

MINUTES

County Council Meeting

December 19, 2011

Spartanburg County Council met on Monday, December 19, 2011, 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, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Deputy County Attorney; and Ginny Dupont, Associate 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 to order.

Invocation was rendered by Chaplain Jerry Clevenger. Honorable Roger Nutt led in reciting the Pledge of Allegiance.

II.

- A. Mr. Jim Hipp presented the Award Certificate of Achievement for Excellence in Financial Reporting to Ms. Sabrina Mason, Finance Director. It is for our Comprehensive Annual Report (CAFR) for fiscal year ended June 30, 2010. We are one of 18 Counties in the State award and one of fewer than 500 Counties of 3,100 Counties nationwide to receive this award. This is eighteen years in a row we have received it.

III.

- A. Chairman Horton declared open a public hearing to consider proposed revisions to the Unified Land Management Ordinance (ULMO), Ordinance No. O-99-15, as amended, so as to provide for consistency with SCDHEC terminology for waste management facilities, to provide consistency with the County Solid Waste Management Plan, and to expand the types of waste management facilities covered under the Ordinance. Mr. Gary Poliakoff appeared on behalf of the residents of the area that would be affected to thank Council for being proactive. Mr. Poliakoff stated that no one knows the needs for Spartanburg County citizens better than Council. The buffers and setbacks are appropriate. Ms. Shelley Robbins,

Upstate Forever, spoke in support of the amendment and commended Council. Mr. Scott Talley spoke on behalf of TreatMed, Inc., an entity that will be affected if this Ordinance is passed. They have appeared at various times through the consideration of this. While he understands and has sympathy for a lot of concerns that have been addressed by residents, they do believe in this regard those comments do not apply to the operation that TreatMed is trying to locate in Spartanburg County. The matter was closed.

- B. Chairman Horton declared open a public hearing to consider conveyance of an Easement to the Spartanburg Sanitary Sewer District – The District is requesting an easement on property owned by Spartanburg County. The property is currently used as the Spartanburg County Maintenance Facility. The property fronts on Broadcast Drive, and is known as Tax Map Number 6 13-01 003.00. The easement has been coordinated with engineers at Spartanburg Sanitary Sewer and the County. No one appeared, and the matter was closed.

IV.

- A. Mr. Van Clark, Children Shelter of the Upstate, appeared to provide information regarding the Children's Shelter. (Handout included in backup)
- B. Ms. Pam Dean, Carolina Miracle League, appeared in reference to Grand Opening for the Carolina Miracle League Playground on January 14 at 11:00 a.m. Seventy percent of the playground is handicapped accessible. (Diagram of the Carolina Miracle League Playground included in backup)

V.

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

No items scheduled.

Public Health and Human Services Committee (Honorable Jane Hall, Chairman)

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Jim Hipp and Mr. Cole Alverson, Budget Director, presented a Budget Report and information in reference to FY11-12 Budget. (Presentation included in backup)
- B. The Corrective Action Team completed and approved a series of recommendations at their meeting on Friday, December 16, 2011. Motion made by Mr. Culbreth to approve recommendations of the Corrective Action Team and authorize Deputy Administrator and staff to finalize negotiations for the Document Management System, phase 1, consistent with the direction of the Team. Motion seconded by Mr. Nutt and carried.
- C. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Jon Woodsby and Ms. Elizabeth Hardee, Spartanburg Parks Department, presented information on Recreation Centers and Programs. (Presentation included in backup)
- B. Information received regarding activities of the Parks and Recreation Department.

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

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- A. Sheriff Chuck Wright presented information in reference to Victor Mill Agreement for law enforcement services with the City of Greer. Motion made by Mr. Culbreth to approve agreement and authorize Deputy County Administrator to sign the agreement. Motion seconded by Ms. Hall and carried.
 - B. Sheriff Chuck Wright presented information in reference to Red Shirt Court Agreement for law enforcement services with the City of Greer. Motion made by Mr. Brown to approve agreement and authorize Deputy County Administrator to sign the agreement. Motion seconded by Mr. Culbreth and carried.
 - C. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Mr. Whitt Kennedy, Planning Commission Chairman, and Mr. Rudy Curtis, Consultant, presented recommendation from the Planning Commission on Unified Land Management Ordinance (ULMO) Amendments for Waste Management Facilities. The Planning Commission has conducted a public hearing as required by law. The Ordinance as prepared by Staff and the Consultant was found to be consistent with state law and the objectives of the County. The Planning Commission has forwarded this Ordinance change to Council with a favorable recommendation.
- B. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. Dr. Jim Weeks, Chairman, Household Hazardous Waste (HHW) Committee, and Mr. Joe Maple, HHW Committee, presented an Update on Hazardous Household Waste. Five hundred ninety cars came through at the last Collection in April 2011. The next HHW Collection will be held on April 14, 2012 at the County Administration Building. The JM Smith Corporation has given a grant of \$6,100 to advertise the next Collection. (Presentation included in backup)
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance amending Ordinance Nos. 439, 481 and O-01-19 as amended so as to redefine the boundaries of the six single member election districts as set forth in Option A, for the election of Spartanburg County Council Members, based upon the release of the 2010 Census for Redistricting purposes, in order that the population of such districts shall comply with the population requirements set forth in the Voting Rights Act of 1965. Motion seconded by Mr. Nutt and carried. Mr. Mintz and Mr. Brown opposed. Mr. Mintz stated that he lost about 10,700 voters and would have been more pleased with Option B. Mr. Brown pointed out the historical nature behind this particular amendment to our Ordinance as relates specifically to his district and would like to have information that would stem from the Department of Justice.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Milliken & Company**, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Mintz and carried.
- C. Motion made by Mr. Mintz to render third reading to an Ordinance to prohibit advertisement, possession, use, purchase, or distribution of substituted cathinones (commonly called "bath

salts”), synthetic cannabinoids, and certain other synthetic drugs; and matters related thereto. Motion seconded by Mr. Britt and carried.

- D. Motion made by Mr. Culbreth to render third reading to an Ordinance to amend the “Special Assessment Period” definition set forth Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances addressing the Special Property Tax Assessment for Rehabilitated Historic Property in Spartanburg County. Motion seconded by Mr. Mintz and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance to grant a Sanitary Sewer Easement to Spartanburg Sanitary Sewer District. The District is requesting an easement on property owned by Spartanburg County. The property is currently used as the Spartanburg County Maintenance Facility. The property fronts on Broadcast Drive, and is known as Tax Map Number 6 13-01 003.00. The easement has been coordinated with engineers at Spartanburg Sanitary Sewer and the County. Motion seconded by Mr. Nutt and carried.

VII.

- A. Chief Ryan Cothran, Town of Duncan, presented information in reference to a Resolution authorizing the County Council of Spartanburg County to publish a Notice of public hearing transferring the authority for conducting Municipal Elections in the **Town of Duncan** to the Spartanburg County Election Commission. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Nutt to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Duncan** to the Spartanburg County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Voter Registration and Election Commission for the conduct of Municipal Elections in the Town of Duncan; to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto. Motion seconded by Mr. Culbreth and carried.

VIII.

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.

IX.

No items scheduled.

X.

Motion made by Mr. Culbreth to approve minutes of November 2, 2011 (Personnel and Finance Committee Meeting); November 8, 2011 (Personnel and Finance Committee Meeting; November 15, 2011 (Special Meeting); and November 28, 2011 (Regular Meeting). Motion seconded by Mr. Nutt and carried.

XI.

Motion made by Mr. Culbreth to adjourn. Motion seconded by Ms. Hall and carried.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council