



MINUTES

County Council Meeting

February 20, 2012

Spartanburg County Council met on Monday, February 20, 2012, 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 Katherine Hubbard, County Administrator; 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 Clevenger. Girl Scouts of South Carolina Mountains to Midlands led in reciting the Pledge of Allegiance.

II.

A. Motion made by Ms. Hall to adopt a Resolution expressing recognition and appreciation to the Girl Scouts for one hundred years of providing girls in Spartanburg County and throughout the United States of America the opportunity to develop and reach their full potential. Motion seconded by Mr. Mintz and carried. Kim Hutzal, President & CEO of the Girl Scouts of South Carolina Mountains to Midlands, and the Girl Scouts received the Resolution.

III.

Ms. Hubbard recognized several employees who have served as an Ambassador of Spartanburg County. Earl Alexander, Assessor's Office, received recognition for being very professional and very helpful on several matters to a citizen. Dorothy Earle, Records of Deeds Office, was recognized

for helping a citizen resolve an issue with the Department of Motor Vehicles. Bunny Waddle, Delinquent Tax Office, was recognized for helping resolve something for a citizen quickly. Kris Brannon and Chris McKinney, Building Codes, were recognized for their pleasantness and professionalism in helping a citizen obtain a building code permit. The Spartanburg County Parks Department was recognized for receiving the 2012 Engineering Excellence Award from the American Council of Engineering Companies of South Carolina. The award was given to Tyger River Park for the excellence in engineering at the park.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to authorize the execution and delivery of the second amendment to the fee agreement by and between Spartanburg County and **DAA Draexlmaier Automotive of America, LLC** to include the purchase of real property; and to provide for other matters thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance of Spartanburg County, South Carolina authorizing a fee-in-lieu of tax arrangement and the provision of certain infrastructure credits for the benefit of **Highland Baking Company, Inc.** (Project Rise), an Illinois Corporation, pursuant to a fee-in-lieu of tax agreement between the County and the Corporation; and other matters relating to the foregoing. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance finding that the **Woodruff-Roebuck Water District**, South Carolina may issue not exceeding \$4,000,000 General Obligation Bonds and to provide for the publication of notice of the said finding and authorization. Lawrence Flynn, Pope Zeigler, was present to answer any questions. 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, March 17, 2012 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 **Greer Dragway** from 4:00 p.m. until midnight on Saturday, March 31, 2012 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

- A. Mr. Brian P. DeVito, 120 Wellington Road, Wellford, was not in attendance. Chairman Horton recognized his request to speak and openly asked at the meeting if he was present. Since Mr. DeVito was not present, Chairman Horton proceeded with the remaining items on the agenda.

VI.

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

- A. Motion made by Mr. Britt to adopt a Resolution to authorize the County Administrator to execute denials of State PT-444 forms submitted by the Spartanburg Area Chamber of Commerce Economic Futures Group for the benefit of targeted economic projects. Motion seconded by Mr. Brown and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Stan Halliday, McAbee, Talbert, Halliday & Co., presented the annual financial audit (fiscal year 2011) and the Single Audit Report on Expenditures of Federal Awards for the fiscal year ended June 30, 2011. (Presentation and reports are included in backup.)
- B. Mr. Chris Rogers, Rogers Law Firm, presented information in reference to a Resolution to approve an extended Special Assessment Period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as the Arcadia Mill. Mr. Pace Burk stated that Mr. Rogers had let him know that Una Fire Department had some concerns about expenditures that they might have over the years. Mr. Burk met with Chief Hadden after the meeting to get feedback from him on what his needs were as far as costs that he might incur. They agreed upon a \$7,500 annual gift to the Una Fire Department to offset any costs during the abatement period. This will be included in the Resolution. Mr. Brown stated that he is appreciative that this public and private partnership has come together and of Mr. Burk's efforts to transform this community. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Britt and carried.
- C. Mr. Chris Rogers, Rogers Law Firm, presented information in reference to a Resolution to approve an extended Special Assessment Period under

- Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as the Mayfair Lofts. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Ms. Hall and carried.
- D. Mr. Jim Hipp, Deputy County Administrator, presented information in reference to Municipal Fee Agreements with the City of Spartanburg, Town of Duncan, City of Landrum, Town of Pacolet, and the City of Greer. Motion made by Mr. Culbreth to authorize the County Administrator to execute agreements. Motion seconded by Ms. Hall and carried.
 - E. Major Neal Urch, Sheriff's Office, and Mr. Cole Alverson, Budget Director, presented information in reference to a Resolution to amend the scope of the Detention Laundry Room Expansion project and the transfer of funding related thereto. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Britt and carried.
 - F. Mr. Cole Alverson, Budget Director, presented information in reference to a Resolution authorizing the Master Lease Agreement in the principal amount of not exceeding \$1,613,450 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents; and other matters relating thereto. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Britt and carried.
 - G. Mr. Cole Alverson, Budget Director, presented a Budget Report and information in reference to FY11-12 Budget. (Presentation included in backup)
 - H. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Jim Campbell, Interim Parks Director, presented information in reference to a Resolution to adopt the Holston Creek Park Master Plan and to revise the Capital Improvement Program Budget for that project. Motion made by Mr. Nutt to adopt Resolution. Motion seconded by Mr. Britt and carried.
- B. Mr. Jim Campbell, Interim Parks Director, presented information in reference to a Resolution to adopt the South Carolina Department of Transportation (SCDOT) Traffic Engineering Guidelines on way-finding signs. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Nutt and carried.
- C. Mr. Jim Campbell, Interim Parks Director, presented information in reference to a Resolution to reallocate funds budgeted for Tyger River Park in order to realign the budget with anticipated expenditures, to address unfunded needs at Tyger River Park and North Spartanburg Parks, and to transfer Certificates of Participation (COPS) funds among four project accounts in order to better utilize the COPS Funds. Motion made by Mr. Britt to adopt a Resolution to authorize a change in project funding, Tyger River Regional Park Development (PR0006), Countywide Trail Development (PR0005), and Waterway Land Acquisition (PR0010),

and to authorize the County Administrator to make Budget adjustments to the Capital Budget. Motion seconded by Mr. Brown and carried. Mr. Nutt opposed. Motion made by Mr. Nutt to adopt a Resolution to authorize a change in project funding, North Spartanburg Sports Complex (PR0011) and Countywide Trail Development (PR0005). Motion seconded by Mr. Britt and carried.

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

- A. Chief Jamie Caggiano, Chairman, presented the Spartanburg County Fire Advisory Committee Update.
- B. Major Neal Urch, Sheriff's Office, presented information in reference to an Ordinance to amend Chapter 46, Article II of the Spartanburg County Code of Ordinances to reinstate provisions relative to the Voluntary Work Release Program, the Home Detention Program and Workers Compensation coverage for prison laborers and to delete Division 2 of the same Chapter and Article relative to the Department Head in accordance with the assumption of the custody of the County Jail by the Sheriff of Spartanburg County. Motion made by Mr. Brown to render first reading to Ordinance. Motion seconded by Mr. Culbreth and carried.
- C. Sheriff Chuck Wright presented information in reference to a multi-jurisdictional agreement between the Spartanburg County Sheriff's Office and the City of Spartanburg. Motion made by Mr. Brown to approve Agreement and authorize the County Administrator to execute. Motion seconded by Mr. Culbreth and carried.
- D. Sheriff Chuck Wright presented information in reference to a Resolution to approve the mutual aid agreement between the Spartanburg County Sheriff's Office and Florence County Sheriff's Office. Motion made by Mr. Brown to adopt Resolution. Motion seconded by Mr. Britt and carried.
- E. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

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

- A. Mr. Steve Belue, Public Works Director, presented information in reference to Copper Line Drive Connector and agreement with Westside Neighborhood Association relative to same. This will consist of C-Funds money of \$49,011. The balance of the \$85,000 for this section of the trail development will come from the Westside Neighborhood Association.

Councilman Culbreth made a motion to approve an extension of the multi-use path contingent upon CTC Funds and Westside Neighborhood Association contributions and to confirm a Memorandum of Understanding and consideration and approval of long-term maintenance of the multi-use trails by Parks and Recreation. Motion made by Mr. Mintz to approve this request. Motion seconded by Mr. Nutt and carried.

- B. Information received regarding activities of the Public Works Department.

VII.

- A. Motion made by Ms. Hall to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Cowpens** to the Spartanburg County 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 Cowpens; 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. Britt and carried.
- B. Motion made by Mr. Mintz to render third reading to an Ordinance authorizing the acceptance of the Transfer of Authority for conducting Municipal Elections in the **City of Chesnee** to the Spartanburg County 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 City of Chesnee; 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 Ms. Hall and carried.
- C. Motion made by Mr. Culbreth to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **City of Landrum** to the Spartanburg County 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 City of Landrum; 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. Brown and carried.
- D. Motion made by Mr. Culbreth to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **City of Inman** to the Spartanburg County 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 City of Inman; 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. Brown and carried.

- E. Motion made by Mr. Culbreth to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **City of Wellford** to the Spartanburg County 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 City of Wellford; 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. Brown and carried.
- F. Motion made by Mr. Culbreth to render third 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 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. Brown and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance to authorize the execution and delivery of the second amendment to the fee agreement by and between Spartanburg County and **DAA Draexlmaier Automotive of America, LLC** to include the purchase of real property; and to provide for other matters thereto. Motion seconded by Mr. Brown and carried.
- H. Motion made by Mr. Brown to render second reading to an Ordinance of Spartanburg County, South Carolina authorizing a fee-in-lieu of tax arrangement and the provision of certain infrastructure credits for the benefit of **Highland Baking Company, Inc.** (Project Rise), an Illinois Corporation, pursuant to a fee-in-lieu of tax agreement between the County and the Corporation; and other matters relating to the foregoing. Motion seconded by Ms. Hall and carried.
- I. Motion made by Ms. Hall to render second reading to an Ordinance finding that the **Woodruff-Roebuck Water District**, South Carolina may issue not exceeding \$4,000,000 General Obligation Bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Culbreth and carried. Mr. Brown and Mr. Mintz opposed.

VIII.

- A. Motion made by Mr. Culbreth 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, March 17, 2012 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Culbreth 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, March 31, 2012 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.

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.

Mr. Britt stated that he was misquoted in a story ran by the Herald-Journal about the Animal Control issue. He stated that he had complete confidence that Katherine would come back with a long-term solution that would serve the taxpayers of Spartanburg and the animals best. Since our contract with Greenville expires on February 29, a motion was made by Mr. Britt to give Ms. Hubbard the authority to negotiate a short-term agreement with Greenville County to house animals collected by Spartanburg County Animal Control officers and to give her the authority to negotiate a long-term agreement with whatever party she deems best. Motion seconded by Mr. Culbreth and carried.

XI.

Motion made by Ms. Hall to approve minutes of January 6, 2012 (Special Meeting) and January 23, 2012 (Regular Meeting). Motion seconded by Mr. Britt and carried.

XII.

Meeting adjourned.

Spartanburg County Council
February 20, 2012

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council