

MINUTES

County Council Meeting

September 19, 2011

Spartanburg County Council met on Monday, September 19, 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 Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Deputy County Attorney; and Ginny Dupont, Associate County Attorney. Nelson Marchioli, Interim County Administrator, 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. Honorable Roger Nutt led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Nutt to adopt a Resolution remembering and recognizing Captain John David Hortman, U.S. Army, of Spartanburg, South Carolina for his military service. Motion seconded by Mr. Culbreth and carried. Ms. Brenda Jones, his mother, and Mr. Ken Jones, his step-father, received Resolution.
- 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 years of dedicated service and leadership provided by James B. Thompson, Director of Area Councils for the Spartanburg Area Chamber of Commerce. Motion seconded by Mr. Britt and carried.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and **BMW Manufacturing Co., LLC** (Project 2011A); the application of an infrastructure credit to

fee-in-lieu of tax payments; and authorizing and approving matters relating thereto. No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. O-09-04 as amended by subsequent ordinances relating to the joint county industrial park of Spartanburg and Cherokee Counties so as to enlarge the park. (**Eaton Corporation**) No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance amending Section 30-31 of the Code of the County of Spartanburg, South Carolina to change the type of warning provided by a law enforcement or other officer for unlawful amplification and to amend Section 30-32 of the Code of the County of Spartanburg, South Carolina to change the type of warning provided by law enforcement or other official to abate or reduce noise. 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 **First Baptist North Spartanburg** from 5:00 p.m. until 11:00 p.m. on Thursday, October 20, 2011 for a Fall Festival at 8740 Asheville Highway. 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 **Timothy L. Jones** from 6:00 p.m. until 2:00 a.m. on Saturday, October 1, 2011 through Tuesday, November 1, 2011 for Wompus Woods Haunted Trail at 231 Parris Road, Cowpens. 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 **Cynthia Boyle** from 6:30 p.m. until 11:30 p.m. on Saturday, October 15, 2011 for a Wedding at 375 Fairview Farms Road, Campobello. 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 **Nightmare Hollow** from dusk until midnight from Saturday, October 1 until Monday, October 31, 2011 for a haunted trail at 3411 Reidville Road. 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, October 15, 2011 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- I. Chairman Horton declared open a public hearing to consider Application for special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, October 29, 2011 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

No items scheduled.

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

No items scheduled.

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Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to render first reading to an Ordinance amending the FY11-12 Budget. Motion seconded by Ms. Hall and carried.
 - B. Motion made by Mr. Culbreth to authorize the addition of six positions to the General Fund authorized staffing level for the fiscal year beginning July 1, 2011 and ending June 30, 2012. Motion seconded by Ms. Hall and carried.
 - C. Motion made by Mr. Culbreth to adopt Resolution to amend the FY2010-2014 Capital Improvement Plan to modify the scope of projects and transfer funds as amended. Motion seconded by Ms. Hall and carried.
 - D. Updated financial data and personnel vacancy reports received.
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Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Ms. Mary Speed Lynch, Library Board Chair, presented information in reference to the moving of the Law Library and the gift of \$500,000 for the naming rights of the Westside Library to the Frank P. Cyril, Jr. Family – Westside Library.
- B. Mr. Jim Campbell, Interim Parks Director, presented information in reference to the activities of the Parks and Recreation Department.
- C. Mr. Eric Davis, Spartanburg Parks Greenway Coordinator, presented information in reference to Waterway Land Acquisition. Presentation is included in backup.

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

- A. Motion made by Mr. Brown to render first reading to an Ordinance amending Section 6-6 of the Code of the County of Spartanburg, South Carolina to change the period of impoundment for a pet. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Brown to approve a request from Coroner Rusty Clevenger for a Coroner's Office vehicle to be taken home to be used for on call purposes. 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. 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. Mintz to render first reading to an Ordinance amending the Spartanburg County Code, Chapter 66, Solid Waste Management, as amended, to assure compliance with the Solid Waste Management Plan. Motion seconded by Mr. Culbreth and carried.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance amending Ordinance Nos. 557, 649, O-01-22, O-07-08, and O-07-32 and Articles of Incorporation to change the County Council appointment process for members to the Spartanburg Regional Health Services District, Inc. Board of Trustees by staggering the terms of office for member appointments in the 2011-2012 term to provide for a more even distribution of subsequent appointment terms and to

change the limitation on employment status of the At Large Medical Staff Member appointments to include either a physician in private practice or a physician employed by the Hospital District. Motion seconded by Mr. Culbreth and carried.

- B. Motion made by Mr. Britt to appoint Kathy Dunleavy for the District 3 spot for a four year term. Susan Dent had served the maximum time and to appoint Marsha Dowell for one year term, Spencer King for two year term; and Ken Compton, Kathy Dunleavy, and Bill James for four year terms. Motion seconded by Mr. Brown and carried. Ms. Hall stated for the record this puts an employer and his employee serving on the Health Services District Board. Mr. Ken Compton is employed by Mr. Jimmy Gibbs. Mr. Britt stated this would not present a problem and a more capable person than Mr. Ken Compton could not be found, and he does not feel this will be a problem. Mr. Culbreth agreed with Mr. Britt. Ms. Hall stated you could not ask for two finer men to serve on the Health Services District Board, but that does not mean that will always happen.
- C. Motion made by Mr. Britt to render third reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and the **Eaton Corporation**; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the Town of Central Pacolet to the Spartanburg County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Voter Registration and Election Commission for the conduct of Municipal Elections in the Town of Central Pacolet; to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto with the following four amendments. (1) The Town of Central Pacolet will collect all filing fees; (2) The Town of Central Pacolet will file the Preclearance Notice with the Department of Justice; (3) The Town of Central Pacolet will pay their pro rata share of the elections; and (4) All Town elections will be held in the November odd year elections. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and **BMW Manufacturing Co., LLC** (Project 2011A); the application of an infrastructure credit to fee-in-lieu of tax payments; and authorizing and approving matters relating thereto. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. O-09-04 as amended by subsequent ordinances relating to the joint county industrial park of Spartanburg and Cherokee Counties so as to enlarge the park. (**Eaton Corporation**) Motion seconded by Mr. Brown and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance amending Section 30-31 of the Code of the County of Spartanburg, South Carolina to change the type of warning provided by a law enforcement or other officer for unlawful amplification and to amend Section 30-32 of the Code of the County of Spartanburg, South Carolina to change the type of warning provided by law enforcement or other official to abate or reduce noise. Motion seconded by Mr. Nutt and carried.

VII.

- A. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **First Baptist North Spartanburg** from 5:00 p.m. until 11:00 p.m. on Thursday, October 20, 2011 for a Fall Festival at 8740 Asheville Highway. 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 **Timothy L. Jones** from 6:00 p.m. until 2:00 a.m. on Saturday, October 1, 2011 through Tuesday, November 1, 2011 for Wompus Woods Haunted Trail at 231 Parris Road, Cowpens. Mr. Timothy Jones stated they close early on Sundays and school nights. The cannon noise maker is stopped at 11:00 p.m. Mr. Britt stated that he has never had a complaint about it. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Cynthia Boyle** from 6:30 p.m. until 11:30 p.m. on Saturday, October 15, 2011 for a Wedding at 375 Fairview Farms Road, Campobello. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Nutt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Nightmare Hollow** from dusk until midnight from Saturday, October 1 until Monday, October 31, 2011 for a haunted trail at 3411 Reidville Road. Motion seconded by Mr. Britt and carried.
- E. 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, October 15, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- F. 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, October 29, 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.

Chairman Horton stated that on Sunday evening, Blue Ridge Log Cabins will be featured on Extreme Home Makeover at 8:00 p.m. on Channel 13.

Chairman Horton appointed an Ad Hoc Committee made up of the Personnel Committee Members to start the search for a fulltime Administrator going forward.

Chairman Horton appointed an Ad Hoc Committee made up of Mr. Mintz, Mr. Culbreth, and Mr. Brown to work on an agreement with the Humane Society.

X.

Motion made by Mr. Britt to approve minutes of August 15, 2011 (Regular Meeting), August 22, 2011 (Special Meeting), and August 31, 2011 (Special Meeting). Motion seconded by Mr. Culbreth and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council