

MINUTES

County Council Meeting

March 18, 2013

Spartanburg County Council met on Monday, March 18, 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. Chairman Horton led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Mintz to adopt a Resolution remembering and recognizing Master Sergeant Bradley S. Keys, United States Army Special Forces, of Inman, South Carolina for the honor bestowed upon Spartanburg County for his military service. Motion seconded by Mr. Britt and carried. William and Natalie Olmstead, his parents; Daniel Olmstead, his brother; and Heather Olmstead, his sister-in-law, received Resolution.
- B. Mr. John Henderson, South Carolina Association of Counties, presented the Sustained Excellence Award, the Service Award, and the Lag Time Award "Gold" to Mr. Terry Booker, Risk Manager.
- C. Presentation of the Tourism Ambassadors of the Year Award for 2012 for hosting the NSA World Series and Hubapalooza event last summer by Mr. Chris Jennings, Director, Spartanburg Convention & Visitors Bureau was carried over.
- D. Motion made by Ms. Hall to adopt a Resolution proclaiming April 1-6, 2013 as Community Development Week in Spartanburg County. Motion

- seconded by Mr. Britt and carried. Ms. Jamie Steed, Community Development Fiscal Coordinator, received Resolution.
- E. 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. Ann Brunson, Senior Administrative Assistant, received Resolution.
- F. Motion made by Mr. Culbreth to adopt a Resolution proclaiming March 2013 as Disabilities Awareness Month in Spartanburg County. Motion seconded by Mr. Mintz and carried. Ms. Ani Samargian, Secretary, Disability and Special Needs Board, received Resolution.

III.

Ms. Hubbard carried over her employee recognition due to an illness. Mr. Brown recognized members of Delta Sigma Theta and asked them to share a word about the work they are doing in the community.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to grant a Utility Easement to Piedmont Natural Gas Company, Inc. on property that is subject to a fee-in-lieu-of tax agreement with Spartanburg County that requires, among other things, that the property be placed in the name of Spartanburg County. The property fronts on New Cut Road and is known as Tax Map Number 6-12-00-096.01. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance amending the Spartanburg County Unified Land Management Ordinance, Ordinance Number O-99-015, as amended, to clarify the requirements for parking lot paving materials, to clarify and update standards and requirements for flea markets, swap meets and other open air markets relating to parking locations, vegetative buffers, locations where sales are prohibited and to provide for trash receptacles; and to clarify and add certain associated definitions. 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 Teu Thang, Community of Khher Buddhist Monks, from 10:00 a.m. until 11:59 p.m. on Saturday, April 6 and 10:00 a.m. until 7:00 p.m. on Sunday, April 7, 2013 for a Cambodian New Year at 841 Shiloh Church Road, Wellford. 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 Eddie S. Tan from 12:00 p.m. until 12:00 a.m. on Saturday,

- April 13, 2013 and 10:00 a.m. until 10:00 p.m. on Sunday, April 14, 2013 for a Cambodian New Year at 770 Bryant Road, 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 Johnny Senchantixay, the Lao Association of Spartanburg, from 9:00 a.m. until 12:00 p.m. on Friday, April 26 and Saturday, April 27, 2013 and 9:00 a.m. until 10:00 p.m. on Sunday, April 28, 2013 for a Lao New Year Party at 470 Fox Drive, Spartanburg. 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 Johnny Senchantixay, the Lao Association of Spartanburg, from 8:00 a.m. until 12:00 p.m. on Saturday, May 25 and Sunday, May 26, 2013 and 9:00 a.m. until 10:00 p.m. on Monday, May 27, 2013 for a Memorial Day Celebration at 470 Fox Drive, Spartanburg. 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, April 13, 2013 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- H. 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 27, 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 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 adopt a Resolution authorizing an amendment to the Master Agreement governing the multi-county industrial park between Union County, South Carolina, and Spartanburg County, South Carolina, to expand the boundaries of the park to include certain real property located in Spartanburg County; and other related matters. **(Ernest Health/Spartanburg Rehabilitation)** Motion seconded by Ms. Hall 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 2013 Annual Action Plan. Motion seconded by Mr. Mintz and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Cole Alverson, Budget Director, presented information in reference to a Resolution authorizing the Master Lease Agreement in the principal amount of not exceeding \$1,420,425 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents; and other matters relating thereto. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Ms. Hall and carried.
- B. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Spartanburg Convention & Visitors Bureau Tourism Report and Marketing Plans for 2013 were carried over.
- B. Information received regarding activities of the Parks Department.

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

- A. Murray Glenn, Public Liaison, Solicitor's Office, presented information in reference to a request from the Solicitor's Office for funding for two victim advocate positions and salary adjustments in the Solicitor's Office. Motion made by Mr. Brown to approve this request. Motion seconded by Mr. Culbreth and carried.
- B. Major Neal Urch, Director of Jail Operations, presented information in reference to Department of Justice Grants related to Mental Health needs in the community. Motion made by Mr. Brown to approve filing of the grant applications. Motion seconded by Mr. Britt and carried.
- C. Captain Mark Barry presented information in reference to Sheriff's Department Reclassification as it relates to two essential Chemist positions within the Sheriff's Office. Motion made by Mr. Brown to approve the request. Motion seconded by Mr. Nutt and carried.
- D. Chief Ron Nordenbrock, Poplar Springs Fire Department and Chairman, Fire Prevention and Protection Advisory Committee, presented information in reference to the current status and activities of the Spartanburg County Fire Prevention and Protection Advisory Committee for the 2013 year. (Handout included in backup) Motion made by Mr. Brown to transfer

\$240,000 from Escrow to the General Fund. Motion seconded by Mr. Culbreth and carried.

- E. Jack Wright, Commander, American Legion Post 200 Boiling Springs, presented information in reference to a request from American Legion Post No. 200 to solicit funds from motorists on Saturday, May 18, 2013 between the hours of 9:30 a.m. and 2:00 p.m. with a rain date of Saturday, May 25, 2013 at Rainbow Lake Road; Double Bridge Road next to Firehouse Subs; Valley Falls Road next to Rite Aid; the intersection 4th Street at McDonalds and Shoally Creek Road at CVS; and the intersections of Old Furnace Road off Highway 9 for their Post for community service. Motion made by Mr. Brown to approve request. Motion seconded by Mr. Culbreth and carried.
- F. Mr. Jerry Glover, Building Codes, presented information in reference 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 made by Mr. Brown to render first reading to Ordinance. Motion seconded by Mr. Nutt and carried.
- G. 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. Updated information received regarding activities of the Public Works Department.

VII.

Mr. Evan Mulch, 124 Stone Village Court, appeared in reference to property rights. Mr. Gary McHam, 1010 Andrews Farm, appeared in opposition to enlarging the joint county industrial and business park of Spartanburg and Cherokee Counties.

VIII.

- A. 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 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 render third reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Benteler Automotive Corporation** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Nutt to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **City of Spartanburg** 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 Spartanburg 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. Mintz and carried.
- D. Motion made by Mr. Culbreth to render third reading to an Ordinance amending Section 2(g) of Spartanburg County Ordinance O-12-08 regarding the transfer of Authority for conducting Municipal Elections from the **Town of Duncan** to the Spartanburg County Election Commission as to certain filing requirements for such elections. Motion made by Mr. Britt and carried.
- E. Motion made by Ms. Hall to render third reading 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, to add a twenty-five foot setback from side and rear property lines for mining operations, and to make housekeeping corrections to Tables 3a and 3b. Motion seconded by Mr. Mintz and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance to grant a Utility Easement to Piedmont Natural Gas Company, Inc. Motion seconded by Ms. Hall and carried.
- G. Motion made by Mr. Mintz to render second reading to an Ordinance amending the Spartanburg County Unified Land Management Ordinance, Ordinance Number O-99-015, as amended, to clarify the requirements for parking lot paving materials, to clarify and update standards and requirements for flea markets, swap meets and open air markets, and to clarify certain associated definitions. Motion seconded by Ms. Hall 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. Nutt and carried.
- B. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Teu Thang, Community of Khher Buddhist Monks, from 10:00 a.m. until 11:59 p.m. on Saturday, April 6 and 10:00 a.m. until 7:00 p.m. on Sunday, April 7, 2013 for a Cambodian New Year at 841 Shiloh Church Road, Wellford. Motion seconded by Mr. Britt and carried. Mr. Mintz opposed.
 - C. Motion made by Mr. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Eddie S. Tan from 12:00 p.m. until 12:00 a.m. on Saturday, April 13, 2013 and 10:00 a.m. until 10:00 p.m. on Sunday, April 14, 2013 for a Cambodian New Year at 770 Bryant Road, Spartanburg. Motion seconded by Mr. Culbreth and carried. Mr. Mintz opposed.
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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 13177 will move two Victim/Witness Advocate slots (CS64 and VAW3) from the General Fund to the Special Revenue Fund (Fund 9) effective March 25, 2013. Per the State Office of Victim Assistance (SOVA), these positions are eligible to be funded from Victim Assistance monies. The monies are already in the Special Revenue Fund. They will be transferred from the SOVA reimbursement line item to the appropriate salary and fringe line items. These changes will result in a FY13 savings to General fund of \$23,396 and a FY14 approximate savings of \$87,947. This BAR proposes to use \$10,930 of the FY13 savings to fund proficiency promotions within the Solicitor's Office to make the Spartanburg County compensation package more competitive with other circuit solicitor's offices, governmental agencies and private businesses. The net savings would be \$12,465. The General Fund net savings for FY14 would be \$47,025. The SOVA office has also directed us to change the job title Victim/Witness Counselor to Victim/Witness Coordinator. Neither the job duties nor the grade will change. This affects two slots in the Solicitor's Office (CS17 and CS19) as well as one in the Sheriff's Office (S170). Budget Amendment Number 13178 retitles and reclassifies slot S40 in the Sheriff's Office from a Lieutenant, grade 68, to a Chief Forensic Chemist, grade 69. The FY13 impact is \$880, while the FY14 impact is \$3,573. This BAR will also reclassify one Lieutenant position, grade 68, to a Forensic Chemist, grade 68, and authorize the Sheriff to fill this position above the mid-point of \$50,923. Budget Amendment Number 13179 recognizes the proceeds from the sell of the Coroner's Office Nextel phone equipment. The Coroner's Office has changed cell phone service providers from Nextel to Verizon Wireless. This Budget Amendment sets up the proceeds in the Coroner's telephone line item to cover the expense of the new Verizon Wireless equipment. Budget Amendment Number 13180 appropriates funds received for Emergency Services Academy from fundraiser with Buffalo Wild Wings for August and September. Funds will be used to purchase equipment for training purposes. Budget Amendment Number 13181 recognizes an additional \$20,000 in Countywide Fire revenue as well as \$220,000 in use of fund balance (escrow) for the Fire Advisory Board. The money will be used by the Fire Advisory Board to award grants to local fire departments and represents the accumulation of ½ mil fire funds. Budget Amendment Number 13182 represents a grant Spartanburg Alcohol and Drug Abuse Commission (SADAC) anticipated receiving for the Drug Court program. They have since been notified that they will not be receiving the grant. This Budget Amendment adjusts the revenue and expenditures based on this information. In lieu of reducing the Drug Court program, SADAC will submit an internal budget transfer to move budgets and expenditures between their other programs to continue funding to Drug Court. Included are two other small adjustments being made in United Way revenue

amounts. The expenditure adjustments will be handled in the same budget transfer. Budget Amendment Number 13183 sets up revenue and interest received in the State Forfeited Drug Fund, the Forfeited Gambling Fund and the Federal Forfeited Drug Fund for January and February 2013. This revenue is not budgeted during the budget process as the amount varies each year. Budget Amendment Number 13184 appropriates forfeited drug monies received from the Sheriff's Department and local law enforcement. Funds are to be used for the prosecution and any expenses related to the prosecution of drug cases. Funds are also used for expenses for the drug team and its paralegals such as office supplies, training, etc. to support them in the prosecution of the drug cases. Budget Amendment Number 13185 appropriates revenue received from the state for the purpose of establishing a Victim/Witness program. Budget Amendment Number 13186 allows for the closure of completed C-Funds projects. Unspent balances will be returned to the unobligated funds for use on future C-Funds projects. Number 11021-Lyman Drainage, #12016-Reidville Fire Shoulder Mount Flashers, #12017 North Spartanburg Fire Flashers, #13003-Inman Repair Sidewalks, #13004-Solar Mount Flashers on Highway 11, #13005-Solar Mount Flashers on McMillan Boulevard. Budget Amendment Number 13187 sets up additional funds received from the Spartanburg County Foundation for the I-85/I-585 Interchange Enhancement Project. Budget Amendment Number 13188 accepts and recognizes revenue for the State Homeland Security Program-Citizen Corps Grant, Grant #9CCP03. The grant will provide for training supplies and equipment for the Spartanburg County Emergency Response Team (CERT) team. Budget Amendment Number 13189 represents payments received from homeownership customers who received down payment and closing cost assistance. These funds will be utilized for future homebuyers who qualify for down payment and closing cost assistance under the homeownership program. Budget Amendment Number 13190 provides additional resources to complete the planning for the Woodruff Trails project. The design bid came in at \$7,000 over the initial estimate. The cost was greater than anticipated because part of the trail and/or a pedestrian bridge will fall within a flood plain. Budget Amendment Number 13191 will change the scope of CIP project Desktop and Portable Computer Replacement (IT0011). The scope will be increased to allow for the addition of routine replacement of audio visual equipment for County meeting facilities.

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

XI.

Motion made by Mr. Nutt approve the minutes of February 18, 2013 (Regular Meeting) amended to reflect the current committees. Motion seconded by Mr. Brown and carried.

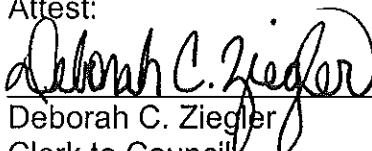
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey W. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council