

# MINUTES

## County Council Meeting

**April 15, 2013**

Spartanburg County Council met on Monday, April 15, 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. Mr. Chris Jennings, Director, Spartanburg Convention & Visitors Bureau, presented the Chamber of Commerce's Tourism Ambassadors of the Year Award for 2012 for hosting the NSA World Series and Hubapalooza event last summer to Mr. Dennis Hodges, Parks Operations Manager.
- 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 various achievements of the Spartanburg Methodist College Pioneer Basketball Team during the 2012-2013 Basketball Season and Post-Season. Motion seconded by Mr. Britt and carried. Coach Brookman and team received Resolution.
- C. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Miss Spartanburg 2013 Clarka Wickliffe for her work with "The Children's Security Blanket." Motion seconded by Mr.

Britt and carried. Miss Spartanburg 2013 Clarka Wickliffe received Resolution.

- D. Motion made by Mr. Mintz to adopt a Resolution to recognize and honor Spartanburg County's Purple Heart Recipients and to proclaim the County of Spartanburg a Purple Heart County. Motion seconded by Mr. Brown and carried. Commander Roger McCullough, General Daniel Morgan Chapter 1781, received Resolution.
- E. 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 14-20, 2013 as Telecommunicators Week. Motion seconded by Mr. Britt and carried. Mr. Keith Lee and Staff received Resolution.
- F. 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 Justen Martin of Spartanburg County Communications/9-1-1 in being named Telecommunicator-of-the-Year. Motion seconded by Mr. Britt and carried.

### III.

Ms. Hubbard recognized several employees who have represented the County extremely well. In the Parks and Recreation Department, Elizabeth Hardee was recognized for her assistance at the Tyger River race, and Erin Wofford was recognized for her assistance with a wedding at Cleveland Park. Kathy Foster and Renae McCormick, Human Resources Department, and Yvette Gonzalez; Parks Department, were recognized for helping a High School Senior who has a disability that was applying for a job with the Parks Department. Maribel Martinez, Clerk of Court's Office, was recognized for her assistance to an individual in a jury related matter.

### IV.

- A. Chairman Horton declared open a public hearing to consider 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. 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 **Mark Morey** from 12:01 p.m. until 11:59 p.m. on Saturday, May 11, 2013 for a Benefit at the Spartanburg Moose Lodge, 150 Pioneer Fish Camp Road, Roebuck. 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 **Greer Dragway** from 4:00 p.m. until midnight on Saturday, May 11, 2013 for a drag race at 1792 Dragway Road, Greer. 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, May 25, 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 approve Memorandum of Understanding in reference to Project Sky Hawk and authorize the County Administrator to execute document Motion seconded by Mr. Nutt and carried.
- B. Mr. Britt presented information in reference to Vulcan Materials Company. Mr. Britt thanked Mayor Harris, Town of Pacolet, for her leadership on this project. Motion made by Mr. Britt to adopt a Resolution 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. Brown and carried.
- C. Motion made by Mr. Britt to render first 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. Brown and carried.
- D. Motion made by Mr. Britt to render first 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.
- E. Upstate SC Alliance Update was presented by Mr. Hal Johnson, Upstate SC Alliance President/CEO. (Presentation included in backup) Mr. Johnson gave an up-to-date review of what has happened in the last year and how they are supporting Spartanburg County and the other nine counties in the Upstate region.

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

- A. Mr. David Forrester, Director, Spartanburg Alcohol and Drug Abuse Commission, presented information in reference to a Substance Abuse and Mental Health Services Administration Offender Reentry Program Grant. Motion made by Mr. Nutt to approve filing of grant application. Motion seconded by Mr. Mintz and carried.

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

- A. Ms. Katherine Hubbard, County Administrator, and Mr. Cole Alverson, Budget Director, presented information in reference to the FY 2014 Budget and Budget Calendar. Motion made by Mr. Culbreth to adopt Budget Calendar with first reading to be held on May 2; second reading and public hearing on May 20; and third reading on June 17. Motion seconded by Ms. Hall and carried.
- B. Mr. John Montgomery and Mr. Ned Long, West Bridge Partners, presented information in reference to the Drayton Mill project. Pacolet Milliken requested a special assessment for the former Drayton Mill site. They are in the process of doing due diligence for a redevelopment plan to convert the mills into apartment buildings. As part of the financing, the critical component is to have the special assessment which makes this project financially feasible. As an added benefit to the County, they will be

constructing an approximate one-mile walking trail connecting the Drayton neighborhood community to the Mary Black Hospital System. Motion made by Mr. Culbreth to adopt a Resolution to approve an extended Special Assessment period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as the Drayton Mill. Motion seconded by Mr. Britt and carried.

- C. Updated financial data and personnel vacancy reports were received.

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

- A. Mr. Chris Jennings, Director, Spartanburg Convention & Visitors Bureau, presented the Spartanburg Convention & Visitors Bureau Tourism Report and Marketing Plans for 2013. (Presentation included in backup)
- B. Mr. Jim Campbell, Interim Parks Director, presented information in reference to funding for a trail system in Inman. Motion made by Ms. Hall to approve funding. Motion seconded by Mr. Culbreth and carried.
- C. Mr. Eric Davis, Project Manager, presented information in reference to a Recreational Trails Program grant. Motion made by Ms. Hall to approve filing of grant application. Motion seconded by Mr. Britt and carried.
- D. Motion made by Ms. Hall to adopt a Resolution endorsing improvements at Va-du-mar McMillan Park to facilitate hosting a National "Beep Baseball" Tournament at that facility in August 2015. Motion seconded by Mr. Culbreth and carried.
- E. Information received regarding activities of the Parks Department.

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

- A. Mr. Brown stated the beginning of a discussion was held in reference to Council considering Open Burning policies in Spartanburg County. Based upon the information received, it is a positive step. The committee looks forward to receiving the information in May so that we can move forth with the initiatives from Council.
- B. 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.

No public comments were received.

VIII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to grant a Utility Easement to Piedmont Natural Gas Company, Inc. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Mintz to render third 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.
- C. 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, 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 Ms. Hall and carried.
- D. Motion made by Mr. Mintz to render second 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. Britt and carried.

XIII.

- A. Motion made by Mr. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Mark Morey** from 12:01 p.m. until 11:59 p.m. on Saturday, May 11, 2013 for a Benefit at the Spartanburg Moose Lodge, 150 Pioneer Fish Camp Road, Roebuck. Motion seconded by Ms. Hall and carried. Mr. Mintz opposed.
- B. 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, May 11, 2013 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.

- 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, May 25, 2013 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Britt and carried. Chairman Horton asked if Council could receive the schedule for Greer Dragway at the first of the year and consider all the requests at one time. Ms. Hubbard stated Staff will work with Mr. Greer on this.

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 13222 recognizing the award of the Overmountain Victory Trail planning grant. Budget Amendment Number 13223 recognizing an additional \$500 in already received Juvenile Arbitration Fines to be used for mileage for board meetings, conferences and training along with association dues. Budget Amendment Number 13224 relocates \$37,000 within the Parks FY13 Operating Budget to Spartanburg County School District 1 to be used as matching funding for a Mary Black Foundation grant awarded to District 1 for the development of the Inman Trail. Budget Amendment Number 13225 for expenditures which will be incurred before June 30, 2013 that are needed to relocate Upstate Workforce Investment Board's One-Stop Spartanburg Office, SC Works to Spartanburg Community College's downtown location (Evans Building) in the late summer/early fall. Budget Amendment Number 13226 allows for the purchase of a new or used bulldozer in lieu of the planned replacement of unit 1188, a Freightliner Dump Truck.

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

XI.

Motion made by Mr. Britt to approve the minutes of March 18, 2013 (Regular Meeting). Motion seconded by Mr. Brown and carried.

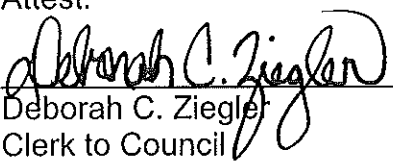
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council