



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, October 22, 2018
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the October 8, 2018 City Council Meeting**
- IV. **Approval of the Agenda of the October 22, 2018 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Update from the Downtown Development Partnership**
Presenter: Jansen Tidmore, Executive Vice President, Chamber of Commerce
- VII. **Presentation of Spartanburg Racial Equity Index**
Presenter: Dr. Kathleen Brady, Vice Chancellor of USC Upstate and Director of USC Upstate's Metropolitan Studies Institute
- VIII. **Resolutions**
 - A. **Endorsing the City of Spartanburg's Membership and Participation in The Government Alliance on Race and Equity**
Presenter: Chris Story, City Manager
 - B. **Authorizing the City Manager to Appropriate Funds to the Aden Warehouse Corporation, Such Funds to be Used to Acquire and Remediate the Property Located at 300 Aden Street, Block Map Sheet 7-11-08, Parcel 147.00**
Presenter: Martin Livingston, Neighborhood Services Director
- IX. **Ordinances**
 - A. **To Provide Certification of a Portion of Spartan Mill as a Textile Mill Site Under the South Carolina Textiles Communities Revitalization Act (First Reading)**
Presenter: Martin Livingston
Neighborhood Services Director

- B. Authorizing and Approving a Franchise Agreement Between Piedmont Natural Gas Company, Inc., and the City of Spartanburg for a Period of Ten (10) Years Providing for a One Percent (1%) Payment Increase by Piedmont Natural Gas Company, Inc. From Four Percent (4%) to Five Percent (5%) (First Reading)
Presenter: Chris Story, City Manager**

X. Other Business

- A. Award of Construction Services for Dr. T. K. Gregg Community Center Project
Presenter: David Cook, Construction Project Manager**

XI. City Council Updates

XII. 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 29306
Monday, October 8, 2018
5:30 p.m.**

**(These minutes are subject to approval at the
October 22, 2018 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Jerome Rice, Councilmembers Erica Brown, Sterling Anderson, Alan Jenkins, Max Hyde, and Ruth Littlejohn. City Manager Chris Story and Interim City Attorney Larry Flynn 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 September 24, 2018 City Council Meeting –**
Councilmember Littlejohn made a motion to approve the minutes as received. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda of the October 8, 2018 City Council Meeting –**
Mayor pro tem Rice made a motion to approve the agenda as received. Councilmember Brown 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
- VI. Update on “Network for Southern Economic Mobility”**
Presenter: Mitch Kennedy, Community Services Director
Mr. Kennedy introduced Troy Hanna and Travis Wharton for the presentation. Mr. Hanna and Mr. Wharton reviewed the purpose and goals of the Network for Southern Economic Mobility (NSEM) as follows:
“NSEM is a network of Southern cities that are committed and equipped to identify long-term, system changing strategies that can improve upward economic mobility for youth and young adults in the lowest income brackets.
NSEM goals:
 1. Create a detailed systems and data analysis of Spartanburg County youth in the lowest income bracket and the barriers to economic mobility;

2. Align and connect initiatives focused on economic motility to foster collaborative action and collective impact;
3. Develop and implement an integrated action plan that fosters a dual-customer system (youth and employers), accelerating youth mobility efforts;
4. Change the offs of economic mobility for youth and young adults by creating an opportunity agenda with multiple pathways and access points;
5. Become a healthy community that can challenge itself, and be a place where people want to live and thrive.”

Council received the report as information.

VII. Presentation of Certificates to Graduates of the City of Spartanburg Citizens Academy

Presenter: Mayor White

Kathy Hill, Community Services Coordinator, and one of the coordinators of the Citizen’s Academy, stated the following prior to presentation of certificates by the Mayor to the graduates:

“The mission of the City of Spartanburg Citizen Academy is to provide the citizens of Spartanburg the opportunity to receive an in depth education about the services and operations provided by the City of Spartanburg. The goal is that the participants will “graduate” with a greater understanding of municipal operations.”

VIII. Presentation by Mary Black Foundation Regarding Partnering to Improve Adolescent Health

Presenters: Molly Talbot-Metz, CEO Mary Black Foundation

Kim Moultrie, Parks and Recreation Superintendent

Molly Talbot-Metz and Polly Edwards Padgett thanked the city for their partnership with the Mary Black Foundation on many projects, particularly in the areas of Way to Well and Hello Family. They announced that the Mary Black Foundation had awarded grants to City Parks and Recreation Department in the amount of \$160,000 for a project with Connect Institute, and \$3,000 to the City Police Department for status offenders work.

Council received the report as information.

IX. Final Evaluation of “Seeing Spartanburg In a New Light”

Presenter: Jennifer Evins, President and CEO Chapman Cultural Center

Ms. Evins presented the final evaluation of “Seeing Spartanburg In A New Light” to Council. She highlighted the following points:



Seeing Spartanburg in a New Light – Summary of Findings

Seeing Spartanburg in a New Light was a temporary public art project in Spartanburg, SC on view from October 4 to April 25, 2017. It featured 9 art installations by light and media artist Erwin Redl representing 10 city neighborhoods. *Seeing Spartanburg in a New Light* aimed to develop and enhance relationships between the arts community, the Spartanburg Police Department and local residents. It was a partnership among the City of Spartanburg Police and Community Relations Departments, artist Erwin Redl, the Chapman Cultural Center and neighborhood associations in the city of Spartanburg.

Key Statistics

- **2.5 million views** of 9 installations on display across 10 neighborhoods over 157 days
- **\$1.7 million** catalyzed for the local economy, including:
 - \$1 million Bloomberg Philanthropies' Public Art Challenge grant
 - \$63,500 local project funding
 - \$480,000 in-kind contributions
 - \$148,500 investments for new initiatives created as a result of the projects, including:
 - \$126,000 for arts initiatives
 - \$22,500 for future work related to crime prevention and workforce development
- **83 partners** implemented the project, including businesses, nonprofits, government agencies and community organizations, encompassing:
 - 13 city agencies
 - 16 public-private collaborations activated on behalf of the projects
- **77 people employed** to help create and support *Seeing Spartanburg in a New Light*
- **980 volunteers** contributed their time and talent
- **63 programs** and activities were held in connection with *Seeing Spartanburg in a New Light*
- **45 articles** appeared in local and national print and online press
- **10% of city residents** attended the opening event
- **117 local artists** and makers engaged throughout the development of the project
- **122 police officers** engaged in the project
- **1 video created for the art installation** now used as a training tool by the Spartanburg Police Department
- **50 poems** written by residents for the installations



Highlighted Project Outcomes

Seeing Spartanburg in a New Light supported the local arts community and created opportunities for future art projects.

- *Seeing Spartanburg in a New Light encouraged interest in existing arts and culture offerings.*
 - One-third of visitors said that they planned to visit another cultural attraction that day.

- *The project expanded community members' knowledge of public art and appetite for future projects.*
 - 89% of residents surveyed had never participated in a public art project, with some never hearing the term public art before.
 - 9 arts and government leaders interviewed said that they would like to continue to host public art in the city.

- *Seeing Spartanburg in a New Light helped advance the work of local artists.*
 - 117 local artists and makers were engaged throughout the project in site development, fabrication and installation.

- *The project led to the creation of new initiatives.*
 - 2 arts initiatives were created as a direct result of *Seeing Spartanburg in a New Light*, including:
 - The ArtsXcelerator Challenge, a new \$10,000 grant annual grant opportunity for artists.
 - "Lighten Up Spartanburg," a public art exhibit by the Spartanburg Art Museum.

Seeing Spartanburg in a New Light advanced progress on critical civic issues.

- *The project promoted a positive shift in facets of police-community relations.*
 - 122 police officers were retrained using a video installation featuring residents talking about their experiences living in a traditionally high-crime neighborhood. The video has become part of the Spartanburg Police Department training program for all existing and future officers and administrative staff.
 - Police officers have indicated that they had been receiving more notes and comments of appreciation than before the project.

Seeing Spartanburg in a New Light promoted a sense of community, civic leadership and pride.

- *Residents embraced opportunities to engage in the project either by participating in planning or celebrating its opening.*
 - 10 neighborhood associations collaborated with *Seeing Spartanburg in a New Light*.
 - One-third of the city's population attended the launch of *Seeing Spartanburg in a New Light* on October 4, 2016.



- *Planning meetings created opportunities for people from diverse backgrounds to interact.*
 - 35 planning meetings hosted before the project opened to the public brought residents from different neighborhoods together with government officials, police officers, arts leaders and project team members.
 - Social capital was created through these meetings over time among groups with historically difficult relations, evidenced by the development of positive relationships (i.e. recipe swapping, hugging and ongoing conversations).

 - *Cross-sector arts advocates emerged as a result of the project.*
 - Spartanburg Police Chief Alonzo Thompson advocated for the power of public art at a hearing convened by the House Judiciary Committee on the challenges facing local law enforcement.
 - The Mary Black Foundation, a foundation devoted to healthcare in Spartanburg, supported arts for the first time by funding *Seeing Spartanburg in a New Light's* evaluation efforts.

 - *The project elevated community voices and increased civic engagement among participating neighborhood associations.*
 - The Highland Neighborhood Association emerged as a particular leader in its community, successfully advocating for single-family housing when presented with a city proposal to establish multiple-family housing in the neighborhood.
- Seeing Spartanburg in a New Light* encouraged collaboration and the development of new relationships.**
- *Seeing Spartanburg in a New Light* enhanced or created many working relationships.
 - 78% of interviewees reported working with an individual or group that they had never worked with before.
 - 62% of interviewees indicated that they now had connections that would benefit themselves and the community, and that they had a better sense of "who is around and what they do."

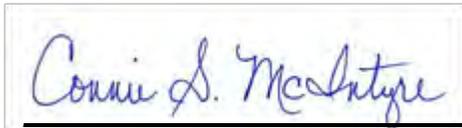
X. City Council Updates - Each Councilmember gave updates on their activities since the last council meeting.

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

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

Council reconvened to regular session at 6:54 p.m. Mayor White stated that discussion was held with no decisions made.

XII. Adjournment – *Mayor pro tem Rice made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 6:55 p.m.*



Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Chris Story, City Manager

SUBJECT: Resolution Endorsing the City of Spartanburg's Membership and Participation in the Government Alliance on Race and Equity

DATE: October 17, 2018

The upcoming agenda includes two items related to the challenging but vitally important topic of racial equity.

The first is a presentation by Dr. Kathleen Brady, Vice Chancellor of USC Upstate and Director of USC Upstate's Metropolitan Studies Institute (you will recall Dr. Brady from her time with us at Council's retreat this past spring). Dr. Brady recently compiled the attached, a first of its kind report entitled Spartanburg Racial Equity Index. Dr. Brady will present an overview of this report.

After the Equity Index overview, I will make a very brief presentation about the Government Alliance on Race and Equity ("GARE"), a national collaborative of cities seeking to accelerate progress on racial equity. A two page overview of GARE follows Dr. Brady's report in your packet. I will recommend your approval of a resolution endorsing our membership in GARE. 93 cities have joined GARE for 32 states. We would be the first from South Carolina to do so. Joining GARE does not formally obligate us to any specific activities or changes – it simply provides us with tools and resources to move forward faster in ways that are consistent with what I understand to be our values.

I look forward to any questions you may have.



Government Alliance on Race & Equity: Building the Capacity of Government to Advance Racial Equity

What is the GARE Membership Network?

The [Government Alliance on Race and Equity](#) (GARE) is a national network of government working to advance racial equity and increase opportunities for all. GARE is a joint project of [Race Forward](#) and the [Haas Institute for a Fair and Inclusive Society at UC Berkeley](#) (HIFIS). As a network of peers, GARE members exchange information, collaborate to advance their practice, receive technical assistance, and develop solutions to racial equity challenges.

- **We are a membership network of jurisdictions working to achieve racial equity** – Our network shares effective practices, tools, and resources to build a national movement for racial equity.
- **We offer pathways for new jurisdictions to begin racial equity work** – An exciting field of practice has developed over the past decade for jurisdictions to utilize: GARE tools and resources positions new jurisdictions for success and support longer-term members deepen and sustain their racial equity work.
- **We support and build local and regional collaborations that are broadly inclusive and focused on achieving racial equity** – To eliminate racial inequities, it is necessary to develop a collective approach firmly grounded in community. Government can play a key role in collaborations for achieving racial equity, centering community, and leveraging institutional partnerships at the local and regional level.

Why Government?

GARE's work is underpinned by the knowledge that we will not be able to advance racial equity without the transformation of government into an effective and inclusive democracy. For government to advance racial equity, we must recognize the historical legacy of government having created and maintained racial inequity, explicitly from the foundation of our country, and implicitly for the last half a century. Therefore, GARE strategically builds the capacity of local government to eliminate institutional and structural racism.

Who are GARE Members?

GARE Members have made commitments to advancing racial equity across the breadth (all functions) and depth (from frontline staff to appointed and elected leadership) of their jurisdiction. This commitment can be demonstrated by development and implementation of a Racial Equity Work Plan, integration of racial equity into strategic or operational plans, use of a Racial Equity Tool in routine decision-making, and/or adoption of legislation that describes the jurisdiction's commitment.





What is the GARE approach to racial equity?

GARE focuses on **normalizing** conversations about race, **operationalizing** new policies, practices and organizational cultures, and **organizing** to achieve racial equity. More and more jurisdictions are making a commitment to achieving racial equity, focusing on the power and influence of their own institutions, and working in partnership across sectors and with communities to maximize impact.

Where We Work



Since its inception in 2015, GARE has grown from a network of 15 members to over 90 local government jurisdictions in 22 states working to advance racial equity. GARE works with more than 150 jurisdictions in 30+ states via year-long learning cohorts, contracts, and technical assistance.

What resources does GARE offer jurisdictions?

GARE offers training and organizational development through trainings and via extended learning curriculums. GARE Members convene regularly, both virtually and in person, and participate in the **GARE Annual Meeting**, which brings together +250 practitioners working in local government. Members also engage in **Subject Area Working Groups**, where participants hone their practices and expertise through joint research, exploring opportunities and challenges in the field, and hosting regular webinars and presentations.

To learn more about GARE or apply for membership, please visit www.racialequityalliance.org or contact GARE Network Manager

Rachael Wyant at rwyant@raceforward.org.



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council
FROM: Chris Story, City Manager
SUBJECT: SPARTANBURG RACIAL EQUITY INDEX
DATE: October 17, 2018

DUE TO THE LARGE FILE SIZE OF DR. BRADY'S SPARTANBURG RACIAL EQUITY INDEX THAT DOCUMENT WAS SENT IN A SEPARATE EMAIL IMMEDIATELY AFTER THE AGENDA PACKET WAS SENT.

A RESOLUTION

ENDORISING THE CITY OF SPARTANBURG'S MEMBERSHIP AND PARTICIPATION IN THE GOVERNMENT ALLIANCE ON RACE AND EQUITY

WHEREAS, the City of Spartanburg ("City") seeks to strengthen our community and improve opportunity for all persons by working to eliminate racial inequities; and

WHEREAS, the Government Alliance on Race and Equity is a national network of government working to achieve racial equity and advance opportunities for all with 93 member local governments in 32 states; and

WHEREAS, the City believes that by becoming the first City in South Carolina to join the Alliance, the City can make progress faster on this important objective.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Members of City Council of the City of Spartanburg, South Carolina, in Council assembled:

SECTION 1: The City Council endorses the City's application for membership in the Government Alliance on Race and Equity

SECTION 2: The City Council directs the City Manager to utilize this resource to seek ways to close racial gaps so that race does not predict ones success while also improving outcomes for all citizens.

DONE AND RATIFIED this _____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Purchase and Site Cleanup – 300 Aden Street
DATE: October 22, 2018

BACKGROUND:

Staff is requesting approval to enter into an agreement with the Aden Warehouse Corporation to purchase, cleanup, and make available for sale and development 300 Aden Street in partnership with the Northside Development Corporation (NDC). The Aden Warehouses Corporation is an entity of the Northside Development Corporation and the City of Spartanburg. The NDC and City staff have learned that the warehouses at 300 Aden Street is currently available for failure to pay property taxes due. Staff is requesting approval to partner with the Northside Development Corporation to enter into a Voluntary Cleanup Contract (VCC) with the South Carolina Department of Health and Environmental Control (SC-DHEC), purchase the property, cleanup the site, and make the property available for development.

The NDC and City will partner and share the cost of the activities associated with cleaning up the site. Estimated cost for all activities is expected to be the following:

Phase I Assessment	1,600.00
Purchase of Property	57,000.00
Limited demolition/cleanup	250,000.00
Miscellaneous cost/insurance/testing	2,500.00
TOTAL COST	311,100.00

ACTION REQUESTED: Staff is requesting approval to provide the Aden Warehouses Corporation funding to purchase, cleanup the site, and make available for sale and development the property located at 300 Aden Street.

BUDGET AND FINANCIAL DATA: \$ 156,000.00.

Warehouses – 300 Aden Street



Photographs



Photograph 1: View of the Property from Aden Street.



Photograph 2: View of the Property from Aden Street.



Photograph 3: View of rear loading dock on the southeast corner of the Property.



Photograph 4: View of a dilapidated warehouse on the Property.



Photograph 5: View of typical warehouse on the Property.



Photograph 6: View of unlabeled drum in warehouse.



Photograph 7: View of dilapidated warehouse on the Property.



Photograph 8: View of restroom facilities in warehouse.



Photograph 9: View of building debris/materials near a warehouse on the Property.



Photograph 10: View of typical warehouse on the Property.



Photograph 11: View of former office area on the Property.



Photograph 12: View of discarded office supplies (documents etc.) in former office area.



Photograph 13: View of dilapidated warehouse on the Property.



Photograph 14: View water in what appears to be an old scale in warehouse.



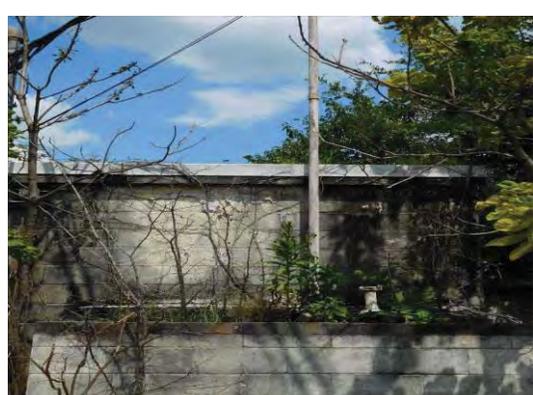
Photograph 15: View of building debris/cement in warehouse.



Photograph 16: View of a pallet of adhesives and other chemicals in warehouse.



Photograph 17: View of diesel pump adjacent to water tank in southeast corner of the Property.



Photograph 18: View of fill and vent pipes for diesel AST adjacent to pump house.



Photograph 19: View of a drum of N-propylbenzaldehyde in warehouse on the Property.



Photograph 20: View of Northside Church on the eastern adjacent Property.



Photograph 21: View of containers of Kentile Adhesive in warehouse on the Property.



Photograph 22: View of elementary school north of the Property.



Photograph 23: View of 5-gallon bucket of oil in warehouse on the Property.



Photograph 24: View railroad tracks along southwestern boundary of the Property.

RESOLUTION
AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS
TO THE ADEN WAREHOUSE COPORATION, SUCH FUNDS TO BE
USED TO ACQUIRE AND REMEDIATETHE PROPERTY LOCATED
AT 300 ADEN STREET, BLOCK MAP SHEET 7-11-08, PARCEL147.00

WHEREAS, there has recently been created the Aden Warehouses Corporation (the “Corporation”), a South Carolina nonprofit corporation, organized and existing under the laws of the State of South Carolina.

WHEREAS, the Corporation intends to acquire or has already acquired the property located at 300 Aden Street, Spartanburg, South Carolina (TMS No. 7-11-08-147.00) (the “Property”).

WHEREAS, the Corporation has requested funds from the City of Spartanburg, South Carolina (the “City”) and the Northside Development Corporation (“NDC”) to acquire the Property and undertake all necessary remediation activities thereon.

WHEREAS, absent the appropriation of funds by the City and NDC, the Corporation would be unable to acquire and/or remediate the Property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and members of the City Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. The findings described hereinabove are ratified and confirmed.

Section 2. Per the City’s 2018/19 budget, as previously enacted by the City Council, funding has been set aside to aid in the acquisition and remediation of the Property. By the terms of this Resolution and as established in the City’s budget, the sum of \$156,000 shall be appropriated to the Corporation for the acquisition of the Property and the performance of environmental remediation activities thereon, including the solicitation of a Voluntary Cleanup Contract (VCC) with the South Carolina Department of Health and Environmental Control.

Section 3. In making the appropriation authorized hereunder, the City Manager is authorized to enter into an agreement with the Corporation (or among the Corporation and NDC, as necessary) regarding all matters described in Section 2 above. The City Manager is further authorized to execute and deliver such certificates, showings, instruments and other agreements and to take such further action as the City Manager shall deem necessary or desirable to effect the matters described in this Resolution. Any prior actions of the City Manager related to the matters described in this Resolution are ratified, confirmed and approved.

Section 4. It is anticipated that NDC will also appropriate funds toward the purposes described in Section 2 above; to the extent NDC does not appropriate funds to the Corporation, the City Manager shall timely inform the City Council of such failure to so appropriate.

Section 5. The City, working together with the Corporation and NDC, will use best-efforts and will other make every effort to recover all costs appropriated hereunder from the subsequent sale of the Property at a later date. Any agreements authorized under Section 2 hereunder shall properly reflect this condition.

Section 6. This Resolution shall become effective upon the date of adoption.

DONE, RATIFIED AND ADOPTED this ____ day of October, 2018.

(SEAL)

MAYOR

ATTEST:

CITY CLERK



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Textile Mill Credit Certification – Spartan Mill Parking Lot - Howard Street
DATE: October 22, 2018

BACKGROUND:

Staff is requesting approval to certify the property located in the Northside community at the southwest corner of Howard Street and College Street as eligible for the textile mill certification. The certification would allow developers to seek Textile Mill Credit for a potential development on the site.

ACTION REQUESTED: Staff is requesting approval of the ordinance certifying the Partans LLC site as eligible for the Textile Mill certification.

BUDGET AND FINANCIAL DATA: N/A



AN ORDINANCE

TO PROVIDE CERTIFICATION OF A PORTION OF SPARTAN MILL AS A TEXTILE MILL SITE UNDER THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT

WHEREAS, PARTANS, LLC or its successor in interest (“Developer”), desires to redevelop the abandoned textile manufacturing facility located in the City of Spartanburg, County of Spartanburg, State of South Carolina, formerly known as the Spartan Mill Parking lot and more particularly listed as tax parcel 7-12-05-345.00 as depicted on the map attached hereto as Exhibit A (the “Property”); and

WHEREAS, as part of the redevelopment by Developer, the Property is anticipated to qualify for state income tax credits pursuant to the South Carolina Textiles Communities Revitalization Act (Section 12-65-30 (A)(2) specifically and Chapter 65 of Title 12 of the South Carolina Code generally (the “Textile Mill Statute”); and

WHEREAS, the Textile Mill Statute contains a detailed definition of the specific property that will qualify as a “Textile Mill Site” (as defined in the Textile Mill Statute); and

WHEREAS, Developer has requested a certification of the Textile Mill Site pursuant to Section 12-65-60 of the Textile Mill Statute from the Spartanburg City Council; and

WHEREAS, the Spartanburg City Council has, after careful investigation and due deliberation, determined that the redevelopment of the Property will be beneficial to the City of Spartanburg, and the City agrees to provide an ordinance in compliance with Section 12-65-60 of the Textile Mill Statute.

NOW THEREFORE, BE IT ORDAINED by the Spartanburg City Council:

Section 1. That all recitals hereof are true and correct and a part of this Ordinance.

Section 2. That the Property was a facility that was last used for textile manufacturing, dying or finishing operations and for ancillary uses to those operations (i.e. a “textile mill”) as more particularly defined in Section 12-65-20(3) of the Textile Mill Statute.

Section 3. That the Property was “abandoned” in 1999 as defined in Section 12-65-20(1) of the Textile Mill Statute.

Section 4. That the Property as depicted on the map attached hereto as Exhibit A constitutes a Textile Mill Site consistent with Section 12-65-20(4) of the Textile Mill Statute.

Section 5. That all portions of the Property as depicted on the map attached hereto as Exhibit A are located within one thousand feet of the textile mill structure or ancillary uses consistent with Section 12-65-20(4) of the Textile Mill Statute, including, without limitation, the water runoff, wastewater treatment and detention and employee parking previously located thereon.

Section 6. That the Property was acquired by PARTANS, LLC on or about February 6, 2002.

Section 7. That in accordance with Section 12-65-30(D), (i) the facility has not previously received tax credits under the Textile Mill Statute, and (ii) the Developer did not own the Textile Mill Site when it was operational or immediately prior to its abandonment.

Section 8. That this Ordinance is intended to comply with the certification requirements set forth in Section 12-65-60 of the Textile Mill Statute.

Section 9. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of November, 2018.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading

EXHIBIT A





REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Chris Story, City Manager

SUBJECT: Ordinance Authorizing and Approving a Franchise Agreement between Piedmont Natural Gas Company, Inc. and the City of Spartanburg

DATE: October 17, 2018

Our franchise agreement with Piedmont Natural Gas (“PNG”) is expiring and is due for renewal. The agreement enables PNG to utilize and run their pipes and other equipment through city streets and rights-of-way. PNG pays a franchise fee for those rights.

The only difference between the prior agreement and the enclosed proposed agreement is that the franchise fee has been adjusted from 4% of gross receipts to 5% of gross receipts which would place our arrangement in line with similar arrangements with other larger municipalities in PNG’s service territory including Greenville and Anderson, SC.

I look forward to any questions you may have.

AN ORDINANCE

AUTHORIZING AND APPROVING A FRANCHISE AGREEMENT BETWEEN PIEDMONT NATURAL GAS COMPANY, INC., AND THE CITY OF SPARTANBURG FOR A PERIOD OF TEN (10) YEARS PROVIDING FOR A ONE PERCENT (1%) PAYMENT INCREASE BY PIEDMONT NATURAL GAS COMPANY, INC. FROM FOUR PERCENT (4%) TO FIVE PERCENT (5%).

WHEREAS, Piedmont Natural Gas Company, Inc. operates as gas system in the City of Spartanburg pursuant of Franchise originally granted to Duke Power Company and transferred to Piedmont Natural Gas Company, Inc. by Ordinance dated September 7, 1950; and

WHEREAS, the City of Spartanburg and Piedmont Natural Gas Company, Inc., have determined that it would be in the public interest to replace existing Franchise with a new Franchise Agreement having a term of ten (10) years;

NOW, THEREFORE,

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

Section 1: The attached Franchise Agreement, consisting of three (3) pages, between the City of Spartanburg and Piedmont Natural Gas Company, Inc., is hereby approved and the City Manager is authorized and directed to execute said Agreement in behalf of the City of Spartanburg.

DONE AND RATIFIED this 12th day of November, 2018.

Mayor

ATTEST:

City Clerk

First Reading: October 22, 2018

Second Reading: November 12, 2018

alleys, bridges, and public places the necessary fixtures and equipment for such purposes, subject to the rules and regulations of the South Carolina Public Service Commission and South Carolina Office of Regulatory Staff (ORS).

Section 3. This franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City, in the exercise of any regulatory power which it now has or which may hereafter be authorized or permitted by the laws of the State of South Carolina.

Section 4. That nothing in this franchise shall relieve the Company, its successors and assigns, from any obligations it or they may have at all times during the term of this franchise, to conform with, submit to, and carry out any and all lawful ordinances relating to any person, firm or corporation supplying and distributing gas to the City or its inhabitants now in force or that may hereafter be enacted and not inconsistent herewith.

Section 5. That no street, alley, bridge, or other public place within the City shall be obstructed by said Company longer than reasonably necessary, and all streets, alleys, bridges or other public places utilized by said Company shall be restored as nearly as practicable to the same good order and condition as when said work was commenced. No part of any street, alley, bridge, or other public place of said City, including any public drain, sewer, catch basin, water pipe, pavement or other public improvements, shall be unnecessarily damaged, but if, due to the Company's failure to use due care, any such damage shall occur, the Company shall repair the same as promptly as possible, and in default thereof, the City may make such repairs and charge the reasonable cost thereof to and collect the same from the Company. The company shall save and keep harmless the City from any and all liability by reason of damage or injury to any person or persons on account of negligence of the Company, its agents, servants, or employees in the construction, operation and maintenance of said gas utility system, provided the Company shall

have been promptly notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same for an on behalf of the City.

Section 6. There is hereby imposed upon the Company and its successors and assigns to the City a franchise fee equal to five percent (5%) of the gross receipts of the said Company derived by it from the distribution and sale of gas through its pipeline facilities to consumers within the corporate limits of the City of Spartanburg during the terms of this franchise. This fee shall be payable quarterly on or before the last day of May, August, November, and February of each year for the quarter ending April 30, July 31, October 31, and January 31, respectively. The Company shall certify to the City as to the previous quarter's gross gas revenues received within the corporate limits upon remission of this fee. The above described franchise fee shall be in lieu of all occupation, license, business, gross receipts, excise, and all other levies, assessments, fees, permits or taxes of whatsoever kind relating to utility (pipeline) construction, maintenance and repair, regardless of designation and the payment of the franchise fee hereunder shall be the full and complete payment of any such demands and charges by the City of Spartanburg except ad valorem taxes. The Company shall be obligated to the City or any of its departments or agencies for work permit fees relating to non-utility (customer) work and jobbing.

Section 7. This franchise shall become effective November 1, 2018 and shall supersede all previous franchises for Piedmont Natural Gas Company, Inc.

[Signatures on following page]

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF SPARTANBURG

By: _____
Chris Story, City Manager

PIEDMONT NATURAL GAS COMPANY, INC.

By: _____
President

By: _____
Secretary



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager
FROM: David Cook, Construction Project Manager
SUBJECT: Award for Construction Services for Dr. T.K. Gregg Community Center Project
DATE: October 24, 2018

BACKGROUND:

The City solicited Request for Qualifications for pre-construction consulting services for the purpose of presenting a budget with an option by the City to execute a Guarantee Maximum Price contract. Working with City Staff and McMillan Pazdan Smith Architecture, Harper General Contractors has provided the city with a Value Engineered cost for the project.

Harper General Contractors	Spartanburg S C	11,907,857.00
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After many meetings, staff is recommending award of the contract to Harper General Contractors. Harper General Contractors has indicated that it intends to award 15.3% of the contract total to MWBE subcontractors.

ACTION REQUESTED:

Authorization for the City Manager to sign a contract with Harper General Contractors for the construction of the new Dr. T. K. Gregg Community Center Project.

BUDGET AND FINANCIAL DATA:

City Funding - \$ 11,907,857.00 in accordance with the financing plan approved by City Council on 8.27.18.