



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, October 10, 2016
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the September 26, 2016, City Council Meeting**
- IV. Approval of Agenda of the October 10, 2016 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Spring Fling Evaluation Committee Report**
Presenters: Ruth Littlejohn, SFEC Chairperson
Eric Kocher, SFEC Committee Member
- VII. Public Hearing**
 - A. Ordinance Providing for the Issuance and Sale of Water System Revenue Bonds of the City of Spartanburg, South Carolina, in One or More Series, in an Aggregate Principal Amount Not to Exceed One Hundred Thirty-Two Million Dollars (\$132,000,000); and Other Matters Relating Thereto (First Reading)**
Presenter: Cathy McCabe, City Attorney
- VIII. Ordinance**
 - A. Authorizing the City Manager to Execute a Deed to Northside Development Group Conveying Property Located at 202 Raindrop Street, Block Map Number 7-12-05-283.00; 208 Raindrop Street, Block Map Number 7-12-05-284.00; and 187 Weldon Street, Block Map Number 7-12-05-154.00 (First Reading)**
Presenter: Martin Livingston, Neighborhood Services Director
 - B. Accepting the Property Owned by O'Reilly Automotive Stores, Inc., A Missouri Corporation, and Being Located at 2282 East Main Street, and That Portion of East Main Street Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7-09-00-012.00 as a Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel**

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.

**of the City of Spartanburg, and Requested Zone is B-1,I Neighborhood Shopping District. Annexation Contingent Upon Requested Zone Approval (First Reading)
Presenter: Natalia Rosario, Planning Staff**

- C. To Appropriate \$235,000 in the General Fund for Pay Increases for Sworn Police and Fire Personnel of the City of Spartanburg (First Reading)
Presenter: Ed Memmott, City Manager**

IX. Consent Agenda

- A. Authorizing the City Manager to Execute a Deed to Spartanburg Housing Authority Conveying Property Located at 581 Vernon Street, Block Map Number 7-12-01-140.03; and 589 Vernon Street, Block Map Number 7-12-01-140.01 (Second Reading)
Presenter: Martin Livingston, Neighborhood Services Director**

X. Other Business

- A. Award for Civil Engineering Services for Butterfly Branch Linear Park
Presenter: Jay Squires, Streets and Storm Water Manager**
- B. Approval of Development Agreement to Support the Renovation and Reuse of 119 North Church Street
Presenter: Patty Bock, Economic Development Director**

XI. City Council Updates

XII. Parks and Recreation Workshop

XIII. Adjournment

** Non-Agenda Items*

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.

**Agenda Items*

City Code Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing. On agenda items not requiring a Public Hearing, please provide to the City Clerk prior to the opening of the meeting, your desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, September 26, 2016
5:30 p.m.**

**(These minutes are subject to approval at the
October 10, 2016 City Council meeting.)**

City Council met this date with the following members present: Mayor pro tem Sterling Anderson, Councilmembers Jerome Rice, Erica Brown, Laura Stille and Rosalyn Henderson Myers. Mayor White was out of town and Councilmember Jan Scalisi was absent due to illness. City Manager Ed Memmott and former City Attorney Spencer King, filling in for City Attorney Cathy McCabe, who was on vacation, 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 September 12, 2016, City Council Meeting –
Councilmember Rice made a motion to approve the minutes as received.
Councilmember Brown seconded the motion, which carried unanimously 5 to 0.

IV. Approval of Agenda of the September 26, 2016 City Council Meeting –
Councilmember Henderson Myers made a motion to approve the agenda as received. Councilmember Stille seconded the motion, which carried unanimously 5 to 0.

V. Public Comment

*Citizen Appearance forms are available at the door and should be submitted to the City Clerk **Carl Prestipino, 240 Mills Avenue**, spoke complaining about the paving process on his street.

Carolyn Reid Smith, with the local NAACP, asked Council to cease charging a rental property registration fee for African Americans. (It should be noted that the City does not charge a rental property registration fee for anyone.)

Tony Sutton, 102 Cemetery St., expressed concerns about the rental property registration fee.

Louis Settle, 480 Sloan St., Beaumont Neighborhood, spoke in favor of a rental property registration for all rental property.

VI. Recognition of City Retirees MPO Tony Horton and MPO Charles Tillotson

Presenter: Mayor pro tem Sterling Anderson

Mayor pro tem Anderson read a summary of each of the retiree’s accomplishments with the City during their years of employment and congratulated them on their retirement.

VII. Presentation of National Night Out Proclamation to Neighborhood Representatives

Presenter: Mayor pro tem Sterling Anderson

Mayor pro tem Anderson presented “National Night Out” proclamations to twenty two neighborhood association representatives.

VIII. Ordinance

A. Authorizing the City Manager to Execute a Deed to Spartanburg Housing Authority Conveying Property Located at 581 Vernon Street, Block Map Number 7-12-01-140.03; and 589 Vernon Street, Block Map Number 7-12-01-140.01 (First Reading)

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“As part of the Northside Transformation Plan, the City of Spartanburg has in certain instances partnered with non-profit developers to build affordable housing in the community. The Spartanburg Housing Authority is requesting the donation of two city owned lots on Vernon Street for a unique partnership that provides job training for young people and affordable housing. Habitat for Humanity of Spartanburg will build two single-family homes on Vernon Street for eligible families. The construction process will employ YouthBuild participants in the construction process providing job training and construction skills. YouthBuild is construction training program that focuses on GED/High School Diploma preparation. Community service and leadership training is provided for adults ages 18-24, while providing opportunities to prepare young adults for the working profession.

Property Address	Tax Map Number	Property Type	Sale Amount
581 Vernon Street	7-12-01-140.03	Vacant Lot	5.00
589 Vernon Street	7-12-01-140.01	Vacant Lot	5.00

ACTION REQUESTED: Approval of an Ordinance conveying the property at 581 Vernon Street and 589 Vernon Street to the Spartanburg Housing Authority for the YouthBuild and Spartanburg Habitat development.

BUDGET AND FINANCIAL DATA: Donation of property.”

***Councilmember Brown** made a motion to approve the ordinance as presented on first reading. Councilmember Rice seconded the motion, which carried unanimously 5 to 0.*

IX. Resolution

**A. Authorizing the City Manager to Execute Survey Agreement
Presenter: Martin Livingston, Neighborhood Services Director**

Mr. Livingston presented the item to Council as follows:

“In an effort to assist the Spartanburg Housing Authority with the demolition of the vacant Cammie Clagett Public Housing Units, the City and non-profit partners will be implementing a process using Neighborhood Improvement Program (NIP) funds to purchase and demolish the property. As part of the process, the City and the Spartanburg Housing Authority will need to subdivide the property by individual parcels in order to qualify for the program. The survey of the property will involve 110 vacant units. The City was allocated an additional \$1.6 million in NIP funds to acquire and demolish approximately 58 units. The other 52 units will be demolished as part of the existing NIP grant or additional funds will be requested from the funder, the South Carolina State Housing Finance and Development Authority.

City staff bid the survey work and 3 bids were received. The cost of the survey work will be \$63,000. All American Engineering Consultants was the most responsive bidder. No MWBE contractors submitted bids.

Vendor	City	State	Price	MWBE	
Lavender, Smith & Assoc.	Spartanburg	SC	17,000.00		Line 1-7
Engineered Resources LLC	Augusta	GA	42,065.00		Line 1-7
American Engineering Consultants	Cayce	SC	63,000.00		Line 1-8

ACTION REQUESTED: Staff is requesting approval to allow the City Manager to execute an agreement with All American Engineering Consultants to survey the Cammie Clagett sites.

BUDGET AND FINANCIAL DATA: Reimbursement would be received from the Spartanburg Housing Authority in the amount of \$63,000.00.”

Councilmember Rice made a motion to approve the resolution as requested. Councilmember Henderson Myers seconded the motion, which carried unanimously 5 to 0.

X. Consent Agenda

A. Ordinance Authorizing the City Manager to Execute a Deed to Northside Development Group Conveying Property Located at 438 Mill Street, Block Map Number 7-12-05-336.00; 446 Mill Street, Block Map Number 7-12-05-335.00; and 464 Mill Street, Block Map Number 7-12-05-332.00 (Second Reading)

Presenter: Martin Livingston, Neighborhood Services Director

B. Consideration of an Ordinance Authorizing the Condemnation of Tax Map Parcel 7-12-05-345.00 Needed for The Butterfly Creek Daylighting and Park Projects (Second Reading)

Presenter: Ed Memmott, City Manager

Councilmember Brown made a motion to approve the consent agenda as received on second reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 5 to 0.

XI. Other Business

A. Declaration of Vacancy on the Housing Authority Board

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre advised Council that Mac Hogan had resigned from the Housing Authority Board due to work and family commitments. She stated that applications would be accepted for the vacancy created by his resignation.

Council received the report as information.

XII. City Council Updates –

Councilmember Henderson Myers mentioned the Spartanburg Philharmonic Orchestra’s Espresso Concert on October 28 at The Chapman Cultural Center.

Councilmember Stille shared she had attended the “Ten at the Top Summit” with 900 hundred leaders from across the upstate. She reminded everyone of International Festival the following weekend, and that Spartanburg Little Theatre’s production of “Beauty and the Beast” was at the Chapman Cultural Center. She added that she was excited about the “Seeing Spartanburg in a New Light” project that would be revealed on Tuesday.

Councilmember Brown shared she, too, was excited about the “National Night Out” event, and that she had helped put together the mobile suspensions for one of the pieces of “Seeing Spartanburg in a New Light”. She mentioned that she, along with several city staff, went to the Pineview Hills Neighborhood Clean Up event the previous Saturday and thanked everyone involved with that event. She shared that she attended the grassroots organized “Melting Pot Music Festival” and enjoyed all the diversity of people and music.

Councilmember Rice said he, too, was excited about the “Seeing Spartanburg in a New Light” project unveiling on Tuesday. He added that Spartanburg High School Senior Grady Thomas had been selected to participate in the 80th Annual Shrine Bowl Football game in Spartanburg on December 17.

Mayor pro tem Anderson shared how important he thought the “National Night Out” event was to the everyone in the city. He recognized all of the police and fire first responders at the meeting who also helped to prepare and make the NNO event possible.

Police Chief Thompson briefly updated Council on the roll out of the body cams and Tasers. He stated that the officers would be on the streets with the equipment as soon as training was completed.

XIII. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging the Location of Two Businesses in the City

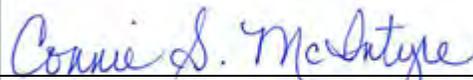
Council may take action on matters discussed in Executive Session after exiting Executive Session.

Councilmember Brown made a motion to adjourn to Executive Session for the reasons stated. Councilmember Henderson Myers seconded the motion, which carried unanimously 5 to 0. Council adjourned to Executive Session at 6:10 p.m.

Council reconvened at 6:48 p.m. Mayor pro tem Anderson stated that discussion was held with no decisions made.

XIV. Adjournment –

Councilmember Henderson Myers made a motion to adjourn the meeting. Councilmember Rice seconded the motion, which carried unanimously 5 to 0. The meeting adjourned at 6:59 p.m.



Connie S. McIntyre, City Clerk



MEMORANDUM

TO: Mayor and Members of City Council
FROM: Spring Fling Evaluation Committee
SUBJECT: Report from Spring Fling Evaluation Committee
DATE: October 5, 2016

Spring Fling Evaluation Committee Members

Ruth Littlejohn, Chairperson
Nick Belmont
Luke Connell
Eric Kocher
Melvin Norwood
Brenda Lee Pryce
Richard Stripling

Summary of Work

Tasked by Council with examining the festival for potential changes, the Spring Fling Evaluation Committee first met on July 14. Recognizing the need for more information about both the logistics of Spring Fling and its impact on city residents, downtown businesses, and visitors, much of the committee's work has been centered on fact-finding. During their first meeting, the committee reviewed data from a survey of Spring Fling attendees administered during the festival in May. The committee discussed a need for more data on Spring Fling's impact in the downtown area, directing staff to draft a survey to gauge opinions regarding the festival among downtown business owners.

Subsequently, staff crafted a series of potential business survey questions, which were approved at the committee's next meeting on July 28. During that meeting, the committee also reviewed police incident reports made during the festival, determining after examination that there has been no identifiable pattern of criminal or unsafe behavior at the festival.

At its next meeting on August 11, the committee heard from Partners for Active Living Executive Director Laura Ringo about the Spartanburg Regional Healthcare System Criterium cycling race, held during the festival on Fridays since 2004. Ms. Ringo explained how the event has grown into one of Spring Fling's most popular attractions over its run. Citing a need for further public input regarding the festival, the committee agreed to hold a public forum on August 30.

Results from the downtown business owner survey were presented to the committee at their meeting on August 25. Administered to a total of 37 downtown business owners and managers, the survey's results were a mixture of both positive and negative impressions of Spring Fling. The committee also heard from Tara Eaker, Event Administrator with the City of Greenville, SC, about their annual event, Fall for Greenville. From that discussion, the committee made note that Fall for Greenville is managed by a governing board representing different interests from within the community.

The following week, on August 30, the evaluation committee held a public forum. Only five people spoke, with comments representing a range of positive and negative opinions regarding Spring Fling. Subsequently at its meeting on September 8, the committee was presented with public comments solicited by staff via email. Only four comments were submitted, and as with previously sought public input, the opinions offered were mixed. Upon reviewing all data gathered throughout the process, committee members agreed that, in order to ensure the continued success of Spring Fling as both a community event with broad, enduring appeal, and as a showcase for Spartanburg's growing downtown, a standing committee should be created by Council to oversee the festival going forward.

Need for Focused Mission

While Spring Fling, in its current incarnation, is successful in bringing thousands of people to Downtown Spartanburg, without a focused mission or clear guidelines as to what the event is trying to accomplish, there are no other ways to measure its success. This lack of clarity leads to mixed reviews from residents, visitors, and businesses in the area. Additionally, because the City's Special Events staff is relatively small compared to the scale of this event, there are missed opportunities for finding additional sponsors and engaging local businesses, artists, performers, and vendors. As Downtown Spartanburg continues to grow and evolve, the study committee believes it is critical that City sponsored cultural events are in a position to intentionally grow and evolve.

Going forward the event should:

1. Remain an inclusive and accessible event that celebrates the cultural diversity of the city and county;
2. Showcase the vibrancy of our growing downtown;
3. Enhance the quality of life by contributing to the area's businesses and by stimulating economic development;
4. Increase local tourism and raise the perception of Spartanburg as a destination for cultural and recreational activities;
5. Foster an environment of wellness and healthy living by providing access to activities that raise awareness around those issues;
6. Create engagement opportunities with an emphasis on local artists, vendors, performers, and businesses which are supplemented with larger regionally or nationally recognized acts.

Recommendations

1. The details of physical layout of the event, as well as the event's activities, vendors, artists, and performers should be determined by a standing committee appointed by Council;
2. This standing committee should define the objectives of the event, provide guidance to city event staff, and support the event on an on-going basis;
3. Appointees to the standing committee should have knowledge and expertise in a variety of disciplines to include the arts, crafts, budget/finance, entertainment, marketing, and tourism;
4. In addition to specific skills and expertise, the standing committee should be representative of the community's broad diversity;
5. Representation from the city's neighborhoods should be included on the standing committee by the inclusion of a representative of the Citizens Advisory Council;
6. The standing committee should be given broad authority to guide the event going forward;
7. The standing committee is encouraged to consider event rebranding, fundraising, sponsorship opportunities, and assess opportunities to achieve the outcomes intended.

Final Comments

Spring Fling requires significant advance planning and execution of contracts several months in advance of the event. It will also take time for the standing committee to be appointed and to organize. Given these factors, the standing committee does not believe it is feasible for Council to anticipate major changes to the 2017 Spring Fling.

The review committee anticipates that it will be necessary for the standing committee to have as many as 15-17 members with the potential of subcommittees in order to provide the recommended oversight and support to the event.

The review committee believes the event, with the changes recommended, has the potential to deliver significant community benefit going forward.



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Cathy McCabe, City Attorney

SUBJECT: Ordinance Approving Issuance of Water System Revenue Bonds in an Amount Not to Exceed \$132,000,000

DATE: October 5, 2016

BACKGROUND:

The Commissioners of Public Works (CPW) must obtain City approval for the issuance of any debt and has requested approval of a bond issuance of up to a maximum of \$132,000,000. The City of Spartanburg has no obligation or financial exposure associated debt obligations of the CPW.

ACTION REQUESTED:

Provide City approval for issuance of \$132,000,000 in bond debt by the CPW.

BUDGET & FINANCIAL DATA:

The bonds are secured solely by water system revenues. There is no financial impact or exposure to the City budget.

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF WATER SYSTEM REVENUE BONDS OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-TWO MILLION DOLLARS (\$132,000,000); AND OTHER MATTERS RELATING THERETO.

SERIES ORDINANCE

Enacted October 24, 2016

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EXHIBIT A - PROJECTS

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

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the City Council of the City of Spartanburg, South Carolina (the “**City Council**”), the governing body of the City of Spartanburg, South Carolina (the “**City**”), finds that the facts set forth in this Article exist, and the following statements are in all respects true and correct:

(1) The City Council has made general provision for the issuance from time to time of Water System Revenue Bonds of the City (the “**Bonds**”) through the enactment of an ordinance entitled “An Ordinance Providing for the Issuance and Sale of Junior Lien Water System Revenue Bonds of the City of Spartanburg, South Carolina, and Other Matters Relating Thereto” enacted October 26, 1998, as amended by ordinance of the City Council enacted December 10, 2001 (collectively, the “**Bond Ordinance**”). Due to the subsequent payment in full of certain senior lien water system revenue bonds of the City since the date of enactment of the Bond Ordinance, all references to “junior lien” status of Bonds within the Bond Ordinance are no longer deemed applicable for purposes herein.

(2) It is provided in and by the Bond Ordinance that, upon enactment of a “Series Ordinance” by the City Council and the adoption of a “Series Resolution” by the Commissioners of Public Works of the City (the “**Commissioners**”), the governing body of the water system of the City (the “**System**”), there may be issued one or more series of Bonds for the purpose of providing funds for expansion and improvements to the System, refunding Bonds or other indebtedness issued to provide land or facilities for the System or payable from the revenues of the System, and funding the debt service reserve funds, if any, established for the benefit of the holders of Bonds.

(3) The Commissioners have advised the City Council that an amount not to exceed \$132,000,000 should be raised through the issuance of one or more Series of Bonds in order to provide funds to defray the cost of (i) current refunding the outstanding \$61,520,000 of an original issue of \$81,455,000 Water System Refunding Revenue Bonds, Series 2007A (the “**Series 2007A Bonds**”); (ii) advance or current refunding the outstanding \$4,180,000 of an original issue of \$31,200,000 Water System Revenue Bonds, Series 2007B (the “**Series 2007B Bonds**”); (iii) advance refunding the outstanding \$33,935,000 of an original issue of \$33,935,000 Water System Revenue Bonds, Series 2009 (the “**Series 2009 Bonds**” and together with the Series 2007A Bonds and the Series 2007B Bonds, “**Prior Bonds**”); (iv) funding various capital improvements of the System including distribution system rehabilitation projects and various improvements to the System’s water treatment facilities (collectively, the “**Improvements**”); (v) satisfying the debt service reserve requirement, if any, for each such Series of Bonds and certain other outstanding Bonds; and (vi) paying related costs of issuance.

(4) By reason of the foregoing, the City Council has determined to enact this ordinance as a “Series Ordinance” in accordance with the terms and provisions of the Bond Ordinance, in order to affect the issuance of one or more Series of Bonds described herein.

[End of Article I]

ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 Definitions

(A) Except as provided in subsection (B) below, all terms which are defined in Section 2.02 of the Bond Ordinance shall have the same meanings in this 2017 Series Ordinance. As provided in the recitals to this 2017 Series Ordinance, all references to the “junior lien” status of Bonds within the Bond Ordinance shall be disregarded.

(B) As used in this 2017 Series Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

“**2017 Series Ordinance**” shall mean this Ordinance.

“**Approved Series of Bonds**” shall mean the various Series of Bonds as authorized by this 2017 Series Ordinance and designated as provided in **Section 3.01** hereof.

“**Debt Service Funds**” shall mean the Debt Service Funds to be established with respect to the Approved Series of Bonds.

“**Debt Service Reserve Funds**” shall mean the Debt Service Reserve Funds to be established with respect to the Approved Series of Bonds.

“**Notes**” shall mean bond anticipation notes, if any, issued pursuant to the authorization of Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended, and this 2017 Series Ordinance for the purposes provided with respect to the Approved Series of Bonds or for refunding any Notes.

“**Outstanding Bonds**” shall mean the Series 2007A Bonds, the Series 2007B Bonds, the Series 2009 Bonds, the Series 2012 Bond, the Series 2013 Bonds, the Series 2015A Bonds and the Series 2015B Bonds.

“**Series 2007A Bonds**” shall mean the \$81,455,000 original principal amount City of Spartanburg, South Carolina Water System Refunding Revenue Bonds, Series 2007A.

“**Series 2007B Bonds**” shall mean the \$31,200,000 original principal amount City of Spartanburg, South Carolina Water System Revenue Bonds, Series 2007B.

“**Series 2009 Bonds**” shall mean the \$33,935,000 original principal amount City of Spartanburg, South Carolina Water System Revenue Bonds, Series 2009.

“**Series 2012 Bond**” shall mean the \$8,000,000 original principal amount City of Spartanburg, South Carolina Water System Revenue Bond, Series 2012.

“**Series 2013 Bonds**” shall mean the \$27,255,000 original principal amount City of Spartanburg, South Carolina Water System Revenue Bonds, Series 2013.

“**Series 2015A Bonds**” shall mean the \$26,085,000 original principal amount City of Spartanburg, South Carolina Water System Refunding Revenue Bonds, Series 2015A.

“Series 2015B Bonds” shall mean the \$6,255,000 original principal amount City of Spartanburg, South Carolina Taxable Water System Refunding Revenue Bonds, Series 2015B.

“Series Resolution” shall mean the resolution(s) of the Commissioners authorizing the issuance of the Approved Series of Bonds or any Notes.

Section 2.02 Authority for this 2017 Series Ordinance

This 2017 Series Ordinance is enacted pursuant to the provisions of the Bond Ordinance.

[End of Article II]

ARTICLE III

AUTHORIZATION AND TERMS OF APPROVED SERIES OF BONDS; NOTES

Section 3.01 Authorization of Approved Series of Bonds

Pursuant to the provisions of the Act and the Bond Ordinance, the Approved Series of Bonds, entitled to the benefits, protection and security of the provisions of the Bond Ordinance, are hereby authorized to be issued in the aggregate principal amount of not exceeding \$132,000,000. The Approved Series of Bonds shall be designated “City of Spartanburg, South Carolina Water System Revenue Bonds” including yearly designations of “Series 2017A,” “Series 2017B” and/or “Series 2017C” or with such other or different designations as may be determined by the Commissioners, including adding “Refunding” to those Series of Bonds that are refunding Bonds.

Section 3.02 Purposes of Approved Series of Bonds

(A) The Approved Series of Bonds are authorized for the following purposes authorized by the Act and the Bond Ordinance:

- (1) providing funds to pay for the cost of refunding the Prior Bonds;
- (2) providing funds to pay for the cost of the Improvements;
- (3) paying capitalized interest on the Approved Series of Bonds to the extent determined by the Commissioners pursuant to the Series Resolution;
- (4) funding the respective Debt Service Reserve Funds, or purchasing one or more surety bonds to satisfy the same, in the amounts of the Reserve Requirements, if any, with respect to the Approved Series of Bonds if necessary when taking into account the amount of funds currently in the debt service reserve funds of the Outstanding Bonds;
- (5) providing amounts required to fully satisfy, as necessary, the respective Reserve Requirements with respect to the Outstanding Bonds;
- (6) purchasing one or more Municipal Bond Insurance Policies for any of the Approved Series of Bonds to the extent determined by the Commissioners pursuant to the Series Resolution; and
- (7) paying costs and expenses relating to the issuance of the Approved Series of Bonds.

(B) Pursuant to the authorization of Section 2.02 of the Bond Ordinance contained in the definition of Reserve Requirement, there will be no Reserve Requirement with respect to any of the Approved Series of Bonds unless determined otherwise in a Series Resolution of the Commissioners; provided, however, to the extent the aggregate Reserve Requirement for all Outstanding Bonds exceeds the maximum Annual Principal and Interest Requirement for all Bonds Outstanding, then the Reserve Requirement for each Approved Series of Bonds shall be that Series’ proportionate amount of the maximum combined Annual Principal and Interest Requirement for all Bonds then Outstanding determined in accordance with the Bond Ordinance.

Section 3.03 Details of Approved Series of Bonds

The Approved Series of Bonds may be issued in one or more Series as Serial Bonds, Term Bonds, Capital Appreciation Bonds or any combination, as determined by the Commissioners pursuant to the Series Resolution.

Section 3.04 Security for Approved Series of Bonds

Pursuant to Section 4.18 of the Bond Ordinance, the Approved Series of Bonds shall be payable solely from and secured by a pledge of that portion of the Gross Revenues of the System remaining after the payment of Operation and Maintenance Expenses and a statutory lien on the System. Such pledge securing the Approved Series of Bonds shall be and remain superior to pledges made to secure any other bonds or other obligations payable from the revenues of the System, except for “Junior Lien Bonds” as defined under and issued pursuant to the Bond Ordinance, including the Outstanding Bonds, with which the Approved Series of Bonds shall be on a parity. The Approved Series of Bonds shall not in any event constitute an indebtedness of the City within the meaning of any provision, limitation or restriction of the Constitution or statutes of the State, other than obligations payable from a revenue producing project or a special source not involving revenue from any tax or license. The faith, credit and taxing power of the City are expressly not pledged therefor. The City is not obligated to pay the Approved Series of Bonds, or the interest thereon, save and except from that portion of the Gross Revenues of the System remaining after the payment of Operation and Maintenance Expenses.

Section 3.05 Issuance of Notes

(A) At the discretion and direction of the Commissioners, the City will issue Notes in anticipation of the issuance of the Approved Series of Bonds, or to refund any Notes, provided that no Note shall be expressed to mature more than one year after its date of issue. So much of the principal proceeds of the Approved Series of Bonds when issued shall and is hereby directed to be applied, to the extent necessary, to the payment of the Notes, both principal and interest; and, further, the City covenants and irrevocably pledges to effect the issuance of the Approved Series of Bonds or, in the alternative, to refund or renew outstanding Notes, in order that the proceeds thereof will be sufficient to provide for the retirement of any Notes issued pursuant hereto.

(B) The proceeds derived from the sale of the Notes shall be expended and made use of by the Commissioners to provide the funds to pay costs of any of the Improvements, to pay costs of issuance associated with the Notes, or to refund any Notes.

(C) Any Note shall be issued in form approved by the Commissioners, consistent with the provisions of this 2017 Series Ordinance.

[End of Article III]

ARTICLE IV

EXECUTION OF APPROVED SERIES OF BONDS OR NOTES; NO RECOURSE

Section 4.01 Execution

The Approved Series of Bonds or any Notes shall be executed on behalf of the City by the facsimile or manual signatures of the Chair of the Commissioners (or in his or her absence for any reason, the Vice Chair of the Commissioners) and the Secretary of the Commissioners (or in his or her absence for any reason, the acting Secretary of the Commissioners), and the Approved Series of Bonds shall be authenticated in accordance with the provisions of the Bond Ordinance and the Series Resolution.

Section 4.02 No Recourse

All covenants, stipulations, promises, agreements and obligations of the City contained in the Bond Ordinance and in this 2017 Series Ordinance shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not those of any officer or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal or redemption price of or interest on the Approved Series of Bonds or any Notes or for any claim based thereon or on the Bond Ordinance or on this 2017 Series Ordinance, either jointly or severally, against any officer or employee of the City or any person executing the Approved Series of Bonds or any Notes.

[End of Article IV]

ARTICLE V

AUTHORIZATION TO COMMISSIONERS FOR SERIES RESOLUTION

Section 5.01 Authorization

(A) The Commissioners are hereby authorized and empowered to adopt one or more Series Resolutions for the purpose of causing the issuance of the Approved Series of Bonds, including any Notes.

(B) The Series Resolution shall express the approval of the Commissioners to the issuance of the Approved Series of Bonds or any Notes and their agreement to abide by all of the terms, provisions and agreements set forth in the Bond Ordinance and this 2017 Series Ordinance. The Commissioners are hereby expressly delegated the authority in the Series Resolution to specify and determine the details with respect to (i) the Approved Series of Bonds set forth in Section 4.01(B) and 4.01(C) of the Bond Ordinance and (ii) the applicable terms, including interest rate and redemption provisions, as to any Notes consistent with the provisions of this 2017 Series Ordinance.

(C) The Series Resolution shall further specify and determine:

(i) If any Variable Rate Bonds are issued, the extent to which an interest rate swap, cap or other financial structure customarily employed in such a borrowing will be used, such determination of the interest rate or rates to be from any of the following alternatives or any combination thereof, and to be more particularly negotiated and finalized by the Commissioners:

(a) The Approved Series of Bonds or any portion thereof may bear interest at a variable rate or rates subject to any limitations, such as any maximum rate or rates, as may be generally imposed by the Commissioners;

(b) The Approved Series of Bonds or any portion thereof may bear interest at one or more fixed rates subject to any limitations, such as any maximum rate or rates, as may be generally imposed by the Commissioners;

(c) The Approved Series of Bonds or any portion thereof may bear interest at one or more “synthetic” fixed rates accomplished through the issuance of Variable Rate Bonds and the entering into of one or more interest rate swap agreements; and

(d) Any interest rate swap agreements entered into may be terminated, may be continued or may be modified subject to any conditions generally imposed by the Commissioners;

(ii) Provisions relating to optional and/or mandatory tender provisions, remarketing agreements, and liquidity facility agreements if the Commissioners determine to issue Variable Rate Bonds;

(iii) If applicable, the tender agent, remarketing agent and liquidity provider, if any, for the Approved Series of Bonds if other than the Trustee;

(iv) Whether a Municipal Bond Insurance Policy shall be purchased for all or a portion of the Approved Series of Bonds;

(v) If the Commissioners determine to establish a Reserve Requirement with respect to any Approved Series of Bonds, to what extent, if any, the Debt Service Reserve Fund will be funded with a surety bond or similar credit instrument;

(vi) Whether a forward delivery purchase agreement will be entered into to secure savings for the refunding of any of the Prior Bonds pursuant to which the City agrees in advance to sell the Approved Series of Bonds at a pre-determined interest rate to a purchaser; and

(vii) Whether an interest rate hedging agreement or rate lock agreement will be entered into to accomplish the refunding of any of the Prior Bonds.

(D) The Commissioners are hereby specifically authorized to covenant, on behalf of the City, with respect to those matters required by any Municipal Bond Insurance Policy, any forward delivery purchase agreement, any interest rate hedging agreement or rate lock agreement, any debt service reserve fund surety bond or similar credit instrument, and the applicable Insurer with respect to the Approved Series of Bonds, as well as those matters related to the continuing disclosure requirements of Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, and the United States Securities and Exchange Commission Rule 15c2-12, to the extent not inconsistent with the provisions of the Bond Ordinance and this 2017 Series Ordinance.

(E) The Series Resolution shall provide for the establishment of Debt Service Funds and Debt Service Reserve Funds, as well as for the appointment of the Trustee, with respect to the Approved Series of Bonds, all in the manner provided in the Bond Ordinance.

[End of Article V]

ARTICLE VI

SALE OF APPROVED SERIES OF BONDS OR NOTES

Section 6.01 Delegation of Certain Matters Relating to the Sale of Approved Series of Bonds or Notes

(A) The Approved Series of Bonds or any Notes shall be sold to purchasers, underwriters or financial institutions selected by the Commissioners pursuant to terms to be negotiated by the Commissioners with such purchasers, underwriters or financial institutions, including, if applicable pursuant to any contracts of purchase or any forward delivery purchase agreements, any interest rate hedging agreements or rate lock agreements. Any such contract of purchase, forward delivery purchase agreement, interest rate hedging agreement or rate lock agreement shall not be in conflict with the provisions of this 2017 Series Ordinance and shall be executed on behalf of the City by a duly authorized officer of the Commissioners and, if so requested by the Commissioners, the Mayor and/or the City Manager. The execution of the contracts of purchase, the forward delivery purchase agreement, the interest rate hedging agreement or the rate lock agreement by such officials shall constitute conclusive evidence of their approval of its terms.

(B) The Commissioners are hereby authorized to prepare and cause to be distributed on behalf of the City in connection with the sale of the Approved Series of Bonds or any Notes official statements, including any preliminary official statements, or private placement memoranda, as determined by the Commissioners, with respect to the Approved Series of Bonds or any Notes.

[End of Article VI]

ARTICLE VII

COMPLIANCE WITH REQUIREMENTS OF THE CODE

Section 7.01 Compliance with the Code Generally

In the event any Series of Approved Series of Bonds or any Notes are issued with the intent that the interest on such Series of Approved Series of Bonds or Notes will be exempt from federal income taxation, the City hereby represents and covenants that it will comply with all requirements of the Code, and that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information report with the Internal Revenue Service) which failure will, cause interest on any such Series of Approved Series of Bonds or Notes to become includable in the gross income of the Holders thereof for federal income tax purposes pursuant to the provisions of the Code and applicable Treasury Regulations promulgated thereunder.

Section 7.02 Rebate

In the event any Series of Approved Series of Bonds or any Notes are issued with the intent that the interest on such Bonds or Notes will be exempt from federal income taxation:

(A) In addition to the covenants contained in **Section 7.01** hereof, the City covenants that it will comply with the provisions of Section 148 of the Code and applicable Treasury Regulations pertaining to the rebate of certain investment earnings on the proceeds of such Series of Approved Series of Bonds or Notes to the United States Government.

(B) In order to comply with the requirements of **Section 7.01** hereof and paragraph (A) of this **Section 7.02**, the City further agrees to enter into such tax compliance agreements or certificates, on or prior to the date of issuance of such Series of Approved Series of Bonds or Notes, as shall be deemed advisable by Bond Counsel.

(C) Any two of the Chair, the Chief Executive Officer and the Chief Financial Officer of the System are hereby authorized and directed to execute and deliver, on or prior to the issuance of the Approved Series of Bonds or any Notes, one or more certificates or instruments specifying actions taken or to be taken by the Commissioners and setting forth the reasonable expectations of the Commissioners with respect to the Approved Series of Bonds or Notes and the use and investment of the proceeds thereof.

Section 7.03 Commissioners' Responsibility

Notwithstanding anything in this **Article VII** or this 2017 Series Ordinance to the contrary, the Commissioners shall be solely responsible for undertaking all obligations of the City pursuant to, and compliance by the City with the provisions of, this **Article VII**.

[End of Article VII]

ARTICLE VIII

MISCELLANEOUS

Section 8.01 Severability

If any one or more of the covenants or agreements provided in this 2017 Series Ordinance on the part of the City or any Fiduciary to be performed should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 2017 Series Ordinance.

Section 8.02 Table of Contents and Section Headings Not Controlling

The “Table of Contents” and the headings of the several Articles and Sections of this 2017 Series Ordinance have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this 2017 Series Ordinance.

Section 8.03 Effectiveness of this 2017 Series Ordinance; Expiration Date

(A) This 2017 Series Ordinance shall be effective from its date of enactment.

(B) The approval of the issuance of the Approved Series of Bonds or, if applicable, Notes, as provided in this 2017 Series Ordinance shall be deemed to expire on December 31, 2017 to the extent of any approved indebtedness which has not been issued by that date.

[End of Article VIII]

DONE, RATIFIED AND ENACTED this 24th day of October, 2016.

(SEAL)

Mayor, City of Spartanburg, South Carolina

Attest:

City Clerk, City of Spartanburg,
South Carolina

First Reading: October 10, 2016
Second Reading: October 24, 2016

This Ordinance has been reviewed by me and is hereby approved as to form and legality.

City Attorney,
City of Spartanburg, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

I, the undersigned, City Clerk of the City of Spartanburg, South Carolina (the “*City*”), **DO HEREBY CERTIFY:**

1. I am the duly appointed and acting City Clerk and, in such capacity, act as the recorder and custodian of its official records.

2. That the foregoing constitutes a true, correct and verbatim copy of an Ordinance enacted by the City Council of the City (the “*City Council*”). The Ordinance was read at two public meetings of City Council on two separate days. An interval of at least six days occurred between each reading. At each meeting, a quorum of the City Council was present and remained present throughout the meeting.

3. The original of the ordinance is duly entered in the permanent records of the City, in my custody as City Clerk.

4. The ordinance has not been modified, amended or repealed as of this date and remains in full force and effect.

5. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the “*Act*”), being the Freedom of Information Act, a copy of the agenda of the meetings of the City Council (showing the date, time and place of the meetings) of the City was posted on a bulletin board in the lobby of City Hall and on the City’s website at least 24 hours prior to said meetings and copies of the agenda for said meetings were provided to the local media requesting the same.

6. As required by the Act, the meetings of the City Council of the City held on the below mentioned dates were open to the public except those portions allowed to be held in closed session under the Act.

IN WITNESS WHEREOF, I have hereunto set my Hand this 24th day of October, 2016.

City Clerk,
City of Spartanburg, South Carolina

First Reading: October 10, 2016
Second Reading: October 24, 2016



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Transfer of Property – Northside Catalyst Area
DATE: October 10, 2016

BACKGROUND:

As part of the Northside Transformation Plan, the City of Spartanburg has in certain instances partnered with non-profit developers to build housing in the community. Staff is requesting approval to transfer property to the Northside Development Group (NDG) for the development of housing and commercial space. Two properties were purchased from the Forfeited Land Commission and one property was donated in 2010 and 2011. The City in a partnership with the Northside Development Group and the Spartanburg Housing Authority (SHA) has engaged a developer to develop the sites. The properties are being transferred for a potential development that would occur in the community. The development will be consistent with the Northside Transformation Plan and will include a partnership agreement between the City of Spartanburg, Northside Development Group, and the Spartanburg Housing Authority. It will be necessary for the NDG to clear title on these properties.

Property Address	Tax Map Number	Property Type	Sale Amount
202 Raindrop Street	7-12-05-283.00	Vacant Lot	1,700.00
208 Raindrop Street	7-12-05-284.00	Vacant Lot	100.00
187 Weldon Street	7-12-05-154.00	Vacant Lot	4,200.00

ACTION REQUESTED: Staff is requesting approval for the sale of the three (3) properties to the Northside Development Group for \$ 6,000. The City Manager would execute a deed to transfer ownership of the property.

BUDGET AND FINANCIAL DATA: Sale of property. CDBG Program Income.



ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED TO NORTHSIDE DEVELOPMENT GROUP CONVEYING PROPERTY LOCATED AT 202 RAINDROP STREET, BLOCK MAP NUMBER 7-12-05-283.00; 208 RAINDROP STREET, BLOCK MAP NUMBER 7-12-05-284.00; AND 187 WELDON STREET, BLOCK MAP NUMBER 7-12-05-154.00.

BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1: Approve and authorize the sale of 202 Raindrop Street, Block Map Sheet 7-12-05, Parcel 283.00 to Northside Development Group for \$1,700.00.

Section 2: Approve and authorize the sale of 208 Raindrop Street, Block Map Sheet 7-12-05, Parcel 284.00 to Northside Development Group for \$100.00.

Section 3: Approve and authorize the sale of 187 Weldon Street, Block Map Sheet 7-12-05, Parcel 154.00 to Northside Development Group for \$4,200.00.

Section 4: The City Manager is authorized to sign necessary documents to execute this transaction.

Section 5. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this ____ day of October, 2016.

MAYOR

ATTEST:

CITY CLERK

___ / ___ / ___ 1st Reading
___ / ___ / ___ 2nd Reading

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: Ordinance Accepting the Property Owned by O-Reilly Automotive Stores, Inc., a Missouri Corporation, and being located at 2282 East Main Street, and that portion of East Main Street abutting said property, as a part and parcel of the City of Spartanburg and Declaring said Property Annexed to and a part and Parcel of the City of Spartanburg, said parcel to be Zoned B-1, Neighborhood Shopping District upon Annexation.

DATE: October 10, 2016

SUMMARY:

On September 15, 2016, the Planning Commission held a public hearing and reviewed a zoning designation for an annexation request submitted by Craig A. Schneider, of Esterly-Schneider Architects, Agent, on behalf of O'Reilly Automotive Stores, Inc., Owner of the property located at 2282 East Main Street, as is further identified on the Spartanburg County Tax Map as 7-09-00-012.00. The request is to annex the parcel into the City of Spartanburg and accept it with the zone of B-1, Neighborhood Shopping District, in order to develop this site as an O'Reilly Automotive Store, which is a permitted use in the B-1 zoning district.

The 2004 Comprehensive Plan does not speak on the proposed use and zoning of this parcel, as it has never been located within City Limits. However, the immediately surrounding area is envisioned as a General Activity Center which calls for a range of uses and zones, and defined as "...a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses", to consist of the zones LOD, Limited Office District; LC, Limited Commercial; B-1, Neighborhood Shopping District; and B-3, General Commercial District. B-1, Neighborhood Shopping is the most fitting district for the proposed use and scale of the development, and is also consistent with the majority of this section of the East Main Street Corridor.

The Planning Commission held a public hearing on the proposal on September 15, 2016. 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 approval of the B-1, Neighborhood Shopping District zone upon annexation.

PLANNING COMMISSION RECOMMENDATION:

The request was endorsed by the Planning Commission on September 15, 2016 by a vote of 4 to 0. Staff's recommendation concerning this application is explained in detail in the attached Staff Report to the Planning Commission.

(continued)

ACTION REQUESTED:

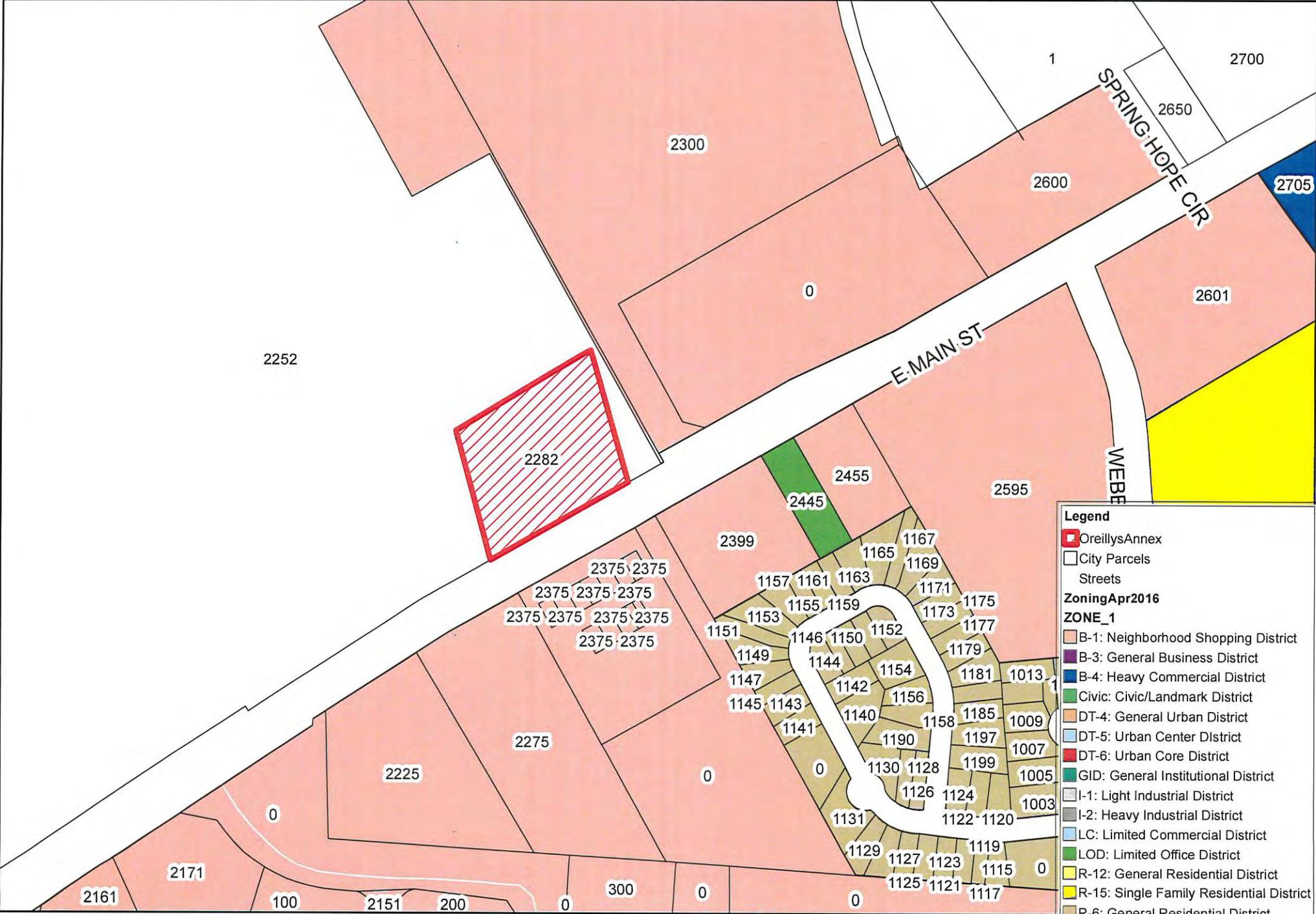
Staff recommends that the City Council take the following actions:

- a) Approve the annexation of the property located at 2282 East Main Street.
- b) Designate the zoning for this property as B-1 (Neighborhood Shopping District) upon annexation.

ADDITIONAL INFORMATION: Minutes from the September 15, 2016 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the request.

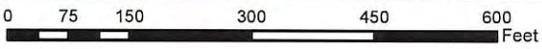
BUDGET AND FINANCE DATA:

The parcel will generate property tax after annexation. Additional service costs will be minimal.

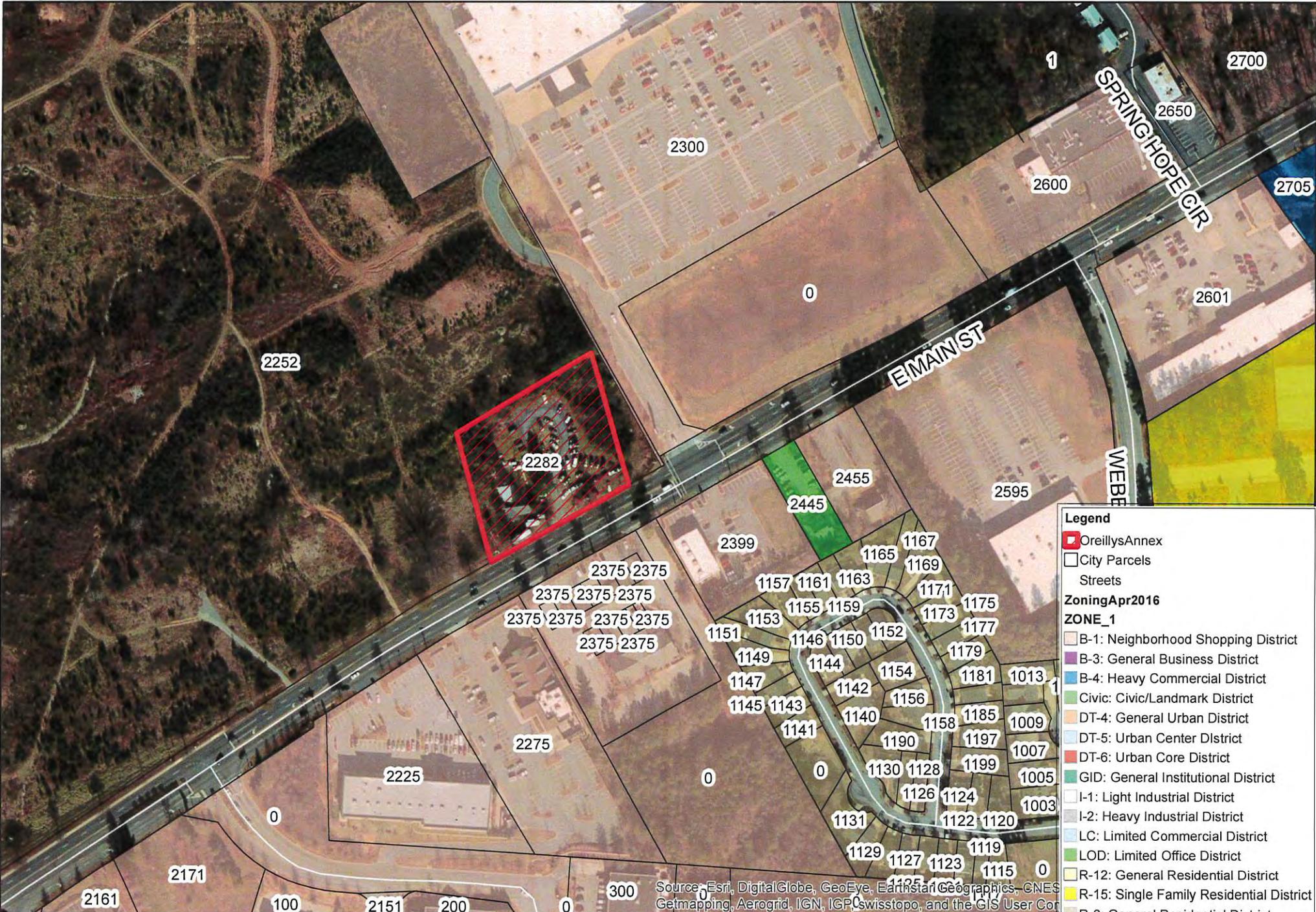


Legend

- Oreillys Annex
- City Parcels
- Streets
- ZoningApr2016**
- ZONE_1**
- B-1: Neighborhood Shopping District
- B-3: General Business District
- B-4: Heavy Commercial District
- Civic: Civic/Landmark District
- DT-4: General Urban District
- DT-5: Urban Center District
- DT-6: Urban Core District
- GID: General Institutional District
- I-1: Light Industrial District
- I-2: Heavy Industrial District
- LC: Limited Commercial District
- LOD: Limited Office District
- R-12: General Residential District
- R-15: Single Family Residential District
- R-6: General Residential District
- R-8: General Residential District



1 inch = 234 feet



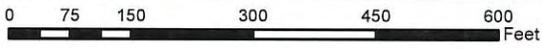
Legend

- O'Reillys Annex
- City Parcels
- Streets

ZoningApr2016

ZONE_1

- B-1: Neighborhood Shopping District
- B-3: General Business District
- B-4: Heavy Commercial District
- Civic: Civic/Landmark District
- DT-4: General Urban District
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- LOD: Limited Office District
- R-12: General Residential District
- R-15: Single Family Residential District
- R-6: General Residential District
- R-8: General Residential District



1 inch = 234 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES AeroGRID, IGN, IGC, swisstopo, and the GIS User Community

AN ORDINANCE

ACCEPTING THE PROPERTY OWNED BY O'REILLY AUTOMOTIVE STORES, INC., A MISSOURI CORPORATION, AND BEING LOCATED AT 2282 EAST MAIN STREET, AND THAT PORTION OF EAST MAIN STREET ABUTTING SAID PROPERTY, AND IS FURTHER IDENTIFIED ON SPARTANBURG COUNTY TAX MAP AS 7-09-00-012.00 AS A PART AND PARCEL OF THE CITY OF SPARTANBURG AND DECLARING SAID PROPERTY ANNEXED TO AND A PART AND PARCEL OF THE CITY OF SPARTANBURG, AND REQUESTED ZONE IS B-1, NEIGHBORHOOD SHOPPING DISTRICT. ANNEXATION CONTINGENT UPON REQUESTED ZONE APPROVAL.

WHEREAS, the City of Spartanburg, on August 23, 2016, received a Petition, from Craig A. Schneider, AIA, Architects, Agent, on behalf of O'Reilly Automotive Stores, Inc., Owner, requesting that the property described in the Petition be annexed to the City of Spartanburg; and

WHEREAS, the City Council of Spartanburg has caused an investigation to be made of said property and has found that said property is contiguous to the City of Spartanburg and that it would be in the best interest of the City of Spartanburg if said property be annexed hereto in accordance with Section 5-3-150 of the Code of Laws of South Carolina, 1976; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1: That the Petition of O'Reilly Automotive Stores, Inc., a Missouri Corporation, dated August 11, 2016, for the annexation of the property hereinafter described to the City of Spartanburg be accepted.

Section 2: That the property hereinafter described is hereby declared annexed to the City of Spartanburg and a part and parcel of said City with full privileges accorded to and responsibilities required of said area.

Section 3: That said property is described as follows:

All that tract or parcel of land lying and being in Spartanburg County, South Carolina, being more particularly described as follows:

Beginning at a 3/8" rebar found along the northwesterly right-of-way of East Main Street, A.K.A. U.S. Highway 29 (100' Public R/W), said rebar being the southwest corner of a plat for H.G. Littlejohn and William J. Copses, by James V. Gregory, Registered Licensed Surveyor, dated July 12, 1985, recorded in Plat Book 94, Page 423, Office of the Register of Deeds for Spartanburg County, said rebar also being the point of beginning for this tract of land; thence leaving said right-of-way of East Main Street N16°41'23"W a distance of 248.17' to a 1/2" rebar found; thence N60°14'13"E a distance of 299.85' to a 1" square rod found; thence S16°42'37"E a distance of 259.04' to a 1/2" rebar found along the aforementioned right-of-way of East Main Street; thence continuing along said right-of-way of East Main Street S62°16'47"W a distance of 297.67' to said point of beginning.

(continued)

Said tract of land contains 74,086 square feet or 1.701 acres, more or less.

The County Block Map Number of the above tract of land is 7-09-00-012.00. (See attached plat)

Section 4: That upon annexation, the property shall be zoned as Zone B-1 (Neighborhood Shopping District).

Section 5: 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 _____, 2016.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

__ / __ / __ (First Reading)

__ / __ / __ (Second Reading)

***Spartanburg City Planning Commission Meeting Minutes
Thursday, September 15, 2016***

***City Hall Council Chambers
Spartanburg, South Carolina***

The City Planning Commission met in City Hall Council Chambers on Thursday, September 15, 2016, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Mike Epps, Wendell Cantrell, and Bob Pitts. Absent were Nancy Hogan, Howard Kinard, and Dr. Phillip Stone, II. Representing the Planning Department were Natalia Rosario, Planner III; and Julie Roland, Planning Department Administrative Assistant. Chris Story, Assistant City Manager was also present.

Roll Call

Mr. Wilson, the Chair, stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Mr. Wilson noted that four Planning Commissioners were present, constituting a quorum. Mr. Wilson went over the rules and procedures for conducting a public hearing.

Mr. Cantrell moved approval of the Agenda for the September 15, 2016 meeting, with second by Mr. Epps. The motion was unanimously approved by a vote of 4 to 0.

Disposition of the Minutes from the July 21, 2016 meeting of the Spartanburg City Planning Commission.

Mr. Cantrell moved approval of the July 21, 2016 meeting minutes as submitted, with second by Mr. Epps. The motion was unanimously approved by a vote of 4 to 0.

Old Business – None.

New Business

Zoning Classification – Annexation Request received from Craig A. Schneider, AIA, Architects, Agent, on behalf of O-Reilly Automotive Stores, Inc., Property Owner. The property is located at 2282 East Main Street, and further identified on Spartanburg County Tax Map Sheet #7-09-00, Parcel 012.00. The parcel is unzoned, and the requested zone is B-1, with a Land Use Designation of Neighborhood Shopping District upon annexation. Annexation is contingent upon requested zone approval.

Natalia Rosario, Planner III, came forward and was sworn; and she submitted the meeting packets the Planning Commissioners had previously received prior to the meeting, along with the slides, and presentation into evidence as Exhibit A. She informed the Planning Commissioners that under South Carolina State law relating to annexation, the Planning Commission needs to “sign off” on the zoning of certain properties depending on the requested zone; and the Planning Department had received a 100% annexation petition from O’Reilly Automotive Stores, Inc., Owner. The company wishes to annex the 1.7 acre property in order to receive City Services. The property has been requested to be annexed as Zone B-1, Neighborhood Shopping District in order that the company may develop upon the lot an O’Reilly’s Automotive Store. Ms. Rosario said the Comprehensive Plan is silent on the potential use of this lot as it has never been located within City Limits. The majority of the East Main Street corridor in this area is mostly zoned as B-1, which is a suitable zone for this use. The area immediately surrounding it is envisioned as a General Activity Center, a zone “Intended to be a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses”. The zoning categories listed as suitable for this zone include LOD, Limited Office District, LC, Limited Commercial, B-1, Neighborhood Shopping District, and B-3, General Business District. It is also situated adjacent to the former Lan Yair Country Club, which is the future Spartanburg High School Site. Slides were shown in order to better illustrate the request. Ms. Rosario said Staff is satisfied that the uses allowed under the B-1, Neighborhood Shopping District category would not negatively impact the character of the East Main Street corridor. She explained the lot was vacant with a partially burnt out structure on the property; and any future development would require the submittal and review of a site plan which would be required to meet all City of Spartanburg development regulations.

Mr. Justin Petersburg, Architect with Craig A. Schneider, AIA Architects, in Springfield, Missouri came forward and was sworn. He explained that O'Reilly's wished to annex the property into the City Limits with the requested B-1 zoning classification in order to build an O'Reilly Auto Parts retail store of auto parts on the property. No type of work would be done in the parking lot, just a retail store. He said there had been a preliminary site plan completed for the property that included a proposed 7,225 square foot pre-engineered metal paneled building and he explained the standard O'Reilly colors. Mr. Petersburg concluded his presentation by saying the site plan proposed utilities and City Services; paving and site improvements; which he explained they would be utilizing the existing drive off of East Main Street (which would be widened slightly.)

Planning Commission Questions:

- Mr. Wilson asked Mr. Petersburg if he had a copy of the proposed site layout. Mr. Petersburg said he did not have a copy with him.
- Mr. Wilson asked Mr. Petersburg since he was going to propose to use the existing drive, but slightly modify it; could he please speak to that a little bit.
- Mr. Petersburg explained where the proposed building would be.
- Mr. Pitts asked about the square footage of the structure.
- Mr. Petersburg said it was 7,225.
- Mr. Wilson asked about the existing structure.
- Mr. Petersburg said it would be demolished.
- Mr. Wilson asked about how many parking spaces were proposed.
- Mr. Petersburg said probably thirty-five parking spaces.
- Mr. Petersburg said a trash enclosure would be provided and sidewalk in the front of the building. A pole sign would be proposed and a main wall sign. Landscaping would be proposed that would meet the City Landscape Requirements.
- Mr. Epps asked where the front entry of the building was proposed to be.
- Mr. Petersburg explained where the front entry would be.

Ms. Rosario came forward again and said the proposed Zone of B-1 was a compatible use to the rest of the East Main Corridor and Staff did not feel there would be any negative impact. She felt the B-1 zone would be the best fit. Also since Spartanburg High School would be located on the adjacent parcel, it made sense to go ahead and annex it; and Staff recommended approval. Ms. Rosario said any site plans would need to meet all City requirements.

Mr. Wilson opened the public hearing and asked anyone that wished to speak in favor of the request, or in opposition to come forward. No one came forward. Mr. Wilson closed the public hearing.

Board Deliberation:

Mr. Cantrell moved to approve the request as presented; and he was seconded by Mr. Pitts. The motion was unanimously approved by a vote of 4 to 0.

Ms. Rosario said the next step in the process was for the request to go for another public hearing and First Reading of City Council in October, 2016.

Site and Landscape Plans Approved since the July 21, 2016 Planning Commission Meeting

- Westgate Laundry Expansion – 1395 W. O. Ezell Boulevard.

City Council Updates Since Last Meeting. of Planning Commission on June 16, 2016

Mr. Wilson went over the City Council updates that pertained to the Planning Commission since the last meeting on July 21, 2016 *listed on the agenda.*

Staff Announcements

- Ms. Roland said Staff did get in one new request for the October meeting.
- Ms. Rosario said she expected Camelot Townes would come back for its Final Approval in October as well.

The meeting adjourned at 6:05 P.M.

Respectfully Submitted,

Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Member of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Police Patrol Officer Compensation

DATE: October 6, 2016

BACKGROUND: Public safety is the most important function of the city, and we are proud of the level of the service provided by our accredited police department. It is essential to provide our police personnel with the equipment, technology, and training necessary for high levels of performance and service. Recent significant investments in body-worn cameras and tasers are emblematic of our commitment in this area.

While we constantly evaluate our equipment, technology and training needs, it is important to consider the compensation we offer. As the economy has improved over the past few years, the number of attractive jobs outside of police service has increased, and today law enforcement agencies nationwide face much stiffer competition to attract and retain employees than they did just a few years ago. The Upstate of South Carolina is no different. Because it is important for the city to maintain its competitive position regarding compensation, city management over the past two months has reviewed our compensation and benefits and made the following three findings:

1. The city's health insurance (employee paid) premiums are lower than most of our peer jurisdictions.
2. The city's starting salaries and pay ranges for patrol officers through the first several years of employment are generally competitive with our peer law enforcement agencies. Some agencies do offer higher salaries based on prior experience, educational attainment, or military service.
3. The city's current compensation plan for patrol officers lacks sufficient opportunity for advancement within their specific pay grade/range. This lack of advancement has resulted in lower compensation than what is offered by other peer agencies.

Based on these findings, city management is recommending increasing the salaries of patrol officers, particularly those having between 7 and 14 years of service. This immediate pay increase should be combined with a plan of advancement based on years of service, performance, and acquisition of advanced credentials. This plan needs to be developed and incorporated in the FY18 budget.

ACTION REQUESTED: Council approval of an Ordinance that would appropriate \$235,000 from the FY16 operating surplus for pay increases. These funds will provide a targeted pay increase for those positions where we are not competitive. It will also allow for modest, proactive pay adjustment for firefighters, police/fire sergeants, police/fire lieutenants, and fire captains. These pay increases would be retroactive to July 1, 2016. Council should recognize that these increased expenses will be recognized in future budgets.

BUDGET AND FINANCIAL DATA: \$235,000 budgeted from FY16 operating budget surplus.

AN ORDINANCE

TO APPROPRIATE \$235,000 IN THE GENERAL FUND FOR PAY INCREASES FOR SWORN POLICE AND FIRE PERSONNEL OF THE CITY OF SPARTANBURG

WHEREAS, the City strives to maintain a competitive position with respect to its employee compensation; and

WHEREAS, after evaluation, the City Manager in consultation with the Police Chief, Fire Chief, and the Human Resources Director has determined that the compensation provided to certain sworn police and fire personnel has fallen below competitive levels; and

WHEREAS, the City is committed to maintain its high level of police and fire services; and

WHEREAS, the recruitment and retention of highly qualified sworn police and fire personnel is a key objective of the City; and

WHEREAS, the FY16 adopted budget will end the year with a favorable operating surplus of approximately \$800,000 which creates the financial capacity to increase funding in the FY17 adopted budget to provide additional funding appropriation of \$235,000 for pay increases to police and fire personnel as approved by the City Manager.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. The amount of \$235,000 from the FY16 operating budget surplus is appropriated in the FY17 operating budget with said additional funding budgeted to various accounts as directed by the City Manager to accomplish the necessary pay increases.

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

DONE AND RATIFIED this ____ day of _____, 2016.

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: Jay Squires, Streets and Storm Water Manager
SUBJECT: Award for Civil Engineering Services for Butterfly Branch Linear Park
DATE: October 5, 2016

BACKGROUND:

Staff received qualification statements from the four qualified firms for civil engineering & landscape architecture services for the Butterfly Branch linear park project.

The firms that submitted were:

Milone & MacBroom	Greenville, S.C.	Blackwood Associates, Inc.	Spartanburg, S.C.
Toole Design Group	Spartanburg, S.C.	W.K. Dickson, Inc.	Columbia, S.C.

None of the firms that submitted are MWBE certified.

After reviewing the proposals staff recommends awarding the project to Blackwood Associates, Inc.

ACTION REQUESTED:

Authorization for the City Manager to negotiate and sign a contract with Blackwood Associates, Inc. for civil engineering and landscape architecture services for the Butterfly Branch linear park project.

BUDGET:

Approximately \$48,000 paid with grant and private contributions.



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Patty Bock, Economic Development Director

SUBJECT: Requested Approval of Development Agreement to Support the Renovation and Reuse of 119 North Church Street

DATE: October 4, 2016

119 North Church Street is an important structure located within the historic blocks of Morgan Square. It has been vacant since 2010 and prior to that was occupied by a jeweler and an alterations shop. Since vacant, our Economic Development staff has sought to encourage renovation and restoration of the buildings so that a new business could locate within and contribute to the economic vitality of the downtown district.

Dunbar Street Partners LLC, a locally owned corporation purchased the building for the purpose of renovating and restoring the property to being a productive contributor to our downtown. The partners have already undertaken substantial renovations to attract potential businesses. Now they will make additional interior and exterior renovations to accommodate a new 2,700 square foot full service restaurant concept. These improvements will bring additional life and activity to a long vacant corner, create new jobs, add variety to the current dining choices and help to better connect our growing downtown. The attached development agreement would provide necessary incentives to ensure completion of this undertaking. We recommend your approval.

Please let us know if you have any questions.







May 18, 2016
N8 Trade Partners, LLC
4444

AVAILABLE

COUNTY OF SPARTANBURG) DEVELOPMENT AGREEMENT
) BETWEEN
) THE CITY OF SPARTANBURG,
) AND
 STATE OF SOUTH CAROLINA) DUNBAR STREET PARTNERS, LLC

WHEREAS, the City of Spartanburg (the “City”) has determined it is in its best interest to encourage private investment by providing incentives that have included, but are not limited to, discounted land sales, façade renovation grants, residential development grants, special assessments, and funding of public improvements; and

WHEREAS, the City has provided incentives to projects that provide significant benefit and leveraging of public resources and which are likely to create additional jobs and generate revenues for the City; and

WHEREAS, Dunbar Street Partners, LLC, a South Carolina limited liability company (the “Developer”), and its affiliates, have acquired and begun renovation of the structure located at 119 North Church Street; and

WHEREAS, 119 North Church Street is a contributing property to the Morgan Square Historic District and is of strategic importance to the positive development of the center of downtown Spartanburg; and

WHEREAS, the Developer has requested financial assistance in returning the property to productive and positive use; and

WHEREAS, SC State Code provides a mechanism for local governments to offer a Special Assessment for Rehabilitated Historic Properties to provide tax incentives for those undertaking projects of this nature.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the Developer and the City in consideration of the promises and the mutual covenants and agreements herein contained do hereby agree to the following:

Developer Commitments:

1. To fully renovate 119 North Church Street expending a minimum of \$350,000 on the project (the “Project”).
2. To lease the space to an appropriate commercial tenant whose business will be complementary and contributing to the continued progress of Morgan Square.
3. To engage properly licensed contractor(s) and/or subcontractor(s) to make the interior and exterior improvements as stated above.
4. To meet all typical and customary City permitting (Zoning, Building Inspections,

and Business License) requirements. Nothing in this Agreement relieves the Property Owner from complying with all other City Ordinances, statutes, laws, or regulations that pertain to the construction of the Project.

City Commitments:

1. Take necessary steps to ensure the project benefits from a Special Assessment for Rehabilitated Historic Property for a period of five (5) years.
2. Upon identification of desirable committed commercial tenant, provide Developer with a grant to reimburse 15% of documented expenditures related to the tenant upfit but not to exceed \$37,500. Upon verification of expenditures, 50% of the grant amount will be distributed near the date of the new business opening, 25% after its first full year of operation, and the final 25% after its second full year of operation.

General Conditions

1. **Invalidity.** Should any of the provisions of this Agreement held invalid in whole or in part, it shall not affect or invalidate the balance of such provision or any other provisions.
2. **Amendments.** This Agreement may not be amended, modified or changed, except by an instrument in writing and signed by all the parties.
3. **Entire Agreement.** This Agreement contains the sole and entire understanding between the parties, and all other promises, inducements, offers, solicitations, agreements, representations and warranties heretofore made between the parties, if any, are merged into this Agreement.
4. **Notices.** All, notices, requests, demands, or other communications required or permitted to be given hereunder shall be in writing and shall be addressed and delivered by hand or by certified mail, return receipt requested, or by overnight courier, or by fax, with evidence of delivery, to each party at the addresses set forth below. Any such notice, request, demand or other communication shall be considered given or delivered, as the case may be, on the date of delivery. Rejection or other refusal to accept or inability to deliver because of changed address of which proper notice was not given shall be deemed to be receipt of the notice, request, demand or other communication. By giving prior written notice thereof, any party, from time to time, may change its address for notices hereunder.
5. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall

constitute one and the same agreement.

- 6. **Successor and Assigns; Termination.** This Agreement shall be binding on the parties hereto, their heirs, successors and assigns. This Agreement may only be terminated with the consent of all parties hereto.
- 7. **Choice of Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.
- 8. **No Continuing Waiver.** The waiver of any party of any breach of this Agreement shall not operate or be construed to be a waiver of any subsequent breach.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals and executed this Agreement this _____ day of _____, 2016.

IN THE PRESENCE OF:

DUNBAR STREET PARTNERS, LLC

By: _____

Its:

CITY OF SPARTANBURG

By: _____

Ed Memmott

Its: City Manager

ATTEST:

By: _____

Connie McIntyre

Its: City Clerk

APPROVED AS TO FORM:

By: _____

Cathy H. McCabe

City Attorney



MEMORANDUM

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Workshop – Park and Recreation

DATE: October 5, 2016

At the October 10 meeting, staff will brief Council on the Downtown Airport Park, Partners for Active Living Rail Trail Park, and the Dr. TK Gregg Community Center. Staff will also discuss funding which will be available for Council to budget for one-time park or other projects. Following the October 10 meeting, Council should anticipate additional workshops on October 24 and November 14 regarding park and recreation projects.