



# MINUTES

## County Council Meeting

July 21, 2014

Spartanburg County Council met on Monday, July 21, 2014, 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 O'Neill, County Administrator; Jim Hipp, Deputy County Administrator; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney. Lisa Claxton, County Attorney, was absent.

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. Mr. Bob Walker led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of the Boiling Springs High School Bulldogs Golf Team as the 2014 State 4A Golf Champions. Motion seconded by Ms. Hall and carried. Coach Rick Tate and Golf Team received Resolution.
- B. Motion made by Ms. Hall to adopt a Resolution designating July as Parks and Recreation Month in Spartanburg County. Motion seconded by Mr. Britt and carried.

### III.

Ms. O'Neill recognized the following individuals: Laura Davenport, Assessor's Office, for providing exceptional customer service; Lisa Coleman, Procurement

Office, for completing the application requirements and examination for the Universal Public Procurement Certification Council (UPPCC) and receiving her Certified Professional Public Buyer (CPPB) Certification; Sherry Dull, Planning Department, and Jerry Glover, Building Codes, for providing exceptional customer service.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to amend the Agreement for Development for Joint County Industrial Park by and between Spartanburg County and Cherokee County, South Carolina, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance providing for amendment and restatement of Ordinance No. O-09-09, as previously amended by Ordinance No. O-12-27, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance (1) to amend an existing Agreement for the Development of a Joint-County Industrial and Business Park by and between Spartanburg County, South Carolina and Union County, South Carolina to enlarge the boundaries of the park to include certain property located in Spartanburg County presently owned and/or operated by **Michelin North America, Inc.**, or one or more companies related thereto; and (2) authorizing other related matters. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement to provide for a fee in lieu of ad valorem taxes incentive and infrastructure credits to **Trelleborg Wheel Systems Americas, Inc.** (Project McDonald's); the inclusion of certain property in Spartanburg County, South Carolina in a Multi-County Industrial Park; and other matters related thereto. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee-in-lieu of *ad valorem* taxes agreement between Spartanburg County, South Carolina and **Aladdin Manufacturing Corporation** (Project Landrum), a Delaware Corporation, and one or more existing or to-be-formed or acquired subsidiaries, or affiliated or related entities, as sponsor, to provide for a fee in lieu of *ad valorem* taxes incentive with respect to an industrial project in the County; and other related matters. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Ordinance to provide for the issuance and sale of not exceeding two million two hundred fifty thousand dollars (\$2,250,000) Spartanburg County, South

Carolina, General Obligation Bonds (**Duncan Fire Service Area Project**), Series 2014; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. No one appeared, and the matter was closed.

- G. 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, August 2, 2014 and Saturday, August 23, 2014 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

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

- A. Motion made by Mr. Britt to adopt a Resolution pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, to enter into a fee agreement between Spartanburg County South Carolina and **Project Converter**; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to adopt a Resolution authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Spartanburg County, South Carolina ("The County") and **F3 Holdings, LLC**, acting for itself, one or more affiliates or other project sponsors (The "Company"), pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the establishment of one or more facilities in the County (collectively, The "Project"); and (2) other matters relating thereto. Motion seconded by Mr. Nutt and carried.

**Public Health and Human Services Committee** (Honorable Roger Nutt, Chairman)

- A. Honorable Ponda Caldwell, Probate Court, presented an Update on Mental Health Reporting to SLED (South Carolina Law Enforcement Division). Mr. Nutt stated that Judge Caldwell is on target to meet many deadlines despite the fact that we do not have all the Local Government Funds that we should have been receiving over the last five or six years.
- B. Motion made by Mr. Nutt to adopt a Resolution designating and authorizing Spartanburg Regional Healthcare System to be the direct recipient for Federal Assistance Funds received from the Federal Transit Administration to operate the Spartanburg County Transportation Services Bureau and related services. Motion seconded by Mr. Mintz and carried.

**Personnel and Finance Committee** (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to amend the motion adopted at the June County Council Meeting which amended the recommendations of the Accommodations Tax Advisory Committee and allocated \$500 to Historic Price House; \$500 to Historic Association Rations Rosie Roosevelt; and \$500 to Stone Soup and to insert an allocation of that \$1,500 total to the Spartanburg Convention and Visitors Bureau. Motion seconded by Ms. Hall and carried. Mr. Nutt opposed.
- B. County Administrator Katherine O'Neill presented information in reference to proposed personnel/position changes intended to bring about improved operations in both GIS and Registration and Elections. The recently vacated slot in Registration and Elections will return to GIS to be classified as a Sr. GIS Analyst and the previously frozen Voter Technician slot in Registration and Elections will be filled in order to support the November election cycle. Motion made by Mr. Culbreth to authorize the movement of these two positions and approve the associated budget adjustments as requested. Motion seconded by Ms. Hall and carried.
- C. Mr. Murray Glenn, Administrator, Solicitor's Office, presented information in reference to a request from the Solicitor's Office to add an additional position and upgrade other attorney positions in the Solicitor's Office through state funding. Motion made by Mr. Culbreth to approve request. Motion seconded by Mr. Britt and carried.
- D. Mr. Jim Campbell, Interim Parks and Recreation Director, presented information in reference to a request to reclassify the position of Parks Maintenance Manager from Class 83 to Class 84. Motion made by Mr. Culbreth to approve request. Motion seconded by Mr. Nutt and carried.
- E. Mr. Chris Rogers, Rogers Lewis Attorneys at Law, presented information in reference to a Resolution to approve adjustments to Special Assessment Periods under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for those certain parcels of improved real property known as the Mayfair Lofts and the Arcadia Mill. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Nutt and carried. Mr. Brown asked if this adds to the available tax revenue base in this particular area. Mr. Hipp stated this will be a revenue neutral transaction. After the first year, an analysis will be made to be sure it is revenue neutral. If it is not revenue neutral, adjustments will be recommended to Council.
- F. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Jane Hall, Chairman)

- A. Mr. Jim Campbell, Interim Parks and Recreation Director, presented information regarding the Parks Enhancement Plan. Both the Town of Wellford and the Town of Duncan, through actions of their respective Town Council have expressed desire to fully come into the Parks and Recreation tax district. In order to meet the expectations of the citizens in

these towns and to accommodate the requisite improvements in parks facilities the Committee is being asked to consider some modification to the Parks Enhancement Plan and to recommend resulting amendments to the Capital Improvements Plan (CIP). Motion made by Ms. Hall to adopt Resolution and Recommend Corresponding Amendments to the Capital Improvement Plan. Motion seconded by Mr. Britt and carried.

- B. Ms. Marcia Murff, Public Relations and Development Manager, Parks Department, and Mr. Brian Waldrop, Graphic Designer and Webmaster, Parks Department, presented an Overview of the new Spartanburg County Parks Department website.
- C. Information received regarding activities of the Parks Department.

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

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

VI.

Mr. Calvin Cowen, Town of Duncan, appeared in reference to Sunday Alcohol Sales requesting a change in the wording on the ballot. Mr. Walter McSherry appeared in reference to the condition of the Courthouse and the overcrowding problem.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to amend the Agreement for Development for Joint County Industrial Park by and between Spartanburg County and Cherokee County, South Carolina, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating thereto. Motion seconded by Ms. Hall and carried.

- B. Motion made by Mr. Nutt to render third reading to an Ordinance that shall not be codified calling for a referendum to determine whether the South Carolina Department of Revenue may issue temporary permits to allow for the sale of alcoholic beverages for on-premises consumption on Sundays in the County of Spartanburg. Motion seconded by Mr. Britt. Mr. Mintz requested a point of information about the subject in debate as to whether it applies and how it applies to Municipalities since he represents Chesnee. Mr. Harris stated there are two schools of thought in the legal community as to whether it applies. Ultimately, it is going to be a decision for the Department of Revenue to answer. The South Carolina Code under which the County is proceeding with the referendum has a provision in it that provides for temporary permits issued by the Department of Revenue to be issued in all parts of a Municipality if any part of the Municipality is located in a County where the issuance of those permits is allowed. Mr. Mintz asked if we have an Attorney General's opinion. Mr. Harris stated there is an Attorney General's opinion out there that speaks to the issue of County Ordinances not applying within Municipalities as it relates to alcohol sales, but that section deals with beer and wine sales and not hard liquor sales, which is what this statute is codified under. There is not an Attorney General's opinion on point with respect to this particular issue. Mr. Mintz stated that he disagrees and does not think we have the right to tell Municipalities what they can and cannot do. Mr. Mintz moved to Table this item until we can get an Attorney General's opinion back on this question. Motion seconded by Mr. Brown. Motion to Table did not carry. Mr. Britt, Ms. Hall, Mr. Nutt, and Mr. Horton opposed Tabling this item. Mr. Brown asked Mr. Harris what he means in regards to the Department of Revenue having to make the ultimate decision if this passes Countywide. Mr. Harris stated the Department of Revenue issues the permits. If this Ordinance passes, a referendum will be included on the ballots at the November General Election. If the referendum passes, the Department of Revenue will be tasked with interpreting this statute as to who would be qualified to receive the temporary permits or the Sunday Sales permits. Mr. Brown asked if Spartanburg is the first County in the State that has had this issue. Mr. Harris stated that Newberry has had this issue on a referendum in 2012, and Berkley County had this issue on the referendum in 2010. Both of those Counties have permits that are issued countywide. Mr. Brown stated that based on that information, if it is countywide and you have a particular Municipality that there is a question if they would want it, what have they said in Newberry and Berkley County? Mr. Harris stated that he is not aware of that issue coming up in either of those two Counties. Mr. Brown stated that if he was a business owner in a particular Municipality and this passed countywide, could that Municipality have the opportunity to vote to go against what Council could do countywide or is that something that the Department of Revenue would have to decide? Mr. Harris stated that the Department of Revenue will have to decide how they are going to solve the issue if the Municipality would be opposed to permits being issued in their Municipality.

Mr. Brown asked if this could lead to litigation. Mr. Harris stated litigation is possible. The question would become who would be the party to the litigation. Mr. Nutt asked if a Municipality could not vote to outlaw alcohol sales on Sunday and that not be valid. Mr. Harris stated the question is to whether or not the referendum applies countywide including Municipalities or whether it is only limited to the Unincorporated Areas of the County. Mr. Nutt asked if the people voted to pass this in November, could a Municipality vote for an Ordinance that states alcoholic beverage sales on Sunday are not legal. Mr. Harris stated that he would have to research this. He is not aware of any provision currently that would provide for this. Motion to render third reading to Ordinance carried. Mr. Mintz and Mr. Culbreth opposed.

- C. Motion made by Mr. Britt to render third reading to an Ordinance providing for amendment and restatement of Ordinance No. O-09-09, as previously amended by Ordinance No. O-12-27, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks. Motion seconded by Ms. Hall and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of *ad valorem* taxes agreement between Spartanburg County, South Carolina and a company known to the County as **Aladdin Manufacturing Corporation**, a Delaware Corporation (Project Landrum), and one or more existing or to-be-formed or acquired subsidiaries, or affiliated or related entities, as sponsor, to provide for a fee in lieu of *ad valorem* taxes incentive with respect to an industrial project in the County; and other related matters. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Nutt to render second reading to an Ordinance to provide for the issuance and sale of not exceeding two million two hundred fifty thousand dollars (\$2,250,000) Spartanburg County, South Carolina, General Obligation Bonds (**Duncan Fire Service Area Project**), Series 2014; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. Motion seconded by Mr. Culbreth and 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, August 2, 2014 and Saturday, August 23, 2014 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Culbreth 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.

A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Resolution Number 15004 authorizes the change in position titles for Board Members in the Registration and Elections Department. Budget Amendment Resolution Number 15005 returns recently vacated slot PL7 in Registration & Elections back to GIS and classifies the position as a Senior GIS Analyst (grade 49) and allows it to be filled. It also allows Registration & Elections slot M12, Voter Technician (grade 43) to be unfrozen and filled in time to complete necessary training before the November elections. Budget Amendment Resolution Number 15006 recognizes an additional \$100,000 appropriated to the Circuit Solicitor's Office by the State to prosecute violent crimes. Budget Amendment Resolution Number 15007 increases the General Fund Fleet by one vehicle. Budget Amendment Resolution Number 15008 reclassifies a position in Drug Court to a part-time Drug Court Judge position. Budget Amendment Resolution Number 15009 accepts the SC-DHEC Solid Waste grant for recycling as well as sets up the needed revenue and expenditure accounts. Budget Amendment Resolution Number 15010 accepts the SC-DHEC Waste Tire grant for recycling as well as sets up the needed revenue and expenditure accounts. Budget Amendment Resolution Number 15011 accepts the SC-DHEC Used Oil grant for recycling as well as sets up the needed revenue and expenditure accounts. Budget Amendment Resolution Number 15012 authorizes the acceptance of the 14 Local Emergency Management Performance Grant award in the amount of \$87,475. Budget Amendment Resolution Number 15013 recognizes unclaimed restitution monies that have accumulated over the last ten years. Budget Amendment Resolution Number 15014 authorizes the reclassification of slot PM1 from a grade 83 to a grade 84, the title Parks Maintenance Manger will remain the same. Budget Amendment Resolution Number 15015 amends the IT County Servers and Software Upgrade (IT0006) project scope to include the purchase of two blade servers. Budget Amendment Resolution Number 15016 amends the Parks Outdoor Recreation Infrastructure (PR0010) project scope.

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

XI.

Motion made by Mr. Britt to approve the minutes of June 16, 2014 (Regular Meeting); July 1, 2014 (Special Meeting); and July 10, 2014 (Special Meeting). Motion seconded by Mr. Nutt and carried.

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council