



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

**(These minutes were approved at the
May 28, 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 – lead by an attending Boy Scout.**
- III. Approval of Minutes of the April 29, 2013 City Council Meeting –**
Councilmember Dogan made a motion to approve the minutes as received. Mayor pro tem Rice seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of Agenda of the May 13, 2013 City Council Meeting –**
Councilmember Anderson made a motion to amend the agenda to add as Item VIII B. an update regarding the CPW agreement.
Councilmember Scalisi seconded the motion to amend the agenda, which carried unanimously 7 to 0.
- V. Public Comment - None**
*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
Mayor White presented the proclamation to a group from Betsy Manning, DSS and to attending Foster families.
 - B. Proclamation Proclaiming May 15 as Peace Officers’ Memorial Day**
Presenter: Mayor Junie White
Mayor White presented the proclamation to Director Tony Fisher of the City of

Spartanburg Police Department.

C. Presentation of “Chief Fire Officer (CFO)” Award to Battalion Chief T. Pierre Brewton

Presenter: Marion Blackwell, Fire Chief

Chief Blackwell gave a brief background of the extensive commitment required to achieve the CFO award. He shared that Battalion Chief Brewton was 1 of 877 in the world to earn the international designation. He stressed that this award was a lifetime commitment on Battalion Chief Brewton’s part and that his colleagues, family and friends were all extremely proud of him for his achievement.

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

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

“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.

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.

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

Councilmember Dogan made a motion to approve the request as stated on first reading. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.

VIII. Other Business

A. 2013 Annual Street Resurfacing

Presenter: Tim Carter, Engineering Administrator

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

“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
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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.

Staff is requesting Council 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.”

Councilmember Dogan made a motion to approve the request and award the bid to Ashmore Bros. Inc. of Greer, SC in the amount of \$669,456.10. Councilmember Ryba seconded the motion, which carried unanimously 7 to 0.

B. Update on CPW Agreement –

Mr. Memmott updated City Council on the ongoing negotiations with the Spartanburg Water System. He stated that, on the positive side, there would be no preapproval by the water system of economic development projects before funding would be allocated from the payment. There would be an annual report to the CPW that indicated the use of the funds for economic development. He advised that he felt there would be continuing discussion regarding the annexation component of the agreement. He shared that he had spent time with City Staff, with the Fire Chief, and others to try to understand geographic perimeters, new and upsized meters, and the effects on fire service. Mr. Memmott stated that he had submitted a spreadsheet of scenarios of circumstances to CPW management and hoped to hear from them in the following week. He added that the primary unresolved issue was still the amount of the direct payment to the City.

IX. City Council Updates -

Councilmember Scalisi wished City Manager Ed Memmott a Happy Birthday!

Councilmember Anderson expressed thanks to Staff for the excellent and informative presentations at the Public Meetings concerning the Water System issue. He shared that he was pleased with the public input at the meetings.

Councilmember Ryba shared that, on a positive note, it was important to note in public that 15 new businesses were opening or had opened in Downtown Spartanburg. Councilmember Anderson mentioned that Councilmember Ryba would be riding in the Assault on Mt. Mitchell and wished her well.

Councilmember Reeder complimented Staff on the informative presentations at the Public Meetings concerning the Water System issue. He also mentioned the ribbon cutting for the Believer’s Fellowship on Saturday.

Councilmember Dogan thanked Staff and others for the work being done on the Northside.

Mayor pro tem Rice thanked Chris Story for his thorough presentations at the Public Meetings concerning the Water System issue. He mentioned that Spartanburg High School

graduation would take place on May 24 and wished the graduates well. He also thanked Staff for the hard work and effort put into Spring Fling.

- X. Executive Session to Discuss Potential Economic Development Project –**
Councilmember Reeder made a motion to adjourn to Executive Session for the stated reason. Councilmember Dogan seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:10 p.m.

Council reconvened at 6:18 p.m. Mayor White stated that discussion was held with no decisions made.

- XI. Adjournment –**
Councilmember Dogan made a motion to adjourn the meeting. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0 and the meeting adjourned at 6:19 p.m.



Connie S. McIntyre, City Clerk