



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, August 22, 2016
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the August 8, 2016, City Council Meeting**
- IV. Approval of Agenda of the August 22, 2016 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Presentation of Proclamation to Joe Dominique**
Presenter: Mayor Junie White
- VII. Ordinances**
 - A. Authorizing the City Manager to Execute a Deed to Upstate Housing Partnership Conveying Property Located at 412 Highland Avenue, Block Map Number 7-16-01-255.00 and 414 Highland Avenue, Block Map Number 7-16-01-256.00**
Presenter: Martin Livingston, Neighborhood Services Director
 - B. Approving a Development Agreement Between the City of Spartanburg and BF Spartanburg, Inc. (First Reading)**
Presenter: Chris Story, Assistant City Manager
- VIII. Resolution**
 - A. Certifying Eleven (11) Units as Abandoned Building Sites Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-1000 et seq., of the South Carolina Code of Laws (1976), as Amended Regarding the Property Called The Montgomery Building Located at 187 North Church Street, Tax Map Parcel #7-12-10-000**
Presenter: Chris Story, Assistant City Manager

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. Consent Agenda

- A. Ordinance to Amend the Entire Text of Section 515, Downtown Code by Modifying Signage Standards, the Addition of a Zoning Category, DT-3: Suburban Zone, Which is Primarily Residential, Amending Subsection 515.4.3 “Kennedy Street Parking Overlay” to Expand and Apply as a “Sideyard Parking Overlay”, Addition of Illustrative Materials, and a Regulation Plan Which Outlines the Areas for Which the Form Based Code Applies, of the Zoning Ordinance of the City of Spartanburg, South Carolina; and Providing for Severability and an Effective Date (Second Reading)
Presenter: Natalia Rosario, Planning Staff**
- B. Ordinance Accepting the Proposed Addition to the Design Guidelines for The Beaumont Village Local Historic District and The Hampton Heights Local Historic District to Provide Guidelines for the Consideration of Solar Panels in Historic Districts (Second Reading)
Presenter: Natalia Rosario, Planning Staff**
- C. 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 of the Northside Neighborhood, Located Between North Church Street and Continuing West Until the Railroad Tracks, and Extending Until the Northern City Limit Line that are Currently Zoned B-3; B-1; R-6; R-8; LOD & I-1, with Land Use Designations of General Business District, Neighborhood Shopping District; General Residential District; Limited Office District and Light Industrial District to Zones DT-5; DT-4; and DT-3, with Land Use Designations of Urban Center District; General Urban District; and Suburban Zone; and Providing for Severability and an Effective Date (Second Reading)
Presenter: Natalia Rosario, Planning Staff**

X. Other Business

- A. Approval of Spring Fling Evaluation Committee Member
Presenter: Ed Memmott, City Manager**
- B. Boards and Commissions – Approval of Applicants for Public Safety Committee
Presenter: Connie McIntyre, City Clerk**

XI. City Council Updates

XII. Code Enforcement Workshop
Presenter: Ed Memmott, City Manager

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, August 8, 2016
5:30 p.m.**

**These minutes are subject to approval at the
August 22, 2016 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Sterling Anderson, Councilmembers Jan Scalisi, Jerome Rice, Erica Brown, Laura Stille and Rosalyn Henderson Myers. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes of the July 25, 2016, City Council Meeting –**
*Councilmember Scalisi made a motion to approve the minutes as received.
Councilmember Stille seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of Agenda of the August 8, 2016 City Council Meeting –**
*Councilmember Rice made a motion to approve the agenda as received.
Councilmember Henderson Myers seconded the motion, 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. Presentation of Proclamation for National Health Center Week**
Presenter: Mayor Junie White
Mayor White presented the proclamation to Isaac Dickson, Director of Community Development, ReGenesis Health Care.
- VII. Public Hearings**
 - A. Ordinance to Amend the Entire Text of Section 515, Downtown Code by Modifying Signage Standards, the Addition of a Zoning Category, DT-3: Suburban Zone, Which is Primarily Residential, Amending Subsection 515.4.3 “Kennedy Street Parking Overlay” to Expand and Apply as a**

“Sideyard Parking Overlay”, Addition of Illustrative Materials, and a Regulation Plan Which Outlines the Areas for Which the Form Based Code Applies, of the Zoning Ordinance of the City of Spartanburg, South Carolina; and Providing for Severability and an Effective Date (First Reading)

Presenter: Natalia Rosario, Planning Staff

Mr. Story overviewed the Northwest boundaries and the premise behind the Downtown Code amendment.

Ms. Rosario presented the item to Council as follows:

“On July 21st, 2016, the Planning Commission held a public hearing and reviewed a request to amend the text of the City of Spartanburg Downtown Code, submitted by the City of Spartanburg. This text amendment is requested in order to update the Downtown Code by clarifying signage standards, adding a side yard parking overlay for areas with no on-street parking, adding illustrative materials to assist the reader in understanding terms in the code, and the addition of the DT-3: Suburban Zone. All proposed changes were reviewed by the Planning Commissioners and the Design Review Board.

The Planning Commission held a public hearing on the proposal on July 21, 2016. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and Northside Transformation Plan, the Planning Commission voted to recommend approval of the proposed text amendments to the Downtown Code.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on July 21st, 2016 by a vote of 7 to 0.

ADDITIONAL INFORMATION: Minutes from the July 21st, 2016 Planning Commission Meeting and Staff Report with attachments are included.”

After discussion, Mayor White opened the public hearing, asking if there was anyone to speak in opposition to the proposed amendment.

Linda Dogan, 155 W. Centennial St., came forward asking if the proposed changes would filter over into other areas where she lived. Mayor White responded that would be determined at a later date.

Mayor White asked if there was anyone to speak in favor of the proposed amendment.

Hearing none, Councilmember Rice made a motion to close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

Councilmember Rice made a motion to approve the ordinance as presented on first reading. Councilmember Stille seconded the motion, which carried unanimously 7 to 0.

B. Ordinance Accepting the Proposed Addition to the Design Guidelines for The Beaumont Village Local Historic District and The Hampton Heights

Local Historic District to Provide Guidelines for the Consideration of Solar Panels in Historic Districts (First Reading)

Presenter: Natalia Rosario, Planning Staff

Ms. Rosario presented the item to Council as follows:

“On June 9th, after workshops in September 2015 and May 2016, the City of Spartanburg Historic Architecture Review Board (HARB) reviewed example guidelines regarding solar panel installations in Historic Districts, including the National Alliance of Preservation Commissions (NAPC) Sample Guidelines for Solar Systems in Historic Districts as proposed by the City Historic Preservation Consultant.

The HARB has acknowledged the desire of residents in these Historic Districts to install solar power panels and the lack of avenues for the HARB and City Staff to consider their approval and installation as minor or major works. In addition, there are currently no guidelines to determine when and how such an installation could be suitable, and the Beaumont Historic District Guidelines expressly forbids solar panels in any form or placement.

The Historic Architecture Review Board held a public hearing on the proposal on June 9th, 2016. After consideration of the staff materials, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance the Historic Architecture Review Board voted to recommend a text amendment to the Historic Guidelines by adopting the NAPC Sample Guidelines for Solar Systems in Historic Districts. The Board also recommended cases of solar panel installations that can be seen from the public right-of-way be considered by the HARB as a major work, and solar panel installations that cannot be seen from the public right-of-way be considered minor works for administrative approval.

PLANNING COMMISSION RECOMMENDATION: The motion was endorsed by the Historic Architecture Review Board on June 9th, 2016 by a vote of 5 to 0.

ADDITIONAL INFORMATION: Minutes from the September 10th, 2015, May 12th, 2016, and June 9th, 2016 Historic Architecture Review Board Meeting and Staff Report with attachments are included.”

After discussion, Mayor White opened the public hearing. He asked if there was anyone to speak in opposition to the ordinance as presented.

Joe Kowal, President of the Beaumont Neighborhood Association, spoke against the ordinance.

Mayor White asked if there was anyone to speak in favor of the ordinance.

Ashley Edwards, of Sunstore Solar, spoke in favor of the ordinance.

Phillip Stone, from the Hampton Heights neighborhood, spoke in favor of the ordinance.

After additional discussion by Council, Mayor pro tem Anderson made a motion to close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

Councilmember Henderson Myers made a motion to approve the ordinance for the Hampton Heights neighborhood, but to hold over a decision for the Beaumont Village area. Councilmember Rice seconded the motion, which failed 3 to 4. Councilmembers Rice, Stille, and Henderson Myers voted in favor of the motion. Mayor White, Mayor pro tem Anderson, and Councilmembers Brown, and Scalisi, voted against the motion.

Mayor pro tem Anderson made a motion to approve the ordinance as presented on first reading. Councilmember Scalisi seconded the motion, which carried 4 to 3. Mayor pro tem Anderson, Mayor White, and Councilmembers Brown and Scalisi voted in favor of the motion. Councilmembers Rice, Stille and Henderson Myers voted against the motion.

- C. 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 of the Northside Neighborhood, Located Between North Church Street and Continuing West Until the Railroad Tracks, and Extending Until the Northern City Limit Line that are Currently Zoned B-3; B-1; R-6; R-8; LOD & I-1, with Land Use Designations of General Business District, Neighborhood Shopping District; General Residential District; Limited Office District and Light Industrial District to Zones DT-5; DT-4; and DT-3, with Land Use Designations of Urban Center District; General Urban District; and Suburban Zone; and Providing for Severability and an Effective Date (First Reading)**

Presenter: Natalia Rosario, Planning Staff

Ms. Rosario presented the item to Council as follows:

“On July 21st, 2016, the Planning Commission held a public hearing and reviewed a rezoning request submitted by the City of Spartanburg to rezone the Northside Neighborhood, located between North Church Street and continuing west until the railroad tracks, and extending to the northern City limit line. This rezoning is requested in order to match the zoning standards in this area to the design and development standards proposed in the Northside Transformation Plan (2014).

The Northside Transformation Plan calls for design standards for the neighborhood that will encourage redevelopment that is flexible and has a range of different uses, including commercial, residential, office, and institutional. As the Northside Initiative moves forward, the City would propose a zone change to match the envisioned development areas found in Chapter 6, Proposed Northside Development (Northside Transformation Plan, pp. 221-223). The proposed zoning standards can be found in the City of Spartanburg Downtown Code, which is also proposed for amendment in order to facilitate the creation of the new zoning category, DT-3: Suburban Zone, specifically applied to portions of the Northside neighborhood. This category allows for the preservation of the traditional residential neighborhood patterns found in the area while allowing for increased flexibility in design of housing.

The Planning Commission held a public hearing on the proposal on July 21st, 2016. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and Northside Transformation Plan, the Planning Commission voted to recommend approval to rezone the area from B-1, B-3, R-6, R-8, LOD, & I-1 to DT-5, DT-4, and DT-3.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on July 21st, 2016 by a vote of 7 to 0.”

After discussion, Mayor White opened the public hearing asking if there was anyone to speak in opposition to the proposed amendment. Hearing none, he asked if there was anyone to speak in favor of the proposed amendment.

Hearing none, Councilmember Rice made a motion to close the public hearing. Mayor pro tem Anderson seconded the motion, which carried unanimously 7 to 0. Mayor pro tem Anderson made a motion to approve the ordinance as presented on first reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

VIII. Resolution

A. Approving Donation of 2.3± Acre Tract on Pine Street (Tax Map Parcel #7-17-01-036.00)

Presenter: Mitch Kennedy, Community Services Director

Mr. Kennedy presented the item to Council as follows:

“Property located on Pine Street (Tax Map Parcel 7-17-01-036.00) consisting of 2.3 ± acres, is owned by Spartanburg Real Holdings, LLC, a related entity of The Spartanburg County Foundation that wishes to donate the property to the City. The property is located adjacent to the City’s Rail Trail as shown on the attached Parcel Maps from the Spartanburg County Assessor’s Office website.

Staff recommends accepting the donation of the parcel. Staff is requesting approval of Resolution accepting the donation of the property from The Spartanburg County Foundation identified as Tax Map Parcel # 7-17-01-036.00.”

Mayor pro tem Anderson made a motion to approve the resolution as presented. Councilmember Scalisi seconded the motion, which carried unanimously 7 to 0.

IX. Consent Agenda

A. Authorizing the City of Spartanburg, South Carolina, To Execute and Deliver an Equipment Lease Purchase Agreement, 2016, in an Amount Not Exceeding \$2,000,000 Between the City and the Lessor Thereof to Defray the Cost of Acquiring Certain Equipment; and Other Matters Relating Thereto (Second Reading)

Presenter: Dennis Locke, Finance Director

B. Approving the Conveyance of Two Permanent Encroachment Easements Necessary to Facilitate the Construction of a Mixed Use Building at the

Northeast Corner of the Daniel Morgan Avenue and West Main Street Intersection (Second Reading)

Presenter: Ed Memmott, City Manager

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

X. Other Business

A. Replacement of Floor Coverings – Fire Station 1 (City Hall)

Presenter: Tony McAbee, Building Maintenance Manager

Mr. McAbee presented the item to Council as follows:

“Staff solicited bids for the removal of existing carpet and vinyl floor tile in the administrative offices of Fire Station 1.

The following bids were received:

Hodge Floors (Spartanburg, SC)	\$27,000.00
Young Office Environments (Greenville, SC)	\$27,949.36
Lindin Floors (Spartanburg, SC)	\$30,769.92
Omar’s Floorcovering (Ridgeville, SC)	\$32,351.31
Nichols Customs Builders (Greenville, SC)	\$37,000.00
Taylor Made Contracting (Camden, SC)	\$79,000.00

Staff has reviewed the bids and the qualifications for each of these contractors. Based on that review, staff has determined that, Hodge Floors is the responsive low bidder. Three (Omar’s, Nichols, and Taylor) bids were submitted from MWBE certified contractors. It is anticipated that it will take 30 days to complete this project.

ACTION REQUESTED: Allow staff to accept the bid from Hodge Floors and authorize the City Manager to enter into a contract with Hodge Floors for the completion of the project.

BUDGET AND FINANCE DATA: \$ 27,000 from Building Maintenance Fund.”
After discussion, Councilmember Stille made a motion to approve the award of bid to Hodge Floors, Spartanburg, SC in the amount of \$27,000, and to authorize the City Manager to enter into a contract with Hodge Floors for the completion of the project. Councilmember Scalisi seconded the motion, which carried unanimously 7 to 0.

B. Boards and Commissions – Zoning Appeals Board and Public Safety Committee

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented Jim Badger’s application for consideration of appointment to the Zoning Board of Adjustments and Appeals. *Councilmember*

Scalisi made a motion to approve the application. Mayor White seconded the motion, which carried unanimously 7 to 0.

Ms. McIntyre presented James L. Chambers' application for consideration of reappointment to the Public Safety Committee. Mayor pro tem Anderson made a motion to approve the application. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

XI. City Council Updates –

Councilmember Stille thanked staff for all of their efforts in recent weeks.

Councilmember Brown mentioned the opening of The Johnson Collection of South Carolina based artist Leo Twiggs, “Requiem for Mother Emanuel”, and invited everyone to view the collection.

Councilmember Henderson Myers mentioned that she had her high school reunion the previous weekend, with a classmate coming all the way from Athens, Greece. She shared that when she and her classmates went out into the world, they realized what a good education they received from Spartanburg Public Schools.

Councilmember Scalisi mentioned that as an alumni of the first “Water Matters|” class, conducted by Spartanburg Water, she encouraged everyone to enroll in the class to be held in the fall. She added that it was a free, six weeks class, and that you learn many things about the water system. She congratulated and thanked city staff, citizens in the community, and non-profits for their assistance in putting the many, sometimes complicated, pieces it takes to make put a neighborhood together.

Councilmember Rice shared that he also had a high school reunion coming up on August 26. He mentioned the Spartanburg High School football team practicing with the Carolina Panthers and what an outstanding event it was for the community, the football players, Spartanburg High School, and Spartanburg as a whole with the national exposure it provided. He shared that he had an opportunity to talk to a group of young people from the Spartanburg Housing Authority at the Northwest Center. He mentioned that the members of the group had either dropped out or had issues with schooling. He added that the purpose of the group was to try and get them back on the right track.

Mayor pro tem Anderson shared that he had attended the SPATS committee meeting that morning where they talked about lots of projects for the future.

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

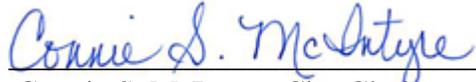
Council may take action on matters discussed in Executive Session after exiting Executive Session.

Councilmember Henderson Myers made a motion to adjourn to Executive Session for the reason stated. Councilmember Stille seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:45 p.m.

Council reconvened at 7:44 p.m. Mayor White stated that discussion was held with no decisions made.

XIII. Adjournment –

Councilmember Scalisi made a motion to adjourn the meeting. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:45 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Sale of Property – 412 and 414 Highland Avenue
DATE: August 22, 2016

BACKGROUND:

In September 2015, the City of Spartanburg purchased property in the Highland Neighborhood using CDBG funds for the purpose of purchase demolition. In an effort to remove the exiting structures and rebuild a new housing unit on the site, staff is requesting the approval of the sale of the property to the Upstate Housing Partnership. The Upstate Housing Partnership will collaborate with the Highland Community Development Corporation and the City to build a model home on the site. The Upstate Housing Partnership will be using Neighborhood Improvement Programs funds to purchase and demolish the structures.

Property Address	Tax Map Number	Sale Amount
412 Highland Avenue	7-16-01-255.00	\$10,000.00
414 Highland Avenue	7-16-01-256.00	\$10,000.00

ACTION REQUESTED: Approval of an Ordinance conveying the property at 412 Highland Avenue and 414 Highland Avenue to the Upstate Housing Partnership for the purchase price of \$10,000 each.

BUDGET AND FINANCIAL DATA: CDBG program income in the amount of \$20,000.

ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED TO UPSTATE HOUSING PARTNERSHIP CONVEYING PROPERTY LOCATED AT 412 HIGHLAND AVENUE, BLOCK MAP NUMBER 7-16-01-255.00 AND 414 HIGHLAND AVENUE, BLOCK MAP NUMBER 7-16-01-256.00.

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 412 Highland Avenue, Block Map Sheet 7-16-01, Parcel 255.00 to Upstate Housing Partnership for \$10,000.

Section 2: Approve and authorize the sale of 414 Highland Avenue, Block Map Sheet 7-16-01, Parcel 256.00 to Upstate Housing Partnership for \$10,000.

Section 3: The City Manager is authorized to sign necessary documents to execute this transaction.

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

DONE AND RATIFIED this ___ day of August, 2016.

MAYOR

ATTEST:

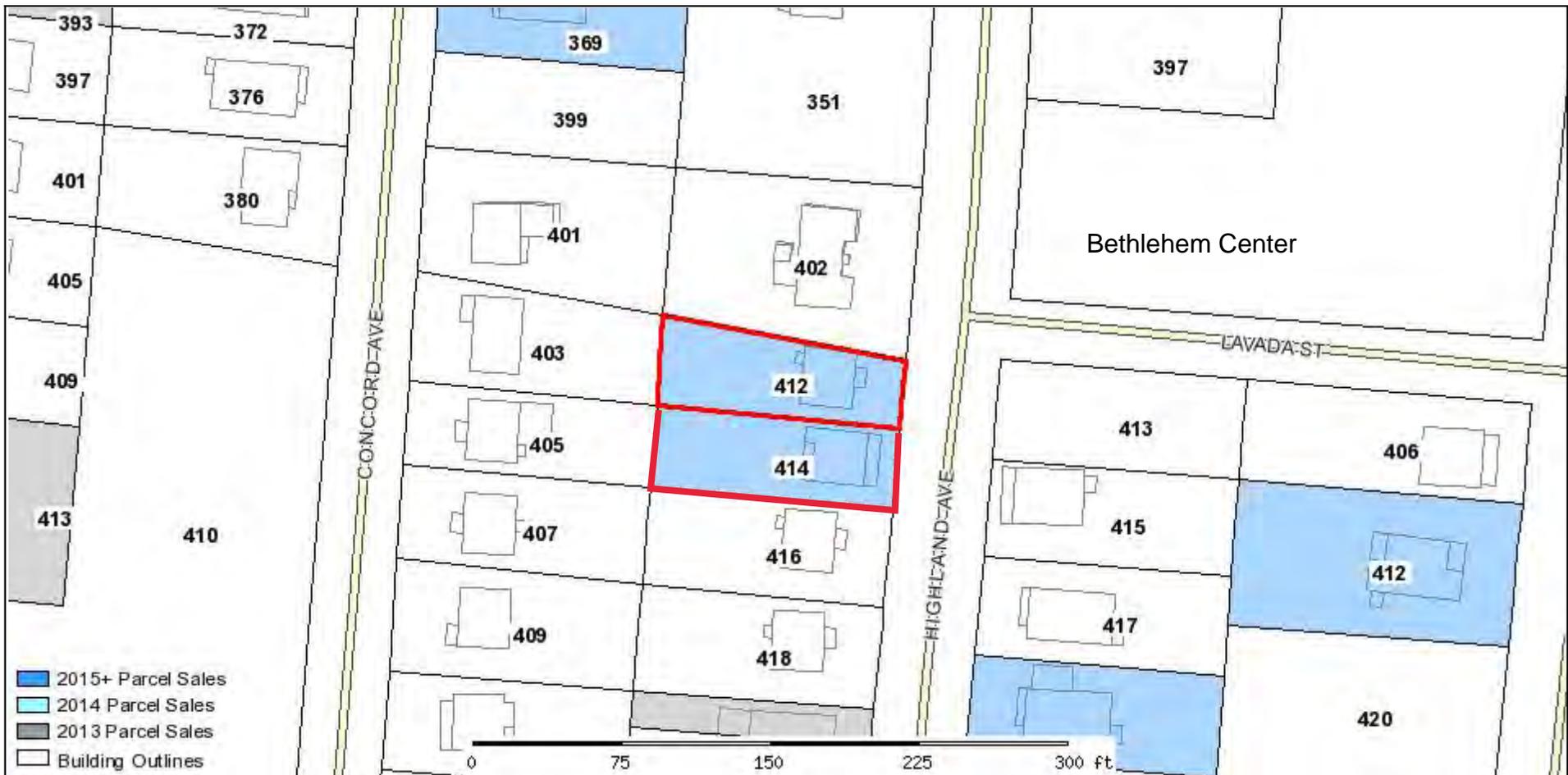
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

___ / ___ / ___ 1st Reading

___ / ___ / ___ 2nd Reading



Spartanburg County Assessor

Parcel: 7-16-01-255.00 Acres: 0			
Name:	CITY OF SPARTANBURG	Land Value	\$6,000.00
Site:	412 HIGHLAND AVE	Improvement Value	\$17,400.00
Sale:	\$\$25,000 on 09-2015 Vacant= Qual=4	Accessory Value	\$0.00
Mail:	PO BOX 1749 SPARTANBURG, SC 29304	Total Value	\$23,400.00



The Spartanburg County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER SPARTANBURG COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 08/09/16 : 08:09:27



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Chris Story, Assistant City Manager

SUBJECT: Development Agreement – Montgomery Building Historic Renovation and Adjacent New Mixed-use Building

DATE: August 17, 2016

The upcoming City Council agenda contains two items that enable a two-phase project we believe will dramatically boost our downtown economy. The primary component is the \$25 Million historic renovation of the iconic Montgomery Building. The strategically located structure will be saved from its otherwise imminent demise and restored to its original architectural grandeur. It will contain 72 upscale apartments, 9,000 square feet of office space, and 9,500 square feet of beautifully restored restaurant and retail space. A second phase of the project involves a new mixed-use building, now in the early planning stages, to be oriented along St. John Street immediately behind the Montgomery Building and next door to the George (USC Upstate's Johnson College of Business and Economics). Together these projects address a number of the city's strategic goals in potent ways.

The attached ordinance authorizes the attached development agreement which specifies various promises of the parties including the commitment of the city to:

- Provide special terms regarding parking in the adjacent St. John Street Parking Garage.
- Reconstruct the sidewalks and streetscape around the Montgomery Building
- Invest \$750,000 in the project to connect the garage and the Montgomery Building with an attractive pedestrian-oriented plaza space
- Enable the project to benefit from the Special Property Tax Assessment for Rehabilitated Historic Property
- Convey a small remnant parcel to enable the construction of the new mixed-use building, which will be taxed at common prevailing rates

The second action is a resolution which enables the developer to pursue SC Abandoned Building Tax Credits.

We believe these inducements are both necessary and appropriate for a catalytic project of this magnitude. We recommend your approval.

AN ORDINANCE

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SPARTANBURG AND BF SPARTANBURG, INC.

WHEREAS, the City has encouraged economic redevelopment of its downtown; and

WHEREAS, the City has from time-to-time entered into public-private partnerships which have resulted in substantial private investment; and

WHEREAS, the economic development projects resulting from these partnerships have improved the economic vitality, increased the tax base, increased employment opportunities, and improved the physical appearances of downtown; and

WHEREAS, the City remains committed to the continued redevelopment of its downtown and continues to seek opportunities to achieve positive results for the Spartanburg Community; and

WHEREAS, the City now has the opportunity to secure significant additional private investment and economic benefit by entering into this agreement with the Developer; and

WHEREAS, the redevelopment permitted or proposed under this Development Agreement is consistent with the Downtown Urban District 5 (DT-5) Zoning, the City of Spartanburg Zoning Ordinance and this Agreement does not replace, supersede, or grant variances to those regulations; and

WHEREAS, should Council conclude that it is in the City's best interest to finalize an agreement with BF Spartanburg, LLC, it will be necessary for Council to formally act and authorize the City Manager to take certain actions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNSEL ASSEMBLED:

SECTION 1. A Development Agreement between the City and BF Spartanburg, LLC substantially in its final form attached hereto is hereby approved.

SECTION 2. The City Manager is authorized to execute the Development Agreement and any other documents necessary to meet the City obligations as set forth in the Development Agreement provided such documents are consistent with the intent of this Ordinance.

SECTION 3. The City Manager, upon the advice of the City Attorney, is authorized to make minor, nonmaterial modifications to the Development Agreement prior to its signature.

SECTION 4. 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

STATE OF SOUTH CAROLINA) DEVELOPMENT AGREEMENT
) BETWEEN THE CITY OF
) SPARTANBURG AND
COUNTY OF SPARTANBURG) BF SPARTANBURG, LLC

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the “Agreement”) for the project known as THE MONTGOMERY BUILDING located at 187 North Church Street, Spartanburg, South Carolina, 29306 (hereinafter referred to as the “Subject Property”) being more particularly described in **Exhibit A**, attached hereto and by this reference made part hereof; is entered into and made as of the ___ day of _____, 2016, by and between the **CITY OF SPARTANBURG**, a South Carolina municipality, with an address of 145 West Broad Street, Spartanburg, South Carolina 29306 (hereinafter referred to as the “City”), and **BF SPARTANBURG, LLC**, a South Carolina limited liability company (hereinafter referred to as the “Developer”).

W I T N E S S E T H

WHEREAS, the City has encouraged economic redevelopment of its downtown; and

WHEREAS, the City has from time-to-time entered into public-private partnerships which have resulted in substantial private investment; and

WHEREAS, the economic development projects resulting from these partnerships have improved the economic vitality, increased the tax base, increased employment opportunities, and improved the physical appearances of downtown; and

WHEREAS, the City remains committed to the continued redevelopment of its downtown and continues to seek opportunities to achieve positive results for the Spartanburg Community; and

WHEREAS, the City now has the opportunity to secure significant additional private investment and economic benefit by entering into this agreement with the Developer; and

WHEREAS, the City has determined that the provision of certain economic development incentives and establishing certain terms and conditions are necessary to secure the investment commitment from Developer for the redevelopment of the Subject Property; and

WHEREAS, the Developer will have or has clear title of the Subject Property or is currently under contract to purchase the Subject Property and intends to redevelop the Subject Property as a mixed use project; and

WHEREAS, the Developer desires to facilitate the orderly redevelopment of the Subject Property in compliance with the laws and regulations of the City and of other governmental authorities, and the Developer desires to ensure that its redevelopment is compatible with other properties in the area and planned traffic patterns; and

WHEREAS, the redevelopment permitted or proposed under this Development Agreement is consistent with the Downtown Urban District 5 (DT-5) Zoning, the City of Spartanburg Zoning Ordinance and this Agreement does not replace, supersede, or grant variances to those regulations; and

WHEREAS, it is the purpose of this Agreement to clearly set forth the understanding and agreement of the parties concerning the matters contained herein; and

WHEREAS, the Developer has sought the City's approval to develop the Subject Property; and

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals and Definitions.** The recitals herein contained are true and correct and are incorporated herein by reference. All capitalized terms not otherwise defined herein shall be as defined or described in the City's Land Development Code as it may be amended from time to time, unless otherwise indicated.

2. **Title Opinion/Certification.** The Developer will provide to the City, upon request, a title search from a licensed attorney in the state of South Carolina verifying marketable title to the Subject Property to be in the name of the Developer and any and all liens, mortgages, and other encumbrances that are either satisfied or not satisfied or released of record.

3. **Duration.** The duration of this Agreement is binding and runs with the land in perpetuity, unless amended.

4. **Redevelopment of the Subject Property.** The Developer will redevelop the Subject Property and operate at least seventy-two (72) apartments, approximately nine thousand (9,000) square feet of office space on the second floor of the Subject Property and approximately nine thousand five hundred (9,500) square of retail/restaurant space on the ground floor of the Subject Property. This Agreement is contingent on Developer commencing the redevelopment of the Subject Property within three hundred and sixty (360) days from the execution of this Agreement. The redevelopment of the Subject Property will cost approximately twenty five million dollars (\$25,000,000). Once Developer has commenced the redevelopment of the Subject Property the City agrees to provide the following at the City's sole expense:

a) Guarantee the availability of and provide one hundred and forty (140) parking spaces in the City of Spartanburg Parking Deck adjacent to the Subject Property (then "Deck") as shown on **Exhibit B** at no cost for ten (10) years from the execution of this Agreement and at a fifty and 00/100 (50.00%) discount from the then-prevailing market rate for public parking in City owned downtown parking decks. At the expiration of the twenty (20) years from the execution of this agreement the parties will agree to a mutually beneficial parking rate based on the then-prevailing market rate for public parking in City owned downtown parking decks.

b) The City agrees to provide new streetscape improvements along the North Church Street and Saint John Street building facades and more fully described in the areas shown on **Exhibit B** to include but not limited to street trees and pedestrian scale lighting. This work will be consistent with the improvements that are planned along North Church Street. Additionally, the City agrees to contribute up to seven hundred fifty thousand and 00/100 dollars (\$750,000.00) (which reimbursement may occur over a total of three (3) years -- \$250,000.00 per year to be paid on April 1st of 2017, 2018 and 2019) towards the improvements of the area shown and described on **Exhibit B** as the "Parking Lot Improvements and Park Area." Developer will work with City to facilitate these improvements and will provide necessary easements and property if necessary. The type and nature of such streetscape improvements are more particularly shown and described on the Church Street Improvement plans a copy of which are attached hereto and incorporated herein as **Exhibit C**.

c) In connection with Developer's acquisition of the Subject Property, the City and the Developer agree to create cross-access and utility easements across the Parking Lot Improvements and Park Area as well as the Restaurant/Retail Parking Area shown on **Exhibit B** to facilitate the joint development/improvement of these areas and to serve the redevelopment of the Subject Property.

d) The City expresses its support and will engage its best efforts to work with Spartanburg County to provide developer with special property tax incentives as allowed pursuant to the Bailey Bill Statute, S.C. Code Section 4-9-195 et. seq., as amended, and agrees to freeze the property taxes for twenty (20) years based on the sale price of the Subject Property to the Developer or its assigns.

e) City Council agrees to grant the City Staff the ability to certify up to eleven (11) building sites as abandoned building sites pursuant to Section 12-67-160 of the Code of Laws of South Carolina, 1976, as amended (the "Act) and such certification shall be by binding resolution. The City will also support the Developer's efforts to encourage the South Carolina General Assembly to clarify key parts of the Act. Notwithstanding the foregoing, Developer agrees that it shall indemnify and hold the City harmless from any losses incurred or claims made against the City (including reasonable attorney's fees) with respect to the City's foregoing certification.

f) The City agrees to assist Developer in working with the South Carolina Department of Transportation to facilitate lane closures of both North Church Street and Saint John Street so Developer can remove the façade of the Subject Property.

g) The City agrees to sell a 0.401 acre parcel of land bearing Spartanburg TMS number 7-12-06-085.01, which is owned by the City and adjacent to the Subject Property and the City Parking Deck, to Developer for one dollar (\$1.00) as Phase II of the redevelopment of the Subject Property. Said property is shown on the attached Exhibit B as the "City Owned Property". The Developer will combine the City Owned Property and the Restaurant/Retail Parking Area together to form the Phase II redevelopment site (the "Phase II Property") as shown on **Exhibit B**. The Developer will have five (5) years from the date of the Subject

Property receiving its Certificate of Occupancy from the City to submit and receive the City's reasonable approval of a viable complementary project consisting of at least fifty thousand and 00/100 square feet (50,000.00) of new space available for lease or occupancy and the Phase II Property shall be conveyed after such development plans are approved or at such other earlier time as may be reasonably acceptable to the parties. In the event that the Phase II Property is developed for commercial purposes by the Developer, its successors and/or assigns, the City agrees to provide the owner of the Subject Property an equivalent number of replacement parking spaces in the Deck for ten (10) years from the execution of this Agreement and at a fifty and 00/100 percent (50.00%) discount of the then-prevailing market rate of public parking spaces in City owned downtown parking decks for the following ten (10) years. The Phase II Property shall not be subject to the provisions of Section 4(d) hereof and shall be taxed at the then-prevailing tax rate existing in Spartanburg County for commercial developments of this type.

5. **Development Permits/Fees.** The Developer is responsible for obtaining, permitting, and the payment of all fees for permitting the facilities and services for or to the Subject Property.

6. **Governing Law.** This Agreement is governed by and shall be construed in accordance with the laws of the State of South Carolina.

7. **Resolution of Disputes.** Notwithstanding any provisions of this Agreement to the contrary, if a dispute or deadlock between City and Developer arises out of or relating to this Agreement or its breach, the City and the Developer shall endeavor to settle the dispute first through direct discussions. If the dispute cannot be settled through direct discussions, the parties shall endeavor to settle the dispute through mediation pursuant to the applicable Mediation Rules of the American Arbitration Association before having recourse to arbitration. The parties agree to conclude such mediation within 45 days of the filing of a request for mediation. Any dispute not resolved by mediation shall be decided by arbitration in accordance with the applicable Arbitration Rules of the American Arbitration Association. Judgment on the arbitration award rendered by the arbitrator(s) may be entered in any Court having jurisdiction thereof. Any such mediation or arbitration shall be conducted in Greenville, South Carolina. The prevailing party in any dispute arising out of or relating to this Agreement or breach that is resolved by arbitration or litigation shall be entitled to recover from the other party reasonable attorneys' fees, costs and expenses incurred by the prevailing party in connection with such arbitration or litigation. Any party may, without inconsistency with this Agreement, seek from a court any interim or provisional relief that may be necessary to protect the rights or property of that party pending resolution of the merits of such claim through direct discussions, mediation or arbitration.

8. **Notices.** Where notice is herein required to be given, it shall be by certified mail return receipt requested, hand delivery or nationally recognized courier, such as Federal Express or UPS. E-mail delivery of documents shall not replace or be in lieu of the aforementioned process. Said notice shall be sent to the following, as applicable:

DEVELOPER:

BF Spartanburg, LLC
Attention: James F. Bakker
75 Innovation Drive
Unit 5302
Greenville, SC 29607
(843) 813-5557

With copies to:

Johnson, Smith, Hibbard & Wildman Law Firm, L.L.P.
Attention: Steven M. Querin, Esq.
220 N. Church Street, Suite 4
Spartanburg, SC 29406
(864) 582-8121

Haynsworth Sinkler Boyd P.A.
Attention: Will Johnson
PO Box 11889
Columbia, SC 29211-1889
(803) 779-3080

CITY OF SPARTANBURG:

City Manager
Attention: Ed Memmott
City of Spartanburg,
PO Box 1749
Spartanburg, SC 29304

With copy to:

City Attorney
Attention: Cathy H. McCabe
City of Spartanburg,
PO Box 1749
Spartanburg, SC 29304

Should any party identified above change, it shall be said party's obligation to notify the remaining parties of the change in a fashion as is required for notices herein. It shall be the Developer's obligation to identify its lender(s) to all parties in a fashion as is required for notices herein.

9. **Compliance with the Law.** The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Developer from the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

10. **Captions.** The captions used herein are for convenience only and shall not be relied upon in construing this Agreement.

11. **Binding Effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Developer and its successors and assigns in interest, and the City and its successors and assigns in interest. This Agreement shall become effective upon its execution and recordation with the Spartanburg County Register of Deeds. This Agreement does not, and is not intended to, prevent or impede the City from exercising its legislative authority as the same may affect the Subject Property.

12. **Subsequently Enacted State or Federal Law.** If either state or federal law is enacted after the effective date of this Agreement that is applicable to and precludes the parties' compliance with the terms of this Agreement, this Agreement and correlating zoning amendment shall be modified or revoked, as is necessary, to comply with the relevant state or federal law.

13. **Severability.** If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Agreement is declared severable.

14. **Covenant Running with the Land.** This Agreement shall run with the Subject Property and inure to and be for the benefit of the parties hereto and their respective successors and assigns and any person, firm, corporation, or entity who may become the successor in interest to the Subject Property or any portion thereof.

15. **Recordation of Agreement.** The parties hereto agree that the City, at the City's expense, shall record an executed original of this Agreement with the Spartanburg County Register of Deeds.

16. **Time of the Essence.** Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement. The Developer shall execute this Agreement within ten (10) business days of City Council approval.

17. **Agreement; Amendment, Termination.** This Agreement supersedes all prior discussions and agreements between the parties with respect to the Subject Property. 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. Nothing in this Agreement exempts Developer from compliance with all local, state, and other authorized jurisdiction permitting processes, building codes, or other development standard of the City. This Agreement may not be amended, modified or changed, except by an instrument in writing and signed by all the parties. This Agreement may only be terminated with the consent of all parties hereto.

18. **Effective Date.** The Effective Date of this Agreement shall be the day this Agreement is recorded in the Spartanburg County Register of Deeds.

19. **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 Developer and the City have executed this Agreement.

WITNESSES

DEVELOPER: BF SPARTANBURG, LLC

By: _____
Name: James F. Bakker
Title: Managing Member

WITNESSES

CITY: CITY OF SPARTANBURG

By: _____
Name: Ed Memmott
Title: City Manager

APPROVED AS TO FORM:

By: _____
Cathy H. McCabe, City Attorney

Exhibit A
Subject Property

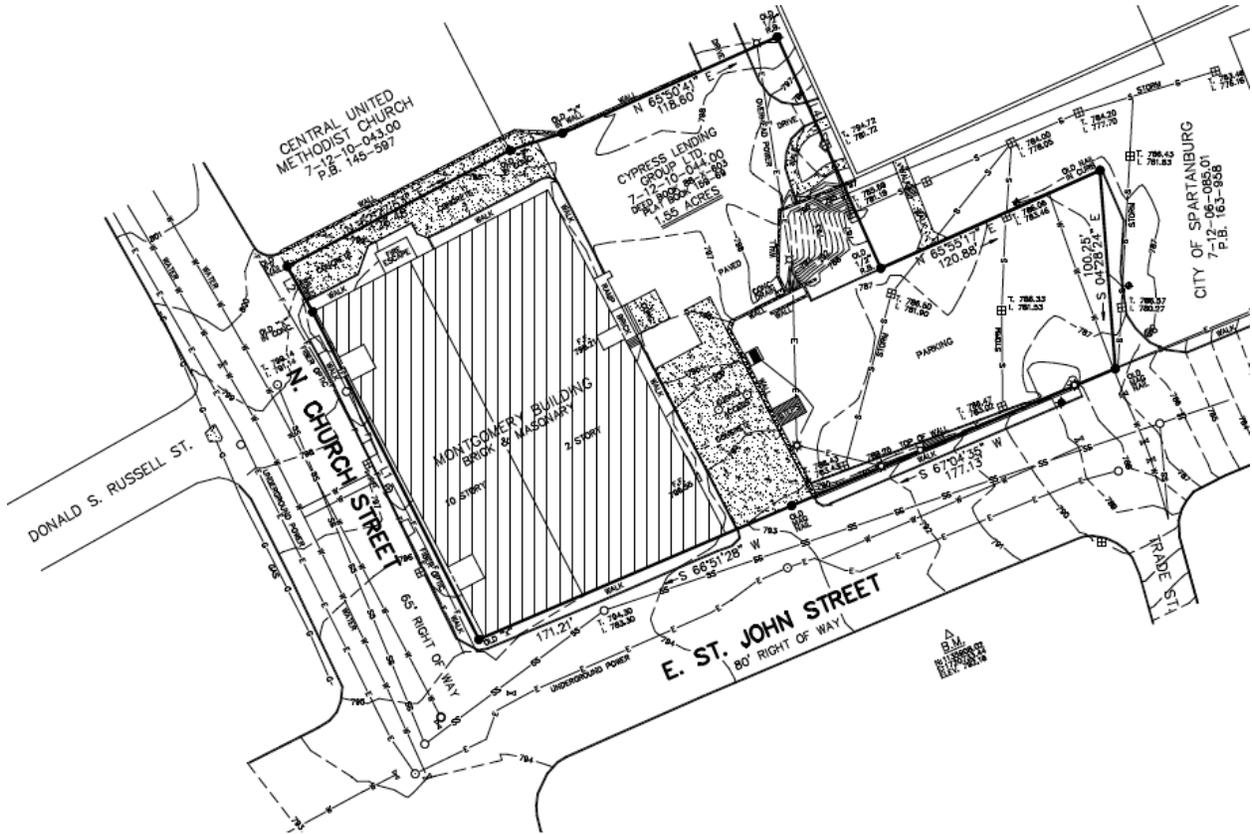


Exhibit B
Deck Improvements



Exhibit C
Streetscape Improvement Plans

RESOLUTION

Certifying eleven (11) Units as Abandoned Building Sites pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976), as amended, regarding the property called the Montgomery Building located at 187 North Church Street, Tax Map Parcel # 7-12-10-000.

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act (the “Act”) was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws (1976), as amended, to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local property taxes; and

WHEREAS, BF Spartanburg, LLC (“BF”) is or will be the owner and developer of certain real property known as The Montgomery Building located at 187 North Church Street (the “Property”) and is identified by Spartanburg County Tax Map Parcel # 7-12-10-000; and

WHEREAS, BF desires to subdivide the Property into eleven (11) separate and distinct units or parcels (the “Units”); and

WHEREAS, the Property is located within the city limits of Spartanburg, South Carolina; and

WHEREAS, BF also known as the “Taxpayer,” has requested that the City certify that the Units are eligible abandoned building sites as defined by Section 12-67-120.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

Section 1. The Taxpayer, BF Spartanburg, LLC, has submitted to the City a request to certify each of the Units pursuant to Section 12-67-160 of the Act (the “Request to Certify”).

Section 2. The City has reviewed the Request to Certify and supporting documentation, conferred with the Taxpayer, and conducted its own review of the Property.

Section 3. The City hereby certifies that (i) each of the Units constitutes a separate abandoned building as defined by Section 12-67-120(1) of the Act, and (ii) the geographic area of each of the Units is consistent with Section 12-67-120(2) of the Act.

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

DONE AND RATIFIED this _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Public Safety Committee

CITY RESIDENT: YES NO SEX: M F RACE: BLACK

NAME: FRANCIS MUKIIBI

ADDRESS: 323 MERIDETH CIRCLE SPARTANBURG, SC 29306
Street City, State, Zip Code

BUSINESS PHONE: ³⁰³478-8859 HOME PHONE: ³⁰³478-8859 EMAIL: dge13@aol.com

OCCUPATION: CURRENTLY UNEMPLOYED. I'M A CDL-A AND CPO-HVAC CERTIFIED.

EMPLOYER: N/A. LOOKING FOR JOBS AS CPO, HVAC APPRENTICE.

OTHER VOLUNTEER OR CIVIC ACTIVITIES: CHURCH MEMBER AT FREECHURCH OF SPARTANBURG SC.

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I WANT TO SEE IF I CAN BE OF ANY HELP TO MY COMMUNITY IN SEARCH OF SOLUTIONS TO OUR NEEDS.

RECOMMENDED BY: MRS. JENNIFER C. KINDALL.

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

08-3-2016
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Public Safety Committee

CITY RESIDENT: YES NO SEX: M F RACE: White

NAME: Alan Jenkins

ADDRESS: 121 Hillbrook Drive, Spartanburg SC 29307
Street City, State, Zip Code

BUSINESS PHONE: 864-560-6615 HOME PHONE: 980-329-2526 EMAIL: johnalanjenkins@gmail.com

OCCUPATION: Marketing & Public Relations, social media and email marketing expert

EMPLOYER: Spartanburg Regional Healthcare System

OTHER VOLUNTEER OR CIVIC ACTIVITIES: _____

Marketing Committee, Cancer Survivors Park Alliance, Greenville

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? As a former journalist, I have experience with police-related issues from my time writing about crime. I'm interested in serving on this board as an extension of the curiosity I developed in that line of work, and a respect I developed for law enforcement.

RECOMMENDED BY: _____

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

Aug. 17, 2016

DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



MEMORANDUM

TO: Mayor and City Councilmembers
FROM: Ed Memmott, City Manager
SUBJECT: Code Enforcement Workshop
DATE: August 18, 2016

At the August 22, City Council meeting, staff hopes to engage Council in a workshop discussion of two possible changes to the City's current code enforcement standards.

The first possible change would be to establish a rental property registration program. As staff contemplates this program, all rental single family and duplex structures located in areas with a high frequency of code enforcement violations and/or high concentration of rental properties would be subject to a registration program. Other "repeat offender" properties located outside of the designated areas could, under certain conditions, also be required to register. All rental single family and duplex structures within any designated area(s) would be required to register in order to continue to be legally rented. The registration would require annual renewal. In order to maintain registration, the City would require a full inspection of registered properties at least every 3 years.

Staff is also seeking ways to discourage the long term boarding up of vacant structures. To this end, we think the establishment of boarded up property fees could help. Staff would like to establish an escalating fee that would increase each year that a structure remains boarded up. The fee would also increase for boarded up properties that do not remain secured and which have to be routinely cited by code enforcement staff. The fee program would also strengthen the specifications for a boarded up property to require every door and window opening to be covered with plywood or other suitable material that is cut to fit the openings. The material covering the windows or doors would have to be painted to match the exterior of the structure and would have to be securely anchored to the structure.

If Council is initially supportive of these programs, staff would like to engage rental property owners and property managers. Staff wants to give the various stakeholders an opportunity to react to staff's proposals and give them an opportunity for comment prior to drafting specific ordinances.