



**City Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC  
Monday, December 11, 2017  
5:30 p.m.**

**(These minutes were approved at the  
January 8, 2018 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, Rosalyn Henderson Myers and Alan Jenkins. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.**

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes of the November 27, 2017 and December 4, 2017 City Council Meetings –**  
*Councilmember Brown made a motion to approve the minutes as received.*  
*Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of the Agenda of the December 11, 2017 City Council Meeting –**  
*Councilmember Rice made a motion to approve the agenda as received.*  
*Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0*
- V. Public Comment**  
\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
  - 1. Joe Sessoms**, representing the Shrine Bowl of the Carolinas, updated Council on the success of the past Shrine Bowl event, thanked them for the City’s support, and invited everyone to the Shrine Bowl on Saturday, December 16, 2017 at Gibbs Stadium at Wofford College.
  - 2. Retiring District 31 House of Representative Harold Mitchell, Jr.**, 412 Shaw Avenue, thanked Council for their support during his tenure at the state house and wished Councilmember Henderson Myers well as she takes over that position.

**VI. Special Presentations**

**A. Spartanburg Convention and Visitors Bureau**

**Presenter: Chris Jennings, Executive Director**

Mr. Jennings updated Council on the activities and successes of the Spartanburg Convention and Visitors Bureau.

**B. Healthy Community 50 Challenge**

**Presenters: Molly Talbot-Metz, Mary Black Foundation**

**Sherry Barrett, Upstate Forever**

Ms. Talbot-Metz and Ms. Barrett updated Council on the foundations work and results of the Healthy Community 50 Challenge.

**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**

Ms. Rosario presented the item to Council as follows:

“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.”

*Mayor White* opened the public hearing asking if there was anyone to speak against the proposed ordinance. Hearing none, he asked if there was anyone to speak in favor of the proposed ordinance.

*Mayor pro tem Stille* made a motion to close the public hearing.

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

*Councilmember Brown* made a motion to approve the ordinance as presented on first reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

**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**

Ms. Rosario presented the item to Council as follows:

“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.”

*Mayor White* opened the public hearing asking if there was anyone to speak against the proposed ordinance. Hearing none, he asked if there was anyone to speak in favor of the proposed ordinance.

*Ms. Bea Dillard*, former owner of the property adjacent to 227 Cedar Springs Rd., came forward to speak in favor of the ordinance.

*Councilmember Anderson made a motion to close the public hearing. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

*Councilmember Henderson Myers made a motion to approve the ordinance as presented on first reading. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.*

**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**

**Ms. Rosario** presented the item to Council as follows:

“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 19<sup>th</sup>, 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 19<sup>th</sup>, 2017 by a vote of 6 to 0.”

*Mayor White opened the public hearing asking if there was anyone to speak against the proposed ordinance. Hearing none, he asked if there was anyone to speak in favor of the proposed ordinance.*

*Mayor pro tem Stille made a motion to close the public hearing.*

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

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

**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**

**Ms. Rosario** presented the item to Council as follows:

“On October 19<sup>th</sup>, 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 up fitted 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 19<sup>th</sup>, 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 19<sup>th</sup>, 2017 by a vote of 6 to 0.”

**Mayor White** opened the public hearing asking if there was anyone to speak against the proposed ordinance. Hearing none, he asked if there was anyone to speak in favor of the proposed ordinance.

Father Rob Brown, of St. Matthew's Episcopal Church, came forward to speak in favor of the proposed ordinance.

Robert Reeder, 128 Lincoln Drive, came forward to speak in favor of the proposed ordinance.

Dr. Phillip Stone, 246 S. Spring Street, came forward to speak in favor of the proposed ordinance.

***Councilmember Anderson** made a motion to close the public hearing.*

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

***Councilmember Anderson** made a motion to approve the ordinance as presented on first reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.*

## **VIII. 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**

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

“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.”

***Councilmember Anderson** made a motion to approve the proposed resolution as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

- 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**

**Ms. Clyburn** presented the item to Council as follows:

“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.”

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

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

## **IX. Other Business**

### **A. Consideration of a Contract with Pope Flynn, LLC for Interim City Attorney Services**

**Presenter: Ed Memmott, City Attorney**

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

“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 contact 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.”

*Councilmember Rice made a motion to approve the proposed contract as presented. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.*

### **B. Approval of Cammie Clagett Asbestos Air Monitoring Bids**

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

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

“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.”

*Mayor pro tem Stille made a motion to approve the award of bid as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

**C. Approval of Cammie Clagett Asbestos Abatement Bids**

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

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

“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.



- 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”

*Mayor pro tem Stille made a motion to approve the award of bid as presented. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

**E. Boards and Commissions – Storm Water Appeals Board**

**Presenter: Connie McIntyre, City Clerk**

**Ms. McIntyre** presented Chance LeBron’s application for Council consideration of appointment to the Storm Water Appeals Board.

*Mayor pro tem Stille made a motion to waive the rules and appoint Mr. LeBron. Mayor White seconded the motion, which carried unanimously 7 to 0.*

**X. City Council Updates –**

**Councilmember Anderson** thanked staff for their work above and beyond during the tornados that passed through his district. He wished Mayor pro tem Stille and Councilmember Henderson Myers well in their future endeavors.

**Councilmember Jenkins** expressed thanks for all the economic development in his district. He mentioned that Panda Express would be opening soon at the old Lee’s Famous Chicken site and that the Burger King property had been cleared for future development. He reminded everyone of the Christmas Parade the following evening. He share that he was impressed and with the tour of the Montgomery Building and excited about the renovation.

**Councilmember Henderson Myers** shared that she would miss all of Council and that it had been great working such a caring group of people. She mentioned that she would be sworn in on January 5 as Representative for House District 31. She stated that Dickens of a Christmas was a great event and she appreciated the hard work of staff to make it such a success.

**Councilmember Brown** reminded everyone about Skating on the Square, and that Fr8Yard would open soon.

**Mayor pro tem Stille** shared that it had been an honor and a privilege to work with city council.

**Councilmember Rice** mentioned the Winter Social event on December 15 at the Bethlehem Center from 6:00 pm to 9:00 p.m., the Mary H. Wright Elementary Walk to the Playground on December 16 from 12:00 p.m. to 2:00 p.m., and the Community Christmas Dinner on December 19 at CC Woodson from 6:00 p.m. to 8:00 p.m. He shared that he enjoyed attending the Annual Employees Appreciation Luncheon at the Marriott on December 8.

**XI. Adjournment –**

**Councilmember Anderson** made a motion to adjourn the meeting. **Councilmember Jenkins** seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:45 p.m.

  
**Connie S. McIntyre, City Clerk**