



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, March 25, 2019
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the February 25, 2019 City Council Meeting**
- IV. **Approval of the Agenda of the March 25, 2019 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Resolution Approving the Joint Analysis of Impediments to Fair Housing (AI) for Submission to the U.S. Department of Housing and Urban Development**
Presenter: Martin Livingston, Neighborhood Services Director
- VII. **Approval of Agreement with Consultants to Prepare Highland Neighborhood Transformation Plan**
Presenter: Martin Livingston, Neighborhood Services Director
- VIII. **Hello Family: A Proposed Continuum of Support for Families in the City of Spartanburg**
Presenter: Chris Story, City Manager
- IX. **Resolution Certifying Two Units As Abandoned Building Sites Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976)**
Presenter: Patty Bock, Economic Development Director
- X. **Ordinance To Amend the Code of the City of Spartanburg 1988, Chapter 13, Article III, Section 13-59(b) "Offenses Against Public Peace" by Adding Number 17, "Collection of Commercial Solid Waste" (First Reading)**
Presenter: Bob Coler, City Attorney

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

XI. Establishing By-laws and Making Committee Appointments for Downtown Economic Development Partnership (MCIP) Board
Presenter: Chris Story, City Manager

XII. City Council Updates

XIII. Executive Sessions

- A. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Related to Acquisition of Property**
- B. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to an Economic Development Project**

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

XIV. 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, February 25, 2019
5:30 p.m.**

**(These minutes are subject to approval
at the March 25, 2019 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Alan Jenkins, Councilmembers Erica Brown, Sterling Anderson, Jerome Rice, Ruth Littlejohn and Jamie Fulmer. City Manager Chris Story and City Attorney Robert Coler 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 February 11, 2019 City Council Meeting –**
*Councilmember Brown made a motion to approve the minutes as received.
Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.*
- IV. Approval of the Agenda of the February 25, 2019 City Council Meeting –**
Councilmember Rice made a motion to approve the agenda as received. Mayor pro tem Jenkins 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 on United Way’s Efforts on Prevention of Homelessness, Financial Stability, and Behavioral Health**
Presenter: Chris Story, City Manager
Paige Stephenson, President and CEO of United Way of the Piedmont, and Hannah Jarrett, Director of Financial Stability Strategy, updated Council on the initiatives UWP has in place to serve the homeless.
Council received the report as information.

VII. Resolution

A. Approval of Application to Grounded Solutions Network's for Everyone Home: City Solutions for Housing Equity Initiative

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“Staff believes the development of a balanced housing strategy is a very important component of developing a successful comprehensive plan. This work is essential to our efforts to maintain housing affordability for the foreseeable future. Our challenges are complex. We recognize that it will take both a transparent participatory local process coupled and national best practices and expertise to develop optimal strategies.

Grounded Solutions Network (<https://groundedsolutions.org/>) is a national collaborative that supports local communities, connecting local experts with the networks, knowledge, and support to promote housing solutions that will stay affordable for generations and to build stable equitable neighborhoods. Their work at the national, state, and local levels results in more use of financially viable and sustainable housing models and adoption of inclusive housing policies. They are currently accepting applications for a new initiative.

“ForEveryoneHome” is an 18-month technical assistance, peer learning and community engagement program to help mixed-market cities chart a path to inclusive growth through lasting affordability.

We are seeking your endorsement of our application to this opportunity. We feel it aligns well with our challenges and our values. If we are selected, Grounded Solutions would provide technical assistance valued at \$150,000. Our obligation would be to provide a \$75,000 match, which we could accommodate over two fiscal years. We consider this to be a cost effective approach to one of our central strategic challenges.

Staff will be working with the United Way of the Piedmont to submit the application by the February 28th deadline. Staff would also work with funding partners to cover a portion of the \$75,000 match commitment necessary for the submission of an application, possibly after the application has been submitted. Grounded Solutions is expected to provide a decision and selection of communities by March 31, 2019.

We recommend your approval of the attached resolution and we look forward to any questions you may have.”

Councilmember Anderson made a motion to approve the resolution as presented. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

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

IX. Executive Sessions

Mayor pro tem Jenkins made a motion to adjourn to Executive Session for the reasons stated. Councilmember Brown seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:22 p.m.

A. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Related to Acquisition of Property

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

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

Council reconvened to regular session at 7:20 p.m. Mayor White stated that discussion was held with no decisions made.

X. Adjournment – Councilmember Rice made a motion to adjourn the meeting. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:22 p.m.


Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Joint Analysis of Impediments to Fair Housing Choice
DATE: March 25, 2018

BACKGROUND:

In March 2017, the City of Spartanburg, Spartanburg County, and the Spartanburg Housing Authority entered into a collaborative partnership to prepare an Assessment of Fair Housing (AFH) Study. Spartanburg County's Community and Economic Development Department has lead the effort in support of SHA and the City to select consultant Mosaic Community Planning, LLC to prepare the study. Over the last nine months the three partners have gathered information from stakeholders, over 250 resident surveys, and six public meetings.

The completed document, the Joint Analysis of Impediments to Fair Housing Choice is required to be submitted to the U.S. Department of Housing and Urban Development – Fair Housing Division for review. The document is a requirement as part of the partner's efforts to receive federal funds for housing, community development, and economic development. The completed document provides the partners with six (6) impediments that should be addressed over the next 3-5 years.

Staff is requesting approval of a resolution approving the submission of the comprehensive report of the community's fair housing impediments to the U.S. Department of Housing and Urban Development.

ACTION REQUESTED:

Approval of resolution approving the Joint Analysis of Impediments to Fair Housing.

BUDGET AND FINANCIAL DATA: Not applicable.

**A RESOLUTION
APPROVING THE JOINT ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING (AI)
FOR SUBMISSION TO THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the Collaborative Partners consisting of the City of Spartanburg, Spartanburg County, and the Housing Authority of the City of Spartanburg plan to jointly prepare and jointly or independently implement the Joint Analysis of Impediments to Fair Housing Choice (AI); and

WHEREAS, Spartanburg County is a political subdivision of the State of South Carolina, organized as a county government; and

WHEREAS, the City is a political subdivision of the State of South Carolina and organized as a municipal corporation; and

WHEREAS, the Housing Authority of the City of Spartanburg is a federally funded public housing authority; and

WHEREAS, the City of Spartanburg, a municipal corporation (“City”), is, under the auspices of the United States Department of Housing and Urban Development (“HUD”), a consolidated plan program participant, having a program year start date of July 1. The City’s next 5-year consolidated plan cycle will commence on July 1, 2019; and

WHEREAS, the County of Spartanburg, a County government (“County”), is, under the auspices of the United States Department of Housing and Urban Development (“HUD”), a consolidated plan program participant, having a program year start date of July 1. The County’s next 5-year consolidated plan cycle will commence on July 1, 2019; and

WHEREAS, the Housing Authority of the City of Spartanburg, a public housing authority (“Authority”), is, under the auspices of the United States Department of Housing and Urban Development (“HUD”), a PHA plan program participant, having a program year start date of October 1. The Authority submits an annual plan each July as part of the requisite 5-year PHA plan process

WHEREAS, pursuant to section 808(e) of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), codified as amended at 42 U.S.C. § 3601 *et seq.*, in order to aid program participants in taking meaningful actions to overcome historic patterns of segregation, to promote fair housing choices, and to foster inclusive communities free from discrimination HUD promulgated certain regulations, set forth at 24 C.F.R. 5.150 *et seq.*, requiring program participants to develop and submit to HUD an Assessment of Fair Housing (AFH); and

WHEREAS, for the purposes of 24 C.F.R. 5.150 *et seq.*, the City, County, and the Authority are Program Participants (collectively herein the parties are sometimes referred to as “Program Participants”); and

WHEREAS, the Program Participants wish, in accordance with the terms and conditions of this Collaboration Agreement, to collaborate and partner to prepare and to submit to HUD the Assessment of Fair Housing.

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

Section 1. Allow the City Manager, along with the joint efforts of its collaborative partners to submit to the U.S. Department of Housing and Urban Development and jointly or independently to implement the Spartanburg's Joint Analysis of Impediments to Fair Housing Choice.

Section 2. This Resolution is adopted this _____ day of _____, 2019.

Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney



REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Martin Livingston, Neighborhood Services Director

SUBJECT: Approval of Agreement with Consultants to Prepare Highland Neighborhood Transformation Plan

DATE: March 25, 2019

BACKGROUND:

In the spring of 2016, the Highland Neighborhood Association and the City of Spartanburg convened six partners to have discussions on the condition of the neighborhood. The partners included the City of Spartanburg, the Highland Community Development Corporation of Spartanburg County, the Highland Neighborhood Association, the Spartanburg Housing Authority, the Bethlehem Center, and Spartanburg School District Seven which resulted in a Memorandum of Understanding among the partners. Since that time, three major areas of neighborhood importance emerged from the discussions in December 2016: the need for more Community Patrols, Neighborhood Training and Engagement, and the development of a Neighborhood Planning Process.

In February of 2018 the City issued a Request for Qualifications to implement a Neighborhood Planning Process. The neighborhood selected 4 community volunteers and a City employee to serve on the selection committee to review the seven (7) submitted proposals. Over a six-month process, the five community volunteers reviewed proposal submissions which included a community presentation of the top three responses to the request for qualifications. In February 2019, staff began discussions with APD Urban Planning and Management to prepare a scope of work and cost. Staff is requesting approval to allow the City Manager to execute a contract with APD Urban Planning and Management for \$186,006.00 for the 12-month Planning Process for the Highland Neighborhood.

ACTION REQUESTED: Staff is requesting approval for the City Manager to enter into an agreement with APD Urban Planning and Management to Prepare the Highland Neighborhood Transformation Plan.

BUDGET AND FINANCIAL DATA:

\$160,000 – Highland Neighborhood Master Planning Project Capital Improvement Budget (contains financial contribution from seven partnering organizations)

\$26,006 – Community Development Block Grant (CDBG) Funding.

**Highland Transformation Plan
Request for Qualifications (RFQ)
Review Committee**

Reggie Browning Highland CDC Representative	Phyllis Hosely Macedonia Missionary Baptist Church
Patrena Mims The Bethlehem Center	Natalia Rosario City of Spartanburg
Whitney Smith Highland Neighborhood Association	

**Highland Transformation Plan
Request for Qualifications (RFQ)
Proposal Submissions**

<p>APD Planning And Management LLC - Atlanta, GA - MWBE</p> <ol style="list-style-type: none"> 1. Vantage Development, LLC - Developer 2. Kimberly Horn and Associates - Engineering 3. Jennifer Langford - Architect – WBE
<p>JHP Architects - Dallas, TX</p> <ol style="list-style-type: none"> 1. Toole Design - WBE 2. PEQ Urban Planning - Urban Planning / Citizen Participation - WBE 3. Rose and Associates - Real Estate and Economic Development - WBE 4. Civic Brand - Branding/Public Engagement 5. Wildlands Engineering 6. Art-Force - Strategic Planners
<p>Seamon-Whiteside Spartanburg, SC</p> <ol style="list-style-type: none"> 1. Friction Shift Projects - Community Engagement - WBE 2. Barnes design and Development Management – Developer
<p>SGA Architects, LLC - Greenville, SC</p> <ol style="list-style-type: none"> 1. Lord Aeck Sargent Architects 2. RPRG Property Research Group - Real Estate and Economic Development 3. EJP Research Group - Real estate and Economic Development 4. AECOM - technical services / Transportation design
<p>STANTEC - Consulting and Design - Charlotte, NC</p> <ol style="list-style-type: none"> 1. Neighboring concepts - MBE 2. Zimmerman/Volk and associates - Studies - WBE 3. W- ZHA - market analysis and development concepts 4. Kofi Boone - environmental justice MWBE
<p>TPUDC - Urban Design - Franklin, TN</p> <ol style="list-style-type: none"> 1. Craft Design Studios - Designers 2. Depiction - illustrations 3. Kristen Jeffers - outreach - MWBE 4. Development Economics - Market Studies
<p>TSW Urban Design - Atlanta, GA</p> <ol style="list-style-type: none"> 1. Arnett Muldrow and Associates - Planners/Architects 2. Contente Consulting - community engagement - WBE 3. ALTA Planning + Design - Urban Design 4. Stryant Investments / Padsplit - Developers-Investors

Highland Transformation Planning Process Funding Commitments

Amount	Sources
15,000	JM Smith Foundation
15,000	Mary Black Foundation
10,000	Spartanburg County Foundation
15,000	United Way of the Piedmont
25,000	Spartanburg Housing Authority
30,000	School District 7
50,000	City of Spartanburg
160,000	TOTAL FUNDING COMMITMENTS

Schedule

Highland Neighborhood Transformation Plan - Timeline 12 months													
		Month											
Tasks		1	2	3	4	5	6	7	8	9	10	11	12
PROJECT MANAGEMENT													
1.1	Project Management	★		★		★		★		★		★	
1.2	Project Tour	★											
COLLECT													
2.1	Neighborhood Profile												
2.2	Review of Previous Plans and Studies												
2.3	Existing Conditions Survey			★									
2.4	Policy and Regulatory Framework												
ANALYZE													
3.1	Commercial Market Analysis			★									
3.2	Residential Market Analysis												
3.3	Economic Analysis Projections												
3.4	Decision Making Matrix												
3.5	Neighborhood Masterplan												
3.6	Land Use and Urban Design												
3.7	Connectivity												
IMPLEMENT													
4.1	Community Retention Plan												
4.2	Policy and Regulatory Framework												
4.3	Funding and Financial Strategies												
4.4	Financial Feasibility Model												
4.5	Ten Year Implementation Plan												
PARTICIPATE													
5.1	Community Outreach Plan												
5.2	Stakeholder Engagement	★		★		★		★					
5.3	Public Meetings			★				★		★			
5.4	Civic Engagement Recommendations												
DOCUMENT													
6.1	Draft Final Report											★	
6.2	Final Plan and Presentation												★
		★											

★ Site Visits



MEMORANDUM

TO: City Council

FROM: Chris Story, City Manager

SUBJECT: Hello Family: A Proposed Continuum of Support for Families in the City of Spartanburg

DATE: March 21, 2019

As you know, for several years we have been working alongside the Mary Black Foundation, the Institute for Child Success and other partners to design an innovative proposed continuum of supports to be made available to all families in the City which would significantly improve child wellbeing, boost future prosperity, and provide quantifiable financial benefits to the community well in excess of its cost. We call this concept *Hello Family*.

At the upcoming City Council meeting, we and our partners will provide an overview of the updated proposal, share our latest work on it, and answer any questions you may have. We will also offer a timeline for the community consideration of this possibility.

We look forward to any questions you may have.



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Patty Bock, Economic Development Director

SUBJECT: To certify by Resolution that 122 Magnolia Street qualifies for the South Carolina Abandoned Buildings Revitalization Act

DATE: March 21, 2019

The Abandoned Building Revitalization Act (State Code 12-67-100) was put into effect by the state and serves as a mechanism that helps further encourage the redevelopment of vacant, underutilized properties. In order for an owner to obtain the credits that incentivize redevelopment, governing entities must certify by Resolution that a property qualifies for and meets the SC 12-67-100 definition of “abandoned”.

122 Magnolia Street was recently purchased and the new owner has plans to fully redevelop the property into a functional and contributing property in the downtown. Staff has verified that the property meets the criteria and qualifies for the Abandoned Building Revitalization Act (State Code 12-67-100).

The attached Resolution outlines the certification and allows the project to claim the state incentive that involves income tax credits. This does not involve any financial commitment or incentive by the city.

Please let us know if you have any questions.

RESOLUTION

Certifying two units as Abandoned Building Sites pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976), as amended, regarding the property at 122 Magnolia Street, Tax Map Parcel# 7-12-20-005.00.

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act (the "Act") was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws (1976), as amended, to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local property taxes; and

WHEREAS, Andrew Babb ("Taxpayer") is the owner and developer of certain real property at 122 Magnolia Street (the "Property") and is identified by Spartanburg County as Tax Map Parcel# 7-12-20-005.00; and

WHEREAS, Andrew Babb desires to subdivide the property into two (2) separate and distinct units or parcels, with each floor of the building being a separate and distinct unity or parcel (the "Units"); and

WHEREAS, the Property is located within the city limits of Spartanburg, South Carolina ("the "City"); and

WHEREAS, Taxpayer has requested that the City certify that the Building Site is an eligible abandoned building site as defined by Section 12-67-120 for credit against certain income taxes, licenses or premium taxes.

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

Section 1. The Taxpayer has submitted to the City a request to certify the Building Site is an eligible abandoned building site pursuant to Section 12-67-160 of the Act (the "Request to Certify").

Section 2. The City has reviewed the Request to Certify and supporting documentation, conferred with the Taxpayer, and conducted its own review of the Property.

Section 3. The City hereby certifies that (i) each of the Units constitutes a separate abandoned building as defined by Section 12-67-120(1) of the Act, and (ii) the geographic area of each of the Units is consistent with Section 12-67-120(2) of the Act.

Section 4. The City limits such certification to credits against certain income taxes, licenses or premium taxes, as identified in Section 12-67-140(B). The City does not consent to credits against property taxes as described in Section 12-67-140(C).

Section 5. This Resolution shall be become effective upon the date of enactment.
DONE AND RATIFIED this _____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

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

SUBJECT: Ordinance Amending Chapter 13, Article 3, Section 59 (b) to include hours of collection for commercial solid waste.

DATE: March 21, 2019

BACKGROUND: City staff was approached by concerned citizens advising that commercial solid waste vehicles were collecting, dumping, and compacting solid waste causing loud and unnecessary noises during unreasonable hours before 7:00a.m. and after 9:00p.m.

ACTION REQUESTED: Council is being asked to provide first reading approval of the proposed Ordinance to amend Chapter 13, Article 3, Section 59 (b) to add number 17 “Collection of commercial solid waste”

BUDGET AND FINANCIAL DATA:

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 13, ARTICLE III SECTION 13-59(b) "OFFENSES AGAINST PUBLIC PEACE" BY ADDING NUMBER 17, "COLLECTION OF COMMERCIAL SOLID WASTE"

WHEREAS, the current provisions of the Spartanburg Ordinances do not provide for operating hours for collection of commercial solid waste; and

WHEREAS, City Council desires to provide a new process for abatement of nuisance conducts that repeatedly occur in reference to collection of commercial solid waste.

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

Chapter 13, Article III, Section 13-59 shall be amended to include the following language:

Sec. 13-59. Loud and unnecessary noises, restricted.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this and the preceding section, but such enumeration shall not be deemed to be exclusive, namely:

(17) Collection of commercial solid waste. The sound created by the collection of commercial solid waste by commercial trash collection vehicles, or any vehicle, when approaching, lifting, dumping, and compacting the solid waste, except between the hours of 7:00a.m. and 9:00p.m. However, no charge shall be made against any person, unless a complaint is made to the City and the person has first been provided an opportunity to abate the offending noise immediately without penalty.

Section 2. This Ordinance shall become effective upon 2nd reading.

DONE AND RATIFIED this _____ day of _____, 2019.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Robert P. Coler, City Attorney

___/___/___ 1st Reading

___/___/___ 2nd Reading



REQUEST FOR COUNCIL ACTION

TO: Spartanburg City Council

FROM: Chris Story, City Manager

SUBJECT: Establishing By-laws and Making Committee Appointments for Downtown Economic Development Partnership (MCIP) Board

DATE: March 21, 2019

As you know, in December 2018 City Council and County Council finalized the establishment of the Downtown Economic Development Partnership Multi-County Industrial Park. This mechanism will be overseen by a five member committee composed of three City Councilmembers and two County Councilmembers. The committee will be known as the “Downtown Partnership Committee.” The City Attorney has worked with the County Attorney to draft the proposed by-laws which are attached.

We are seeking two Council actions:

1. Approval of the proposed by-laws.
2. Appointments of three City Councilmembers into staggered terms as follows:
 - a. One Councilmember to a one-year term
 - b. One Councilmember to a two-year term
 - c. One Councilmember to a three-year term

We look forward to addressing any questions you may have.

**BYLAWS
OF
THE DOWNTOWN PARTNERSHIP COMMITTEE**

**ARTICLE I
Name and Purpose**

Section 1: Name. The name of this committee is The Downtown Partnership Committee (the “*Committee*”).

Section 2: Purpose. Notwithstanding any other provisions in the Intergovernmental Agreement (the “*Agreement*”) made and entered into by and between the City of Spartanburg, South Carolina (the “*City*”) and Spartanburg County, South Carolina (the “*County*”), attached hereto and identified as **Exhibit A**, and any other provisions of these Bylaws, the purposes for which the Committee is organized are exclusively public in nature. Specifically, the Committee is organized to govern the “Economic Development Partnership Funds” as set forth in Article V of the Agreement.

Section 3: Limitations and Restrictions. The Committee must engage only in activities that are essentially public in nature and are permitted under the general provisions of Title 5 (Municipal Corporations) and Title 6 (Local Government) of the Code of Laws of South Carolina.

Section 4: Existence. The Committee shall exist for the duration of the Term as set forth in the Agreement. In the event of premature termination of the Agreement, the Committee shall cease to exist at the time of such termination.

**ARTICLE II
Members**

Section 1: Members. The Committee shall have five members (the “*Committee Members*”). Three of the members shall be Spartanburg City Councilmembers and two of the members shall be Spartanburg County Councilmembers appointed pursuant to Article V of the Agreement. Notwithstanding anything to the contrary in the Agreement or these Bylaws, **all Committee Members shall be voting, *ex officio* members serving on the Committee by virtue of his/her seat on City or County Council.** Any Committee Member who ceases to be seated on Spartanburg City or Spartanburg County Council shall cease to be a member of the Committee and shall be replaced pursuant to Article V of the Agreement.

Section 2: Removal. A Committee Member may be removed only by a majority vote of the current members of the City or County Council that appointed the Committee Member.

Section 3: Vacancies. A vacancy on the Committee as the result of a Committee Member’s incapacity to serve shall be filled by the current members of the City or County Council that appointed the Committee Member.

Section 4: Notice. All notices required by these Bylaws shall be in writing and may be communicated by hand delivery, by mail or private carrier, or by facsimile transmission (fax), electronic mail (e-mail), or other form of wire or wireless communication, except that in case of emergencies, notice may be given orally at any time prior to any meeting. So long as the written notice is reasonably comprehensible, it shall be deemed effective at the earliest of the following: (a) upon receipt; (b) five (5) days after its deposit in the United States mail, if mailed correctly addressed and with first class postage affixed; (c) on the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or (d) fifteen (15) days after its deposit in the United States mail, if mailed correctly addressed and with other than first class, registered, or certified postage affixed. Written notice is correctly addressed if sent to a Committee Member's current address, email address, or fax number as shown in the records of the City or County Council the Committee Member currently serves on.

Section 5: Compensation. Committee Members shall serve without compensation but shall be reimbursed for all reasonable expenses incurred on behalf of the Committee.

ARTICLE III **Meetings and Action of the Committee**

Section 1: Regular and Special Meetings. The Committee shall hold regular and special meetings at such times and places as may be fixed by the Committee pursuant to Article V of the Agreement.

Section 2: Quorum and Voting. A majority of the Committee shall constitute a quorum. Voting shall be pursuant to Article V of the Agreement.

Section 3: Presence in Person at a Meeting. Committee Members may participate in a meeting of the Committee by means of a conference telephone or similar communication equipment so long as all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

Section 4: Rules. Meetings of the Committee shall be conducted in accordance with the latest edition of Roberts Rules of Order.

ARTICLE IV **Officers**

Section 1: Secretary. The Committee shall have a Secretary who shall keep the minutes and records of the Committee, see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him/her by the chairperson of the Committee.

Section 2: Compensation. Officers shall serve without compensation but shall be reimbursed for all reasonable expenses incurred on behalf of the Corporation.

ARTICLE V
Amendment of Bylaws

These Bylaws may only be amended by a majority vote of both the current Spartanburg City Council and Spartanburg County Council.

ARTICLE VI
Interested Party Transactions

Any Committee Member having a conflict of interest (a “*Conflict*”) in any contract or other transaction presented to the Committee for authorization, approval, or ratification shall promptly disclose, in writing, his interest to the Committee prior to its action on such a contract or transaction. If a Conflict exists, such person shall not vote on, nor participate in the discussion or deliberations with respect to, such contract or transaction (other than to present information related to the identification of the Conflict). A Conflict involves any transaction in which any Committee Member is unable to exercise impartial judgment or otherwise act in the best interests of the Committee. For the purposes of this Article, by way of example and not by way of limitation, a person shall be deemed to have a Conflict if he or his close relative is a party (or one of the parties) contracting or dealing with the Committee, or is a Director or officer or has a significant financial or influential interest in the entity contracting or dealing with the Committee.

ARTICLE VII
Miscellaneous

Section 1: Waiver of Notice. Whenever any notice is required to be given under the provisions of the Code of Laws of South Carolina, 1976, as amended, or under the provisions of the Agreement or these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Such waiver shall be filed with the minutes of the Committee. In addition, attendance at or participation in a meeting waives any required notice of the meeting unless the attendee objects to lack of notice and does not thereafter vote for or assent to the action to which objection was taken.

Section 2: Fiscal Year. The fiscal year of the Committee shall be July 1st through June 30th.

Section 3: Records. The Committee shall maintain minutes of all meetings of the Committee.

Section 4: Gender and Number. Whenever used herein, any pronoun shall be deemed to include both the singular and plural and all genders as the context may require.

Section 5: Headings. The headings of the Articles, Sections, and paragraphs herein are included for convenience only and shall not modify, vary, or contribute to the meaning of any provision of these Bylaws.

Originally Adopted: _____