

MINUTES

County Council Meeting

May 20, 2013

Spartanburg County Council met on Monday, May 20, 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. Mr. Tom Davies led in reciting the Pledge of Allegiance.

II.

- A. Chairman Horton recognized the Graduates of Spartanburg County Citizens' Academy. The Spring 2013 graduates were Ernestine Anderson, Nina Brown, Bryan Byrd, Ethel Dunbar, Emma Finger, Daniel Gamble, Marion Hillstock, Clara Palmer-Johnson, Carolyn Perkins, Isaac Quick, Ani Samargian, Ricky Shropshier, Lucille Smith, Charles Twitty, and Steve Walker.

III.

Ms. Hubbard recognized the March of Dimes Volunteers: Mike Emory, April Spake, Marcia Murff, Janet Lowe Diane Shelton, and Brian Waldrop. Over \$6,000 was raised for the March of Dimes campaign, and Spartanburg County received the 2013 March for Babies Number 1 Government Team Award. The Coroner requested that Ms. Hubbard recognize and thank

Johnnie Lewis, Mike Emory, and Jerry Daugherty for helping the Coroner's Office with the Pre-Prom Careless Driving Awareness Program at Boiling Springs High School. Marlene West, Marion Anne Weeks, Melissa Griffin, Register of Deeds Office; and Barbara Baker, Assessor's Office, were recognized for assisting and providing excellent customer service. Earl Alexander, Robert Crain, Elaine Taylor, Kristen Lully, Assessor's Office; Bob Harkrader, Joan Holliday, Sherry Dull, Laurie Horton, Planning Department; Eric Davis, Parks Department; Dorothy Earle, Marion Anne Weeks, Diedra Wines, Register of Deeds; and John Harris, Administration, were recognized for helping expedite the Drayton Mill project.

IV.

- A. Chairman Horton declared open a public hearing to consider a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2013 and ending June 30, 2014; to provide for budget control of said appropriation by the Spartanburg County Council. Judy Caton, Moore, appeared to speak regarding Tyger River Park. Chief Ron Nordenbrock, Poplar Springs Fire Department, and Chief Jim Redd, Tyger River Fire Department, appeared to request that the Budget include CPI and growth numbers for the Poplar Springs Fire Service Area and Tyger River Fire Service Area. Tom Davies, Woodruff, appeared to speak in favor of the .5 mil increase for Parks and Recreation. Jim Hardin, Springfield, appeared in opposition to tax increase. Lynn Isler, 120 Churchill Avenue, Moore, appeared in opposition to millage increase. Theo Saar, Boiling Springs, appeared in favor of increasing taxes and in opposition to proposed increase in insurance premiums for Spartanburg County employees. Lawrence Bateman, Kellie Lane, appeared in opposition to tax increase. The matter was closed.
- B. Chairman Horton declared open a public hearing to consider a Budget Ordinance to establish Capital Project Budgets for the 2013-2014 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing (1) the execution and delivery of (1) a Fee In Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and **Vulcan Materials Company**, acting for itself, one or more affiliates or other project sponsors (the "Company"), whereby the County shall covenant to accept certain negotiated fees in lieu of *ad valorem* taxes in connection with the expansion of certain facilities in the County (collectively, the "Expansion Project"); (2) a Special Source Revenue Credit Agreement by and among Spartanburg County, the Company, Town of Pacolet, South Carolina, and Atlantic Granite Company, to provide for Special Source Revenue Credits in connection

- with certain existing property and the Expansion Project property; (3) the benefits of a multi-county industrial or business park to be made available to the Company, the Expansion Project, and the existing project; and (4) other matters relating thereto. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to authorize the execution and delivery of an Agreement for the Development of a Joint County Industrial and Business Park (**Vulcan Materials Company**) by and between Spartanburg County and Cherokee County, South Carolina so as to include property located in Spartanburg County. 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 **Community of Khmer Buddhist Monks** from 1:00 p.m. until 11:00 p.m. on Saturday, June 22, 2013 for a Stupa fence ceremony at 841 Shiloh Church Road, Wellford. 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, June 1, 2013 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- G. 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, June 22, 2013 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 the execution and delivery of an Infrastructure Credit Agreement by and among Spartanburg County, South Carolina; **American Credit Acceptance, LLC**; Bell Hill, LLC; East Main Redevelopment, LLC; East Main Redevelopment II, LLC, and other matters related thereto. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance to develop a jointly owned and operated industrial and business park in conjunction with Cherokee County, South Carolina, such industrial and business park to include property initially located in Spartanburg County and established pursuant to Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, to provide for a written agreement with Cherokee County to provide for the expenses of the park, the percentage of revenue

application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. **(American Credit Acceptance, LLC)** Motion seconded by Mr. Brown and carried.

- C. Motion made by Mr. Britt to approve a PT-444 for Laserflex and authorize the County Administrator to execute the document. Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Roger Nutt, Chairman)
No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. The Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2014 were received. This item was carried over. No action was taken.
- B. Ms. Katherine Hubbard, County Administrator, presented information in reference to the FY2013/2014 Recommended Budget during the Personnel and Finance Committee meeting earlier in the afternoon. (Presentation and handouts are included in backup.) Motion made by Mr. Culbreth to render second 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, 2013 and ending June 30, 2014; to provide for budget control of said appropriation by the Spartanburg County Council as amended during the Personnel and Finance Committee meeting to include a per diem motion and Parks Fund Operating Budget motion. Motion seconded by Mr. Mintz and carried. Mr. Britt, Mr. Culbreth, and Mr. Nutt opposed.
- C. Ms. Katherine Hubbard, County Administrator, presented information in reference a Budget Ordinance to establish Capital Project Budgets for the 2013-2014 Budget Year of the Five-Year Capital Improvement Plan during the Personnel and Finance Committee meeting earlier in the afternoon. Motion made by Mr. Culbreth to render second reading to a Budget Ordinance to establish Capital Project Budgets for the 2013-2014 Budget Year of the Five-Year Capital Improvement Plan to include the amendments made to the Ordinance during the Personnel and Finance Committee meeting. Motion seconded by Ms. Hall and carried. Mr. Britt and Mr. Culbreth opposed.
- D. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. 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. Mr. Mintz presented information in reference to a grant application for the Glendale Bridge application to South Carolina Department of Transportation (SCDOT) for Transportation Alternatives funding. This grant request already has the needed matches. This bridge was built in 1923 and needs to be preserved and saved. Motion made by Mr. Mintz to approve the filing of this grant application. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Mintz to approve the filing of a Solid Waste Grant application for recycling electronics. Motion seconded by Mr. Culbreth and carried.
- C. Updated information received regarding activities of the Public Works Department.

VII.

- A. Mr. Jim Hardin, Springfield, appeared to state that Clark Road is in bad disrepair.

VIII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to amend the agreement authorized by Ordinances No. O-09-04, O-10-04, O-10-14, O-11-11 relating to the joint county industrial and business park of Spartanburg and Cherokee Counties so as to enlarge the park. (**Associated Hardwoods SC Inc.**) Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance amending Ordinance Number O-04-06 and O-06-14 to clarify the demolition permit process, provide alternate methods of surety, exempt certain small projects from such process and provide for a demolition agreement on all non-exempt projects. Motion seconded by Mr. Culbreth and carried.

- C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing (1) the execution and delivery of (A) a fee in lieu of tax and incentive agreement between Spartanburg County, South Carolina (the "County") and **Vulcan Materials Company**, acting for itself, one or more affiliates or other project sponsors (the "Company"), whereby the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes in connection with the expansion of certain facilities in the County (collectively, the "Expansion Project"); (B) a Special Source Revenue Credit Agreement by and among the County, the Company, Town of Pacolet, South Carolina, and Atlantic Granite Company, to provide for Special Source Revenue Credits in connection with certain existing property (the "Existing Project") and Expansion Project Property; (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company, the Expansion Project, and the Existing Project; and (3) other matters relating thereto. Motion seconded by Mr. Nutt and carried.
- D. Motion made by Mr. Culbreth to render second reading to an Ordinance (1) authorizing the execution and delivery of an agreement for the development of a joint County Industrial and Business Park (**Vulcan Materials Company**) by and between Spartanburg County and Cherokee County to include property located in Spartanburg County; (2) to provide for the payment of fee in lieu of ad valorem taxes with respect to property located in the park; (3) to provide in such agreement for the sharing of the revenues and expenses of the park; (4) to provide for the distribution of revenues from the park within Spartanburg County; and (5) authorizing other matters related thereto. Motion seconded by Mr. Brown and carried.

XIII.

- 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.
- B. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Community of Khmer Buddhist Monks** from 1:00 p.m. until 11:00 p.m. on Saturday, June 22, 2013 for a Stupa fence ceremony at 841 Shiloh Church Road, Wellford. Motion seconded by Mr. Britt and carried. Mr. Mintz opposed.
- C. 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, June 1, 2013 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- D. 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, June 22, 2013 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz 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 13255 will set up new C-fund projects approved at the April 18, 2013 Spartanburg County Transportation Committee Meeting. Budget Amendment Number 13256 will set up grant agreements for the following SC Department of Commerce grants: 1) Project Salt for Contec (C-13-2160) and 2) Project Mermaid for AFL Telecommunications (C-13-2167). Budget Amendment Number 13257 will increase the revenue and expenditure budgets for the 2013 Summer Food Service Program. Budget Amendment Number 13258 – The SC Department of Employment and Workforce awarded an additional grant in Rapid Response Funds for ResCare Workforce Services to assist a specific local company with training as specified by the State. This is grant # 12M903RR17-UWIB. Budget Amendment Number 11259 – The SC Department of Employment and Workforce awarded an additional grant in Rapid Response Funds for ResCare Workforce Services to assist a specific local company with training as specified by the State. This is grant # 12M903RR12-UWIB. Budget Amendment Number 11260 – The Upstate WIB's Board has requested that \$19,298.31 of carryover funding from program year 2011 be recognized to establish a budget to award a grant to Arbor E&T for outreach and recruitment. Budget Amendment Number 11261 amends the approved 2013 master lease list of equipment for the County Servers and Software Upgrade project (IT0006). Budget Amendment Number 11262 consolidates capital project accounts for Tyger River Park (PR0006), Va-du-Mar McMillan Park (PR0008), Holston Creek Park (PR0014), Beech Springs Tennis Courts (PR0015), Woodruff Trails (PR0018), Cleveland Park (PR0019), and 295 Sports Complex (PR0020). Additionally, \$99,250 will be moved from the Park Fund, special projects account to the Cleveland Park capital project.

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

XI.

Motion made by Mr. Britt to approve the minutes of April 15, 2013 (Regular Meeting). Motion seconded by Mr. Brown and carried.

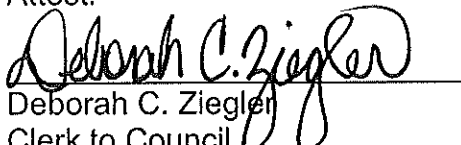
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council