



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 W. Broad Street
Monday, July 24, 2023
5:30 PM

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the July 10, 2023 Meeting**
- IV. Approval of the Agenda of the July 24, 2023 Meeting**
- V. Public Comment**
Citizen Appearance Forms are available at the door and should be submitted to the City Clerk prior to the start of the meeting.
- VI. Consent Agenda**
 - A. Ordinance to Provide for the Annexation of the Property Located at 1017 Florida Avenue, as Well as that Portion of W. Wood Street, Dakota Street and N. Church Street Abutting said Property in Spartanburg, SC, which is Identified as Parcel ID: 7-08-09-086.00, on the Spartanburg County Tax Map, and Further to Assign a Zoning Designation of R8-PDD, (General Residential-Planned Development District) to All Parcels Annexed For Zoning Classifications Purposes.**
Presenter: Martin Livingston, Community Development Director
- VII. Resolutions**
 - A. A Resolution to Approve a Mediated Settlement of an Appeal from the City's Board of Architectural Design and Historical Review ("HARB")**
Presenter: Robert Coler, City Attorney
 - B. A Resolution to Approve the Acquisition of the Former Post Office Site at the Corner of Church Street and St. John Streets from the US Government.**
Presenter: Robert Coler, City Attorney
- VIII. Staff Updates**
- IX. City Council Updates**
- X. Adjournment.**

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

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.



REQUEST FOR COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Bob Coler, City Attorney

SUBJECT: A Resolution to approve a mediated settlement of an appeal from the City's Board of Architectural Design and Historical Review ("HARB")

DATE: July 21, 2023

City resident John Moore owns a house at 397 Gentry Street, in the Beaumont Mill Village Historic District ("Beaumont Village"). Aesthetic modifications to the exterior of homes in Beaumont Village must be approved by the HARB by way of a Certificate of Appropriateness ("COA").

Sometime prior to July 25, 2022, Mr. Moore painted the chimney and foundation of the house a royal blue color without seeking a COA. When the City became aware of this, Planning Staff notified Mr. Moore of the need to seek a retroactive COA, which he did.

On September 8, 2022, HARB denied Mr. Moore's request for a COA. Mr. Moore, pursuant to state law, filed an appeal of HARB's decision in Circuit Court, including a request for court ordered mediation. The Circuit Court granted Mr. Moore's request for mediation.

At the mediation on April 25, 2023, attended by Mr. Moore, his legal counsel, City Planning Staff, two members of HARB, and the City's legal counsel, the parties agreed to allow Mr. Moore to paint his chimney and foundation a shade of red harmonious with the rest of his brick house.

State law requires City Council to approve of the mediated settlement terms.

Staff recommends Council approve of the mediated settlement and looks forward to answering any questions Council may have.

RESOLUTION

TO APPROVE A MEDIATED SETTLEMENT OF AN APPEAL FROM THE CITY'S BOARD OF ARCHITECTURAL DESIGN AND HISTORICAL REVIEW

WHEREAS, on or about July 25, 2022, city resident John Moore ("Applicant") sought a Certificate of Appropriateness from the City's Board of Architectural Design and Historical Review ("HARB") to paint the chimney on his house located at 397 Gentry Street; and

WHEREAS, on or about September 8, 2022, HARB denied Applicant's request; and

WHEREAS, on or about October 14, 2022, Applicant filed an appeal of HARB's denial to the Circuit Court and requested court authorized mediation (the "Mediation"); and

WHEREAS, on or about April 25, 2023, Applicant and representatives from the City, including Planning and Zoning Staff, two members of HARB, and legal counsel attended the Mediation; and

WHEREAS, the Mediation produced a settlement whereby Applicant may paint his chimney and foundation, albeit not the royal blue color he first chose, but a shade of red more harmonious with the rest of his brick home; and

WHEREAS, state law requires City Council to approve of the mediated settlement.

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

Section 1. City Council hereby approves of the mediated settlement of John Moore's appeal from City's Board of Architectural Design and Historical Review, wherein he will be permitted to paint his chimney and house foundation a shade of red acceptable to Planning Staff that is harmonious with the rest of his brick home.

Section 2. This Resolution is effective immediately upon enactment.

DONE AND RATIFIED this 24th day of July, 2023.

Jerome Rice, Mayor

ATTEST:

PPAB 8510680v2

City Clerk

APPROVED AS TO FORM:

Robert P. Coler, Esq., City Attorney



REQUEST FOR COUNCIL ACTION

TO: Chris Story, City Manager

FROM: Bob Coler, City Attorney

SUBJECT: A Resolution to approve the acquisition of the former post office site at the corner of Church and St. John Streets from the US Government

DATE: July 21, 2023

The United States Government (the “US”) owns the parcel of land at the corner of Church and St. John Streets that was the site of the former post office.

The US has expressed a desire to transfer ownership of the parcel to the City in exchange for the City performing maintenance on the United States Courthouse. Federal regulations prohibit a cash sale or the transfer to anyone other than a governmental entity.

Maintenance on the US Courthouse will primarily be re-pointing (replacing the damaged mortar) on portions of the Courthouse’s brick exterior.

The City and Federal officials are finalizing an exchange agreement that will identify a scope of work that is equal to the appraised value of the parcel.

City Staff believes this exchange will lead to the highest and best use of the parcel and therefore recommends Council approve of the acquisition of the parcel.

I look forward to answering any questions Council may have.

RESOLUTION TO ACQUIRE A PARCEL OF LAND

WHEREAS, from time to time the City finds it beneficial to acquire land in the City; and

WHEREAS, the City has identified a parcel of land, described as the former post office site located at the northwest corner of Church and St. John Streets in downtown Spartanburg, and more particularly as Spartanburg County Tax Map Parcel 7-12-17-016.00 (the “Parcel”) that it deems would be beneficial to acquire; and

WHEREAS, the Parcel is currently owned by the United States Government, who has expressed an interest in transferring ownership to the City in exchange for the City performing maintenance on the United States Courthouse located in downtown Spartanburg; and

WHEREAS, City Staff and Federal officials are currently negotiating an exchange agreement to accomplish transfer of the Parcel to the City; and

WHEREAS, City plans to ultimately transfer the Parcel to a private developer for a price to cover all costs incurred by City in performing maintenance on the United States Courthouse to achieve the highest and best use of the Parcel; and

WHEREAS, Council deems it beneficial to acquire the Parcel from the United States Government.

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

Section 1. City Council hereby approves of the acquisition of Tax Map Parcel 7-12-17-016.00 from the United States Government in exchange for the City performing an agreed upon scope of maintenance on the United States Courthouse in downtown Spartanburg. Furthermore, the City Manager, or his designee is hereby authorized to execute any and all documents necessary to accomplish the herein identified land transfer.

Section 2. This Resolution is effective immediately upon enactment.

DONE AND RATIFIED this 24th day of July, 2023.

Jerome Rice, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Robert P. Coler, Esq., City Attorney