



# **CITY OF SPARTANBURG**

SOUTH CAROLINA

## **CITY COUNCIL AGENDA**

**City Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC  
Monday, May 11, 2015  
5:30 p.m.**

**I. Moment of Silence**

**II. Pledge of Allegiance**

**III. Approval of the Minutes of the April 27, 2015 City Council Meeting**

**IV. Approval of Agenda of the May 11, 2015 City Council Meeting**

**V. Public Comment**

\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk

**VI. Presentations**

**A. Presentation of Proclamation Recognizing Memorial Poppy Day**

**Presenter: Mayor Junie White**

**B. Presentation of Proclamation Recognizing Teenage Pregnancy Prevention Month**

**Presenter: Mayor Junie White**

**VII. Public Hearing**

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #7-08-16-083.00 Located on "0" Heywood Avenue, at the Corner of Heywood Avenue and Beverly Road, Which is Zoned R-12, with a Land Use Designation of General Residential District to Zone R-6, with a Land Use Designation of General Residential District in Order to Relax the Setbacks in Order to Build a New House that Would be in Compliance with the Zoning Ordinance, from Michael S. Lowe, LandHorse, Agent on behalf of Randy Henson, Owner (First Reading)  
**Presenter: Josh Henderson, Planning Coordinator****

**VIII. Ordinance**

- A. Providing for the Issuance and Sale of Water System Refunding Revenue Bonds of the City of Spartanburg, South Carolina, in One or More Series, in an Aggregate Principal Amount Not to Exceed Forty Million Five Hundred Thirty Thousand Dollars (\$40,530,000); and Other Matters Relating Thereto (First Reading)**  
**Presenter: Cathy McCabe, City Attorney**

**IX. Other Business**

- A. Approval to Purchase One Fire Safety Trailer**  
**Presenter: Marion Blackwell, Fire Chief**
- B. Authorizing the City Manager to Contract for Parks and Recreation Signage Production Services**  
**Presenter: Will Rothschild, Communications Manager**
- C. Annual Declaration of Vacancies on City of Spartanburg Boards and Commissions**  
**Presenter: Connie McIntyre, City Clerk**
- D. Budget Worksession**  
**Presenter: Chris Story, Assistant City Manager**

**X. City Council Updates**

**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 27, 2015  
5:30 p.m.**

**(These minutes are subject to City Council approval  
at the May 11, 2015 City Council meeting)**

**City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Erica Brown, Councilmembers Jan Scalisi, Robert Reeder, Jerome Rice, Sterling Anderson and Laura Stille. 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 April 13, 2015 City Council Meeting –**  
*Councilmember Reeder made a motion to approve the minutes as received.  
Councilmember Scalisi seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of Agenda of the April 27, 2015 City Council Meeting –**  
*Councilmember Rice made a motion to approve the agenda as received. Mayor pro tem Brown seconded the motion, which carried unanimously 7 to 0.*
- V. Public Comment – 4 citizens came forward**  
*\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk*  
**Robay Stroble, 252 High St., Spartanburg, SC**, came forward to express her concerns regarding a “half-way” house on her street.  
**Richard Stripling, 237 High St., Spartanburg, SC**, came forward to express his concerns regarding a “half-way” house on his street.  
**Helen Proctor, 253 High St., Spartanburg, SC**, came forward to express her concerns regarding a “boarding house” in her community.  
**Willa Reeder, 128 Lincoln Dr., Spartanburg, SC** came forward to express her concerns regarding the Forest Park neighborhood, and City policy regarding the use of exercise equipment by elderly people at CC Woodson Recreation Center.

**VI. Presentations**

**A. Presentation of Proclamation Recognizing Older South Carolinians Month  
Presenter: Mayor Junie White**

**Mayor White** presented the proclamation to Nancy Eaker, representing AARP, and to MPO Randy Hardy of the Spartanburg City Police Department.

**B. Hub City Writers Project Update**

**Presenter: Betsy Teter, Executive Director**

**Ms. Teter** highlighted 20 years of publishing, events, and programs of the Hub City Writers Project.

**VII. Resolutions**

**A. Naming the Activity Center at Stewart Park “Rev. James D. Thornton Activity Center”**

**Presenter: Mitch Kennedy, Community Services Director**

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

“Staff expects to complete construction of the activity center at Stewart Park in the next several weeks.

Councilmember Jerome Rice has made staff aware of the Highland neighborhood interest in naming this facility to honor Rev. James D. Thornton.

In the past, City facilities have been named to honor deceased individuals/families deemed worthy by Councils in place at the time of naming or with financial sponsorship (Hot Spot Skate Park). A decision to name a City facility is entirely a Council decision.

Staff has drafted a Resolution which would authorize the naming as requested by Councilmember Rice. This draft Resolution summarizes Rev. Thornton’s contributions to the City.

**ACTION REQUESTED:** Approval of Resolution.

**BUDGET & FINANCIAL DATA:** N/A”

*Councilmember Rice made a motion to approve the resolution as presented.*

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

**VIII. Other Business**

**A. Award of Contract for Relocation of Police Records Office**

**Presenter: David Cook, Construction Project Manager**

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

“The present location for police records offices is inconvenient for the public and inefficient for staff. Citizens trying to access police records often enter City Hall and then must be directed to go outside of the building to enter at a door equipped with an intercom. In other instances, police personnel will, in an effort to assist the citizen, escort them through secured doors to the records office. After regular work hours, citizens must locate the one door having the intercom to gain access to records personnel.

To improve these conditions, police command and facilities management staff want to relocate police records to a much more assessable and visible location.

As proposed, a vestibule will be constructed on the east side of City Hall. This

location will be easily visible to citizens approaching from the upper (eastside) parking lot. The renovation will include the installation of security windows and intercoms so that police records personnel can see and interact directly with citizens needing assistance. After hours, staff will be able to talk to the citizen and then allow them to enter a secured area while their request is being processed. Another significant benefit of this project will be that records personnel will have visibility of the upper parking lot and will be able to provide general assistance/information to anyone who approaches the office. This improved visibility and “eyes on” the parking lot will enhance safety.

Three (3) bids were submitted:

CEC Construction Co.	Greer, SC	\$ 117,965.00
Melloul Blamey	Greenville SC	132,500.00
Clayton Construction Co.	Spartanburg SC	148,005.95

None of the contractors submitting bids are certified MWBE contractors  
**ACTION REQUESTED:** Authorization for the City Manager to sign a contract with CEC Construction for construction services for the relocation of police records offices.

**BUDGET AND FINANCIAL DATA:** Building Facility Fund”  
*Councilmember Anderson made a motion to approve the award of contract as requested to CEC Construction Co., Greer, SC, in the amount of \$117,965.00. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0.*

**B. Award of 2015 Street Paving Contract**

**Presenter: Tim Carter, Engineering Administrator**

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

“Staff received bids for the 2015 Street Resurfacing Project on April 14, 2015. This project consists of approximately 6,650 tons of surface Type C Asphalt, 3,325 square yards of full depth patching, and 18,000 square yards milling. This listing of streets approved for resurfacing which Council approved is attached.

The following bids were submitted:

Panagakos Asphalt Paving (Greenville, SC)	\$ 597,695.42
F & R Asphalt, Inc. (Easley, SC)	\$ 677,263.91

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

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

**BUDGET AND FINANCE DATA:**

\$ 350,000.00 County Transportation Committee Funds (CTC)  
 \$ 247,695.42 from the Spartanburg County Road Fee Funds.”

*Councilmember Stille made a motion to approve the award of contract to Panagakos Asphalt Paving in Greenville, SC in the amount of \$597,695.42 for the*

2015 street paving. Councilmember Scalisi seconded the motion, which carried unanimously 7 to 0.

**C. Award of East Main Street Improvement Contract**

**Presenter: Tim Carter, Engineering Administrator**

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

“Staff solicited bids for improvements on East Main Street between Church and Liberty Streets. With this project, the alternating diagonal parking and meandering travel lane switchbacks will be eliminated. A consistent (distance from building face to curb) curb line will be established on both sides of East Main. The existing trees which are not healthy will be removed. New larger tree islands will be constructed. Trees will be spaced between the parallel parking spots to improve pedestrian movement. There will be no loss of on street parking associated with this project.

Replacement of the existing pedestrian light fixtures on East Main Street with LED fixtures will be bid separately to complete the project. These projects combined will encourage more pedestrian flow between Denny’s Headquarters and Morgan Square. We expect a significant improvement in appearances. Construction work will be started near the end of May with the intent of completing the project within 6-8 weeks. During the project there will be periodic interruption of parking and traffic flow. Staff will communicate with residents and impacted businesses to minimize disruption and inconvenience.

Staff has distributed information to businesses along East Main Street making them aware of this project.

Bids were received from:

Capitol Construction of the Carolinas, LLC (Spartanburg, SC)	\$ 113,187.50
Sossamon Construction (Gaffney, SC)	\$ 191,660.00

Staff has reviewed the bids received and the qualifications for each of these contractors and determined that Capitol Construction of the Carolinas, LLC is the responsive low bidder. No bids were submitted from MWBE certified contractors.

**ACTION REQUESTED:** Allow staff to accept the bid from Capitol Construction of the Carolinas, LLC and authorize the City Manager to enter into a contract with Capitol Construction of the Carolinas, LLC for the completion of the project.

**BUDGET AND FINANCE DATA:**

\$113,187.50 Broad Street Tax Increment Financing District Funds”

*After discussion, Councilmember Rice made a motion to approve the award of contract for East Main Street improvements to Capitol Construction of the Carolinas, LLC, Spartanburg, SC in the amount of \$113,187.50. Mayor pro tem Brown seconded the motion, which carried unanimously 7 to 0.*

**D. Budget Process – Initial Briefing**

**Presenter: Ed Memmott, City Manager**

**Mr. Memmott** outlined the schedule for the FY16 budget process as follows: “We will begin the process to develop the budget for next fiscal year. We will make a brief overview presentation outlining some of the major considerations and we will discuss the budget review process and timeline.

Generally, we are not experiencing significant revenue growth. Addressing inflationary pressures inherent in current operation is likely to consume the incremental growth in our main recurring revenues. Absent revenue policy changes, we are unlikely to be able to fund new programmatic endeavors.

In addition to Monday’s meeting, we anticipate budget discussions at the regularly scheduled Council meetings on May 11<sup>th</sup> and 26<sup>th</sup>. If discussions indicate additional time is needed, we ask that you hold Monday, June 1 for an additional work session should it prove necessary. We envision first reading and public hearing occurring on June 8<sup>th</sup> and final reading occurring on June 22<sup>nd</sup>.

Multiple local agencies who have applied for discretionary grant funding have asked for opportunities to present to City Council. On Monday, we will ask for your direction regarding whether to schedule the necessary time to hear from each such agency.”

*Council received the suggested schedule as information.*

**IX. City Council Updates –**

**Councilmember Stille** shared that she attended the School District 7 State of the District event and was please at the report of an increased graduation rate. She reminded everyone about Spring Fling that would kick off with Music on Main on Thursday and continue through Sunday, May 3. She also mentioned the SRMC Criterium Bike Race that would be on Friday, May 1.

**Councilmember Anderson** shared that the Hub City Hog Fest was a successful event with lots of people attending and lots of money raised to benefit Mobile Meals.

**Councilmember Rice** thanked Mr. Jeter and the Highland Neighborhood for their community work.

He shared that he had welcomed the attendees of the Altrusa Club 62<sup>nd</sup> Annual Event, with members traveling from as far away as New Zealand.

He mentioned that there would be a Tyler Perry play at the Spartanburg Memorial Auditorium.

**Councilmember Scalisi** mentioned that she was a member of the CVB Marketing Committee and that at the last meeting she learned that from May through September there would be thousands of baseball and softball players, family members, and others involved with the games visiting the Spartanburg area.

She advised everyone of 70 summer camps scheduled at the Chapman Cultural Center/Arts Partnership, of the new website, and that there would be a Cultural app soon.

She mentioned Voices on the Front Porch at Harvest Park; concerts on Wednesdays in May and June, 4-5:30 p.m. to join people together through the arts.

**Mayor pro tem Brown** complimented everyone involved in Spring Fling and the success of the event.

She advised everyone of a “Discussion on Public Art and Why It Matters” to be held the following Thursday at the Chapman Cultural Center from 5:30 to 6:30.

She also mentioned the 18<sup>th</sup> Anniversary Party at RJ Rockers on Thursday.

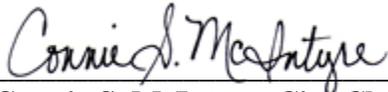
She advised that the Bellville Outfit would be performing at the Spartanburg Auditorium on Saturday.

**Councilmember Reeder** mentioned that Solomon Williams “The Carolina Rib King” would be at the Spring Fling Festival.

He also asked that staff follow up on the Forest Park concerns.

He mentioned that he would be “locked up” on May 7 as a part of the MDA fundraising event and asked anyone who could to participate.

- X. Adjournment** – *Mayor pro tem Brown made a motion to adjourn the meeting. Councilmember Reeder seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:10 p.m.*



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**Connie S. McIntyre, City Clerk**





## REQUEST FOR COUNCIL ACTION

**TO:** Ed Memmott, City Manager

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

**SUBJECT:** Rezoning of property located at “0” Heywood Avenue, at the corner of Heywood Avenue and Beverly Road, Mike Lowe, LandHorse, on behalf of Randy Henson, Owner.

**DATE:** May 11, 2015

**SUMMARY:** On April 16, 2015, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Mike Lowe, LandHorse, on behalf of Randy Henson, Owner, to rezone parcel 7-08-16-083.00 from Zone R-12/General Residential District to R-6/General Residential District, in order to relax the setbacks in order to build a new house that would be in compliance with the Zoning Ordinance.

While the proposed R-6 zoning classification is not consistent with the 2004 Comprehensive Plan which has specified Limited Activity Center for the property in question, it is compatible with surrounding uses which are still mostly residential. Since most of the surrounding properties consist of residential properties, the proposed zone change will not deter from the nature of the Future Land Use element of the Comprehensive Plan

The Planning Commission held a public hearing on the proposal on April 16, 2015. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the parcel from R-12 to R-6.

**PLANNING COMMISSION RECOMMENDATION:** The request was endorsed by the Planning Commission on April 16, 2015 by a vote of 4 to 1. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

**ADDITIONAL INFORMATION:** Minutes from the April 16, 2015 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

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

## AN ORDINANCE

**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 #7-08-16, 083.00 LOCATED AT “0” HEYWOOD AVENUE, AT THE CORNER OF HEYWOOD AVENUE AND BEVERLY ROAD, WHICH IS CURRENTLY ZONED R-12 WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT TO ZONE R-6 WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of Lot 083.00, as shown on Spartanburg County Block Map Sheet 7-08-16, from R-12, General Residential District to R-6, General Residential District; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, while the proposed R-6 zoning classification is not consistent with the 2004 Comprehensive Plan which has specified Limited Activity Center for the property in question, it is compatible with surrounding uses since they are still mostly residential. Since most of the surrounding properties consist of residential properties, the proposed zone change will not deter from the nature of the Future Land Use element of the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on April 16, 2015, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the rezoning request be approved as recommended by City 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 official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

- The Lot currently identified as 083.00 on Spartanburg County Block Map Sheet 7-08-16 shall be now designated as R-6, General Residential District.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, 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 \_\_\_\_\_, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

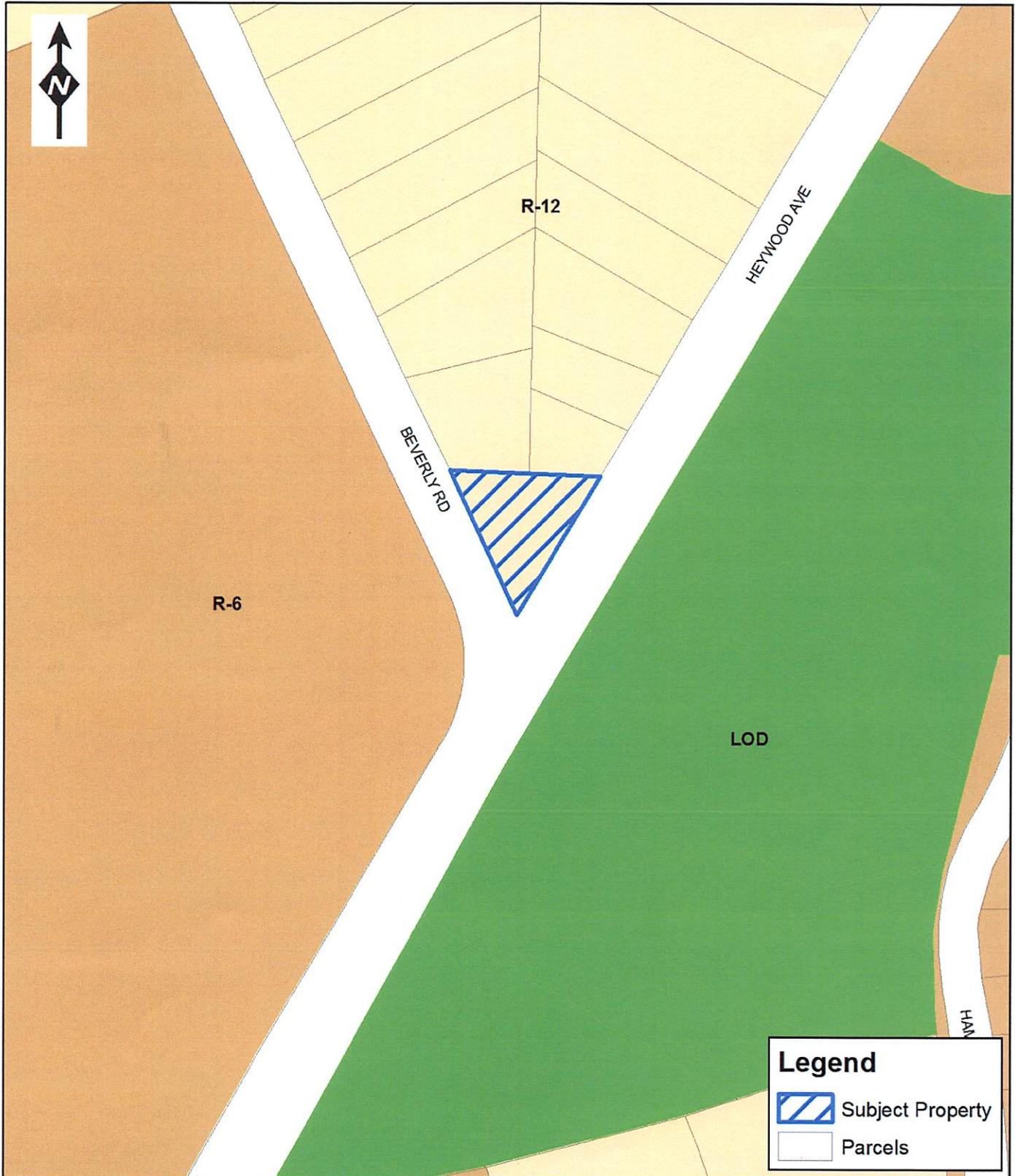
\_\_\_\_\_  
Cathy H. McCabe, City Attorney

\_\_\_/\_\_\_/\_\_\_ 1st Reading

\_\_\_/\_\_\_/\_\_\_ 2nd Reading

# Location Map

RZC 15 11-03  
"0" Heywood Ave.  
Proposed Zone Change to  
R-6/General Residential District



0 20 40 80 Feet  
|-----|  
1 inch = 125 feet

Planning Commission Meeting - April 16, 2015  
Council Chambers of City Hall - 5:30 P.M.

# Location Map

RZC 15 II-03  
"0" Heywood Ave.  
Proposed Zone Change to  
R-6/General Residential District



0 20 40 80 Feet  
1 inch = 125 feet

Planning Commission Meeting - April 16, 2015  
Council Chambers of City Hall - 5:30 P.M.

**Spartanburg City Planning Commission Meeting Minutes**  
**Thursday, April 16, 2015**

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

The City Planning Commission met in City Hall Council Chambers on Thursday, April 16, 2015, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Bob Pitts, Wendell Cantrell, Howard Kinard, Jared Wilson, and James Jenkins. Nancy Hogan was absent. Representing the Planning Department were Joshua Henderson, Planning Coordinator, and Julie Roland, Planning Department Administrative Assistant.

[Editor's Note: A Pre-Agenda meeting was held at 5:00 P.M. in the City Manger's Conference Room, where they were briefed on one rezoning request, and one final plan review.]

***Roll Call***

Mr. Kinard, Acting Chair, called the meeting to order at 5:30 P.M. and stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

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

Mr. Cantrell moved approval of the Agenda for the April 16, 2015 meeting, with second by Mr. Pitts. The motion was unanimously approved by a vote of 4 to 0.

***Disposition of the Minutes from the March 19, 2015 meeting of the Spartanburg City Planning Commission***

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Mr. Cantrell moved approval of the March 19, 2015 meeting minutes as submitted, with second by Mr. Wilson. The motion was unanimously approved by a vote of 4 to 0.

***Old Business – None.***

***New Business***

***Rezoning Requests: TMS#7-08-16, Parcel 083.00 – Located at “0” Heywood Avenue (Corner Heywood Ave. & Beverly Rd.) Zone R-12 to R-6 in order to meet the setback requirements to construct a buildable house that would conform to the general character of the neighborhood. Michael S. Lowe, Landhorse, on behalf of Randy Henson, Owner.***

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Mr. Kinard introduced tonight's rezoning case.

[Editor's Note: Board Member Jenkins arrived to the meeting at 5:35 P.M.]

Mr. Mike Lowe of 524 W. Harbour Crest Drive, Chesnee, S.C. came forward and was sworn, and said he was representing Mr. Randy Henson, Property Owner regarding the lot at the corner of Heywood Avenue and Beverly Road. Mr. Lowe informed the Planning Commissioners, according to Spartanburg County Records the lot was created on a plat of survey of subdivision of the A.L. White property dated April 30, 1929, and recorded May 30, 1941, in Plat Book 16 on Page 102. The lot was currently zoned R-12, Single Family, and they were requesting the lot be rezoned to R-6, Single Family for two reasons: 1) the R-12 called for a minimum lot size of 12,000 square feet. A current survey of the lot showed the total area of the lot to be 9147 square feet which did not meet the R-12 zoning requirement. An R-6 zoning would reduce that requirement to 4,000 square feet and bring the lot into compliance. 2) The main reason for the zone change was because the lot is triangular in shape, and in applying the minimum setback lines required by the R-12 zoning, there was not enough room outside of the setbacks to build anything much larger than a storage building. The R-12 setbacks in feet are: front- 35', rear 30', and interior side – 10'. Changing the zoning to R-6 would relax the setbacks as follows: front – 15', rear – 20', and interior side – 5'. In working with those requirements, there would be enough area outside of the setbacks to build a house that would conform to the general character of the neighborhood. The zoning change would create a useable space of about 4573 square feet on which to place the new home and any appurtenant structures. Mr. Lowe informed the Planning Commissioners the current owner Mr. Henson

acknowledges there is an encroachment on the northeast side of the lot as was shown on the plat; and considering the length of time the encroaching structure had been there, they felt the adjacent owner had established the right to be there by adverse possession. Mr. Henson planned no legal action to have the encroachment moved; and intended to sell the lot to make a future sell subject to the existing encroachment. Mr. Lowe said the Planning Commissioners had received District Uses sheets that showed what was permissible under R-12 and R-6 zoning; and he said the R-6 zoning would be a more restrictive use, with more limits imposed. They feel a new home can be placed on the property that would be aesthetically pleasing to the neighborhood, and they also feel it would be an enhancement to the neighborhood.

Board Questions:

- Mr. Cantrell asked Mr. Lowe if he had recorded any plats lately, and whether he had gotten the current plat approved. Mr. Cantrell informed him there were new regulations regarding plats, and it was his understanding the side line needed to be twenty (20') feet from any building. Mr. Lowe said they were not making any changes to the lot itself.
- Mr. Cantrell asked if the current plat had been approved. Mr. Lowe said he did not take it to get it approved.
- Mr. Cantrell said if he was going to get a new plat recorded he was going to have to deal with that issue that would affect the setback line.
- Mr. Cantrell explained he probably could take title with the plat that had already been recorded, and felt he needed to speak with Laurie Horton at the County.
- Mr. Cantrell said he liked what he proposed to do with the lot.
- Mr. Kinard referenced a slide of the property location map, and asked Mr. Lowe if all the lots that backed up to the property were residential lots. Mr. Lowe explained on the map that all the light brown was residential; across the street were medical offices, and apartment complexes in the dark brown.

Mr. Joshua Henderson came forward and was sworn; and he submitted the meeting packet, slides and presentation the Board Members had previously received in their meeting packets into evidence, as Exhibit A. He explained to the Planning Commissioners that according to staff's records, the property in question was annexed into the City between the years 1950-1959 and had been zoned R-12 since the adoption of the current Zoning Ordinance. He showed a slide of the 1973 zoning Map, and said all portions of Heywood Avenue that are in the City Limits were zoned a variation of residential uses. Over time a few of the properties on the east side of Heywood Avenue had been rezoned either R-12 or R-6 with a Planned Development District overlay. There was an R-6 property at Riverwind Apartments that was R-6 PDD as well. Slides were shown in order to better illustrate the request.

Mr. Henderson then went over the analysis of required findings and report the Planning Commissioners had already received in their meeting packets that included the following list of criteria for the Commission to consider when review a rezoning request and Staff's analysis of those criteria as follows:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The general intent of the R-6 districts, as described in the City of Spartanburg Zoning Ordinance, are “for the protection of areas that generally contain older residential structures, some of which were originally large single family dwellings which have been, or may be, converted to multi-family dwellings and others which have been built on relatively small lots. Accordingly, the use of land and buildings within these areas is limited in general to dwellings at a density of around ten dwelling units per acre, and to such nonresidential uses as generally support and harmonize with a medium-high residential density.”

The 2004 Comprehensive Plan has specified Limited Activity Center for the property in question. Limited Activity Center (LAC) is intended for professional offices and small scale retail businesses serving a neighborhood area. Activities within a LAC should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas. Public, civic and recreational uses are compatible with a LAC. Also, the recommended zoning

classifications for this land use category are LOD and LC-Limited Commercial Districts. The zoning classification of R-6 is not consistent with this future land use.

The reason that the Comprehensive Plan identified this area as LAC is due to the nature of Heywood Avenue. It describes Heywood Ave. as “a through road, connecting E. Main St. to Cannons Campground Road.” At the time of the adoption of the 2004 Comprehensive Plan, portions of Heywood Ave. had already become commercialized with the rezoning of the properties to LOD. The proposed zone change to R-6, while it might not be consistent to the proposed future land use of the area, is compatible with surrounding uses since they are still residential. According to the 1973 City Zoning Map and the current Zoning Map, the only properties to have a zone change are those indicated by the Comprehensive Plan, and described above. Since the surrounding properties are still of residential character, the proposed zone change will not deter from the nature of the Future Land Use element of the Comprehensive Plan.

2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The properties are surrounded by either single family residential, multi-family residential, or office use. The intent of the proposed zone change is to allow the property owner to utilize the property as a single family residential use which would be difficult under the current zone of R-12 due to the setback requirements.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – A new construction residential structure can be constructed to be in line with the adjacent property and not have to obtain a variance on the rear or side yard setbacks. The proposed zone change will allow for more buildable area which would allow for more variations of single family residential structures.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment* – The marketability of the property would essentially be the same.
5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site.

#### **STAFF’S ANALYSIS & RECOMMENDATION**

The property in question is an unusual lot with regards to its layout and the street configuration. As the property currently sits is a vacant lot and has never been developed. Staff is unaware of any other reason why this lot has not been developed except for the development requirements, as previously explained. It might be possible to construct a single family residential structure on the lot under the current zoning classification of R-12; however, it would place severe restrictions on the layout of the structure. The proposed zone change to R-6 would only allow the unusually shaped property to finally be developed and permit variation of floor plans without the previously stated restrictions.

Staff is of the opinion that even though the proposed zone change from R-12 to R-6 is not in line with the Future Land Use element of the Comprehensive Plan, it is not out of character for the area that it is located. Therefore, Staff recommends **approval** of the proposed zone change from R-12 to R-6, as presented.

#### **Planning Commission Questions:**

- Mr. Kinard asked Mr. Henderson if staff had received any positive or negative comments after which time the meeting packets were sent out. Mr. Henderson said one gentleman had come in to the office and spoke with him regarding the future land use of the area; and wondered whether or not it was the right decision for the area.
- Mr. Henderson asked Board Member Cantrell about a statement he made earlier in the meeting regarding if the property owner decided to not have a new plat submitted, whether or not he could still gain title and ownership of the property under the current plat. Mr. Cantrell said that was his understanding.

- Mr. Kinard asked Mr. Henderson whether the rezoning from R-12 to R-6 would be down-zoning. Mr. Henderson said no; and he explained that R-15 Single Family Residential was the strictest of the zoning classifications; next was R-12, which opened the door for a few more things, then it went to R-8, etc., and then it went to R-6, and R-6 Live Work.
- Mr. Kinard said he was asking whether or not it would be commercial. Mr. Henderson said no. He said the main difference between R-12 and R-6 was the development standards.

Mr. Kinard opened the public hearing and asked anyone who wished to speak in opposition of the request to come forward.

- Mr. Harold Ballenger came forward and said he had met briefly with Mr. Henderson regarding the request to ask some questions. He explained to the Planning Commissioners that he had invested a long period of time and money regarding development of the Heywood Avenue Corridor. He feels that this is one of the major entries into the City; and that any improvement thereof should be in the long term interest of the City. He invested in the White's Mill Office park that had resulted in the Women's Clinic and the Eye Center across the street, which both had resulted in a nice improvement in the area. He felt this particular point of land would best be used as a Spot of Pride to further enhance and improve what he feels is a changing environment for the area. For that reason he had very strong opposition to the request.

Planning Commission Questions:

- Mr. Kinard said Mr. Ballenger had mentioned a Spot of Pride for the subject property. Mr. Ballenger said in his opinion, that was what the highest and best use for that particular property.

Mr. Kinard asked if anyone else would like to speak in opposition to the request. There were none. He asked if anyone wished to speak in favor of the request. There was no one. Mr. Kinard closed the public hearing.

Board Deliberation:

- Mr. Cantrell said he would not vote on the request until he found out what the situation was regarding the encroachment issue.
- Mr. Wilson asked the applicant if the rezoning was approved were they planning to build a residential structure on the property, or were they planning to sell it. Mr. Lowe said they planned to market it for sell.
- Mr. Kinard felt the rezoning request was reasonable and it complied with the surrounding uses.

Mr. Pitts made a motion to approve the rezoning request as submitted; and he was seconded by Mr. Kinard. The motion was approved by a vote of 4 to 1, with Mr. Cantrell abstaining.

Mr. Henderson said the request would go to the Mayor and City Council for another public hearing and a First Reading at the next appropriate Council Meeting.

### ***Final Plan Review – Highland Crossing***

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Mr. Henderson came forward again and said the next item of business was the Final Development Plan Review for the Highland Crossing Planned Development Review that had previously come before the Planning Commission last year for Preliminary Review and Rezoning. It has since gone through Staff's review and approval, contingent upon tonight's Final Plan Review from the Planning Commission. He explained again that it would be 72 units, with double access off of Highland Avenue; they had added some more parking since it came before them last year and met all the requirements. The Landscape Plan had also been submitted and approved; and Staff was recommending approval.

Mr. Kinard opened the public hearing and asked anyone who wished to speak in favor or in opposition of the request to come forward. No one came forward. Mr. Kinard asked again if there was anyone in the audience who wished to speak or had any questions to come forward. No one came forward. Mr. Kinard closed the public hearing.

Mr. Kinard made a motion to approve the request as submitted; and he was seconded by Mr. Jenkins. The motion was approved by a vote of 5 to 0.

***Site and Landscape Plans Approved since the February 19, 2015 Meeting***

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- W. Main Street Retail & Warehouse – 316 W. Main Street.

***City Council Updates (FYI) Since Last Mtg. of Planning Commission on March 19, 2015***

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Mr. Henderson went over the City Council Updates since the Planning Commission Meeting on March 19, 2015 as follows:

- March 16, 2015 Council First Rdg. Approval for Rezoning Request on 1633, “0”, and 1635 John B. White Sr. Blvd., from Zone R-15 to B-1.
- March 30, 2015 Council Second Rdg. Approval of the above request.

***Staff Announcements***

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- Mr. Henderson informed the Planning Commissioners Paul Melotte, the property owner of the above referenced approved rezoning request had come in today and applied for a variance to go before the Board of Zoning Appeals on May 12, 2015; and he said they were more than welcome to attend that meeting if they wished.
- Mrs. Roland said there was one vacant Planning Commission position available and she had received a request to be considered by the Mayor and City Council, which would be discussed at the May 11, 2015 Council Meeting.
- Mrs. Roland said there was one vacant position on the HARB Board, and two vacancies on the BZA Board if anybody knew someone that might wish to serve, to please let her know.
- Mrs. Roland said she distributed an upcoming Continued Education Training Registration for anyone who wished to take the training at the ACOG in Greenville, S.C. on May 5, 2015 and receive their 3 hours Continued Education Training for 2015. She said the City would pay for the cost if anyone wished to go.
- Mr. Henderson said there would be a new rezoning case for the April 16, 2015 Planning Commission Meeting.

Citizen’s Agenda – None.

The meeting adjourned at 6:20 P.M.

Respectfully Submitted,

\_\_\_\_\_  
Howard Kinard, Vice-Chair

Minutes by Julie Roland, Administrative Assistant





## REQUEST FOR COUNCIL ACTION

**TO:** Mayor and Members of City Council

**FROM:** Cathy McCabe, City Attorney

**SUBJECT:** Ordinance Approving Issuance of Water System Revenue Bonds in an Amount Not to Exceed \$40,530,000

**DATE:** May 7, 2015

**BACKGROUND:** The Commissioners of Public Works (CPW) must obtain City approval for the issuance of any debt and has requested approval of a bond issuance of up to a maximum of \$40,530,000. Proceeds from this debt issue will allow the CPW to refund other outstanding debt. The City of Spartanburg has no obligation or financial exposure associated debt obligations of the CPW.

A representative from the CPW will be in attendance and will answer any questions.

**ACTION REQUESTED:** Provide City approval for issuance of \$40,530,000 in bond debt by the CPW.

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

---

**AN ORDINANCE**

**PROVIDING FOR THE ISSUANCE AND SALE OF WATER SYSTEM REFUNDING REVENUE BONDS OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FORTY MILLION FIVE HUNDRED THIRTY THOUSAND DOLLARS (\$40,530,000); AND OTHER MATTERS RELATING THERETO.**

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**SERIES ORDINANCE**

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EXHIBIT A - PROJECTS

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

**ARTICLE I**

**FINDINGS OF FACT**

Section 1.01 Findings

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

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

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

(3) The Commissioners have advised the City Council that an amount not to exceed \$40,530,000 should be raised through the issuance of one or more Series of Bonds in order to provide funds to defray the cost of refunding the outstanding \$31,200,000 of an original issue of \$31,200,000 Water System Revenue Bonds, Series 2007B (the “*Series 2007B Bonds*”) and the outstanding \$6,155,770.25 of an original issue of \$7,749,500 Taxable Water System Revenue Bonds, Series 2010 (the “*Series 2010 Bonds*”) and together with the Series 2007B Bonds, the “*Prior Bonds*”), to satisfy the debt service reserve requirement for each such Series of Bonds and certain other outstanding Bonds, and to pay related costs of issuance.

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

[End of Article I]

## ARTICLE II

### DEFINITIONS AND AUTHORITY

#### Section 2.01    Definitions

(A) Except as provided in subsection (B) below, all terms which are defined in Section 2.02 of the Bond Ordinance shall have the same meanings in this 2015 Series Ordinance. As provided in the recitals to this 2015 Series Ordinance, all references to the “junior lien” status of Bonds within the Bond Ordinance shall be disregarded.

(B) As used in this 2015 Series Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

“**2015 Series Ordinance**” shall mean this Ordinance.

“**Approved Series of Bonds**” shall mean the various Series of Bonds as authorized by this 2015 Series Ordinance and designated “City of Spartanburg, South Carolina Water System Refunding Revenue Bonds, Series 2015A” and “City of Spartanburg, South Carolina Taxable Water System Refunding Revenue Bonds, Series 2015B” with such other designations as may be determined by the Commissioners.

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

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

“**Outstanding Bonds**” shall mean the Series 2002 Bonds, the Series 2007A Bonds, the Series 2007B Bonds, the Series 2009 Bonds, the Series 2010 Bond, the Series 2012 Bond and the Series 2013 Bonds.

“**Series 2002 Bonds**” shall mean the \$14,925,000 original principal amount City of Spartanburg, South Carolina Junior Lien Water System Refunding Revenue Bonds, Series 2002.

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

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

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

“**Series 2010 Bond**” shall mean the \$7,749,500 original principal amount City of Spartanburg, South Carolina Water System Revenue Bond, Series 2010.

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

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

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

Section 2.02 Authority for this 2015 Series Ordinance

This 2015 Series Ordinance is enacted pursuant to the provisions of the Bond Ordinance.

[End of Article II]

## ARTICLE III

### AUTHORIZATION AND TERMS OF APPROVED SERIES OF BONDS

#### Section 3.01    Authorization of Approved Series of Bonds

Pursuant to the provisions of the Act and the Bond Ordinance, the Approved Series of Bonds, entitled to the benefits, protection and security of the provisions of the Bond Ordinance, are hereby authorized to be issued in the aggregate principal amount of not exceeding \$40,530,000. The Approved Series of Bonds shall be designated “City of Spartanburg, South Carolina Water System Refunding Revenue Bonds, Series 2015A” and “City of Spartanburg, South Carolina Taxable Water System Refunding Revenue Bonds, Series 2015B” and with such other designations as may be determined by the Commissioners.

#### Section 3.02    Purposes of Approved Series of Bonds

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

- (1)     providing funds to pay the cost of refunding the Prior Bonds;
- (2)     funding the respective Debt Service Reserve Funds in the amounts of the Reserve Requirements with respect to the Approved Series of Bonds if necessary when taking into account the amount of funds currently in the debt service reserve funds of the Outstanding Bonds;
- (3)     providing amounts required to fully satisfy, as necessary, the respective Reserve Requirements with respect to the Outstanding Bonds; and
- (4)     paying costs and expenses relating to the issuance of the Approved Series of Bonds.

#### Section 3.03    Details of Approved Series of Bonds

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

#### Section 3.04    Security for Approved Series of Bonds

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

save and except from that portion of the Gross Revenues of the System remaining after the payment of Operation and Maintenance Expenses.

[End of Article III]

## ARTICLE IV

### EXECUTION OF APPROVED SERIES OF BONDS; NO RECOURSE

#### Section 4.01    Execution

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

#### Section 4.02    No Recourse

All covenants, stipulations, promises, agreements and obligations of the City contained in the Bond Ordinance and in this 2015 Series Ordinance shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not those of any officer or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal or redemption price of or interest on the Approved Series of Bonds or for any claim based thereon or on the Bond Ordinance or on this 2015 Series Ordinance, either jointly or severally, against any officer or employee of the City or any person executing the Approved Series of Bonds.

[End of Article IV]

## ARTICLE V

### AUTHORIZATION TO COMMISSIONERS FOR SERIES RESOLUTION

#### Section 5.01    Authorization

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

(B)    The Series Resolution shall express the approval of the Commissioners to the issuance of the Approved Series of Bonds and their agreement to abide by all of the terms, provisions and agreements set forth in the Bond Ordinance and this 2015 Series Ordinance. The Commissioners are hereby expressly delegated the authority in the Series Resolution to specify and determine the details with respect to the Approved Series of Bonds set forth in Section 4.01(B) and 4.01(C) of the Bond Ordinance.

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

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

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

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

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

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

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

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

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

(v)    To what extent, if any, the Debt Service Reserve Fund will be funded with a surety bond or similar credit instrument.

(D) The Commissioners are hereby specifically authorized to covenant, on behalf of the City, with respect to those matters required by any Municipal Bond Insurance Policy, any debt service reserve fund surety bond or similar credit instrument, and the applicable Insurer with respect to the Approved Series of Bonds, as well as those matters related to the continuing disclosure requirements of Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, and the United States Securities and Exchange Commission Rule 15c2-12, to the extent not inconsistent with the provisions of the Bond Ordinance and this 2015 Series Ordinance.

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

[End of Article V]

**ARTICLE VI**

**SALE OF APPROVED SERIES OF BONDS**

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

(A) The Approved Series of Bonds shall be sold to underwriters or financial institutions selected by the Commissioners pursuant to terms to be negotiated by the Commissioners with such underwriters or financial institutions, including, if applicable pursuant to any contracts of purchase. Any such contract of purchase shall not be in conflict with the provisions of this 2015 Series Ordinance and shall be executed on behalf of the City by a duly authorized officer of the Commissioners and, if so requested by the Commissioners, the Mayor and/or the City Manager. The execution of the contracts of purchase by such officials shall constitute conclusive evidence of their approval of its terms.

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

[End of Article VI]

## ARTICLE VII

### COMPLIANCE WITH REQUIREMENTS OF THE CODE

#### Section 7.01    Compliance with the Code Generally

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

#### Section 7.02    Rebate

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

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

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

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

#### Section 7.03    Commissioners' Responsibility

Notwithstanding anything in this Article VII or this 2015 Series Ordinance to the contrary, the Commissioners shall be solely responsible for undertaking all obligations of the City pursuant to, and compliance by the City with the provisions of, this Article VII.

[End of Article VII]

## **ARTICLE VIII**

### **MISCELLANEOUS**

#### Section 8.01 Severability

If any one or more of the covenants or agreements provided in this 2015 Series Ordinance on the part of the City or any Fiduciary to be performed should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 2015 Series Ordinance.

#### Section 8.02 Table of Contents and Section Headings Not Controlling

The “Table of Contents” and the headings of the several Articles and Sections of this 2015 Series Ordinance have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this 2015 Series Ordinance.

#### Section 8.03 Effectiveness of this 2015 Series Ordinance; Expiration Date

(A) This 2015 Series Ordinance shall be effective from its date of enactment.

(B) The approval of the issuance of the Approved Series of Bonds as provided in this 2015 Series Ordinance shall be deemed to expire as of the first (1<sup>st</sup>) anniversary date of the date of enactment hereof to the extent of any approved indebtedness which has not been issued by that date.

[End of Article VIII]

**DONE, RATIFIED AND ENACTED** this \_\_ day of May, 2015.

(SEAL)

\_\_\_\_\_  
Mayor, City of Spartanburg, South Carolina

Attest:

\_\_\_\_\_  
City Clerk, City of Spartanburg,  
South Carolina

First Reading:            May 11, 2015

Second Reading:        May \_\_\_\_, 2015

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

\_\_\_\_\_  
City Attorney,  
City of Spartanburg, South Carolina

**STATE OF SOUTH CAROLINA**

**COUNTY OF SPARTANBURG**

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

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

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

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

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

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

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

**IN WITNESS WHEREOF**, I have hereunto set my Hand this \_\_\_ day of May, 2015.

\_\_\_\_\_  
City Clerk,  
City of Spartanburg, South Carolina

First Reading: May 11, 2015

Second Reading: May \_\_\_, 2015





## REQUEST FOR CITY COUNCIL ACTION

**TO:** Ed Memmott, City Manager  
**FROM:** Marion Blackwell, Fire Chief  
**SUBJECT:** Approval to Purchase One Fire Safety Trailer  
**DATE:** May 5, 2015

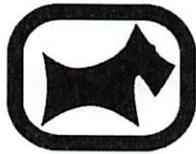
**BACKGROUND:** Over the past 10 plus years, the Fire Department has utilized a fire safety trailer extensively for educating our children throughout the city. The trailer has been utilized at each elementary school, annual fire department open house and various special events such as Spring Fling, Home Depot Customer appreciation days, etc. The current trailer has a life expectancy of 10 years and is becoming outdated in its utility. A new Fire Safety Trailer would provide a more modern educational delivery system to not only children, but adults also. Through multimedia and real props, children and adults can experience fire & injury prevention, severe weather scenarios, heated doors & smoke to simulate fire conditions, along with a kitchen stage to simulate actions taken in a fire situation. The proposed trailer has a wheel chair ramp and hearing impaired smoke detectors to provide an educational experience at all of our citizens. The GSA contract document was reviewed and approved by city procurement.

This is a Woman-Owned Small Business as certified by GSA.

Company	Amount
Mobile Concepts by Scotty	\$90,675.63
GSA Schedule 23V: GS-30F-0012T, Schedule 84: GS-07F-0456T	

**ACTION REQUESTED:** The Fire Department requests approval to purchase one (1) Fire Safety Trailer from Mobile Concepts by Scotty, in accordance the GSA Contract.

**BUDGET AND FINANCIAL DATA:** The Fire Safety Trailer is funded through the Equipment Replacement Fund at \$51,000, a \$25,000 grant from J.M Smith Foundation and a \$15,200 grant from the Spartanburg Regional Foundation.



*Mobile Concepts*

by SCOTTY

# GSA Quote

This Quote is valid through 12/15

480 Bessemer Road  
Mt Pleasant, PA 15666  
724-542-7640  
724-542-7648 FAX  
POC: Chris Simon, Chris@MobileConcepts.com



Schedule 23V: GS-30F-0012T  
Schedule 84: GS-07F-0456T  
Woman-Owned Small Business

[www.MobileConcepts.com](http://www.MobileConcepts.com)

Date: 4/21/2015

**PREPARED FOR:**

Brad Hall  
City of Spartanburg Public Safety Dept  
151 South Spring St  
Spartanburg, SC 29306

**GSA Contract # GS-07F-0456T**

ITEM	UNIT PRICE	QUANTITY	TOTAL PRICE
<p>2015 MobileClassroom32iBed Dimensions: 32'L x 8'W</p> <p><b>REVISED FLOORPLAN WITH BOTH DOORS ON THE CURBSIDE OF THE TRAILER</b></p> <p>The i-SCOTTY is an interactive virtual educational environment. Through use of multimedia &amp; real environmental effects, both children &amp; adults experience a variety of fire &amp; injury prevention, disaster training including severe weather scenarios that entertain while you educate. Start the HD video and the audience interacts w/the onscreen character and helps them make the best choice to avoid injury (comes w/home escape DVD for Pre-K to K and 1st-3rd grade). Other content available for download via subscription service. Activate the heated door in bedroom and watch smoke enter. Show how to feel for heat and evacuate using the window &amp; escape ladder. The kitchen "stage" includes a realistic oven &amp; range top fire that requires the user to quickly evaluate the situation and make a decision on how to act. Make the wrong choice and the exhibit erupts in a barrage of lights and sounds; the right choice causes the fire to subside.</p> <p>Standard features of the InterPlayHQ Interior</p> <ul style="list-style-type: none"> <li>✓ Kitchen stage and special effects</li> <li>✓ Urban-chic cabinets, countertops and finishes</li> </ul>	76,654.31	1	76,654.31

<ul style="list-style-type: none"> <li>✓ Life-like oven and range top fire simulations</li> <li>✓ Corresponding question &amp; answer video program</li> <li>✓ 10 student response clickers</li> <li>✓ Computer components for optional HD safety video subscription service (ContentNOW)</li> <li>✓ Additional DVD safety video content developed by credible sources</li> <li>✓ Automatic special effects including heat, lighting, sound &amp; smoke</li> <li>✓ Enhanced lighting: black light for carpet, theater stage lights, dimming floor lights, ceiling lights</li> <li>✓ Non-toxic smoke system &amp; smoke alarms</li> <li>✓ 37" LCD monitor</li> <li>✓ Surround sound system w/speakers</li> <li>✓ WIFI antenna installed</li> <li>✓ "Plug and play" rack mounted computer components in vented space</li> <li>✓ Interior wall finish: fire-rated high definition laminate certified by GREENGUARD Children &amp; Schools Certification Program</li> <li>✓ Exterior finish: white or black fiberglass</li> <li>✓ Rims: aluminum alloy wheels</li> <li>✓ Axles: two (2) 5,200 lb. electric brake torsion axles</li> <li>✓ Stabilizing Jacks: four (4) heavy duty jacks on all 4 corners</li> <li>✓ A-Frame hitch: 2 5/16" adjustable coupler w/electric hitch jack &amp; safety chains</li> <li>✓ Sidewalls: 1 1/2" steel tube 16" OC</li> <li>✓ Electrical: trailer receptacle is NEMA style 125/250 VAC 50 amp</li> <li>✓ Two (2) power exhaust fans</li> </ul> <p>Two (2) 13,500 BTU Air Conditioners</p>			
<b>Total Commercial Price</b>			76,654.31
<b>Less 2% GSA discount</b>			-1,533.09
<b>GSA Price</b>			75,121.22
<b>IFF Fee .0075</b>			563.41
<b>Total GSA Price w/ IFF (Quantity 1)</b>			<b>\$75,684.63</b>
<b>Open Market Items</b>			
Honda □ EU70000is Super Quiet Generator (60dB) on Hitch (electric start) only. A built in inverter system provide ultra clean power for peak electronic performance. Includes Soft Vinyl Honda □ Cover	4,990.00	1	4,990.00
Wheelchair Ramp w/On-Board Storage Compartment Ramp is 7' in length (does not meet ADA slope requirements). Instructor is to provide assistance for entering and exiting vehicle.	975.00	1	975.00

Aluminum Foldable Design weighs 44 lbs. Interior storage provided.			
Smoke Alarm for Hearing-Impaired w/Strobe Light Installed in place of standard residential detector	289.00	1	289.00
Two (2) Carbon Monoxide Detectors Hard-Wired Detector with on/off switch and Nighthawk™ Digital Read-Out w/receptacle	522.00	1	522.00
Electric Stabilizing Jacks with auxiliary battery Installed in place of manual jacks	1,745.00	1	1,745.00
8x21 Awning	870.00	1	870.00
One Year subscription to our safety lesson content service ContentNOW and your InterPlay HQ trailer will be linked to our ever growing and updated library of fire safety scenarios, disaster training and severe weather scenarios	1,200.00	1	1,200.00
Back Up Alarm	145.00	1	145.00
Spare Rim/Tire	155.00	1	155.00
Custom Vinyl Graphics Package	3,000.00	1	3,000.00
Delivery			1,100.00
<b>Total GSA Price FOB</b>			<b>90,675.63</b>





## REQUEST FOR CITY COUNCIL ACTION

**TO:** Ed Memmott, City Manager

**FROM:** Will Rothschild, Communications Manager

**SUBJECT:** Authorize the City Manager to Contract for Parks and Recreation Signage Production Services

**DATE:** May 7, 2015

**BACKGROUND:** As part of the \$2.5 million Parks and Recreation Capital Improvement Plan that City Council approved in 2013, funding was committed to overhaul signage at City parks and recreation facilities. The new signage system will be consistent with the City's established branding and style guidelines, and will address a number of objectives, including:

1. Clearly communicate to all stakeholders that these amenities are City quality-of-life investments.
2. Establish a signage system/family that is scalable, simple and flexible for future uses and expansion.
3. The family of signs will include a variety of sizes and scales to address a range of signage needs, from simple facility name signs to rules signs to wayfinding/directional signs.

The City solicited bids for fabrication of 41 parks and recreation facility signs, according to the specifications of the signage system and the identified signage needs at each facility. The City received two bids:

- |                                       |             |
|---------------------------------------|-------------|
| 1. Complete Signs, Dothan, AL         | \$43,960.00 |
| 2. Poblacki Co. Inc., Morrisville, NC | \$46,543.56 |

No MWBEs submitted bids.

**ACTION REQUESTED:** Authorization for the City Manager to enter into a contract with Complete Signs of Dothan, AL, for the production and delivery of 41 Parks and Recreation facility signs.

**BUDGET AND FINANCE DATA:**

\$43,960 from the Parks and Recreation Capital Improvement Plan budget.





## Memorandum

**TO:** Ed Memmott, City Manager

**FROM:** Connie McIntyre, City Clerk/Clerk to Mayor and Council

**SUBJECT:** Annual Declaration of Vacancies on City of Spartanburg Boards and Commissions

**DATE:** May 7, 2015

City Council annually reviews vacancies on City of Spartanburg Boards and Commissions. The initial phase of this process is the public declaration by the City Clerk of the vacancies.

Applications for vacancies will be accepted through June 12, 2015 with the goal of City Council to vote on appointments and/or reappointments during the June 22, 2015 City Council meeting.

The application and the vacancies on each Board or Commission are posted on the City's website. The information is also available upon request to the City Clerk.

The current list of vacancies is attached.



## Boards and Commissions 2015-16 Summary of Vacancies

### Accommodations Tax Advisory Committee – 4 vacancies

**3 eligible for reappointment**

**Term:** 4 years

**Purpose:** To make recommendations on the expenditure or revenues generated from the Accommodations Tax. A majority of the members must be selected from the hospitality industry. Two-(2) of these members must be from the lodging industry. One-(1) member shall represent the cultural organizations of the City.

**Meetings:** On call as required      **Compensation:** none

**Contact:** Kathy Hill, Community Services Coordinator – 596-2905

### Airport Advisory Committee – 1 vacancy

**Term:** 3 years

**Purpose:** The Airport Advisory Committee provides advice to the City Airport Director, City Manager and City Council on issues affecting the Airport.

**Membership:** A five (5) member board with each serving a three (3) year term.

**Meetings:** as called      **Compensation:** none

**Contact:** Darwin Simpson, Airport Director – 574-8552

### Board of Architectural Design and Historic Review – 3 vacancies

**Term:** 3 years with no member serving more than two-(2) consecutive terms. Former members may be reappointed after the expiration of two-(2) years. Members must be residents of the City of Spartanburg.

**Purpose:** The Board is responsible for administering and enforcing the provisions of the Architectural Design & Historic Review Ordinance of the City of Spartanburg dated March 6, 1995.

**Membership:** This is a nine-(9) member board comprised of persons who have demonstrated civic interest and have general knowledge of and interest in history and historic preservation. At least four-(4) members shall be citizens who are knowledgeable in one of the following disciplines: archeology, architecture, landscape architecture, American history, urban planning, engineering, environmental science, law, banking or real estate. A historian and professional architect will serve at all times. None of the voting members may hold any other public office or position in the City. **Members must be residents of the City of Spartanburg.**

**Meetings:** If business is received, the Board meets the second Thursday of every month at 5:30 p.m. in the City Council Chambers located at 145 West Broad Street      **Compensation:** None

**Contact:** Josh Henderson, Planner – 596-2069

### Bicycle and Pedestrian Committee – 2 vacancies

**Term:** 3 years

**Purpose:** The City Council shall **appoint as members of the Bicycle and Pedestrian Committee seven (7) persons who should be a resident or have a significant business interest in the City of Spartanburg.** The majority of the members of the committee shall have knowledge of urban planning, trails and greenways, active living, exercise science, or other comparable skill sets as determined by Council to be appropriate.

Duties of the committee would include: (a) Conducting quarterly meetings with senior city staff; (b) assisting City in developing a process for prioritization of bicycle/pedestrian projects that are financially feasible, enjoy broad based support, and which recognize the necessity to partner with organizations such

as SPATS, SCDOT, private foundations, schools, and local businesses; (c) Review and assess planned public improvement projects and provide recommendations to incorporate bicycle and pedestrian features where feasible; (d) Assist the City in marketing and promotion of existing bicycle and pedestrian infrastructure; (e) Assist the City in organizing events to promote bicycle and pedestrian activity; (f) Assist the City in recognizing local businesses that incorporate bicycle and/or pedestrian infrastructure or activities into their projects or programs; (g) Provide recommendations to City on opportunities to leverage and connect new development projects via bicycle and/or pedestrian projects; (h) Pedestrian improvements; (i) Make an annual report to City Council on bike/ped activities, recognition; (j) Assist the City in developing and measuring benchmarks for bicycling and walking in the City; (k) Review and comment on changes to zoning, development code, comprehensive plan, and other long-term planning and policy documents as they relate to bicycle and pedestrian activity and safety including any updates to the Spartanburg County Bicycle and Pedestrian Master Plan.

**Meetings:** Every other month. Dates vary. **Compensation:** None

**Contact:** Ned Barrett, Trails Coordinator, Partners for Active Living (598-9638) The City of Spartanburg has a partnership with PAL (a local non-profit organization) to provide staff support for this committee.

### **Civil Service Commission – 2 vacancies**

**Term:** 6 years

**Purpose:** To hold Civil Service exams for Public Safety employment, all exams for promotions, and holds hearings on appeals from disciplinary action. **Members must be residents of the City of Spartanburg.**

**Meetings:** On call as required.

**Compensation:** \$462.40 annually

**City Staff contact:** Michelle Clyburn, Human Resources Director – 596-2795

### **Construction Board of Adjustments and Appeals – 2 vacancies**

**1 eligible for reappointment**

**Term:** 3 years

**Purpose:** To hear appeals from decisions of the Building Inspections Department and the Fire Division of the City of Spartanburg. The Board shall be comprised of 9 individuals with knowledge and experience in the technical codes such as design professionals, contractors or building industry representatives. Two such board members should consist of one member at large from the building industry and one member at large from the public.

**Meetings:** On-call as requested.

**Compensation:** None

**City Staff contact:** Buddy Bush, Building Inspector – 596-2111

### **Housing Authority – 2 vacancies**

**1 eligible for reappointment**

**Term:** 5 years

**Purpose:** To operate the City Housing Authority, including but not limited to the making of rules, regulations, filing applications for and constructing facilities as approved by City Council in accordance with State Law.

**Membership:** A seven (7) member board with each serving a five (5) year term. Four (4) members shall be residents of the City of Spartanburg with one of these members being a tenant in a residence owned by the Authority. The other three (3) members are not required to be residents of the City of Spartanburg, but if possible, should represent a major Spartanburg County employer, a higher education facility and a foundation interested in the goals of the Spartanburg Housing Authority.

**Meetings:** Third Tuesday at 5:30 p.m.

**Compensation:** None

**Contact:** Ed Memmott, City Manager – 596-2026

**Housing Board of Adjustment and Appeals – 2 vacancies**

2 eligible for reappointment

**Term:** 3 years

**Purpose:** To hear appeals from decisions of the Code Enforcement division of the Community Services Department regarding housing code and nuisance ordinance violations.

**Membership:** A five (5) member board appointed by City Council.

**Meetings:** On call as needed

**Compensation:** None

**Contact:** Mitch Kennedy, Community Services Director – 596-2785

**Minority and Women Business Enterprise Program – 5 vacancies**

4 eligible for reappointment

**Term:** 3 years

**Purpose:** To increase business with Minority and Women owned businesses in construction projects, professional service contracts and in the purchase of commodities and products with the City of Spartanburg. **City residency, while preferred, is waived as a requirement for this committee to cover the City's primary market for goods and services.**

**Meetings:** Required to meet quarterly with additional meetings as needed.

**Compensation:** None

**City Staff contact:** Carman Mays, MWBE Coordinator – 596-3449

**Public Safety Committee – 5 vacancies**

2 eligible for reappointment

**Term:** 3 years

**Purpose:** To assist in development, promote, and support the programs and efforts of the Public Safety Department of the City of Spartanburg.

**Membership:** Twelve (12) members who must be residents of the City.

**Meetings:** First Monday of the month from September to May, as well as special meetings.

**Compensation:** None

**Contact:** Col. Jennifer Kindall, Public Safety – 596-2820

**Storm Water Appeals Board – 3 vacancies**

**Term:** 3 years

**Purpose:** The Storm Water Appeal Board shall hear and determine appeals (to a “stop work order” or permit revocation for particular projects) in a quasi-judicial capacity within thirty (30) days of the receipt of the Storm Water Manager’s notice or such other times as may be mutually agreed upon and will render a decision within ten (10) working days after the appeal has been heard.

**Membership:** Five (5) members who must be residents of the City of Spartanburg. Members should have knowledge of civil engineering, landscape architecture, architecture and/or land surveying.

**Compensation:** None

**Contact:** Jay Squires, Storm Water Manager – 596-2089

**Zoning Board of Adjustments and Appeals – 3 vacancies**

1 eligible for reappointment

**Term:** 3 years

**Purpose:** Provides a forum for appeal for any persons that are aggrieved by the zoning administrator or are seeking a variance of special exception to the requirements of the zoning ordinance.

**Membership:** Seven (7) member board. **Members must be a resident of the City of Spartanburg.**

**Meetings:** Second Tuesday of each month at 5:15 p.m. in City Council Chambers, unless there is no business.

**Compensation:** None

**City Staff contact:** Josh Henderson, Planner – 596-2069





## MEMORANDUM

**TO:** Spartanburg City Council  
**FROM:** Chris Story, Assistant City Manager  
**SUBJECT:** Upcoming Budget Worksession  
**DATE:** May 7, 2015

At the upcoming City Council meeting, we will present information on several of the key considerations shaping out in the budget this year. This will be an informal worksession aimed at addressing any questions and welcoming any discussion among the council on several important budget elements including:

- Projected equipment replacement needs and costs and status of equipment replacement fund
- Funding to the city's legacy pension system
- Employee benefit costs, particularly health insurance

We will focus on these three topics this week. Also, we will present a proposed agenda and plan for the special session on discretionary grants to be held June 1.

Please let me know if you have any questions.