

MINUTES

County Council Meeting

June 18, 2007

Spartanburg County Council met on Monday, June 18, 2007, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Johnnye Code-Stewart, O'Neal Mintz, David Britt, Rock Adams, Dale Culbreth, and Tom Foster, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; Tom Gates, Assistant County Administrator; and Edwin Haskell, 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 Pastor Keith Davis, Zion Hill Baptist Church. Spartanburg County Fire Marshal Bill Hall led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Britt to adopt a Resolution proclaiming June 2007 as National Homeownership Month in Spartanburg County. Motion seconded by Ms. Stewart and carried. Ms. Kathy Rivers received Resolution.
- B. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the exceptional performance of Kevin Jenkins and Jeff Holt of Spartanburg Emergency Medical Service in being named State Champions. Motion seconded by Mr. Mintz and carried. Mr. Kevin Jenkins, Mr. Jeff Holt, and Mr. Jimmy Greene received Resolutions.
- C. 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 Spartanburg County Fire Marshal, William T. Hall, Jr. Motion seconded by Mr. Culbreth and carried. Spartanburg County Fire Marshal William T. Hall, Jr. received Resolution.
- D. Motion made by Ms. Stewart to adopt a Resolution remembering and recognizing Army Private First Class, Joey T. Sams, II, of Spartanburg, South Carolina for his military service. Motion seconded by Mr. Britt and carried. Joey and Annie Sams, parents of Pvt. First Class Joey T. Sams, II, received Resolution.

- E. Motion made by Mr. Foster to adopt a Resolution remembering and honoring Deputy Kevin Earl Carper of the Spartanburg County Sheriff's Office. Motion seconded by Mr. Adams and carried. Ms. Andrea Carper, wife of Deputy Kevin Earl Carper, received Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider proposed revisions to the Unified Land Management Ordinance (ULMO), Ordinance No. 0-99-15, as amended, to require the removal of signs from within the right-of-way of any highway, county road, or public road, to establish procedure for such removal and to make other editorial corrections. No one appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the development of a Joint-County Industrial and Business Park in Spartanburg County in conjunction with Union County, a written agreement with Union County to provide for the manner by which expenses and revenues from such park will be allocated, and a written agreement with the City of Spartanburg relating to the allocation and payment of certain fee-in-lieu of tax revenues from said park. (Easton Marketplace – Lan-Yair) Motion seconded by Mr. Culbreth and carried.

Public Health and Human Services Committee (Honorable Johnnye Code Stewart, Chairman)

- A. Mr. Bill Faulkenberry, Spartanburg Housing Authority, presented information during the Public Health and Human Services Committee meeting in reference to the County's allocation of HOME funding for the ReGenesis Project area (Page Lake). This resolution will amend the previous resolution dated December 18, 2006. This action is being taken so that funds may be spent in a timely manner. Motion made by Ms. Stewart to adopt a Resolution amending Resolution R-04-04 for the purpose of supporting the Housing Authority of the City of Spartanburg Community Development Projects. Motion seconded by Mr. Foster and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Updated financial and personnel vacancy reports were received.

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Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Gil Bulman, County Assessor, and Mr. Pace Burt, Mayfair III, LLC, provided information in reference to a special tax assessment for historical properties to encourage redevelopment of local landmarks. Motion made by Mr. Foster to render first reading to an Ordinance to provide for a special property tax assessment for rehabilitated historic property in Spartanburg County. Motion seconded by Mr. Adams

and carried.

Public Safety and Judiciary Committee – (Honorable Rock Adams, Chairman)

- A. Motion made by Mr. Adams to authorize the Commission of Teresa Lee Stephens as an Environmental Enforcement Officer of Spartanburg County. Motion seconded by Mr. Mintz and carried.
- B. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Ms. Joan Holliday, Planning Administrator, presented an Overview of current County Signage Regulation.
- B. Motion made by Chairman Horton to render second reading to an Ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-015, as amended, to require the removal of signs from within the right-of-way of any highway, county road, or public road, to establish procedure for such removal and to make other editorial corrections. Motion seconded by Mr. Foster. Motion made by Mr. Mintz to amend the proposed ULMO amendment to add the following language to Section 3.20: (1) Temporary real estate signs can be placed only after 5:00 p.m. on Friday (Thursday if Friday is a holiday) and removed not later than 7:00 a.m. on the following Monday (Tuesday if Monday is a holiday). (2) Real estate firms wishing to place temporary signs in public rights of way must register annually with the County, pay a \$30 annual permit fee, and provide name and contact information for a firm representative responsible for signage. (3) Those responsible for signs in rights of way outside of permitted hours can be cited and fined according to Section 1.20 of the ULMO. Motion seconded by Mr. Britt. Mr. Britt stated that the intent is good, but thinks this should be held over. Mr. Story stated that this issue was one that the Planning Commission discussed. The Planning Commission shares the concern about the signs that become litter, but they could not reach a consensus on the idea of the time limit over the weekend and/or the annual registration, and they wanted to look at it further. Mr. Mintz stated that he wants to see people take responsibility for taking signs down. They get chopped up and just generally look bad. Mr. Foster agreed that this is an unsightly problem. Mr. Story stated that this started earlier this year to clarify one piece of this complicated signage section that would allow us to have the authority to clearly remove and destroy any noncompliance sign and to make a couple of other editorial changes. Some of the issues that relate more directly to Mr. Mintz's motion were discussed as this Ordinance worked its way through Planning Commission, but the Planning Commission decided if they did not have consensus on these issues to go ahead and send forward the other recommendations. Chairman Horton asked if, based on the information received earlier today, it would be better to bring forth Mr. Mintz's recommended changes later with the other changes. Mr. Haskell stated Council could vote on the amended motion as is, Mr. Mintz could withdraw his motion, and you could have another motion for the original Ordinance. Motion withdrawn by Mr. Mintz. Chairman Horton stated that he understands what Mr. Mintz is trying to accomplish. This will be brought forward again. Motion made by Mr. Horton to render second reading to the Ordinance as presented earlier today amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-015, as amended, to require the removal of signs from within the right-of-way of any highway, county road, or public road, to establish procedure for such removal and to make other editorial corrections. Motion seconded by Mr. Foster and carried.
- C. Updated Planning Department Reports on Development Activity were received.

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

- A. Motion made by Mr. Mintz to authorize the County Administrator to execute a development agreement for the extension of Caldwell Road through to Reidville Road. Motion seconded by Mr. Britt and carried.

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

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VI.

- A. Motion made by Mr. Adams to render third 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, 2007 and ending June 30, 2008; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Chairman Horton. Mr. Haskell stated that at this time Council would discuss any changes they would like to make to the Budget. After the changes are identified, someone could then make a motion to amend the previous motion which would then take precedence over the original motion. Mr. Britt asked if they could vote on Mr. Adams' motion and then have the discussion. Mr. Culbreth called the question. Motion did not carry. Five opposed. Motion made by Mr. Britt to amend the Administration's Budget proposal that was presented. Mr. Britt would like to strike the Public Information Officer. Mr. Gowdy made a presentation for six new people. Mr. Breed stated that it was for four General Fund positions and two Grant funded positions. Mr. Britt would like to give him three General Fund positions. The Sheriff made a request for five additional positions. Mr. Britt recommended giving him three positions this year. Mr. Britt recommended cutting the \$750,000 for the Employee Classification and Compensation Study in half and spreading it out over four years instead of two years. Mr. Gates stated the \$750,000 is for the first phase of implementation. Motion seconded by Mr. Foster. Mr. Culbreth stated that he would like to see the new positions held to the two Nursing Practitioners, the three Deputies for the Sheriff, three positions for the Solicitor's Office, and the Magistrate Court position approved in April. Mr. Culbreth would like to eliminate the other positions requested. Mr. Breed stated that would eliminate the three positions requested by Information Technologies, Delinquent Tax Accountant, Coroner's Office Secretary, one General Fund position in the Solicitor's Office, Planning position, and the District Magistrate Court increase in hours. Mr. Breed stated this would leave two Nurse Practitioners, three for the Solicitor's Office, and the addition of three for the Sheriff. Mr. Gates stated that as he understands it the motion is to amend the Budget to eliminate the Public Information Officer, to eliminate the Solicitor's Administrative Secretary, the addition of three Sheriff's Office Deputies, and proposing to eliminate \$365,000 related to the Classification and Compensation Study. The original amount was \$730,000. This would reduce the Budget by \$252,640 from the recommendation. Mr. Culbreth recommended the elimination of the three IT positions, the Coroner's position, the Delinquent Tax Accountant, and the elimination of the Public Information Officer. Mr. Culbreth proposed to eliminate five additional positions. This will be approximately another \$170,000 reduction. Mr. Mintz recommended cutting the Parks and Recreation request in half of the request and maxed at .8 mils. This would raise them to 5.3 mils. Mr. Mintz recommended reducing the Arts Partnership by \$26,190 down to \$200,000, and reducing the Spartanburg County Museum by \$4,150 down to \$35,000. Mr. Mintz also recommended giving our Fire Service Areas all \$9,000 instead of the recommendation to cover fuel and insurance costs in place of the CPI increase. Ms. Stewart agreed with the motion made by Mr. Britt. Mr. Adams also agreed to Mr. Britt's motion. Mr. Gates stated that Mr. Britt's proposal is estimated at approximately 3/10 of 1 mil below the proposed Budget. Chairman Horton stated that he would like to see a ½ mil or whatever it would take to get Spartanburg Community College monies to up fit the Tyger River Campus. Mr. Terhune requested \$1 million for the Tyger River Campus. Mr. Adams agreed with this recommendation. Mr. Breed stated this would be approximately 1.15 millage equivalent for \$1 million for Spartanburg Community College one time. Mr. Foster stated that he does not agree with cutting the funding for the Arts Partnership and the Spartanburg County Museum. Mr. Mintz withdrew the two suggestions on reducing the funding for the Arts Partnership and the Spartanburg County Museum. Mr. Foster stated that his two biggest concerns are Public Safety and Education. Mr. Breed suggested a brief recess to crunch numbers. Mr. Gates recapped the

recommendations. On the General Fund, delete the Public Information Officer, delete the Solicitor's Office Administrative Secretary, add three Sheriff's Office Deputies, eliminate \$365,000 for Classification and Compensation Study, and eliminate three IT positions. Chairman Horton stated that covers it, and we need the impact of adding 1.15 mils or \$1 million one time for Spartanburg Community College. Council advised they would not need information on the Fire Service Areas. Mr. Mintz requested information on the mils for Parks and Recreation. Council recessed for approximately 10 minutes. Mr. Gates reiterated his understanding of Mr. Britt's motion. Mr. Britt would like to reduce the recommendation for Classification and Compensation by \$365,000, eliminate the Public Information Officer at \$69,467, eliminate a Solicitor position at \$32,169, and add three Sheriff's Deputies at \$214,000. This is a collective reduction to the Budget of \$252,636 as recommended and approximately 3/10 of a mil decrease from the Administrator's recommendation. This represents the change in the General Fund. It does not include the recommendation on the Parks and Recreation Fund, which is a separate fund, or the recommendation for Spartanburg Community College. Mr. Story stated that just to be clear there is one motion on the floor as understood and described by Mr. Gates that has been made and seconded. Anything else that has been discussed has yet to be made in form of a motion. Chairman Horton stated this is Mr. Britt's motion to adopt with amendments on third reading with Mr. Foster's second. Mr. Gates advised the existing motion as on the floor currently is to reduce the recommended Budget by \$252,636. Motion made by Mr. Adams to amend Mr. Britt's motion to add 1.15 mils to Spartanburg Community College for one year. Motion seconded by Mr. Mintz and carried. Mr. Gates asked if it was correct that they were recommending the increase to Spartanburg Community College of \$1 million for one year with an estimated tax millage impact of approximately 1.15 mils. Council advised that this is correct. Mr. Story stated that now Mr. Britt's motion includes this amendment. Mr. Culbreth made a motion to amend Mr. Britt's motion to reflect the elimination of the other positions Mr. Culbreth recommended eliminating earlier. Mr. Culbreth stated this would include all other positions except the positions Mr. Britt brought in his motion. Mr. Gates stated that as he understands Mr. Culbreth's motion that would be the elimination of three IT positions, one Delinquent Tax Accountant position, and one position in the Coroner's Office. This does not include eliminating the Nurse Practitioners and does not include eliminating the additional hours for the District Magistrates. Motion seconded by Mr. Foster and carried. Mr. Gates stated the deletion of those five positions at a value of \$191,057 brings the total recommended Budget reduction to \$443,693 and .55 mils estimated. Motion made by Mr. Mintz to amend Mr. Britt's motion on Parks and Recreation and reduce Parks and Recreation from the recommended 6.1 to 5.3 mils. Mr. Mintz stated this would be a 25% increase over what they had last year, increasing them about \$750,000. Mr. Gates stated that as he understood the first motion it was to give them no more than 8 tenths of a mil increase, but this would be a 4 tenths of a mil increase? Mr. Mintz stated that he is recommending 8 tenths of a mil increase. Mr. Mintz stated that his motion is for 5.3 mils. Mr. Gates stated they currently have 4.9 mils. Mr. Mintz withdrew that motion and made a motion to put Parks and Recreation at 5.5 mils reducing them by 6/10 of a mil from the Administrator's recommended Budget. Chairman Horton stated that we have a motion to amend Mr. Britt's motion as amended to reduce Parks and Recreation millage to 5.5 mils. Motion seconded by Mr. Culbreth and carried. Three opposed. Mr. Gates stated this will reduce their appropriation by \$412,278 from the Administrator's recommendation and should reduce them from the recommended 6.1 mils to an estimated 5.5 mils. Ms. Stewart called the question on Mr. Britt's motion to approve the Budget Ordinance on third reading as amended by the three subsequent motions by Mr. Adams, Mr. Culbreth, and Mr. Mintz. Mr. Gates recapped the motions. Under Parks and Recreation Fund, the Administrator's recommendation was reduced by 6/10 of a mil and \$412,278. Spartanburg Community College was provided \$1 million in additional revenue beyond the Administrator's recommendation. This is approximately 1.15 mils estimated. In the General Fund, the Administrator's recommendation was reduced by \$443,693, an estimated 0.55 mil reduction. With these numbers, the increase will be approximately 1.6 mils. This will reduce the increase from 2.1 mils to 1.6 mils. Motion to adopt the Budget on third reading with these amendments carried. Mr. Foster expressed his appreciation to Administration for their assistance on this. Mr. Britt expressed his appreciation to the other Council

members for the time they had put in working on the Budget.

- B. Motion made by Mr. Britt to render third reading to Budget Ordinance to establish Capital Project Budgets for the 2007-2008 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance prohibiting loitering for purposes of soliciting prostitution or engaging in illegal drug activity in Spartanburg County. Motion seconded by Ms. Stewart and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance to prohibit the sale, manufacture, possession or delivery of certain drug paraphernalia in Spartanburg County. Motion seconded by Mr. Adams and carried.

VII.

No items scheduled.

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 Ms. Stewart to approve minutes of May 2, 2007 (Work Session) and May 21, 2007 (Regular Meeting). Motion seconded by Chairman Horton and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council