



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, August 14, 2017
5:30 p.m.**

**(These minutes were approved at the
September 25, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem 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 July 24, 2017 City Council Meeting –
Councilmember Henderson Myers made a motion to approve the minutes as received. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

IV. Approval of the Agenda of the August 14, 2017 City Council Meeting -
Mayor pro tem Stille 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 **Chris Mathis**, Norwood St., came forward to speak regarding his concerns regarding the dog park.

Kristin Neighbors came forward to speak regarding her concerns regarding the dog park.

Deborah Moore, a Northside Voyager, came forward to speak in favor of funds to be used in the first phase of the Northside Development.

Linda Askari, a northside resident, came forward to ask that the support of the northside project continues.

VI. Recognition of City of Spartanburg Retiree Sam Miller

Presenter: Mayor Junie White

Mayor White recognized Mr. Miller and his 95 year old mother. He thanked Mr. Miller for his many years of dedicated service to the City.

VII. Update on Local Teen Pregnancy Prevention Efforts

Presenters: Kathy Dunleavy, CEO Mary Black Foundation

Polly Edwards-Padgett, MBF Adolescent Health Project Director

Ms. Dunleavy and Ms. Edwards updated Council on the teen pregnancy statistics and programs.

VIII. Award of Bid for 2017 Annual Street Resurfacing

Presenter: Tim Carter, Engineering Administrator

Mr. Carter presented the item to Council as follows:

“For 2017, the City’s road resurfacing specifications were modified to include additional milling to minimize asphalt build up along curb lines and at the edge of pavement for streets without curbs. While these steps will improve the finished product, milling is inherently dusty and loud. This year’s paving work will require additional oversight and improved communication with citizens to minimize problems. To that end, we will bolster project management with the addition of a contract inspector. This inspector will be on-site with the paving contractor during all milling and paving work. The inspector will monitor for quality control and compliance with project specifications. Staff is also reworking its notices to citizens regarding paving work. These notices will ask citizens to move their vehicles away from the milling work and encourage them to roll up their car windows. The notices will also remind folks to close any windows in their home.

Bids for the 2017 Street Resurfacing Project were received on July 18, 2017. This project consists of approximately 9,052 tons of surface Type C Asphalt, 2,560 square yards of full depth patching, and 38,000 square yards milling. An attachment to this Request for Council Action provides the listing of streets that will be repaved.

Bids were submitted by:

Venesky Asphalt Paving & Grading, LLC (Easley, SC)	\$1,044,593.67
Panagakos Asphalt Paving (Greenville, SC)	\$1,419,908.70

Staff has reviewed the bids received and the qualifications for each of these contractors and determined that Venesky Asphalt Paving & Grading, LLC is the responsive low bidder. No bids were submitted from MWBE certified contractors.

ACTION REQUESTED: Allow staff to accept the bid from Venesky Asphalt Paving & Grading, LLC and authorize the City Manager to enter into a contract with Venesky Asphalt Paving & Grading, LLC for the completion of the project.

BUDGET AND FINANCE DATA:

\$ 350,000.00 County Transportation Committee Funds (CTC)

\$ 694,593.67 from the Spartanburg County Road Fee Funds”

Councilmember Rice made a motion to approve the award of bid as presented.

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

IX. Contract Award for Airport Park Playground Equipment

Presenter: Kim Moultrie, Parks and Recreation Director

Ms. Moultrie presented the item to Council as follows:

“Staff solicited proposals to design, manufacture, and install (2) aviation themed playgrounds at the new Westside Park to be located at the Downtown Airport. The playgrounds will include 1 custom built playground for ages 2-5, 1 custom built playground for ages 5-12, an airplane rider, 4 swing bays, ADA chair swing, and wood fiber surfacing.

Proposals submitted by:

Barrs Recreation – Mooresville, NC

Churchich Recreation – Bluffton, SC

Cunningham Recreation – Charlotte, NC

Playground Safety Services – Shelby, NC

Proposal selection was based on several factors: Equipment Design, References and past experience, Responsiveness (inclusive of budget), Conformity of proposal in response to the requirements.

The selection committee consisted of city staff members, Kim Moultrie, Natasha Pitts, Darwin Simpson, Mitch Kennedy, and Partners for Active Living Director, Laura Ringo.

Staff established a budget of \$150,000 for the services. All proposals submitted were within budget (ranging from \$149,096 - \$150,000) and the committee selected the proposal of Churchich Recreation.

Staff requested 2 additional bay of swings and the airplane rider to the Churchich Recreation proposal, with a final proposal cost of \$156,044.

No proposals were submitted from MWBE Firms.

ACTION REQUESTED:

Allow staff to accept the proposal and authorize the City Manager to enter into a contract with Churchich Recreation

BUDGET AND FINANCIAL DATA:

\$156,044 from Capital Project – GP1272”

Councilmember Rice made a motion to approve the request as presented.

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

X. Authorizing the City of Spartanburg, South Carolina, to Execute and Deliver an Equipment Lease Purchase Agreement in an Amount Not Exceeding \$2,550,000 Between the City and the Lessor Thereof to Defray the Cost of Acquiring certain Equipment; and Other Matters Relating Thereto (First Reading)

Presenter: Dennis Locke, Finance Director

Mr. Locke presented the item to Council as follows:

“As part of our ongoing efforts to equip staff with the resources they need at the lowest possible cost over the long term, the City is committed to maintaining an annual equipment replacement schedule. Funds are appropriated through the annual budget into the equipment replacement fund from which these purchases and then made throughout the year.

Due in part to very low interest rates in recent years, staff had determined that the City could strengthen its financial position by bundling and leasing the major purchases within a master lease. This mechanism spreads the cost of these purchases over several years. The proposed action is to authorize this year’s lease program.

ACTION REQUESTED:

Staff is recommending the replacement of 14 Police Vehicles, 1 Fire Vehicle, 5 vehicles and 7 various pieces of equipment for Public Services, 1 Vehicle Parks & Recreation, 1 Vehicle for Inspections, 1 Vehicle Property Maintenance, 1 Vehicle Building Maintenance.

It is staff’s recommendation that we use a capital lease to finance these purchases. If approved, we would accept bids from various financial institutions. The source of repayment would be the Equipment Replacement Fund.

BUDGET AND FINANCIAL DATA:

The total will not exceed \$2,550,000 inclusive of closing costs. This amount may be reduced pending final review of acquisition specifications.”

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

XI. Resolution Authorizing an Application to the U.S. Department of Housing and Urban Development Through Section 108 of the Housing and Community Development Act

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the items to Council as follows:

“The Northside Development Corporation (NDC), is a 501(c)3 non-profit organization focused on the redevelopment of the Northside. The NDC is involved in various Northside projects including the Franklin School, Brawly Street Model Block, Butterfly Creek Linear Park, and owner-occupied housing rehabilitation. The NDC has also been seeking the development of a mixed use project that would provide new commercial space and apartments for the Northside. The NDC has now reached tentative agreement with a private entity to jointly develop a mixed use project.

The project will be located on the northeast corner of the intersection of Howard and College Streets. It will include 20 apartments, 10,000 sq. ft. of medical space (VCOM), 6,000 sq. ft. of space for the NDC , and housing units (16 beds) for Wofford College's Sustainability Program. Total project costs will exceed \$10 million. The project is consistent with the Northside Transformation Plan approved by Council on January 26, 2015.

Project funding will come from a variety of sources including New Markets Tax Credits, private funding, and debt. As an economic development project, it is eligible for support using the Section 108 Community Development Block Grant Loan Program. Under the 108 program, eligible CDBG recipients may apply for a loan from the United States Department of Housing and Urban Development (HUD). If the application is approved, HUD will make a loan to the grantee. The grantee (City) can then “re-loan” the loan proceeds in support of an eligible project.

For this project, the NDC would form a partnership with Spartanburg Housing Partners. That entity would borrow Section 108 funds from the City. The City would secure its loan with a mortgage against the project and with a pledge of other collateral. The City will be required to pledge its future CDBG grants as loan collateral to HUD. Loan repayments to the City from the project developer will be used to repay the HUD loan. Section 108 funds are available at favorable interest rates. This lower cost of capital and the flexibility afforded by the 108 program make the Northside Project financially feasible.

The City utilized the Section 108 program as part of the Marriott Hotel project financing. That loan has been fully repaid.

ACTION REQUESTED: Approval of resolution authorizing the City Manager to take action necessary to apply for a CDBG Section 108 Loan.

BUDGET & FINANCIAL DATA: \$3,000,000 in CDBG Section 108 loan guarantees.”
Councilmember Brown made a motion to approve the resolution as approved.
Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

**XII. Various Actions In Support of Economic Development Project at Pine and Main
Presenter: Patty Bock, Economic Development Director**

Ms. Bock presented the item to Council as follows:

“A development company is in the process of purchasing multiple parcels for a new mixed use development at the southeast corner of E. Main and S. Pine Streets. It was found that a 20-foot alley is referenced on several plats of these parcels. In order for the revitalization at this important intersection to occur, the city must quitclaim deed any ownership it may have and also authorize the closing of this alley. Staff believes that the alley is not needed and that it is in the best interest of the City for the development to take place, as it will also serve as a catalyst for future developments at this important gateway.

ACTION REQUESTED: That Council by Ordinance, Resolution and Declaration quitclaim deed and close the 20’ alley adjacent to and between multiple parcels near the intersection of E. Main and S. Pine Streets.”

- A. **Resolution Directing the Closing of a 20-Foot Alley Adjacent to and Between Multiple Parcels Near the Intersection of S. Pine and E. Main Streets as Shown on the Exhibit Map (Exhibit I) and Described on Exhibit 2**
Mayor White made a motion to approve the resolution as requested. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

- B. **Declaration Directing the Closing of a 20-Foot Alley Adjacent to and Between Multiple Parcels Near the Intersection of S. Pine and E. Main Streets as Shown on the Exhibit Map (Exhibit I) and Described on Exhibit 2**
Mayor White made a motion to approve the declaration as requested. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.

- C. **Ordinance to Authorize the City to Quitclaim Deed Alley Property Near E. Main and S. Pine to the Adjacent Property Owners – Developer, Cap East Spartanburg, LLC, and to James C, and Denise A. Spears (First Reading)**
Councilmember Anderson made a motion to approve the ordinance as requested on first reading. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.

XIII. Approval of Documents Regarding 600 Magnolia Street

Presenter: Patty Bock, Economic Development Director

“600 Magnolia Street is an important structure in the Northside. Originally built in 1915 as an educational institution, it is still known as the Fremont School. Recently Fremont Owner, LLC, a corporation out of Albany, Georgia purchased the now vacant building for the purpose of renovating and restoring the property into 41 market rate apartments. The process is being conducted under the supervision of the SC State Office of Historic Preservation ensuring that work is conducted according to appropriate preservation standards. The Development Agreement requires the Developer to expend a minimum of \$3.5 million and include at least 41 market rate apartments and the City will pursue the Special Assessment for Rehabilitated Historic Property for a period of twenty (20) years.

The Board of Architectural Design and Historic Review (HARB) granted preliminary certification of this at its August 10th meeting. The special assessment would relieve the owner of a portion of the additional property tax liability created by the acquisition and historic-standard renovation of the property. The resolution will allow staff to pursue County Council for final approval by the state.

The owner has a successful track record locally and regionally in undertaking historic renovations and we believe his efforts will strategically encourage additional development projects in the Northside neighborhood.

Staff recommends approval of the attached Development Agreement and Resolution that will provide the necessary incentives to ensure the completion of this undertaking.”

A. Approval of Development Agreement

Councilmember Henderson Myers made a motion to approve the Development Agreement as requested. Mayor White seconded the motion, which carried unanimously 7 to 0.

B. To Determine the Eligibility of 600 Magnolia Street for Special Property Tax Assessment for Rehabilitated Historic Properties as Adopted by Ordinance of the City Council on September 9, 2013

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

XIV. Boards and Commissions – Spartanburg Housing Authority Applicants

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented two names for Council’s consideration for appointment to the Spartanburg Housing Authority.

Councilmember Jenkins made a motion to waive the rules and appoint Bryant A. Boyd to the Spartanburg Housing Authority. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

XV. Renewal of Employment Contract for Municipal Court Judge

Presenter: Mayor Junie White

A report from the Council evaluation committee recommended the renewal of Judge Erika McJimpsey’s employment contract.

Councilmember Jenkins made a motion to renew Judge McJimpsey’s employment contract. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

XVI. Public Hearings

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #7-13-01-065.00, Located on 899 East Main Street, that is Currently Zoned R-15, with a Land Use Designation of Single Family Residential District to Zone B-3, with a Land Use Designation of General Business District, in Order to Allow Proposed Buyer to be Able to Develop a Self-Storage Facility, Contingent upon the Rezoning Being Approved. John D. Montgomery, Montgomery Development Group, Proposed Buyer, on Behalf of Arthur State Bank, Property Owner (First Reading)**

Presenter: Natalia Rosario, Planner III

Ms. Rosario presented the item to Council as follows:

“On July 20, 2017, the Planning Commission held a public hearing and reviewed a rezoning request submitted by John D. Montgomery, Montgomery Development Group, proposed buyer, on behalf of Arthur State Bank, Property Owner of 899 East Main Street, to rezone Parcel 7-13-01-065.00 that is currently zoned R-15/Single Family Residential District, to B-3/General Business District, in order to allow proposed buyer to be able to develop a self-storage facility, contingent upon the rezoning being approved.

The 2004 Comprehensive Plan envisions this area have a future land use category of Limited Activity Center, with land use zoned of Limited Office District and Limited Commercial District. While the proposed zone is not entirely consistent with what the Comprehensive Plan proposes, staff would note that the proposed use is in essence the same use as that historic use of the property. At some point in time (staff was unable to find record of the rezoning) the property was zoned to the current inappropriate zone of R-15: Single Family Residential. In addition, there are properties to the north along E. Main Street that are adjacent to other single family properties with the zone of B-3: General Business District, which have uses upon them that are not inappropriate to the character of the corridor.

The Planning Commission held a public hearing on the proposal on July 20, 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 above referenced property from R-15 to B-3.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on July 20, 2017 by a vote of 5 to 0 to 1, with one Board Member recused from the case. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the July 20, 2017 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.”

Mayor White declared the Public Hearing opened. He asked if there was anyone to speak in favor of the proposed rezoning.

Constantine Ramantanin came forward to speak in favor of the proposed rezoning.

John Montgomery came forward to speak in favor of the proposed rezoning.

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

Hearing none, *Mayor pro tem Stille* made a motion to close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

Councilmember Henderson Myers made a motion to approve the ordinance as presented on first reading. *Mayor pro tem Stille* seconded the motion, which carried unanimously 7 to 0.

**B. Ordinance Accepting the Property Owned by Rick J. and Judy Ann Krueger. The Property is Located at 441 Blackwood Drive Abutting Said Property, and is Further Identified on Spartanburg County Tax Map Sheet #7-09-16, Parcel 069.00. The Parcel is Currently Un-Zoned, and the Requested Zone is R-15, with a Land Use Designation of Single Family Residential District Upon Annexation (First Reading)
Presenter: Natalia Rosario, Planner III**

Ms. Rosario presented the item to Council as follows:

“Staff received a request from Rick J. and Judy Ann Krueger, owners of 441 Blackwood Drive for annexation of the property into the City of Spartanburg on July 14, 2017. Because this property will be zoned R-15, Single Family Residential upon Annexation, there is no need to obtain zoning designation by the Planning Commission.

Since the parcel is contiguous to the City Limits, the property owner has submitted an annexation petition under the 100 percent Petition and Ordinance method. Since the zoning designation for the contiguous parcel is R-15, Single Family Residential; Staff is requesting Council to designate the parcel as R-15.

ACTION REQUESTED: Staff recommends that the City Council take the following actions:

- a) Approve the annexation of 441 Blackwood Drive (TMS7-09-16-068.00).
- b) Designate the zoning for this property as R-15 (Single Family Residential) upon annexation.

BUDGET AND FINANCE DATA: The parcel will generate property tax after annexation. Additional service costs will be minimal.”

Mayor White opened the public hearing, asking if there was anyone to speak in favor of the annexation. Hearing none, he asked if there was anyone to speak against the annexation.

Hearing none, Mayor pro tem Stille made a motion close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

Councilmember Jenkins made a motion to approve the ordinance as presented on first reading. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.

XVII. Public Hearing Regarding Proposed Residential Rental Property Registration

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

A public hearing regarding a proposed Residential Property Registration Program is scheduled for this evening. A draft ordinance is attached.

In advance of the public hearing, I would like to review changes made to the proposed ordinance as a result of the discussions with Council on July 24. I will also review a draft inspection form being developed for the program. I believe this form and grading scale is reflective of staff's intended inspection methodology where the emphasis is placed on basic safety and livability standards. Other code requirements that deal mostly with property appearance will be given less weight.

Council will note that nuisance ordinance violations (derelict vehicles, overgrown conditions, junk and debris) are not included on the property registration inspection form. Nuisance code violations will be checked during inspections. Should there be violations, the tenant would be cited outside of the property inspection process. Additionally, should an inspection of an occupied property reveal other conditions (unsanitary living conditions, insect/rodent infestation) that are attributable to the tenant, enforcement staff will cite the tenant through the standard code enforcement process.”

(a copy of the draft ordinance and the draft inspection form are attached to these minutes)

Mayor White opened the public hearing asking anyone who wished to speak regarding the proposed ordinance to come forward, state their name and address and if they owned property in the City. He explained that they would be given 3 minutes each to speak.

Joe Lowell, Lewis Settle, Melvin Norwood, Phillip Stone, Joy David, and Jenny Elizabeth Cook came forward to speak in favor of the ordinance.

Nancy Sosbee, Betty ?, Moses Zikusooka, Sarah Eastler, Chris Martin, and Jim Way came forward to speak against the ordinance.

Mayor pro tem Stille made a motion to close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

After a very lengthy discussion, Council asked Mr. Memmott to take their comments under consideration and come back to them at the September 11 to allow Council discussion of each portion of the draft ordinance.

XVIII. City Council Updates – In the interest of time, no updates.

XIX. Executive Session

Mayor pro tem Stille made a motion to adjourn to Executive Session for the reason stated. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 8:12 p.m.

A. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging Two New Investments in the City

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

Council reconvened at 8:50 p.m. Mayor White stated that discussion was held with no decisions made.

XX. Adjournment-

Mayor pro tem Stille made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 8:52 p.m.



Connie S. McIntyre, City Clerk