

MINUTES

County Council Meeting

June 20, 2011

Spartanburg County Council met on Monday, June 20, 2011, 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 Glenn Breed, County Administrator; Jim Hipp, Deputy County Administrator; Edwin Haskell, County Attorney; and William McBee Smith, Assistant 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 Ray Hellings. Thomas Moore, Boy Scout Troop 8, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation of the life of James E. "Big Jim" Everhart of Inman, South Carolina. Motion seconded by Mr. Britt and carried.
- B. Motion made by Ms. Hall to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Ms. Jennifer Gibson, Ms. Jan Humphries, Ms. Janet Lowe, and Ms. Linda Pruitt, and recognizing the March of Dimes Leadership Team and Spartanburg County for receiving the #1 Government Award and winning the Best T-Shirt Design Award. Motion seconded by Mr. Britt and carried.

III.

- A. During the Land Use Committee meeting, Council voted to table a public hearing to consider

proposed revisions to the Unified Land Management Ordinance (ULMO), Ordinance No. O-99-15, to amend Section 3.03 Manufactured Homes and Section 3.04 Manufactured Home Parks in the Unified Land Management Ordinance (ULMO) to redefine mobile home (manufactured home) park so as to prevent the circumvention of the ordinance intent for such parks, to add dumpster requirements and increase spacing requirements, to clarify requirements regarding annual licensing, inspections, and fees, and to update references to other codes and regulations.

- B. 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, South Carolina, and **SEW-Eurodrive** (Project Gear); and other matters relating thereto including, without limitation, payment of a fee-in-lieu of taxes and granting certain Special Source Tax Credits to SEW-Eurodrive (Project Gear). No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance to amend the agreement authorized by Ordinances No. O-09-04, O-10-04 and O-10-14 relating to the Joint County Industrial and Business Park of Spartanburg and Cherokee Counties so as to enlarge the park. (**SEW-Eurodrive - Project Gear**) No one appeared, and the matter was closed.
- D. 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, July 9, 2011 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- E. 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, July 30, 2011 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

IV.

- A. Mr. Kenny Price, 5108 Joe Parris Drive, appeared in reference to the International Property Maintenance Code requirements.

V.

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

- A. Motion made by Mr. Britt to adopt an Inducement Resolution authorizing the execution and delivery of an agreement by and between Spartanburg County, South Carolina, and **Project Hunt** whereby, under certain conditions, Spartanburg County will provide for the payment of fees in lieu of taxes, and a special source revenue credit relating to a project ("**Project Hunt**") to be located within a multi-county industrial park for certain investments to be made by the project. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement for **Project "Hunt"** to be located in a multi county industrial park and matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance to authorize the execution and delivery of an amendment to the fee agreement by and between Spartanburg County and **DAA Draexlmaier Automotive of America, LLC** to provide Special Source Revenue Credits; and to provide for other matters thereto. Motion seconded by Mr. Brown and

carried.

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

- A. Mr. Doug Moyer, CEO, and Dr. Tom Robinson, Mary Black Hospital Board of Trustees, presented an Update on Mary Black Hospital. (Presentation included in backup.) Mary Black Hospital has made many accomplishments in the last few years. It is a for-profit hospital, but the investment in the community has been great. They have been designated as a Primary Stroke Center and have received the number one status for stroke outcomes in South Carolina and number two overall in South Carolina.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to receive the Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2012. Motion seconded by Mr. Nutt. Council voted to make the following changes to the Accommodations Tax Advisory Committee recommendations. Motion made by Mr. Culbreth to take \$6,000 from the Spartanburg Parks Commission and move it to a request from the South Carolina State Harley Owners Group Rally to bring the total to \$10,000. Motion seconded by Mr. Nutt and carried. Motion made by Mr. Mintz to move \$40,000 from the Spartanburg Parks Commission and give it to the Shrine Bowl making the Shrine Bowl total \$65,000 this year. This is the 75th year the Shrine Bowl has been held. Motion seconded by Mr. Culbreth and carried. Motion made by Ms. Hall to combine the four requests from USC Upstate and decrease that from \$10,500 to \$6,000. The Accommodations Tax Advisory Committee can either award that separately among those line items or give it to them as a lump sum to be used for their programs. Ms. Hall also added \$1,000 to the Palmetto 7 on 7 bringing to a total of \$3,000; an additional \$500 to the Carolina Foothills Artisan Center making it \$1,000; an additional \$500 to Taste of the Backcountry at Historic Price House making it \$1,000; an additional \$1,000 to the Town of Pacolet Indian Summer making it \$2,000; an additional \$1,000 to the Town of Pacolet Village at Christmas making it \$1,000; \$500 to the Town of Pacolet Tour Company; an additional \$2,000 to Stone Soup Storytelling Institute Festival making it \$2,500; \$1,000 to Glendale Outdoor Leadership School; and an additional \$1,000 to The Mighty Moo Festival bringing it up to \$4,000. Motion seconded by Mr. Culbreth and carried. Original motion to accept the Accommodations Tax Advisory Recommendations with the above amendments carried.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend Section 2-287 of the Spartanburg County Code so as to provide that a bid protest shall be submitted within seven calendar days after receipt of the written intent to award bid notice. Motion seconded by Ms. Hall and carried.
- C. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Chris Jennings, Executive Director, Spartanburg Convention & Visitors Bureau, presented a Tourism Action Plan Update. (Presentation included in backup)
- B. Mr. Pace Burt, Mr. Tab Bullard, and Mr. Chris Rogers, Rogers Law Firm, presented information in reference to Arcadia Mill No. 1. (Presentation included in backup) The request was for a 10-year extension to the abatement originally provided to Mayfair Lots and a full property tax abatement on Arcadia Lofts of 20-years contingent on a donation of 5,000 square feet of finished space on the first floor of the building to the Chapman Cultural Center. Mr. Rogers proposed clarifying the Ordinance that you can amend the abatement by Resolution. Then they are requesting the Resolution. Mr. Haskell stated that you have to amend the Ordinance with three readings. Language authorizing the Resolution to make the

change could be included in the amendment. Motion made by Mr. Nutt to accept the proposal for the Special Tax Assessments relating to Arcadia Mill and Mayfair Mill properties as proposed. Motion seconded by Mr. Culbreth and carried.

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

- A. Motion made by Mr. Brown to adopt a Resolution ordering a public hearing to be held for the purpose of considering the enlargement of the Tyger River Fire Service Area to include certain areas owned by Lyman Warehouse, LLC which currently receives fire protection services from Tyger River Fire Service Area pursuant to a written contract, and whether such areas to be annexed shall be established as a taxing district pursuant to Title IV, Chapter 19, Code of Laws of SC 1976, as amended. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Brown to render first reading to an Ordinance enlarging the Tyger River Fire Service Area to include certain areas owned by Lyman Warehouse, LLC which currently receives fire protection services from Tyger River Fire Service Area pursuant to a written contract. Motion seconded by Mr. Culbreth and carried.
- C. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Council tabled an Ordinance to amend Section 3.03 Manufactured Homes and Section 3.04 Manufactured Home Parks in the Unified Land Management Ordinance (ULMO).
- B. 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. Britt to adopt a Resolution establishing a policy and procedures for naming County owned properties or structures. All Park Properties will be excluded from this policy for naming rights. Motion seconded by Mr. Culbreth and carried.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Nutt to render third reading to an Ordinance to amend Ordinance No. O-07-20 which established and provided for the collection of a local Hospitality Tax in Spartanburg County in order to provide for the repeal of such ordinance on June 30, 2030. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a Multi-County Park Agreement, governing a Multi-County Park, by and between Spartanburg County, South Carolina, and Union County, South Carolina, to designate the boundaries of the park; and other related matters. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement between Spartanburg County, South Carolina, and **SEW-Eurodrive, Inc.** (Project Gear); and other matters relating thereto including, without limitation, payment of a fee-in-lieu of taxes and granting certain Special Source Tax Credits to Project Gear. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance to amend the agreement authorized by Ordinances No. O-09-04, O-10-04 and O-10-14 relating to the Joint County Industrial and Business Park of Spartanburg and Cherokee Counties so as to enlarge the park. **(SEW-Eurodrive) – (Project Gear)** Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Culbreth 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, 2011 and ending June 30, 2012; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Nutt. Mr. Britt introduced three amendments. Amendment one was for Sheriff Wright to take charge of the jail. The Sheriff's Office has agreed to take this task. The Sheriff has requested the following items: (1) To hire an additional 25 employees at the Jail above the current 13 positions that were open on June 14th to manage the jail and reduce overtime; (2) All monies made by the jail will be "ear" marked for the jail and not be put in the general fund, as this will help ease the budget and help buy things the employees need at the jail for training; (3) Restructure the jail staff, promote and adjust positions as the Sheriff and his team sees fit; (4) The pay structure for the command staff and Sheriff will be as follows: Chief Deputy Parris \$89,053; Neal Urch/Major/Administrator \$79,372; Dan Johnson \$75,174; Mark Barry \$75,174; Randy Hollifield \$75,174; and Sheriff Chuck Wright \$155,530. Mr. Britt stated that we have been running \$2.6 million of overtime right now, and we have been doing this for the past five years. This increase in salary costs will be \$121,544. The additional fringes maybe brings it up to \$145,000, with the addition of 25 officers, around \$945,000 with fringes. Also in this plan, Councilman Dale Culbreth has been working on getting tasers in the hands of all the deputies that currently did not have them which is about half the force. With the savings, \$125,000 will be contributed, and Sheriff Wright will contribute \$125,000 of drug forfeiture money in order for every deputy that needs a taser to have a taser. Currently, we have \$2.6 million in the budget for overtime. Motion made by Mr. Britt to take that money and use it for the \$145,000 for the additional salaries, the \$945,000 for the 25 additional officers, the \$125,000 for the tasers, and adjust our overtime budget that we had in there for \$2.6 million. Also, with that \$2.6 million, \$288,000 will be taken out to give to the Outside Agencies. This is something this Council has asked the Sheriff to do. He has graciously with his team agreed to step up and help solve this problem. Motion made by Mr. Britt to adopt this amendment to the Budget effective July 1, 2011. Motion seconded by Mr. Culbreth and carried. Mr. Brown asked Sheriff Wright if he planned to diversify his Command Staff. Sheriff Wright stated they have a plan in place to address this. Motion made by Mr. Britt to amend the Budget to give the Sheriff the Jail with the amounts above for all his Command Staff, the tasers, and \$288,000 to go to Outside Agencies. Motion seconded by Mr. Mintz and carried. On the second amendment, motion was made by Mr. Britt to amend the Budget to take the \$300,000 taken out of the Delinquent Tax Office and put the \$300,000 back into a fund that can be used with the Auditor, Clerk of Court, and Probate Judge along with a Corrective Action Team that Mr. Britt would like for the Chairman to appoint of this Council along with those Elected Officials in order to start to work to bring these particular departments into 2011 and 2012 and from there improve our technology. Also as a part of this accept the County Auditor's recommendation and put it into the Budget as well. (The County Auditor's proposal is included in backup.) Motion seconded by Mr. Culbreth. On the third amendment, motion was made by Mr. Britt to take \$300,000 out of the Hospitality Fund Balance and shift it to the Spartanburg Convention and Visitors Bureau. Motion seconded by Ms. Hall and carried. Motion made by Mr. Britt 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, 2011 and ending June 30, 2012; to provide for budget control of said appropriation by the Spartanburg County Council with the above amendments. Motion seconded by Mr. Mintz and carried.

- F. Motion made by Mr. Britt to render third reading to a Budget Ordinance to establish Capital Project Budgets for the 2011-2012 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Mintz. Motion made by Mr. Britt to amend the Capital Project Budget Ordinance to put back in the \$1.4 taken out for Holston Creek. Motion seconded by Mr. Culbreth and carried. Motion made by Mr. Britt to render third reading to the Budget Ordinance to establish Capital Project Budget for the 2011-2012 Budget Year of the Five-Year Capital Improvement Plan as amended. Motion seconded by Mr. Culbreth and carried.

VII.

- A. Motion made by Mr. Culbreth 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, July 9, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- B. 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, July 30, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.

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 Mr. Culbreth to approve minutes of May 6, 2011 (Special Meeting); May 16, 2011 (Regular Meeting); and May 23, 2011 (Special Meeting). Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council

