



# **CITY OF SPARTANBURG**

SOUTH CAROLINA

## **CITY COUNCIL AGENDA**

**City Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC  
Monday, May 13, 2013**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of Minutes of the April 29, 2013 City Council Meeting**
- IV. Approval of Agenda of the May 13, 2013 City Council Meeting**
- V. Public Comment**  
\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Special Presentations**
  - A. Proclamation Proclaiming May at Foster Care Month**  
**Presenter: Mayor Junie White**
  - B. Proclamation Proclaiming May 15 as Peace Officers' Memorial Day**  
**Presenter: Mayor Junie White**
  - C. Presentation of "Chief Fire Officer (CFO)" Award to Battalion Chief T. Pierre Brewton**  
**Presenter: Marion Blackwell, Fire Chief**
- VII. Ordinance**
  - A. To Amend the Text of Section VI, Administration, Section 603, Board of Zoning Appeals: Appeals, Variances and Special Exceptions, Amending Subsection 603.4, Variances, by Adding as #2, "To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official." City of Spartanburg (First Reading)**  
**Presenter: Joshua T. Henderson, Planning Coordinator**
- VIII. Other Business**
  - A. 2013 Annual Street Resurfacing**  
**Presenter: Tim Carter, Engineering Administrator**

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

**IX. City Council Updates**

**X. Executive Session to Discuss Potential Economic Development Project**

**XI. 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, April 29, 2013**

**(These minutes are subject to approval at the  
May 13, 2013, City Council meeting.)**

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

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of Minutes of the April 15, 2013 City Council Meeting**  
*Councilmember Dogan made a motion that the minutes be approved as received. Mayor pro tem Rice seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of Agenda of the April 29, 2013 City Council Meeting –**  
*Mayor White asked that the agenda be amended to include presentation of a proclamation to proclaim May as Older South Carolinians Month.*  
*Councilmember Dogan made a motion to approve the agenda as amended. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.*
- V. Public Comment**  
\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Consent Agenda**
  - A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #7-15-12-047.00, located at 809 John B. White, Sr. Blvd., Which is Currently Zoned R-12 with a Land Use Designation of General Residential District to Zone LOD with a Land Use Designation of Limited Office District, from Nola Schwartz, Agent on Behalf of John W. Schwartz, Owner. The purpose for the request is to allow the property to be rented as residential or**

**limited office space. (Second Reading)**

**Presenter: Josh Henderson, Planning Coordinator**

*Councilmember Dogan made a motion to approve the consent agenda on second reading. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.*

**VII. Other Business**

**A. City of Spartanburg Sidewalk Maintenance Program**

**Presenter: Tim Carter, Engineering Administrator**

**Mr. Carter** presented the item to City Council as follows:

“Staff has been working to develop a more systematic approach to maintenance of existing sidewalks and would like to update City Council.

Beginning in FY13, the City budgeted \$60,000 for contract repair of sidewalks. During the first year of this program, staff has had acute problems repaired as they were identified. To maximize the benefit of work next year, staff intends to concentrate its repair efforts on collector roads such as Arch Street, Highland Avenue, South Converse Avenue, and Mills Avenue. Our goal is to stretch our resources as far as possible. Other streets such as Old Charlotte Road, South Spring Street, and Caulder Avenue will added if funding is available.

It is important to realize that there are approximately 78 miles of sidewalk in the City. Much of the sidewalks are more than 75 years old. Combining \$60,000 from the City’s general fund with \$50,000 in road fee funds will permit the City to make spot repairs for approximately 7 miles of sidewalks in FY14. It is hoped that additional City resources can be budgeted to this need in the future.

Staff will also continue to seek additional resources for sidewalks from outside funding sources. Priority would be given to projects that enhance safety, make connections to existing sidewalks, or improve routes to schools and parks/recreational facilities.

Council will recall that federal funding was received for new sidewalks on Fernwood Drive, Sydnor Road, and Dupre Drive a few years ago. This is the type of project we hope to replicate in the future, but Council is cautioned that this type of funding is more difficult to procure than in past years. New sidewalk installations are also expensive with required storm water drainage upgrades and acquisition of rights-of-way.”

*City Council received Mr. Carter’s report as information.*

**B. Parks, Recreation, and Special Events Update**

**Presenters: Kim Moultrie, Parks and Recreation Manager**

**Mandy Merck, Special Events Manager**

**Ms. Moultrie** reviewed several areas of Parks and Recreation for Council. She mentioned partnerships with Spartanburg School districts, YMCA, Spartanburg County Parks, First Baptist Church and YouthStop. She shared several events taking place in city parks – Healthy Highland, Fun in the Park, and Rock Your Park. Ms. Moultrie enlightened council on several programs in City parks – Summer Play Program, Itty Bitty Sports, Karate, and Hispanic League. Ms. Moultrie stated that looking to the future, Parks and Recreation would be exploring Arts in the Parks, Special Needs Programming Duncan Park (geocaching, Crossfit), Park Scavenger Hunts, Recycling in the Parks, and Girls’ Softball.

**Ms. Merck** reviewed activities planned for Spring Fling May 3 – 4, beginning with the Professional Cycling Race on Friday afternoon and evening, 300 Ft. Zip Line, Over 100 acts on 5 festival stages, shopping in the arts and crafts marketplace, Two Great Car Shows and tons of great food. She also mentioned a 3D Chalk Artist at the Clock Tower, a Vietnam Veterans display, photo displays, laser tag, texting competition, family fun zone, a BMX Stunt Show, and an Airport Day at the Spartanburg Downtown Memorial Airport.

*Council received the report as information.*

**C. FY 13-14 Budget Discussion – Building Facilities**

**Presenter: Ed Memmott, City Manager**

**Mr. Memmott** overviewed Building Facilities information for Council highlighting the following:

- a) 30 city facilities with significant deferred maintenance
- b) Over \$22 million identified in comprehensive updating/replacement of all major systems for all facilities
- c) Decision to close TK Gregg, Swim Center, and Northwest Center (when new TK Gregg is opened) significantly reduced future expenses
- d) Repairs at Kennedy, Magnolia, and Dunbar Street Garages will be accomplished at lower than projected costs
- e) CC Woodson, Airport Terminal, SPARTA Maintenance Facility, Public Works Administration, Magnolia Street Station are not expected to generate significant replacement costs over next 10 years
- d) Major repairs at parking garages have been completed. No significant replacement costs anticipated over next 5 years
- e) Staff does not intend to make repairs at Building Maintenance Facility on West Broad Street. Will seek to co-locate operations at another facility
- f) City Hall – Staff intends to limit repairs to “must do” items necessary to keep building in service over next 10 years
- g) Replacement of emergency generators at cost of \$100,000 (in design)
- h) Installation of backup IT Room cooling system - \$15,000
- i) Roof replacement at cost of \$250,000 needed over next 4 years
- j) Fleet Maintenance Garage – Significant replacement and upgrades totaling at least \$250,000 over next five years are anticipated
- k) 4 Fire Stations/Traffic Engineering – Misc. repairs estimated at \$50,000 for each of next five years
- l) Airport – Hangars C and D will require \$300,000 in replacement (roofs, hangar doors) over next five years

Mr. Memmott gave six year projection costs as follows:

FY13	\$100,000
FY14	\$220,000
FY15	\$270,000
FY16	\$330,000
FY17	\$380,000
FY18	\$430,000

*City Council received the report as information.*

**VIII. City Council Updates –**

**Councilmember Scalisi** reminded everyone of Spring Fling the following weekend.

**Councilmember Ryba** reminded everyone of the B-Cycle Relay that would be a part of the bike race activities of Spring Fling.

**Councilmember Reeder** shared that he would be starting the ladies race on Friday afternoon of Spring Fling.

**Councilmember Dogan** encouraged everyone to attend Spring Fling.

**Mayor pro tem Rice** commended Ms. Moultrie for her work with partnering with the school districts for use of parks in the city.

**IX. Executive Session to Discuss Potential Economic Development Project –**

**Councilmember Dogan** made a motion to adjourn to Executive Session for the stated reason. **Councilmember Scalisi** seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:55 p.m.

*Council reconvened at 7:45 p.m. Mayor White stated that discussion was held with no decisions made.*

**X. Adjournment –**

**Mayor pro tem Rice** made a motion to adjourn the meeting. **Councilmember Reeder** seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:46 p.m.



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Connie S. McIntyre, City Clerk

## VII. A



## REQUEST FOR COUNCIL ACTION

**TO:** Ed Memmott, City Manager

**FROM:** Joshua T. Henderson, Planning Coordinator

**SUBJECT:** Ordinance to Amend the Text of Section VI, Administration, Section 603, Board of Zoning Appeals: Appeals, Variances and Special Exceptions, Amending Subsection 603.4, Variances, by adding as #2, “To permit the reduction of any required setback being in compliance with all applicable Building and Fire codes and subject to review by the Building Official.” City of Spartanburg.

**DATE:** May 13, 2013

**SUMMARY:** Staff is proposing a housekeeping amendment to Section 603.4 (1) to make sure that variances for building setbacks on properties are reviewed under the correct processing following all applicable rules and regulations. After extensive review of the Zoning Ordinance, Staff realized that under Section 603.4 Variances, it does not specifically grant the Board of Zoning Appeals the authority to review setback variances. In past requests, Staff has presented setback variances under Section 603.4 (1) which actually grants the Board of Zoning Appeals the ability to review yard size reductions and not specifically setbacks. We propose a text amendment as follows:

*To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official.*

**PLANNING COMMISSION RECOMMENDATION:** The request was unanimously endorsed by the Planning Commission on April 18, 2013. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

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

**ACTION REQUESTED:** Staff and the Planning Commission recommend that the City Council approve the text amendment request.

**BUDGET AND FINANCE DATA:** N/A

## AN ORDINANCE

**TO AMEND THE TEXT OF SECTION VI, ADMINISTRATION, SECTION 603, BOARD OF ZONING APPEALS: APPEALS, VARIANCES AND SPECIAL EXCEPTIONS, AMENDING SUBSECTION 603.4, VARIANCES, ADDING AS #2, “TO PERMIT THE REDUCTION OF ANY REQUIRED SETBACK BEING IN COMPLIANCE WITH ALL APPLICABLE BUILDING AND FIRE CODES AND SUBJECT TO REVIEW BY THE BUILDING OFFICIAL”, OF THE ZONING ORDINANCE OF THE CITY OF SPARTANBURG, SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Spartanburg now finds that it is in the public interest to amend Section VI, Administration, Section 603, Board of Zoning Appeals, Appeals, Variances and Special Exceptions, amending Subsection 603.4, Variances, adding as #2, “To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official; and

WHEREAS, this text amendment change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on April 18, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the text amendment change; and

WHEREAS, the Planning Commission, after consideration of the requirements set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the proposed text amendment be approved as submitted by staff.

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

Section 1. Amendment. That the City of Spartanburg Zoning Ordinance, be, and the same hereby amended as follows in Attachment A.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Junie L. White, Mayor

ATTEST:

\_\_\_\_\_  
Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cathy H. McCabe, City Attorney

\_\_\_\_ / \_\_\_\_ / \_\_\_\_ (First Reading)

\_\_\_\_ / \_\_\_\_ / \_\_\_\_ (Second Reading)

of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- (D.) The board must fix a reasonable time for the hearing of the appeal or other matter referred to the board, and give at least fifteen days' public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- (E.) In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
- (F.) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.”

**603.4 Variances.**

Variances from the regulations of this Ordinance shall be granted by the Board of Zoning Appeals only in accordance with the standards established above, and may be granted only in the following instances and in no others:

1. To permit any yard less than the requirements of this Ordinance;
2. **To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official;**
3. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width;
4. To permit the same off-street parking facility to qualify as required facilities for two or more units, provided that substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;
5. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty-five percent

**\* (Amended by Council ?/??/??)**

(25%) of the required facilities, whichever number is greater;

6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
7. To increase by not more than forty percent (40%) the maximum distance that required parking spaces are permitted to be located from the use served;
8. To permit the height of a fence in the required rear, side and corner side yard to exceed the maximum height allowed by this Ordinance up to eight (8) feet when property is exposed to exceptional nuisances of traffic, dust, noise, glare, and vandalism; and (\*)
9. To reduce the setback requirement for portable signs provided that no variance shall be granted to permit such signs within the triangular area formed by the right-of-way lines of intersecting streets (or a street and a driveway), and a line joining points on the right-of-way lines twenty-five (25) feet from the point of their intersection. If the property in question has no defined driveway to its parking area the Board shall satisfy itself that the proposed location of the portable sign will not interfere with traffic by blocking reasonable sight lines for streets, sidewalks and driveways before any variance is granted. The application for such variance shall be accompanied by a scaled drawing showing all information relevant to the variance request. (\*\*)

**603.5 Special Exceptions.**

Where provided for in this Section the Board of Zoning Appeals may, in appropriate cases, grant special exceptions after public notice and public hearing.

In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this Section, reverse or affirm (wholly or in part), or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. In the execution of its duties, the Board of Zoning Appeals may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

603.51 Purpose.

The development and execution of a comprehensive zoning ordinance are based upon the division of the city into districts, within which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features, which because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are therefore treated as special exceptions. A special exception is not the automatic right of any applicant.

\* (Amended by Council 3/12/79)

\*\* (Further Amended by Council 3/12/84)





## REQUEST FOR COUNCIL ACTION

**TO:** Ed Memmott, City Manager  
**FROM:** Tim Carter, Engineering Administrator  
**SUBJECT:** 2013 Annual Street Resurfacing  
**DATE:** May 10, 2013

### BACKGROUND

Staff received bids for the 2013 Street Resurfacing Project on May 7, 2013. This project consists of approximately 7,391 tons of surface Type C Asphalt, 3,375 square yards of full depth patching, and 23,934 square yards milling.

The following bids were submitted:

Ashmore Bros. Inc. (Greer, SC)	\$ 667,964.87
F & R Asphalt, Inc. (Easley, SC)	\$ 669,456.10
Panagakos Asphalt Paving (Greenville, SC)	\$ 669,865.03
Venesky Asphalt Paving (Easley, SC)	\$ 682,144.02

Staff has reviewed the bids received and the qualifications for each of these contractors and determined that Ashmore Bros. Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors.

### ACTION REQUESTED:

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

### BUDGET AND FINANCE DATA:

\$ 354,000.00 County Transportation Committee Funds (CTC) and \$313,964.87 from the Spartanburg County Road Fee