



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, January 9, 2017
5:30 p.m.**

**(These minutes were approved
at the January 23, 2017 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Sterling Anderson, Councilmembers Jerome Rice, Erica Brown, Laura Stille and Rosalyn Henderson Myers. Councilmember Jan Scalisi was absent due to illness. 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 December 12, 2016, City Council Meeting –**
Councilmember Rice made a motion to approve the minutes as received. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.
- IV. Approval of Agenda of the January 9, 2017 City Council Meeting –**
Councilmember Stille made a motion to approve the agenda as received. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Retiring Police Sergeant Jay Steadman**
Presenter: Mayor Junie White
Mayor White thanked Sergeant Steadman for his many years of service to the City of Spartanburg Police Department and wished him well in the future.
- VII. Election of 2017 Mayor Pro Tem**
Presenter: Mayor Junie White
Mayor pro tem Anderson made a motion to elect Councilmember Laura Stille as Mayor pro tem for 2017. Councilmember Brown seconded the motion, which

carried unanimously 6 to 0.

VIII. Ordinance – Second Reading

- A. Authorizing the City Manager to Execute a Deed to Northside Development Group Conveying Property Located at 199 Raindrop Street, Block Map Number 7-12-05-292.00; 178 Raindrop Street, Block Map Number 7-12-05-279.00; 189 Milan Street, Block Map Number 7-12-05-273; 181 Milan Street, Block Map Number 7-12-05-274.00; and 190 Raindrop Street, Block Map Number 7-12-05-281.00 (Second Reading)**

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston explained to Council that 190 Raindrop Street had been added to the ordinance since the first reading.

Councilmember Anderson made a motion to approve the ordinance as amended on second reading. Mayor pro tem Stille seconded the motion, which carried unanimously 6 to 0.

IX. Consent Agenda

- A. Ordinance Accepting the Property Owned by Spartanburg County School District No. 7, and Being Located at 2252 East Main Street, and that Portion of East Main Street and Plainview Drive Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7009-00-013.00 As A Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel of the City of Spartanburg, and Requested Zone is GID, General Institutional District (Second Reading)**

Presenter: Natalia Rosario, Planning Staff

- B. To Authorize the Sale of a Portion of TMS 7-12-05-345.00 to the Northside Development Corporation (Second Reading)**

Presenter: Ed Memmott, City Manager

Councilmember Rice made a motion to approve the Consent Agenda.

Councilmember Brown seconded the motion, which carried unanimously 6 to 0.

X. Other Business

- A. Award of Bid for Daniel Morgan Avenue Streetscape Project**

Presenter: Tim Carter, Engineering Administrator

Mr. Carter presenter the item to Council as follows:

‘Staff recently received bids for improvements to Daniel Morgan Avenue between W. Main Street and Harris Place. This project will create additional outdoor public space, significantly improve pedestrian mobility in the area around the new AC Hotel, and encourage the private redevelopment of nearby buildings. It includes the replacement and widening of the sidewalk (eastern side) of Daniel Morgan Avenue. The work will include extra sidewalk width for outdoor dining,

street trees, pedestrian lighting, and on-street parking. The new sidewalk will be approximately 12' in width. Fifteen (15) on-street parking spaces will be added.

Staff plans to immediately proceed with construction. Depending on weather, project completion is expected by mid-March. Staff will stay in contact with impacted businesses and building owners during the project to minimize disruption.

The following bids were received:

Capitol Construction of the Carolinas, LLC (Spartanburg, SC)	\$ 207,971.00
Sossamon Construction (Gaffney, SC)	\$ 228,077.80
Saluda Construction, LLC (Greenville, SC)	\$ 283,815.00
AOS Specialty Contractors Inc. (Lexington, SC)	\$ 398,620.00

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. Capitol has successfully performed work for the City. AOS Specialty Contractors Inc. is a certified MWBE contractor.

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: \$207,971.00 Broad Street Tax Increment District Funds”

After discussion, Mayor pro tem Stille made a motion to approve the award of bid to Capitol Construction of the Carolinas, LLC in the amount of \$207,971.00 for the Daniel Morgan Avenue streetscape project. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.

B. Discussion of Patel Litigation and Decision to Delay Parks and Recreation Improvement Projects

Presenter: Ed Memmott, City Manager

Mr. Memmott reviewed the circumstances of the Patel litigation stating that in 2004, the city police encountered a hostage situation at the corner of Bomar Avenue and Crescent Avenue on South Church Street. City police acted to rescue the hostage and the property was damaged in the process. The owners of the property made legal claim that the action to save the hostage was a taking of the property without compensation. At each level, the court ruled in the city’s favor. In 2016, the State Supreme Court St. ruled in the city’s favor. Council was aware of \$1.2 million held in anticipation of court ruling on the issue. When the courts, at each level, ruled in the city’s favor, staff was comfortable in releasing those funds for parks and recreation improvements. On November 16, 2016, the State Supreme Court agreed to rehear the case, after ruling in the city’s

favor. The case has been scheduled to be reheard on February 8, 2017. Staff will wait to come back to council regarding parks and recreation improvements after the disposition of the matter. He added that this matter would not affect the Airport Park Project because it was funded in 2015 and there are 2 grants included in those funds. He restated that the action taken by city police was not an act of negligence.

Council received the report as information.

C. Minority and Women Business Enterprise (MWBE) Update

Presenter: Natasha Pitts, Minority Business Development Coordinator

Ms. Pitts updated Council on the progress of the City's MWBE program.

Council received the report as information.

D. Discussion of the Dr. TK Gregg Community Center

Presenter: Ed Memmott, City Manager

Mr. Memmott presented all options and costs for different types of indoor pools for the TK Gregg Community Center to Council. He stated he would come back to Council at the January 23 Council meeting for their decision regarding the indoor pool.

Council received the report as information.

E. Appointment of Hospitality Tax Committee

Presenter: Chris Story, Assistant City Manager

Mr. Story shared that staff was anxious to have the committee appointed to evaluate the level of discretionary grants from the Hospitality Tax funds.

City Clerk Connie McIntyre presented applications received for approval.

Claudia Albergotti was recommended by Mayor pro tem Stille, who made the motion to waive the rules and appoint Ms. Albergotti to the Hospitality Tax Committee. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

Councilmember Brown recommended Naomi Sargent and made the motion to waive the rules and appoint her to the Hospitality Tax Committee. Mayor White seconded the motion, which carried unanimously 6 to 0.

Mayor pro tem Stille recommended Cal Wicker and made the motion to waive the rules and appoint him to the Hospitality Tax Committee. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.

Councilmember Rice recommended Stephen Mills and made the motion to waive the rules and appoint him to the Hospitality Tax Committee. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.

Councilmember Anderson recommended Meghan Smith and made the motion to waive the rules and appoint her to the Hospitality Tax Committee. Mayor pro tem Stille seconded the motion, which carried unanimously 6 to 0.

Mayor White reminded everyone that he had appointed, at the previous Council meeting, Mayor pro tem Stille and Councilmember Brown as the Council representatives on the Hospitality Tax Committee.

XI. City Council Updates –

Councilmember Anderson congratulated Mayor pro tem Stille on her appointment to that position. He asked that everyone keep Councilmember Scalisi in their prayers.

Councilmember Brown thanked everyone who attended the event around the City Hall flagpole that afternoon to commemorate the 30th anniversary of the first City Hall event celebrating the life of Dr. Martin Luther King. She reminded everyone of the “Walk as One” event on Saturday, January 14 at 10:00 a.m. at First Presbyterian Church. She shared that the first 100 people to arrive would receive a free t-shirt. She mentioned the “Day of Service” event on Monday, January 16 from 8:30 a.m. until 2:00 p.m. She added that volunteers should check in at the Harley Room at Wofford College for the United Way sponsored event. She shared that the last event would be the Unity Celebration on Monday, January 16 at 6:30 at the Spartanburg Memorial Auditorium, with The Honorable Joseph P. Riley, Jr. as the keynote speaker.

Councilmember Henderson Myers wished everyone a Happy New Year and asked everyone to keep Councilmember Scalisi in their prayers.

Mayor pro tem Stille commended city staff for their efforts in keeping the city streets cleared during the inclement weather. She reminded everyone and elected officials of the first walk on January 21, 2016.

Councilmember Rice wished everyone a Happy New Year.

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

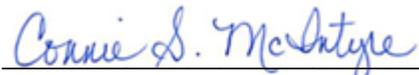
Council may take action on matters discussed in Executive Session after exiting Executive Session.

Councilmember Brown made a motion to adjourn to Executive Session.

Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0. Council adjourned to Executive Session at 7:00 p.m.

Council reconvened at 7:10 p.m. Mayor White stated that discussion was held with no decisions made.

XIII. Adjournment – Councilmember Anderson made a motion to adjourn the meeting. Councilmember Brown seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 7:15 pm.



Connie S. McIntyre, City Clerk