



# MINUTES

## County Council Meeting

March 17, 2014

Spartanburg County Council met on Monday, March 17, 2014, 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, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Katherine O'Neill, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney. Honorable O'Neal Mintz was absent.

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. Gavin Hynder, Boy Scout Troop 11, led in reciting the Pledge of Allegiance.

### II.

- A. Mr. Robert Benfield, South Carolina Association of Counties, presented the Sustained Excellence Award, the Service Award, Outstanding Safety Achievement Award, and the Lag Time Award to Mr. Terry Booker, Risk Manager, and the Risk Management Team.
- B. Mr. Horton presented a Resolution congratulating and recognizing Chief Leroy Searcey, Jr. for thirty-two years of dedicated service to the Boiling Springs Fire Department and Boiling Springs Community. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Culbreth to adopt a Resolution congratulating and recognizing Grady Rhinehart for being named Grand Patron in the Eastern Star Grand Chapter of South Carolina. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Culbreth to adopt a Resolution congratulating and recognizing Jay Adam Pearson for being elected the Most Worshipful Grand

- Master of Masons in South Carolina. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Nutt to adopt a Resolution proclaiming April 21-26, 2014 as Community Development Week in Spartanburg County. Motion seconded by Mr. Brown and carried. Ms. Romesena Holman, Community Development Citizens Advisory Committee, received Resolution.
  - F. Motion made by Mr. Nutt to adopt a Resolution proclaiming April as Fair Housing Month in Spartanburg County. Motion seconded by Mr. Brown and carried. Ms. Sheila Henderson, Chair, Community Development Citizens Advisory Committee, received Resolution.
  - G. Motion made by Mr. Britt to adopt a Resolution proclaiming March 2014 as Disabilities Awareness Month in Spartanburg County. Motion seconded by Mr. Brown and carried. Ms. Murray Cecil, Chair, Disability and Special Needs Board, received Resolution.
  - H. Motion made by Mr. Brown to adopt a Resolution recognizing the invaluable services provided by the Spartanburg County Communications/9-1-1 Department and proclaiming the week of April 13-19, 2014 as Telecommunicators Week. Motion seconded by Mr. Britt and carried. Mr. Mike Flynn and Staff received Resolution.
  - I. Motion made by Mr. Brown to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Walter Canty of Spartanburg County Communications/9-1-1 in being named Telecommunicator-of-the-Year. Motion seconded by Ms. Hall and carried.

### III.

Ms. O'Neill recognized Brandy Blake, Building Codes Department; Doug Bryson, Director, Emergency Preparedness Department; Barbara Grudzien, South Carolina Emergency Management Association Volunteer/Citizen of the Year; John Cole, Emergency Services, South Carolina Paramedic of the Year; Mike Emory, Administrative Services Manager; Johnnie Lewis, Randy Spake, April Spake, David Hyp, Richard Barnette, and Clayton Smith, Fleet Services; Michelle Blackwell and Sandra Mosley, Treasurer's Office, Officers Jerry Knighton and Tim Schultz, Security.

### IV.

- A. Chairman Horton declared open a public hearing to consider an Uncodified Ordinance to grant a **Utility Easement to Duke Energy Carolinas, LLC** to install three-phase, overhead electrical service on the Wellford Landfill property to service a new landfill gas (LFG) blower system. Ms. O'Neill stated that whoever speaks, if they do, on this particular item recognizes that just slightly later Council is going to make an amendment to this particular

- Ordinance that defines the area at the landfill that we need to have this easement. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by Teu Thang, Community of Khher Buddhist Monks, from 11:00 a.m. until 11:59 p.m. on Saturday, April 5 and 11:00 a.m. until 7:00 p.m. on Sunday, April 6, 2014 for a Cambodian New Year at 841 Shiloh Church Road, Wellford. No one appeared, and the matter was closed.
  - C. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by Sambo Khieav from 7:00 a.m. until 11:59 p.m. on Saturday, April 12, 2014 and 7:00 a.m. until 10:00 p.m. on Sunday, April 13, 2014 for a Cambodian New Year at 770 Bryant Road, Spartanburg. 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 Johnny Senchantixay, the Lao Association of Spartanburg, from 10:00 a.m. until 11:59 p.m. on Friday and Saturday, April 18 and April 19, 2014, and from 10:00 a.m. until 11:00 p.m. on Sunday, April 20, 2014 for a Lao New Year Party at 470 Fox Drive, Spartanburg. 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 Jim W. Brannon from 10:00 a.m. until 11:59 p.m. on Saturday, April 5, 2014 for a Home in Carolina Music Festival Outdoor Concert at 140 Double Bridge Road, Boiling Springs. No one appeared, and the matter was closed.
  - F. 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, April 26, 2014 for a drag race at 1792 Dragway Road, Greer. 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 (1) the execution and delivery of an Amendment to Fee Agreement by and between Spartanburg County, South Carolina (The "County") and a company identified for the time being as **Project Journal**, acting for itself, one or more sponsor affiliates or other project sponsors (The "Company"), in connection with investment in certain facilities at one or more locations in the County (the "Additional Project"), approving and providing for (A) a five-year extension of the investment period of the existing fee in lieu of tax arrangement set forth in such fee agreement, (B)

a ten-year extension of the term of the existing fee in lieu of tax arrangement set forth in such fee agreement, and (C) certain Special Source Revenue Credits in connection with the Additional Project; (2) the execution and delivery of one or more amendments and other agreements or instruments including, but not limited to, an Amendment to Lease Agreement by and between the County and the Company, approving and providing for a ten-year extension of the term of an additional existing fee in lieu of tax arrangement set forth in such lease agreement; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company and the Additional Project; and (4) other matters relating thereto. Motion seconded by Mr. Brown and carried.

**Public Health and Human Services Committee** (Honorable Roger Nutt, Chairman)

- A. Ms. Kathy Rivers, Director of Community Development Department, presented information in reference to Community Development Block Grant Program and Home Investment Partnerships Program Funding Recommendations. Motion made by Mr. Nutt to approve the FY 2014 Annual Action Plan from the Community Development Block Grant Program. Motion seconded by Mr. Britt and carried. .

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

- A. Motion made by Mr. Culbreth to adopt a Resolution to designate a procedure by which Fire Service Areas created by County Council can request a millage increase. Motion seconded by Ms. Hall and carried. Motion made by Mr. Culbreth to allow the Duncan Fire Service Area and the Poplar Springs Fire Service Area to proceed with their millage increase referendums during the June 2014 primary elections for the reasons outlined during committee meeting. Motion seconded by Mr. Nutt and carried. Chairman Horton stated that these two departments had already started their process.
- B. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Jane Hall, Chairman)

- A. Mr. Jim Campbell, Interim Parks Director, presented information in reference to a grant application for the annual Summer Food Service Program (SFSP). Motion made by Ms. Hall to approve filing of grant application. Motion seconded by Mr. Brown and carried.
- B. 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. Motion made by Mr. Britt to adopt a Resolution calling for a public hearing to be held on (1) the enlargement of the service territory of the **Woodruff-Roebuck Water District**, and (2) the reapportionment of voting districts within the Woodruff-Roebuck Water District; and generally approving other matters relating thereto. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the **Woodruff-Roebuck Water District**, South Carolina to (1) enlarge its service area, and (2) reapportion its voting areas; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto. Motion seconded by Mr. Brown and carried.
- C. Ms. Jes Sdao Swanson, Recycling Coordinator, presented information in reference to three annual Solid Waste Grant applications. Motion made by Mr. Britt to approve submittal of all three grant applications. Motion seconded by Mr. Brown and carried.
- D. Updated information received regarding activities of the Public Works Department.

VI.

No one appeared during the Public Comment Period.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to develop a jointly owned and operated industrial/business park (**Standard Textile Carolina, Inc.**) in conjunction with Union County, such industrial/business park to be geographically located in Union County and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Union County providing for the expenses of the park, the percentage of revenue application, and the

- distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses locating in said park; and to permit a user fee in lieu of ad valorem taxation within said park. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the **Woodruff-Roebuck Water District**, South Carolina to issue not exceeding \$4,000,000 General Obligation Bonds, in one or more series; providing for the publication of notice of said findings and authorization; and generally approving other matters relating thereto. Motion seconded by Mr. Nutt and carried. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Britt to amend an Uncodified Ordinance to grant a **Utility Easement to Duke Energy Carolinas, LLC** to install three-phase, overhead electrical service on the Wellford Landfill property to service a new landfill gas (LFG) blower system to add language to the Ordinance to specify the exact location of the easement, more specifically to add the language: "The easement will consist of a fifteen foot radius surrounding a single utility pole and associated single guy wire. Using the State Plane Coordinate System (SPCS), the utility pole is located at north 1 154 516.84 ft. east 1 1660 542.57 ft. The associated guy wire is 12.11 feet at a bearing of N62°27'11"W from the noted utility pole. Motion seconded by Mr. Culbreth and carried. Motion made by Mr. Britt to render second reading to Ordinance as amended. Motion seconded by Mr. Culbreth and carried.

XIII.

- A. Motion made by Mr. Culbreth 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. Britt and carried.
- B. Motion made by Mr. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Teu Thang, Community of Khher Buddhist Monks, from 11:00 a.m. until 11:59 p.m. on Saturday, April 5 and 11:00 a.m. until 7:00 p.m. on Sunday, April 6, 2014 for a Cambodian New Year at 841 Shiloh Church Road, Wellford. Motion seconded by Mr. Culbreth and carried.
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p.m. on Sunday, April 20, 2014 for a Lao New Year Party at 470 Fox Drive, Spartanburg. Motion seconded by Ms. Hall and carried.

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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 14204 will provide additional resources for completion of fire department grants as recommended by the Fire Advisory Committee. Budget Amendment Resolution Number 14205 authorizes the acceptance of a donated SWAT vehicle for the Sheriff's Office and authorizes its addition to the County fleet. Budget Amendment Resolution Number 14206 acknowledges anticipated receipt of Funding from SCDOT for the implementation of a transportation study of the Country Club Road corridor. Budget Amendment Resolution Number 14207 accepts the SCDOT Transportation Enhancements grant for North Tyger River Bridge Enhancements. Budget Amendment Resolution Number 14208 – The Upstate Workforce Investment Board (WIB) received incentive funding from the SC Department of Employment and Workforce for meeting a certain percentage of the performance measures. Budget Amendment Resolution Number 14209 accepts and sets up Rapid Response Funds from the South Carolina Department of Employment and Workforce for WCC. Budget Amendment Resolution Number 14210 recognizes insurance proceeds received for the total loss of a Sheriff's Office vehicle. Budget Amendment Resolution Number 14211 shifts funds between projects in order to complete desirable improvements at Tyger River Park and to build the Woodruff Fitness Trail.

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

XI.

Motion made by Mr. Culbreth to approve the minutes of February 17, 2014 (Regular Meeting) and February 27, 2014 (Special Meeting). Motion seconded by Mr. Nutt and carried.

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey W. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council