



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, May 8, 2017
4:45 p.m.**

**(These minutes were approved at the
May 22, 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, 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 April 24, 2017, City Council Meeting –**
Councilmember Rice made a motion to approve the minutes as received. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda of the May 8, 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. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Regarding the Capital Projects Sales Tax Referendum.**
Council may take action on matters discussed in Executive Session after exiting Executive Session.
Councilmember Anderson made a motion to adjourn to Executive Session for the reason stated. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 4:47 p.m.

Council reconvened at 5:23. Mayor White stated that legal advice was received, discussion was held, with no decisions made.

VI. Public Comment

*Citizen Appearance forms are available at the door and should be submitted to the City Clerk *Don Bramblett, 185 Mills Avenue, came forward to express his concerns regarding combining City and County Governments in one building.*

VII. Proclamation Recognizing Peace Officers Memorial Day

Presenter: Mayor Junie White

Mayor White read and presented the proclamation to Police Chief Alonzo Thompson. He recognized all police and fire officers in the audience.

VIII. Presentation of Proclamation Recognizing Bike Month Followed by an Update from The Bicycle and Pedestrian Committee

Presenters: Mayor Junie White

Ned Barrett, Trail Coordinator for Partners for Active Living

Elizabeth Brady, Bicycle and Pedestrian Committee

Mayor White presented the proclamation to Ned Barrett and other members of the Bicycle and Pedestrian Committee in attendance.

Elizabeth Brady, Chairman of the Bicycle and Pedestrian Committee, updated Council on the activities of the Bike and Ped committee.

IX. Public Hearing

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #7-15-04-100.00 and 101.00, Located on 101 and 0 Chester Street, that are Currently Zoned B-3 and R-12, with a Land Use Designation of General Business District and General Residential District to Zone B-1, with a Land Use Designation of Neighborhood Shopping District in Order to Utilize the Properties as a Craft Brewery. Petr Valenta, Ph.D., Member on Behalf of Spartanburg Brewing LLC, Property Owner (First Reading)**

Presenter: Natalia Rosario, Planner III

Ms. Rosario presented the item to Council as follows:

“On April 20th, 2017, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Petr Valenta, Ph.D agent on behalf of Spartanburg Brewing LLC., property owner/developer, of 101 and 0 Chester Street, to rezone parcels 7-15-04-100.00 and 101.00 from Zone B-3: General Business District and R-12: General Residential, respectively, to B-1: Neighborhood Shopping District, in order to allow for the redevelopment of the property as a microbrewery.

The 2004 Comprehensive Plan calls for the property at 101 Chester Street to be zoned LC, LOD, B-1, or B-3, and the property at ‘0’ Chester Street to be zoned residential. The use of both properties for a commercial use is not entirely in conformity with the comprehensive plan, however both parcels have been vacant for over 10 years, with the residentially zoned parcel at ‘0’ Chester Street having been proposed for rezoning 6 times since 1978 with no changes to zoning or residential development on the property. Despite carrying the zoning designation

of B-3: General Business District, 101 Chester Street does not meet the district zoning standards for development, and is in all practicality, an undevelopable commercial parcel at its current size.

The Planning Commission held a public hearing on the proposal on April 20th, 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 B-3 and R-12 to B-1: Neighborhood Shopping District.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on April 20th, 2017 by a vote of 6 to 0.

ADDITIONAL INFORMATION: Minutes from the April 20th, 2017 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance.”

Mayor White opened the public hearing asking if there was anyone to speak in favor of the rezoning.

Dave Winstrop, 202 Gladstone Way, Greer, SC, a member of Spartan Brewery came forward to speak in favor of the proposed rezoning.

Mayor White asked if there was anyone to speak against the rezoning.

Hearing none, Councilmember Brown 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 requested on first reading. Councilmember Brown seconded the motion. The vote was 6 to 1, with Councilmember Rice voting against the ordinance.

X. Resolutions

A. To Appoint a Commissioner to a Commission Created Pursuant to The Capital Project Sales Tax Act, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as Amended; and to Provide for Other Matters Related Thereto

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:

“Spartanburg County Council is considering holding a referendum to authorize a Capital Project Sales Tax to fund a new courthouse and other local government facilities. The Capital Project Sales Tax Act, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976 provides for the establishment of a Commission with specified duties including establishing the wording of the question to appear on the ballot. The Act specifies that one of the Commissioners is to be appointed by Spartanburg City Council.

In order to meet with the timelines identified by the County Council, we recommend that you make this appointment at your upcoming meeting by completing and adopting the attached resolution.”

Mayor pro tem Stille made a motion to appoint Max T. Hyde, owner of Hyde Law Firm, as the City Council appointed Commissioner to the Spartanburg County Capital Project Sales Tax Commission. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

B. Closing a Portion of Folsom Street, a Portion of Farley Street, a Portion of Manning Street, and All of Mill Pond Road as Part of the Mitigation of Butterfly Creek

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“In an effort to implement the goals of the Northside Initiative, a Planning and Development effort approved by Council, staff is requesting the abandonment of right of way and the closing of a portion of Farley Avenue, a portion of Folsom Street, a portion of Manning Street, and all of Mill Pond Road. The closing of the streets and the abandonment of the right of ways would be consistent with the Northside Transformation Plan.

Action Requested: that Council by Resolution and Declaration close a portion of Folsom Street, a portion of Farley Street, a portion of Manning Street, and all of Mill Pond Road as part of the mitigation of Butterfly Creek.”

1. Resolution and Declaration Directing the Closing of a Portion of a Street in the City of Spartanburg, Being that Portion of Folsom Street Between Howard Street and Brawley Street

Councilmember Anderson made a motion to approve the resolution and declaration as presented. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

2. Resolution and Declaration Directing the Closing of a Portion of a Street in the City of Spartanburg, Being that Portion of Mill Pond Road Street Between Farley Street and College Street

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

3. Resolution and Declaration Directing the Closing of a Portion of a Street in the City of Spartanburg, Being that Portion of Manning Street Between Brawley Street and Mill Pond Road

Mayor White made a motion to approve the resolution and declaration as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

4. Resolution and Declaration Directing the Closing of a Portion of a Street in the City of Spartanburg, Being that Portion of Farley Street, Between Brawley Street and Howard Street

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

XI. Consent Agenda

A. To Authorize Condemnation of Properties in the Airport Area to Extend Runway (Second Reading)

Presentation: Cathy McCabe, City Attorney

Mayor pro tem Stille made a motion to approve the consent agenda.

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

XII. Other Business

A. Award of Contract for Westside Park Site Work Located at the Downtown Airport

Presenter: Mitch Kennedy, Community Services Director

Mr. Kennedy presented the item to Council as follows:

“Staff solicited bids for the construction services for the site work of The Westside Park to be located at the Downtown Airport. This work includes the construction of a 1 acre multipurpose field, ½ mile asphalt walking path, drainage improvements, fencing, parking area, and irrigation system.

A pre-bid was held on April, 18, 2017, and 4 contractors were present.

The following bid was submitted:

Capitol Construction of the Carolinas, LLC (Spartanburg, SC) \$ 441,629.00

Staff has reviewed the bid and qualifications received, and determined that

Capitol Construction of the Carolinas, LLC is a responsive bidder. The contractor’s bid is within 10% of the preliminary cost estimated by staff.

Therefore, staff is satisfied with proceeding with only one bid submitted. Capitol has successfully performed work for the City.

No bids were submitted from MWBE Contractors.

Staff will return to council at a later date with bids to construct restrooms, picnic shelter, splash fountain, and playground.

Staff anticipates the project to be completed this summer.

ACTION REQUESTED: Allow staff to accept the bid and authorize the City Manager to enter into a contract with Capitol Construction of the Carolinas, LLC

BUDGET AND FINANCIAL DATA: \$441,629 from Capital Project – GP1272”

Councilmember Anderson made a motion to approve the award of contract to Capitol Construction of the Carolinas, LLC in the amount of \$441,629.00.

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

B. Initial FY18 Budget Presentation

Presenter: Chris Story, Assistant City Manager

Mr. Story gave each member of Council a copy of the initial FY18 balanced budget. He reviewed the budget with them.

Council received the report as information.

XIII. Discussion of Sign Ordinance

Presenters: Ed Memmott, City Manager

Natalia Rosario, Planner III

Ms. Rosario reviewed Electronic Signage with Council. She cited good and bad examples of digital signage, and offered recommendations of how to handle electronic signage in the city limits of Spartanburg.

Council received the report as information.

XIV. City Council Updates –

Councilmember Jenkins shared with everyone that “Guacamole” had opened on the east side.

Councilmember Rice mentioned that Spartanburg High School graduation would be on May 19 at Wofford College. He also mentioned the “Teen Maze” event to be held on Saturday, May 20 from 12:00 p.m. to 2:00 p.m. at CC Woodson.

XV. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Regarding the Patel Litigation.

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

Councilmember Rice made a motion to adjourn to Executive Session for the reason stated. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:52 p.m.

Council reconvened at 7:30 p.m. Mayor White stated that legal advice was received with no decisions made.

XVI. 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 7:32 p.m.



Connie S. McIntyre, City Clerk