CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, September 11, 2017
5:30 p.m.

I. Moment of Silence

II. Pledge of Allegiance

III. Approval of the minutes of the August 14, 2017 and August 28, 2017 City Council Meetings

IV. Approval of the Agenda of the September 11, 2017 City Council Meeting

V. Public Comment
*****Citizen Appearance forms are available at the door and should be submitted to the City Clerk

VI. Recognition of Retiring City Employee Darrell "Rick" Horton
Presenter: Mayor Junie White

VII. Presentation of Proclamation Declaring University of South Carolina Upstate Day
Presenter: Mayor Junie White

VIII. Ordinance

A. To Amend the Code of the City of Spartanburg 1988, Chapter 5, Article XI, By Adding a Residential Rental Property Registration and Inspection Program (First Reading)
Presenter: Ed Memmott, City Manager

IX. City Council Updates

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.

X. Executive Session

A. Executive Session Pursuant to Section 30-4-70 (a)(2) of the South Carolina Code to Receive Legal Advice Concerning the City Sign Policy/or Ordinance

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

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

XI. 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.

III.

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

(These minutes are subject to approval at the September 11, 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, 1Vehicle 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

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, August 28, 2017
5:30 p.m.

(These minutes are subject to approval at the September 11, 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. Assistant City Manager Chris Story 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 – Boy Scouts from Troup 11 at Morningside Baptist Church led everyone in the pledge of allegiance.

III. Approval of the Agenda of the August 28, 2017 City Council Meeting – ***Councilmember Henderson Myers*** *made a motion to approve the agenda as received. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

IV. Public Comment

*****Citizen Appearance forms are available at the door and should be submitted to the City Clerk

Rev. Rob Brown, 101 St. Matthews Lane, Spartanburg, SC, came forward to speak in favor of allowing electronic messenger signs.

V. Award of Bid for Demolition of 177 W. Broad Street and 100 S. Spring Street

<u>Presenter: David Cook, Construction Project Manager</u>

Mr. Cook presented the item to Council as follows:

"Staff solicited bids for the demolition of two buildings located at 172 W. Broad Street and 100 S. Spring Street. This work consists of asbestos and lead base paint abatement, and demolition of the structures. The building sites will be improved for temporary parking lots after demolition. Bids were received from:

Demtek LLC	Spartanburg, S C	96,865.00
Carolina Wrecking	Columbia, S C	107,400.00
Complete Demolition Services	Carrollton, GA	162,000.00
Empire Dismantlement Corp	Grand Island, NY	245,678.00

After reviewing contractor qualifications, Demtek was determined to be a qualified contractor.
No bids were submitted by MWBE contractors.

ACTION REQUESTED: Authorization for the City Manager to sign a contract with Demtek, LLC for demolition of the buildings located at 172 W. Broad Street and 100 S. Spring Street.

BUDGET AND FINANCIAL DATA: $96,865 Broad Street TIF District Funds."
Mayor pro tem Stille *made a motion to approve the award of bid to Demtek LLC in the amount of $96,865.00. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

VI. Highland Community Update
Presenter: Mitch Kennedy, Community Services Director
"City staff has been working for the past several months with the Highland Neighborhood Association, Spartanburg County School District 7, Spartanburg Housing Authority, Meeting Street Academy, Bethlehem Center, Meeting Street Academy and Macedonia Missionary Baptist Church to coordinate efforts for Highland improvement. The participants in this process are called the Highland Working Group (HWG). Staff would like to update Council on the efforts of the group."

VII. Approval of Cammie Clagett Asbestos Abatement Bids
Presenter: Martin Livingston, Neighborhood Services Director
Mr. Livingston presented the item to Council as follows:
"One of the priorities identified by the Highland Working Group is the demolition of the vacant Cammie Clagett Apartments. Utilizing funding from the State Housing Finance and Development Authority, the City now has the opportunity to proceed with abatement and demolition.
ACTION REQUESTED: Five contractors responded to a bid solicitation. City staff is consulting with the State Housing Authority to expedite the work and proceed with awarding contracts. Based on continuing direction from State Housing, staff is recommending that the City Manager be authorized to enter into asbestos abatement contracts with the following contractors:

Rhino Demolition Environmental	312,000.00
R&R Associates	125,000.00
Asbestos & Demolition, Inc.	209,900.00
NEO Corporation	204,050.00

Asbestos abatement of 68 units is included in this action. Staff is continuing work with State Housing to secure funding for abatement and demolition of the remaining 42 units. All abatement work will be performed in accordance with SCDHEC standards. Air quality monitoring will be conducted during the project.

BUDGET & FINANCIAL DATA:

Neighborhood Initiative Program Funding: $850,950."

Mr. Livingston presented the following chart to explain the progression of demolition:

Vendor		1-18 (18 Units)	19-32 (14 Units)	33-58 26 Units)	59-68 (10 Units)
Rhino Demolition Environmental		216,000.00	168,000.00	312,000.00	120,000.00
Target Environmental LLC`		408,006.00	354,774.00	528,190.00	143,220.00
R&R Associates		225,000.00	210,000.00	424,970.00	125,000.00
Asbestos & Demolition, Inc		209,900.00	217,000.00	430,000.00	90,000.00
NEO Corporation		236,000.00	204,050.00	410,982.00	140,000.00

The following vendors submitted responses to the above solicitation:

Responses were evaluated according to the criteria stated in the solicitation. We announce our intent to award a contract to:

Winning Vendor's Name	City	State
Rhino Demolition	Little River	SC
Asbestos & Demolition, Inc.	Lugoff	SC
NEO Corporation	Canton	NC
R&R Associates	Columbia	SC

We would like to thank each vendor for your time and efforts in preparing a response to this solicitation.

***After discussion, Councilmember Rice** made a motion to approve the award of bids as presented. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.*

VIII. Resolution

A. Approving the Lease of Neighborhood Improvement Program (NIP) Non-profit Partners Property in the Highland Neighborhood

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

"Staff is requesting approval of a resolution to lease property located in the Highland Neighborhood that will be owned by the five Non-profit Partners, participating in the South Carolina State Housing and Finance and Development Authority, Neighborhood Initiative Program (NIP). The City would be leasing the properties in accordance with the restrictive covenants until the property is developed, transferred, or sold. It is anticipated that the lease period will be for the NIP 3 year lien period. The property that will be leased will eventually be vacant land, which is the Cammie Clagett Public Housing Apartments location.

The Non-profit partners currently participating in the NIP Program are Habitat for Humanity of Spartanburg, Homes of Hope, Nehemiah Community Revitalization Corporation, the Northside Development Group, and the ReGenesis Community Development Corporation.

The lease agreement and any fees charged for maintenance are subject to approval by the South Carolina State Housing Finance and Development Authority.

ACTION REQUESTED:
Approval of lease agreement between the City of Spartanburg and the five NIP Non-profit partners of Habitat for Humanity of Spartanburg, Homes of Hope, Nehemiah Community Revitalization Corporation, the Northside Development Group, and the ReGenesis Community Development Corporation and the for property in the Highland Neighborhood, formerly Cammie Clagett Apartments.
After discussion, Councilmember Rice *made a motion to approve the resolution as presented. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.*

IX. Amendments to Ordinance Authorizing Equipment Lease Purchase
Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:
"The attached ordinance authorizing an equipment lease purchase transaction, which passed unanimously on first reading at the last meeting, has been amended to make some clarifications to the outdated language which authorizes the City Manager to issue Tax Anticipation Notes (TANs) should the need arise.

We have not had need to issue TANs in recent years and do not expect to need to issue TANs this year. However, we have a number of projects underway that involve cash outlays which will be reimbursed from other funds (e.g. Cammie demolition, airport runway work, Oakview demolition, etc.) the timing of which could result in a tightening cash position later in the year. In an abundance of caution, we concluded we should update the TAN authorization language to ensure we are prepared should a bad timing situation occur. Those revisions are now reflected in the attached ordinance presented for second reading. We recommend your approval and welcome any questions you may have."
Mayor pro tem Stille *made a motion to approve the ordinance on second reading as presented. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

X. Consent Agenda

A. 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 (Second Reading)

B. 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 (Second Reading)
Presenter: Natalia Rosario, Planner III

C. 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 (Second Reading)
Presenter: Natalia Rosario, Planner III
Councilmember Brown *made a motion to approve the consent agenda on second reading. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.*

XI. Sign Ordinance Update Review
Presenter: Natalia Rosario, Planner III
Ms. Rosario presented the item to Council as follows:
On May 8th, 2017, Council heard a presentation from Planning Department staff regarding potential updates to the current sign ordinance, specifically regarding the addition of ordinance guidelines permitting and regulating electronic message board signage (EMB). At that time staff presented the sign ordinance requirements for EMB signs of the Cities of Greenville and Clemson, South Carolina, and received feedback from Council directing staff to tailor an ordinance proposal that would allow for this type of signage for institutional uses.

Staff is proposing an ordinance that permits 30% of a 6' monument sign for an institutional use to be an EMB. No scrolling, flashing, pulsing or other movement is permitted, and still images must be displayed for at least 15 seconds before changing. The signs may only display images from 6 A.M. to 9 P.M. and must be located at least 100 linear feet from any residential property line, casting only .1 foot candle to any residential structure and are not to exceed .3 foot candles over ambient light. An EMB must be able to automatically adjust brightness, and shall have a default mechanism to stop the sign or turn it off should a malfunction occur. Sign copy changes are to be instantaneous, and allowances for up to 40% of the sign face to be an electronic message board are proposed if the sign is built using natural materials such as wood, stone, brick, or other such materials.

Other proposed edits include clarification of intent, statement of permit requirements, additional sign maintenance standards and sign removal provisions, updated references, lowering of pylon heights and the permitting of one freestanding sign per street frontage in shopping centers, and updates to permitted banner types.

If Council is comfortable with the proposed changes at this time, the City of Spartanburg Planning Commission will hear the proposed changes on September 21st, 2017. If recommended for approval at that time, the proposed changes will return to City Council for First Hearing on October 9th, 2017, and if passed at that time will be heard for a Second and Final Hearing on October 23rd, 2017.

ADDITIONAL INFORMATION: Please note that the proposed updates to the sign ordinance do not impact advertising signs/billboards.

REGULATIONS. (*)(****)

503.1 Purpose.

The purpose of these regulations is to provide minimum control of signs to promote the health, safety and welfare by:

- Lessening hazards to pedestrians and vehicular traffic;
- Preserving property values;
- Preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial uses;
- Promote the use of signs which are aesthetically pleasing, of appropriate scale, an integrated with the surrounding buildings and landscape, in order to meet quality development standards;
- Balance public and private objectives by allowing adequate signage for business identification;
- Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the city.
- Preventing signs from reaching excessive size or numbers such that they obscure one another to the detriment of all concerned; and
- Securing certain fundamentals of design for the city.

To achieve these purposes, it is the intent of this section:

- To provide reasonably uniform standards while allowing functional flexibility, encourage variety, and create and incentive to relate signage to basic principles of good design;
- To assure that public benefits derived from expenditures of public funds for the improvement an beautification of streets, and other public structures and spaces, are protected by exercising reasonable control over the character and design of sign structures which are near the rights-of-way; and
- To provide an improved visual environment for the citizens of, and visitors to, the city.

503.2 General Sign Provisions.

503.21 Illumination. Where illumination is permitted it may be direct or indirect. ~~No sign shall display intermittent, flashing or rotating lights, except for time, temperature, stock market quotations, or electronic signs described in Section 503.45~~. When it is used, sign illumination shall be so shielded as not to cast direct light onto public ways and residential districts. Intensity of light cast on any residential district shall not exceed 0.5 foot candles.

503.22 Public Safety. Words, phrases, symbols, characters or signals used in a manner that might be misconstrued as a public safety warning or traffic sign or signal will not be permitted. The placement and configuration of signs shall not be located or designed so as to be misconstrued as a public safety warning or traffic signal.

503.23 Signs Permitted in Any District. The following signs are permitted in any district and are excluded from the computation of the total sign area requirements of this Section.

Table A - - Signs Permitted in Any District

Sign Type	Requirements
A. Public Signs or Notices	Posted by or at the discretion of a governmental agency.
B. Property Promotion and Contractor's Notices (**)(***)(*****)	A sign on each single lot not exceeding four (4) square feet in residential areas (R-15, R-12, R-8, R-8SF, R-6); thirty-two (32) square feet in non-residential areas (GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1, I-2).
C. Church Bulletin Boards	On the same zoning lot as a place of worship, a Church Bulletin Board not exceeding twelve (12) square feet may be erected.
D. Historical Markers	Erected by a bona fide historical association or a governmental agency
E. Church Directional Signs	Erected by a church or synagogue located within the city limits, no such sign shall exceed three (3) square feet in area. It must contain only pertinent directional information. No individual churches or synagogues may erect more than three (3) such signs within the city limits. Such signs shall be kept in good repair and appearance at all times by the owner.
F. Hospital Directional Signs	Erected by a public or private hospital, providing directions with no advertising. Maximum size shall be limited to eighteen (18) square feet and erected with seven (7) feet minimum clearance from the ground.
G. Temporary non-illuminated signs of persons connected with work on buildings under actual construction or alteration.	Located at least ten (10) feet inside any lot line; not to exceed twenty (20) square feet in area.
H. Civic Club Signs	Civic Club signs shall be permitted to locate on incoming lanes on Interstate, U.S. numbered highways, S.C. numbered highways and State secondary roads. All such signs shall be located in one central location where said signs are clustered in one frame. The frame for the civic club signs shall not exceed one hundred (100) square feet.

I. Advertising Signs on Bus Shelters (*)	Advertising signs on bus shelters authorized by the City shall be permitted

503.24 Regulations for Signs. Signs other than those listed in subsection 503 above are permitted only in accordance with the following provisions for the appropriate districts and must acquire proper permitting through the Development Services Division. Unless specifically exempted in Table A above, a sign permit shall be obtained prior to erection, installation, display, structural alteration, or change of any sign.

* (Amended by Council 4/4/88)
** (Amended by Council 2/10/92)
*** (Further Amended by Council 12/12/94)
**** (Further Amended by Council 3/4/96)
***** (Further Amended by Council 10/8/01)

503.25 Maintenance of Signs. Signs shall be maintained in good repair at all times. Any sign not meeting the following provisions shall be repaired, maintained, or removed within thirty (30) days after receipt of notification by Zoning Administrator. (**)

- The area and vegetation around a sign shall be properly maintained so as to make the sign readily visible;
- All nonfunctioning bulbs or damaged panels shall be replaced or repaired;
- All sign copy shall be maintained securely on the sign face and all missing copy shall be replaced;
- All sign structures, framework, and poles shall be structurally sound;

503.26 Yard Setback. Freestanding signs may be located in required bufferyards and yard setbacks, provided the minimum setbacks shall not be less than 10 feet from the street right-of-way and ~~not less than 5 feet from~~ the front property line(s). Measurements are to be taken horizontally from the portion of the sign (base or face), which is nearest to the street right away and/or property line. No signs shall be permitted in any street setback
unless the owner agrees in writing to remove the sign if the setback is required. It shall be understood that if said setback is ever needed, the value to the sign thereon shall not be included in the computation of the value of the land being taken for right-of-way purposes. (**)

503.27 Sign Removal. All non-conforming signs shall be removed from the premises within 90 days (3 months) after an establishment goes out of business. Sign removal shall mean to remove the sign area as defined herein. Provided, however, that in the event the business goes out of business, all nonconforming signs shall be removed immediately. Removal of nonconforming signs includes not only the area of the sign as defined
herein but also the frame structure, stand and all of the components. The responsibility for sign removal will be joint and several with the person occupying the property and the property owner. (*)(****)

The following items shall not be improved, instead such items shall be removed upon the effective date of this amendment to the Zoning Ordinance regardless of condition and/or non-conforming or conforming status:

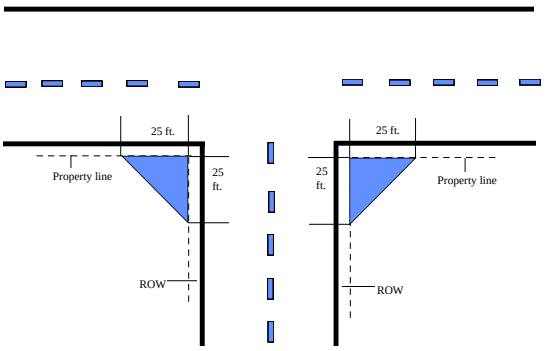
- Sign copy that originally but no longer relates in its subject matter to products, accommodations, services, or activities sold on site. However, sign copy located upon a building within a design protection district or upon a building that is a landmark structure may remain where staff to the Historic Architecture Review Board issues a certificate of approval finding that the sign conforms to at least one of the guidelines for retaining historic signs listed within "The Preservation of Historic Signs" Preservation Brief, issued by the National Park Service, U.S. Department of the Interior;

*(Further Amended by Council 6/26/95) **(Further Amended by Council 4/28/03)

- A display surface area that has not contained sign copy for any period of 12 consecutive months, and the associated sign support structure shall be removed as well; or
- A sign support structure that has not supported a display surface area for any period of 12 consecutive months.

503.28 Visibility at Intersection. On a corner lot in any residential district, GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1, I-2 an Intersection Sight Distance (ISD) shall be maintained by a triangular area formed by the right-of-way lines of the intersecting streets and clear line of sight from a vehicle located 15 feet behind the curb line of the approached street. The dimensions of the three legs of the sight triangle are dependent upon the width of the roadway and speed limit. The intersection sight distance and sight triangle dimensions shall be determined by procedures detailed in the latest edition of the South Carolina Department of Highways and Public Transportation ~~Highway Design Manual~~ Access and Roadside Management Standards (ARMS). No planting, fence or other structure, or man-made earth mound, or change in earth grade, shall be placed or maintained if it obstructs vision between a height of two (2) feet and ten (10) feet above the grade of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. (**)(***)(*****)

VISIBILITY AT INTERSECTIONS



The South Carolina Department of Highways and Public Transportation ~~Highway Design Manual~~ Access and Roadside Management Standards is available for reference ~~in the City Public Works Department office~~ online at

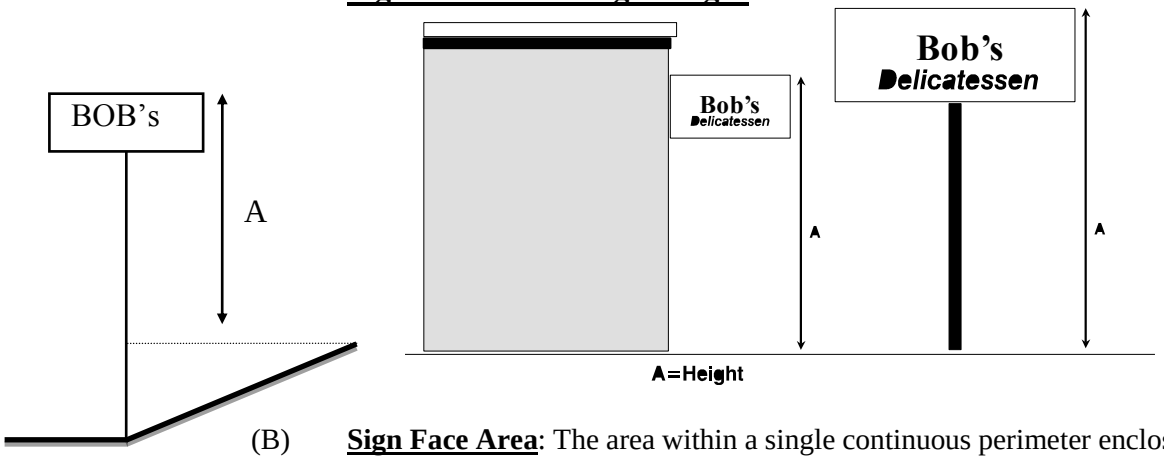
www.scdot.org. This section shall not apply to any intersection which is controlled by a traffic signal exhibiting green, yellow, and red signals.

503.29 Sign Measurements.

(A) **Sign Height**: Shall be measured from the natural grade, curb, or street centerline, whichever is higher, to the uppermost point of the sign face or structure.

* (Amended by Council 6/27/94)
** (Further Amended by Council 12/12/94)
*** (Further Amended by Council 8/11/97)
**** (Further Amended by Council 11/13/00)
***** (Further Amended by Council 10/8/01)

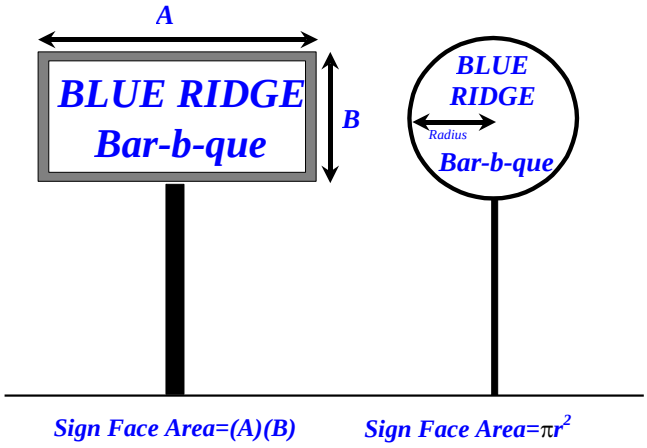
Figure 503 – 1 - - Sign Height



(B) **Sign Face Area**: The area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the supports or uprights on which such sign is placed is defined as sign area. Signs shall be measured as described for each sign type below:

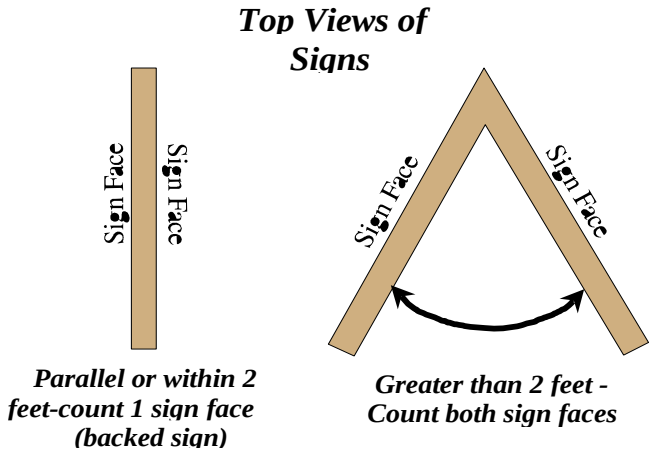
1. **Sign cabinets:** The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see figure 503-2).

Figure 503-2—Sign Area



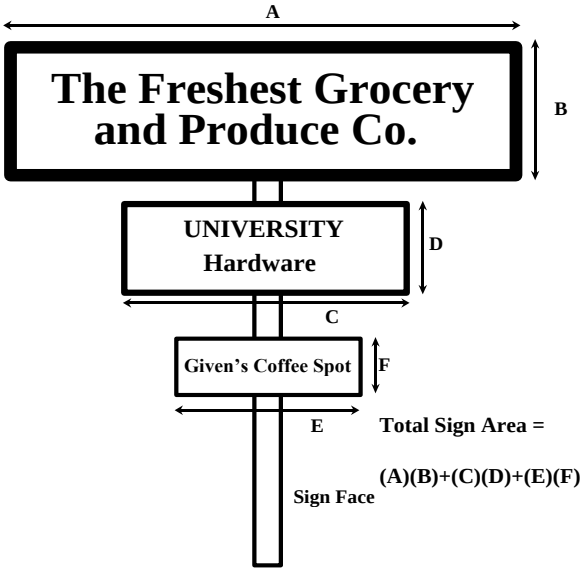
2. **Backed (two-sided) signs:** Where a sign has two or more faces, the area of all such faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign area shall be taken as the area of the larger of the two faces.

Figure 503-3



3. **Multiple cabinets:** For freestanding and projecting signs that contain multiple cabinets on one structure, and are oriented in the same viewing direction, the modules together are counted as one sign face.

VI. Figure 503-4—Multiple Sign Cabinets

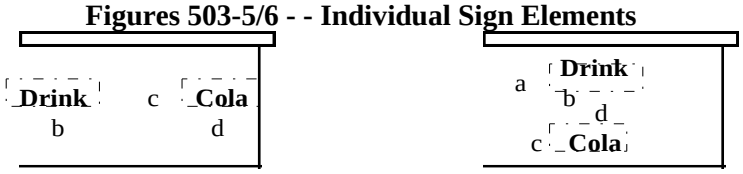


4. **Round signs:** The maximum surface area visible at one time of a round, three dimensional, or three or more sided sign is counted to determine sign area.

5. **Signs on a Base Material:** When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in calculating sign area.

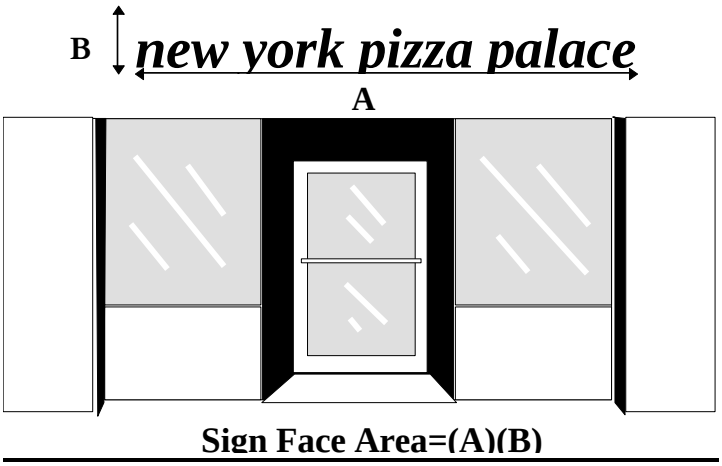
6. **<u>Individual Element Signs:</u>** When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the dimension of each element (see Figure 503-5, 503-6).

Figures 503-5/6 - - Individual Sign Elements



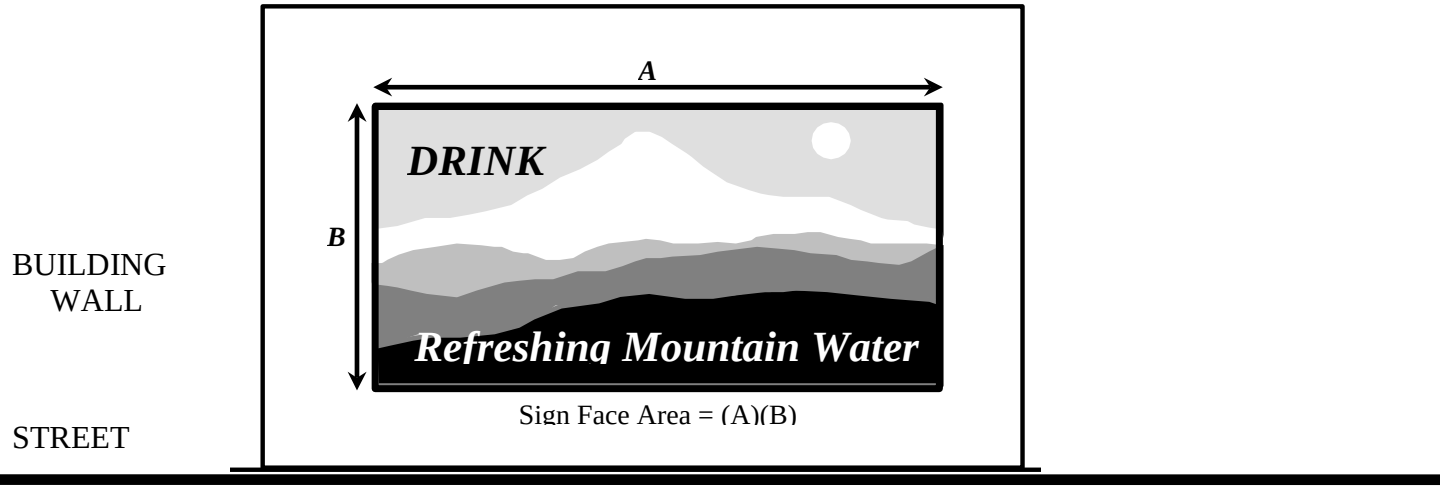
Sign Area=(a)(b)+(c)(d)

Sign Area= (A)(B)



7. **Painted Wall Signs:** Painted wall signs are measured by drawing an imaginary rectangle around the edge of each of the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element. If a painted wall sign is located closer than two times the length of the painted wall sign and any other painted wall decoration, then the area of both is included in the sign area. Visible wall area includes windows and doors (see Figure 503-7).

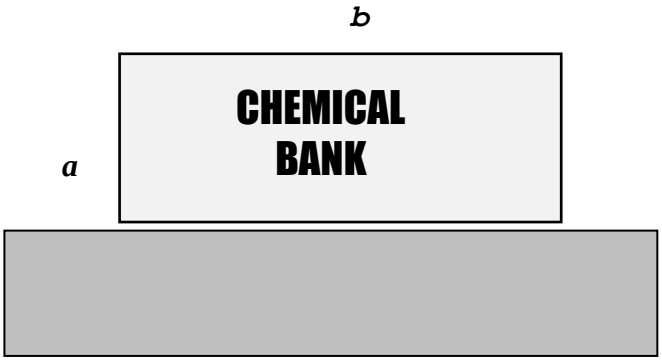
Figure 503-7 - - Painted Wall Signs



8. **Awnings and Marquees:** When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awning or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

9. **Monument Signs:** The sign face area of monument signs shall be determined by the outer measurements of the sign beginning at base level.

Figure 503-8-- Monument Signs



AREA= (a)(b)

(C) <u>Prohibited Signs</u>: (*)

1. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers or vehicles or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signs or an emergency vehicle or law enforcement vehicles, except as part of a permitted private or public traffic control sign.
2. Signs or devices employing confusing, distracting or intense illumination when visible from the public right-of-way. No sign shall be permitted which utilizes intense flashing (strobe type) lights, spotlights, floodlights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle.
3. Sign lighting, which is incompatible with residential character. No sign shall be illuminated in such a way that it cases intense illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location or other characteristic is incompatible with the residential character of the district in which such illumination is cast.
4. Roof Sign – Roof mounted signs.
5. Vehicular signs – Signs placed or painted on a motor vehicle or trailer and parked in such a manner with the primary purpose of providing a sign not otherwise allowed by this Ordinance.
6. Abandoned Signs.
7. Signs in road right-of-way, yard signs except when unique circumstances or conditions exist to warrant the placement of a sign within the road right-of-way. Such signs must be approved by the Zoning Administrator and be authorized by the State Highway Development and shall not be located in the sign triangle or in an area that would cause a traffic hazard. The property owner shall assume responsibility for the cost of relocating all signs in the road right-of-way if utility and road maintenance is necessary.
8. Swinging signs.
9. No sign shall project into the public right-of-way.
10. Signs which contain statements, words, pictures or other depictions of an obscene, indecent or immoral character or nature and which offend public morals or decency. (**)
11. Electronic variable message signs and electrical fixed message signs, excepting electrical fixed message signs displaying gasoline prices, in commercial, industrial, or residential districts/uses. (***)(****)

* (Further Amended by Council 4/28/03)

503.3 **Signs Permitted in Residential Districts**. All signs in the R-15, R-12, R-8 SFD, **R-8, and R-6 residential districts shall comply with the following requirements: (*)**

503.31 **Specific Signs Permitted:**

Table B - - Signs Permitted in Residential Districts

Sign Type	Requirement
A. Non-Illuminated signs for Home Occupation and Professional Offices, in residential districts, where permitted by the district regulations.	• Indicates only names of persons and their occupation or professions not exceeding one (1) square foot in area
B. Indirectly illuminated and non-illuminated signs indicating names of residents and house numbers.	• Sign not to exceed one (1) square foot in area.
C. Identification signs for large residential developments (twenty five (25) or more dwelling units), while under development.	• A maximum of thirty-two (32) square feet. • Regardless of size, only one sign per development entrance shall be permitted. • Such signs may be indirectly illuminated.
D. Identification signs for apartments, condominiums, and single family neighborhood associations.	• A maximum of thirty-six (36) square feet. • Regardless of size, only two signs per development entrances shall be permitted. • Such signs may be indirectly illuminated.
E. Temporary non-illuminated signs advertising for sale or for rent the lot or building on which they are placed or some part thereof.	• Located not closer than twenty (20) feet to any street right-of-way line unless attached to a building not to exceed four (4) square feet in area. • Individual real estate firms or other selling agent shall not erect more than one

	such sign on any single lot.
F. Non-illuminated signs solely for the control of traffic and parking.	• Not to exceed four (4) square feet in area.
G. Non-illuminated signs advertising for sale agricultural produce grown on the premises, where such sale is permitted.	• Located at least twenty-five (25) feet inside any lot line at least fifty (50) feet from any intersection, not to exceed twenty (20) square feet.
H. Illuminated and non-illuminated signs for churches, schools or other public or semi-public institutions and civic bodies. (**)(**)	• Located at least ten (10) feet inside any lot line not to exceed fifty (50) square feet in area. • The aggregate copy area of all signs for senior high schools shall not exceed 400 square feet with any such individual sign not to exceed 215 square feet.

*(Further Amended by Council 2/10/92)
**(Further Amended by Council 1/12/04)
***(Further Amended by Council 5/24/04)
****(Further Amended by Council 11/26/07)

503.4 <u>Signs Permitted in Office, Institutional, Business, and Industrial Districts.</u>

503.41 Such signs as are permitted for residential districts, subject to the provisions of Section 503.3 of this Ordinance.

503.42 Signs, whether public or private, solely for the control of traffic and parking.

503.43 Business signs incidental to any permitted use in a business or industrial district, subject to the requirements of this Subsection and to Subsection 503.45 below.

A. <u>Total Area of Business Signs Permitted for Each Establishment.</u> Subject to other provisions of this section, the total area of all business signs for an individual office, business or industrial establishment shall not exceed the square footage shown below for each linear foot of front building wall or front lot line, whichever is greater.

On- site directional signs shall not be included in the computation of allowable square footage provided such sign bears no commercial message or logos, does not exceed two square feet in area and does not exceed two feet in height. Painted signs shall be included in the computation of allowable square footage listed in Table C. (*) (**) (***) (****) (*****) (******) (*******)

Wall, monument, and pylon mounted signs may exceed the allotted square footage of the property by 15% provided halo-lit lettering is used.

Table C - - Total Area of Business Signs

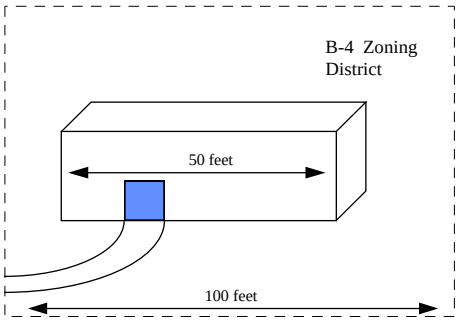
Zone District	Front Building Wall	Front Lot Line
GID/LOD	1.5 sq. ft.	.or 0.5 sq. ft.
LC	1.5 sq. ft.	.or 0.5 sq. ft.
B-1	1.5 sq. ft.	.or 1.0 sq. ft.
D-T4, D-T5, D-T6	1.5 sq. ft.	.or 1.0 sq. ft.
B-3	1.5 sq. ft.	.or 1.0 sq. ft.
B-4	1.5 sq. ft.	.or 1.0 sq. ft.
I-1	1.0 sq. ft.	.or 1.5 sq. ft.
I-2	1.0 sq. ft.	.or 1.5 sq. ft.

*** (Amended by Council 7/9/90)**
**** (Further Amended by Council 9/13/93)**
***** (Further Amended by Council 6/27/94)**
****** (Further Amended by Council 12/12/94)**
******* (Further Amended by Council 2/24/97)**
******** (Further Amended by Council 10/8/01)**
********* (Further Amended by Council 1/12/04)**

1) **Example**: To illustrate the above table, consider the following example.

The building is a storage warehouse in a B-4 Zoning District. The permitted sign area can be calculated in two ways - -1) Linear feet of the front building wall (50) feet) multiplied by a factor of 1.5. Therefore, the maximum area of a permitted sign is 75 square feet; 2) linear feet of the front lot line (100 feet) multiplied by a factor of 1.0. The corresponding maximum sign area is 100 square feet. <u>The maximum sign area may be the greater of the two options.</u> (see illustration on next page)

Figure 503-10

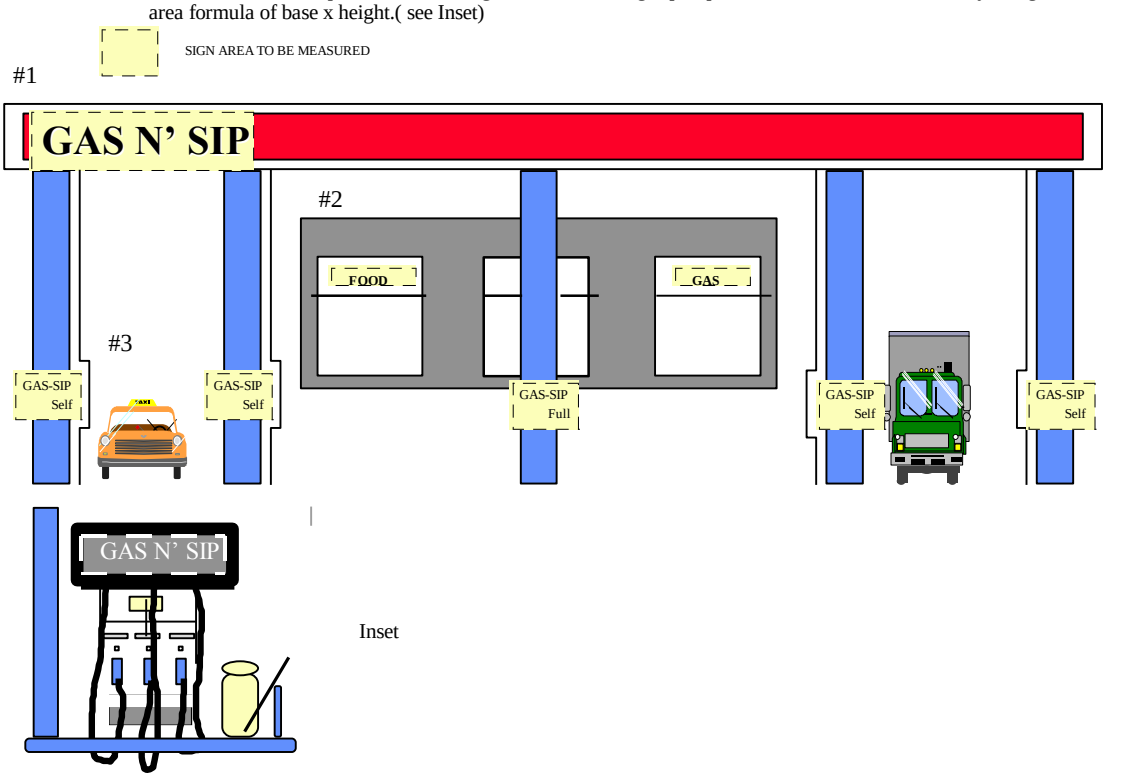


Length of Front Wall=		50 feet
x	(from table)	1.5 sq. ft.
		75 sq. ft
Total area not to exceed 75 sq. ft.		
Length of Lot Line=		100 feet
x	(from table)	1.0 sq. ft.
		100 sq. ft.
Total area not to exceed 100 sq. ft.		

2) **Example:** Figuring the total sign area for individual businesses like the gas/convenience store in the example below is accomplished by adding the sign area for each individual sign. The maximum allowable sign area is figured according to the options noted in Table C.

3)

•Gas/Convenient store signage shall be considered in the following manner: Sign # 1, being part of the canopy structure, shall be m by drawing an imaginary rectangle around the sign elements. Signs #2, shall be measured like general wall signs, wit elements and colored panel included. Signs #3, located on gas pumps, shall be measured individually using normal si area formula of base x height.(see Inset)



Signs for individual businesses in Zones GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1 and I-2 shall in no event exceed in the aggregate 200 square feet in area. However, where the lineal footage of a lot exceeds 500 lineal feet, the maximum square footage of signage may be increased to 250 square feet.

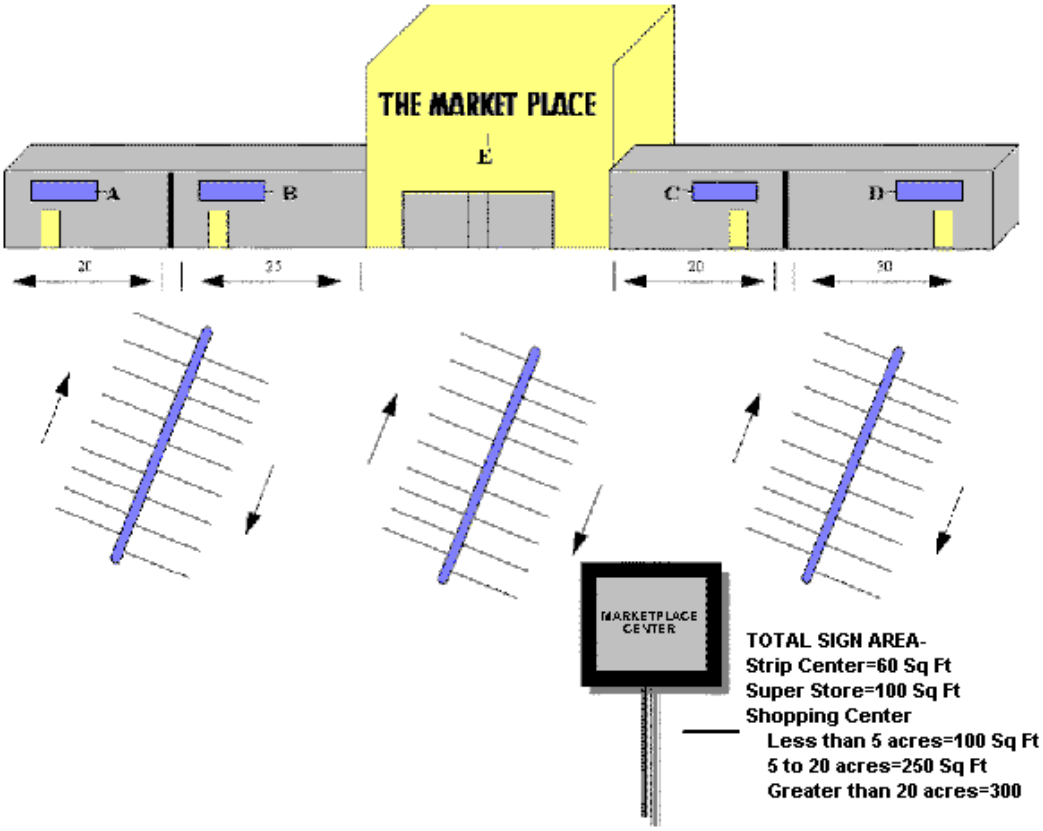
Super Store, shopping center, strip center and anchor store signs shall be exempt from the aggregate above. Individual business square footage allowable in shopping centers and strip centers shall be calculated only using the front building wall of the business, in accordance with Table C. The maximum allowable square footage per business in a shopping center or strip center shall not exceed 200 square feet.

A freestanding strip center sign shall not exceed sixty (60) square feet and is permitted in addition to the individual business signs for strip centers.

A shopping center is permitted one (1) freestanding sign per street frontage of no greater than two hundred fifty (250) square feet in area if the center is located on a site of five (5) to twenty (20) acres and up to three hundred (300) square feet in area if the center is located on a site of over twenty (20) acres, and is permitted in addition to individual business signs in shopping centers. Freestanding signs for super stores and for shopping centers on sites under five (5) acres are limited to up to one hundred (100) square feet in area.

Signs for anchor stores in malls shall not exceed two hundred (200) square feet per building wall.

Figure 503-11 Sign Area in Shopping Centers



Note the following example to illustrate the above graphic:

Table D - Maximum Sign Area Per Shopping Center/ Strip Center Store

	Wall Length (ft.)		Total Sign Area (sq. ft.)

		(from Table C)	
	20	1.5	30
Store B	25	1.5	39
Store C	20	1.5	30
Store D	30	1.5	45
Store E	100	1.5	150

A super store is defined as a commercial establishment, planned and developed as a single entity, having at least 100,000 square feet of gross floor area with off-street parking provided on site.

A mall anchor store is defined as a commercial establishment having at least 80,000 square feet of gross floor area planned and developed with other attached commercial establishments. This is an enclosed, pedestrian-oriented, interior retail environment that is characterized by a majority of attached interior stores having no exterior entrance for public use.

Signs for super stores shall be based upon Table E below:

Table E: Maximum Sign Area for a Super Store

Square Footage of Super Store	Sign Square Footage Permitted
100,000 sq. ft. to 124,999 sq. ft.	500 sq. ft.
125,000 sq. ft. to 145,999 sq. ft.	600 sq. ft.
150,000 sq. ft. plus	700 sq. ft.

Freestanding Signs for Super Stores:
An additional freestanding sign of up to more hundred (100) square feet in area is permitted for super stores.

B. If any establishment has walls fronting on two or more streets, the sign area for each such street shall be computed separately. The square footage allowed for each street shall not be combined to come up with an aggregate square footage that could apply to any one street. The size of such signs cannot exceed the amount of signage permitted in Table C above.

C. Where two or more business entities occupy a building, two or more signs may be used provided that the total aggregate square footage does not exceed the maximum area permitted for the whole building, except as provided for shopping centers, strip centers and superstores.

D. Signs painted on or affixed to the inside and/or outside of windows and/or walls of buildings shall not exceed 25% of the total window area. All such window signs shall be included in the total permitted sign area allowable. (***)

E. Regardless of the provisions of this Subsection 503.43, all business signs shall be subject the coverage limit in paragraph 503.45 below.

F. Signs permitted in the GID (General Institutional District), LOD (Limited Office District), and LC (Limited Commercial District) may be either non-illuminated, indirectly illuminated or directly illuminated. (*)(**)

*** (Amended by Council 12/12/94)** ***** (Further Amended by Council 4/28/03)**
**** (Further Amended by Council 10/8/01)**

G. A ground-based freestanding business sign shall be no greater than ~~thirty-five (35)~~ twenty (20) feet in height above either the nearest curb or street centerline, or ground level at which point the sign is erected, whichever is higher.

H. Permanently affixed business pole signs shall be permitted to be constructed in any required yard, in accordance with subsection 503.26.

I. Wall signs placed flat against a wall and essentially parallel to it shall have no height limitations.

J. All changeable copy signs in Zones GID, LOD, LC, B-1, D-T4, D-T5, and D-T6 shall be permanently affixed to the superstructure of the principal sign on a zoning lot. Said sign shall be placed a minimum of ten (10) feet above ground level (**)(****).

K. No signs shall be permitted to project into any public right-of-way. However, small-projecting signs may be permitted in Zone D-T4, D-T5, and D-T6 provided they are no more than four (4) feet from the face of a building. Such projecting sign shall be mounted at least nine (9) feet high and cannot be internally lit, backlit or use any neon (*)(**).

L. Bonus Signage Permitted in the Interstate 26 Corridor Overlay Zoning District (***).

1.) An overlay Zoning District is hereby established for all lands currently inside the City of Spartanburg corporate limits which are situated between the eastern edge of the Interstate Highway 26 right-of-way and the western edge of the Blackstock Road right-of-way. This Overlay Zoning District shall apply to lands currently inside the City as of the effective date of this ordinance and shall automatically expand to apply to future lands within this specific corridor when future annexations are approved by City Council.

2.) The Overlay Zoning District shall apply only to properties which are zoned B-1 and B-3.
3.) Bonus signage shall only apply to portions of B-1 and B-3 zoned lots which meet the definition of "Rear Yard" as defined in Section I, δ108, "Definitions", of the Zoning Ordinance.
4.) Bonus signage will only apply to pole signs which are proposed for the rear yards of B-1 and B-3 zoned lands.
5.) Bonus pole signs may extend to a maximum height of 45 feet to be measured from the base of the pole.

*** (Amended by Council 11/13/95)** ***** (Amended by Council 3/12/96)**
**** (Further Amended by Council 12/12/95)** ****** (Further Amended by Council 10/8/01)**

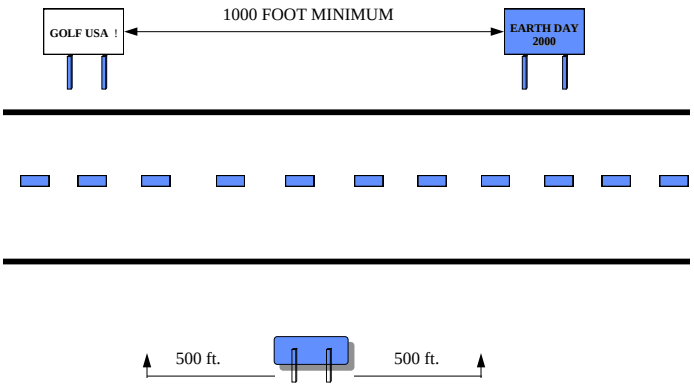
6.) Each bonus pole sign may have two (2) faces, each of which may contain up to 100 square feet. One additional sign of up to 100 square feet may be placed on a pole. However, the additional square footage of this sign must be reduced from the overall square footage for signage allowed for the entire lot.
7.) One bonus pole per sign per zoning lot will be permitted. However, if a B-1 or B-3 zoned property meets the definition of "shopping center" as defined in Section I, δ 108, "Definitions", of the Zoning Ordinance, one (1) bonus pole sign for each business with at least 20,000 square feet of interior floor space within the shopping center shall be permitted. A maximum of four bonus pole signs shall be permitted for lots containing shopping centers.
8.) Each bonus pole sign shall only advertise the on-site business.
9.) Illumination of bonus pole signs shall be by internal illumination only. No electronically animated signage and no external illumination of bonus pole signs shall be permitted.
10.) All bonus pole signs must be spaced at least 150 feet apart on a lot. Bonus pole signs must also be spaced at least 150 feet from bonus pole signs which have been permitted on adjacent lots.

503.44 **Advertising Signs**. Are permitted in Zones B-3, B-4, I-1, and I-2. The City of Spartanburg shall prepare an inventory of all existing advertising signs within the city limits identifying the owner, zone and location of all such advertising signs. Any sign appearing on the inventory that is lost, removed, or destroyed may be replaced provided that the total number of signs contained within that inventory is not exceeded and further provided that the advertising signs shall comply with the standards set forth below provided however, the City may allow advertising signs that do not conform with Subsection 503.45, if currently existing advertising signs are deleted permanently from the inventory as negotiated by the City, or other set criteria proposed by the Planning Commission, and approved by Council from time to time.*

A. All signs along the same side of the street shall be spaced at intervals of not less than 1000 feet. The beginning point of measurement for signs on the opposite side of the street shall be at a point perpendicular across the street 500 feet in either direction parallel with the street. No two (2) advertising signs shall be erected perpendicular with each other and only

two (2) such signs may be located at a street intersection. Advertising signs shall not be located in any required yard or setback area.

*(Amended by Council 6/27/11)
Figure 503.12 - - Advertising Sign Intervals



B. Gross area of an advertising sign shall not exceed three-hundred (300) square feet per advertising face.

C. Gross area of painted panel signs shall not exceed three-hundred seventy eight (378) square feet plus extended advertising copy not to exceed ninety-five (95) square feet per advertising face.

D. The height of an advertising or painted panel sign shall not exceed thirty-five (35) feet. The height of the uppermost point of any advertising or painted panel (including frame) shall not exceed the following:

1) If such sign is placed flat against a wall or is within five (5) feet of a wall and essentially parallel to it, the height shall be no greater than thirty-five (35) feet above the nearest curb or street centerline, or the finished lot grade along the wall on which the sign is erected, whichever is the higher.
2) If such sign is a ground sign and does not come within paragraph (1) above, the height shall be no greater than thirty-five (35) feet above either the nearest curb or street centerline, or ground level at which point the sign is erected, whichever is higher.

E. No single face advertising sign shall be erected unless it is erected on a single pole if the substructure is visible to moving traffic.

F. Appropriate low maintenance landscaping areas shall be planted and maintained at the base of all single-face advertising signs. Such planting

areas shall be approved by the Office of Community Enhancement of the City of Spartanburg.

G. Advertising signs are permitted in zones D-T4, D-T5, and D-T6. Said signs shall be subject to the following limitations:

1) The sign shall contain no more than twenty (20) square feet.
2) The sign shall be located no more than three-hundred (300) feet from the business advertised.
3) The inscription on the sign shall only direct attention to the specific business related to it. It shall not advertise anything else whatsoever.

H. No advertising sign shall violate the corner visibility restrictions of Section 503.13 (J).

I. No advertising sign shall have more than two (2) advertising faces and only one (1) such face shall be visible from each direction of traffic.

503.45 Additional Requirements for all Signs in Institutional, Business, and Industrial Districts.

A. Electronic variable message signs and electrical fixed message signs are prohibited, for business and industrial uses excepting electrical fixed message signs displaying gasoline prices. Additionally, public agencies may use such signs for traffic control, emergency management, and speed trailers, etc. (*)(*****)(******)

B. If such sign or signs are placed flat against a wall or are within five (5) feet of a wall and essentially parallel to it, the total area of all such signs shall not exceed one-third (1/3) the area of the wall (including window and door area and cornices).

C. Within the GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1 and I-2 Districts, no freestanding ground sign or pole sign shall be located within ten (10) feet of any lot line. The point of measurement shall be from the lot line to the outmost edge of the sign and not to the pole or foundation. (**)(***)(****)

D. Business signs to advertise or generally identify a planned business or industrial development such as a shopping center, office park, or industrial park will be permitted on the premises. Such signs may have one or two faces for each lot line adjacent to a street; provided, no such sign shall exceed a surface area, per face, 0.5 square foot for each one (1) lineal foot of said lot line, provided that not more than one (1) sign may be placed along any one (1) street. All such signs shall be removed when the business or industrial concern is operational.

E. Electronic Message Board Signs for Institutional Uses: Electronic message boards shall incorporate photo cell, or similar technology that adjusts brightness of the sign relative to outdoor ambient light. The actual

change between sign copy shall be instant. Such signs shall be permitted on monument signs for institutional uses only.

- **a.** When such signs are to be located on a property, the area of the electronic sign face shall not exceed 30 percent of the overall sign face, and the electronic message shall maintain a static message for at least 15 seconds;
- **b.** The area of the electronic message board face may be increased to up to 40% of the total signage area if additional landscaping and/or natural materials are used as part of the monument, including but not limited to: stone, wood, brick, etc.;
- **c.** The sign may not display messages from 9 p.m. to 6 a.m.
- **d.** An electronic message board sign illumination shall not exceed 0.3 foot candles over ambient lighting condition;
- **e.** In order to minimize light trespass on abutting and nearby residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1) fc) foot-candle;
- **f.** The leading edge of the sign shall be a minimum of 100' from any single-family residential property line;
- **g.** A monument sign with electronic message signage shall not exceed 6' in height;
- **h.** The sign shall have a default mechanism that will either stop the sign in one position, or turn off the sign should a malfunction occur and;
- **i.** The sign company responsible for installation of the sign shall certify the illumination specifications for the message board and the default mechanism is functional. The owner of the sign shall also certify knowledge of the requirements of this ordinance

* (Amended by Council 5/8/95)
** (Amended by Council 12/12/94)
*** (Further Amended by Council 10/8/01)
**** (Further Amended by Council 4/28/03)
***** (Further Amended by Council 5/24/04)
****** (Further Amended by Council 11/26/07)

503.5 <u>Portable Signs.</u>

503.51 Portable signs shall be permitted in Zones B-3, B-4, I-1 and I-2, and must receive a permit prior to being displayed or erected. They may not be permanently attached to the ground, building or other structure. All portable signs must be located on the premises for which they are advertising. Portable signs shall be permitted, provided the following standards are met. (*)

A. Said sign shall not have flashing lights.

B. Said sign shall not have lights the color of red, amber or green.

C. If a business establishment sign or signs have already been constructed to the maximum area allowable under Section 503.43, item A, of this Ordinance, no mobile portable sign shall be permitted on the zoning lot.

D. Sidewalk and sandwich signs may be placed in the public right-of-way only in zones D-T4, D-T5, and D-T6 and where an encroachment permit has been issued. (*)

E. All such signs shall be setback a distance of eight (8) feet from the edge of the sidewalk or edge of the street right-of-way, whichever is less.

F. All such signs shall be protected with ground fault devices within six (6) months after the effective date of this Ordinance.

G. Within six (6) months after adoption of this Ordinance, all such signs shall show the name and address of the owner.

H. In such event a portable sign shall be installed, erected, or constructed in violation of this section, the Zoning Administrator shall notify by registered mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with this section and to secure the necessary permit thereof or to remove the sign. If such order is not complied with within ten (10) days thereof the Zoning Administrator shall remove such sign at the expense of the owner or lessee thereof.

I. All signs shall be designed to resist 28 PSF wind pressure. Signs placed on property and not properly anchored will be subject to immediate citation. Anchoring of portable signs shall be provided by one of the following methods: (**)

* (Further Amended by Council 4/28/03) ** (Further Amended by Council 1/12/04)

1) A minimum of two ¼" diameter steel galvanized cables attached to ½" diameter expansion type anchors imbedded in concrete or asphalt type paving.
2) A minimum of two ¼" diameter steel galvanized cables attached to a deformed bar type anchor driven to a depth of 16 inches minimum.
3) ¼" diameter steel galvanized cable attached to a minimum 48 lb. weight extending to ground level on each corner thereof.

J. Portable signs shall be permitted only once in any six-(6) month period of each year and for not more than thirty (30) consecutive days, after which time, the sign must be removed from the property. Removing of letters does not constitute compliance. (**)

503.6 **<u>Political Signs.</u>** (*)

Political signs shall mean any sign advocating or supporting a political candidate or political view defined as any matter upon which an election, general or special, is held.

Political signs shall be permitted on private property for a period not to exceed sixty (60) days before the applicable election and seven (7) days after the election. Political signs shall not exceed a total of sixteen (16) square feet (eight (8) square feet per side of a two-sided sign or two (2) feet by four (4) feet). Political signs shall not be placed on public property or on public right-of ways, except when a portion of the right-of-way is

maintained by a private property owner, provided that the private property owner consents to the placement of a political sign. Any sign that the city determines to be a visual obstruction shall be removed. In addition, the placement of political signs must comply with Section 501.8, Visibility at Intersections, of the City of Spartanburg Zoning Ordinance.

503.7 <u>Banners</u>. (**)

A. **<u>Banners For Non-Profit Organizations</u>**. Banners promoting special events and events of public interest sponsored by non-profit organizations or government sponsored agencies shall be permitted at approved designated street right-of-ways or/on buildings authorized for display by the City of Spartanburg or Spartanburg County. The Zoning Administrator or his designee shall approve permits for all such banners. No fee shall be incurred by the sponsoring entity provided: (***)

* (Amended by Council 8/9/99) *** (Further Amended by Council 1/12/04)
** (Amended by Council 4/28/03)

1. There are no more than two (2) banners placed at no more than two (2) approved designated locations by any one organization for a maximum total of four (4) banners; these locations are:

   (a) W.O. Ezell Boulevard & W. Blackstock Road
   (b) John B. White, Sr. Blvd. & E. Blackstock Road
   (c) North Church & Chapel Streets
   (d) North Church & E. Saint John Streets
   (e) South Church & League Streets
   (f) North Pine Street & Garner Road
   (g) Cedar Springs & Southport Roads
   (h) South Pine Street & Country Club Road
   (i) North Pine & E. Saint John Streets
   (j) East Main Street & Fernwood-Glendale Road
   (k) East Main Street & Webber Road

2. Banners at the above designated locations shall be permitted two weeks prior to the special event and must be removed within forty-eight (48) hours after the event has ended;
3. The maximum size of any banner placed at a designated location shall not exceed twenty-four (24) square feet; and
4. In addition to the designated locations above, the maximum size of any banner placed on/or at a building shall not exceed 1.5 square feet of sign face per linear foot of front building wall, to a maximum of two hundred (200) square feet for a period not to exceed sixty (60) days.

B. **<u>Banners for Office and Commercial Locations</u>.** On-premise banners are permitted at office and commercial locations. Such banners shall not count against permanent signage when meeting the following standards. Any banner(s) not meeting the following standards shall be counted against the particular locations allowable permanent signage. Examples of such office and commercial banners would include, but not limited to, grand opening and sales banners. Such banners shall be permitted, provided: (*)

1. All banners shall require a permit, which shall be valid for a period of ninety (90) days;
2. No more than three permits in any one (1) year period shall be issued;
3. There are no more than two (2) banners placed at an applicable business location;
4. The maximum size of any banner(s) shall not exceed 1.5 square feet of sign face per linear feet of front building wall, to a maximum of two hundred (200) square feet.
5. The following types of banners are prohibited:
   (a) Flag style banners
   (b) Pennant flags
   (c) Inflatables
   (d) Additional structures or items that are not traditional banners or signs and which are used to display a commercial message.

* (Further Amended by Council 1/12/04)

Councilmember Jenkins *made a motion to direct staff to include commercial signage consideration in the sign ordinance. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.*
Councilmember Henderson Myers *asked for pictures of examples of what Ms. Rosario was proposing for the amendments to the sign ordinance.*

XII. City Council Updates –
Councilmember Anderson shared that the Camelot Town Homes would be a very tasteful development and encouraged folks to take a look at them.
Councilmember Brown mentioned the free community event at Barnet Park on Sunday.
Mayor pro tem Stille shared she thought it was great that an article about Spartanburg was published by a Greenville journalist.
Councilmember Jenkins shared he had lunch with Ned Barett from Partners for Active Living and enjoyed hearing about all they have going on. He mentioned the community cook out, and how much he enjoyed participating in the City Citizens Academy.
Councilmember Henderson Myers shared she was happy to see all the college students returning to the city. She shared it was wonderful to see all the great things happening in Spartanburg.
Councilmember Rice shared he was happy to see all that was happening in the Highland area and thanked staff for all the great things to come.

XIII. Executive Session – ***Councilmember Jenkins*** *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 6:41 p.m.*

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

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

Council reconvened at 7:15 p.m. Mayor White stated that discussion was held with no decisions made.

XIV. Adjournment – ***Councilmember Jenkins*** *made a motion to adjourn the meeting. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:17 p.m.*

Connie S. McIntyre, City Clerk

VIII.

MEMORANDUM

TO: **Mayor and Members of City Council**

FROM: **Ed Memmott, City Manager**

SUBJECT: **Ordinance to Establish a Residential Rental Property Registration Program**

DATE: **September 7, 2017**

Attached you will find a proposed ordinance to create a rental property registration program. I am recommending Council approval. While recommending approval, I am certainly aware that certain aspects of the proposed program are of concern to certain Councilmembers. As with any proposed legislative initiative, there will be opportunity for any Councilmember to offer amendments to the proposed ordinance to address their specific concerns.

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 5, ARTICLE XI, BY ADDING A RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION PROGRAM.

WHEREAS, the City of Spartanburg (City) wants to provide safe, clean and healthy living environments for residents; and

WHEREAS, the City has determined it is in the public interest to reduce response time for the correction of housing code deficiencies; and

WHEREAS, the City has determined that efforts to improve neighborhood conditions and reduce blight will benefit from improved compliance to minimum property standards by the owners of rental properties; and

WHEREAS, the City has determined it to be in the public interest to set additional requirements and procedures associated with the operation of residential rental properties as set forth in the Rental Property Registration Program.

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 Chapter 5 by adding Article XI, "Residential Rental Property Registration Program" which shall read as follows:

ARTICLE XI. REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

Sec. 5-496. <u>Authority</u>

The City Manager or his designee shall implement and enforce this article and may by written order establish such rules, regulations or procedures, not inconsistent with this article, as the City Manager determines are necessary to discharge any duty under or to effect the policy of this article.

Sec. 5-497. <u>Effective Date</u>

The effective date for property registration shall be January 1, 2018 for properties with residential rental unit(s) which do not have a City Business License.

Sec. 5-498. <u>Definitions</u>

(a) ***Owner*** **means one or more persons, jointly, severally, or in common, or any organization, including a corporation, trust, estate, partnership, or other legal entity listed as owner of record in the county Register of Deeds Office as owning the real property; provided, however, that the City of Spartanburg Housing Authority is not an owner because it is subject to federal housing inspection.**

(b) ***Residential Rental Unit*** **means a housing unit or residential structure within the City of Spartanburg containing at least one sleeping unit, which is/are leased or rented from the owner or other person in control of such unit, but does not include hotels, motels, dorms, medical long-care facilities and bed and breakfast establishments.**

(c) ***Housing Unit*** **is defined as a single-family residence, duplex unit, boarding room or apartment.**

(d) ***Director*** **is the designee of the City Manager.**

Sec. 5-499. <u>Registration Required</u>

As of the effective dates, all residential rental properties in the City must be registered in accordance with this article.

It shall be a violation of this article to operate, collect rent, or to occupy a residential rental unit(s) without complying with requirements of this article.

Sec. 5-500. <u>Expiration and Renewal of Registration</u>

(a) Residential Rental Property registration shall operate on a January 1-December 31 registration year.

Sec. 5-501. <u>Registration Application – Information Required</u>

(a) To obtain registration for a residential rental property, a person must submit an application on an application form established by the City Manager. The applicant must be the person who will own, control, or operate the residential rental property. The application must contain the following information:

(1) the name, address, email, and telephone number of the applicant or the applicant's authorized agent and owner if not the applicant;
(2) the name (if applicable), legal address, and main telephone number, if any, of the residential rental property;
(3) the name, address, email, and telephone number of a person or persons to contact in an emergency;
(4) the form of business of the applicant and owner, and if the business is a corporation, association, trust, or limited liability company (llc), a copy of the documents establishing the business;

(5) the number of units, buildings, or if a boarding house the total number of bedrooms located on the property; and
(6) the names, addresses, emails, and telephone numbers of all owners, operators, property managers, and other persons in control of the residential rental property.

Sec. 5-502. <u>Obligation to Notify the City of Changes in Registration Information</u>

The owner or operator of the residential rental property shall notify the Director within ten (10) days of any change in the emergency response information or any other changes of information in the registration application.

Sec. 5-503. <u>Legal Agent</u>

All owners of a residential rental property must assign a legal agent who resides in South Carolina to receive legal service of process. Owners residing in South Carolina may assign themselves. The legal agent cannot be the tenant.

Sec. 5-504. <u>Registration Fees</u>

(a) The initial fee for registration for a residential rental property is $25.00 per housing unit.

(b) The maximum registration fee for any one residential rental property, regardless of the number of housing units, is $250.00.

(c) No refund of a registration fee will be made.

(d) Properties having a valid City of Spartanburg Business License are exempt from registration fees but must provide all registration information. The City Manager shall incorporate registration information in the City Business License application for license applications for rental properties subject to this ordinance.

(e) Newly constructed or renovated rental housing units that have been fully inspected and approved by the City's building inspection department for occupancy within the year are required to register but are not required to pay the registration fee for the balance of the first year's occupancy.

Section 5-505. <u>Issuance of Property Registration or Business License</u>

(a) Upon payment of all required fees and completed application, a property will be registered if it is determined that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration;
(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;

(3) the applicant has no outstanding fees assessed under this article or any other article of the City Code; and
(4) the operation of the residential rental property would not violate the City's zoning ordinances.
(5) the property has passed inspection if required as determined by the Director.

(b) If the Director determines that the requirements of subsection (a) have not been met, the Director shall deny registration to the applicant or renewal of the business license, whichever process applies.

(c) If the Director determines that an applicant should be denied registration or business license, the Director shall notify the applicant and the owner in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

Sec. 5-506. <u>Denial of Registration Renewal or Revocation of Registration or Business License</u>

(a) The Director shall revoke any registration or business license for residential rental property if the Director determines that:

(1) the registrant failed to comply with any provision of this chapter, any City ordinance, or any state or federal law applicable to the operation of a residential rental property;
(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration;
(3) the registrant failed to pay a fee required by this article at the time it was due;
(4) operation of the residential rental property violating the City's zoning ordinances; or
(5) the property, after inspection, has failed to meet the minimum standards required to meet the requirements for registration.

(b) Before revoking a registration or business license or denial of a registration or business license renewal, the Director shall notify the registrant and owner in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action(s) the registrant or owner must take to prevent the revocation and a statement that the registrant or owner has 10 days to comply with the notice.

(c) If, after 10 days from receipt of the notice required in subsection (b), the registrant or owner has not complied with the notice, the Director shall revoke the registration or business license and notify the registrant in writing of the revocation. The notice must include the reason for the revocation and

the effective date of the denial or revocation. The revocation notice shall contain directions regarding the appeals process.

Sec. 5-507. <u>Appeals</u>

If the Director denies issuance, renewal or revocation of a certificate of registration or revokes a certificate of registration or business license issued pursuant to this article, this action is final unless the applicant or registrant files a written appeal within ten (10) business days with the City Manager. The City Manager will consider the appeal and may reinstate the registration. If the City Manager denies the appeal within ten (10) business days, the property owner may submit a written appeal to the Housing Board of Adjustments and Appeals which will provide a hearing such that the owner can be represented by counsel and provide evidence in the form of testimony and documentation. The hearing shall occur within fourteen (14) business days.

Sec. 5-508. <u>Non-transferability</u>

Registration of a residential rental property is transferable only to new owners of the property as long as the new owners update its business license or registration.

Sec. 5-509. <u>Inspections</u>

General - Properties may be selected for registration or business license renewal inspection by the Director.

Inspections staff should strive for consistency in the inspection process.

Inspections should emphasize identification of deficiencies that pose an immediate safety threat. Priority should then be given to significant code violations that (while not presenting an immediate safety hazard to occupants) compromise the overall livability of the unit or have a significant detrimental impact to the surrounding neighborhood. Minor and/or cosmetic violations may be noted in the inspection process and will not, unless combined with other more serious deficiencies, result in property registration denial or revocation.

Section 510. <u>Inspection Process/Property Evaluation</u>

Each property will start the inspection process with a score of 100.

Points will be deducted for code deficiencies identified in the inspection.

A unit will fail the Residential Rental Property Registration standard and result in the denial or revocation of the property registration or business license should it receive a score of less than 70.

Section 511. Exterior Conditions

Exterior Inspections will assess the outside perimeter of the structure including all of the buildings and common areas on a residential rental property.

Types of Exterior Violations - Exterior violations include, but are not limited to: Foundations/Cross Vents; Roof/Chimney; Windows/Doors; Rotted/Exposed Wood; Hazardous Stairs/Balconies/Rails; Walkways/Landings; Holes/Cracks in Walls; Inadequate Security Lighting; Missing Building/Unit Numbers; Open/Illegal Outside Storage; Trip Hazards; Missing Sewer Caps.

Section 512. Interior Conditions

Interior Inspections will assess the interior of the housing units.

Types of Interior Violations - Interior violations include, but are not limited to: Holes/Cracks in the Walls/Floors/Ceilings; Insect/Rodent Infestation; Not Weather/Watertight (Windows/Doors); Hot Water less than 120 degrees; Missing Security Devices (peephole, deadbolt, locking door knob); Missing T&P Valve; Non-operating A/C and Heat; Subflooring/Flooring/Trip Hazards; Plumbing Fixtures/Faucets/Holes under sink; Leaks/Pipes; Exposed Electrical Wiring/Outlets/Switches

Section 5-513 Life Hazards

Life Hazards are defined as any deficiencies that could cause bodily harm or immediate danger, whether on the exterior of the property or inside a unit. Life hazards are exemplified, but not limited to, the following: Sewage Discharge; Exposed Electrical Wiring; Non-Working Smoke Alarms; Structural Failure; Lack of Heat (cold months); Serious Roof Leak; Insect/Rodent Infestation.

Section 5-514 Life Hazards – Immediate Response and Failure of the Rental Unit

Any life hazards found will result in immediate failure of the unit.

Any life hazards found should result in immediate action by the owner to correct or vacate the property.

Section 5-515. Inspection of Units Based on Complaints and Obligations of Owners

The City may conduct inspection of units based on complaints. Should an occupant of a unit grant the City access to the interior of the unit, a full inspection will be conducted without notice to the property owner. If the occupant of a unit denies the City access to a unit, the City may demand reasonable access to the interior by notice to the property owner or owner designee. The owner or owner designee must

exercise reasonable cooperation to assist the City to obtain interior access for inspection purposes. Failure to reasonably assist the City to gain access may result in the City seeking registration revocation.

Section 5-516. <u>Inspection of Units Based on Proactive Code Enforcement Efforts and Obligations of Owners</u>

The City may from time-to-time conduct proactive code enforcement efforts. If during these inspection efforts, an occupant of a unit grants the City access to the interior of the unit, a full inspection will be conducted without notice to the property owner. If the occupant of the unit denies the City access to a unit, the City may demand reasonable access to the interior by notice to the property owner or owner designee. The owner or owner designee must exercise reasonable cooperation to assist the City to obtain interior access for inspection purposes. Failure to reasonably assist the City to gain access may result in the City seeking registration revocation

Sec. 5-517. <u>Inspection and Re-Inspection Fees</u>

Initial inspection fees are set as follows:

Should the property fail to meet minimum standards at the initial inspection and first re-inspection, the property owner or his authorized agent will be required to pay the following re-inspection fees:

(1) $75 for the second re-inspection;
(2) $100 for the third re-inspection;
(3) $125 for the fourth re-inspection;
(4) $150 for the fifth or more re-inspection.

Re-inspection fees may be adjusted by Council from time-to-time.

Sec. 5-518. <u>Inspection of Multi-family Units</u>

Multi-family inspections will be conducted under procedures established by the City Manager with the intent of conducting interior inspections of a representative sample of apartment units to reasonably determine the condition of the apartment complex as a whole. Should inspections indicate code violations that would likely be applicable to other units, the Director may require additional inspections as is reasonably necessary to determine safety and compliance to the requirements of the Residential Rental Property Registration Program for the entire multi-family complex.

Registration will be denied or revoked only for units which have failed to meet inspection requirements

Sec. 5-519. <u>Obligation to Comply with Building Codes and Obtaining Necessary Approvals from City Building Official</u>

Nothing in this article relieves any property owner or owner's contractor from complying with requirements to obtain necessary electrical, plumbing, HVAC, roofing, or building permits and inspection approvals of any applicable building code.

Sec. 5-520. <u>Penalties and Fines</u>

If this matter comes before the Municipal Court and the party is in violation, the Court may impose penalties of up to Five Hundred Dollars ($500) per day against the person(s) responsible, for each day from the day the initial notice was issued until such time it is confirmed that the property is no longer in violation, and/or thirty (30) days in jail, any other alternative remedies under local or state law, and the City seeking any other relief authorized by law.

Section 2. This Ordinance to become effective January 1, 2018.

DONE AND RATIFIED this _____ day of _____, 2017.

_____
Junie L. White, Mayor.

ATTEST:

_____
Connie S. McIntyre, City Clerk.

APPROVED AS TO FORM:

_____
Cathy Hoefer McCabe, City Attorney.

___/___/___ 1st Reading

___/___/___ 2nd Reading