



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, September 12, 2016
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the August 22, 2016, City Council Meeting**
- IV. Approval of Agenda of the September 12, 2016 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Ordinance**
 - A. Authorizing the City Manager to Execute a Deed to Northside Development Group Conveying Property Located at 438 Mill Street, Block Map Number 7-12-05-336.00; 446 Mill Street, Block Map Number 7-12-05-335.00; and 464 Mill Street, Block Map Number 7-12-05-332.00 (First Reading)**
Presenter: Martin Livingston, Neighborhood Services Director
- VII. Consent Agenda**
 - A. Authorizing the City Manager to Execute a Deed to Upstate Housing Partnership Conveying Property Located at 412 Highland Avenue, Block Map Number 7-16-01-255.00 and 414 Highland Avenue, Block Map Number 7-16-01-256.00 (Second Reading)**
Presenter: Martin Livingston, Neighborhood Services Director
 - B. Approving a Development Agreement Between the City of Spartanburg and BF Spartanburg, Inc. (Second Reading)**
Presenter: Chris Story, Assistant City Manager

VIII. Other Business

**A. Award of Contract for Demolition of Oakview Apartments
Presenter: David Cook, Construction Project Manager**

**B. Boards and Commissions – Approval of Applicant for Zoning Board of Adjustment and Appeals
Presenter: Connie McIntyre, City Clerk**

IX. City Council Updates

X. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Relating to The Butterfly Creek Daylighting and Park Projects

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

**XI. Consideration of an Ordinance Authorizing the Condemnation of Tax Map Parcel 7-12-05-345.00 Needed for The Butterfly Creek Daylighting and Park Projects
Presenter: Ed Memmott, City Manager**

**XII. Discussion of Rental Property Registration
Presenter: Ed Memmott, City Manager**

XIII. 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.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, August 22, 2016
5:30 p.m.**

**(These minutes are subject to approval at the
September 12, 2016 City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Sterling Anderson, Councilmembers Jan Scalisi, Jerome Rice, Erica Brown, Laura Stille and Rosalyn Henderson Myers. City Manager Ed Memmott and former City Attorney Spencer King (filling in for City Attorney Cathy McCabe who was absent due to a death in her family) 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 August 8, 2016, City Council Meeting –**
*Councilmember Rice made a motion to approve the minutes as received.
Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of Agenda of the August 22, 2016 City Council Meeting –**
*Councilmember Scalisi made a motion to approve the agenda as received.
Councilmember Stille seconded the motion, which carried unanimously 7 to 0.*
- V. Public Comment - None**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Presentation of Proclamation to Joe Dominick**
Presenter: Mayor Junie White
Mayor pro tem Anderson presented the proclamation to Mr. Dominick on behalf of Mayor White.
- VII. Ordinances**
 - A. Authorizing the City Manager to Execute a Deed to Upstate Housing Partnership Conveying Property Located at 412 Highland Avenue, Block**

Map Number 7-16-01-255.00 and 414 Highland Avenue, Block Map Number 7-16-01-256.00 (First Reading)

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“In September 2015, the City of Spartanburg purchased property in the Highland Neighborhood using CDBG funds for the purpose of purchase demolition. In an effort to remove the exiting structures and rebuild a new housing unit on the site, staff is requesting the approval of the sale of the property to the Upstate Housing Partnership. The Upstate Housing Partnership will collaborate with the Highland Community Development Corporation and the City to build a model home on the site. The Upstate Housing Partnership will be using Neighborhood Improvement Programs funds to purchase and demolish the structures.

Property Address	Tax Map Number	Sale Amount
412 Highland Avenue	7-16-01-255.00	\$10,000.00
414 Highland Avenue	7-16-01-256.00	\$10,000.00

ACTION REQUESTED: Approval of an Ordinance conveying the property at 412 Highland Avenue and 414 Highland Avenue to the Upstate Housing Partnership for the purchase price of \$10,000 each.

BUDGET AND FINANCIAL DATA: CDBG program income in the amount of \$20,000.”

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

B. Approving a Development Agreement Between the City of Spartanburg and BF Spartanburg, Inc. (First Reading)

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:

“We are presenting two items that enable a two-phase project we believe will dramatically boost our downtown economy. The primary component is the \$25 million historic renovation of the iconic Montgomery Building. The strategically located structure will be saved from its otherwise imminent demise and restored to its original architectural grandeur. It will contain 72 upscale apartments, 9,000 square feet of office space, and 9,500 square feet of beautifully restored restaurant and retail space. A second phase of the project involves a new mixed-use building, now in the early planning stages, to be oriented along St. John Street immediately behind the Montgomery Building and next door to the George (USC Upstate’s Johnson College of Business and Economics). Together these projects address a number of the city’s strategic goals in potent ways.

The attached ordinance authorizes the attached development agreement which specifies various promises of the parties including the commitment of the city to:

- Provide special terms regarding parking in the adjacent St. John Street Parking Garage.
- Reconstruct the sidewalks and streetscape around the Montgomery Building
- Invest \$750,000 in the project to connect the garage and the Montgomery Building with an attractive pedestrian-oriented plaza space
- Enable the project to benefit from the Special Property Tax Assessment for Rehabilitated Historic Property
- Convey a small remnant parcel to enable the construction of the new mixed-use building, which will be taxed at common prevailing rates

The second action is a resolution which enables the developer to pursue SC Abandoned Building Tax Credits.

We believe these inducements are both necessary and appropriate for a catalytic project of this magnitude. We recommend your approval.”

After discussion, Councilmember Rice made a motion to approve the ordinance as requested on first reading. Mayor pro tem Anderson seconded the motion, which carried unanimously 7 to 0.

VIII. Resolution

- A. Certifying Eleven (11) Units as Abandoned Building Sites Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-1000 et seq., of the South Carolina Code of Laws (1976), as Amended Regarding the Property Called The Montgomery Building Located at 187 North Church Street, Tax Map Parcel #7-12-10-044.00**

Presenter: Chris Story, Assistant City Manager

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

IX. Ordinance – Second Reading

- B. Ordinance Accepting the Proposed Addition to the Design Guidelines for The Beaumont Village Local Historic District and The Hampton Heights Local Historic District to Provide Guidelines for the Consideration of Solar Panels in Historic Districts (Second Reading)**

Presenter: Natalia Rosario, Planning Staff

Councilmember Scalisi made a motion to approve the ordinance on second reading. Councilmember Stille seconded the motion, which carried 6 to 1. Councilmember Rice voted against the motion.

IX. Consent Agenda

- A. Ordinance to Amend the Entire Text of Section 515, Downtown Code by Modifying Signage Standards, the Addition of a Zoning Category, DT-3: Suburban Zone, Which is Primarily Residential, Amending Subsection 515.4.3 “Kennedy Street Parking Overlay” to Expand and Apply as a “Sideyard Parking Overlay”, Addition of Illustrative Materials, and a Regulation Plan Which Outlines the Areas for Which the Form Based Code Applies, of the Zoning Ordinance of the City of Spartanburg, South Carolina; and Providing for Severability and an Effective Date (Second Reading)**

Presenter: Natalia Rosario, Planning Staff

- C. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries of the Northside Neighborhood, Located Between North Church Street and Continuing West Until the Railroad Tracks, and Extending Until the Northern City Limit Line that are Currently Zoned B-3; B-1; R-6; R-8; LOD & I-1, with Land Use Designations of General Business District, Neighborhood Shopping District; General Residential District; Limited Office District and Light Industrial District to Zones DT-5; DT-4; and DT-3, with Land Use Designations of Urban Center District; General Urban District; and Suburban Zone; and Providing for Severability and an Effective Date (Second Reading)**

Presenter: Natalia Rosario, Planning Staff

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

X. Other Business

- A. Approval of Spring Fling Evaluation Committee Member**

Presenter: Ed Memmott, City Manager

Mr. Memmott reminded everyone that the committee was a Council appointed committee and that one of the members, Landon Cohen, who was recommended by Councilmember Rice, was unable to fulfill his commitment. Mr. Memmott stated that Councilmember Rice was recommending Brenda Lee Pryce to fill the vacancy created by Mr. Cohen’s resignation from the committee. He added that staff brought the matter to Council for approval as was done with the other members of the committee.

Councilmember Rice made a motion that Brenda Lee Pryce be approved to fill the vacancy and serve on the Spring Fling Evaluation Committee.

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

B. Boards and Commissions – Approval of Applicants for Public Safety Committee

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented Mr. Frances Mukiibi’s application for consideration of appointment to the Public Safety Committee.

***Councilmember Rice** made a motion to waive the rules and appoint Mr. Mukiibi to the Public Safety Committee. Mayor White seconded the motion, which carried unanimously 7 to 0.*

Ms. McIntyre presented Mr. Alan Jenkins’ application for consideration of appointment to the Public Safety Committee.

***Councilmember Rice** made a motion to waive the rules and appointment Mr. Jenkins to the Public Safety Committee. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.*

XI. City Council Updates –

Councilmember Stille commented that she picked up a copy of GSA Business Journal with the headline, “Spartanburg On the Move”, and was very proud to be a part of all the great things going on. She shared with Council that “Ten at the Top” having their Upstate Regional Summit on Tuesday, September 13.

Councilmember Henderson Myers stated that she was holding a “Town Hall” meeting at CC Woodson on Tuesday, September 6, 2016 at 6:30 p.m. She invited everyone to attend.

Councilmember Scalisi shared how proud she was of the Olympians and all their medals and the many new records set and new things that happened. She also invited everyone to “stay tuned and pay attention” for more good things to happen in Spartanburg.

Councilmember Brown mentioned the third annual ISpark! event at The Chapman Cultural Center on Saturday, September 3, with lots of vendors and artists, where art meets technology, and creativity, from 11:00 a.m. to 5:00 p.m. She mentioned the Spring Fling Evaluation Committee Public Forum to be held in City Council Chambers on Tuesday, August 30, at 6:30 p.m. Councilmember Stille added that if people were unable to attend the Public Forum, and then there was an email, springfling@cityofspartanburg.org for them to offer any comments or suggestions.

Mayor pro tem Anderson offered thanks to staff and SCDOT for repair of the bridge on Vanderbilt Road, which helped alleviate the problem at Briarcliff and Hwy. 29. He commented that Magnolia Street looked really good and was coming along great. He thanked the developers and everyone involved for their investment in bringing The Montgomery Building back.

Councilmember Rice reminded everyone that the first complete of week of school had ended and asked everyone to encourage young people in their studies because they are our future. He thanked some of the audience members who had taken part in welcoming students back to Mary H. Wright during the first week. He shared that he took part in a program with the Mary Wright Achievers, who took the fourth and fifth graders out to the gravesite of Mary H. Wright in the City cemetery and had a program to give them the history of Ms. Wright. He mentioned a Community Cook Out, put on by the Community Services Department, on Sunday, August 28 from 4:00 p.m. to 7:00 p.m. at Barnet Park. He mentioned the outstanding turnout, with record numbers, for the Panthers Training Camp this year.

XII. Code Enforcement Workshop

Presenter: Ed Memmott, City Manager

Mr. Memmott prefaced the workshop with the following comments:

“Staff hopes to engage Council in a workshop discussion of two possible changes to the City’s current code enforcement standards.

The first possible change would be to establish a rental property registration program. As staff contemplates this program, all rental single family and duplex structures located in areas with a high frequency of code enforcement violations and/or high concentration of rental properties would be subject to a registration program. Other “repeat offender” properties located outside of the designated areas could, under certain conditions, also be required to register. All rental single family and duplex structures within any designated area(s) would be required to register in order to continue to be legally rented. The registration would require annual renewal. In order to maintain registration, the City would require a full inspection of registered properties at least every 3 years.

Staff is also seeking ways to discourage the long term boarding up of vacant structures. To this end, we think the establishment of boarded up property fees could help. Staff would like to establish an escalating fee that would increase each year that a structure remains boarded up. The fee would also increase for boarded up properties that do not remain secured and which have to be routinely cited by code enforcement staff. The fee program would also strengthen the specifications for a boarded up property to require every door and window opening to be covered with plywood or other suitable material that is cut to fit the openings. The material covering the windows or doors would have to be painted to match the exterior of the structure and would have to be securely anchored to the structure.

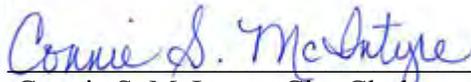
If Council is initially supportive of these programs, staff would like to engage rental property owners and property managers. Staff wants to give the various stakeholders an opportunity to react to staff’s proposals and give them an opportunity for comment prior to drafting specific ordinances.”

Discussion was held regarding each of Mr. Memmott’s proposals. It was the consensus of Council for staff to come back with a different several changes to the proposals.

XIII. Adjournment –

Mayor White asked Mr. Rothschild to introduce Kensley Drummond, a new employee in the Communications and Marketing Department. Mayor White also recognized and welcomed Martin Livingston, new Neighborhood Services Director.

Mayor pro tem Anderson made a motion to adjourn the meeting. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:00 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Sale of Property – 438, 446, and 464 Mill Street
DATE: September 12, 2016

BACKGROUND:

In May 2010, the City of Spartanburg purchased property in the Northside Neighborhood using CDBG funds. In an effort to remove the existing substandard structures, staff is requesting the approval of the sale of the parcels to the Northside Development Group. The Northside Development Group will collaborate with VCOM and the Northside community to develop the sites at a later date. The Northside Development Group will use Neighborhood Improvement Programs (NIP) funds to purchase and demolish the structures.

Property Address	Tax Map Number	Property Type	Sale Amount
464 Mill Street	7-12-05-332.00	Vacant Lot	15,000.00
446 Mill Street	7-12-05-335.00	House	20,000.00
438 Mill Street	7-12-05-336.00	House	20,000.00

ACTION REQUESTED: Approval of an Ordinance conveying the property at 464 Mill Street, 446 Mill Street, and 438 Mill Street to the Northside Development Group for the total purchase price of \$55,000.00.

BUDGET AND FINANCIAL DATA: CDBG program income in the amount of \$55,000.

ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED TO NORTHSIDE DEVELOPMENT GROUP CONVEYING PROPERTY LOCATED AT 438 MILL STREET, BLOCK MAP NUMBER 7-12-05-336.00; 446 MILL STREET, BLOCK MAP NUMBER 7-12-05-335.00; AND 464 MILL STREET, BLOCK MAP NUMBER 7-12-05-332.00.

BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1: Approve and authorize the sale of 438 Mill Street, Block Map Sheet 7-12-05, Parcel 336.00 to Northside Development Group for \$20,000.00.

Section 2: Approve and authorize the sale of 446 Mill Street, Block Map Sheet 7-12-05, Parcel 335.00 to Northside Development Group for \$20,000.00.

Section 3: Approve and authorize the sale of 464 Mill Street, Block Map Sheet 7-12-05, Parcel 332.00 to Northside Development Group for \$15,000.00.

Section 4: The City Manager is authorized to sign necessary documents to execute this transaction.

Section 5. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this ____ day of September, 2016.

MAYOR

ATTEST:

CITY CLERK

___ / ___ / ___ 1st Reading

___ / ___ / ___ 2nd Reading

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: David Cook, Construction Project Manager
SUBJECT: Contract Award for Demolition of Oakview Apartments
DATE: September 12, 2016

BACKGROUND:

Staff solicited bids for the demolition of the Oakview Apartments. This work consists of asbestos and lead base paint abatement, demolition of the structures preparing the site and planting of grass. Bids were received from;

Webb-Harrell Construction	Kernesville, NC	452,461.00
Demtek LLC	Spartanburg, SC	496,183.00
TOA, LLC	Norcross, GA	537,500.00
Eastern Environmental	Hampstead, NC	689,875.00
D H Griffin Wrecking Co.	Duncan, SC	1,187,000.00

No bids from certified MWBE contractors were received. Staff has reviewed the qualifications of Webb-Harrell and determined that it is a qualified contractor. Staff is recommending award of the contract to Webb-Harrell.

Please note that the demolition of Oakview Apartments will be phased as buildings are vacated over the next several months. Abatement in advance of demolition of potentially hazardous materials will be conducted in accordance with all health and environmental standards and monitored by independent air quality sampling conducted by a third party contractor.

ACTION REQUESTED:

Authorization for the City Manager to sign a contract with Webb-Harrell Construction for demolition of the Oakview Apartments.

BUDGET AND FINANCIAL DATA:

\$452,461 from TK Gregg Project Fund

VIII. B



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Zoning Board of Adjustments and Appeals

CITY RESIDENT: YES NO SEX: M F RACE: white

NAME: Ryan Edward Grayford

ADDRESS: 792 Glendalyn Avenue, Spartanburg, SC 29302
Street City, State, Zip Code

BUSINESS PHONE: 804-6330 HOME PHONE: _____ EMAIL: regayford@gmail.com

OCCUPATION: Attorney

EMPLOYER: Hyde Law Firm, P.A.

OTHER VOLUNTEER OR CIVIC ACTIVITIES: Children's Security Blanket - Board;
Leadership Spartanburg - Participant (2016-2017); Trinity United
Methodist Church - Sunday School Leader; SAE Spartanburg
Alumni Association; Rotary Club - Downtown

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I have always
enjoyed the subjects of land use and planning/zoning.
I think this would be an interesting way to serve the community.

RECOMMENDED BY: Reed Teague

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

Aug 9, 2016
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org

**ORDINANCE
AUTHORIZING THE CONDEMNATION OF
TAX MAP PARCEL 7-12-05-345.00 NEEDED FOR
THE BUTTERFLY CREEK DAYLIGHTING AND PARK PROJECTS**

WHEREAS, the City of Spartanburg (the "City") is committed to the comprehensive redevelopment of the Northside of the City; and

WHEREAS, the City has developed a Transformation Plan for the Northside; and

WHEREAS, the Northside Transformation Plan identified the opening or "daylighting" of the Greenville Branch, locally referred to as Butterfly Creek, as a critical project intended to enhance the aesthetics of the Northside while simultaneously benefiting the public with enhanced water quality pursuant to a mitigation permit issued by the United States Army Corps Engineers; and

WHEREAS, the City will also construct a public park and trail immediately adjacent to the eastern boundary of the daylighted branch; and

WHEREAS, the acquisition of multiple parcels of property is necessary to accomplish these projects; and

WHEREAS, it is necessary for the City to bring the property acquisition phase of these projects to closure; and

WHEREAS, to date, the City has been unsuccessful in its efforts acquire Tax Map Parcel 7-12-05-345.00.

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

Section 1. The City of Spartanburg hereby specifically authorizes the City Attorney to proceed with condemnation proceedings necessary to acquire Tax Map Parcel 7-12-05-345.00 in order to accomplish the Butterfly Creek daylighting and park projects.

Section 2. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2016.

MAYOR.

ATTEST:

___/___/___ 1ST Reading

CITY CLERK.

___/___/___ 2nd Reading

APPROVED AS TO FORM:

CITY ATTORNEY.