



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, April 24, 2017
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the April 10, 2017, City Council Meeting**
- IV. Approval of the Agenda of the April 24, 2017 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Ordinance**
 - A. To Authorize Condemnation of Properties in the Airport Area to Extend Runway**
Presentation: Cathy McCabe, City Attorney
- VII. Resolutions**
 - A. Approving a Funding Agreement with The Children's Museum of The Upstate for The Development of a Satellite Facility in Downtown Spartanburg**
Presenter: Chris Story, Assistant City Manager
 - B. Allocating FY2017 Community Development Block Grant and Home Partnership Funds**
Presenter: Martin Livingston, Neighborhood Services Director
- VIII. City Council Updates**
- IX. Adjournment**

Workshop begins after adjournment of regular meeting.

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.



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

**(These minutes are subject to approval
at the April 24, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Laura Stille, Councilmembers Erica Brown, Jerome Rice, Sterling Anderson and Rosalyn Henderson Myers. 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 March 20, 2017, City Council Meeting –**
Councilmember Brown made a motion to approve the minutes as received. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of Agenda of the April 10, 2017 City Council Meeting –**
Councilmember Jenkins 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 **Latreace Jones, Angela Dawkins, Margaret Dawkins, Sonya Ellis, Patricia Lipscomb, April Worthy, Norvell Briggs, Kendrick Anderson, Roushell Swindler, and Khasmir Turley** expressed their concerns regarding towing by Cole Towing. **Chance Lebron** stated that he would like for E. Wood St. to be named after Rico Matthews
- VI. Presentation of Proclamation to Christmas In Action – 20th Annual ReBuild Day**
Presenter: Mayor Junie White –
Mayor White presented the proclamation to Christmas in Action Executive Director Amanda Mathis, and thanked her for the many things they do to help others.

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

Prior to second reading, Mr. Memmott stated the following:

“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.”

Councilmember Brown made a motion to approve the ordinance as presented on second reading. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.

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

Mr. Memmott presented the item to Council as follows:

“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.”

Councilmember Henderson Myers made a motion to approve the resolution as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

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

Mr. Story presented the item to Council as follows:

“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.”

Mayor pro tem Stille made a motion to approve the resolution as presented. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

IX. Other Business

A. Declaration of Boards and Commissions Vacancies for Council Annual Review

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented the item to Council as follows:

“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."

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

Design Review Board – 4 vacancies

Resolution to be presented at April 10 meeting to extend terms of members to 4 years and allow current members whose terms are expiring to remain on the board an additional term with staggered expiration dates.

Housing Authority – Resolution to be presented at April 10 meeting to extend the term of the SHA commissioners from ending on June 30 to ending on September 30 to accommodate Terril Bates request.

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

X. City Council Updates –

Councilmember Anderson stated that the 2017 Hub City Hog Fest was a great event, with good food and fellowship, and was for a good cause in that the proceeds go to Mobile Meals.

Councilmember Brown echoed Councilmember Anderson’s comments regarding Hog Fest. She mentioned that the “Spartanburg Soars” event would be held on April 22, 2017 at the Chapman Cultural Center. She invited everyone to the unveiling of 4 Northside Artlets the next day, all of which are a part of the Northside Master Plan.

Mayor pro tem Stille welcomed Councilmember Jenkins to council since she was absent when he was sworn in. She thanked all the people who attended the council meeting, adding that there were amazing things happening in Spartanburg.

Councilmember Jenkins shared he had attended the Fernwood Neighborhood Association meeting with 100 or so people in attendance. He stated that it was a great event and a good opportunity to meet residents in that community. He mentioned that Jersey Mikes and Precision Tune has opened on the east side, and echoed comments about Hog Fest. He mentioned Earth Day Festival on April 22, and the SRHS Criterium on April 28.

Councilmember Henderson Myers thanked the citizens who spoke regarding the towing incidents. She invited everyone to her Town Hall Meeting to discuss Domestic Violence on Thursday, April 13, 7:00 p.m. at CC Woodson. She shared that she took part in the “Walk with Elected Officials” event, that there was a good crowd, and invited everyone to the next walk. She, too, echoed comments regarding the successful Hub City Hog Fest event.

Councilmember Rice stated that he appreciated citizens speaking on the towing issue and that it would be looked into. He reminded everyone of the “Seeing Spartanburg in a New Light” closing ceremonies on Tuesday, April 18. He mentioned the Mary H. Wright play “101 Dalmatians” on April 20.

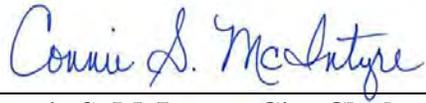
XI. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Relating to a Contractual Matter

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

Councilmember Henderson Myers made a motion to adjourn to Executive Session. Councilmember Brown seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:45 p.m.

Council reconvened at 7:08 p.m. Mayor White stated that discussion was held with no decisions made.

XII. **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 7:10 pm.*



Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Cathy McCabe, City Attorney

SUBJECT: Ordinance Authorizing Condemnation of Properties (2 Parcels) in the Airport Area owned by St. James Baptist Church or its Trustees to extend the Runway

DATE: April 18, 2017

BACKGROUND:

In order for the City of Spartanburg Airport to comply with the FAA Regulations and to provide safety for the citizens of Spartanburg living in close proximity to the takeoff and landing strip, it is necessary for the City to acquire certain properties. Two parcels are owned by St. James Baptist Church or its Trustees. The Church and its known members agree with the sale of the Church. However, the Court must determine ownership and thus, the reason for the condemnation.

ACTION REQUESTED:

For authorization for a condemnation action to be brought to condemn two parcels of property owned by St. James Baptist Church or its Trustees located on New York Avenue for the purpose of acquiring the property including clearing title and determining ownership.

BUDGET & FINANCIAL DATA:

Any purchase of the parcels will be provided by various grants through the FAA.

AN ORDINANCE

TO AUTHORIZE CONDEMNATION OF PROPERTIES IN
THE AIRPORT AREA TO EXTEND THE RUNWAY

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

Section 1. To authorize condemnation by the City Attorney of two parcels in the Airport Area to extend the runway, comply with FAA safety regulations and provide for the safety of citizens.

Section 2. The following properties shall be authorized for condemnation, at the direction of the City Attorney, due to the inability of reaching an agreement with the property owner as to price: (1) **Block Map Parcel: 7-16-13-003.00 (329 New York Avenue)**. The property owner is St. James Baptist Church; and (2) **Block Map Parcel: 7-15-16-084.00 (0 New York Avenue) - Vacant Property adjacent to the Church**. The property owner is Trustees of St. James Baptist Church.

Section 3. The City Attorney is authorized to take the appropriate action to have the properties condemned to determine ownership.

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

DONE AND RATIFIED this ____ day of _____, 2017.

MAYOR.

ATTEST:

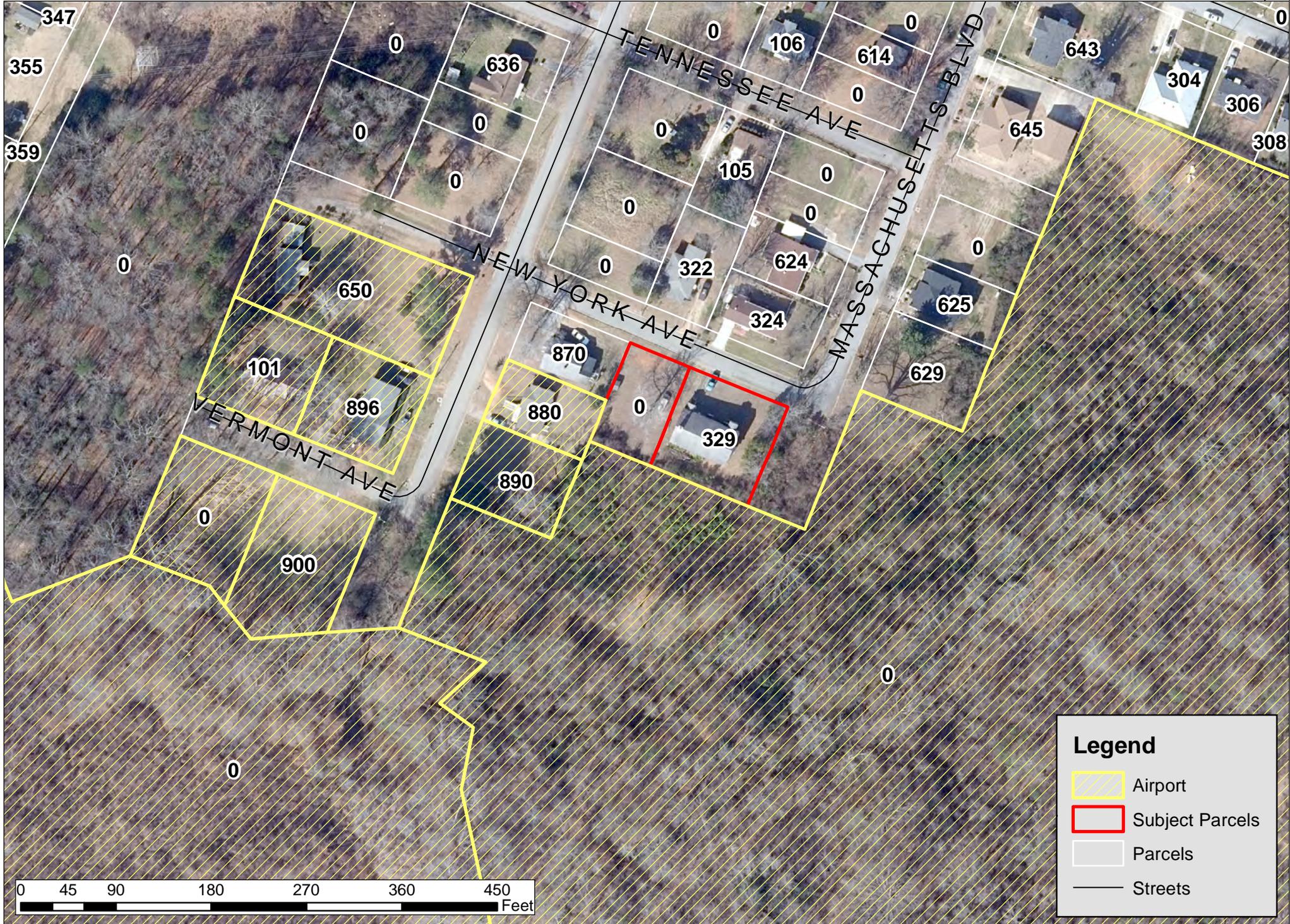
CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading





REQUEST FOR COUNCIL ACTION

TO: Mayor and Members of City Council
FROM: Chris Story, Assistant City Manager
SUBJECT: Satellite Facility for the Children's Museum of the Upstate
DATE: April 19, 2017

BACKGROUND: The Children's Museum of the Upstate opened in 2009 in downtown Greenville. It is an 80,000 square foot facility which offers 19 interactive exhibits focused on children 2 – 8 years old. It draws over 150,000 visitors per year. The Children's Museum of the Upstate (TCMU) is a non-profit organization with a stable base of members and contributors and a board seeking to expand on their mission and build upon their success. 25% or more of their visitors are from Spartanburg County.

TCMU would like to create a satellite facility in downtown Spartanburg and has identified a building located at 130 Magnolia as its ideal location. The building is approximately 6,000 square feet in size and is close to public parking.

TCMU has already raised \$1.25 million of the \$1.5 million needed for this project with significant support coming from local philanthropic leaders. Staff believes this project will be very beneficial to downtown. Staff also believes that the city should actively support the project and assist financially. Staff is therefore requesting Council approval of a Resolution in support of the project and a contribution of \$100,000. This \$100,000 would be funded in \$20,000 annual installments starting in FY18.

ACTION REQUESTED: Approval of a Resolution in support of a satellite facility in downtown Spartanburg for the TCMU.

BUDGET AND FINANCE DATA: \$100,000 paid in five (5) annual payments of \$20,000.

A RESOLUTION

APPROVING A FUNDING AGREEMENT WITH THE CHILDREN'S MUSEUM OF THE UPSTATE FOR THE DEVELOPMENT OF A SATELLITE FACILITY IN DOWNTOWN SPARTANBURG

WHEREAS, the City of Spartanburg (City) has entered into various agreements to facilitate downtown redevelopment; and

WHEREAS, the City has sought out opportunities to bring businesses, educational institutions, restaurants, entertainment venues, housing, and other development to downtown; and

WHEREAS, the City has an opportunity to enter into an agreement with the Children's Museum of the Upstate to develop a facility at 130 Magnolia Street; and

WHEREAS, the City has determined that the public interest would be best served for it to assist in the development of this facility that will bring additional visitors to downtown and offer enrichment activities to children and their families.

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

SECTION 1. The City Manager is authorized to enter into a Funding Agreement with the Children's Museum of the Upstate for the development of a satellite facility at 301 Magnolia Street.

SECTION 2. The funding agreement will authorize City funding in the total amount of \$100,000 which shall be paid in five annual payments of \$20,000.

SECTION 3. The City Manager is authorized to execute documents necessary to complete this transaction.

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: Ed Memmott, City Manager

FROM: Martin Livingston, Neighborhood Services Director

SUBJECT: Approval of Fiscal Year 2017 – U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Partnership Funds

DATE: April 24, 2017

BACKGROUND: The City of Spartanburg will receive an allocation of Community Development Block Grant (CDBG) and HOME Partnership Funds for eligible activities to be implemented within City limits. The U.S. Department of Housing and Urban Development (HUD) will provide the allocation to the City of Spartanburg. CDBG Funds can be used for a variety of activities including administration, affordable housing, infrastructure, economic development, demolition, subrecipient activities, and other eligible uses. HOME Partnership Funds can only be used for the development of affordable housing. The total estimated allocation for CDBG Funds is \$616,221 and the total allocation of HOME Partnership Funds is \$153,720. Staff is required by HUD to include language in the resolution to adjust CDBG and HOME funds should reductions or increases in funding allocations occur.

If the U.S. Department of Housing and Urban Development reduces or increases the overall allocation of Community Development Block Grant (CDBG) and Home Partnership Funds (HOME), each activity will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts.

If the U.S. Department of Housing and Urban Development allocation reduces the overall CDBG funds, then subrecipient activities will be proportionally reduce to meet the 15% CDBG subrecipient limit.

After a thirty (30) day comment period, the Annual Action Plan must be submitted to HUD by the June 15 deadline.

ACTION REQUESTED: Council approval of the CDBG and HOME allocation activities for submission to the U.S. Department of Housing and Urban Development.

BUDGET AND FINANCIAL DATA: CDBG Funds: 616,221 and HOME Partnership Funds: 153,720

**A RESOLUTION
ALLOCATING FY 2017
COMMUNITY DEVELOPMENT BLOCK GRANT
AND HOME PARTNERSHIP FUNDS**

WHEREAS, the City of Spartanburg (“City”) will receive a Community Development Block Grant (“CDGB”) and HOME grant for Fiscal Year 2017; and

WHEREAS, the funding of the CDBG and HOME Partnership Funds are provided by the U.S. Department of Housing and Urban Development (HUD) with an annual application; and

WHEREAS, City Council has considered the various needs and priorities for the use of these funds and has provided for public input on the use of these funds.

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

Section 1. Fiscal Year 2017 CDBG funds and Fiscal Year 2017 HOME funds are appropriated as follows:

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

PROPOSED ACTIVITIES: July 1, 2017 to June 30, 2018

| | |
|---------------------------------------|----------------|
| Neighborhood Services Administration | 102,247 |
| Neighborhood Training | 10,000 |
| Homebuyer Program | 57,500 |
| Rehabilitation Admin + Code Admin | 144,200 |
| Removal of Blight/Citywide Demolition | 119,841 |
| Infrastructure Activity | 137,615 |
| Public Service Programs | 29,818 |
| Fair Housing Activities | 25,000 |
| Total CDBG Program Funding | 616,221 |

HOME PARTNERSHIP FUNDS

PROPOSED ACTIVITIES: July 1, 2017 to June 30, 2018

| | |
|-----------------------------------|----------------|
| Administrative | 15,372 |
| Home Projects | 113,348 |
| CHDO Set-Aside | 25,000 |
| Total Home Program Funding | 153,720 |

Total Annual Action Plan Funding **\$769,941**

Section 2. If the U.S. Department of Housing and Urban Development reduces or increases the overall allocation of Community Development Block Grant (CDBG) and Home Partnership Funds (HOME), each activity will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts.

Section 3. If the U.S. Department of Housing and Urban Development reduces the overall CDBG allocation, then subrecipient activities will be proportionally reduce to meet the 15% CDBG subrecipient limit.

Section 4. This Resolution adopted this _____ day of _____ 2017.

Mayor

ATTEST:

Connie S. McIntyre
City Clerk

APPROVED AS TO FORM:

Cathy Hoefler McCabe
City Attorney

**City Council Workshop
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, April 24, 2017
After adjournment of regular meeting**

- I. Reconvene**
- II. Neighborhood Redevelopment Strategy**
- III. Parks and Recreation Improvements**
- IV. 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.