



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, November 12, 2018
5:30 p.m.**

**(These minutes were approved at the
November 26, 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, 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 – Boy Scout Jackson Hall, Troop 5, led everyone in the Pledge of Allegiance**
- III. Approval of the Minutes of the October 22, 2018 and the November 5, 2018 City Council Meetings – *Mayor pro tem Rice made a motion to approve the minutes as received. Councilmember Jenkins seconded the motion, which carried unanimously 6 to 0.***
- IV. Approval of the Agenda of the November 12, 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 6 to 0.***
- V. Swearing In of City Council District 4 Councilmember**
 - A. The Honorable Jamie Fulmer – City Council District 4
Oath of Office Administered by Ms. Susu Johnson
Assisted by Ms. Katherine Fulmer
James Fulmer
Ben Fulmer
MacLean Fulmer**

Mr. Fulmer was sworn in and took his seat representing City Council District 4.
- VI. Public Comment**

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

 1. Jack Logan expressed concerns regarding the recent shootings in Spartanburg.

2. A.C. (Tass0) Ghionis expressed his concern for the dangerous school safety zone at Jesse Boyd Elementary.
3. Amanda Camp suggested that decommissioned school busses be repositioned into tiny homes for the homeless.

VII. RFP Bids for a Comprehensive Operational Analysis for Public Transit

Presenter: Dennis Locke, Finance Director

Mr. Locke presented the item to Council as follows:

“The City issued a RFP to receive bids for a Comprehensive Operational Analysis (COA) for our Public Transit System. We are seeking to redesign our transit system to maximize the effectiveness of the bus system within our current budgetary constraints. We seek to redesign routes to improve efficiency with the emphasis on providing the highest level of service possible for the City’s transit dependent population. Our priority is providing pathways to self-sufficiency and financial stability for our low income population.

We received three responses to our RFP:

AECOM – Greenville, SC	\$119,892	Project hours	898
NelsonNygaard – Boston, Massachusetts	\$134,138	Project hours	824
Four Square ITP – Rockville, Maryland	\$ 74,900	Project hours	510

Our committee conducted interviews with each company after thoroughly reviewing their proposals. Our Committee included Dr. Philip Stone who is a daily rider of the bus system. The evaluation criteria in the RFP with the weight factors are below:

Professional Qualifications & Experience	30%
Project Approach	25%
Past Performance	20%
Cost	20%
Conformance to RFP	5%

The unanimous recommendation of the committee was to award the contract to AECOM. Their presentation, experience, and approach to our project was clearly the best for the City.

Source of Funds for Project

F.T.A. – Grant	\$80,000
City Funds	\$20,000
SPATS	<u>\$20,000</u>
	\$120,000”

After discussion, Mayor pro tem Rice made a motion to award the contract to AECOM in the amount of \$119,892 as requested. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

VIII. Ordinance

- A. Authorizing the City of Spartanburg South Carolina, to Execute and Deliver an Equipment Lease Purchase Agreement in an Amount Not Exceeding \$2,700,000 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 13 Police Vehicles, 1 Fire Vehicle, 6 vehicles and 9 various pieces of equipment for Public Services, 2 Vehicle Business License Code Enforcement, 2 Vehicle Property Maintenance, 1 Vehicle Engineering and Air Pak’s for all fire fighters (56)

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 \$2,650,000 inclusive of closing costs. This amount may be reduced pending final review of acquisition specifications.”

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

IX. Public Hearing

- 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 #6-21-15-010.00; Located on 116 Kensington Drive; Which is Zoned R-15, with a Land Use Designation of Single Family Residential District to Zone R-12, with a Land Use Designation of**

General Residential District and Providing for Severability and an Effective Date (First Reading)

Presenter: Natalia Rosario, Planner III

Ms. Rosario presented the item to Council as follows:

“On October 18, 2018, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Kevin Clark, Owner and Contractor to rezone Parcel #6-21-15-010.00 located on 116 Kensington Drive, that is currently zoned R-15 (Single Family Residential District) to zone R-12 (General Residential District) in order to allow for the parcel to be split into three properties and for the construction of a single-family home on each property. The original request for this meeting was to rezone the property to Zone R-6 (General Residential District) which would have allowed the Owner to split the parcel into five properties and build five single-family homes. After receiving a lot of feedback from adjacent and nearby property owners, Mr. Clark amended his request on Staff’s advisement to request a rezoning to the zoning category of R-12 (General Residential). This zoning category would only allow him to split the property into three lots, instead of the two oversized R-15 lots that he would be able to achieve today.

The 2004 Comprehensive Plan calls for this area to remain in low density residential, very similar to how the character of the neighborhood exists today. The proposed rezoning does not increase density or type of construction, (single family homes only).

The Planning Commission held a public hearing on the proposal on October 18, 2018. 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 parcel from R-15 to R-12.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on October 18, 2018 by a vote of 5 to 1, with Mr. Kinard in opposition. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the October 18, 2018 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 opened the Public Hearing. He asked if there was anyone to speak in opposition to the proposed rezoning.

Ms. Billy Willauer, 124 Kensington Drive, Spartanburg, SC, spoke against the proposed rezoning.

Ms. Mary Haymond, 111 Kensington Drive, Spartanburg, SC, spoke against the proposed rezoning.

Mayor White asked if there was anyone to speak in favor of the proposed rezoning.

Kelvin Clark, the owner of the property and proposed builder of the houses, spoke in favor of the proposed rezoning.

Phillip Stone, boardmember of the Planning Commission that recommended Council approval of the proposed rezoning, came forward to answer any questions Council had about the proposed rezoning.

After a lengthy discussion, Mayor pro tem Rice made a motion to close the Public Hearing. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

Mayor pro tem Rice made a motion to decline the rezoning request.

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

X. Consent Agenda

A. To Provide Certification of a Portion of Spartan Mill as a Textile Mill Site Under the South Carolina Textiles Communities Revitalization Act (Second 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%) (Second Reading)

Presenter: Chris Story, City Manager

Mayor pro tem Rice made a motion to approve the consent agenda on second reading. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.

XI. Rail Yard Park Improvements Update

Presenter: Mitch Kennedy, Community Services Director

Mr. Kennedy presented the item to Council as follows:

“In 2016 City Council passed a Resolution to authorize an agreement with Partners For Active Living (PAL) for the development of a park (today known as the “Rail Yard Park”) on The Mary Black Foundation Rail Trail. At that time, the City recognized the Rail Trail as a significant recreational asset, and the park would be a major enhancement to the recreational amenity located in the core of our City. The agreement notes that PAL would lead all development efforts and the City would ultimately own and maintain those improvements.

To date, PAL has been very successful in their development of the Rail Yard Park with substantial public/ private support, and assistance from the City. The original development plan for the park was presented in phases, and the first phase of those improvements have been completed.”

Laura Ringo, Partners for Active Living Executive Director, used a PowerPoint presentation to update Council on the Rail Yard Park improvements.
Council received the report as information.

**XII. Approval to Purchase Personal Escape Rescue Harness and Required Training
 Presenter: Ronald Hunter, Lt. SART**

Mr. Hunter presented the item to Council as follows:

Over the past two years, the Fire Department has researched best practices and submitted an application with a prepared bid specification to purchase (76) NFPA 1983, 2017 Edition Personal Escape Rescue Harness(s). The Fire Department has been awarded a FEMA (AFG) Grant to cover the purchase of equipment, cost of training for personnel, cost of contracted certified/qualified trainers, and applicable taxes. The purpose of the purchase is to provide exit safeguards to fire suppression personnel if conditions deteriorated in multi-story commercial and/or residential structures. Responders will have a conventional method to self-rescuing themselves from eminent harm. The document was prepared by the Spartanburg (FD) Advanced Rescue Team. The grant application was reviewed and approved by Chief Blackwell.

The Escape Harness equipment and training bid was prepared utilizing the current City of Spartanburg’s Procurement Policy.

This purchase is a “Sole Source” purchase due to the grant requirement of vendor provided training for all equipment purchased with grant funds. At the time of the grant award, the provider was the only vendor supplying both the equipment and approved training.

Company	Amount
East Coast Rescue Solutions Equipment Purchase with Certified Trainers	\$56,832
Cost of Training Personnel	\$23,755
Taxes	\$2,964
Total	\$83,551

ACTION REQUESTED: The Fire Department requests approval to purchase (76) Personal Escape Rescue Harnesses and Required Training from East Coast Rescue Solution.

BUDGET AND FINANCIAL DATA: The Equipment and training is funded by FEMA AFG Grant \$75,956 and City of Spartanburg 10% match \$7,595 with the approval of the City Manager.

Note: The \$7,595 is accounted for within the current fiscal year Fire Department Budget.”

Councilmember Anderson made a motion to approve the purchase as requested. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.

XIII. Approval of Consultants for the 2019-2023 Consolidated Plan / 2019 Annual Action Plan, and Housing Market Study

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“The U.S. Department of Housing and Urban Development (HUD) provides us with two recurring annual grants, the Community Development Block Grant (CDBG) and HOME Partnership Funding, to address low and moderate income neighborhoods in the City and affordable housing priorities. HUD attempts to ensure that cities utilize those programs strategically by requiring that the annual use of the funds be aligned with an Annual Action Plan which is in turn aligned with a five year Consolidated Plan.

Staff is requesting approval for the City Manager to enter into an agreement with Civitas, LLC to prepare the Fiscal Year 2019-2023 Consolidated Plan, Fiscal year 2019 Annual Action Plan, and Spartanburg Housing Market Study. This Strategic Planning document determines by survey, public hearings, and consultations with neighborhood residents and partner organizations the needs of the community and develops a five year plan for addressing those needs. The Consolidated Plan and Annual Action Plan is a requirement of HUD for the City to continue to receive Community Development Block Grant (CDBG) and HOME Partnership Funding. Both documents focus on eligible low and moderate income neighborhoods in the City and affordable housing priorities for the use of CDBG and HOME funds. A Consolidated Plan is not a Comprehensive Plan. A Comprehensive Plan is much larger in scope and is a function of the City’s strategic vision of its development and zoning priorities over a ten year period.

The City received two (2) proposals which were reviewed by a committee of City staff to determine the consultants that best fits the Spartanburg’s needs. Staff recommends that the City Manager enter into an agreement with Civitas, LLC to deliver the services.

CONSULTANTS	LOCATION	AMOUNT
Civitas, LLC	Mount Pleasant, SC	\$35,400.00
BAE Urban Economics	Washington DC	\$50,480.00

ACTION REQUESTED: Staff is requesting approval for the City Manager to enter into an agreement with Civitas, LLC to prepare the Fiscal Year 2019-2023 Consolidated Plan, 2019 Annual Action Plan, and Spartanburg Housing Market Study.

BUDGET AND FINANCIAL DATA: Community Development Block Grant (CDBG) Funds \$35,400.00.”

Mayor pro tem Rice made a motion to approve the request as stated. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

XIV. Ordinance Authorizing the City Manager to Execute an Agreement for the Sale of 170 Arch Street, Block Map Sheet 7-11-08, Parcel 158.00 (First Reading)

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“Staff is requesting approval for the City Manager to enter into an agreement for the sale of the Star Mill - 170 Arch Street (TMS: 7-11-08-158.00) located in the Northside community, subject to the completion of due diligence on the property. The property is in very poor condition. BF Holdings, LLC will inspect the property, prepare development estimates, and develop a concept for development prior to entering into a development agreement with the City of Spartanburg to improve the property. The City of Spartanburg received an assignment of the property from the Forfeited Land Commission (FLC) in 2016.

ACTION REQUESTED: Staff is requesting approval for the City Manager to enter into an agreement that will allow BF Holdings to complete due diligence at 170 Arch Street, subject to a development agreement.”

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

XV. Authorizing the City Manager to Execute an Agreement for the Donation and Sale of 904 Lucerne Drive, Block Map Sheet 7-20-04, Parcel 033.00 (First Reading)

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“Staff is requesting approval to receive as a donation and then sell to an eligible buyer 904 Lucerne Drive. The City will receive as a donation the property located at 904 Lucerne Drive. The property will be sold to an eligible affordable or workforce housing individual or family. The property will be included in the City’s Pilot Homebuyer Purchase Rehabilitation Program.

ACTION REQUESTED: Staff is requesting approval for the purchase and sale of the 904 Lucerne Drive for the Pilot Homebuyer Purchase Rehabilitation Program.

BUDGET AND FINANCIAL DATA: \$25,005.00 in General Funds will remain on deposit at Carolina Foothills Federal Credit Union.”

Mayor pro tem Rice made a motion to approve the ordinance as requested.

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

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

XVII. Executive Sessions

- 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 Downtown**

B. Executive Session Pursuant to Section 3-4-40(2) Concerning a Personnel Matter Related to the City Attorney Position

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

Mayor pro tem Rice made a motion to adjourn to Executive Session for the reasons stated. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 7:17 p.m.

Council reconvened to regular session at 7:33 p.m. Mayor White stated that discussion was held with no decisions made.

Mayor pro tem Rice made a motion that Council offer the position of City Attorney to Robert P. Coler, and authorize the City Manager and Interim City Attorney to negotiate employment terms with Mr. Coler. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

XVIII. Adjournment – Councilmember Jenkins made a motion to adjourn the meeting. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:45 p.m.



Connie S. McIntyre, City Clerk