



**City Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC  
Monday, June 26, 2017  
5:30 p.m.**

**(These minutes were approved at the  
July 10, 2017 City Council meeting.)**

**City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Laura Stille, Councilmembers Jerome Rice, Sterling Anderson, Rosalyn Henderson Myers, Erica Brown 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 June 12, 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 June 26, 2017 City Council Meeting –**  
*Councilmember Henderson Myers made a motion to approve the agenda as received.  
Councilmember Rice 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  
**Cary Sanders, 1866 Old Charlotte Rd.**, spoke in favor of “Ban the Box”.  
**Emily Powell, 736 Lucerne Dr.**, spoke in favor of The Paris Climate Agreement.  
**Joe Sessoms and Ronnie Blount, from Shrine Bowl of the Carolinas**, thanked  
Council for their past support of the December Shrine Bowl event.  
Monier Abusaft, 632 S. Church St., spoke in favor of “Ban the Box”.

**VI. Resolutions**

**A. To Remove Question Regarding Criminal History from City Employment  
Application**

**Presenter: Michele Clyburn, Human Resources Director**

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

“The City has had longstanding practice of evaluating any prior criminal conviction as one of many factors considered in the hiring decision. Prior criminal conviction has not automatically disqualified the applicant from further consideration. The City has, however, maintained the prior criminal history question on its job application.

Over the past few years, an increasing number of public and private employers have decided to remove questions that require applicants to indicate whether they have criminal convictions. There are organized efforts typically referred to as “Ban the Box” to encourage employers to remove the question from job applications and for hiring managers to consider a job candidate’s qualifications first, without the stigma of a criminal record. This initiative provides applicants a fair chance by removing the conviction history question on the job application and delaying the background check inquiry until later in the hiring process.

After consultation among senior staff and in light of other City practices to fully evaluate all of its job applicants, management intends to remove the question regarding criminal background from the City’s job application and is seeking the support of City Council.

ACTION REQUESTED: Approval of a Resolution to “Ban the Box.”

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

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

**B. To Approve a Settlement Involving Damages to 806 South Church Street (TMS 7-16-06-057.00)**

**Presenter: Ed Memmott, City Manager**

“Council is familiar with the longstanding litigation involving a 2004 hostage taking incident at 806 South Church Street. Attorneys representing the property owner made several legal claims against the City. These claims were contested by the City. Ultimately the matter was considered by the South Carolina Supreme Court in 2014. In August of 2016, the Supreme Court ruled in the City’s favor. However, in September, 2016, the court granted the property owner a rehearing on the matter which was heard February 8, 2017. The Supreme Court has not issued its ruling on the rehearing.

At this point, legal counsel representing the City in this matter, the City Attorney, and I believe it is in the best interest of the City to settle this matter. To that end, a tentative settlement (subject to Council approval) approval has been negotiated. In this settlement, the City would pay the owner of 806 South Church Street \$500,000 to settle all claims in the matter.

ACTION REQUESTED: Approval of a Resolution to authorize the settlement.

BUDGET AND FINANCE DATA: \$500,000 from General Fund Reserve.”

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

“Council is familiar with the longstanding litigation involving a 2004 hostage taking incident at 806 South Church Street. Attorneys representing the property owner made several legal claims against the City. These claims were contested by the City. Ultimately the matter was considered by the South Carolina Supreme Court in 2014. In August of 2016, the Supreme Court ruled in the City’s favor. However, in September, 2016, the court granted the property owner a rehearing on the matter which was heard February 8, 2017. The Supreme Court has not issued its ruling on the rehearing.

At this point, legal counsel representing the City in this matter, the City Attorney, and I believe it is in the best interest of the City to settle this matter. To that end, a tentative settlement (subject to Council approval) approval has been negotiated. In this settlement, the City would pay the owner of 806 South Church Street \$500,000 to settle all claims in the matter.

ACTION REQUESTED: Approval of a Resolution to authorize the settlement.

BUDGET AND FINANCE DATA: \$500,000 from General Fund Reserve.”

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

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

## VII. Consent Agenda

- A. **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 a Portion of Parcel #7-11-04-206.00 Located at 254 Franklin Avenue, Which Are Currently Zoned R-8, with a Land Use Designation of General Residential District and B-1, with a Land Use Designation of Neighborhood Shopping to Zone DT-4, with a Land Use Designation of General Urban District; and Providing for Severability and an Effective Date (Second Reading)**  
**Presenter: Natalia Rosario, Planner III**
- B. **Accepting the Property Owned by the Estate of Robert G. Ivey, Jr., and Being Located at 2111 Ashbury Court; and that Portion of Ashbury Court Abutting Said Property. Said Property is Located in the County of Spartanburg; and is Not Zoned. Request is for Annexation of the Property to be Annexed into City Limits and the Request Zone of Entire Parcel is R-8 Upon Annexation, and is Further Identified as Being the Property Located on Spartanburg County Tax Map 7-17-10-040.00 as a Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel of the City of Spartanburg (Second Reading)**  
**Presenter: Natalia Rosario, Planner III**
- C. **To Create a New Civil Service Commission of the City of Spartanburg (Second Reading)**  
**Presenter: Ed Memmott, City Manager**



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

**B. Airport Park Splash Pad**

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

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

“Staff has received bids for the construction of a water splash pad at the Airport Park. The splash pad will be approximately 1700 square feet in size. It will incorporate aviation themes in its design and will be interactive.

The following bids were received:

3D Dirtworks LLC (Sumter, SC) \$ 92,500.00

Carolina Recreation & Design ( Mooresville, NC) \$ 93,400.00

Staff has reviewed the bids received and the qualifications of both contractors.

After review, staff has determined that 3D Dirtworks LLC is a responsible contractor and its bid was responsive to the project requirements. No bids were submitted from MWBE contractors

**ACTION REQUESTED:** Allow staff to accept the bid and authorize the City Manager to enter into a contract with 3D Dirtworks LLC, for the completion of the project.

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

**BUDGET AND FINANCIAL DATA:** \$ 92,500.00 from Capital Project – GP1272”

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

**C. Accommodations Tax Grant FY2017-18**

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

**Crystal Thomas, Chair of Accommodations Tax Committee**

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

“Accommodations Tax Grants are provided to eligible projects through revenue received by the City of its share of the 2% lodging tax levied by the State of South Carolina. These monies can be used for activities related to tourism, including:

1. Advertising and promotion of events that will increase tourism
2. Promotion of the arts and cultural events
3. Support for facilities where civic and cultural events take place
4. Other eligible uses include additional health, safety, and public services for tourists, tourist transportation shuttles, visitor information centers, waterfront erosion control, and repair.

\*Note: A tourist is defined as those who travel at least 50 miles to attend an event. It has been City Council’s practice to limit City Accommodations Tax grants to eligible projects that take place within the City. Events funded must “attract” and /or “provide for tourists.” Grant recipients must have an IRS 501(C)3 status.

State law requires the City to have an Accommodations Tax Advisory Committee. This committee reviews applications and makes a recommendation to City Council

for grant awards. The committee members are:

Crystal Thomas	Spartanburg Marriott at Renaissance Park, Chair
Wayne Sease	Inn on Main
Emily Woods	Owner, Health In Hand
Scott Ellis	Spartanburg Memorial Auditorium
Larry Mullins	CMC & Associates
Kathy Campbell	Chapman Cultural Center
Eric Kocher	Hub Bub

The Accommodations Tax Advisory Committee met on April 18, 2017 and thoroughly reviewed all of the applications. A total of 30 applications were received this year. The committee used the following criteria for making award recommendations:

- 1) Does the application/event meet all of the mandated requirements?
- 2) Does the event have a secured date and venue scheduled?
- 3) Does the event truly attract tourists to the City?
- 4) How great is the need for the funding – what other sources of revenue are available for this event?

After careful consideration, the committee unanimously made the attached recommendations.

**ACTION REQUESTED:** Approval of the recommendations from the Accommodations Tax Advisory Committee for the allocation of FY 2017-18 Accommodations Tax Grants.

**BUDGET AND FINANCIAL DATA:** A total of \$213,000 is available to distribute for the FY 2017-18 to the various organizations.”

*Councilmember Anderson made a motion to review the recommended funding “line by line”. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

*After discussion, Councilmember Anderson made a motion to approve the A-Tax funding as recommended. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

Organization	Amount Requested	2016-17 Committee Recommendation/Council Approved	2017-18 Committee Recomm.	Event	Location
Artists' Guild of Spartanburg	\$2,500.00	\$ 2,000.00	\$ 2,000.00	Annual Juried Show	Artists' Guild Gallery & Chapman Cultural Center
Ballet Spartanburg	\$4,200.00	\$ 2,000.00	\$ 2,000.00	The Nutcracker	Twitchell Auditorium
Chapman Cultural Center	\$6,000.00	\$ 2,000.00	\$ 2,000.00	Celebration of African American History and Culture	Chapman Cultural Center
Chapman Cultural Center	\$24,000.00	\$ 12,000.00	\$ 12,000.00	Chapman Cultural Center Tourism Destination (continued operations)	Chapman Cultural Center
Chapman Cultural Center	\$10,000.00	\$ 10,000.00	\$ 10,000.00	Tourism marketing Spartanburg Downtown Cultural District	Central Business District Downtown Spartanburg
City of Spartanburg	\$10,000.00		\$ 8,000.00	Dr. Martin Luther King, Jr. Unity Celebration	Spartanburg Memorial Auditorium
City of Spartanburg	\$6,000.00	\$ 6,000.00	\$ 6,000.00	International Festival	Barnet Park
City of Spartanburg	\$42,500.00	\$ 11,000.00	\$ 28,975.00	Operations Support to tourist related events	Downtown Business District
City of Spartanburg	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	Red White and Boom	Barnet Park
City of Spartanburg	\$8,000.00	\$ 7,000.00	\$ 8,000.00	Spring Fling	Downtown Spartanburg
Freewheelers Cycling Association	\$10,000.00		\$ 4,000.00	2018 Assault on Mt. Mitchell and Marion	Spartanburg Memorial Auditorium
Hatcher Garden & Woodland Preserve	\$8,000.00	\$ 8,000.00	\$ 8,000.00	Year long event	Hatcher Garden and Woodland Preserve
Hmong American Association of SC	\$7,000.00	\$ 3,000.00	\$ 3,000.00	SC Hmong New Year 2017	Piedmont Interstate Fair of Spartanburg
Hub City Farmers' Market	\$5,000.00	\$ 1,000.00	\$ 1,000.00	Hub City Farmers' Market Saturday Market	Northside Harvest Park

Organization	Amount Requested	2016-17 Committee Recommendation/Council Approved	2017-18 Committee Recomm.	Event	Location
Hub City Hog Fest, Inc.	\$10,858.91		\$ 6,500.00	Hub City Hog Fest 2018	Morgan Square and surrounding streets
Melting Pot Music Society	\$9,000.00	\$ -	\$ 3,000.00	Melting Pot Music Festival	180 Harris Place Spartanburg
R&B Shag Club of Spartanburg	\$2,000.00		\$ 1,050.00	Sparkle City Celebration	Marriott at Renaissance Park
Shrine Bowl of the Carolinas	\$30,000.00		\$ 7,500.00	Shrine Bowl of the Carolinas	Spartanburg Marriott/Gibbs Stadium
Spartanburg Area Conservancy	\$10,000.00	\$ 4,000.00	\$ 4,000.00	Cottonwood Trail Program Center	Cottonwood Trail
Spartanburg Art Museum	\$3,000.00	\$ 2,500.00	\$ 2,500.00	Paper Worlds Exhibition	Spartanburg Art Museum
Spartanburg Convention & Visitors Bureau	\$75,000.00	\$ 35,000.00	\$ 52,975.00	2017-18 Spartanburg tourism sales and marketing plan; Panthers Training Camp	City of Spartanburg; Wofford College
Spartanburg Juneteenth, Inc.	\$15,000.00		\$ 3,000.00	Spartanburg Juneteenth 2018	Stewart Park
Spartanburg Memorial Auditorium	\$15,000.00	\$ 12,000.00	\$ 12,000.00	Facility repairs	Spartanburg Memorial Auditorium
Spartanburg Philharmonic Orchestra	\$ 5,500.00	\$ 2,000.00	\$ 2,000.00	The Music of John Williams: From Harry Potter to Star Wars concert	Twichell Auditorium
Spartanburg Science Center	\$ 7,500.00	\$ 6,000.00	\$ 6,000.00	Science Center 3rd Saturday events/center upgrades	Spartanburg Science Center
Spartanburg Southside Lions Club	\$ 10,000.00		\$ 2,000.00	2018 Sparkle City Rhythm and Ribs Festival	Barnet Park
St. Nicholas Greek Orthodox Church	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	2017 Spartanburg Greek Festival	St. Nicholas Greer Orthodox Church
Upstate Chapter of the National Railway Historical Society	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00	Hub City Railroad Museum and Caboose Exhibit	298 Magnolia Street
West Main Artists Co-op	\$ 2,500.00		\$ 1,000.00	2016-17 Traveling Show of the SC Watermedia Society	Venue @ West Main
Wofford College	\$ 15,000.00	\$ 5,500.00	\$ 5,500.00	Carolina Panthers Training Camp Fan Experience	Wofford College
	\$365,058.91	\$ 140,000.00	\$ 213,000.00		
\$213,000 available funds for 2017-18			\$ -		

**D. Hospitality Tax Discretionary Grants – Committee’s Recommendations**  
**Presenter: Chris Story, Assistant City Manager**

Mr. Story presented the item to Council as follows:

“Last year City Council appointed a committee to evaluate requests for discretionary grants from the hospitality tax fund. The committee has completed its work for the year. They reviewed the applications and related documents, received presentations from applicants, and produced the attached recommendation which requires City Council approval. The proposed grants total \$370,000 which matches the amount budgeted for this purpose for the upcoming year.”

*Councilmember Anderson made a motion to add the Shrine Bowl to the list for an allocation, and if that motion passed, he had something else. Councilmember Rice seconded the motion. Mayor pro tem Stille stated that for discussion purposes, she wanted to clarify and reiterate that the committee had an application process and then presentations; they had rules and a process. She stressed that it was not to say that the Shrine Bowl was not a worthy event, but, they did not follow the process and they did not show up for their presentation. She added that last year they were not funded because they did not get their application in on time. She stated that there are rules and that everyone is evaluated on the same rules and that is why they were not funded. Mayor White called for the vote.*

*Councilmembers Anderson, Rice, and Henderson-Myers voted for the motion. Mayor White, Mayor pro tem Stille, Councilmembers Brown and Jenkins voted against the motion. The motion failed 3 to 4.*

*Mayor pro tem Stille made a motion to approve the allocations as recommended by the committee. Councilmember Brown seconded the motion. Mayor White, Mayor pro tem Stille,*

and Councilmembers Brown, Anderson, Henderson Myers, and Jenkins voted in favor of the motion. Councilmember Rice voted against the motion. Motion carried 6 to 1.

**H- Tax Committee Recommendation for FY18 Discretionary Grants**

<u>Projects</u>	<u>Organizations</u>	<u>FY17 Adopted Amounts</u>	<u>FY18 Requested Amounts</u>	<u>FY18 Recommended Amounts</u>
Ballet Spartanburg	Ballet Spartanburg	-	15,900	10,000
Bluegrass Concert Series	Music Foundation of Spartanburg	-	7,500	7,500
Carolina Panthers Training Party	Wofford College	7,500	12,000	10,000
Chapman Cultural Center	Chapman Cultural Center	70,000	100,000	75,000
College Town	College Town Consortium	15,000	20,000	15,000
Convention & Visitor's Bureau	Chamber of Commerce	30,000	50,000	35,000
Hatcher Gardens	Hatcher Gardens & Woodland Preserve	20,000	25,178	20,000
HOG Fest	Hub City Hog Fest, Inc.	-	10,859	5,000
Cultural District Programming (Hub-bub)	Chapman Cultural Center	62,500	65,000	31,750
Hub City Farmer's Market	Hub City Farmer's Market	20,000	40,000	17,500
Hub City Writers Project	Hub City Writers Project	15,000	20,000	20,000
Project Maestro	Music Foundation of Spartanburg	-	15,000	7,500
Shrine Bowl of the Carolinas	Team Spartanburg Sports Council	-	50,000	-
Spartanburg Art Museum	Spartanburg Art Museum	5,000	10,000	10,000
Spartanburg Celebration	Spartanburg Juneteenth, Inc.	15,000	15,000	10,000
Spartanburg Downtown Association	Spartanburg Downtown Association	7,500	10,000	5,000
Spartanburg Memorial Auditorium	Spartanburg Memorial Auditorium	35,000	35,000	25,000
Spartanburg Regional Criterium	Partners of Active Living	20,000	25,000	25,000
The Cottonwood Trail	Spartanburg Area Conservancy, Inc.	20,000	25,000	20,000
Train Day Festival	National Railway Historical Society	-	1,000	750
Trees Coalition	Trees Coalition	-	19,000	10,000
West Main Artists Co-op	West Main Artists Cooperative	5,000	50,000	10,000
			<u>\$ 621,437</u>	<u>\$ 370,000</u>

**IX. City Council Updates**

**Councilmember Anderson** shared that things were continuing to move along on the west side. He mentioned the project off of Camelot Drive and the Airport Park.

**Councilmember Brown** shared that the new Pokenori restaurant opened that day. She invited everyone to the Wofford College arts center for a town hall panel discussion on “Fighting the Brain Drain” at 7:00 p.m. She stated that she appreciated what the Shrine Bowl did for the City and that it “did not bring joy” to have to eliminate them from H-Tax funding consideration. She added that the Shrine Bowl representative was given a time to present, he confirmed that he would be there, and then he didn’t show up. She added that the other applicants followed the rules.

**Mayor pro tem Stille** stated that the Shrine Bowl was a wonderful event and they were a wonderful organization, but, the committee had to be fair. She reminded everyone of Red, White and Boom on July 4 in Barnet Park. She thanked the members of both the A-Tax and H-Tax committees for their many hours of service.

**Councilmember Jenkins** stated that the thing that had been consuming his attention lately was the discussion about environmental standards and The Paris Climate Agreement and what cities or governments in general should be doing to express support. He made the following motion: “**A motion to direct staff to provide a report to council outlining actions, initiatives and efforts during the past five years in which environmental stewardship played a role, including but not limited to standards set for businesses, purchases made by the city, and more.**” Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

**Councilmember Henderson Myers** wished everyone a Happy 4<sup>th</sup> of July and encouraged them to attend and support Red, White and Boom.

**Councilmember Rice** thanked staff for their hard work on the “Ban the Box” initiative. He thanked the “Juneteenth” group for a great celebration in Stewart Park. He mentioned that the City has two officers, Officer Russell Porter and Officer Tina Hearn, who are designated for the Highland area.

**Mayor White** reminded everyone of the ribbon cutting on Tuesday, June 27 at 5:30 p.m. for the USC Upstate Mural located beside the Art Lounge.

- X. Adjournment – Councilmember Brown** *made a motion to adjourn the meeting. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 6:58 p.m.*



**Connie S. McIntyre, City Clerk**