



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, April 10, 2017
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the March 20, 2017, City Council Meeting**
- IV. Approval of Agenda of the April 10, 2017 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
 - 1. Latreace Jones**
 - 2. Teresa Lynn Moore**
- VI. Presentation of Proclamation to Christmas In Action – 20th Annual ReBuild Day**
Presenter: Mayor Junie White
- VII. Ordinance**
 - A. To Amend the Code of the City of Spartanburg 1988, Chapter 23, “Wreckers and Wrecking Services by Adding Sections 23-14 Thru 23-19 to Provide for “Nonconsensual Booting and Towing” (Second Reading)**
Presentation: Ed Memmott, City Manager
- VIII. Resolutions**
 - A. To Extend the Term of the Commissioners of The Housing Authority of the City of Spartanburg From Ending on June 30th to Ending on September 30th**
Presenter: Ed Memmott, City Manager
 - B. To Extend the Term of the Members of the Design Review Board From Three (3) Year Terms to Four (4) Year Terms and to Allow Current Members to Remain on the DRB for One (1) Additional Term**
Presenter: Chris Story, Assistant City Manager

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

IX. Other Business

- A. Declaration of Boards and Commissions Vacancies for Council
Annual Review
Presenter: Connie McIntyre, City Clerk**

X. City Council Updates

XI. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Relating to a Contractual Matter

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

XII. 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, March 20, 2017
5:30 p.m.**

**These minutes are subject to approval at the
April 10, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Councilmembers Erica Brown, Jerome Rice, Sterling Anderson and Rosalyn Henderson Myers. Mayor pro tem Laura Stille 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. Moment of Silence** – observed.
- II. Pledge of Allegiance** – recited with assistance from Boy Scouts from Troop 106 at Mt. Moriah Baptist Church.
- III. Swearing In of District 2 City Councilmember John Alan Jenkins**
Mr. Jenkins was sworn in by Rev. Sally Beth Shore, with assistance from Mr. Jenkins wife and daughter. City Councilmembers welcomed Councilmember Jenkins to Council and wished him well. Councilmember Jenkins offered words of thanks to all who helped him during his campaign and pledged to do his best to serve the residents of City Council District 2.
- IV. Approval of the Minutes of the February 27, 2017, City Council Meeting** –
Councilmember Brown made a motion to approve the minutes as received. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.
- V. Approval of Agenda of the March 20, 2017 City Council Meeting** –
Councilmember Henderson Myers made a motion to approve the agenda as received. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.
- VI. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
Attorney John Strickland spoke against the proposed changes for the wrecker and towing fees.
Victoria Prickett spoke in favor of having an indoor pool at the new TK Gregg facility.

Chris Cato spoke regarding the proposed changes for the wrecker and towing fees, and expressed his desire for everyone to understand how dangerous the towing business can be.

VII. Recognition of Spartanburg City Firefighter Retiree David Free II

Presentation: Mayor Junie White –

Mayor White congratulated Firefighter Free on his retirement and thanked him for his many years of dedicated service to the City of Spartanburg. Firefighter Free’s wife and a standing room only assembly of his fellow firefighters was in attendance to honor him.

VIII. Resolution

A. Authorizing the City Manager to Execute The Collaborative Partnership Agreement

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“Staff is requesting approval to allow the City Manager to execute a collaborative agreement between the City of Spartanburg, Spartanburg County, and the Housing Authority for the City of Spartanburg for the completion of an Affirmatively Furthering Fair Housing (AFFH) Study. The agreement allows the City, County, and Authority to partner to complete a joint AFFH study. The U.S. Department of Housing and Urban Development (HUD) will review and make a determination on the approval of the agreement prior to implementation.

ACTION REQUESTED: Staff is requesting approval of the resolution allowing the City Manager to execute the Collaborative Partnership Agreement with Spartanburg County on the implementation of the Affirmatively Furthering Fair Housing Study.”

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

B. To Determine the Eligibility of 141/143 W. Main Street, 174 E. Main Street and 589 E. Main Street and to Reaffirm 130 Magnolia Street for Special Property Tax Assessment for Rehabilitated Historic Properties as Adopted by Ordinance of the City Council on September 9, 2013

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:

“In 2013, City Council established by ordinance a mechanism, consistent with state code, which allows City Council to provide an advantaged property tax treatment for eligible historic properties when those properties are significantly rehabilitated according to historic standards. The Council, by and through either resolutions or development agreements, have certified the following properties for the special property tax assessment for rehabilitated historic properties:

141/143 W. Main Street
174 E. Main Street
589 E. Main Street
130 Magnolia Street

By state code, the Board of Architectural Design and Historic Review (HARB) is the reviewing authority and must provide preliminary certification for the proposed rehabilitation work for properties seeking the special assessment. Each of these properties is in the process of renovation and restoration and some of the properties have work being conducted under the supervision of the SC State Office of Historic Preservation ensuring that work is conducted according to appropriate preservation standards.

In order to enjoy the special assessment, these properties must also be certified by resolution of Spartanburg County Council. There was some inconsistency in which these properties have been certified and in order to facilitate the special assessment through Spartanburg County Council, these properties are requiring a consolidated resolution by City Council finding these properties as being eligible for the special property tax assessment for rehabilitated historic properties.

Staff recommends approval of the resolution.”

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

IX. Ordinance

A. To Amend the Code of the City of Spartanburg 1988, Chapter 23, “Wreckers and Wrecking Services by Adding Sections 23-14 Thru 23-19 to Provide for “Nonconsensual Booting and Towing.” (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“For decades the city has regulated the practices and charges associated with the towing of vehicles from public rights-of-way. The city has not, however, regulated towing practices or charges on private property. Over the past few months, staff has become aware of incidents when vehicles were towed from private property and the vehicle owner was charged fees that were substantially higher than what is allowed by city code for services performed in public rights-of-way.

Due to the potential cost and inconvenience on vehicle owners and the potential adverse impact on the commercial activities in the city, staff believes it is appropriate to set a regulatory framework for the nonconsensual towing of vehicles from privately-owned commercial property. The proposed code amendment would set maximum charges for towing and storage of vehicles. It

would also require tow truck operators providing services to privately-owned commercial property owners to register with the city and would set requirements for signage on property where towing is enforced.

Tow truck operators who are known to operate in the city have been provided notice of staff's intent to recommend these changes. The ordinance and the new requirements would take effect 30 days after second reading approval by Council. Staff will also provide tow truck operators and property owners where towing is enforced with written notice of the new requirement immediately following second reading.

ACTION REQUESTED: First reading approval of an ordinance to set standards and maximum charges for the nonconsensual towing of vehicles from privately-owned commercial properties.”

After discussion, Councilmember Brown made a motion to approve the ordinance as presented with a correction of the amount of “Vehicles Exceeding 26,000 pounds – Maximum Fee \$400.00 Authorized fee for vehicles exceeding 26,000 pounds in weight” from \$400.00 to \$300.00 before second reading. Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0.

X. Boards and Commissions – Accommodations Tax Committee, Design Review Board, and Spartanburg Housing Authority

Presenter: Connie McIntyre, City Clerk

Accommodations Tax Committee – Councilmember Rice made a motion to waive the rules and appoint Kathy Campbell to the committee. Councilmember Brown seconded the motion, which carried unanimously 6 to 0.

Councilmember Rice made a motion to waive the rules and appoint Eric Kocher to the committee. Mayor White seconded the motion, which carried unanimously 6 to 0.

Spartanburg Housing Authority – Councilmember Anderson made a motion to waive the rules and appoint Matthew Myers to the SHA. Councilmember Henderson Myers seconded the motion, which carried unanimously 6 to 0.

Design Review Board – Mayor White made a motion to waive the rules and appoint Gabriela Giron to the DRB. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.

XI. City Council Updates –

Councilmember Anderson shared he attended the bi-monthly Citizen Advisory Council meeting with Councilmember Stille and enjoyed sharing with the attendees. He mentioned that Burns Automotive had opened on the west side and was doing well. He also mentioned the new Aldi's that opened and was drawing large crowds.

Councilmember Brown mentioned that the Trees Coalition had worked in the northside area weekend before last in their continued efforts to remove invasive plants in the community. She shared that Spring Clean Up would be held on Saturday from 12:30 to 2:00 beginning at Green St. Baptist Church. She reminded everyone of Hub City Hog Fest on Friday and Saturday, April 7-8 in downtown. She thanked the Fire and Police Departments for their quick and effective response in handling the fire at the Montgomery Building.

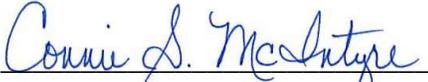
Councilmember Jenkins mentioned new eastside restaurants Guacamole Mexican Grill and Jersey Mike's. He reminded everyone of the "Walk with Elected Officials" event on March 25 on the Mary Black Rail Trail.

Councilmember Henderson Myers shared she attended the National League of Cities Conference in Washington, March 11-15. She mentioned that she attended a panel discussion regarding the opioid epidemic, and that WYFF news interviewed both she and Councilmember Rice regarding the statistics in Spartanburg. She also attended a Public Finance session on proposed budget cuts that will impact CDBG and affordable housing funds. She shared that the Habitat House project on Hampton St. needed volunteers.

Councilmember Rice also attended the NLC Conference. He mentioned a workshop he attended on "After School Programs" and shared that Council needed to keep a close eye on legislators regarding that subject. He shared that he rode through the St. Patrick's celebration and noticed that it was well attended and people were having a great time.

XII. Adjournment –

Councilmember Brown made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 6:45 p.m.


Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council
FROM: Ed Memmott, City Manager
SUBJECT: Ordinance to Amend Chapter 23 of City Code
DATE: April 5, 2017

BACKGROUND:

For decades the city has regulated the practices and charges associated with the towing of vehicles from public rights-of-way. The city has not, however, regulated towing practices or charges on private property. Over the past few months, staff has become aware of incidents when vehicles were towed from private property and the vehicle owners were charged fees that were substantially higher than what is allowed by city code for services performed in public rights-of-way.

Due to the potential cost and inconvenience on vehicle owners and the potential adverse impact on the commercial activities in the city, staff believes it is appropriate to set a regulatory framework for the nonconsensual towing of vehicles from privately-owned commercial property. The proposed code amendment would set maximum charges for towing and storage of vehicles. It would also require tow truck operators providing services to privately-owned commercial property owners to register with the city and would set requirements for signage on property where towing is enforced.

Tow truck operators who are known to operate in the city have been provided notice of staff's intent to recommend these changes. The ordinance and the new requirements would take effect 30 days after second reading approval by Council. Staff will also provide tow truck operators and property owners where towing is enforced with written notice of the new requirement immediately following second reading.

ACTION REQUESTED: Second reading approval of an ordinance to set standards and maximum charges for the nonconsensual towing of vehicles from privately owned commercial properties.

BUDGET AND FINANCIAL DATA: N/A

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 23, "WRECKERS AND WRECKING SERVICES BY ADDING SECTIONS 23-14 THRU 23-19 TO PROVIDE FOR "NONCONSENSUAL BOOTING AND TOWING."

WHEREAS, the Code of the City of Spartanburg 1988 sets a schedule of maximum rates that can be charged for vehicle towing and storage from public rights-of-way; and

WHEREAS, there are at present no maximum rates for the towing and storage of vehicles towed from privately-owned commercial property; and

WHEREAS, the Spartanburg Police Department personnel have become aware of incidents when vehicles were towed from privately-owned commercial property and the vehicle owner was charged towing-related fees that were significantly higher than rates permitted for towing from the public rights-of-way; and

WHEREAS, a modification to the Code is desired to protect the public and reasonably balance the property rights and interests associated with the towing of privately owned vehicles from privately owned commercial property.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

Section 1. To amend the Code of the City of Spartanburg 1988, Chapter 23, "WRECKERS AND WRECKING SERVICES," to add Sections 23-14 thru 23-19 to provide for "Nonconsensual Booting and Towing" which shall read as follows:

SEC. 23-14. NONCONSENSUAL BOOTING AND TOWING.

(a) City recognizes the rights of real property owners to restrict or prohibit the parking of motor vehicles on their premises without their consent, or without appropriate payment when consent is given, and recognizes that parking on privately-owned commercial property without the property owner's consent is a misdemeanor under S.C. Code 1976, § 16-11-760 if the owner has posted notice at a conspicuous place.

(b) City nonetheless finds as follows:

- (1) When a lot owner consents to parking by the public but requires payment in all or some instances, state statutes do not fully address the balance between lot owners or managers and vehicle motorists.**
- (2) Increasingly, there are instances of vehicles being towed from privately-owned commercial property, or instances of wheels being booted while the vehicles are on privately-owned commercial property, without the vehicle owners having been given sufficient notice that parking on the premises is not authorized, or without vehicle owners having been warned of the specific consequences.**
- (3) There are no clear and objective standards under state statutes for what constitutes a conspicuously posted notice.**
- (4) Restricting the use of spaces in private lots to paying monthly parkers or requiring other users to make payment on a basis of payment per occasion of use is not a predatory practice. However, the willful inducement to use a private lot with an expectation to levy additional charges beyond normal parking fees as a precondition of exiting the lot is a predatory practice.**
- (5) Predatory towing practices involving vehicles parked on lots associated with residential properties, primarily apartment complexes, is also a problem which can disproportionately impact the working poor who face the choice between paying what in some instances are excessive towing-related fees and the loss of their vehicle.**
- (6) Excessive charges for nonconsensual booting and towing, as well as the refusal of certain towing services to release vehicles prior to their being towed even when the vehicle owner is prepared to provide payment for the vehicle, constitute predatory practices, as do efforts to patrol and wait for offenders to park their vehicles in insufficiently posted parking lots.**
- (7) Predatory booting and towing practices of businesses offering booting and towing services to real property owners can have a detrimental impact on the business climate of restaurants and other commercial establishments whose patrons sometimes park in lots with either no notices or inadequate notices posted.**
- (8) Predatory booting and towing practices can impose excessive**

hardships on drivers who have not intentionally acted in bad faith in parking vehicles on privately-owned commercial property in many circumstances.

- (9) Poorly marked and inadequately staffed parking lots lead to confrontations between motor vehicle drivers and providers of booting services and towing services to substantially the same extent as deliberately predatory entrapments, and the confrontations lead to calls for a police department response.
- (10) Establishing reasonable rules of conduct is a good means of balancing the bona fide interests of property owners, booting providers and towing providers, with the interests of the parking public and businesses whose patrons need parking.
- (11) The city can reconcile the rights of real property owners with the public interest of promoting commercial areas in the city as regional destinations by requiring certain warning signs to be posted at lots where booting and towing are used as enforcement tools by real property owners and by establishing reasonable measures to regulate privately-owned commercial lot owners and towing and booting service providers.
- (12) Booting inevitably results in a high instance of angry confrontations which disturb the peace and threaten public order.

SEC. 23-15. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boot or locking wheel boot means a mechanical clamp or device that is professionally manufactured and designed to lock the wheel on a motor vehicle thus immobilizing the vehicle and preventing anyone but the key holder of the device from removing it.

Deliver means placing a towed motor vehicle in the actual possession of the owner, authorized operation or authorized agent of the owner.

Lot or parking lot means any privately owned place which is used for parking motor vehicles while leaving them unattended. The term “lot” or “parking lot” includes places which customarily make per use charges or require lease payments from users, and it also includes places where no charges or payments are ordinarily assessed, whether the places are associated with a particular

building or stand alone.

Motor vehicle means any car, truck, motorcycle, or similar equipment which has wheels and is propelled by an engine and which is capable of moving on the public ways of the city.

Nonconsensual booting means the booting of a vehicle which is authorized or directed by a person other than the vehicle owner, authorized operator or authorized agent of the owner.

Nonconsensual towing means the towing of a vehicle from property other than the public right-of-way which is authorized or directed by a person other than the vehicle owner, its authorized operator or an authorized agent of the owner. The term “nonconsensual towing” shall not apply to nonconsensual tows that occur as a result of vehicle repossession by a lien holder having title to the vehicle.

Privately-owned commercial property booting means the booting of a motor vehicle from private real property at the request of the property owner or the agent of the privately-owned commercial property owner.

Privately-owned commercial property towing means the towing of a motor vehicle from private real property at the request of the property owner.

Property owner means the person or business entity which owns and occupies real property. For real property which is leased, the term “property owner” shall mean the lawful lessee with occupancy and control of the premises. Control of the premises with the authority to refuse admittance to the property is the factor which determines the status of “owner” under the sections which follow.

Towing operator means any person, company or partnership, engaged in the business of towing or storing towed vehicles, and the term includes the employees of the individual or business entity engaged in such business.

SEC. 23-16. WARNING SIGN FOR NONCONSENSUAL BOOTING AND TOWING.

(a) It shall be unlawful to charge for the nonconsensual towing of any motor vehicle from any parking lot located upon privately-owned commercial property without authorization from the owner of the motor vehicle or of the city, or to request the provider of booting or towing services to engage in such actions, except under the following circumstances:

(1) The property owner has posted the property at each vehicular entrance

to the property with a sign approved by the city manager, or his designee, and having been determined to be conspicuous for the property and entrance concerned so as to be clearly visible by the person of ordinary sensibilities upon entrance to the property. The name and telephone number of the towing service provider must appear on or immediately below the sign.

- (2) All signage must be approved by the city manager as complying with the provisions of this section. The city manager may direct the traffic services division to develop a standard sign in compliance with the criteria of this section. The standard sign shall be made reasonably available to lot owners and their representatives in an electronic format which can be utilized by private sign vendors for the manufacture of the standard sign. The traffic services division shall develop standard signs at cost to requesting lot owners or their representatives.
 - (3) Signs shall be placed at the entrance of each parking lot of privately-owned commercial property or in a position that is clearly and unmistakably visible to a driver upon entering the lot. The exact placement must be approved by the city manager or the city manager's designee in order to ensure that the sign can be seen by drivers of motor vehicles upon entering the parking lot. Additional signs may be placed elsewhere in the lot at the owner's discretion.
 - (4) The city manager, or the city manager's designee, may require that the required signage be placed on a sandwich board sign frame, or comparable temporary frame, at ground level of all entrances whenever a lot begins operation as a pay per use lot on a temporary basis, or whenever other circumstances such as physical configuration of the lot or its relation to the right-of-way or other properties reasonably require in order to meet the purposes of this section.
- (b) The requirements of subsection (a) of this section are in addition to, and not in lieu of, the provisions of S.C. Code 1976, § 16-11-760(A) requiring the posting of privately-owned commercial property before an unauthorized vehicle can be towed without the vehicle owner's consent.

SEC. 23-17. PAYMENT AND PROCEDURES FOR NONCONSENSUAL BOOTING AND TOWING.

- (a) Subject to Section 23-19 which sets forth all allowable nonconsensual towing-related charges. The owner of the vehicle which is towed in accordance with this section shall be responsible for paying all applicable towing-related charges provided that the real property owner has complied with all of the requirements contained in Section 23-15.

- (b) No provider of towing services shall tow a motor vehicle from a parking lot located upon privately-owned commercial property without the owner's consent without first having obtained a written authorization for such action from the property owner, and without the authorization showing the name and bearing the signature of the property owner. The authorization may be in the form of a written agreement to cover all nonconsensual towing for a particular lot for a specific term.
- (c) Any towing operator performing a nonconsensual tow, shall within 60 minutes of the removal of the vehicle from the private lot, telephone the police department to make an oral report of the tow by providing the applicable information on the tow record/invoice form described in Section 23-18. Any towing operator which fails to give such notice within one hour of the time the vehicle was towed shall not be entitled to any compensation for the towing and storing operation and shall deliver the vehicle to the owner upon request.
- (d) If a driver of a vehicle to be towed arrives prior to removal of the vehicle from the posted property, then the towing operator must accept payment tendered at the scene and release the vehicle immediately. For payment tendered at the scene, the required payment can be no more than one-half the maximum authorized for nonconsensual towing in section 23-19.

SEC. 23-18. PERMIT REQUIRED.

- (a) No provider of services for towing vehicles from privately-owned commercial property shall operate within the corporate limits of the city without obtaining a permit for that purpose from the city manager or the city manager's designee. The permit shall be in addition to, and not in lieu of, any business license permit otherwise required under this Code.
- (b) The city manager or the city manager's designee shall develop such forms as may be appropriate for the application for the permit, which shall be approved as to form by the city attorney, and may refrain from issuing a permit without the information on the form being complete. The information required shall include, as may be relevant to the service, the principal operating the business, the street and mailing address of the business, the street address of where towed vehicles will be stored, the state of incorporation of the business, persons having an ownership of five percent or greater in the business, telephone numbers where persons operating the business can be reached at any time of the day or evening, a description of all equipment to be used, the name and address of other businesses from whom equipment will be leased or borrowed, a list of properties where the business is authorized by the property owners to boot

vehicles of have them towed, a certification that changes in the information will be updated in writing prior to the changes taking effect, an acknowledgement that a violation of this chapter is a basis for the revocation of the permit or of the business license, or both.

- (c) No permit shall be issued absent copies of certificates of insurance, from an insurance carrier authorized to do business in this state, evidencing general liability insurance, and such additional lines of coverage as the city manager determines to be relevant to the business, in such uniform and standard amounts as the city manager or the city manager’s designee determines to be reasonable, considering the exposure to harm by the general public.
- (d) The books and records of all providers of towing services shall be subject to inspections and audits, and must be kept at the office location identified on the permit application. Failure to keep such books and failure to make all books kept available for inspection and audit by the city when access is requested is a basis for suspension or revocation of permits under this section and a basis for suspension or revocation of the provider’s business license.

SEC. 23-19. MAXIMUM CHARGES FOR TOWING, BOOTING AND FEES RELATED THERETO; METHODS OF PAYMENT AND INVOICE/RECEIPTS.

- (a) Charges made to vehicle owners or operators for nonconsensual towing of motor vehicles on privately-owned commercial property shall be limited to the following:

Booting & Towing Fees

Fees relative to booting and towing of motor vehicles parked without permission on privately-owned commercial property within the city

Booting and towing permit fee	\$ 25.00
Maximum booting charge from private lot	50% of tow cost
Maximum towing charge from private lot	\$100.00
<i>Vehicles less than 26,000 pounds</i>	
City-provided sign (each)	\$25.00
Maximum Storage charges for impoundment	\$20.00
<i>Applicable only after 24 hours of storage)</i>	\$20.00
Maximum disconnect fee	50% of tow cost
DMV Processing Fee	\$35.00
<i>Authorized processing fee for any vehicle retained for five (5) or more days, as a tow company incurs direct costs with DMV after retention of five (5) or more days.</i>	

Dolly Fee Authorization <i>Authorized fee when all four-wheel drive vehicles must be dollied to safely move</i>	\$40.00
Weather Wrap Fee - Per window/sunroof wrapped <i>Authorized fee for open windows and sunroofs that require weatherproof wrapping</i>	\$10.00
Vehicles Exceeding 26,000 pounds – Maximum Fee <i>Authorized fee for vehicles exceeding 26,000 pounds in weight</i>	\$300.00

- (b) The maximum fees set forth above in subsection (a) shall be set by the city manager from time to time. All other fees and charges are prohibited.
- (c) The city manager shall set the fee in an amount that is high enough that property owners can reasonably expect to receive timely service from competent providers when a request for service is placed. However, the fee shall not be so high that it is punitive. The removal or immobilization of the vehicle having been found to be sufficiently punitive that an additional monetary penalty is unwarranted.
- (d) Every provider of nonconsensual towing services must provide to a motor vehicle owner or operator an invoice and receipt, or a combination form serving as an invoice which can become a receipt upon payment from the motor vehicle owner or operator. The invoice/receipt must be capable of being prepared in duplicate, with an original provided to the vehicle owner, and the duplicate to be retained by the service provider for not less than three years. The form shall show the name and telephone number of the service provider. It shall reflect the time, date and place of booting or towing, and the time and date of accepted payment. It must bear the signature or initials of the person accepting payment. The city manager may develop additional information requirements which are reasonably related to the purposes of this chapter.
- (e) Any violation of this Ordinance may subject the offender to fines of up to \$500 per violation and/or 30 days in prison or a revocation of its business license.

Section 2. This Ordinance shall become effective thirty (30) days after enactment.

DONE AND RATIFIED this _____ day of _____, 2017.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Resolution to Extend the Term of Spartanburg Housing Authority Board of Commissioners to September 30th

DATE: April 5, 2017

BACKGROUND: The terms of Spartanburg Housing Authority (SHA) Board of Commissioners expire on June 30th. The SHA's fiscal year ends on September 30th. SHA management has requested that City Council change the term of SHA Commissioners to end on September 30th as it would allow a Commission member's term to coincide with the SHA budget cycle.

Staff believes this change is warranted and recommends Council approval.

ACTION REQUESTED: Approval of the Resolution.

BUDGET AND FINANCIAL DATA: N/A

RESOLUTION

TO EXTEND THE TERM OF THE COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE CITY OF SPARTANBURG FROM ENDING ON JUNE
30TH TO ENDING ON SEPTEMBER 30TH

WHEREAS, the Housing Authority of the City of Spartanburg's ("Housing Authority")
Commissioners are appointed by the City Council of the City of Spartanburg, South Carolina; and

WHEREAS, currently each Commissioner's term of office is five years except in the cases of
vacancies, with such terms ending on June 30th; and

WHEREAS, the Housing Authority's fiscal year ends on September 30th; and

WHEREAS, having each Commissioner's term ending to coincide with the fiscal year is beneficial to
the business of the Housing Authority.

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

Section 1. To allow the Housing Authority to have the term of its Commissioners to end on
September 30th. All other requirements for filling vacancies, a term of five years, reappointment, etc.
remain the same.

Section 2. Effective Date. This Resolution shall be effective upon adoption.

This Resolution adopted this ____ day of _____, 2017.

Junie L. White, Mayor.

ATTEST:

Connie S. McIntyre, City Clerk.

APPROVED AS TO FORM:

Cathy Hofer McCabe, City Attorney.



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Chris Story, Assistant City Manager

SUBJECT: Resolution to Extend the Term of Design Review Board Members and Allow Current Members to Serve One Additional Term

DATE: April 5, 2017

BACKGROUND: The Design Review Board (DRB) was established 2011. The DRB is composed of five members who are either a resident of the City or who have significant business interests in the City. DRB members are to have expertise in building design or construction.

The ordinance originally establishing the DRB called for 3 year terms and allowed for members to be reappointed once. The members of the DRB have served their initial term and were reappointed but over the course of their six years of service had limited matters come before the Board.

With the increased pace of the downtown development, staff believes it is in the City's best interest to extend the terms of current DRB members to four years and to allow the current members to remain on the DRB for one additional term. This will provide for continuity in review of projects at what is a critical time of increased downtown development.

ACTION REQUESTED: Approval of the Resolution.

BUDGET AND FINANCIAL DATA: N/A

RESOLUTION

TO EXTEND THE TERM OF THE MEMBERS OF THE DESIGN REVIEW
FROM THREE (3) YEAR TERMS TO FOUR (4) YEAR TERMS AND TO
ALLOW CURRENT MEMBERS TO REMAIN ON THE
DRB FOR ONE (1) ADDITIONAL TERM

WHEREAS, the City Council of the City of Spartanburg adopted a Downtown Urban Code as part of its Zoning Ordinance on February 28, 2011 by Ordinance; and

WHEREAS, the Ordinance provides for a Design Review Board (“DRB”) to review the design and carry out the duties and responsibilities of the Ordinance; and

WHEREAS, the City Council appointed the members of the DRB consisting of five persons who should be a resident or have a significant business interest in the City and have expertise in building design and construction (e.g. architecture, urban design, landscape architecture, construction); and

WHEREAS, City Council initially provided that these members should all serve for three (3) year terms allowing for members to also be reappointed; and

WHEREAS, the DRB members have served their terms and have been reappointed but over the course of the six years of service have had limited matters before the Board; and

WHEREAS, with the current state of activities in our downtown area which may require assistance for DRB review and for continuity and the desire of the expertise of the current Board, an extended term would be beneficial.

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

Section 1. That the term of the current Members of the DRB be extended to allow for the current members to remain on the DRB for one (1) additional term with staggered term expirations.

Section 2. That the terms of Members be changed from three (3) year terms to four (4) year terms. All other requirements for filling vacancies, reappointment, etc. remain the same.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

This Resolution adopted this ____ day of _____, 2017.

Junie L. White, Mayor.

ATTEST:

Connie S. McIntyre, City Clerk.

APPROVED AS TO FORM:

Cathy Hofer McCabe, City Attorney.



Memorandum

TO: Ed Memmott, City Manager

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

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

DATE: April 10, 2017

City Council annually reviews vacancies on City of Spartanburg Boards and Commissions. Vacancies are declared in April, unless circumstances dictate otherwise, with the goal of Council having all the appointments/reappointments made by the second meeting in June. This procedure meets the requirements of the resolution Council approved regarding June 30 term expirations dated June 9, 2003.

Applications for vacancies will be accepted through June 20, 2017. In the event of multiple applications for the number of vacancies on a particular board, Mayor White will appoint a committee to conduct interviews of the applicants. The committee will bring forward their recommendation/s for Council approval.

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

A current list of vacancies is attached.



Boards and Commissions 2017-18 Summary of Vacancies

Accommodations Tax Committee – 1 vacancy

1 is eligible to serve again

Airport Advisory Board – 4 vacancies

3 are eligible to serve again

Architectural Design and Historic Review Board (HARB) – 4 vacancies

2 are eligible to serve again

Bicycle and Pedestrian Committee – 3 vacancies

1 is eligible to serve again

Civil Service Commission - 1 vacancy

Construction Board of Adjustments and Appeals – 6 vacancies

1 is eligible to serve again

Planning Commission – 3 vacancies

2 are eligible to serve again

Public Safety Committee – 5 vacancies

2 are eligible to serve again

Storm Water Appeals Board – 5 vacancies

2 are eligible to serve again

Board of Zoning Appeals – 2 vacancies

1 is eligible to serve again