



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, April 8, 2019
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the March 25, 2019 City Council Meeting**
- IV. **Approval of the Agenda of the April 8, 2019 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Recognition of Retiring Police Officer MPO-Patrol Randy Hardy**
Presenter: Mayor Junie White
- VII. **Presentation of Proclamation to Mr. Perry Lee**
Presenter: Mayor Junie White
- VIII. **“Keep OneSpartanburg Beautiful...A Community-wide Beautification Initiative”**
Presentation by John Kimbrell, Executive Vice President/Spartanburg Chamber of Commerce
- IX. **Update from Citizens Advisory Council (CAC)**
Presenter: Mitch Kennedy, Assistant City Manager
Wesley Hammond, Chairman of CAC
- 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” (Second Reading)**
Presenter: Bob Coler, City Attorney
- XI. **Ordinance to Amend the Code of the City of Spartanburg 1988, Chapter 2, Article V, Section 2, Division 1. Generally to Add Section 2 – 151 through Section 2-153 (First Reading)**
Presenter: Bob Coler, City Attorney

**XII. Annual Declaration of Vacancies on City of Spartanburg Boards and Commissions
Presenter: Connie McIntyre, City Clerk**

XIII. City Council Updates

XIV. 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.

XV. 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, March 25, 2019
5:30 p.m.**

**(These minutes are subject to approval
at the April 8, 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, and Ruth Littlejohn. Councilmember Fulmer was out of town. 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 25, 2019 City Council Meeting –**
*Mayor pro tem Jenkins made a motion to approve the minutes as received.
Councilmember Brown seconded the motion, which carried unanimously 6 to 0.*
- IV. Approval of the Agenda of the March 25, 2019 City Council Meeting –**
*Councilmember Littlejohn made a motion to approve the agenda as received.
Councilmember Rice seconded the motion, which carried unanimously 6 to 0.*
- V. Public Comment - None**
*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
Mr. Livingston presented the item to council as follows:
“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.”

Councilmember Brown made a motion to approve the resolution as requested.

Councilmember Rice seconded the motion, which carried unanimously 6 to 0.

VII. Approval of Agreement with Consultants to Prepare Highland Neighborhood Transformation Plan

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to council as follows:

“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.”

Mr. Jeremy Gray, Mosaic Community Planning LLC, overviewed the process used in preparing and results of the Assessment of Fair Housing study.

Councilmember Brown made a motion to approve the resolution as presented.

Councilmember Rice seconded the motion, which carried unanimously 6 to 0.

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

Presenter: Chris Story, City Manager

Mr. Story presented the item to Council as follows:

“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.”

Council received the update as information.

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

Ms. Bock presented the item to council as follows:

“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.”

Mayor pro tem Jenkins made a motion to approve the resolution as presented.

Councilmember Littlejohn seconded the motion, which carried unanimously 6 to 0.

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

Mr. Coler presented the item to council as follows:

“City staff was approached by concerned citizens advising that commercial solid waste vehicles were collecting, dumping, and compacting solid waste causing loud and 7unnecessary 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”.

During discussion, Councilmember Anderson asked that the language “For a first offense, the offender shall receive a written warning. For a second offense, the penalty shall be a \$250 fine. For a third offense, the penalty shall be a \$500 fine. A second or subsequent conviction shall be sufficient grounds for a thirty (30) day suspension of the offender’s city of Spartanburg business license. A third or subsequent conviction shall be sufficient grounds for a revocation of the offender’s City of Spartanburg business license pursuant to Section 9-15 of the City Code” be added to the proposed amendment.

Mayor pro tem Jenkins made a motion to approve the ordinance on first reading with the understanding that the additional language would be added to the ordinance prior to second reading. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

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

Presenter: Chris Story, City Manager

Mr. Story presented the item to Council as follows:

“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.”

Discussion was held with the following nominations for the committee made:

Councilmember Anderson made a motion to appoint Councilmember Rice to the 3 year term on the board. Mayor pro tem Jenkins seconded the motion, which carried unanimously 6 to 0.

Mayor pro tem Jenkins made a motion to appoint Councilmember Brown to the 2 year term on the board. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

Councilmember Littlejohn made a motion to appoint Mayor pro tem Jenkins to the 1 year term on the board. Councilmember Brown seconded the motion. The vote was 4 to 2 with Councilmembers Littlejohn, Councilmember Brown, Mayor White and Mayor pro tem Jenkins voting in favor of the motion. Councilmembers Anderson and Rice voted against the motion. Motion carried 4 to 2.

XII. City Council Updates – *Each Councilmember gave updates on their activities since the previous council meeting.*

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.

Council reconvened at 8:03 p.m. Mayor White stated that discussion was held with no decisions made.

XIV. Adjournment – *Mayor pro tem Jenkins made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 8:05 p.m.*



Connie S. McIntyre, City Clerk



Memo to Council

TO: Chris Story, City Manager

FROM: Kathy Hill, Community Services Coordinator

SUBJECT: Citizens Advisory Council Update

DATE: April 4, 2019

The Citizens Advisory Council (CAC) would like to provide an update to City Council on its activities and initiatives in 2018. The CAC consist of representatives from over 20 neighborhoods in our City.

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. For a first offense, the offender shall receive a written warning. For a second offense, the penalty shall be a \$250 fine. For a third offense, the penalty shall be a \$500 fine. A second or subsequent conviction shall be sufficient grounds for a thirty (30) day suspension of the offender's City of Spartanburg business license. A third or subsequent conviction shall be sufficient grounds for a revocation of the offender's City of Spartanburg business license pursuant to Section 9-15 of the City Code.

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 CITY COUNCIL ACTION

TO: Mayor and Members of City Council

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

SUBJECT: Ordinance Amending the Code of the City of Spartanburg 1988, Chapter 2, Article V, Section 2, Division 1. Generally to Add Sections 2-151-153

DATE: April 4, 2019

BACKGROUND: City staff was approached by several councilmembers expressing a desire to have the Mayor possess the authority to appoint members of council to subcommittees.

ACTION REQUESTED: Council is being asked to provide first reading approval of the proposed Ordinance to Amend the Code of the City of Spartanburg 1988, Chapter 2, Article V, Section 2, Division 1. Generally to Add Sections 2-151-153.

BUDGET AND FINANCIAL DATA: n/a

ORDINANCE

**TO AMEND THE CODE OF THE CITY OF
SPARTANBURG 1988, CHAPTER 2, ARTICLE V,
SECTION 2, DIVISION 1. GENERALLY TO ADD SECTION
2 – 151 - 153**

WHEREAS, the current provisions of the Spartanburg Ordinances do not provide for service of councilmembers on subcommittees, appointment; chairpersons, or subcommittee action; and

WHEREAS, City Council desires to provide a new process service of councilmembers on subcommittees, appointment; chairpersons, or subcommittee action;

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

Section 1.

Chapter 2, Article V. Section 2-151-153 shall be amended to include the following language:

Section 2-151: Service of councilmembers on subcommittees.

The councilmembers shall serve upon such subcommittees as may from time to time be established by city council members at a formal council meeting. For the purposes of this Article a subcommittee is a group of three councilmembers appointed to take subcommittee action on matters assigned to the subcommittee.

Section 2-152: Appointment; chairpersons.

The mayor shall appoint all subcommittees, unless otherwise provided for. The mayor shall also appoint a councilmember to chair each subcommittee.

Section 2-153: Subcommittee action.

A majority of any subcommittee shall be sufficient to act upon any matter assigned to the subcommittee. The subcommittee may discuss items on its agenda and thereupon take action by majority vote. Upon a majority vote, the subcommittee shall report on the matter to city council for action by the city council at a formal city council meeting; the subcommittee may defer action pending further review or it may disapprove any action being taken on the matter.

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



Memorandum

TO: Chris Story, City Manager
FROM: Connie McIntyre, City Clerk/Clerk to Mayor and Council
SUBJECT: Annual Declaration of Vacancies on City of Spartanburg Boards and Commissions
DATE: April 4, 2019

City Council annually reviews vacancies on City of Spartanburg Boards and Commissions. Vacancies are declared in April, unless circumstances dictate otherwise, with the goal of Council having all the appointments/reappointments made by the second meeting in June. This procedure meets the requirements of the resolution Council approved regarding June 30 term expirations dated June 9, 2003.

Applications for vacancies will be accepted through June 17, 2019. In the event of multiple applications for the number of vacancies on a particular board, a committee of councilmembers is appointed to conduct interviews of the applicants. The committee will bring forward their recommendation/s for full Council approval.

The application and the vacancies on each Board or Commission will be posted on the City's website. The information is also available upon request to the City Clerk.

A current list of vacancies is attached.



Boards and Commissions 2019 - 20 Summary of Vacancies

Accommodations Tax Advisory Committee

4 vacancies – 2 eligible for reappointment

Alcohol and Drug Abuse Commission

4 vacancies – all eligible for reappointment

Board of Architectural Design and Historic Review (HARB)

2 vacancies – 1 eligible for reappointment

Construction Board of Adjustments and Appeals

1 vacancy

Design Review Board

1 vacancy

Hospitality Tax Committee

2 vacancies - both eligible for reappointment

Housing Board of Adjustment and Appeals

3 vacancies - 1 eligible for reappointment

Planning Commission

2 vacancies - 2 eligible for reappointment

Public Safety Committee

2 vacancies - 1 eligible for reappointment

Spartanburg Memorial Auditorium Commission

2 vacancies

Zoning Board of Adjustments and Appeals

2 vacancies - both eligible for reappointment