



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, March 18, 2013**

**(These minutes were approved at the
April 1, 2013, City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Jerome Rice, Councilmembers Linda Dogan, Cate Ryba, Robert Reeder, Sterling Anderson, and Jan Scalisi. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

I. Moment of Silence – observed.

II. Pledge of Allegiance – recited.

III. Approval of Minutes of the February 25, 2013 City Council Meeting –
*Councilmember Dogan made a motion to approve the minutes as received.
Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.*

IV. Approval of Agenda of the March 18, 2013 City Council Meeting –
Mayor White asked that the agenda be amended due to a request from staff that Item X. E – *Communications and Marketing Update be postponed to another meeting.
Councilmember Ryba made a motion to approve the amended agenda as requested.
Councilmember Dogan seconded the motion, which carried unanimously 7 to 0.*

V. Public Comment - none

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

VI. Public Hearings

A. FY13-14 CDBG/HOME Funding Requests

Presenter: Wes Corrothers, Neighborhood Services Director

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

“The Neighborhood Services Division is preparing the City’s FY13-14 Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Annual Action Plan. This plan must include the City’s proposed allocation of CDBG and HOME funds. The United States Department of Housing and Urban Development (HUD) requires each grantee to conduct a public hearing to receive comments and funding requests.

Staff received eleven (11) CDBG Public Service funding requests for FY13-14. Under CDBG regulations, a maximum of 15% of the annual grant amount may be budgeted for Public Service activities.

All of the funding requests are contained in a separate binder that will be provided for Council’s review ten days before the March 18th Council Meeting. Staff is recommending that Council limit each organization’s proposal presentation to a maximum of five (5) minutes during the public hearing. Staff will prepare to make its’ final CDBG/HOME budget recommendations to City Council at the April 8th Council meeting.

Staff is requesting that Council conduct a public hearing for Public Service funding requests.

Mayor White opened the Public Hearing.

The following agencies presented their requests for CDBG FY13-14 funding:

<u>Public Service Agencies</u>	Funded FY2012-13	New Requested Amount FY 2013-14
Art in Motion	\$2,117	\$3,000
Bethlehem Center	\$5,098	\$6,000
Big Brothers/Big Sisters	\$4,638	\$11,258
Christmas In Action (Project/Materials)	\$15,300	\$31,565
Christmas In Action (Operating)	\$10,200	\$20,000
C.O.L.O.R.S.	\$5,385	\$10,000
Drug Court	\$24,352	\$30,000
Safe Homes - Rape Crisis	\$5,950	\$7,000
SC Legal Service	\$3,653	\$4,500
Promised Land	\$0.00	\$7,000
Upstate Homeless	\$5,100	\$7,000
Urban League	\$3,247	\$15,000

Councilmember Dogan made a motion to close the public hearing.

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

Council received the requests as information with decisions for allocations to be presented at the April 15, 2013 meeting.

- 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 #6-21-13-001.01, located at 235 East Blackstock Road, which is currently zoned GID with a Land Use Designation of General Institutional District to Zone LC with a Land Use Designation of Limited Commercial District, from Robert Scott, Agent on Behalf of Breakthrough Outreach Center, Owner. The purpose for this request is to allow the church to be able to lease office space and chapel, which is in the older church also located**

on the property, for professional offices for sales and consultation purposes related to funeral services. (First Reading)

Presenter: Joshua Henderson, Planning Coordinator

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

“On February 21, 2013, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Robert Scott, Agent on behalf of Breakthrough Outreach Center, Owner, to rezone parcel 6-21-13-001.01 from GID/General Institutional District to LC/Limited Commercial District, in order to utilize the older building located at the front of the property for the purpose of leasing the building for office space and chapel services for sales and consultation purposes related to funeral services. The applicant has stated that there will not be any embalming done on site and that this was only for customer consultations and chapel services.

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 revised request to City Council for the rezoning of the parcel from GID to LC.

The revised request was unanimously endorsed by the Planning Commission on February 21, 2013.”

Mayor White opened the Public Hearing asking if there was anyone present to speak in favor of or in opposition to the proposed rezoning.

Hearing none, Councilmember Dogan made a motion to close the Public Hearing.

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

Councilmember Anderson made a motion to approve the rezoning on first reading.

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

VII. Ordinance

- A. To Amend the Text of Section 503, Sign Ordinance by Adding Section 503.46 Electronic Variable Image Signage for Civic Institutions. This new section will give allowances and requirements for electronic variable image signs for these specific institutions. City of Spartanburg, Agent (First Reading)**

Presenter: Joshua Henderson, Planning Coordinator

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

“The zoning ordinance prohibits the use of computer controlled variable image electronic signage. We continue to believe that such signage should be carefully regulated so as to avoid the proliferation or misuse of this technology. However, we believe that the public may benefit from the use of this type of signage by large community institutions in very limited situations. We propose a text amendment as follows:

503.46 Electronic Variable Image Signage for Civic Institutions. Non-profit, non-religious institutions with either 100,000 sq. ft. or more of facilities located in the city or 100 or more employees based in the city may incorporate computer controlled variable image electronic display boards within the otherwise allowable sign faces of monument or building face signage. The electronic variable image boards may not comprise more than 50% of the sign face. Flashing or moving images are prohibited. Messages displayed must be for institutional purposes only. No third party commercial advertising is allowed. All new signs adhering to this ordinance will be required to install an electronic/self-dimming switch to dim the light output of the signs by at least 50% at night.

Attached are some illustrations provided by Spartanburg Regional Healthcare System. In these examples, the computer-controlled variable image section of each sign is represented by the darker rectangle with the “Discover Health” text. These examples would comply with the proposed text amendment.

This amendment would not alter the size, location, or configuration of allowable signage. It would simply allow large civic/community facilities to incorporate some variable image technology within some of the sign faces they are allowed to erect per the current ordinance.

PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on February 21, 2013.”

After discussion, Councilmember Dogan made a motion to deny the request. The motion died from lack of a second.

Councilmember Anderson made a motion to approve the request. The motion died from lack of a second.

Councilmember Scalisi made a motion to table the request. Councilmember Ryba seconded the motion. The vote was 4 to 3 to table the request.

VIII. Resolution

A. Closing of Portion of Piedmont Street, Part of Forest Park Redevelopment Plan Presenter: Cathy McCabe, City Attorney

Ms. McCabe presented the item to City Council as follows:

“In an effort to revitalize the south side of the city, in October of 2004, city council adopted the forest park redevelopment plan. As a part of the redevelopment plan, a portion of Piedmont Street near High Street should have been closed. In developing this area, the remainder of Piedmont Street was redirected and by city resolution was renamed Lawrence Johnson Sr. Lane.

Two parcels of property affected on the portion of Piedmont Street that needs to be closed are shown on the Plat for Forest Park Phase 1 by Souther Land Surveying dated August 25, 2008, revised September 3, 2008. The portion that needs to be closed abuts property at 101 High Street (Lot 22) owned by Spartanburg Housing Development and property at 105 High Street (Lot 23) owned by Jacqueline S. Vanlue.

ACTION REQUESTED: That Council by Resolution and Declaration close that portion of Piedmont Street as shown by Souther Land Surveying as the hatched property crossing through Lots 22 and 23 and running into High Street.”

After discussion, Councilmember Reeder made a motion to approve the resolution. Mayor pro tem Rice seconded the motion, which carried unanimously 7 to 0.

IX. Consent Agenda

A. Accepting the Property Owned by Thomas J. Steed, Jr. and Connie J. Steed, and Being Located at 300 Brian Drive, and that Portion of Brian Drive Abutting Said Property, as a Part and Parcel of the City of Spartanburg and Declaring said Property Annexed to and a Pat and Parcel of the City of Spartanburg, said Parcel to be Zoned R-15, Single Family Residential Upon Annexation (Second Reading) Presenter: Joshua T. Henderson, Planning Coordinator

Councilmember Reeder made a motion to approve the consent agenda.

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

X. Other Business

A. Award of Bid for Fieldstone Road Culvert Replacement Project

Presenter: Jay Squires, Storm Water Manager

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

“Staff received bids for the Fieldstone Road Culvert Improvement Project on December 11, 2012. This project consists of removal and replacement of approximately 130 feet of storm drainage pipe from under Fieldstone Road.

The following bids were submitted:

Martin & Son Contracting, Inc. (Spartanburg, S.C.)	\$197,500
Larry Green Grading, Inc. (Lyman, S.C.)	\$226,301.65
RCS Grading, Inc. (Greenville, S.C.)	\$233,283.87
L.J. Inc. (Columbia, S.C.)	\$318,500
Dobbins & Co. (Columbia, S.C.)	\$324,894.50

Staff has reviewed the bids receive, and the qualifications for each of these contractors, and determined that, Martin & Son Contracting, Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors. It is anticipated that it will take 60 days (depending on weather) to complete this project. Staff will give neighborhood residents advance notice, with door hangers and mailers, Fieldstone Road between Red Fox Court and Seven Oaks Lane will be closed during extended segments of construction for public safety and for the safety of the contracting personnel. A detour route will be in place for convenience while the segment of road is closed.

ACTION REQUESTED: Allow staff to accept the bid from Martin & Son Contracting, Inc. and authorize the City Manager to enter into a contract with, Martin & Son Contracting, Inc. for the completion of the project.

BUDGET AND FINANCE DATA: \$ 105,701.50 from the Storm Water Utility fund will be used to complete the project. The remainder \$91,798.50 will be paid for using County Transportation Committee funding.”

After discussion, Councilmember Anderson made a motion to approve the award of bid as requested. Councilmember Ryba seconded the motion, which carried unanimously 7 to 0.

B. Award of Bid for Foxcross Road Culvert Replacement Project

Presenter: Jay Squires, Storm Water Manager

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

“Staff received bids for the Foxcross Road Culvert Improvement Project on February 26, 2013. This project consists of removal and replacement of approximately 50 feet of storm drainage pipe from under Foxcross Road. . It is anticipated that it will take 30 days (depending on weather) to complete this project. Staff will give neighborhood residents advance notice and will make every effort to minimize traffic disruption during construction.

The following bids were submitted:

Bishop Mays, Inc. (Greer S.C.)	\$ 52,606.84
P.A.R. Grading & Hauling, Inc. (Spartanburg, S.C.)	\$ 56,075
Martin & Son Contracting, Inc. (Spartanburg, S.C.)	\$ 68,160

Staff has reviewed the bids receive, and the qualifications for each of these contractors, and determined that, Bishop Mays, Inc. Inc. is the responsive low bidder. No bids were submitted from MWBE certified contractors.

ACTION REQUESTED: Allow staff to accept the bid from Bishop Mays, Inc. and authorize the City Manager to enter into a contract with Bishop Mays, Inc. for the completion of the project.

BUDGET AND FINANCE DATA: \$ 52,606.84 from the Storm Water Utility fund will be used to complete the project.”

After discussion, Councilmember Dogan made a motion to approve the award of bid as requested. Mayor pro tem Rice seconded the motion, which carried unanimously 7 to 0.

C. Award of Bid for Fairforest Bridge Repair

Presenter: Tim Carter, Engineering Administrator

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

“The City is responsible for the maintenance of the Fairforest Road. Fairforest Road is a two lane road between West Main and John B. White Boulevard. Fairforest Road includes an approximately 90’ bridge that crosses Fairforest Creek. This bridge has wooden post supports that need to be replaced with concrete supports and new footings. Staff advertised this project for bid. Two bids were received on March 5 from:

NHM Constructors, LLC (Asheville, NC)	\$ 355,317.00
Vaughn Curbing Company (Woodruff, SC)	\$ 234,730.00

Staff has reviewed the proposals received and the qualifications for these contractors and determined that Vaughn Curbing Company is the responsive low bidder. Of the bids received, no companies were determined to be MWBE. It is expected that construction work will take approximately 60 days to complete. Fairforest Bridge will closed to traffic during construction.

ACTION REQUESTED: Allow staff to accept the bid from Vaughn Curbing Company and authorize the City Manager to enter into a contract with Vaughn Curbing Company for completion of the project.

BUDGET AND FINANCE DATA: County Transportation Committee Funds (CTC) funds \$234,730.”

After discussion, Councilmember Dogan made a motion to approve the award of bid as requested. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

D. Proposed 2013 Street Resurfacing Project

Presenter: Tim Carter, Engineering Administrator

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

“The City is eligible to receive funds for infrastructure improvements from the Spartanburg County Road Fee Program and the Spartanburg County Transportation Committee (“CTC”). Staff annually evaluates pavement conditions on City streets; this list contains the highest priority streets needing to be resurfaced. For FY 13-14, staff is recommending the attached list of streets for Council review. If approved by Council, staff will receive contractor proposals for resurfacing of the streets on this list. The cost for the 2013 street resurfacing project is estimated at \$713,184. If approved by Council, staff will proceed with bid solicitation and return to Council for contract approval. Before the project is awarded, staff will work carefully with residents on impacted streets to provide advance notice of work.

ACTION REQUESTED: Allow staff to accept contractor proposals for the 2013 annually street resurfacing project.

BUDGET AND FINANCE DATA: Spartanburg County Transportation Committee has approved \$ 354,000 for this project.

Spartanburg County Road Fee Program will be asked to fund \$ 359,184 for this project.”

City of Spartanburg													
Street Resurfacing 2012- 2013 Road list													
Street Name	Beginning	End	Length	Width	Sq. Yards	Sq. Yd. Milling	Sq. Yd FDP	Est. Quantity	Asphalt Price	Milling Price	FDP Price	Asph. Price	Est. Total
Crystal Dr.	S. Pine St.	Sunset Dr.	2600	25	7222.22	3755.56	225.00	710.94	80.00	13144.44	6750.00	56875.00	\$ 76,769.44
Oak St.	S. Liberty St.	City Limits	1000	23	2555.56	0.00	400.00	251.56	80.00	0.00	12000.00	20125.00	\$ 32,125.00
Sycamore Ct.	Cameron Dr.	Cul-de-sac	400	34	1511.11	577.78	300.00	148.75	80.00	2022.22	9000.00	11900.00	\$ 22,922.22
Partridge Rd.	Cameron Dr.	Cul-de-sac	2700	20	6000.00	0.00	100.00	590.63	80.00	0.00	3000.00	47250.00	\$ 50,250.00
Andrews Farm Rd.	Woodburn Rd.	Wendover Way	1450	20	3222.22	0.00	0.00	317.19	80.00	0.00	0.00	25375.00	\$ 25,375.00
Memorial Dr.	N. Church St.	E. Cleveland St.	2275	43	10869.44	3286.11	200.00	1069.96	80.00	11501.39	6000.00	85596.88	\$ 103,098.26
Foxcross Rd.	Briarwood Rd.	Penarth Rd.	1335	20	2966.67	0.00	0.00	292.03	80.00	0.00	0.00	23362.50	\$ 23,362.50
Crestview Dr.	Crescent Ave.	Crescent Ave.	3000	24	8000.00	0.00	400.00	787.50	80.00	0.00	12000.00	63000.00	\$ 75,000.00
Wendover Ct.	Wendover Way	Cul-de-sac	1375	24	3666.67	1986.11	0.00	360.94	80.00	6951.39	0.00	28875.00	\$ 35,826.39
N. Forest St.	W. Main St.	Saint John St.	800	26	2311.11	1155.56	800.00	227.50	80.00	4044.44	24000.00	18200.00	\$ 46,244.44
Gibson Street	Highland Ave.	Westover Dr.	770	27	2310.00	1112.22	150.00	227.39	80.00	3892.78	4500.00	18191.25	\$ 26,584.03
Heather Dr.	Camelot Dr.	Seven Oak Ln.	1450	32	5155.56	2094.44	0.00	507.50	80.00	7330.56	0.00	40600.00	\$ 47,930.56
Farley Ave.	Wofford St.	Farley St.	1350	22	3300.00	1950.00	0.00	324.84	80.00	6825.00	0.00	25987.50	\$ 32,812.50
Farley Ave.	Farley St.	High St.	1830	37	7523.33	2643.33	0.00	740.58	80.00	9251.67	0.00	59246.25	\$ 68,497.92
Arch St.	N. Center St.	Wofford St.	1550	24	4133.33	2238.89	200.00	406.88	80.00	7836.11	6000.00	32550.00	\$ 46,386.11
Total											2013 Paving List	\$713,184.38	
Amount Requested from CTC												\$354,000.00	
Amount to be funded by Road Fee												\$359,184.38	

Councilmember Reeder made a motion to approve the request as presented. Councilmember Scalisi seconded the motion, which carried unanimously 7 to 0.

- E. Communications and Marketing Update – Postponed to another meeting in the future.**
Presenter: Will Rothschild, Communications and Marketing Manager

XI. City Council Updates –

Mayor White introduced the Mayor of Bladensburg , Maryland who was visiting the area. He also mentioned the beautiful dedication service of the new sanctuary at Cornerstone Baptist Church. He also mentioned the Spartanburg County Municipal Association meeting that would take place on March 28 at Billy D’s Restaurant.

Councilmember Scalisi mentioned the many improvement projects that were taking place on the Westside as a result of the stormwater fee.

Councilmember Anderson mentioned the Hub City Hog Fest, which is a Mobile Meals fundraiser, that would take place March 22-23 in Downtown.

Councilmember Reeder also mentioned the Cornerstone Baptist dedication ceremony. He shared that he attended classes at the National League of Cities Conference regarding economic development and that he would be sharing that information.

Councilmember Dogan thanked everyone for their concern after her recent fall resulting in a broken wrist.

Councilmembers Ryba and Rice also mentioned how nice the Cornerstone Baptist ceremony was.

XII. Executive Session to Receive Legal Advice Regarding a Contractual Matter
On motion by Councilmember Dogan, second by Councilmember Anderson and unanimous vote, Council adjourned to Executive Session at 7:05 p.m.

Council reconvened to regular session at 7:50 p.m. Mayor White stated that legal advice was received and no decisions made.

XIII. Adjournment
On motion by Councilmember Dogan, second by Councilmember Reeder and unanimous, Council adjourned the meeting at 7:51 p.m.



Connie S. McIntyre, City Clerk