



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, August 13, 2018
5:30 p.m.**

**(These minutes were approved
at the August 27, 2018 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Jerome Rice, Councilmembers Erica Brown, Sterling Anderson, Alan Jenkins, Max Hyde, and Ruth Littlejohn. City Manager Ed Memmott and Attorney Gary Pope 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 July 23, 2018 City Council Meeting –**
Mayor pro tem Rice made a motion to approve the minutes as received. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda of the August 13, 2018 City Council Meeting –**
Councilmember Littlejohn made a motion to approve the agenda as received. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Presentation of Proclamation Recognizing 2018 National Health Center Week**
Presenter: Mayor Junie White –
Mayor White presented the proclamation to Marlon Hunter, new CEO of ReGenesis.
- VII. Public Hearing**
 - A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel # 7-12-08-045.00; 046.00; 047.00; 048.00; 049.00; 050.00; 051.00; 061.00; 062.00; 063.00 and 064.00; Located on 169 Avant Street; 121 Garrett; 125 Garrett Street; 156 Oakwood Avenue; 154 Oakwood Avenue; 137 Avant Street; 155 Avant**

Street; 157 Avant Street; and 161 Avant Street; Which are Zoned R-8 or LOD, with a Land Use Designation of General Residential District or Limited Office District to Zone R-6 PDD, with a Land Use Designation of General Residential Planned Development District and Providing for Severability and an Effective Date (First Reading)

Presenter: Natalia Rosario, Planner III

Ms. Rosario presented the item to Council as follows:

“On June 21, 2018, the Planning Commission held a public meeting and reviewed a PDD Rezoning request submitted by Ray Billings, J. Hiltabiddle Construction, Agent & Developer, and Owner to rezone thirteen parcels located on Avant Street, Oakwood Avenue, & Garrett Street, Specifically Parcels #7-12-08-045.00; 046.00; 047.00; 048.00; 049.00; 050.00; 051.00; 059.00; 060.00; 061.00; 062.00; 063.00; and 064.00 located on 169.00 Avant Street; 121 Garrett Street; 125 Garrett Street; 156 Oakwood Avenue; 158 Oakwood Avenue; 154 Oakwood Avenue (2 different lots); 133 Avant Street; 135 Avant Street; 137 Avant Street (2 lots); 155 Avant Street; and 157 Avant Street; and 161 Avant Street, that are currently zoned R-8 (General Residential District) or LOD (Limited Office District) to zone R-6 PDD: General Residential Planned Development District in order to allow for the construction of a proposed townhome development. If the request is approved all of the properties will be combined into one parcel.

The 2004 Comprehensive Plan calls for this area to transition into institutional uses, which all fall under the category of GID: General Institutional District. The proposed zoning category of R-6: PDD is in line with how the development has trended in actuality, which has remained residential, with some mix of Limited Office District (LOD) zoned parcels, which are mostly still houses that were converted into offices. The use of the property for townhomes (for lease) will add much needed high quality residential housing stock on this corridor, near to Converse College and Downtown.

The Planning Commission held a public hearing on the proposal on July 19th, 2018. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the parcel from LOD/R-8 to R-6: Planned Development District.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on July 19th, 2018 by a vote of 5 to 0.

ADDITIONAL INFORMATION: Minutes from the July 18th, 2018 Planning Commission Meeting and Staff Report with attachments are included.”

Mayor White opened the public hearing asking if there was anyone to speak in favor of the proposed rezoning.

Mr. Mark Moss came forward to speak in favor of the rezoning.

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

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

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

VIII. Ordinance

A. Approving an Amendment to the Development Agreement Between the City of Spartanburg and Forge Capital Partners, LLC (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“In November, 2017 City Council authorized staff to enter into a Development Agreement with Forge Capital for the development of 200 market rate apartments on city owned property located near the Marriott Hotel and the Chapman Cultural Center. A Development Agreement (copy attached) between the city and Forge was entered into on December 13, 2017.

Since signing of the Development Agreement, Forge Capital has diligently pursued design and mortgage financing for the project. City staff has stayed in close communication with Forge. As problems or issues have come up, both parties have sought to equitably resolve. Forge is seeking FHA multi-family financing for the project. FHA guaranteed financing provides a very favorable fixed rate mortgage rate and a 40 year term. Many multi-family apartment project seek FHA financing for their projects. FHA financing has, however, a very rigorous underwriting process.

Last week Forge was advised that the any Fee-In-Lieu of Tax (FILOT) agreement in ordered to be considered in FHA’s underwriting must be in place for the full 40 year term of the mortgage. The initial FILOT agreed to between the city and Forge had a 40 year term. Throughout its negotiations with Forge, staff has sought a FILOT that was reasonable given the downtown apartment and one that would grow over time.

After lengthy discussions with Forge, staff has reached tentative agreement with Forge that would provide for a FILOT of \$25,000 for first six years of the project. The FILOT would increase to \$275,000 in year 7. For years, 8-40, the FILOT would be adjusted by the Consumer Price Index – Urban (CPI-U). Staff has done its analysis of the revision and believes it is actually more favorable to the city and other taxing entities than the initial agreed to FILOT.

Staff has also included provisions in the recommended Development Agreement Amendment that would allow the city to recover funds expended for geotechnical work on the site.

ACTION REQUESTED: Approval of an ordinance amendment to authorize staff to amend the Development Agreement for the Forge Capital project.

BUDGET AND FINANCIAL DATA:

No immediate financial impact. Amendment creates the possibility of increased revenues to the city and other taxing entities over the long term.”

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

B. Authorizing the City Manager to Assist in Accepting a Donation and Transfer Property Located at 110 Gibson Street, Block Map Number 7-16-05, Parcel 055.00 and Property Located at 122 Gibson Street, Block Map Number 7-16-05, Parcel 052.00 (First Reading)

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“The Trustees of the Colonial Trust Company have agreed to donate property located at 110 and 122 Gibson Street to the City of Spartanburg. Staff consulted with the Highland Neighborhood Association and it was determined that the City would accept the donations and transfer the properties to the Bethlehem Center and the Highland Community Development Corporation. The transfer of the property may occur directly from the property owners to the non-profit organizations. Staff will assist in facilitating the transfer. A title search will be required prior to transfer of the property.

ACTION REQUESTED: Approval of Ordinance to authorize the City manager to accept the donation of the property and transfer to the Highland Community Development Corporation and the Bethlehem Center.”

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

IX. Other Business

A. Update on “RiZe” Effort

Presenter: Mitch Kennedy, Community Services Director

Kim Moultrie, Parks and Recreation Superintendent, introduced several participants in the RiZe effort who spoke on the reasons each of them chose to let their voices be heard during the event.

Council expressed its pride in each participant, hearing them speak, and the leadership they showed in taking part in the event.

X. City Council Updates –

Councilmember Hyde shared he had discussions with constitutions concerning large truck traffic on Pine Street.

Councilmember Littlejohn shared that she attended the Play 60 Ribbon cutting on July 25. She expressed gratitude to Harold Mitchell and Laura Ringo for their efforts in helping to get that project finished. She shared that on August 23 from 6:00 – 7:30 p.m. there would be a Community Meeting at CC Woodson, and invited people to attend. She expressed that she was sorry that City Manager Ed Memmott was retiring and that Terril Bates was leaving the Spartanburg Housing Authority.

Councilmember Jenkins thanked City Manager Ed Memmott for the great work he has done for the City and said he would be missed. He mentioned that the new construction for Spartanburg High School was on schedule. He reminded everyone of the “Walk with Your Elected Officials” the following Saturday at 10:00 a.m. at the Mary Black Rail Trail.

Mayor pro tem Rice reminded everyone that school started on Monday, August 20, and to be aware of school busses and students in school zones. He shared that he attended the Play 60 ribbon cutting, which was a great event. He mentioned that Stephen Davis, former Carolina Panther was in attendance. He shared that he would be presenting a proclamation to Lee Haney, “Mr. Olympian”, who was in town for a book signing. He stated that he was saddened to hear about the retirement of City Manager Ed Memmott.

Councilmember Anderson stated that he appreciated the RiZe effort and all the participants. He reminded everyone to slow down for the opening of schools. He shared that he would like to see the Carolina Panthers return to Wofford for their training camp next summer.

Councilmember Brown thanked the RiZe participants for their leadership. She told them to make sure they register to vote so their voices would be heard. She mentioned that the Franklin School was coming along on schedule. She share that she was glad that someone was willing to take a chance on the Montgomery Building to see it come back to the way it was rather than tearing it down.

XI. Executive Sessions

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

B. Executive Session Pursuant to Section 3-4-40 (2) Related to City Manager Search

Mayor pro tem Rice made a motion to adjourn to Executive Sessions for the reasons stated. Councilmember Brown seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Sessions at 6:28 p.m.

Council reconvened to regular session at 7:57 p.m. Mayor White stated that discussion was held with no decisions made.

- XII. Adjournment – Councilmember Jenkins made a motion to adjourn.**
Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.
The meeting adjourned at 8:00 p.m.


Connie S. McIntyre