



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC

Monday, December 11, 2017
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the November 27, 2017 and December 4, 2017 City Council Meetings**
- IV. **Approval of the Agenda of the December 11, 2017 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Special Presentations**
 - A. **Spartanburg Convention and Visitors Bureau**
Presenter: Chris Jennings, Executive Director
 - B. **Healthy Community 50 Challenge**
Presenters: Molly Talbot-Metz, Mary Black Foundation
Sherry Barrett, Upstate Forever
- VII. **Public Hearings**
 - A. **Accepting the Property Owned by George M. Moxley and Harriet B. Moxley, and Being Located at 145 Winfield Drive, and that Portion of Winfield Drive and Ransdell Drive Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7-10-13, Parcel 034.00 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 (First Reading)**
Presenter: Natalia Rosario, Planner III
 - B. **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 #7-21-03-007.02 Located at 227 Cedar Springs Road, Which is Zoned R-6, with a Land Use Designation of General Residential District to Zone B-1, with a Land Use Designation of Neighborhood Shopping District; and Providing for Severability and an Effective Date (First Reading)**
Presenter: Natalia Rosario, Planner III

- C. To Amend the Entire Text of the Land Development Regulations by Amending and Updating Various Sub-Sections of the Zoning Ordinance of the City of Spartanburg; South Carolina; and Providing for Severability and an Effective Date (First Reading)
Presenter: Natalia Rosario, Planner III**
- D. To Amend the Entire Text of Section 503, Sign Ordinance by Updating and Detailing Various Signage Standards of the Zoning Ordinance of the City of Spartanburg; South Carolina; and Providing for Severability and an Effective Date (First Reading)
Presenter: Natalia Rosario, Planner III**

VIII. Resolutions

- A. Pursuant to Section 4-1-170(C), South Carolina Code of Laws 1976, as Amended, to Provide Conditional Consent to the Placement of Certain Property Within the Corporate Limits of the City of Spartanburg, South Carolina in a Joint County Industrial/Business Park of Spartanburg County and an Adjacent Partner County, Such Approval to be Conditioned upon the Execution of an Intergovernmental Agreement Between Spartanburg County and The City of Spartanburg, South Carolina; and Other Matters Relating Thereto
Presenter: Ed Memmott, City Manager**
- B. To Approve the Inclusion of City Employees in the State Health Plan Managed by the S.C. Public Employee Benefit Authority and to Authorize the City's Application to Join the Plan
Presenter: Michelle Clyburn, Director of Human Resources**

IX. Other Business

- A. Consideration of a Contract with Pope Flynn, LLC for Interim City Attorney Services
Presenter: Ed Memmott, City Attorney**
- B. Approval of Cammie Clagett Asbestos Air Monitoring Bids
Presenter: Mitch Kennedy, Community Services Director**
- C. Approval of Cammie Clagett Asbestos Abatement Bids
Presenter: Mitch Kennedy, Community Services Director**
- D. Award of Bid for River Birch Trail Improvements
Presenter: Mitch Kennedy, Community Services Director**

E. Boards and Commissions – Storm Water Appeals Board
Presenter: Connie McIntyre, City Clerk

X. City Council Updates

XI. Adjournment

** Non-Agenda Items*

City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.

**Agenda Items*

City Code Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing. On agenda items not requiring a Public Hearing, please provide to the City Clerk prior to the opening of the meeting, your desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, November 27, 2017
5:30 p.m.**

**(These minutes are subject to approval at the
December 11, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor pro tem Stille, Councilmembers Jerome Rice, Sterling Anderson, Rosalyn Henderson Myers, Erica Brown and Alan Jenkins. Mayor White was out of town. Assistant City Manager Chris Story 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 November 13, 2017 City Council Meeting –
*Councilmember Henderson Myers made a motion to approve the minutes as presented.
Councilmember Brown seconded the motion, which carried unanimously 6 to 0.***

**IV. Approval of the Agenda of the November 27, 2017 City Council Meeting –
*Councilmember Rice made a motion to approve the agenda as presented.
Councilmember Jenkins 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*

1. **Dr. Thom Evans, Pastor at First Presbyterian Church**, spoke positively regarding the Neighborly Community resolution.
2. **Seth Reid, Eagle Scout candidate**, spoke positively regarding the Neighborly Community resolution. He indicated that he would work with City staff to have a plaque installed at an agreed location in front of City Hall.
3. Dr. Cristina Jefferies spoke regarding the pros and cons of DACA.

VI. Resolution

- A. **Creating an Honorary Sign in Memory of Dr. Bryan E. “Doc” Lindsay to be Placed Near the Duncan Park Amphitheatre Stage
Presenter: Mitch Kennedy, Community Services Director
Mr. Kennedy presented the item to Council as follows:**

“City Council and Staff recently heard comments from City resident Don Bramblett regarding the previous contributions of Dr. Bryan E. “Doc” Lindsay to the City’s Special Events efforts. Staff, with the leadership of Mr. Bramblett has compiled the contributions of Dr. Lindsay.

The attached Resolution reconciles Dr. Lindsay’s contributions and a recommendation to create a sign at Duncan Park in his memory.

ACTION REQUESTED: Approve Resolution that creates an Honorary Sign in Memory of Dr. Bryan E. “Doc” Lindsay to be placed near the Duncan Park Amphitheatre Stage.”

Mayor pro tem Stille made a motion to approve the resolution as presented. Councilmember Brown seconded the motion, which carried unanimously 6 to 0.

See resolution below:



CITY OF
SPARTANBURG, SOUTH CAROLINA

Resolution

**CREATING AN HONORARY SIGN IN MEMORY OF
DR. BRYAN E. "DOC" LINDSAY TO BE PLACED NEAR THE DUNCAN PARK
AMPHITHEATRE STAGE**

Whereas, Dr. Bryan E. "Doc" Lindsay, one of Spartanburg's most active citizens died on March 7, 1995;

Whereas, Dr. Bryan E. "Doc" Lindsay, was a Professor of Fine Arts at USC Spartanburg and charter member of the ABC Steering Committee;

Whereas, Dr. Bryan E. "Doc" Lindsay, was an art educator, music conductor, poet, song-writer, performer and consultant, and also chaired the Creative Writing subcommittee;

Whereas, Dr. Bryan E. "Doc" Lindsay, was the creator and organizer of music for Jazz In The Park concerts at the annual Spartanburg Spring Fling Festival;

Whereas, Dr. Bryan E. "Doc" Lindsay's commitment to improve the quality of life of Spartanburg citizens, his love of music and his ability to inspire others earned him the respect and gratitude of the arts community and the people of Spartanburg,

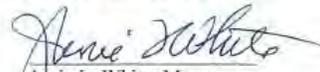
Whereas, Dr. Bryan E. "Doc" Lindsay is being memorialized for his dedication and extraordinary commitment to the citizens of Spartanburg with a sign that will be placed at the Duncan Park Amphitheatre Stage;

Whereas, the City Council has determined that this memorial sign will be to the benefit of the citizens and the City of Spartanburg;

NOW, THEREFORE, THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED DO HEREBY RESOLVE:

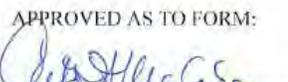
1. A sign reading Dr. Bryan "Doc" Lindsay Stage of Performing Arts will be installed near the Duncan Park Amphitheatre Stage.
2. This Resolution shall become effective immediately upon its enactment.

DONE AND RATIFIED THIS 27 DAY OF NOVEMBER 2017.


Junie L. White, Mayor

ATTEST:

Connie McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy J. McCabe, City Attorney



B. Expressing the City’s Support of the New Markets Tax Credits, Historic Tax Credits, and Tax Exempt Private Activity Bonds

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“Pending federal tax reform legislation could eliminate several financing tools that have been extensively utilized for economic and community development purposes in Spartanburg. The New Markets Tax Credit and Historic Tax Credit programs have leveraged millions in private investments in downtown and in our most challenged neighborhoods.

Tax exempt private activity bonds have been used extensively to fund affordable housing projects and other projects by undertaken by non-profits and colleges. If the tax exempt status of private activity bonds is lost, it will have significant impact on our redevelopment efforts in Spartanburg.

ACTION REQUESTED: Consider and take action on a resolution to encourage Congress to maintain these tax credits and the tax exempt status of private activity bonds.”

Councilmember Anderson made a motion to approve the resolution as presented. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.

C. Affirming the City of Spartanburg’s Commitment to Encourage All Residents, Civic Institutions, Businesses and Partners to Promote Policies and Practices to Support a Neighborly Community

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“In response to interest expressed by Council, staff has drafted a resolution that expresses City values and aspirations as a neighborly community that is welcoming of all people.

ACTION REQUESTED: Consider and take action on the proposed resolution.”

Councilmember Henderson Myers made a motion to approve the resolution as presented. Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0.

D. In Support of Extension of the Deferred Action for Childhood Arrivals (DACA) Program and Permanent Legal Status for Dreamers

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“In response to interest expressed by Council, staff has drafted a resolution that encourages Congress to extend protection to childhood immigrant arrivals. Typically referred to as Dreamers, these residents immigrated to the United States as young children. Unless their immigration status is resolved by Congress, these residents may become subject to deportation.”

ACTION REQUESTED: Consider and take action on a resolution to encourage Congress to take action on childhood arrivals.

Councilmember Jenkins made a motion to approve the resolution as presented. Mayor pro tem Stille seconded the motion, which carried unanimously 6 to 0.

VII. Ordinance

- A. **Authorizing the Issuance and Sale of Not Exceeding \$4,715,000 General Obligation Refunding Bonds, Series 2017, of the City of Spartanburg, South Carolina for the Purpose of Refunding Certain Maturities of the City's \$6,995,000 Original Principal Amount General Obligation Bonds, Series 2010; Fixing the Form and Details of the Bonds; Providing for the Payment of the Bonds; Authorizing the Mayor or the City Manager to Determine Certain Matters Relating to the Bonds; Providing for the Disposition of the Proceeds of the Bonds; and Other Matters Relating Thereto (First Reading)**

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:

“The attached ordinance authorizes the refinancing of the remaining 2010 General Obligation bonds. We are not extending the term of the debt or increasing the city's obligations. We are simply seeking to take advantage of lower interest rates to achieve annual savings of approximately \$25,000 annually.

As you recall, there is a chance that federal tax reforms under currently under consideration could impact transactions of this nature. Therefore we are seeking to close this transaction prior to the end of 2017. To meet that timeline, we will need to hold a very brief special meeting on December 4th.”

Councilmember Brown made a motion to approve the ordinance as presented on first reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.

VIII. Other Business

- A. **Boards and Commissions – Storm Water Appeals Board and Design Review Board**

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented Bryan Overcarsh's application for appointment to the Storm Water Appeals Board.

Mayor pro tem Stille made a motion to approve the application as presented.

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

Ms. McIntyre presented Kevin James DeMark's application for appoint to the Design Review Board.

Councilmember Erica Brown made a motion to approve the application as presented. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.

IX. City Council Updates –

Councilmember Anderson shared that, after the election that just took place, he hoped for civility as we work together to progress forward and continue to grow the city.

Councilmember Brown reminded everyone of “Dickens of a Christmas” that would take place on Tuesday, November 28. She mentioned that Hub Diggity Dog would be closing on Wednesday due to the owner’s retirement, and encouraged everyone to drop by before closing.

Councilmember Rice commended Spartanburg citizens for getting out and voting in the November 21 run-off election. He reminded them how important it was for their voices to be heard. He mentioned that Skating on the Square was up and running.

Councilmember Henderson Myers reminded everyone that we are “OneSpartanburg, that we should practice brotherly love, and that she was looking forward to working as one. She thanked the citizens who attended her Town Hall meeting.

X. Adjournment-

Councilmember Brown made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 6:03 p.m.


—**Connie S. McIntyre, City Clerk**



**Special City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, December 4, 2017
4:00 p.m.**

**(These minutes are subject to approval at the
December 11, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Stille, Councilmembers Jerome Rice, Sterling Anderson, Erica Brown and Alan Jenkins. Councilmember Rosalyn Henderson Myers was absent. 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. Call to Order - Mayor White called the meeting to order.

II. Ordinance – Second Reading

**A. Authorizing the Issuance and Sale of Not Exceeding \$4,715,000 General Obligation Refunding Bonds, Series 2017, of the City of Spartanburg, South Carolina for the Purpose of Refunding Certain Maturities of the City’s \$6,995,000 Original Principal Amount General Obligation Bonds, Series 2010; Fixing the Form and Details of the Bonds; Providing for the Payment of the Bonds; Authorizing the Mayor or the City Manager to Determine Certain Matters Relating to the Bonds; Providing for the Disposition of the Proceeds of the Bonds; and Other Matters Relating Thereto (Second Reading)
Presenter: Chris Story, Assistant City Manager**

Councilmember Anderson made a motion to approve the ordinance on second reading. Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0.

III. Adjournment – Councilmember Brown made a motion to adjourn the meeting. Councilmember Rice seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 4:05 p.m.

City Council toured the Montgomery Building site immediately following the business portion of the meeting. Transportation to and from the site was arranged.

Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planner III.

SUBJECT: Ordinance Accepting the Property Owned by George M. Moxley and Harriet B. Moxley, and being located at 145 Winfield Drive, and that portion of Winfield Drive and Ransdell Drive abutting said property, 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, said parcel to be Zoned R-15, Single Family Residential upon Annexation.

DATE: December 11, 2017

SUMMARY:

Staff received a request from George M. Moxley and Harriet B. Moxley, owners of 145 Winfield Drive for annexation of the property into the City of Spartanburg on November 15, 2017. Because this property will be zoned R-15, Single Family Residential upon Annexation, there is no need to obtain zoning designation by the Planning Commission.

Since the parcel is contiguous to the City Limits, the property owner has submitted an annexation petition under the 100 percent Petition and Ordinance method. Since the zoning designation for the contiguous parcel is R-15, Single Family Residential; Staff is requesting Council to designate the parcel as R-15.

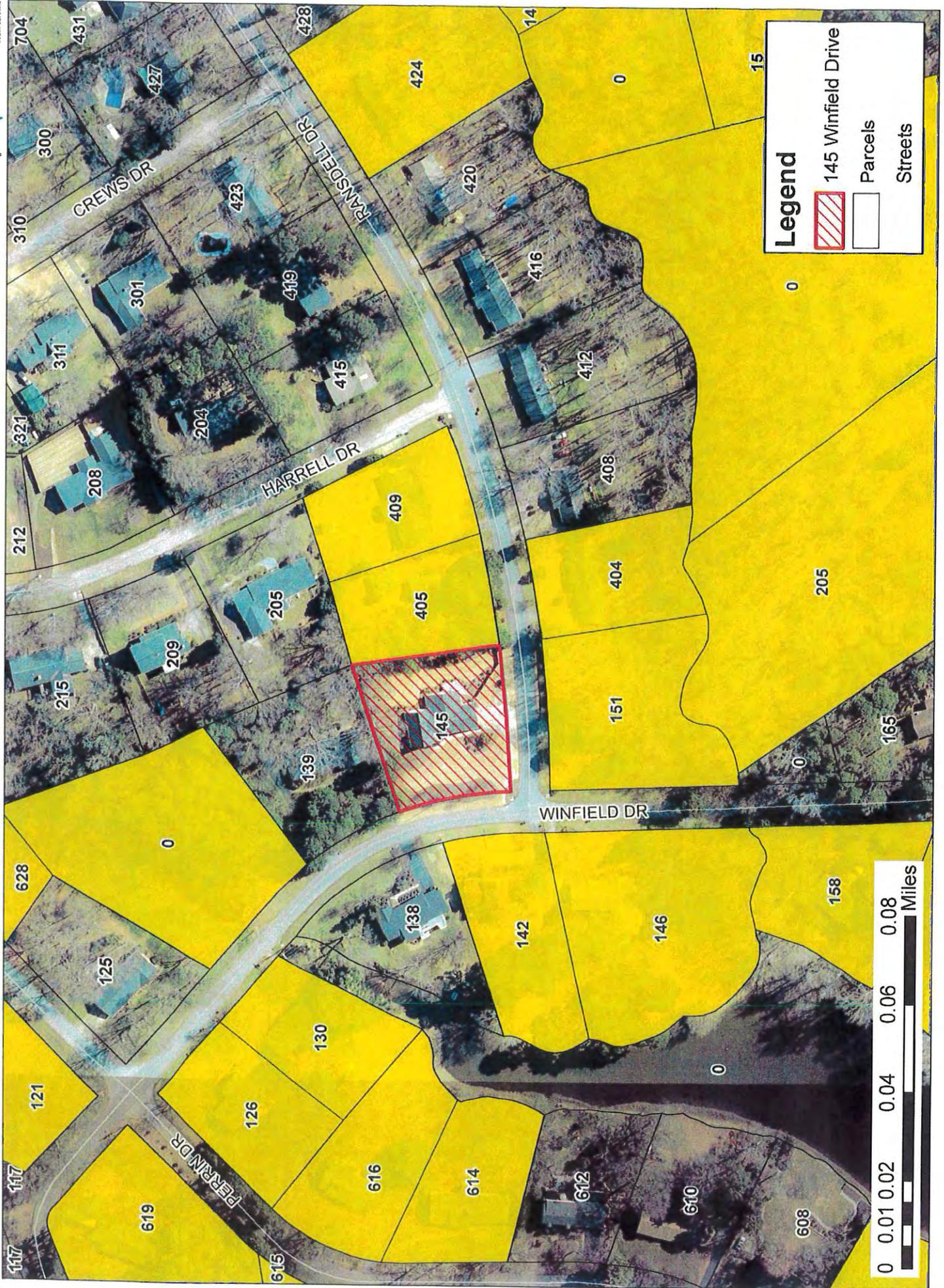
ACTION REQUESTED:

Staff recommends that the City Council take the following actions:

- a) Approve the annexation of 145 Winfield Drive (TMS7-10-13-034.00).
- b) Designate the zoning for this property as R-15 (Single Family Residential) upon annexation.

BUDGET AND FINANCE DATA:

The parcel will generate property tax after annexation. Additional service costs will be minimal.



AN ORDINANCE

ACCEPTING THE PROPERTY OWNED BY GEORGE M. MOXLEY AND HARRIET B. MOXLEY, AND BEING LOCATED AT 145 WINFIELD DRIVE, AND THAT PORTION OF WINFIELD DRIVE AND RANSELL DRIVE ABUTTING SAID PROPERTY, AND IS FURTHER IDENTIFIED ON SPARTANBURG COUNTY TAX MAP AS 7-10-13, PARCEL 034.00 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.

WHEREAS, heretofore, the City of Spartanburg, on November 15, 2017, received a Petition, filed by George M. Moxley and Harriet B. Moxley, Owners, requesting that the property described in the Petition be annexed to the City of Spartanburg; and

WHEREAS, the City Council of Spartanburg has caused an investigation to be made of said property and has found that said property is contiguous to the City of Spartanburg and that it would be in the best interest of the City of Spartanburg if said property be annexed hereto in accordance with Section 5-3-150 of the Code of Laws of South Carolina, 1976; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1: That the Petition of George M. Moxley and Harriet B. Moxley, dated November 15, 2017, for the annexation of the property hereinafter described to the City of Spartanburg be accepted.

Section 2: That the property hereinafter described is hereby declared annexed to the City of Spartanburg and a part and parcel of said City with full privileges accorded to and responsibilities required of said area.

Section 3: That said property is described as follows:

All that lot or parcel of land in the County of Spartanburg, State of South Carolina, being known and designated as Lot No. 3, Block 10, as shown on Plat No. 12 of Hillbrook Forest Subdivision recorded in Plat Book 54, pages 12 and 13, Spartanburg County Register of Deeds.

This is the same property conveyed to George M. Moxley and Harriet B. Moxley by Thomas L. Robinson and Gail L. Robinson by deed dated and recorded May 12, 1987, in Deed Book 53E at Page 237, Spartanburg County Register of Deeds. By the within deed, the Grantors intend to terminate their ownership as tenants in common in favor of their ownership as joint tenants with right of survivorship.

The County Block Map Number of the above tract of land is 7-10-13-034.00. (See attached plat).

(continued on page 2)

Section 4: That upon annexation, the property shall be zoned as Zone R-15 (Single Family Residential District).

Section 5: 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 _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

__/__/__ (First Reading)

__/__/__ (Second Reading)



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planner III.

SUBJECT: Rezoning of property located at 227 Cedar Springs Road, Beatrice Dillard, Merry Land, LLC, Property Owner.

DATE: December 11, 2017

SUMMARY: On November 16, 2017, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Beatrice Dillard, Mary Land, LLC, Property Owner, of 227 Cedar Springs Road, to rezone parcel 7-21-03-007.02 from Zone R-6, General Residential District to B-1, Neighborhood Shopping District, in order to allow for the Owner to better lease or sell the property.

The 2004 Comprehensive Plan calls for this parcel to be used for institutional use and zoned as General Institutional District. As the Cedar Springs Area has grown into a node of commercial activity, and the institutional uses in this area having relocated, Staff is of the opinion that a commercial use of this property would be more appropriate for the property's location along the corridor than that of a residential use.

The Planning Commission held a public hearing on the proposal on November 16, 2017. 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-6 to B-1.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on November 16, 2017 by a vote of 4 to 0. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

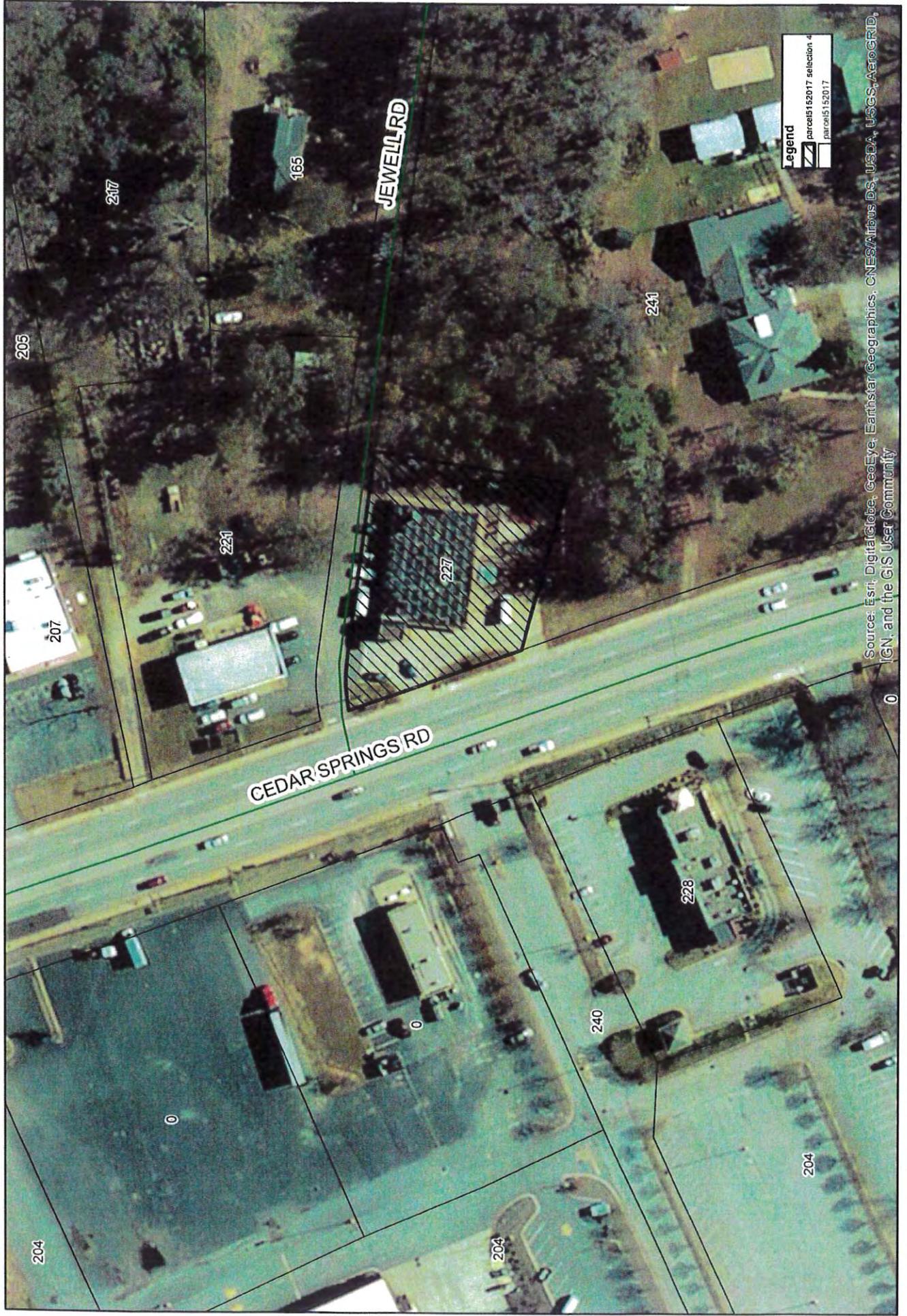
ADDITIONAL INFORMATION: Minutes from the November 16, 2017 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

BUDGET AND FINANCE DATA: N/A



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Legend

-  parcels 152017 selection 4
-  parcels 152017

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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 #7-21-03-007.02 LOCATED AT 227 CEDAR SPRINGS ROAD, WHICH IS ZONED R-6, WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT TO ZONE B-1, WITH A LAND USE DESIGNATION OF NEIGHBORHOOD SHOPPING 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 007.02 as shown on Spartanburg County Block Map Sheet 7-21-03, from Zone R-6, General Residential District to B-1, Neighborhood Shopping 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, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on November 16, 2017, 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 007.02 on Spartanburg County Block Map Sheet 7-21-03, shall be now designated as B-1, Neighborhood Shopping District.

(continued on page 2)

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 _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

Spartanburg City Planning Commission Meeting Minutes
Thursday, November 16, 2017

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, November 16, 2017, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Dr. Phillip Stone, II, Wendell Cantrell, and Mike Epps. Howard Kinard, Bob Pitts, and William Luke Quillen were absent. Representing the Planning Department was Natalia Rosario, Planner III.

Roll Call

Mr. Wilson, the Chair, 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. Wilson noted that four Planning Commissioners were present, constituting a quorum. Mr. Wilson went over the rules and procedures for conducting a public hearing.

Dr. Stone moved approval of the Agenda for tonight's meeting; and he was seconded by Mr. Cantrell. The motion was unanimously approved by a vote of 4 to 0.

Disposition of the Minutes from the October 19, 2017 meeting of the Spartanburg City Planning Commission.

Mr. Cantrell moved that the Minutes from the October 19, 2017 Meeting be approved as presented; and he was seconded by Dr. Stone. The minutes were unanimously approved by a vote of 4 to 0.

Old Business – None.

New Business

Rezoning Request – TMS#7-21-03-007.02 located on 227 Cedar Springs Road, which is currently zoned R-6, General Residential District to zone B-1, Neighborhood Shopping District in order to allow the Owner to be able to better lease or market the property; from Beatrice Dillard, Merry Land, LLC, Property Owner.

Ms. Natalia Rosario, Senior Planner came forward and was sworn, and she submitted the report the Planning Commissioners had previously received in their meeting packets, as well as the slides, and presentation, as Exhibit A. Ms. Rosario introduced the case to the Planning Commissioners and said the Owner would like to have the property rezoned from R-6, General Residential District to B-1, Neighborhood Shopping District in order to be able to assist in the sale of the property. She said Craig Jacobs was present on behalf of the Owner.

Board Questions:

- Mr. Cantrell asked Ms. Rosario about a slide of the property.
- Ms. Rosario showed a slide of the proposed property. She said it previously was a daycare; and the property right beside it had been the former Girls Home, and she explained that it had previously been rezoned B-1.

Mr. Craig Jacobs of 305 Match Box Commons, came forward and was sworn and said he was the Owner's Real Estate Agent. He informed the Planning Commissioners the R-6 zoning really limited the use of the property. He said everything around it was mainly B-1; and it just made sense to include this property as well. He also informed the Planning Commissioners he had been involved with the rezoning of the adjacent property when the former Girls Home had been rezoned to B-1, which had been approved because they thought they had someone who was going to purchase it for a restaurant/event center; which he said did not happen, but he feels if the Owner wants to sell or lease the property that a rezoning to B-1 just made more sense. It still could be a daycare, but it would open up more options for the Owner.

Board Questions:

- Mr. Cantrell asked if the daycare center had been torn down.
- Mr. Jacobs explained the day care was still there and in good condition but was not in operation; and that it still could be a daycare if someone wanted to purchase it and use it for that. He felt the B-1 zoning would be better for the Owner to be able to lease or sell the property.

Ms. Rosario came forward again and showed more slides in order to better illustrate the request. She went over the analysis of required findings and report the Planning Commissioners had previously received in their meeting packets that included the following list of criteria for the Planning Commission to consider when reviewing a rezoning request and Staff's analysis of those criteria as follows:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The 2004 Comprehensive Plan calls for this parcel to be used for institutional use and zoned as General Institutional District. As the Cedar Springs Area has grown into a node of commercial activity, and the institutional uses in this area having relocated, Staff is of the opinion that a commercial use of this property would be more appropriate for the property's location along the corridor than that of a residential use.
2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The surrounding parcels that are within City limits are all zoned either B-1, Neighborhood Shopping Center or B-3, General Business District, so the proposed zoning would conform to the uses of nearby properties and the developing character of the corridor.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – The property is suitable for development within the B-1, Neighborhood Shopping District.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the properties at the time of the proposed amendment* – In this area, the marketability of the property will be improved by being rezoned from R-6 to B-1. This will permit for a wider array of least intense commercial uses, while the property may still be used for the permitted uses under R-6 as well.
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:

Staff is of the opinion that the proposed zone change from R-6, General Residential to B-1, Neighborhood Shopping will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from R-6 to B-1. Ms. Rosario said she had received no emails or comments regarding the letters sent out for the request.

Planning Commission Questions/Comments:

- Dr. Stone asked was everything in the vicinity either B-1 or B-3.
- Ms. Rosario said that was correct.
- Dr. Stone asked where was the nearest residential.
- Ms. Rosario explained.

Mr. Wilson opened the public hearing and asked anyone who wished to speak either in favor or against the request to come forward. No one came forward. Mr. Wilson closed the public hearing.

Planning Commission Deliberation:

- Dr. Stone felt it was a reasonable request; and that most everything around it was already zoned to B-1.
- Mr. Wilson agreed, and said B-1 was one of the lesser intense uses and would not be that big of a difference.

Dr. Stone moved approval of the request as submitted; and he was seconded by Mr. Epps. The motion was unanimously approved by a vote of 4 to 0.

Dr. Stone asked Ms. Rosario when this item would go before City Council.

Ms. Rosario said it would go for another Public Hearing and First Reading before City Council on December 11, 2017; and it would go for a Second, final reading on January 8, 2018.

Site and Landscape Plans Approved since the October 19, 2017 Planning Commission Meeting

- Montgomery Building – 187 N. Church St. (appvd. Construction of Drive and Parking Location.)

City Council Updates Since the Last Meeting of the Planning Commission on October 19, 2017

Ms. Rosario went over the City Council Updates that pertained to the Planning Commission since the last meeting on October 19, 2017 listed on the Agenda.

Staff Announcements

Ms. Rosario said the two text amendments the Planning Commission had previously recommended for approval regarding the Sign Ordinance and Land Development Regulations, had been rescheduled to go before the Mayor and Council at the December 11, 2017 meeting.

Dr. Stone said he received his 2017 Continued Education Training last evening.

The meeting adjourned at 5:45 P.M.

Respectfully Submitted

Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant

***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

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.

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

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

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

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

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

- 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: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: TO AMEND THE ENTIRE TEXT OF THE LAND DEVELOPMENT REGULATIONS BY AMENDING AND UPDATING VARIOUS SUB-SECTIONS OF THE ZONING ORDINANCE OF THE CITY OF SPARTANBURG; SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

DATE: November 13th, 2017

SUMMARY: On October 19th, 2017, the Planning Commission held a public hearing and reviewed a request to amend the text of the City of Spartanburg Land Development Regulations, submitted by the City of Spartanburg. The Land Development Regulations of the City of Spartanburg guide the subdivision development process in detail, including specifications for roadways, lots, plat requirements and submittals, and staff processes. These regulations have not been updated since 1999. To that end a consultant to staff has revised the regulations to incorporate the most modern and orderly Land Development Regulations of the area.

The proposed amendments would provide staff with specific instructions on every step of the subdivision process, create applications and checkoff lists for staff and developers to follow, establish updated requirements for roadway construction as well as fees for plat submittal, and plat submittal requirements.

Clarifications and Improvements to Land Development Standards:

- a) Clarification of authority, purpose, and definitions
- b) Application procedures including preliminary and final plat approval instructions, letter of credit requirements
- c) Preliminary and Final Plat specifications including application examples
- d) Design Standards; street width specifications, curved road standards, street signs, street improvements and street warranty; street intersection design standards; alleyway definitions
- e) Updated reference to SCDOT /Access and Roadside Management Standards
- f) Easements; electric power and communications lines shall be placed underground
- g) Vision clearance per SCDOT standards, driveway locations (one per street frontage), encroachment permit required & requiring a detailed traffic management plan for developments near high average daily traffic count roads

- h) Section 9, Improvements: survey requirements, standards for water lines, fire hydrants, sewer, drainage, and street resurfacing; concrete curb and gutter standards
- i) Updated street and stormwater standards (clearing, grubbing, subgrade prep, pavement surface course, easement requirements for utilities, lot lines to facilitate future easements)
- j) Sec. 11 Appendices – subdivision application form, surveyors certification, city manager’s designee cert., letter of credit/bond agreement, one year warranty agreement, and standard details.

The Planning Commission held a public hearing on the proposal on October 19th, 2017. After consideration of the staff report and public comments the Planning Commission voted to recommend approval of the proposed text amendments to the Sign Ordinance.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on October 19th, 2017 by a vote of 6 to 0. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the October 19th, 2017 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

TO AMEND THE ENTIRE TEXT OF THE LAND DEVELOPMENT REGULATIONS BY AMENDING AND UPDATING VARIOUS SUB-SECTIONS OF THE ZONING ORDINANCE OF THE CITY OF SPARTANBURG; SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that it is in the public interest to amend the entire text of The Land Development Regulations by amending and updating various sub-sections; and

WHEREAS, this text amendment change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2017, at which time a presentation was made by staff and an opportunity was given for the public to comment on the text amendment change; and

WHEREAS, the Planning Commission, after consideration of the requirements set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the proposed text amendment be approved as submitted by staff with the changes noted in the minutes regarding changing the Major Roadways to Arterial; striking through Street Plan and including pedestrian crosswalks longer than 1000'; and, with the noted corrections regarding listing current Members of City Council, the Planning Commission and 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 City of Spartanburg Land Development Regulations be, and the same hereby amended as detailed in Attachment A.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason 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.

(continued)

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 _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

__/__/__ (First Reading)

__/__/__ (Second Reading)



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: TO AMEND THE ENTIRE TEXT OF SECTION 503, SIGN ORDINANCE BY UPDATING AND DETAILING VARIOUS SIGNAGE STANDARDS OF THE ZONING ORDINANCE OF THE CITY OF SPARTANBURG; SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

DATE: November 13th, 2017

SUMMARY: On October 19th, 2017, the Planning Commission held a public hearing and reviewed a request to amend the text of the City of Spartanburg Sign Ordinance, submitted by the City of Spartanburg. This text amendment is brought forth the request of city residents and Council, and Staff has reviewed these allowances and other sections of the Sign Ordinance to allow for the use of such illuminated signage for commercial, industrial, and institutional uses, as well as make specific improvements to the purpose and enforcement of the Sign Ordinance, lowering of pylon heights from 35' to 20', permitting an additional freestanding sign for shopping centers with more than one (1) street frontage, and to allow for 15% more signage if a sign is made of higher quality and more aesthetically attractive materials.

Electronic Variable Message Sign Standards (For Commercial, Institutional, and other uses, subject to the restrictions below):

Electronic message boards shall incorporate photo cell, or similar technology that adjusts brightness of the sign relative to outdoor ambient light. The actual change between sign copy shall be instant. Such signs shall be permitted on monument signs for institutional uses only.

- a) When such signs are to be located on a property, the area of the electronic sign face shall not exceed 30 percent of the overall sign face, and the electronic message shall maintain a static message for at least 15 seconds;
- b) Signs which incorporate electronic message boards must have an element of landscaping at the base of the sign included as part of the sign permit package and installation;
- c) The area of the electronic message board face may be increased to up to 40% of the total signage area if additional natural materials are used as part of the monument, including but not limited to: stone, wood, brick, etc.;
- d) The sign may not display messages from 10 p.m. to 6 a.m.
- e) An electronic message board sign illumination shall not exceed 0.3 foot candles over ambient lighting condition;
- f) In order to minimize light trespass on abutting and nearby residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1) fc) foot-candle;
- g) An illumination plan by foot-candle shall be provided as part of the sign permit package and installation.

- h) The leading edge of the sign shall be a minimum of 100' from any single-family residential property line;
- i) A monument sign with electronic message signage shall not exceed 6' in height;
- j) An existing monument sign may be upfitted with an electronic message board sign, subject to the provisions of this ordinance and not to be installed higher than 6' in height.
- k) The sign shall have a default mechanism that will either stop the sign in one position, or turn off the sign should a malfunction occur and;
- l) The sign company responsible for installation of the sign shall certify the illumination specifications for the message board and the default mechanism is functional. The owner of the sign shall also certify knowledge of the requirements of this ordinance.

The Planning Commission held a public hearing on the proposal on October 19th, 2017. After consideration of the staff report and public comments the Planning Commission voted to recommend approval of the proposed text amendments to the Sign Ordinance.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on October 19th, 2017 by a vote of 6 to 0. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the October 19th, 2017 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

TO AMEND THE ENTIRE TEXT OF SECTION 503, SIGN ORDINANCE BY UPDATING AND DETAILING VARIOUS SIGNAGE STANDARDS OF THE ZONING ORDINANCE OF THE CITY OF SPARTANBURG; SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that it is in the public interest to amend the entire Section 503, Sign Ordinance, regarding updating and detailing various Signage Standards; and

WHEREAS, this text amendment change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2017, at which time a presentation was made by staff and an opportunity was given for the public to comment on the text amendment change; and

WHEREAS, the Planning Commission, after consideration of the requirements set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the proposed text amendment be approved as submitted by staff with the change noted in the minutes for the height of existing signs be allowed to stay the same.

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 City of Spartanburg Zoning Ordinance, be, and the same hereby amended as detailed in Attachment A.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portions thereof.

(continued)

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 _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

VIII. A



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Resolution Providing Consent for Designation of Property for Inclusion in a Multi-County Industrial Business Park

DATE: December 7, 2017

BACKGROUND:

Council recently authorized staff to enter into an agreement with Forge Capital for the development of a 200 unit apartment complex in downtown. In the development agreement, the city agreed to provide its consent for inclusion of the project site in a multi-county industrial business park. The attached resolution, if approved by Council, will provide the city's consent provided that Spartanburg County takes certain action and Forge Capital completes the project in accordance with its obligation under the development agreement.

ACTION REQUESTED:

Approval of the consent resolution.

BUDGET AND FINANCIAL DATA: N/A

A RESOLUTION

PURSUANT TO SECTION 4-1-170(C), SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED, TO PROVIDE CONDITIONAL CONSENT TO THE PLACEMENT OF CERTAIN PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SPARTANBURG, SOUTH CAROLINA IN A JOINT COUNTY INDUSTRIAL/BUSINESS PARK OF SPARTANBURG COUNTY AND AN ADJACENT PARTNER COUNTY, SUCH APPROVAL TO BE CONDITIONED UPON THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN SPARTANBURG COUNTY AND THE CITY OF SPARTANBURG, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Spartanburg County, South Carolina (“Spartanburg County”) and the City of Spartanburg, South Carolina (the “City”) have undertaken discussions in connection with the designation of certain parcels of real property located in the City as a joint county industrial and business park (the “Park”) pursuant to an agreement for the development of such Park (the “Park Agreement”) to be executed and delivered by and between Spartanburg County and an adjacent partner county (together with Spartanburg County, the “Counties”) in accordance with Section 4-1-170, Code of Laws of South Carolina 1976, as amended (the “Code”); and

WHEREAS, pursuant to Section 4-1-170(C) of the Code, the City must consent to the inclusion of real property located within the City in a joint county industrial and business park prior to such inclusion; and

WHEREAS, it is anticipated that the development of the Park will involve an agreement by and between the City and Spartanburg County (the “Intergovernmental Agreement”), to be approved by subsequent ordinance of the City, which will, among other things, include provisions relating to: (i) the provision of incentives for economic development projects (including the Project described below), and (ii) the use and distribution of the fees-in-lieu of taxes paid on behalf of the properties located in the Park by the City, Spartanburg County and other taxing districts as applicable, all in order to promote the economic development of the City and Spartanburg County, and

WHEREAS, while discussions between the City and Spartanburg County are continuing with respect to the terms of the Intergovernmental Agreement, the City has, on November 13, 2017, enacted an ordinance authorizing the execution and delivery of a Development Agreement between the City of Spartanburg and Forge Capital Partners, LLC dated (the “Development Agreement”) whereby Forge Capital Partners, LLC (“Forge”) has agreed to construct a 200 unit apartment complex on an approximately 7 acre portion of TMS Parcel 7-12-06-084.00 located within the City (such portion, the “City Parcel”) with an anticipated capital investment of approximately \$30,000,000 (the “Project”), and the City has agreed to, among other things: (i) consent to a fee-in-lieu of tax payment structure for the Project as set forth in the Development Agreement, and (ii) use its best efforts to achieve the approval of Spartanburg County of such fee-in-lieu of tax payment structure for the Project; and

WHEREAS, the location of the City Parcel in the Park will facilitate the implementation of the fee-in-lieu of tax payment structure for the Project set forth in the Development Agreement; and

WHEREAS, while it is anticipated that additional properties located within the City will be or become subject to the Park, in order to move forward with the City’s commitments set forth in the Development Agreement, the City desires to provide consent for the City Parcel to be designated as part of, and located within, the Park; provided, however, such consent shall be contingent upon due approval, execution and delivery of the Intergovernmental Agreement, which Intergovernmental Agreement must

provide for the fee-in-lieu of tax payment structure for the Project as set forth in the Development Agreement.

NOW, THEREFOR, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA:

1. The City hereby consents to the inclusion of the City Parcel in the Park pursuant to Section 4-1-170(C) of the Code; provided, however, that such consent is conditional and contingent upon the execution and delivery of the Intergovernmental Agreement by and between the City and Spartanburg County at or prior to the time of creation of the Park by the Counties, which Intergovernmental Agreement must provide for the fee-in-lieu of tax payment structure for the Project as set forth in the Development Agreement. In the event that the Intergovernmental Agreement is not executed and delivered by Spartanburg County and the City at or prior to the time of creation of the Park by the Counties, the consent provided for herein shall be rescinded and withdrawn, and the City Parcel shall not be located within or designated as subject to the Park.

2. This Resolution shall become effective immediately; however, the consent granted herein shall not take effect until the Intergovernmental Agreement has been approved and executed by Spartanburg County and the City. All orders, resolutions and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

RESOLVED this 11th day of December, 2017

Mayor

Attest:

City Clerk

VIII. B



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Michelle Clyburn, Director of Human Resources
SUBJECT: Application to State Health Plan
DATE: December 7, 2017

BACKGROUND:

Offering great benefits to our employees is important to the city. The most expensive piece of that is our health benefits. The city is self-insured for employee health insurance. As such, the city is directly responsible for the medical expenses of covered employees, spouses, and dependents (approximately 800 total) who are enrolled in the health insurance plan.

To ensure that we offer a competitive health care benefits package to employees, we study the market to explore affordable options. We are requesting approval from Council to formally apply to join the State Health Plan through the South Carolina Public Employee Benefits Authority (PEBA). PEBA manages insurance programs for South Carolina's public workforce. Other local public employers (Spartanburg County and Spartanburg School District 7) obtain their employee health insurance from PEBA. PEBA requires applicants have its governing body pass a resolution to authorize application. If approved, the resolution will authorize, but not obligate, the city to obtain its health insurance from PEBA.

ACTION REQUESTED:

Approval for the City Manager to submit application to join the State Health Plan managed by the Public Employee Benefit Authority.

A RESOLUTION

**TO APPROVE THE INCLUSION OF CITY EMPLOYEES IN THE
STATE HEALTH PLAN MANAGED BY THE S.C. PUBLIC EMPLOYEE
BENEFIT AUTHORITY AND TO AUTHORIZE THE CITY'S
APPLICATION TO JOIN THE PLAN**

WHEREAS, to ensure that the City offers a competitive health care benefits package to its employees and their families, it studies the market to explore affordable options; and

WHEREAS, the City is interested in applying in the South Carolina State Health Plan managed by the S.C. Employee Benefit Authority; and

WHEREAS, PEBA requires applicants to have its governing body pass a resolution to authorize application.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Members of the City Council of the City of Spartanburg, in Council duly assembled:

Section 1. That the Spartanburg City Council approves the inclusion of the employees of the City of Spartanburg in the South Carolina State Health Plan (Plan) and agrees to comply with the requirements of the regulations of the Public Employee Benefit Authority (PEBA), as may be amended from time to time.

Section 2. That the Spartanburg City Council believes it is in the best interest of the employees of the City to be included in the Plan.

Section 3. That the Spartanburg City Council does by this Resolution make an application to join the Plan, as an employer, under the provisions of the 1976 Code of Laws of South Carolina, and authority is given to the City Manager to take the necessary steps for application into the Plan.

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

DONE AND RATIFIED this ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council
FROM: Ed Memmott, City Manager
SUBJECT: Consideration of a Contract with Pope Flynn, LLC for Interim City Attorney Services
DATE: December 7, 2017

BACKGROUND:

Council is aware that Cathy McCabe, City Attorney, will retire effective December 29, 2017. After consultation with City Council, Cathy and I have negotiated the terms of a proposed contract with Pope Flynn LLC to provide interim city attorney services. Larry Flynn, a partner with Pope Flynn, would be the city's principal contact under the contract. Mr. Flynn has served as contract city attorney for other jurisdictions and has relevant experience that will allow him to immediately meet the needs on an interim basis. The proposed charges are provided in the draft contract which is attached.

ACTION REQUESTED:

Review and approval of the proposed contract with Pope Flynn, LLC for interim city attorney services.

BUDGET AND FINANCIAL DATA:

Contract expenses will be paid from budgeted legal and professional services funds.

INTERIM CITY ATTORNEY AGREEMENT

THIS AGREEMENT ("Agreement") made and entered into this _____ day of _____, 2017, by and between the City of Spartanburg, South Carolina (hereinafter referred to as "CITY") and Pope Flynn, LLC (hereinafter referred to as "ATTORNEY").

WITNESSETH:

WHEREAS, CITY desires to employ the services of the ATTORNEY as interim city attorney; and

WHEREAS, all references to "City Council" shall mean the governing body of the CITY, unless otherwise stated herein.

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

1. RECITALS. The foregoing recitals are true and correct and incorporated herein by this reference.
2. APPOINTMENT AND RETAINER. The ATTORNEY is hereby retained and appointed as interim city attorney for the CITY.
3. SERVICES TO BE RENDERED. The ATTORNEY shall provide to CITY legal services, including, but not limited to, the following:

3.1 *Services*.

- a. Attend and provide legal counsel at all regular and special meetings and workshops of the City Council, unless excused by the Mayor and City Council. Council meetings generally are held the second and fourth Mondays of each month starting at 5:30 PM. ATTORNEY will be available at City Hall for consultation with city staff for at least one-hour before each Council meeting.
- b. Review and revise staff-prepared ordinances and resolutions.
- c. Attend senior staff meetings. These meetings are typically held on Thursday mornings starting at 8:30 AM and generally last 60 minutes. Your attendance will be required twice a month on the Thursdays before a scheduled Council meeting.
- d. Review of routine "template" agreements, leases, contracts or similar documents. It is understood that these documents will be drafted for specific applications and instances and will be submitted to ATTORNEY for review.

- e. Provide assistance to City staff designated by the City Manager regarding the interpretation of CITY regulatory ordinances with respect to planning and zoning, storm water, and building codes.
- f. Prepare written opinions/memoranda on legal matters as required by City Council and/or City Manager.
- g. Attend and provide legal counsel to Boards and Commissions of the City when attorney representation is required (as determined by the City Manager). It is not expected that routine meetings of the City's various Boards and Commissions will require legal representation.
- h. Prepare ordinances and resolutions, written policies and procedures, together with associated legal research necessary for the preparation of these documents. This activity shall include providing assessments of legal risks inherent in any proposed course of action, present legislation or practices of the CITY.
- i. Participate in meetings and/or telephone conferences with the City Manager and/or staff as designated by the City Manager.
- j. As requested by the CITY, oversee, in a cost-effective manner, litigation in which the CITY is represented by the CITY's insurer or other independent legal counsel.
- k. Assess potential claims and legal liabilities associated with the performance and conduct of police and fire personnel and coordinate notice to CITY's liability insurance provider.
- l. Assess potential and actual employment-related claims associated with employee disciplinary actions, including suspension and/or terminations; coordinate with other legal counsel as needed for human-resource related matters.
- m. Review claims made against CITY and coordinate referral to SCMIRF or any other CITY insurance providers.
- n. Review workers compensation claims and refer those claims to SCMIRF or any other CITY insurance providers. Monitor defense of claim.
- o. Conduct Westlaw legal research as required in the performance of duties to the CITY.
- p. Provide legal services for such other matters not covered above, but which necessitate legal advice or use of legal services of the ATTORNEY, as determined by the City Council or City Manager.
- q. Monitor CITY prosecutors.
- r. Make appropriate referrals for other independent legal counsel to represent the CITY on matters not otherwise covered by this Agreement.

- s. Provide legal representation and defense to challenges to the CITY's ordinances and regulations.
 - t. Defend the CITY in lawsuits that are not defended by legal services provided by the CITY's insurer, or when the CITY's exposure exceeds the insurance coverage. For this purpose, the CITY shall be understood to include the members of the City Council, individually and/or collectively, members of all CITY boards and commissions, individually and/or collectively, the City Manager and all members of the CITY staff, for any legal actions emanating from their official duties with CITY business, unless the ATTORNEY cannot represent an individual under the Rules of Professional Conduct of the South Carolina Bar.
 - u. File and pursue such litigation as may be authorized by the City Council or recommend legal representation if the ATTORNEY believes the matter requires expertise that the ATTORNEY cannot provide.
 - v. The ATTORNEY shall not settle any claim without the prior written authorization of the City Manager, in response to explicit direction from the City Council.
- 3.2 *Advice to the General Public on CITY Matters.* The ATTORNEY shall refrain from responding to requests or comments from the general public unless otherwise directed by the City Council or the City Manager.
- 3.3 *Interim City Attorney of Record.* While this Agreement is with the Firm of Pope Flynn, LLC, the interim city attorney of record shall be Lawrence E. Flynn, Jr. Should Lawrence E. Flynn, Jr. be unable personally to represent the CITY at a meeting or meetings, then Gary T. Pope shall attend such meeting or meetings, and, in his absence, Lawrence E. Flynn III shall attend. Other attorneys-at-law in the Firm are available on an "as needed" basis to provide legal services to the CITY, commensurate with this Agreement.
- 3.4 *City Manager "Gatekeeper".* With the exception of requests from the City Council acting as a body, the City Manager shall act as a "gatekeeper" for the CITY in requesting the services or assistance of the ATTORNEY, coordinating the flow of work to the ATTORNEY and establishing the relative priorities to be placed by the ATTORNEY on each task for which the assistance of the ATTORNEY is required. No member of the CITY staff may require the efforts of the ATTORNEY on behalf of the CITY unless authorized by the City Manager. This paragraph does not prevent the ATTORNEY, in his or her discretion, from having one-on-one contact with City Council member(s) when such contact is needed in the best interests of the CITY. Notwithstanding the foregoing, any member of the City Council may request legal services and opinions of the ATTORNEY regarding CITY matters, as provided in this Agreement. This paragraph also does not prevent the ATTORNEY from contacting any member of the CITY staff when such contact is needed in the best interests of the CITY.

- 3.5 CITY and ATTORNEY will monthly review the workload to determine if this Agreement should be amended.
- 3.6 TERM OF THIS CONTRACT. The effective date of this contract shall be the date is executed by the last party to execute it. The expected term of this contract shall be for a period of six (6) months, January 1, 2018 to June 30, 2018. Either party may terminate this contract with 45 days' notice.
4. COMPENSATION.
- 4.1 For months 1 and 2, up to 30 hours per month for the monthly fee of \$5,000. The hourly rate for hours over 30 per month is \$225.
- 4.2 For subsequent months, 25 hours per month for the monthly fee of \$5,000. The hourly rate for hours over 25 per month is \$225.
- 4.3 For Services performed by other attorneys, staff and paralegals of the firm, the hourly rate shall be Pope Flynn's standard hourly rates for local government advice and counsel files only if the ATTORNEY monthly hours exceed 30 hours in months 1 and 2 and 25 hours in subsequent months.
5. ATTORNEY TO BE INDEPENDENT CONTRACTOR. ATTORNEY and ATTORNEY's employees and agents are independent contractors and not employees, agents or servants of CITY.
6. CITY NOT LIABLE FOR ACTS OF ATTORNEY. The CITY shall not be liable for the acts, omissions to act, or negligence of ATTORNEY or the ATTORNEY's agents, servants and employees. ATTORNEY shall maintain during the term of this contract professional liability insurance in at least the minimum amounts of One Million Dollars (\$1,000,000.00) per claim and Two Million Dollars (\$2,000,000.00) per annual aggregate, covering the professional services rendered. The ATTORNEY shall also maintain Workers' Compensation Insurance. If not required by law to maintain Workers' Compensation Insurance, ATTORNEY shall provide a notarized statement that, if ATTORNEY or ATTORNEY's employees or agents are injured, neither ATTORNEY, nor ATTORNEY's employees or agents, will hold the CITY responsible for any payment or compensation.
7. COMPLIANCE WITH APPLICABLE LAWS. ATTORNEY shall comply with all Federal, State and local laws and ordinances applicable to the work, and shall not discriminate on the grounds of race, color, religion, sex, disability or national origin in the performance of services to the CITY.
8. RIGHT OF CITY TO RETAIN OTHER ATTORNEYS. The CITY reserves the right to retain the services of an attorney or attorneys, not associated with the ATTORNEY, to represent the CITY in any matter it determines necessary or appropriate.

IN WITNESS WHEREOF, the parties have executed this Agreement the _____ day of _____, 2017.

CITY OF SPARTANBURG

(Witness)

By _____
Ed Memmott
Its City Manager

(Witness)

(Witness)

Lawrence E. Flynn, Jr.

(Witness)

POPE FLYNN, LLC

(Witness)

By _____
Lawrence E. Flynn III
Its Member

(Witness)



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Approval of Cammie Clagett Asbestos Air Monitoring Bids
DATE: December 11, 2017

BACKGROUND:

One of the priorities identified by the Highland Working Group is the demolition of the vacant Cammie Clagett Apartments. Utilizing funding from the State Housing Finance and Development Authority, the City now has the opportunity to proceed with abatement and demolition.

ACTION REQUESTED:

Five contractors responded to a bid solicitation asbestos abatement air monitoring. City staff has received approval for awarding of contract for asbestos air monitoring in consultation with the State Housing Authority to expedite the work and proceed with awarding contracts. Based on continuing direction from State Housing, staff is recommending that the City Manager be authorized to enter into asbestos abatement air monitoring contract with Summit Engineering Inc.

| CONTRACTORS | AMOUNT |
|--------------------------------|------------------|
| Summit Engineering Inc. | 26,010.00 |
| Crossroads Environmental | 47,850.00 |
| West Environmental | 48,400.00 |
| Apex Environmental | 67,650.00 |
| ECS Environmental | 128,700.00 |

Asbestos abatement of 66 units is included in this action. Staff is continuing work with State Housing to secure funding for abatement and demolition of the remaining 42 units. All abatement work will be performed in accordance with SCDHEC standards.

BUDGET & FINANCIAL DATA:

Neighborhood Initiative Program Funding: \$26,010.00.



City of Spartanburg
Procurement & Risk Division
PO Box 1749
145 W Broad Street
Spartanburg, SC 29304
Phone: 864-596-2790
Fax: 864-596-2365
www.cityofspartanburg.org

NOTICE OF INTENT TO AWARD

Air Monitoring Cammie
 Tuesday, Nov. 7, 2017
 no later than 3 PM

The following vendors submitted responses to the above solicitation:

| Vendor | Total Bid | Price per Unit |
|--------------------------|------------|----------------|
| Summit Engineering | 26,010.00 | 300.00 |
| ECS | 128,700.00 | 1,950.00 |
| Crossroads Environmental | 47,850.00 | 725.00 |
| West Environmental | 48,400.00 | 733.00 |
| Apex Environmental | 67,650.00 | 1.025.00 |

Responses were evaluated according to the criteria stated in the solicitation. We announce our intent to award a contract to:

| Winning Vendor's Name | City | State |
|-----------------------|-----------|-------|
| Summit Engineering | Fort Mill | SC |

We would like to thank each vendor for your time and efforts in preparing a response to this solicitation.

We invite you to contact the Procurement Officer if you would like additional information or have any questions about the evaluation process. Vendors are reminded that any protests of this decision must be submitted to the Procurement Officer within five days after the issuance of this notice. The protest must be in writing, clearly identify the solicitation, and detail the nature of the protest.

The successful vendor is instructed not to begin work, purchase materials, or enter into subcontracts relating to the project until both the recipient and the City sign the contract.

We appreciate your interest in doing business with the City of Spartanburg.

Sincerely,

Carl F. Wright
 Procurement & Risk Manager



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Approval of Cammie Clagett Asbestos Abatement Bids
DATE: December 11, 2017

BACKGROUND:

One of the priorities identified by the Highland Working Group is the demolition of the vacant Cammie Clagett Apartments. Utilizing funding from the State Housing Finance and Development Authority, the City now has the opportunity to proceed with abatement and demolition.

ACTION REQUESTED:

Six (6) contractors responded to a bid solicitation. City staff has received approval for the awarding of contract for asbestos abatement in consultation with the State Housing Authority to expedite the work and proceed with awarding contracts. Based on continuing direction from State Housing, staff is recommending that the City Manager be authorized to enter into asbestos abatement contract with Eastern Environmental.

| CONTRACTORS | AMOUNT |
|------------------------------|-------------------|
| Eastern Environmental | 689,475.00 |
| DH Griffin Wrecking | 849,000.00 |
| Rhino Demolition | 899,640.00 |
| Trifecta Services Co. | 937,300.00 |
| NEO Corporation | 970,200.00 |
| Asbestos & Demolition | 990,200.00 |

Asbestos abatement of 66 units is included in this action. Staff is continuing work with State Housing to secure funding for abatement and demolition of the remaining 42 units. All abatement work will be performed in accordance with SCDHEC standards. Air quality monitoring will be conducted during the abatement of the asbestos.

BUDGET & FINANCIAL DATA:

Neighborhood Initiative Program Funding: \$689,475.00



City of Spartanburg
Procurement & Risk Division
PO Box 1749
145 W Broad Street
Spartanburg, SC 29304
Phone: 864-596-2790
Fax: 864-596-2365
www.cityofspartanburg.org

NOTICE OF INTENT TO AWARD

Removal of Asbestos Cammie
 Tuesday, Nov. 7, 2017
 no later than 3 PM

The following vendors submitted responses to the above solicitation:

| | Total Bid | Price per Unit |
|-----------------------|------------------|-----------------------|
| Eastern Environmental | 689,475.00 | 10,446.59 |
| DH Griffin Wrecking | 849,000.00 | 12,863.64 |
| Trifecta Services Co. | 937,300.00 | 14,201.52 |
| Asbestos & Demolition | 990,200.00 | 15,003.03 |
| NEO Corporation | 970,200.00 | 14,700.00 |
| Rhino Demolition | 899,640.00 | 13,630.91 |

Responses were evaluated according to the criteria stated in the solicitation. We announce our intent to award a contract to:

| Winning Vendor's Name | City | State |
|------------------------------|-------------|--------------|
| Eastern Environmental | Hampstead | NC |

We would like to thank each vendor for your time and efforts in preparing a response to this solicitation.

We invite you to contact the Procurement Officer if you would like additional information or have any questions about the evaluation process. Vendors are reminded that any protests of this decision must be submitted to the Procurement Officer within five days after the issuance of this notice. The protest must be in writing, clearly identify the solicitation, and detail the nature of the protest.

The successful vendor is instructed not to begin work, purchase materials, or enter into subcontracts relating to the project until both the recipient and the City sign the contract.

We appreciate your interest in doing business with the City of Spartanburg.

Sincerely,

Carl F. Wright
 Procurement & Risk Manager



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Mitch Kennedy, Community Services Director
SUBJECT: River Birch Trail Improvements
DATE: December 7, 2017

BACKGROUND:

River Birch Trail is an approximately 2,100 linear foot paved trail located near Spartanburg High School. It connects with the Cottonwood Trail. River Birch is approximately 6' in width.

City parks and recreation staff has been concerned about the condition of the trail for some time. The existing asphalt is cracked and is being lifted up by tree roots in several locations. Staff has consulted with Partners for Active Living staff regarding this project. River Birch is a critical section of a planned trail network that will eventually connect to other trail improvements.

City staff solicited bids for the reconstruction of the River Birch Trail. All existing asphalt will be removed. The entire length of the trail will be regraded. A firm base will be established and 10' wide paved trail will be installed. Reworking of the River Birch Trail is identified as the base bid below in the summary of bids. In addition to the River Birch Trail, staff requested pricing for an additional section of trail that extends to the north of River Birch Trail. This additional section is approximately 950' in length. It is unpaved. The bid specifications requested pricing for this section of the trail also.

The following bids were received:

- | | | | |
|---|--------------------|-------------------------|-----------------|
| • Ray Lemons Bulldozing (Union, SC) | Base Bid \$131,991 | Alternate Bid \$100,000 | Total \$231,991 |
| • Capitol Construction (Spartanburg, SC) | Base Bid \$287,411 | Alternate Bid \$317,710 | Total \$605,121 |
| • Sossamon Construction (Gaffney, SC) | Base Bid \$370,920 | Alternate Bid \$180,000 | Total \$550,920 |
| • AOS Specialty Contractors (Lexington, SC) | Base Bid \$475,715 | Alternate Bid \$200,000 | Total \$675,715 |

Staff has reviewed the bids received and the qualifications for each of these contractors and determined that Ray Lemons Bulldozing is the responsive low bidder. Lemons has successfully completed similar work building the asphalt trail connecting Drayton Mills to Mary Black Hospital. Staff would like to initially award the River Birch Trail portion of the work and would later, provided that the River Birch work is acceptable, authorize the balance of the work. AOS Specialty Contractors Inc. is a certified MWBE contractor.

ACTION REQUESTED:

Allow staff to accept the bid from Ray Lemons Bulldozing and authorize the City Manager to enter into a contract with Ray Lemons Bulldozing for the base bid of the project, with the option to proceed with the alternate bid based on assessment of work in base bid.

BUDGET AND FINANCIAL DATA:

\$ 231,991 from Capital Project – GP1274

Chance Lebron



Spartanburg, SC 29306
mmbc502@gmail.com

(H) 864-754-2091
(C) 864-754-2091

I am a motivated candidate that seeks to better myself through training programs and/or job opportunities. I enjoy being part of a team and my strong work ethic has been recognized with merit increases. Someday as I develop my skills and gain experience, I would like to mentor, coach, and guide others. I am very ambitious about finding successful people in the community to learn from.

Work Summary

Marco's Pizza

January-June 2016

1855 E Main St., Spartanburg, SC
Duties included: Cooking, Cashier, and Cleaning

Spinx

November 2014-December 2015

1605 John B White Sr Blvd, Spartanburg, SC 29301
Duties included: Customer Service, Sales, Cooking, Dishwashing

Ermc

December 2013-November 2014

205 W Blackstock Rd Ste 1, Spartanburg, SC
Duties included: Janitorial duties, Kitchen duties, restaurant restocking as needed

Bojangles

December 2011-December 2012

1800 Ashville Hwy, Spartanburg, SC
Duties included: cooking, cleaning, and other general tasks assigned to the kitchen staff

Education & Skills

Spartanburg Community College

August 2016

CNA Certificate (program in progress, mid-way through completion)

Computer Skills

Windows, PowerPoint, Excel, Gmail

Community Activities

Vikings Against Crime
House District 31 Campaign Volunteer
Mayoral Race Campaign Volunteer

August 2009 to May 2011
July 2017 to August 2017
July 2017 to November 2017