



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, May 13, 2019
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the April 22, 2019 City Council Meeting**
- IV. **Approval of the Agenda of the May 13, 2019 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Presentation of Proclamation for Memorial Poppy Day**
Presenter: Mayor Junie White
- VII. **Duke Energy Neighborhood Energy Saver Program Presentation**
Presenter: Sue Dinnsen, Program Manager
- VIII. **Public Hearings**
 - A. **Resolution in Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Refunding Bonds (Wofford College Project), Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as Amended in the Aggregate Principal Amount of Not Exceeding \$25,000,000**
Presenter: Chris Story, City Manager
 - B. **Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending a Preliminary Site Plan Section 206, Changes to District Boundaries, Specifically Parcel #6-21-02-115.00 Located on '0' W.O. Ezell Boulevard that is Zoned R-6, PDD, with a Land Use Designation of General (Multifamily Residential District) Planned Development District to Amend Original Site Plan to Permit the Development of a Senior Living Facility, and Providing for Severability and an Effective Date (First Reading)**
Presenter: Natalia Rosario, Planner III

IX. Ordinance

- A. To Amend the Code of the City of Spartanburg 1988, Chapter 12, Article II Section 12-28(a) “Weeds, Brush and Debris” by Changing the Height of Weeds, Brush and Debris to Ten (10) Inches or More Under “Removal Required”; to Amend Chapter 12, Article 11 Section 12-32 and 12-33 to Remove “Summons” Language and Remove Paragraph “C” in its Entirety (First Reading)
Presenter: Bob Coler, City Attorney**

X. Consent Agenda

- A. Authorizing the City Manager to Execute an Agreement for the Transfer of 328 Caulder Avenue – Block Map Sheet 7-16-07, Parcel 157.00; 330 Caulder Avenue – Block Map Sheet 7-16-07; Parcel 158.00; and 334 Caulder Avenue – Block Map Sheet 7-16-07, Parcel 159.00 (Second Reading)
Presenter: Martin Livingston, Neighborhood Services Director**

XI. Other Business

- A. FY2019-2020 Budget Review and Discussion of City Fire Department Funding
Presenter: Chris Story, City Manager**

XII. City Council Updates

XIII. Executive Sessions

- A. 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. Council Tour of the City Fire Department

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, April 22, 2019
5:30 p.m.**

**(These minutes are subject to approval
at the May 13, 2019 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor pro tem Alan Jenkins, Councilmembers Erica Brown, Jerome Rice, Ruth Littlejohn and Jamie Fulmer. Mayor White was out of town and Councilmember Sterling Anderson was out sick. 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 April 8, 2019 City Council Meeting –**
*Councilmember Rice made a motion to approve the minutes as received.
Councilmember Littlejohn seconded the motion, which carried unanimously 5 to 0.*
- IV. Approval of the Agenda of the April 22, 2019 City Council Meeting -**
*Councilmember Brown made a motion to approve the agenda as received.
Councilmember Littlejohn seconded the motion, which carried unanimously 5 to 0.*
- V. Public Comment - None**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Retiring Animal Services Officer Mike Johnson**
Presenter: Mayor pro tem Alan Jenkins
Mayor pro tem Jenkins presented Mr. Johnson with a retirement plaque and thanked him for his many years of dedicated service to the City of Spartanburg.
- VII. Special Events Department Update**
Presenter: Mandy Merck, Special Events Manager
*Ms. Merck updated Council on upcoming special events for the City of Spartanburg.
Council received the report as information.*

VIII. Ordinance

A. Authorizing the City Manager to Execute an Agreement for the Transfer of 328 Caulder Avenue – Block Map Sheet 7-16-07, Parcel 157.00; 330 Caulder Avenue – Block Map Sheet 7-16-07; Parcel 158.00; and 334 Caulder Avenue – Block Map Sheet 7-16-07, Parcel 159.00 (First Reading)

Mr. Livingston presented the item to Council as follows:

“Staff is requesting approval for the City Manager to enter into a development agreement for the transfer and development 328, 330, and 334 Caulder Avenue (TMS: 7-16-07: Parcels 157.00, 158.00 and 159.00) located in the South Converse neighborhood. GA Management, LLC an upstate minority owned development team of contractors and real estate developers will build two affordable and workforce housing home on the three properties.

The City will provide closing cost assistance to the affordable buyers at 80% of Area Median Income (AMI) of less. Sales price of the affordable unit will be near \$120,000 or less. Sales prices of the Workforce Housing unit will be at approximately \$160,000. The purpose of this development is to convert useable City property into long term tax producing properties and to meet City’s housing objectives.

ACTION REQUESTED: Staff is requesting approval for the City Manager to enter into a development agreement with GA Management, LLC.”

Councilmember Rice made a motion to approve the ordinance on first reading. Councilmember Littlejohn seconded the motion, which carried unanimously 5 to 0.

IX. Other Business

A. Saxon Avenue Culvert Improvement Project
Presenter: Jay Squires, Streets and Storm Water Manager

Mr. Squires presented the item to Council as follows:

“Staff received bids for the installation of approximately 50 feet of 24 inch drainage pipe from under Saxon Avenue. The project would be near # 530 Saxon Avenue.

The following bids were received:

HRH Services, LLC.	Spartanburg, S.C.	\$ 64,080
Martin and Son Contracting, Inc.	Spartanburg, S.C.	\$ 93,900

Staff has reviewed the bids and the qualifications for each of these contractors. Based on that review, staff has determined that, HRH Services, LLC. is the responsive low bidder. No bids were submitted from MWBE certified contractors. It is anticipated that it will take 20 days (depending on weather) to complete this project. Staff will give neighborhood residents advance notice using door hangers and mailers. A portion of Saxon Avenue will be closed during construction for

safety reasons. A detour route will be in place for convenience while the segment of road is closed.

ACTION REQUESTED: Allow staff to accept the bids and authorize the City Manager to enter into a contract with HRH Services, LLC. for the completion of the project.

BUDGET AND FINANCE DATA:

\$64,080 to be paid from the Storm Water Construction Account.”

Councilmember Brown made a motion to approve the award of bid as presented. Councilmember Fulmer seconded the motion, which carried unanimously 5 to 0.

X. Consent Agenda

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 through Section 2-153

(Second Reading)

Presenter: Bob Coler, City Attorney

Councilmember Rice made a motion to approve the consent agenda on second reading. Councilmember Brown seconded the motion, which carried unanimously 5 to 0.

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

XII. Executive Sessions - Councilmember Rice made a motion to adjourn to Executive Session. Councilmember Littlejohn seconded the motion, which carried unanimously 5 to 0. Council adjourned to Executive Session at 6:29 p.m.

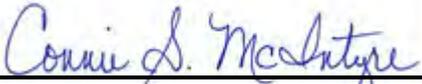
A. Executive Session Pursuant to Section 30-40-70 (a) (2) of the South Carolina Code to Receive Legal Advice Related to Acquisition of Property

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.

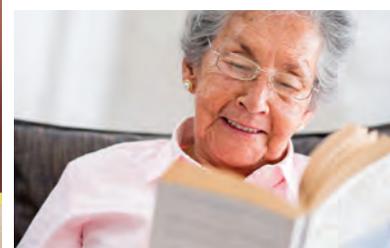
Council reconvened at 7:00 p.m. Mayor White stated that discussion was held with no decisions made.

XIII. Adjournment - Councilmember Rice made a motion to adjourn the meeting.
Councilmember Littlejohn seconded the motion, which carried unanimously 6 to 0.
The meeting adjourned at 7:03 p.m.



— **Connie S. McIntyre, City Clerk**

Neighborhood Energy Saver



You may qualify to have **FREE** energy-saving products installed in your home at no cost. (See if you qualify on back!)

The Duke Energy Neighborhood Energy Saver Program helps qualifying customers in designated neighborhoods lower their energy bills. We install up to 16 free products at no cost that can save you up to \$95* annually on your energy bills.

The free products include:



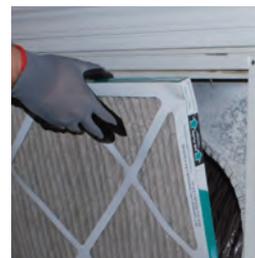
Energy-efficient light bulbs



Energy-saving showerheads and aerators



Caulking, weather stripping and door sweeps



AC/heating system filters



Water heater wraps and more



*Actual energy savings may differ from those estimated due to variations in individual energy use habits, home characteristics and measures installed.

Neighborhood Energy Saver

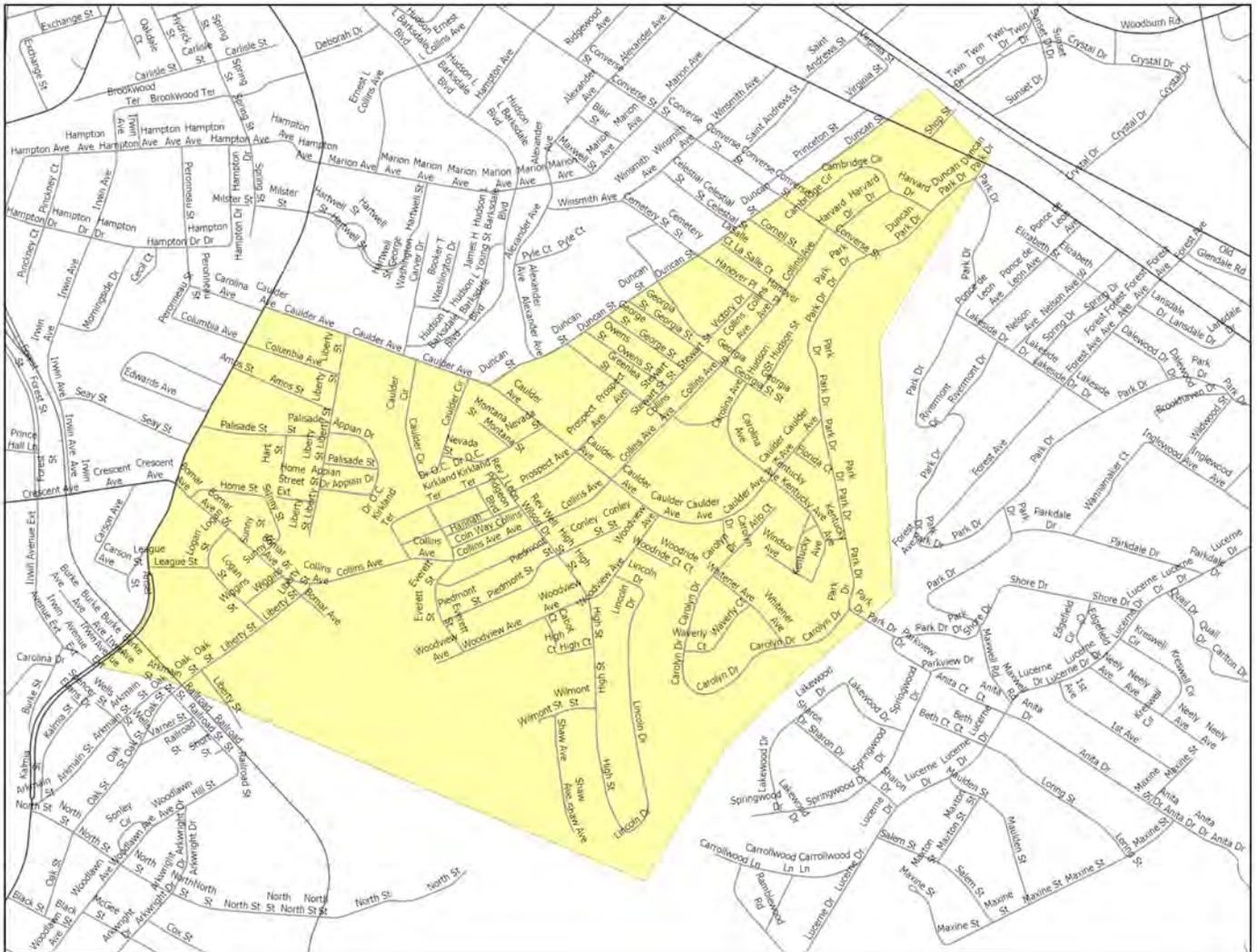
Do you live in this neighborhood?

Then you qualify! You are invited to an upcoming community meeting to introduce the **Neighborhood Energy Saver Program**. See a demonstration of the energy-saving products and enjoy a free dinner and complimentary child care.

Call 855.231.5273 today to reserve your space.

Thursday, June 13
6:00–7:30 p.m.

Carver Middle School Cafeteria
467 S Church St,
Spartanburg, SC 29306



DUKE-ENERGY.COM/NES



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Chris, City Manager

SUBJECT: Resolution of Support – SCJEDA Bond Financing (Wofford College)

DATE: May 9, 2019

BACKGROUND:

Wofford College intends to utilize bond financing through the South Carolina Jobs-Economic Development Authority (SCJEDA) for the financing of various capital projects. In order to facilitate this financing, City Council is being asked to conduct a public hearing on this matter and then consider a Resolution in support of the bond issue. The City Attorney and bond counsel for the City have reviewed the Resolution and determined that the City will have no obligation for repayment of these bonds.

ACTION REQUESTED:

Staff is requesting that City Council conduct a public hearing and then approve the Resolution in support of the bond issue.

BUDGET & FINANCIAL DATA:

No financial obligation for the City.

RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE REFUNDING BONDS (WOFFORD COLLEGE PROJECT), PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$25,000,000.

WHEREAS, the South Carolina Jobs-Economic Development Authority (the “*Issuer*”) is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the “*Act*”), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina (the “*State*”); and

WHEREAS, the Issuer is further authorized by Section 41-43-110 of the Act to issue revenue bonds, payable by the Issuer solely from a revenue producing source and secured by a pledge of said revenues, to defray the cost of a business enterprise as defined in the Act; and

WHEREAS, the Issuer and Wofford College, a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the “*Borrower*”), entered into an Inducement Agreement dated March 20, 2019 (the “*Inducement Agreement*”), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Issuer pursuant to the Inducement Agreement, the Issuer proposes, subject to such approval of the State Fiscal Accountability Authority and the City Council of the City of Spartanburg as may be required by law, to issue not exceeding \$25,000,000 principal amount of its Economic Development Revenue Bonds (Wofford College Project) (the “*Bonds*”), under and pursuant to Section 41-43-110 of the Act by way of a loan to (a) defray the cost of (i) constructing, equipping and furnishing an approximately 50,000 square foot residence hall; (ii) renovating, equipping and furnishing an approximately 60,000 square foot residence hall; (iii) constructing, equipping and furnishing an approximately 16,000 square foot science building; and (iv) renovating, equipping and furnishing an approximately 30,000 square foot library (collectively, the “*Building Project*”); (b) defray the cost of constructing, equipping and furnishing outdoor athletic facilities (the “*Athletics Project*,” and together with the Building Project, the “*Project*”); (c) fund capitalized interest; and (d) pay certain costs of issuance of the Bonds (collectively, the “*Undertaking*”); and

WHEREAS, the facilities constituting the Building Project are or will be located on the campus of the College at 429 North Church Street, Spartanburg, South Carolina, bounded by or adjacent to North Church Street/Highway 221, East Pearl Street, North Pine Street/Highway 176 and Memorial Drive (the “*Campus*”). The Athletics Project will be located either on the Campus of the College or at 250 Fairgrounds Road, Spartanburg, South Carolina. The College owns, operates and otherwise controls the Building Project and will operate the Athletics Project. If the Athletics Project is located off Campus, the College expects that the amount of the Bonds used for the portion of the Athletics Project to be located off Campus will not exceed \$2,500,000; and

WHEREAS, all facilities financed or refinanced with the proceeds of the Bonds will be owned and operated by the Borrower, all of which provide or will continue to provide services, employment, recreation, or other public benefits not otherwise provided locally; and

WHEREAS, the Borrower is projecting that the assistance of the Issuer by the issuance of the Bonds will result in the creation or maintenance of employment for those engaged in construction of the facilities, by maintaining existing employment for approximately 485 people and by providing additional employment for approximately 4 people from the County and surrounding areas when the Project is placed in full operation, with a resulting alleviation of unemployment and a substantial increase in payrolls and other public benefits incident to the conduct of such businesses not otherwise provided locally, and the number of jobs resulting from the assistance authorized herein bears a reasonable relationship to the principal amount of the Bond;

WHEREAS, the City Council (the "**City Council**") of the City of Spartanburg (the "**City**") and the Issuer have on this date jointly held a public hearing, duly noticed by publication on March 22, 2019, in the *Spartanburg Herald-Journal*, a newspaper having general circulation in the City, which was not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City, as follows:

SECTION 1. It is hereby found, determined and declared that the Project is anticipated to benefit the general public welfare of the City by providing or continuing to provide services, employment, recreation, or other public benefits not otherwise provided locally.

SECTION 2. The Project will not give rise to any pecuniary liability of the City or a charge against its general credit or taxing power.

SECTION 3. The amount of bonds required for the Project is set forth above.

SECTION 4. Based on information provided by the Borrower, the documents to be delivered by the Borrower and the Issuer with respect to the Bonds will provide among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Project (and, if any such reserve funds are to be established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Project and carry all proper insurance with respect thereto.

SECTION 5. The City Council supports the Issuer in its determination to issue the Bonds to defray the costs related to the Project.

SECTION 6. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 13th day of May, 2019.

**CITY OF SPARTANBURG,
SOUTH CAROLINA**

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk



REQUEST FOR COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Natalia Rosario, Planning Staff

SUBJECT: The Planning Department has received a request to consider amending a planned development district plan by amending one property, Specifically Parcel #6-21-02-115.00 located on '0' W. O. Ezell Boulevard that is zoned R-6: General (Multifamily Residential District) Planned Development District. The proposal is to amend the original site plan to permit the development of a senior living facility. Danny Balon, Seamon Whiteside Engineering on behalf of Rimrock Development Properties, Developer. Marclar Investments, Inc., Owner.

DATE: May 9, 2019

SUMMARY: On Thursday, April 18th, 2019, The Planning Commission held a public hearing and reviewed a request submitted by Danny Balon, of Seamon Whiteside Engineering – Spartanburg on behalf of Rimrock Properties proposed Buyer/Developer of parcel #6-21-02-115.00, which is located at the intersection of Barritt Avenue and Sierra Hills Drive, immediately behind Texas Road House along W.O. Ezell Blvd. The property is currently zoned R-6 PDD: General Residential Planned Development District although there it has no existing, valid, recorded site plan attached. According to the PDD regulations, a property with this zoning overlay can only be developed per a recorded site plan after it has been reviewed by Planning Commission and City Council.

On Thursday, April 18th, of 2019, the Planning Commission held a public hearing and reviewed this proposed preliminary site plant and voted to recommend the request favorably to City Council. The request is to build a senior living (residential) and assisted senior living development with 64 rooms, with up to 72 units maximum (within 1 structure). The property is approximately 6.05 acres, with 1.1 or more acres dedicated to open space amenities for residents. The number of units planned is well below the 105 total unit count permitted for a parcel of this size in the R-6 PDD Zoning Category.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on April 18th, 2019 by a vote of 5 to 0. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the April 18th, 2019 Planning Commission Meetings and Staff Reports with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves Annexation and Zoning Designation.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING A PRELIMINARY SITE PLAN SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY PARCEL #6-21-02-115.00 LOCATED ON '0' W. O. EZELL BOULEVARD THAT IS ZONED R-6, PDD, WITH A LAND USE DESIGNATION OF GENERAL (MULTIFAMILY RESIDENTIAL DISTRICT) PLANNED DEVELOPMENT DISTRICT TO AMEND ORIGINAL SITE PLAN TO PERMIT THE DEVELOPMENT OF A SENIOR LIVING FACILITY, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the site plan be amended for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by amending the site plan of Lot 115.00 as shown on Spartanburg County Block Map Sheet 6-21-02, to permit the development of a senior living facility; and

WHEREAS, this site plan change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on April 18, 2019, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the site plan be amended as recommended by City Staff.

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

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

- The Site Plan currently identified as 010.00 as shown on Spartanburg County Block Map Sheet 6-21-0215, that is already designated as R-6 PDD, General Residential Multifamily Planned Development District be amended to allow for the development of a senior living facility.

(continued)

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2019.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Larry Flynn, Interim City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

***Spartanburg City Planning Commission Meeting Minutes
Thursday, April 18, 2019***

***City Hall Council Chambers
Spartanburg, South Carolina***

The City Planning Commission met in City Hall Council Chambers on Thursday, April 18, 2019 at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Bob Pitts, Dr. Phillip Stone, Reed Cunningham and William “Luke” Quillen. Howard Kinard and Mike Epps were absent. Representing the Planning Department were Natalia Rosario, Planner III. Rachel Grothe, Associate Planner, and Julie Roland, Administrative Assistant.

Roll Call

Mr. Wilson, the Chair, stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Mr. Wilson noted that five Planning Commissioners were present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

Dr. Stone moved approval of the Agenda for tonight’s meeting; and he was seconded by Mr. Cunningham. The motion was approved by a vote of 5 to 0.

Disposition of the Minutes from the February 21, 2019 Meeting.

Dr. Stone moved approval of the minutes from the February 21, 2019 Meeting; and he was seconded by Mr. Cunningham. The motion was unanimously approved by a vote of 5 to 0.

Old Business – None.

New Business

1. Preliminary Plat: The Planning Department has received a request to consider amending a planned development district plan by amending one property, Specifically Parcel #6-21-02-115.00 located on ‘0’ W. O. Ezell Boulevard that is zoned R-6, General (Multifamily Residential District Planned Development District). The proposal is to amend the original site plan to permit the development of a senior living facility. Danny Balon, Seamon Whiteside Engineering on behalf of Rimrock Development Properties, Developer. Marclar Investments, Inc., Owner.

Ms. Rosario, Planner III came forward and was sworn; and she submitted the meeting packets the Board Members had received via email, tonight’s presentation and slides into evidence as Exhibit A. Ms. Rosario said the proposal was to consider amending the Planned Development District Overlay zone (not a rezoning), but to amend the plan for that zone. The parcel was located at ‘0’ W. O. Ezell Boulevard, TMS#6-21-02-115.00; and it sat at the intersection of Barritt Avenue and Sierra Hills Drive. She explained the parcel had been vacant and it was originally part of the Arboretum Large Tract Development which was in the early 2000’s; and for the most part that development had not been developed; and she said the only thing that was there was the Texas Road House and the existing retention pond that had previously been planned for a residential neighborhood on this parcel as well. Ms. Rosario explained the proposal was to amend the site plan to permit the development of a senior assisted living facility which met the R-6 Planned Development District permitted uses in terms of a multifamily, attached or detached for this zone and overlay.

Chris Watson of Seamon Whiteside and Associates came forward and he was sworn; and he introduced Ms. Carrie Bailey, with Rimrock Development as well. Mr. Watson explained regarding the proposal they were trying to work with the existing corridor to make sure all the required buffers and access were dealt with; and he said there was currently a shared detention for the property. They just received the survey today to confirm how much capacity it had. Mr. Watson said the property was within the required setbacks and buffers. They were trying to be respectful of the adjacent properties, but also fit within the corridor that was there. He referenced a slide and said there would be a garden and open spaces that would be complimentary to the development, as well as additional buffers against the residential next door.

Planning Commission Questions:

- Mr. Cunningham referenced a slide; and he asked Mr. Watson was the retention pond to the right.
- Mr. Watson said that was correct; and he explained it encompassed four to five parcels, and the road was created for the original development and the detention pond had been built which was over a decade ago. They were investigating now if there had been any additional erosion to confirm it met the capacity requirements it was designed for.
- Mr. Cunningham asked if necessary, they might have to re-excavate the pond.
- Mr. Watson said that was correct.
- Dr. Stone asked if it was a detention pond.
- Mr. Watson said it was.
- Mr. Wilson asked if this were to proceed to fruition, if the proposed development would actually include ownership and maintenance of the pond.
- Mr. Watson said correct, as well as access to it.
- Mr. Pitts asked Mr. Watson if he saw any future growth to the structure in twenty years.
- Ms. Carrie Bailey, Rimrock Development said it was hard to say; but that the proposed size they had found was their best size in terms of management, and there were no plans to expand it.
- Mr. Cunningham asked Mr. Watson if they owned more property than was shown.
- Mr. Watson said correct; and he explained the adjacent property, that the detention area was actually on the property and there was a shared agreement between all the parties.
- Dr. Stone asked if that meant there would be shared responsibility for the detention pond.
- Mr. Watson said that was correct.
- Dr. Stone asked about the number of occupants.
- Ms. Bailey said sixty-four units, with seventy-two occupants maximum.
- Mr. Quillen asked Ms. Bailey to define unit.
- Ms. Bailey said sixty-four referred to a living unit – so a bedroom/living area; and there would be several units that would be designed for dual occupancy.

Ms. Rosario came forward again and said the Planning Commission had been asked to review the site plan in order to replace the original, non-implemented plan for the referenced property for the proposed development which would be located on the property which was approximately 6.05 acres. She explained it would be a Senior Assisted Living facility and they were over their requirements in terms of green space. She said this site plan was showing one multi-family structure which was permitted within the R-6 PDD/General Residential Planned Development District. Ms. Rosario said the 2004 Comprehensive Plan advised this area be zoned as a general activity area and generally low density zones in order to provide a buffer for the residential and recreational areas to the south from the heavier commercial development and a failure to accomplish the original residential development on this property. The applicants wished to develop a one structure and adjacent parking lot that would consist of 64 units (72 beds total) with pedestrian connection and open space amenities provided. Open space amenities would be provided in whole, at 1.1 acres or more of open space (750 square feet required per unit), including the ownership and maintenance of the existing stormwater retention pond that served all of the parcels along W. O. Ezell Boulevard that were adjacent to this property. The number of units planned was well below the permitted number of units per the zoning and parcel size. Per the Planned Development District regulations, an R-6 PDD was permitted one unit per every 2,500 square feet, resulting in a maximum permitted unit count of 105 units. Placement of an entirely residential development on the lot would make use of a long vacant parcel and provide for a much-needed service in the Spartanburg Community.

Planning Commission Questions:

- Mr. Cunningham asked Ms. Rosario when the question was asked about the joint ownership of the retention pond, does that assume that the properties that were adjacent were in agreement, and were they maintaining it now.
- Ms. Rosario said she did not have an answer for what they were doing with it today, because they did not own it and she did not think there was anything in place for them to be required to maintain it; but she believed the plan was for the developer to approach them with some type of contract to form a maintenance agreement should they decide to continue to use that for stormwater.
- Mr. Cunningham said if the runoff coming from the Texas Road House was going there now, would they be part of the maintenance going forward.
- Ms. Rosario said yes. She also said as part of this plan, the pond had to be brought up to code; but as far as who does the maintaining between the private property owners was more of a civil issue; but that on the City side, the City would require some sort of maintenance agreement.
- Dr. Stone asked Ms. Rosario would the Planning Department enforce it.
- Ms. Rosario said yes, and she explained the site plan review process; and before this project would ever get to Council they would have all of that.
- Dr. Stone asked as a matter of procedure if this request would need to go to City Council.
- Ms. Rosario said yes it would. She said because there was no final approved plat for this particular property under the PDD category it was in; that it required a favorable recommendation from the Planning Commission and two readings of Council to be adopted. She said within six months of that adoption, the final plan must come back to the Planning Commission for final approval.
- Mr. Cunningham asked would there be sufficient access for fire and emergency type vehicles.
- Ms. Rosario said that was part of the site plan as well; and specifically what that meant was that the largest fire/ladder truck the City had would need to be able to successfully navigate the site from any side in case of a fire.
- Mr. Wilson asked was there any inquiry from the resident adjacent to the west of the property.
- Ms. Rosario said she had not received any written comments; and the only comment they had was from a property owner who lived outside of the 400' radius had asked for a copy of the letter and the Planning Department had sent that person a letter. She said there was a representative here from the Girl Scouts who wished to speak.
- Mr. Cunningham asked were signs posted.
- Ms. Rosario said they were; and that letters were sent out to all owners within a 400' radius of the property, and certified letters were sent to all the adjacent owners.
- Mr. Quillen asked about the zoning of the residential property next to the site.
- Ms. Rosario referenced one of the slides and she pointed out the R-15 Single Family Homes, and the B-1 and Neighborhood Commercial along W. O. Ezell Boulevard; and then the Girl Scouts property was GID.

Mr. Wilson opened the public hearing and asked if anyone wished to speak regarding the request to please step forward and state their names and addresses for the record.

- Ms. Lyn Ard with Camp Mary Elizabeth Girl Scout Camp came forward and said they were based out of Greenville, SC at 5 Independence Point, Suite 120, Greenville, SC. She said it was their property they were concerned about; and explained one main concern was with the environment impact it would have on their property. She said the other main concern with the proposed development, was if that was approved, then they felt other things would follow and what would that impact be on the Girl Scouts property. She said the camp had been there since 1948; and they wanted to make sure all the

barriers regarding the proposed development would be in place in order that nothing would be impacted on their property such as the wetlands, etc. Ms. Ard said they wanted to be a good neighbor, but want to make sure that nothing will be impacted on their property.

- Mr. Cunningham asked Ms. Ard where the proposed development bordered the Girl Scout property.
- Ms. Ard pointed out on a slide and explained.
- Mr. Cunningham asked Ms. Ard if her concern was also for properties other than the one in question.
- Ms. Ard said they were concerned with the proposed request; as well as what else this might open the door to that would impact them as well. She said a lot of times when one thing changed, then a lot of other things changed.
- Mr. Wilson, the Chair, said what was being requested tonight was not a change, and that the zoning was not changing, and the use was already allowed. He said what the petitioner was bringing tonight was to get the use that was already approved was to get a site plan approved within the use that they already had the rights to. It was not a change in zoning or allowed uses for the property.
- Ms. Ard said they thought the zone was changing.
- Mr. Wilson explained that the change was in the site plan itself, because to go along with the zoning that was assigned to the property there had to be an approved site plan, which was absent to date. Mr. Wilson said regarding the impact from the development; if the petitioner received a favorable recommendation from the Planning Commission at tonight's meeting, the request would then need to go through two readings from Council, and if approved there it would then need to go through full site plan review with the City which was a more technical review that would involve among other things, as far as the stormwater was concerned, making sure the pond that was there was sufficient, or whether a new one would be required, etc.
- Dr. Stone explained there would also need to be certain buffering required regarding the PDD district.
- Ms. Rosario said the PDD requirements were stronger than regular requirements, and that was one reason this process was a little bit lengthier than a normal site plan review. She said if it was not under the PDD overlay, they would not have had to bring it to the Planning Commission for a hearing, that it would just be an internal site review. Ms. Rosario said this worked to the adjacent neighbor's favor in that they would be held to higher standards.

Mr. Wilson asked if anyone else wished to speak regarding the request. No one else came forward. Mr. Wilson closed the public hearing.

Planning Commission Comments/Deliberation:

Mr. Wilson felt from the proposed development and the services they would provide, it would certainly meet a need that was not there currently and at a level that was very much needed.

Dr. Stone agreed with Mr. Wilson and had confidence that stormwater runoff, buffering, etc. would be addressed under the full site plan review process. He felt it would bring use to an unusable property and tax money.

Dr. Stone moved approval of the request as submitted; and he was seconded by Mr. Quillen. The motion was unanimously approved by a vote of 5 to 0.

Ms. Rosario said for the record, this would now go before the Mayor and City Council for another Public Hearing and First Reading of Ordinance on Monday, May 13, 2019; and if approved for a Second/Final Reading on Tuesday, May 28, 2019.

Site and Landscape Plans Approved (information purposes only) since the February 21, 2019 Meeting.

None.

City Council Updates (FYI) Since Last Mtg. of Planning Commission on February 21, 2019 Meeting.

None.

Staff Announcements

Ms. Roland said the Planning Department was very pleased to have Rachel Grothe, Associate Planner with the department.

Ms. Roland said there were two Planning Commissioners whose first terms would be eligible for reappointment by the Mayor and City Council as of June 30, 2019.

Ms. Rosario explained to the Planning Commissioners the City would be moving into the Highland Area Master Planning Phase and at some point coming up, she would need at least one or two Planning Commissioners to serve on the Steering Committee, which would include funding partners, one or both of the City Managers, and other members of the Highland Working Group, which were outside organizational partners. She said one could expect a time commitment of eighteen months, a meeting every other month, and a conference call every other month with perhaps about an hour meeting time. She did not need an answer tonight, but she said she would follow up with an email to see which one or two would like to participate.

Dr. Stone asked what the deadline on that was.

Ms. Rosario said there was not a deadline but they were meeting with the Master Planning Firm that Highland chose on May 10, 2019 for the first steering meeting; so she guessed there was a bit of a timeline.

Mr. Cantrell asked about the area.

Ms. Rosario explained.

Ms. Rosario said the Planning Department was currently working on about ten site plans that would come in the future to show the Planning Commission after approval.

Dr. Stone asked if there was any news on Comprehensive Planning.

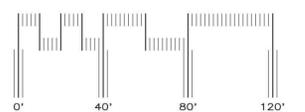
Ms. Rosario explained.

The meeting adjourned at 5:55 P.M.

Respectfully Submitted

Jared Wilson, Chair

Minutes by Julie Roland, Administrative Assistant



NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.

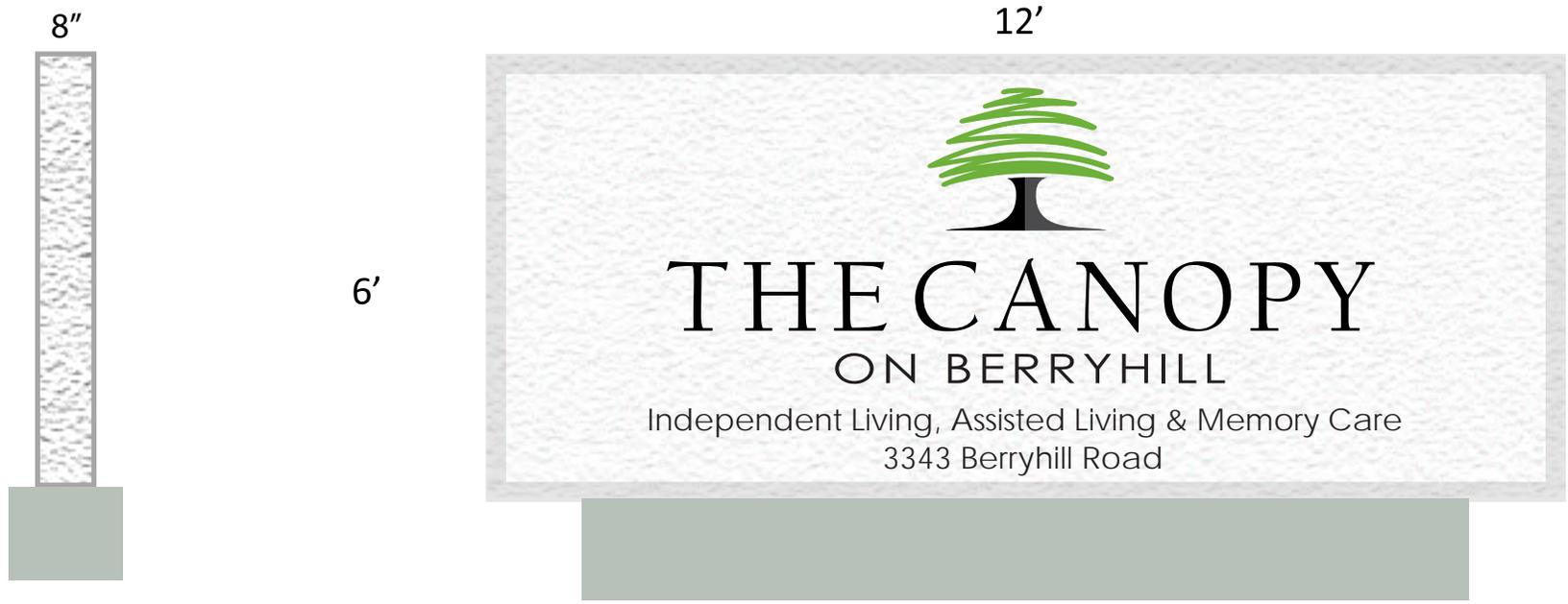


THE CANOPY AT SIERRA HILLS

RIMROCK COMPANIES
CITY OF SPARTANBURG, SC
04.11.2019







Colors:
 Face A= SW7005 Pure White
 Base B=SW7045 Intellectual Gray

<p>SIGNWORKS Signs Printing Knowledge Pensacola Tallahassee</p>	<p>Model # 7 Size 6' x 12'x 8" Date: 01/14/2019</p>	<p>Notes: Design 7 is a basic business monument design in the 6x12 category with sign faces on both sides Cost \$9599.00; 4x6 Cost \$6299.00</p>	<p>Copyright Notice © This drawing and all reproductions thereof are the property of Sign-Works and may not be reproduced, published, changed or used in any way without written consent. Thank You</p>
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REQUEST FOR CITY COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Robert P. Coler, City Attorney

SUBJECT: Ordinance Amending Chapter 12, Article 2, Sections 28, 32 and 33

DATE: May 9, 2019

BACKGROUND: City staff (“Staff”) was asked to review the City Code (“Code”) with regard to addressing private lots in the City with unsightly and overgrown weeds, brush and undergrowth. City Attorney met with Code Enforcement to review the Code. Staff has concluded that, for the most part, the ordinances already in place are sufficient to address the issue, with the exception that Staff is recommending Council declare any weeds, brush or undergrowth over a height of twelve (12) inches a nuisance. Currently, the Code declares any growth over eighteen (18) inches a nuisance. Staff has also reworked the notice of violation letter and recalculated the costs of removal of overgrowth to be passed on to the property owner. A copy of the notice of violation letter will be in Council’s packet.

ACTION REQUESTED: Council is being asked to provide first reading approval of the proposed Ordinance to amend Chapter 12, Article 2, Section 28 to change height from eighteen (18) inches to twelve (12) inches or more in regards to any weeds, brush, undergrowth or debris on any real property located within the City. Also to amend Section 32 and 33 to remove language regarding summons.

BUDGET AND FINANCIAL DATA:

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 12, ARTICLE II SECTION 12-28(a) "WEEDS, BRUSH AND DEBRIS" BY CHANGING THE HEIGHT OF WEEDS, BRUSH AND DEBRIS TO TWELVE (12) INCHES OR MORE UNDER "REMOVAL REQUIRED"; TO AMEND CHAPTER 12, ARTICLE 11 SECTION 12-32 AND 12-33 TO REMOVE "SUMMONS" LANGUAGE AND REMOVE PARAGRAPH "C" IN ITS ENTIRETY.

WHEREAS, the occurrence of private lots and yards with unsightly and overgrown weeds, brush and undergrowth continues to be a problem citywide; and

WHEREAS, the current ordinance prohibiting growth of weeds, brush and undergrowth above eighteen (18) inches in height is insufficient to address the problem; and

WHEREAS, an amendment to the current ordinance prohibiting growth of weeds, brush, and undergrowth above twelve (12) inches is necessary; and

WHEREAS, City Council desires to provide a new height limit restriction for weeds, brush and undergrowth to be considered a nuisance and require removal of said nuisance.

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

1. Section 12-28, Removal required, of Chapter 12, Nuisances, of the Code of Ordinances of the City of Spartanburg is hereby amended as provided in the attached Exhibit, which is incorporated herein by reference.
2. It hereby declared to be the intention of the City Council that words, sentences, clauses, and phrases of Section 12-28, 12-32 and 12-33 of the code of Ordinances, as amended, are severable, and if any word, phrase, clause, or sentence of said section shall be declared unconstitutional or invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of any of the remaining words, phrases, clauses or sentences of said section.

3. This Ordinance shall become effective upon the second and final reading by City Council.

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

EXHIBIT

Sec. 12-28. Removal required.

The owner, agent, occupant, lessee, or person in charge of any property in the City shall, upon notification by the City manager or other designated officer of the City, remove from such property the following conditions which are declared to be a menace to the public health and a nuisance:

- (a) Any weeds, brush, undergrowth or debris on any real property located within the City that grows to a height of ~~Eighteen (18)~~Twelve (12) inches or more; or
- (b) Undergrowth or vines grown to such density as to constitute a haven for rats, snakes or other vermin; or
- (c) The conditions described in sections 12-2 and 12-3;
- (d) Any accumulation of trash, litter, debris, bottles, cans, bricks, concrete, scrap lumber or other building debris which is found on any real property.

Sec. 12-32. Notification to remove.

Whenever it is made to appear to the City manager or any other designated officer of the City that the conditions set forth in section 12-28 exist on any real property within the City and are a menace to public health, or a nuisance, the owner, agent, occupant, lessee, or person in charge of the property shall be provided one notice by regular mail within any 12 month period, at the last known address, setting forth the provisions of Section 12-27. ~~Included with that notice will be a summons to appear in court if the violations are not corrected within the time limits established.~~ Thereafter, whenever the property is not in compliance to Section 12-28, the Community Development Director or a designated code enforcement officer is authorized to issue a summons to the owner, agent, occupant, lessee, or person in charge of the property. No further notices will be provided prior to the issuance of a summons within the 12 month period.

Sec. 12-33. Failure to comply with notice; objection removal or abatement; prosecution and/or removal by City.

- A. If any person after receipt of the notice set forth in section 12-32 objects to the proposed removal or abatement set forth in the article, objection shall be presented in writing to the director of Community Development within five (5) days after the mailing of such notice. Once written notice of the decision of the director of Community Development is given, any person shall request a hearing before the Housing Board of Adjustments and Appeals. Failure to object and request a hearing shall be deemed to be a consent to the determination that the conditions of such property constitute a menace to public health or a nuisance.

B. Upon the failure or refusal of any persons so notified in section 12-32 to comply with the removal of weeds or removal of brush, undergrowth or debris from any real property, within fifteen (15) days from the date such notice was mailed ~~and summons issued~~, the City may in that event then:

- a. Seek the issuance of a municipal ordinance summons and prosecute same; and/or
- b. Seek the issuance of a municipal summons for multiple violations after the annual notice.
- c. Proceed to remove weeds, brush, undergrowth or other debris or take other such corrective action at the cost of the lot owner in accordance with section 12-34.

~~C. Whenever it is made to appear to the City Manager or any other designated officer of the City that the conditions set forth in section 12-28 exist on any real property within the City and are a menace to public health, or a nuisance, the owner, agent, occupant, lessee, or person in charge of the property shall be notified by mailing at the last known address, a notice setting forth the provisions of section 12-27.~~



MEMORANDUM

TO: City Council

FROM: Chris Story, City Manager

SUBJECT: Discussion of FY20 Operating Budget and Central Fire Station/Fire Department Headquarters

DATE: May 9, 2019

At your upcoming City Council meeting, staff will present information related to the operating budget for the upcoming fiscal year. Our timeline for budget consideration is as follows:

- May 13 – Briefing and discussion, no formal action
- May 28 – Public Hearing and First Reading
- June 10 – Second and Final Reading

Should we determine additional time is needed, we could move second reading to the Council meeting on June 24th and still comply with the mandated adoption deadline.

We will also present information relating to our Central Fire Station/Fire Department Headquarters.

We look forward to answering you questions you may have.