



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

**(These minutes were approved
at the May 28, 2019 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor White, Mayor pro tem Alan Jenkins, Councilmembers Erica Brown, Jerome Rice, Ruth Littlejohn, Sterling Anderson 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 April 22, 2019 City Council Meeting –**
*Councilmember Rice 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 May 13, 2019 City Council Meeting –**
*Mayor pro tem Jenkins made a motion to approve the agenda as received.
Councilmember Littlejohn 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 of Proclamation for Memorial Poppy Day**
Presenter: Mayor Junie White
Mayor White presented the proclamation to Mrs. Geneva Padgett, a member of American Legion Post 28 Women's Auxiliary.
- VII. Duke Energy Neighborhood Energy Saver Program Presentation**
Presenter: Sue Dinnsen, Program Manager
*Ms. Dinnsen presented information to Council regarding the qualifications to have free energy saving products installed in homes at no cost as it is stated in the Duke Energy Neighborhood Energy Saver Program.
Council received the report as information.*
- 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

Mr. Story presented the item to Council as follows:

“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. ”

Mayor White opened the public hearing asking if there was any one to speak in favor of or in opposition to the proposed resolution.

Hearing none, Mayor pro tem Jenkins made a motion to close the public hearing. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

Mayor pro tem Jenkins made a motion to approve the resolution as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

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

Ms. Rosario presented the item to Council as follows:

“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 plan 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."

Mayor White opened the public hearing asking if there was anyone present who wanted to speak in favor of or in opposition to the proposed rezoning.

Kim Hutsell, Chief Executive Officer of Girl Scouts of South Carolina Mountains to Midlands, 349 E. Blackstock Rd., Spartanburg, SC, spoke asking Council to respect and protect the Camp Mary Elizabeth property that is adjacent to the property on which the proposed project would be built.

Councilmember Anderson made a motion to close the public hearing.

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

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

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 Twelve (12) Inches or More Under "Removal Required"; to Amend Chapter 12, Article II Section 12-32 and 12-22 to Remove "Summons" Language and Remove Paragraph "C" in its Entirety (First Reading)**

Presenter: Bob Coler, City Attorney

Mr. Coler presented the item to Council as follows:

"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.” *Mayor White made a motion to approve the ordinance as presented on first reading. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

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

XI. Other Business

- A. FY2019-2020 Budget Review and Discussion of City Fire Department Funding**
Presenter: Chris Story, City Manager
Mr. Story presented information related to the operating budget for FY19-20 for Council discussion. After discussion, Council requested a budget workshop on May 28 preceding the regular Council meeting.
Council received the report as information.

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

XIII. Executive Sessions – Councilmember Littlejohn made a motion to adjourn to Executive Session. Mayor pro tem Jenkins seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 7:51.

- 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.

Council reconvened at 8:10 p.m. Mayor White stated that discussion was held with no decisions made.

XIV. Council Tour of the City Fire Department-*Council took a tour of the current Fire Department located at City Hall.*

XV. Adjournment – Council adjourned the meeting immediately following the Fire Department.



Connie S. McIntyre, City Clerk