



**City Council Meeting
City Council Chambers
145 West Broad Street
Monday, September 24, 2012**

**(These minutes were approved at the
October 8, 2012 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Cate Ryba, Councilmembers Linda Dogan, Jerome Rice, Robert Reeder, Sterling Anderson, 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 September 10, 2012 City Council Meeting
Councilmember Dogan made a motion to approve the minutes as received.
Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.

IV. Approval of Agenda of the September 24, 2012 City Council Meeting
Mayor White asked that a proclamation to College Hub be added to the agenda after the Public Comment section.
Mayor pro tem Ryba made a motion to approve the agenda as amended.
Councilmember Dogan 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

Mayor White presented Dr. Carrie Priddy with a proclamation declaring October 7 – 13, 2012 as “Bridges to College” week.

VI. Special Presentation

A. The Childhood Obesity Taskforce Findings for the Spartanburg Community
Presenter: Matt Petrofus, DHEC Director of Region 2
Mr. Petrofus presented information gathered regarding childhood obesity in third through fifth graders in the Spartanburg community to City Council.

VII. Ordinance

A. To Authorize the City Manager to Enter into a Memorandum of Understanding with the Spartanburg Housing Authority for Development of

Housing on Brawley Street and to Authorize the City to Transfer Three Parcels on Brawley Street, Specifically Parcel 7-12-05-198.00 (538 Brawley), Parcel 7-12-05-202.00 (510 Brawley), and Parcel 7-12-05-203.00 (502 Brawley) to the Spartanburg Housing Authority (First Reading)

Presenter: Mitch Kennedy, Community Services Director

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

“Council is aware that the City, Northside Development Corporation (NDC), the Housing Authority of the City of Spartanburg (SHA), and many other local institutions have been working together to encourage comprehensive redevelopment of the Northside. In this effort, the City has acquired various parcels of land using Community Development Block Grant Funds (CDBG) and Neighborhood Stabilization Program Funds. The City, NDC, and SHA now have the opportunity to continue this partnership and move forward with the development of housing on the west side of Brawley Street between College and Farley Streets.

Under this development concept, the City would convey to the SHA three parcels of land. The NDC would transfer three lots it owns to the SHA. The SHA would construct six (6) single family homes on Brawley Street using Replacement Housing Factor Fund (RHF) Grant funds. These six homes would initially be made available as rental properties but are intended to be sold to individuals who would reside in the homes within 3-5 years after construction. All parties involved in this project recognize the need to set a high standard for design and construction of these homes. Staff is supportive of this project and believes it can serve as a catalyst for additional development and will build positive momentum for the Northside. Staff also believes it has negotiated the terms of a proposed Memorandum of Understanding with the SHA that sets forth the respective roles of each party and is recommending approval by Council.

Staff is requesting first reading approval of an Ordinance authorizing the City Manager to enter into a Memorandum of Understanding with the Spartanburg Housing Authority and to execute a deed conveying 538 Brawley (7-12-05-198.00), 510 Brawley (7-12-05-202.00), and 502 Brawley (7-12-05-203.00) to the SHA.”

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

VIII. Resolution

- A. To Approve the Itemized Budget for the Victim Assistance Fund and to Authorize the Transfer of Additional Funds of \$50,362 of the Available Funds in the Victim Assistance Court Fines and Fees Budget for the Victim Assistance Fund**

Presenter: Tony Fisher, Public Safety Director

Joyce Lipscomb, Operations Analyst, presented the item to City Council as follows:

“\$85,000 was approved for the Victim Assistance Fund in the FY 2012-13 Budget. The State Office of Victim Assistance – S.C. Governor’s Office requires

an itemized budget be submitted that is approved by the governing body according to Proviso 89.61. A proposed budget is attached that more accurately reflects the actual budget expenditures which is \$138,362, an addition of \$50,362. Staff is requesting approval of a new Itemized Budget for the Victim Assistance Fund and authorize the transfer of additional funds of \$50,362.

BUDGET & FINANCIAL DATA: The Victim Assistance Fund is funded by the Victim Assistance Court Fines and Fees Budget which currently has \$237,936.82 from which the adjusted Budget will come. Any remaining balance will be carried forward to be utilized for victim services.”

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

Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

IX. Consent Agenda

- A. Authorizing the City Manager to Execute a Deed Conveying Two Vacant Lots in the Timberwood Acres Subdivision to the Lower Spartanburg County Habitat for Humanity (Second Reading)**
Presenter: Wes Corrothers, Neighborhood Services Director
- B. Ordinance to Amend the Text of Section 512, Regulations for Video Casinos and Poker Machines by Removing Current Subsections, and Amending Entire Section to include the Allowances and Requirements for Defining “Internet Cafes”, “Sweepstakes Promotions” and/or “Internet Sales”, and other Business using Electronic Gaming and Simulated Gambling Devices, City of Spartanburg, Agent (Second Reading)**
Presenter: Joshua Henderson, Planning Coordinator
- C. Ordinance to Amend the Text of Section 514, Tattoo Facilities, by including “Body Piercing” Definition and Allowances. City of Spartanburg, Agent (Second Reading)**
Presenter: Joshua Henderson, Planning Coordinator
- D. Text Amendment Change to the Zoning Ordinance to Amend Section III, District Use Regulations, Subsection 302.5 (A)(2)(3), R-6 General Residential District, Uses Permitted by Right, Removing #2) Group Homes, Rooming, Boarding and Lodging Houses (excluding Hotels, Motels, and Tourist Homes), where Renting of Rooms is not Subordinate to Some Other Use; and; #3) Mobile Home Parks. City of Spartanburg, Agent (Second Reading)**
Presenter: Joshua Henderson, Planning Coordinator
- E. Text Amendment Change to the Zoning Ordinance to Remove all Statements of the Previous Zoning Classification of B-2. City of Spartanburg, Agent (Second Reading)**
Presenter: Joshua Henderson, Planning Coordinator

Councilmember Dogan made a motion to approve the Consent Agenda on second reading. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.

X. Other Business

A. Award of Bid for South Hampton Drive Culvert Improvement

Presenter: Jay Squires, Storm Water Manager

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

Staff received bids for the South Hampton Drive Improvement Project on September 18, 2012. This project consists of removal and replacement of approximately 140 feet of storm drainage pipe from under South Hampton Drive.

The following bids were submitted:

P.A.R. Grading and Hauling, Inc. (Spartanburg, S.C.)	\$ 69,250.00
Martin & Son Contracting, Inc. (Spartanburg, S.C.)	\$ 97,430.00
McAbee Contractors (Spartanburg, S.C.)	\$ 120,481.50

Staff has reviewed the bids received, and the qualifications for each of these contractors, and determined that P.A.R. Grading and Hauling, Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors.

Staff requests that City Council allow staff to accept the bid from P.A.R. Grading and Hauling, Inc. and authorize the City Manager to enter into a contract with P.A.R. Grading and Hauling, Inc. for the completion of the project.

BUDGET AND FINANCE DATA: \$ 69,250 from the Storm Water Utility fund will be used to complete the project.”

Councilmember Reeder made a motion to approve the award of bid request to P.A.R. Grading and Hauling, Inc. in the amount of \$69,250. Mayor pro tem Ryba seconded the motion, which carried unanimously 7 to 0.

B. Discussion of Potential Amendment to City Code Chapter 10, Section 10-62, “Parking of Vehicles in the City”

Presenter: Ed Memmott, City Manager

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

“From time-to-time zoning enforcement staff has received complaints concerning the parking and storage of commercial contracting, landscaping, or tree service equipment at residentially zoned properties. In most instances, the resident works for or owns a contracting business and may park equipment used in their work at home. In more limited cases, equipment may be parked or stored at the resident for extended periods. There have been instances where the equipment is parked in the driveway or in the front or side yards.

Over the past few years, staff, while not having clear authority under the city code, has been able to intervene in most of these situations and bring about a resolution of the matter. In other more limited instances, the business owner will maintain that they are not operating the business from the residential property and the mere parking of equipment at their home is not prohibited by any specific code.

In certain instances this problem can create significant friction between neighbors. Striking the proper balance among the different interests is the challenge. Staff believes that neighborhood residents should not have to routinely accept the noise, disruption, and appearances of large commercial contracting equipment being regularly moved to and from (and sometimes stored) at residentially zoned property. On the other hand, staff is not suggesting that the City attempt to restrict all commercial equipment from being parked at a contractor's home overnight.

In general, staff believes it would be appropriate for the City to adopt more definitive restrictions to address these situations. We believe that it would be appropriate for the City to specifically prohibit loading and/or unloading of commercial contracting equipment. It would be appropriate to specifically prohibit contractors from assembling their workforce at a residential property. Other restrictions to prohibit the parking or storage of contracting equipment such as backhoes, pull behind wood chippers, box trucks, skid loaders/ graders, bucket trucks, commercial lawn maintenance tractors, and/or trailers to transport this type of equipment would be reasonable. It is not staff's intent to propose any restriction on commercial pick-up trucks, vans, or enclosed trailers.

Staff has drafted an Ordinance amendment that is intended to assist Council with an initial discussion of this matter and help staff gauge Council's interest in moving forward with an effort to enact additional restrictions."

After a lengthy discussion, it was the consensus of City Council to make no changes to the current ordinance and to deal with any issues that arose on a case by case basis.

XI. City Council Updates

Councilmember Scalisi shared that she had an out of town guest visiting the previous week who was most impressed with what is going on in Spartanburg. She also mentioned some 2,300 people participated in the Pride Parade Event and thanked everyone responsible for the event.

Councilmember Rice thanked everyone again for their efforts with the reopening of Stewart Park.

Councilmember Dogan reminded everyone that the Piedmont Interstate Fair would begin on Monday October 8.

Mayor pro tem Ryba thanked everyone for their efforts with the LGBT Pride Event at Barnet Park.

Mr. Memmott reported on the progress of the work on the West Main Street improvements. He also mentioned that it was a matter of weeks before the Arkwright Dump project would come to a close and that a community event would be planned tentatively for the third week in October.

Mr. Kennedy reminded everyone of the International Festival that would be held on Saturday, October 6.

XII. Executive Session to Receive Information Regarding a Potential Economic Development Project

*Councilmember Dogan made a motion to adjourn to Executive Session.
Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.
Council adjourned to Executive Session at 6:37 p.m.*

Council reconvened at 6:55p.m. Mayor White stated that discussion was held with no decisions made.

XIII. 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 6:56 p.m.*



Connie S. McIntyre, City Clerk