

MINUTES

County Council Meeting

May 18, 2015

Spartanburg County Council met on Monday, May 18, 2015, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, Justin Bradley, David Britt, Jane Hall, Bob Walker, and Roger Nutt, Council Members; along with Katherine O'Neill, County Administrator; Jim Hipp, Deputy County Administrator; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

I.

Chairman Horton called the meeting.

Invocation was rendered by Chaplain Amos Durham. Spartanburg County Sheriff's Office Rifle Drill Team led by Captain Allen Freeman presented Colors. Captain Freeman led in reciting the Pledge of Allegiance. Ms. O'Neill recognized the Sheriff's Office Rifle Drill Team. The Steve Young National Honor Guard Competition, sponsored by the Fraternal Order of Police occurs every May 14th as part of National Police Week. The National Honor Guard Competition and Demonstration provides an opportunity for law enforcement organizations to perform ceremonious and patriotic tributes for public viewing. These teams are a highly dedicated group of law enforcement officers who represent organizations from all across this nation and Canada. They converge on the Nation's Capitol every year for National Police Week, where Peace Officers' are honored for their dedicated service to the protection of our communities. The day of May 15th is known as National Peace Officers' Memorial Day, a day when the nation honors those officers who have made the ultimate sacrifice. This event is the tribute these teams give to honor our fallen officers and their families. The Spartanburg County Sheriff's Rifle Drill Team has just returned from Washington, D.C., where they competed against 19 other national teams and placed 4th behind the U.S. Border Patrol, U.S. Capitol Police, and Tennessee Highway Patrol. The competition was judged by the military attachment which is also responsible for the guard at the tomb of the unknown soldier and is very difficult and a coveted prize. The team members who competed were Captain Allen Freeman, Captain Randy Hollifield, Corporal Jeremy Thomas, Deputy Cameron Bridges, Sgt. Brian Licurs, Lt. Terry Cody,

Sgt. Robert Atkins, Deputy Derrick McBryar, Lt. William Brobson and Deputy John Wright. We are very proud of these deputies and the great national recognition they have brought for Spartanburg County and Sheriff Chuck Wright. A video was shown of the Sheriff's Rifle Drill Team's portion of the competition.

II.

- A. The SCEDA (South Carolina Economic Developers Association) Distinguished Service Award was re-presented to Carter Smith, Economic Futures Group, by Brian Nash, SCEDA Board Representative.
- B. Motion made by Mr. Bradley to adopt a Resolution congratulating and recognizing Hunter Jolley for being named the South Carolina Education Association's Teacher of the Month for February 2015 and being named as a finalist for the 2015 South Carolina Teacher of the Year. Motion seconded by Mr. Nutt and carried.
- C. Chairman Horton recognized the Graduates of Spartanburg County Citizens' Academy. The Spring 2015 graduates were Brenda Adair, Ericka Bates, Walter Belton, Sheena Brown, Felix Balsa, Avis Dawkins, Shirley DePaolis, Larry Easler, Shirley Glenn, Donna Harris, Letitia Jones, Lillie McCain, Lucille McIntyre, Pamela Munday, Aurora Porter, Dale Seay, Jack Vickers, and Gail Wilkins.

III.

Ms. O'Neill recognized Doug Bryson, Emergency Preparedness Director; Kristin James, Spartanburg Area Mental Health; Stefanie Carrigan, Spartanburg Area Mental Health; Linda Graddy, Greenville Mental Health; Greg Merritt, SC FAST Coordinator, Clear Springs Fire and Rescue; Fergie Horvath, Chaplain, Spartanburg County Sheriff's Office; Keith Davis, Pastor, Zion Hill Baptist Church; and Tommy Sparks, Pastor, Pacolet Baptist Church for responding to the psychological/mental health needs of the first responders who were at the tragic accident on I-26 that claimed the lives of six people.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to develop a Joint County Industrial and Business Park in conjunction with Cherokee County, South Carolina to be geographically located in Spartanburg County, South Carolina and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for and authorize execution and delivery of a written agreement with Cherokee County regarding the park; to provide for and authorize execution and delivery of an Intergovernmental Agreement with the City of Spartanburg regarding the park; and other matters related thereto. Chairman Horton announced that we are working through the details for this ordinance with the City and have not finalized

them. We will schedule a second public hearing once we have incorporated those details into the ordinance for Council and the public's review. No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider a Budget Ordinance relating to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2015 and ending June 30, 2016; to provide for budget control of said appropriation by the Spartanburg County Council. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider a Budget Ordinance to establish Capital Project Budgets for the 2015-2016 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, June 13, 2015 and Saturday, June 27, 2015 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Boiling Springs Ale House** from 7:00 p.m. until 10:00 p.m. on Thursday, June 11, 2015 and from 3:00 p.m. until 8:00 p.m. on Saturday, June 20, 2015 for live music outside at 2220 Boiling Springs Road, Boiling Springs. John Rogers, 816 Tapestry Lane, Boiling Springs, and Charles Wyatt, 518 Chippendale Lane, Boiling Springs, appeared in opposition to granting the Noise Ordinance Exclusion. Justin McCorkle, 231 Shiloh Church Road, Pauline, appeared in favor of granting the Noise Ordinance Exclusion. The matter was closed.

V.

Economic Recruitment and Development Committee – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina, **Rite Aid of Georgia, Inc. and Flatwood Farms I, LLC**; the application of an infrastructure credit to fee-in-lieu of tax payments;; and matters relating thereto. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina and **Berrang, Inc.**; whereby under certain conditions, Spartanburg County will provide a Special Source Credit to Berrang, Inc. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to render first reading to and Ordinance authorizing the execution and delivery of a Special Source Credit Agreement between Spartanburg County, South Carolina and **Berrang, Inc.**; and other matters

relating thereto including, without limitation, authorization of a Special Source Credit. Motion seconded by Mr. Brown and carried.

- D. Motion made by Mr. Britt to adopt a Resolution authorizing, under certain conditions, the execution and delivery by Spartanburg County, South Carolina of a fee in lieu of taxes agreement with **Project Kickoff** with respect to an industrial project in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Project Kickoff will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a FILOT (Fee In Lieu Of Tax Agreement) by and between Spartanburg County, South Carolina and **(Project Kickoff)** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain Special Source Credits; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render first reading to an Ordinance to amend the agreement for development for Joint County Industrial/Business Park dated as of June 25, 2001 by and between Spartanburg County and Cherokee County, South Carolina, and other matters relating thereto. **(Project Evergreen)** Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Justin Bradley, Chairman)
No items scheduled.

Personnel and Finance Committee (Honorable Bob Walker, Chairman)

- A. Information was received from Mr. Bill Mayrose, Accommodations Tax Advisory Committee Chairman, in reference to the Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2016. This item was carried over until the next meeting. The recommendations were accepted and taken under advisement.
- B. Information was received from Honorable Sharon West, County Auditor, in reference to restructuring of staff in the Auditor's Office. Motion made by Mr. Walker to approve this request. Motion seconded by Ms. Hall and carried.
- C. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Information received regarding activities of the Parks Department.

Public Safety and Judiciary Committee – (Honorable Michael Brown, Chairman)

- A. Former Fire Chief Ron Nordenbrock introduced Fire Chief Tommy Norris, the new Poplar Springs Fire Department Chief.
- B. Mr. Murray Glenn, Office Administrator, Solicitor's Office, presented information in reference to a VAWA (Violence Against Women Act) Grant. Motion made by Mr. Brown to approve submittal of the grant application. Motion seconded by Mr. Bradley and carried.
- C. Mr. Doug Bryson, Coordinator, Spartanburg County Office of Emergency Management, IAEM Region 4 President, presented information in reference to a 2015 LEMPG (Local Emergency Management Performance Grant). Motion made by Mr. Brown to approve submittal of the grant application. Motion seconded by Mr. Bradley and carried.
- D. Motion made by Mr. Brown to authorize the commission of Christopher Aaron Wyatt, Animal Control Officer, as a Spartanburg County Code Enforcement Officer. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Brown to approve and authorize the County Administrator to execute the Greenville County Animal Services Contract. Motion seconded by Ms. Hall and carried. Mr. Bradley, Mr. Walker, and Mr. Nutt opposed.
- F. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Mr. Bob Harkrader, Planning Department Director, and Ms. Katherine O'Neill, presented an update on Area Performance Planning. (Presentation included in backup)
- B. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable Roger Nutt, Chairman)

- A. Updated information received regarding activities of the Public Works Department.

VI.

Ms. Christina Jefferies, 801 Palmetto Street, Spartanburg, appeared in opposition to the U.S. Refugee Resettlement Program and refugees coming to Spartanburg. Ms. Patty Brown, 128 Sunline Place, Spartanburg, appeared in opposition to discharging of firearms in residential areas. Mr. Jason Lee, 622 Alamo Street, Spartanburg, appeared in favor of the U.S. Refugee Resettlement Program and refugees coming to Spartanburg. Mr. Jim Goodroe, 394 Old South Road, Duncan, also appeared in favor of refugees coming to Spartanburg.

Chairman Horton stated the County's position on the Refugee Resettlement Issue as follows: "In recent months, well-meaning members of this community on both sides of the refugee issue have voiced strong positions. As a body, County Council is always

concerned when its citizens are polarized, but this is a very complex legal and regulatory matter with no County Council involvement, regardless of what is in the Senate provision which is wrong and should be stricken immediately. Congressman Trey Gowdy has taken the lead in gathering information about this project. Because Congressman Gowdy has been spearheading the information-gathering effort, County Council is waiting for his office to render his findings on this matter. As a community, and as a council, it would be premature and potentially damaging to our community as well as potentially defamatory and slanderous to those involved to rush to judgment before all of Congressman Gowdy's inquiry is complete. I urge patience and restraint until a time when more information is available."

VII.

- A. Motion made by Mr. Britt to render second reading to an Ordinance to amend Chapter 2, Article V, Division 2 of the Spartanburg County Code of Ordinances relative to the Spartanburg Alcohol and Drug Abuse Commission to provide for a change in the name of the commission which better encompasses all elements of services and treatment provided to the residents of Spartanburg County. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Britt to postpone second reading to the next regular or special meeting of an Ordinance to develop a Joint County Industrial and Business Park in conjunction with Cherokee County, South Carolina to be geographically located in Spartanburg County, South Carolina and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for and authorize execution and delivery of a written agreement with Cherokee County regarding the park; to provide for and authorize execution and delivery of an Intergovernmental Agreement with the City of Spartanburg regarding the park; and other matters related thereto. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to render second reading to a Budget Ordinance relating to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2015 and ending June 30, 2016; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Ms. Hall. Mr. Walker expressed his thanks to Staff for all the assistance they have given him. Mr. Walker stated that this Budget does not include any increases over what we had last year in the Local Government Fund. Ms. O'Neill stated that it is her understanding that there is no allocation of additional resources in the current version of the Budget in the Senate or the House. Mr. Walker asked how much we are short. Ms. O'Neill stated that we are short about \$4 million per year. Mr. Walker stated that we could take care of the needs in Spartanburg County if the Local Government Fund was fully funded. Mr. Walker asked where we get the revenues to cover the Magistrate Court expenditure. Ms. O'Neill stated the total expenditures are not covered by revenues. The Magistrate Court does collect fines and other fees that come in through the Court system. A large percentage is turned over to the State as part of the County's responsibility to provide what they see as their portion of those revenues. What remains has the

County anywhere from \$1 million to \$1.5 million short of what the actual expenses are to run the department. Mr. Walker asked for clarification about which part time employees qualify for health insurance benefits. Ms. O'Neill clarified that the threshold for health insurance benefits for part time employees meant that the employee must be regularly scheduled to work at least thirty hours per week. Mr. Walker asked if the County had budgeted health insurance for any employee who was scheduled to work less than thirty hours per week. Ms. O'Neill answered no. Motion carried.

- D. Motion made by Mr. Britt to render second reading to a Budget Ordinance to establish Capital Project Budgets for the 2015-2016 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Ms. Hall. Ms. O'Neill stated that a \$5 adjustment to the residential solid waste fee for this year is included in second reading. Motion carried.

XIII.

- A. Motion made by Mr. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, June 13, 2015 and Saturday, June 27, 2015 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Walker to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Boiling Springs Ale House** from 7:00 p.m. until 10:00 p.m. on Thursday, June 11, 2015 and from 3:00 p.m. until 8:00 p.m. on Saturday, June 20, 2015 for live music outside at 2220 Boiling Springs Road, Boiling Springs. Motion seconded by Ms. Hall. Motion failed. Mr. Brown, Mr. Bradley, Mr. Britt, Ms. Hall, and Mr. Nutt opposed.

IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Resolution Number 15304 reclassifies positions and adjusts a limited number of salaries within the Auditor's Office. Budget Amendment Resolution Number 15305 authorizes an increase to the Sheriff's Office fleet by one golf cart. Budget Amendment Resolution Number 15306 recognizes canteen

commissions in excess of the amount originally budgeted and sets up a corresponding expenditure account for special projects. Budget Amendment Resolution Number 15307 sets up the grant agreement for the following SC Department of Commerce grant: Real Property Improvements Grant C-14-2345 (Project McDonald's) for Trelleborg Wheel Systems Americas, Inc. This is an economic development pass-through grant.

Motion made by Mr. Britt to approve the Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Nutt and carried.

Mr. Britt responded to the comments regarding the discharging of firearms in residential areas made by Ms. Brown during the public comment period. Mr. Britt stated this has become a bigger and bigger problem throughout the County. Mr. Britt stated that Cibby Krell had a great idea to form a Citizens Advisory Committee made up of a small number of people. Mr. Britt requested that Chairman Horton take under consideration the formation of a Citizens Advisory Committee with some Ad hoc members to work on this issue and report back to Council on recommendations for some type Ordinance or Resolution.


XI.

Motion made by Mr. Britt to approve the minutes of April 20, 2015 (Regular Meeting) and May 4, 2015 (Special Meeting). Motion seconded by Mr. Brown and carried.

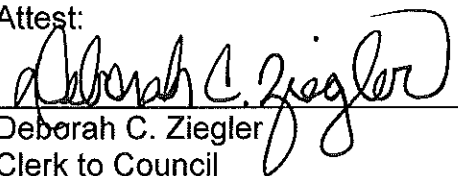
XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council