

MINUTES

County Council Meeting

January 28, 2013

Spartanburg County Council met on Monday, January 28, 2013, 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, 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 to order.

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

II.

No presentations scheduled.

III.

Ms. Hubbard recognized Joyce Rich, Auditor's Office, for her customer service in the Auditor's Office; Joey Lathen, Coroner's Office, for his professional and compassionate service toward a family when they lost their mother; and the United Way Campaign Coordinating Committee Members Marcia Murff, Parks Department; Mike Emory, Director of Administrative Services; and April Spake, Fleet Services. Employees donated over \$18,000 to the United Way Campaign.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement between Spartanburg County and **Lockhart Power Company** and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Contec, Inc.**, 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. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Lyman** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the Town of Lyman to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. 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 an Inducement Resolution providing for a fee in lieu of tax agreement between Spartanburg County and a company known to Spartanburg County as **Project Cartridge**. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Benteler Automotive Corporation** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.

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

- A. Ms. Betsy Gray-Manning, Recruiter, SCYAP-Resource Family Program, presented information in reference to SC Youth Advocate Program-Resource Family Program concerning foster care.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Stan Halliday, McAbee, Talbert, Halliday & Co., presented the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012. (Presentation, the Auditors' Communication Letter, and the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2012, are included in backup.) Our Staff did a great job this year.
- B. Ms. Katherine Hubbard, County Administrator, stated there is a lot of good news in the Auditors' Report, and thanked the staff for what they have done in response to Council's directive to get things headed in the right direction. If not for the health insurance claims, we would have been almost \$1 million to the good. During the Budget process, Administration is going to be taking a look at how we structure our premiums and the health insurance plan itself. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Laura Stille, Partners for Active Living Board Member; John Cock, Alta Planning; and Jean Crowther, Alta Planning, presented information in reference to the new Spartanburg Trails and Greenways Plan. (Presentation included in backup)
- B. Lisa Bollinger, MCRP, Senior Planner, SPATS, presented information in reference to a Resolution to support a potential partnership with the United States National Park Service for development of a Master Plan for the Overmountain Victory National Historic Trail through Spartanburg County, SC. (Presentation and a map of the Overmountain Victory National Historic Trail are included in backup.) Motion made by Ms. Hall to adopt Resolution. Motion seconded by Mr. Britt and carried.
- C. Eric Davis, Project Manager, Parks Department; and Elizabeth Hardee, Recreation Programs Manager, Parks Department, presented information in reference to two Appalachian Regional Council Grants. Motion made by Ms. Hall to approve the grants. Motion seconded by Britt and carried.
- D. 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.

VII.

No public comments received.

VIII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03, No. O-03-13, and No. O-08-29 relating to the joint county industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. **(AFL Telecommunications, LLC)** Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance amending Ordinance No. O-07-04 to provide for certain amendments to the \$1,000,000 principal amount Spartanburg County, South Carolina Special Source Revenue Bond **(Liberty Property Limited Partnership Project)** Series 2007. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Culbreth to render third reading to an Ordinance to amend Ordinance No. O-12-18 which established the Capital Project Budgets for the FY 2012/13 Budget Year of the Five-Year Capital Improvement Plan by altering appropriation levels for Hospitality Tax Fund Transfer and Parks Fund Transfer and to alter and create capital projects and their related expenditures to implement desired components of the Parks Enhancement Plan. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Culbreth to render third reading to an Ordinance to amend Ordinance O-12-17 which related to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2012 and ending June 30, 2013 and to provide for the

- budget control of said appropriation by the Spartanburg County Council by amending revenue and expenditure appropriations for the Spartanburg Parks Fund and the Hospitality Tax Fund to implement recommendations of the Parks Enhancement Plan. Motion seconded by Mr. Mintz and carried.
- E. Motion made by Mr. Culbreth to render third reading to an Ordinance amending Ordinance O-00-002 Article V Division 12 of the Spartanburg County Code relating to the Fire Chiefs Advisory Board Meetings and Attendance for Eligibility. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Pacolet** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the Town of Pacolet to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Ms. Hall and carried.
- G. 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 **City of Woodruff** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the City of Woodruff to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Britt and carried.
- H. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement between Spartanburg County and **Lockhart Power Company** and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. Motion seconded by Mr. Brown and carried.
- I. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Contec, Inc.**, 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. Brown and carried.
- J. Motion made by Mr. Culbreth to render second reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Lyman** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the Town of Lyman to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Mintz and carried.

XIII.

- A. Motion made by Mr. Nutt to adopt a Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing to transferring the authority for conducting municipal elections in the **City of Spartanburg** to the Spartanburg Election Commission. Motion seconded by Mr. Britt 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 **City of Spartanburg** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the City of Spartanburg to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Culbreth to render first reading to an Ordinance amending Section 2(g) of Spartanburg County Ordinance O-12-08 regarding the transfer of Authority for conducting Municipal Elections from the **Town of Duncan** to the Spartanburg County Election Commission as to certain filing requirements for such elections. Motion seconded by Mr. Nutt 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 Number 13121 allows for the acceptance of a donation of \$50 from Bill Henderson for the Environmental Enforcement Department. Budget Amendment Number 13122 authorizes the acceptance of a public safety grant from Firehouse Subs Public Safety Foundation in the form of five automated external defibrillator (AED) devices and accessories valued at \$7,300. Budget Amendment Number 13123 recognizes revenue as a result of Delinquent Tax escheatment. The revenue will be used to offset anticipated health insurance overages for FY13. State law stipulates

that unclaimed overages from tax sales greater than five years old be transferred to the County General Fund. Budget Amendment Number 13124 sets up the revenue and expenditure accounts associated with two Palmetto Pride Grants. The Palmetto Pride 2013 Enforcement Grant has been awarded in the amount of \$2,425 and the Palmetto Pride Community Pride Grant has been awarded in the amount of \$5,713. Budget Amendment Number 13125 sets up revenue received in the Forfeited Gambling Fund and the State Forfeited Drug Fund for November and December 2012. This revenue is not budgeted during the budget process as the amount varies each year. Budget Amendment Number 13126 accepts and establishes the budgets for three Emergency Management grants. Grant 1 (HMEP Training) is for \$8,100 to conduct training for hazmat response to highway transportation incidents. Grant 2 (HMEP Planning) is for \$5,150 to purchase HazMat training materials and training equipment for responding to Hazmat Transportation accidents. Grant 3 (11EMPG01) is for \$19,130 to purchase laptops, computers, CERT equipment and training. Budget Amendment Number 13127 provides for an intern for Spartanburg Area Transportation System (SPATS) who would be reimbursed mileage to and from Clemson University. The County match for this intern expense is estimated to be less than \$800. Budget Amendment Number 13128 allows for the closing of completed C-Funds projects. Budget Amendment Number 13129 sets up new C-Funds projects as approved at the January 17, 2013 quarterly County Transportation Committee (CTC) meeting. Budget Amendment Number 13130 for Project #22-13 includes the renovation of the Spartanburg County Public Health Vital Records Office. Budget Amendment Number 13131 reclassifies the job title of slot PD27 from Secretary (Grade 41) to Legal Assistant (Grade 44) as directed by County Council at their November meeting. Budget Amendment Number 13132 sets up the RIF-SCP-10 South Carolina Department of Commerce grant for the Velocity Park Project. This is a pass through grant for which the work has been completed. Budget Amendment Number 13133 sets up additional funding for the CL9036 South Carolina Department of Commerce grant for the Timken Building Upfit. This is a pass through grant. Budget Amendment Number 13134 represents the Upstate Workforce Investment Board's share of the cost of a part-time staff person. The Upstate Workforce Investment Board (UWIB) has partnered with the Spartanburg Area Chamber of Commerce's Economic Future's Group to share in the cost of a part-time staff person (Director of Workforce Initiatives) to gather real time data on education and workforce issues to be used by the UWIB, Chamber, and the Economic Future's Group to be used to implement solutions.

Ms. Hubbard presented information in reference to a request from the Soil and Water Conservation District to change the title of a position. No funds are involved with this request. This is the District's Administrative Secretary position. The District would like to change the title of this position to Conservation District Coordinator. This title more accurately reflects the

duties for this position. Ms. Hubbard requested allowing the Soil and Water Conservation District to proceed with advertising the position. A Budget Amendment Resolution will be included for approval at the next meeting to formalize the action of a title change.

Motion made by Mr. Britt to adopt Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Culbreth and carried.

- B. Mr. Britt stated that he spoke with Mr. Cibby Krell during the break. Mr. Krell volunteered to serve on a committee to help Mr. Laye and his department. Mr. Britt recommended and asked Council to think about forming an Ad Hoc Committee made up of Council Members and Citizens to encourage and find Poll Managers and Volunteers to help during elections.

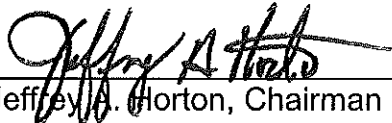
XI.

Motion made by Mr. Britt to approve minutes of December 7, 2012 (Special Meeting) and December 17, 2012 (Regular Meeting). Motion seconded by Mr. Nutt and carried.

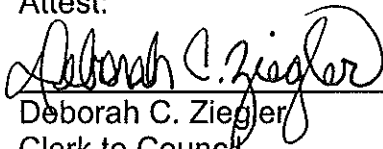
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council