

# MINUTES

## County Council Meeting

**October 15, 2012**

Spartanburg County Council met on Monday, October 15, 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, 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. Chairman Horton led in reciting the Pledge of Allegiance.

### II.

- A. Judy Caton, Moore, appeared in favor of term limits and to recommend the hiring of a new Parks and Recreation Director.
- B. Peggie Melton, Moore, appeared in opposition of putting guard rails in Twin Lakes Subdivision.

### III.

- A. Motion made by Ms. Hall to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the many years of service provided by Clyde (Buster) Lawson. Motion seconded by Mr. Mintz and carried.

IV.

Ms. Hubbard recognized Pam Dean, Executive Director of Miracle League, on receiving the 2012 South Carolina Recreation and Parks Association Champion for our Community Award; Ms. Sabrina Mason, Finance Director, on the Finance Department receiving the Certificate for Achievement in Excellence in Financial Reporting for FY2011; Ms. Elise Gosnell and Ms. Elizabeth Hardy for their work with the ACE (After Class Enrichment) Program; and Mr. Doug Bryson, Director, Spartanburg County Office of Emergency Management, for his assistance in the coordination and participation in Greenville Spartanburg International Airport's full scale exercise on October 3, 2012. A letter was received from Greenville Spartanburg International Airport expressing their sincere thanks to Mr. Bryson. They also expressed their appreciation of the presence of the Mobile Command Center.

V.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing an Infrastructure Credit Agreement and the amendment of an existing fee-in-lieu of taxes Lease Agreement between the County, **BMW Manufacturing Co., LLC**, and SB Acquisitions, Inc. concerning certain industrial facilities (the "Project"), which include certain property or interests therein, pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act"). The Project shall be located at 1400 Highway 101 South, Greer, South Carolina, 29651. As required by the Act, the Project will not impose any pecuniary liability upon the County or constitute a charge upon the County's general credit or taxing power. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance amending Section 2-121 of the Code of the County of Spartanburg, South Carolina to provide term limits for County Council appointed boards and commissions. The following appeared in opposition to the Term Limits Ordinance: Cibby Krell, 24 Hagood Ct., Spartanburg; Doug Cobb, P.O. Box 111, Reidville; Carol Corson, 519 Saint Helena Ct., Roebuck; Walter McSherry, 108 Idlewylde Court, Spartanburg; Ryan Colburn, 180 Tyger Farm Lane, Woodruff; Rudy Jordan, 201 Zoar Heights Road, Greer; and Lynn Isler, 120 Churchill Avenue, Moore. The following individuals appeared in favor of the Term Limits Ordinance: Tom Davies, 380 Mary Hanna Road, Woodruff; Wayne Bobo, 155 Shelton Drive, Spartanburg; Mark Thompson, P.O. Box 95, Roebuck; Travis Sims, 168 Lakeshore Drive; and George Fain, 222 Horry Drive, Spartanburg.
- C. Chairman Horton declared open a public hearing to consider an Ordinance providing for amendment of Ordinance No. O-09-09, pertaining to distribution of fee in lieu of tax revenues generated from certain joint

county industrial and business parks, to add certain additional park agreements thereto. No one appeared, and the matter was closed.

- D. 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. **(Greer 290 Properties)** No one appeared, and the matter was closed.

VI.

No appearances schedules.

VII.

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

- A. Motion made by Mr. Britt to adopt an Inducement Resolution identifying a project to satisfy the requirements of Title 12, Chapter 44 of the Code of Laws of South Carolina, as amended, so as to allow investment expenditures incurred by **Lockhart Power Company** to qualify as expenditures eligible for a fee in lieu of tax arrangement with Spartanburg County, South Carolina; and committing to enter into such necessary agreements with Lockhart Power Company to effectuate the intent of this resolution; and other matters related thereto. Motion seconded by Ms. Hall and carried.

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

No items scheduled.

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

- A. Motion made by Mr. Culbreth to approve reclassification of a position in the Auditor's Office. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to approve reclassification of a position in the Upstate Workforce Investment Board Office. Motion seconded by Ms. Hall and carried.
- C. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Roger Nutt, Chairman)

- A. Motion made by Mr. Nutt to adopt Resolution to approve, in principle, the Parks Enhancement Plan as an outline for investments in Parks Improvement and Development and to provide a basis for ongoing community dialogue regarding parks planning among parks and recreation stakeholders, parks partners and community leaders. Motion seconded by Mr. Britt and carried.
- B. Updated information received regarding activities of the Parks and Recreation 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. Motion made by Mr. Horton from the Land Use Committee to submit a request to the Planning Commission to review Section 2.02-2 of the Unified Land Management Ordinance (ULMO) as it applies to required buffer yards and berms that are constructed on the property line. Motion seconded by Mr. Mintz and carried. Mr. Horton opposed.
- B. Updated Planning Department Reports on Development Activity were received.

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

- A. Mr. Steve Belue presented information in reference to an Ordinance to convey approximately 965.4 +/- square feet of land adjoining parcel number S 2-28-00-045.01 and 045.52. This property is in Windemere Subdivision. It is located off Highway 9 just south of Lake Bowen Dam road. Their entrance sign was displaced with the widening of Highway 9. There is a 100 foot of right-of-way. The County will be deeding a portion of the right-of-way that Spartanburg County does not need to Windemere Homeowners Association. The County will not be giving up the easements on the property. Motion made by Mr. Mintz to render first reading to Ordinance. Motion made by Mr. Horton to render first reading to Ordinance. Motion seconded by Mr. Culbreth and carried.
- B. Mr. Travis Brown, Solid Waste Manager, presented information in reference to a position reclassification and the elimination of a position in the Solid Waste Division. This action will result in three fulltime Scale Control Clerks at the Landfill and one part-time Scale Control Clerk. This will enable the Landfill to have two Scale Control Clerks in the Scale House at the Landfill at all times. This will result in a savings of \$9,500.

Motion made by Mr. Mintz to approve this request. Motion seconded by Mr. Culbreth and carried.

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

VIII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee agreement between Spartanburg County, South Carolina, and **Spartanburg Rehabilitation Institute, Inc.**, its affiliates and assigns, and one or more sponsor affiliates, to provide for a fee-in-lieu of ad valorem taxes incentive, the grant of certain infrastructure credits as part of the fee-in-lieu of taxes arrangement, the inclusion of the company's property in a multi-county industrial park; and other related matters. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to render third reading to an Ordinance finding that **Startex-Jackson-Wellford-Duncan Water District** may issue not exceeding \$12,000,000 of General Obligation Bonds; to authorize Startex-Jackson-Wellford-Duncan Water Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Nutt and carried. Mr. Mintz opposed.
- C. Motion made by Mr. Mintz to render second reading to an Ordinance amending Section 2-121 of the Code of the County of Spartanburg, South Carolina to provide term limits for County Council appointed boards and commissions. Motion seconded by Ms. Hall. Mr. Mintz expressed his support for the Term Limits Ordinance. This Ordinance would apply to 22 committees that County Council appoints. Most of them have four year terms, and members would have twelve years to serve. Many Counties in the State already have term limits. Mr. Britt expressed his opposition to the Term Limits Ordinance. Mr. Britt stated that there are not enough people to serve on boards, and this would wipe out experienced board members. Mr. Nutt reiterated Mr. Britt's comments. Mr. Nutt stated it has been helpful to him when serving on boards to have the knowledge of experienced board members on the boards. Mr. Nutt stated serving with inexperienced board members that do not want to be there is detrimental to the process. Mr. Nutt stated that he is totally opposed to a arbitrary term limit and stated that he will commit to his district that he will use his one vote to start removing people that do not need to be on boards if this is the problem. Mr. Culbreth expressed his opposition to this Ordinance. Mr. Culbreth discussed how this would negatively affect the fire district boards. Ms. Hall expressed her support for this Ordinance and thanked everyone that spoke during the public hearing on this Ordinance. Ms. Hall stated a lot of the people opposed stated this Ordinance was making the terms longer, and stated that she would support a change in the Ordinance to make it for two terms with

unanimous approval of the Council for a third term. Motion carried. Mr. Britt, Mr. Culbreth and Mr. Nutt opposed.

- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Sections 67 and 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of an infrastructure credit agreement and amendment to a lease agreement between Spartanburg County, South Carolina, **BMW Manufacturing Co., LLC and SB Acquisitions, Inc.**; an extension of the fee term under the 1994 FILOT Lease Agreement between such companies and the County; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance providing for amendment of Ordinance No. O-09-09, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks, to add certain additional park agreements thereto. Motion seconded by Mr. Culbreth and carried.
- F. Motion made by Mr. Britt to render second 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. **(Greer 290 Properties)** Motion seconded by Mr. Culbreth and carried.

IX.

- A. Motion made by Mr. Britt to adopt a Resolution authorizing the Delinquent Tax Collector of Spartanburg County to transfer property to the Spartanburg County Forfeited Land Commission. Motion seconded by Mr. Culbreth and carried.

X.

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.

XI.

- A. Ms. Hubbard announced that the November Council meeting date has been changed to November 26, 2012. This will not be our normal scheduled meeting time.
- B. Ms. Hubbard presented information in reference to proposed Budget Amendment Resolutions. Budget Amendment Resolution 13055 reclassifies employee slot A5 from a title of Administrative Assistant to Office Operations Supervisor in the Auditor's Office. This will result in a grade change from grade 45 to grade 48. Budget Amendment No. 13050 provides for the assistance of a contract consultant paralegal to establish filing processes, to provide federal court filing assistance, and to assist with FOIA, research, and litigation file tracking procedures. Budget Amendment Resolution 13051 reduces the budgeted Emergency Medical Services (EMS) Community EMS Assistance Program Grant to match the actual award. The grant reduction also includes a reduction in the required match. The total grant is \$23,542 which includes the match of \$1,227 from the County. Budget Amendment Resolution 13052 transfers a portion of remaining project funds from the Ezell Road Bridge Replacement Project (BBR0008), completed during FY12, to a new capital project for the construction of Avanti Road (RI0014), related to the Amazon project. Budget Amendment Resolution 13053 eliminates the Office Assistant's position (Spartanburg County employee slot number SW26) within the solid waste division and reclassifies one existing part-time Scale House Operators position (SW25) to a fulltime Scale Control Clerk position. Budget Amendment Resolution 13054 sets up insurance proceeds received to replace the mailbox at the landfill which was damaged in a motor vehicle accident. A Specialized DUI Prosecutor Grant to prosecute all DUI and alcohol related traffic cases in Spartanburg County in the Magistrate and General Sessions Courts was presented. This is a grant award with no local match. The requirement of this grant is reporting only. Budget Amendment Resolution 13056 recognizes a new \$100,000 allocation for Criminal Domestic Violence prosecution funding as announced by Solicitor Barnette at the September meeting. The funding will be expended on two personnel slots. This will result in an increase of two positions to the Solicitor's Authorized Staffing Level in the General Fund, bringing their total to 58. This Budget Amendment Resolution will also fund one personnel slot previously funded by a VAWA grant. This position was originally budgeted in Fund 9, but will be moved to General Fund as part of this action. Funding for this position is made up of partial recognition of the Lending Tree settlement as well as savings from budgeted grant matches that are no longer needed due to a loss of grants. In lieu of increasing the Authorized Staffing Level in General Fund, one currently authorized frozen position will be utilized. The second section of this Budget Amendment Resolution reduces Solicitor Grant revenue and expenditures in the Special Revenue Fund to acknowledge the non-award of the Aggressive Case Management and Gang Prosecutor Grants. These grants funded three positions which will be

eliminated from the Fund 9. Inclusive of the one VAWA position, this will result in a decrease of four positions to the Solicitor's Authorized Staffing Level in Fund 9, bringing their total to two. The final portion of this Budget Amendment Resolution adjusts operating lines items related to the DUI Prosecutor Grant. Budget Amendment Resolution 13057 acknowledges and appropriates funds provided by SC Department of Public Safety – Office of Highway Safety. This grant will provide \$28,000 in funding, without any match requirement from the County, for promotion of the Law Enforcement Network. Twenty-five percent of grant funds will be used by the Sheriff's Office and seventy-five percent will be used for promotion of the LEN network. Pre-approved expenditures categories include: meeting room costs, traffic law books, crash data recovery kits, collision reconstruction software, in-car cameras, and checkpoint supplies to name a few. Actual expenditures may occur within these categories or within the other approved categories as needed. Budget Amendment Resolution 13058 sets up the 2012 COPS Hiring Program Grant as approved by County Council at their August 20, 2012 meeting. This is for the first three years of the grant. Year four will be set-up in the development of the FY 2015-16 Budget. Budget Amendment Resolution 13059 sets up insurance proceeds for fire damage at the County Sign Shop related to a power supply issue. Funds will be used for repair of the facility. Budget Amendment Resolution 13060 reclassifies employee slot WB21 from a title of Accounting Supervisor to Workforce Specialist Coordinator. This will result in a grade change from grade 84 to grade 48. The Accounting Supervisor position has been vacant since before the beginning of the year. The change in the position title reflects personnel needs based on current program funding. This change will not affect the overall Authorized Staffing Level of the office. Due to vacancies within the department these changes will not increase the Budget. Budget Amendment Resolution 13061 recognizes and appropriate \$55,000 in donations received from Women Giving for Spartanburg, BMW, and Spinx. Funds will be used for improvements to the playground and other amenities at Tyger River Park (PR00006). Budget Amendment Resolution 13062 sets up insurance proceeds from the total-loss of two Sheriff's Office vehicles. Funds will be used to acquire a replacement vehicle and associated equipment once sufficient funds accumulate in the account to afford the purchase.

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

## XII.

Motion made by Mr. Culbreth to approve minutes of September 17, 2012 (Regular Meeting). Motion seconded by Mr. Britt and carried.




XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council