



MINUTES

County Council Meeting

December 17, 2012

Spartanburg County Council met on Monday, December 17, 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.

Chaplain Clevenger extended an invitation to everyone to attend a Prayer Vigil Sheriff Wright is holding at the Sheriff's Office Tuesday, December 18, at 7:00 p.m. Letters will be completed for the families and the First Responders for the families and responders in New Town, Connecticut following the tragic shooting of the teachers and students in New Town. Invocation was rendered by Chaplain Jerry Clevenger. Former Council Member Tom Foster led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Greer Dragway and Jay Norris at the Division 9 Raiders Summit Team Finals. Motion seconded by Mr. Mintz and carried. Mr. Mike Greer, Greer Dragway, Jay Norris, and Team Greer received the Resolution.
- B. Lt Colonel Tom Foster, South Carolina State Guard, HHC/2/2, CO, presented special recognition to Ms. Hall on behalf of the South Carolina Military Department, the Department of the US Army, for her participation in the NDMS (National Disaster Medical Exercise). In April of 2012, an

NDMS Exercise was held at Greenville Spartanburg Airport. This Exercise is held on the even years in the Upstate to test the capability and readiness of emergency preparedness components. It is a joint exercise between the Military, Local, State, and Federal agencies. Mr. Foster has been the OIC (Military Officer in Charge) for the past few years in the Upstate. Ms. Hall is a Registered Nurse and participated in the exercise this year. Mr. Foster stated this exercise was very successful because of Spartanburg County and the people that represent Spartanburg County. Ms. Hall expressed her appreciation.

III.

Ms. Hubbard recognized Cole Alverson and Kelly Newman, Budget Management, on Spartanburg County being awarded the Outstanding Budget Presentation Award by the Government Financial Officers Association (GFOA). Ms. Hubbard welcomed the newest member of our Management Team, Bob Harkrader, to Spartanburg County and thanked Tony Bell, Doug Burns, Rod Brown, and Jim Hipp, members of the Interview Panel, who helped Ms. Hubbard review and rank roughly three dozen candidates and then commit the time to prepare and interview four candidates. Ms. Hubbard introduced Bob Harkrader, our new Planning Director.

IV.

- A. Chairman Horton declared open a public hearing to consider 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**). No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.

- D. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- E. 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 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. No one appeared, and the matter was closed.
- F. 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 **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. 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 render first 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.
- B. Motion made by Mr. Britt to adopt a Resolution consenting to an extension of the investment period for **Sun Paper Company** under its fee agreement with Spartanburg County pursuant to Section 12-44-30(13), Code of Laws of South Carolina, 1976, as amended (the "Code"), and other matters related thereto. Motion seconded by Mr. Brown and carried.

- C. Motion made by Mr. Britt to approve and authorize the County Administrator to execute a Consent, Joinder and Assumption Agreement between **Iljin USA Corporation**, a Michigan corporation ("*Iljin USA*"), and Spartanburg County to allow the name change on an existing agreement from Iljin American to Iljin USA. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to adopt an Inducement Resolution providing for a fee in lieu of tax agreement to capture upcoming investment over the next few years between Spartanburg County and **Benteler Automotive Corporation**. 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. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Eric Davis, Project Manager, Parks Department, presented information in reference to Woodruff Recreational Trails Program (RTP) Grant. Motion made by Mr. Britt to accept grant. Motion seconded by Mr. Brown and carried.
- B. Mr. Jim Campbell, Interim Parks Director, presented information in reference to the Parks Department. Two slides were presented relating to the 295 Sports Complex project and are included in backup. 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. Ms. Joan Holliday, Planning Department, presented information in reference to an Ordinance to amend the Unified Land Management Ordinance, Ordinance No. O-99-015, as amended, to specify the residential setback is measured to the property line for certain uses and to make housekeeping corrections to Tables 3a and 3b. Motion made by Mr. Horton to render first reading to Ordinance. Chairman Horton stated these changes in know way alters any previous agreement between any Council

or Planning Commission. Motion seconded by Mr. Mintz and carried. Mr. Culbreth and Mr. Nutt opposed.

- B. 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.

Mr. Bob Mitchell, 104 Courier Place, Spartanburg, appeared to ask the County to help fund the City Swim Center. Ms. Millie Steele, 325 Arrowhead Circle, Spartanburg, also appeared to ask the County to work with the City to keep the Swim Center open. Mr. Gerald Thomas, 5 Arbours West Lane, Moore, appeared to request the County help keep the Swim Center open. Ms. Betty Robertson, 309 Shady Drive, Spartanburg, appeared to ask the County to give to the City to try to keep the Swim Center open. Chairman Horton addressed this issue. Back in 1988, the City gave the City Centers to the County at that particular time. During the years, the residents of the City were not quite happy with the direction of the County and the way the Centers were being addressed. The City agreed to take back over the City Centers including the Swim Center. In doing so, the concession was that the County would no longer levy a recreation millage on properties located within the City's municipal boundaries and the City would no longer be required to make payments on the 911/Communications system. These were the financial concessions to the City taking over those facilities. In 2007, County Council's Revenue was \$91 million. This past year, County Council's Revenue was \$81 million. This downturn has been quite prohibitive.

VIII.

- A. Motion made by Mr. Mintz to render third second reading to an Ordinance to convey approximately 965.4 +/- square feet of land adjoining parcel number S 2-28-00-045.01 and 045.52 along SC Highway 9 that adjoins 104 and 103 Bermuda Lane, Inman, SC to Windemere Subdivision Homeowners Association, Incorporated. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Britt to render second 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. Nutt and carried.

- C. Motion made by Mr. Britt to render second 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. Mintz and carried.
- D. Motion made by Mr. Culbreth to render second 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. Britt and carried.
- E. Motion made by Mr. Culbreth to render second 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. Britt and carried.
- F. Motion made by Mr. Culbreth to render second 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 Ms. Hall and carried.
- G. Motion made by Ms. Hall to render second 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 Mr. Britt and carried.
- H. Motion made by Ms. Hall to render second 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.

XIII.

No items scheduled.

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. Chairman Horton stated Council will be attending a Christmas Get Together immediately following the meeting.
- B. The following Budget Amendment Resolutions were provided to County Council. BAR R-12-111 (\$10,907) – SADAC has received notification from the SC Department of Alcohol and Other Drug Abuse Services (DAODAS) of an approved 3% COLA salary supplement for full-time State funded employees effective 7/1/12. Even though SADAC employees are State funded they are County employees and therefore received the budgeted County 2% salary adjustment. This Budget Amendment Resolution recognizes the additional revenue from the State beyond what is necessary for the COLA increases and applies it to Medical Expenses. BAR R-12-112 (\$5,223.46) recognizes revenue for the reimbursement of expenditures associated with the renovation of the canteens at the Courthouse and Administration Buildings. BAR R-12-113 approves the acceptance of a grant for construction of the Woodruff Recreational Trail from the SC 2012 Recreational Trails Program and authorizes the County Administrator to sign the grant acceptance. The grant award of \$55,789.77 and match of \$11,157.95 will be budgeted in the Woodruff Trail project (PR0018) in FY 2013/14 when construction is planned. BAR R-12-114 (\$13,500) moves budgeted expenses within the Solid Waste Vehicle and Capital Equipment Replacement Project (ER0002) from Landfills (9700) to Environmental Enforcement (9415) for the replacement of vehicle #1281, a 2000 Ford Taurus. BAR R-12-115 authorizes the donation of a deadlined Sheriff's Office vehicle to the Swofford Career Center for use in their Automotive Division. The County will forgo receipt of the \$2,500 resale value of this vehicle. BAR R-12-116 authorizes the donation of a deadlined Sheriff's Office vehicle to the City of Cowpens for use in their K-9 program. The County will forgo receipt of the \$4,500 resale value of this vehicle. Motion made by Mr. Mintz to adopted Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Culbreth and carried.

Spartanburg County Council
December 17, 2012


XI.

Motion made by Mr. Britt to approve minutes of November 26, 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