choose a Mediator agreeable to both parties. In the event that the parties cannot choose a Mediator agreeable to both parties, each party will designate a Mediator and the two Mediators will designate a Mediator who then will mediate the dispute. The cost of Mediation shall be borne by both parties. This process shall be considered as a condition precedent to commencement of any action in law and equity.

17. Entire Agreement: Entering into this Contract, City has relied upon representations set forth in this Contract. No verbal representations or statements shall be considered upon this

Contract or as a basis upon which we relied in entering this Contract.

IN WITNESS WHEREOF, the Parties to this Contract have hereunto set their hands and seals and executed this Contract effective as of the date first-above written.

IN THE PRESENCE OF:

CITY OF SPARTANBURG

By _____
Ed Memmott
Its: City Manager

WILKINS & BOUTON, LLC

By _____
Robert W. Wilkins
By _____
William I. Bouton

APPROVED AS TO FORM:

Cathy Hofer McCabe, City Attorney



CITY COUNCIL AGENDA – SUMMARY REPORT

TO: Ed Memmott, City Manager

FROM: Chief Alonzo Thompson,
Spartanburg Police Department

SUBJECT: Receipt of Office of Violence Against Women FY 2014 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program Grant.

DATE: September 18, 2014

BACKGROUND: In February 2014, Spartanburg Police Department submitted a grant to the Office of Violence Against Women. The grant was submitted as a partnership between the City of Spartanburg, Safe Homes Rape Crisis Coalition and the Office of the Seventh Circuit Solicitor.

UPDATE INFORMATION: Grant was awarded in September 2014 to the City of Spartanburg. It is a three year grant for the period of October 1, 2014 to September 30, 2017. The grant award is \$300,000.

BUDGET AND FINANCE DATA:

Funds will be used for the following:

1. 20% of the Salary and Benefits for the time the Law Enforcement Victim Specialist spends on Sexual Assault.
2. OVW-Mandated Training on Sexual Assault for staff.
3. Training for Solicitors representing Sexual Assault cases.
4. Consultant to provide Sexual Assault Training for community partners.
5. Funding of Safe Homes Staff working with Sexual Assaults.



CITY COUNCIL AGENDA – SUMMARY REPORT

TO: Ed Memmott, City Manager

FROM: Chief Alonzo Thompson,
Spartanburg Police Department

SUBJECT: Law Enforcement Body Worn Camera System

DATE: September 18, 2014

BACKGROUND: With recent advancements in micro camera technology, law enforcement across the country are moving to a body worn camera system. This new system allows an officer to wear a small video camera system that records audio and video of a police incident. As officers interact with the community, the entire incident is recorded from the officer's field of view. After the incident is recorded, the video is secularly stored for future evidential purposes.

UPDATE INFORMATION: The Police Department recently purchased twenty (20) Taser Axon body worn camera systems. All twenty cameras have been deployed within the agency and assigned to specific officers. During the pilot program, camera systems have been assigned to the traffic team, downtown bicycle officers, K-9 team, and several narcotic officers.

BUDGET AND FINANCE DATA:

The twenty (20) cameras were purchased by piggybacking the recent in-depth procurement process from the City of Charlotte / Mecklenburg County Procurement Management Division. The camera systems and three years of data storage was purchased for a total \$65,916.84

Purchase Breakdown

2011 JAG Grant	\$27,407.15
General Funds	\$21,061.69
Forfeited / Drug Funds	<u>\$17,448.00</u>
	\$65,916.84



SUMMARY REPORT TO CITY COUNCIL

TO: Mayor and Members of City Council

FROM: Will Rothschild, Communications Manager

SUBJECT: Downtown Parking Signage and Public Information

DATE: September 18, 2014

BACKGROUND: One of the most important ways City Council has supported economic development and the revitalization and redevelopment of the City's downtown has been through its funding of public parking infrastructure. Over the past 15 years, the City has invested more than \$25 million in parking infrastructure for downtown.

The result is that the central business district is home to more than 3,000 total parking spaces, including approximately 2,700 in four safe, conveniently located parking garages. In spite of this significant commitment and ample number of spaces, City staff believes, based on feedback from the public and our downtown business owners, that a misperception about both the availability and convenience of parking spaces remains an obstacle in the minds of some potential visitors and investors to our central business district.

Staff has plans to aggressively address this misperception on several fronts, starting with a new signage plan that will both direct drivers to parking facilities downtown and more prominently brand them as public facilities. Staff will share with Council plans and estimated costs for the first phase of this signage plan.