



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
Monday, March 30, 2020
5:30 p.m.

“The upcoming City Council meeting will be held via publicly accessible videoconference. Links and instructions for how to access this meeting via telephone, computer, or mobile device will be posted in City Hall, available on the City’s webpage, and provided to the local media. The meeting will be broadcast live on the City’s Facebook page.

Those wishing to utilize the public comment provisions of city code, can do so by contacting City Clerk Connie Kellner at (864) 596-2019 or ckellner@cityofspartanburg.org prior to 12:00 p.m. (noon) on the meeting date.”

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes from the March 16, 2020 City Council Meeting**
- IV. Approval of the Agenda for the March 30, 2020 City Council Meeting**
- V. Public Comment**
*Refer to above instructions regarding Public Comment”
- VI. Consent Agenda**
 - A. 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, Specifically Parcel #7-13-07-014.01 (Back Portion of Property) Located on 1455 Fernwood Glendale Road, Which is Zoned R-15, with a Land Use Designation of Single Family Residential District; to Zone B-1, with a Land Use Designation of Neighborhood Shopping District and Providing for Severability and an Effective Date (Second Reading)**
Presenter: Natalia Rosario, AICP, Senior Planner
 - B. Ordinance to Amend the Text of Section 507, Planned Development Districts (PDD) to Consider Enabling Small Lot Infill Redevelopment Projects, of the Zoning Ordinance of the City of Spartanburg, South Carolina; and Providing for Severability and an Effective Date (Second Reading)**
Presenter: Natalia Rosario, AICP, Senior Planner

VII. Emergency Ordinance

- A. To Extend the Deadline for the Payment of Hospitality Taxes Due on April 20, 2020 and May 20, 2020 Until June 20, 2020 and to Freeze the Late Payment Penalty on Business License Payments Due on February 29, 2020 at 5% (One Reading)
Presenter: Robert Coler, City Attorney**

**VIII. Update from Staff on Coronavirus Response and Modified City Operations
Presenter: Chris Story, City Manager**

IX. City Council Updates

X. 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 W. Broad Street
Spartanburg, SC 29306
Monday, March 16, 2020
5:30 p.m.**

**(These minutes are subject to approval at the
March 30, 2020 City Council Meeting.)**

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes from the February 24, 2020 City Council Meeting –**
*Councilmember Rice made a motion to approve the minutes as received.
Councilmember Brown seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of the Agenda for the March 16, 2020 City Council Meeting –**
*Councilmember Smith made a motion to amend the agenda to allow Dr. Chris Lombardozi, Chief Medical Officer at Spartanburg Regional Healthcare System to address COVID-19. Councilmember Rain seconded the motion, which carried unanimously 7 to 0.
Councilmember Smith made a motion to approve the amended agenda. Councilmember Rain seconded the motion, which carried unanimously 7 to 0.*

Dr. Lombardozi updated Council on the status and continuing efforts to address COVID-19.
- V. Public Comment - None**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Retiring City of Spartanburg Firefighter Tim Mostiler**
Presenter: Mayor Junie White
Mayor White presented Sergeant Mostiler with a retirement plaque and thanked him for his dedication and service to the City of Spartanburg.
- VII. Update of Parks and Recreation Positive Youth Development Programming Through Office of Populations Affairs Grant Funding**
Presenters: Kim Moultrie, Parks and Recreation Superintendent
Polly Edwards-Padgett, Program Director, Mary Black Foundation
Ms. Moultrie and Ms. Edwards-Padgett updated Council and showed them a video outlining how the grant funds were being used.

VIII. Public Hearings

A. **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, Specifically Parcel #7-13-07-014.01 (Back Portion of Property) Located on 1455 Fernwood Glendale Road, Which is Zoned R-15, with a Land Use Designation of Single Family Residential District; to Zone B-1, with a Land Use Designation of Neighborhood Shopping District and Providing for Severability and an Effective Date (First Reading)**

Presenter: Natalia Rosario, AICP, Senior Planner

Ms. Rosario presented the item to Council as follows:

“On February 20, 2020, the Planning Commission held a public hearing and reviewed a Rezoning request submitted by Ryan E. Gaylord, Agent, Hyde Law Firm, on behalf of Jesse M. Lawrence, III, Owner of Hillcrest Self Storage, Inc., Owner to rezone the back portion of the property located at 1455 Fernwood Glendale Road, in order to utilize it to expand his business into. The property is currently “landlocked” with no access to an open public right-of-way that would facilitate its development as residential, effectively rendering it unusable unless incorporated into an adjacent parcel.

The 2004 Comprehensive Plan calls for this area to transition from low-density residential along the Fernwood Glendale Corridor to General Activity Commercial over time. For the most part, this has not occurred, and Fernwood Glendale remains primarily low-density residential. Hillcrest Self Storage received a Special Exception from the Board of Zoning Appeals in 2016 to be able to develop the site for a self-storage purpose, transitioning the site from a blighted, vacant property to an occupied, tax producing property.

The Planning Commission held a public hearing on the proposal on February 20, 2020. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive City Council for the rezoning of the back portion of the parcel from R-15 to B-1.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on February 20, 2020 by a vote of 4 to 0, with the caveat that a light study be performed and presented as part of a required subsequent Board of Zoning Appeals review for the extension of the Special Exception into this property. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: *Verbatim Meeting Minutes Attached.*”

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

- 1. Ryan Gaylord**, attorney representing property owner Jesse Lawrence, spoke in favor of the rezoning;

2. **Jesse Lawrence**, owner of the property, spoke in favor of the rezoning, and answered several questions from Councilmembers;
3. **Cary Long** spoke in favor of the proposed rezoning;
4. **Dr. Jennifer Lever, 1440 Fernwood Glendale Rd.**, spoke in favor of the rezoning via email sent to Natalia Rosario and read at the meeting;
5. **Pam Powell, 17 Forest Oaks Way**, spoke in favor of the rezoning via email sent to Natalia Rosario and read at the meeting;
6. **George Gill, 105 Auburn Court**, spoke in favor of the rezoning if the measures for storm water drainage he outlined were put into place.

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

1. **Ernie Ganz, 208 Aspenwood Dr.**, spoke against the proposed rezoning.

Councilmember Rice made a motion to close the public hearing.

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

After an intense discussion, Mayor White made a motion to postpone the rezoning item to receive additional information. Councilmember Rice seconded the motion. The motion failed with a vote of 5 to 2. Mayor White and Councilmember Rice vote in favor of the motion. Mayor pro tem Littlejohn, Councilmember Brown, Councilmember Fulmer, Councilmember Rain, and Councilmember Smith voted against the motion.

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

- B.** *Mayor pro tem Littlejohn made a motion to lift the item from the table for first reading vote. Councilmember Smith seconded the motion, which carried unanimously 7 to 0.*

Ordinance to Amend the Text of Section 507, Planned Development Districts (PDD) to Consider Enabling Small Lot Infill Redevelopment Projects, of the Zoning Ordinance of the City of Spartanburg, South Carolina; and Providing for Severability and an Effective (First Reading)

Presenter: Natalia Rosario, AICP, Senior Planner

Ms. Rosario presented the item to Council as follows:

“The proposed text amendment change first came before the Planning Commission at the November 21, 2019 meeting. Since there had been three other new business cases before the Planning Commission at this meeting and it was getting late; the Planning Commission moved to table the request to the next meeting on December 19, 2019. At the December 19, 2019 meeting there was an informal discussion regarding the proposed text amendment edit changes; and a public hearing portion was held because there were some developers who wished to speak regarding this item; and after which time the Planning Commission had asked Staff to make some suggested changes and bring it back to the next Planning Commission Meeting. On January 16, 2020, the Planning Commission

held a public hearing and reviewed Staff's request to amend the text of the City of Spartanburg Zoning Ordinance, Section 507, Planned Development Districts (PDD), to consider enabling small-lot infill redevelopment standards submitted by the City of Spartanburg regarding proposed changes. All proposed changes were reviewed by the Planning Commission.

The Planning Commission held a public hearing on the proposal on January 16, 2020. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and Section 507, Planned Development Districts (PDD), the Planning Commission voted to recommend approval of the proposed changes to the Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on January 16, 2020 by a unanimous vote of 5 to 0.

ADDITIONAL INFORMATION: Minutes from November 21, 2019; December 19, 2019; and January 16, 2020 Planning Commission Meetings and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the request.”

Mayor White opened the public hearing asking if there was anyone in attendance who wanted to speak in favor of or in opposition to the proposed ordinance.

Hearing none, Councilmember Rain made a motion to close the public hearing. Councilmember Fulmer seconded the motion, which carried unanimously 7 to 0.

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

IX. Boards and Commissions – Design Review Board

Presenter: Chris Story, City Manager

Mr. Story explained to Council that the DRB had a vacancy that needed to be filled immediately. He presented Lucy Lynch's application for consideration. **Councilmember Rice** made a motion to waive the rules and appoint Lucy Lynch to the Design Review Board. Mayor pro tem Littlejohn seconded the motion, which carried unanimously 7 to 0.

X. City Council Updates - Each Councilmember gave updates on their activities since the previous council meeting.

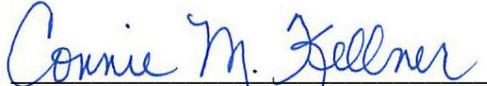
XI. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to an Economic Development Project

Councilmember Rice made a motion to adjourn to Executive Session for the reason stated. Mayor pro tem Littlejohn seconded the motion, which passed unanimously 7 to 0. Council adjourned to Executive Session at 7:29 p.m.

Council reconvened to regular session at 7:57 p.m. Mayor White stated that discussion was held with no decisions made.

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

- XII. Adjournment** – *Councilmember Fulmer made a motion to adjourn the meeting. Councilmember Smith seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:58 p.m.*



Connie M. Kellner, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Robert P. Coler, City Attorney
Chris Story, City Manager

SUBJECT: Emergency Ordinance (only one reading) to extend the deadlines for payment of April and May hospitality taxes to June 20, 2020 and to freeze the late payment penalty for unpaid business license taxes at 5% until May 1, 2020.

DATE: March 30, 2020

BACKGROUND: To mitigate the financial impact of the COVID-19 pandemic on local businesses and restaurants

ACTION REQUESTED: Council is being asked to approve the ordinance that will extend the deadlines for the payment of hospitality taxes due April 20 and May 20 to June 20, 2020 and will freeze the late payment penalty for unpaid business license taxes at 5% through May 1, 2020.

BUDGET AND FINANCIAL DATA: Potential loss of late payment penalty revenue of less than \$10,000.00

A N E M E R G E N C Y O R D I N A N C E

TO EXTEND THE DEADLINE FOR THE PAYMENT OF HOSPITALITY TAXES DUE ON APRIL 20, 2020 AND MAY 20, 2020 UNTIL JUNE 20, 2020 AND TO FREEZE THE LATE PAYMENT PENALTY ON BUSINESS LICENSE PAYMENTS DUE ON FEBRUARY 29, 2020 AT 5%.

WHEREAS, Establishments, as defined by Chapter 18, Article II, Section 18-102 the City of Spartanburg Code of Laws (hereinafter the “Code”) are required to collect a hospitality tax on prepared meals, and remit same to the City on the twentieth day of the month following collection; and

WHEREAS, Chapter 9, Article I of the Code requires all persons engaging in or intending to engage in business to pay an annual business license tax for the coming year by the last day of February of that year; and

WHEREAS, those businesses that do not pay their business license tax for the coming year by the last day of February are subject to an increasing late payment penalty of 5% for each month the business license tax remains unpaid; and

WHEREAS, the COVID-19 outbreak and the public health measures necessary to curtail its spread have resulted in economic stress for businesses; and

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this ordinance in order to alleviate some of the financial distress Establishments and persons engaging in business in the City of Spartanburg are currently experiencing.

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

Section 1.

1. The deadlines for payment of hospitality taxes due on April 20, 2020 and May 20, 2020 are hereby extended to June 20, 2020. Hospitality taxes collected in March, April, and May of 2020 are now due on June 20, 2020. No late fee may be assessed on any Hospitality Taxes due on April 20, 2020 and May 20, 2020 so long as they are remitted to City by June 20, 2020. In the event Hospitality Taxes due on April 20, 2020, May 20, 2020 and June 20, 2020 are not remitted to City by June 20, 2020 in the manner prescribed by Section 18-104 (c) of the Code, a 10% penalty shall be assessed on all or the prorated portion not remitted.
2. Notwithstanding the fact that the payment of hospitality taxes are not due on April 20, 2020 and May 20, 2020, Establishments are still required to prepare and remit to City a return reporting sales of the prior month as set forth in Section 18-104 (b) and (c) (herein after the “Return”) on April 20, 2020 and May 20, 2020.
3. The late payment penalty for unpaid business license taxes shall be capped at 5% of the outstanding business license tax or \$25.00, whichever is greater, until April 29, 2020 and late payment penalties shall resume increasing by 5% monthly after May 1, 2020.

4. Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 2.

1. This Ordinance shall become effective upon 1st reading.
2. This emergency Ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY