



MINUTES

County Council Meeting

June 16, 2014

Spartanburg County Council met on Monday, June 16, 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, O'Neal Mintz, 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.

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. Nutt led in reciting the Pledge of Allegiance.

II.

No presentations scheduled.

III.

Ms. O'Neill recognized the following individuals: Sue O'Brien, Lisa Deer, and Kathy Murphy, Spartanburg Alcohol and Drug Abuse Commission, on receiving a three year accreditation from CARF (Commission on Accreditation of Rehabilitation Facilities); Sabrina Mason, Finance Director, and her department for receiving the Certificate of Achievement for Excellence in Financial Reporting for fiscal year ending June 30, 2013; Attorney James A. Cheek, Public Defender's Office, for receiving the Claude A. Taylor Distinguished Service Award from the Spartanburg Bar Association; Kathy Roberts, Senior Animal Control Specialist, for her assistance on a call; Dorothy Earle, Director, and Deidre Wines, Register of Deeds Department, for providing excellent customer

service; and Doug Bryson, Director, Emergency Preparedness, for his response to a possible explosion/release at a chemical facility in the City of Spartanburg and for his response with a sizeable CERT (Community Emergency Response Team) when a 77 year old female with dementia went missing.

IV.

- A. 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, July 5, 2014 and Saturday, July 19, 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. Mr. Britt introduced Mr. Allen Smith, our newly appointed Chief Executive Officer, Spartanburg Chamber of Commerce, to Council and all those in attendance. Mr. Britt stated that Mr. Smith is going to be a great partner.
- B. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina and **Project Bruce**, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than ten million dollars (\$10,000,000) investment and Spartanburg County will provide Special Source Tax Credits. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to adopt a Resolution identifying a project to satisfy the requirements of Title 12, Chapter 44 of the South Carolina Code, so as to allow investment expenditures incurred by a company known to the County at this time as **Project Landrum**, its affiliates and related entities, to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Spartanburg County, South Carolina, and other matters related thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of *ad valorem* taxes agreement between Spartanburg County, South Carolina and a company known to the County at this time as **Project Landrum**, and one or more existing or to-be-formed or acquired subsidiaries, or affiliated or related entities, as sponsor, to provide for a fee in lieu of *ad valorem* taxes incentive with respect to an industrial project in the County; and other related matters. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of

Laws, 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and **Toray Carbon Fibers America, Inc.**; the application of an infrastructure credit to fee-in-lieu of tax payments; and matters relating thereto. Motion seconded by Mr. Brown and carried.

- F. Motion made by Mr. Britt to render first reading to an Ordinance providing for amendment and restatement of Ordinance No. O-09-09, as previously amended by Ordinance No. O-12-27, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks. 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. Motion made by Mr. Culbreth to accept the Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2015. Motion seconded by Ms. Hall. Ms. Claxton advised Council that at this time we were going to hold off any motions on the actual recommendation until third reading of the Budget is held. These would just be recommendations for a couple of the matters that relate to the Budget, and they would be taken up in Old Business when Council has the third reading of the Budget. Ms. Claxton stated that no motions are needed for this item at this point. Ms. O'Neill stated this matter will be taken up at third reading of the Budget Ordinance. Ms. Hall withdrew her second. The Personnel and Finance Committee recommended to full Council to accept the funding recommendations of the Accommodations Tax Advisory Committee. This was received as information.
- B. Motion made by Mr. Culbreth to postpone the report of the Personnel and Finance Committee on Item B until after Item C under Old Business to allow the ordinance amendments to be considered first. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Culbreth to render first reading to an Ordinance to provide for the issuance and sale of a not exceeding two million two hundred fifty thousand dollars (\$2,250,000 Spartanburg County, South Carolina, General Obligation Bond (**Duncan Fire Service Area Project**), Series 2014; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. Motion seconded by Ms. Hall and carried.
- D. Mr. Culbreth stated the Committee recommends to full Council to Amend Part 1 of the Budget Ordinance, Operation of County Government, Section 6, Fire Service Areas Tax Levy as follows: Amend the Poplar Springs millage rate to increase 1.6 mills to a new millage of 16.7. Motion

seconded by Mr. Nutt. Ms. O'Neill stated that these are just recommendations coming out of Personnel and Finance. Any votes that are taken on the Budget would come up at third reading under Old Business. The recommendation would be for Council to consider the Committee's recommendation under Old Business when you take up your votes there.

- E. Mr. Culbreth stated the Committee recommends to full Council to accept the Treasurer's changes and to amend the Authorized Staffing level for the Treasurer's Office by reclassifying an Accounting Supervisor position, grade 84, to a Sr. Accountant, grade 83; reclassifying two Accounting Technicians and one Administrative Assistant, grade 45, to Sr. Administrative Assistants, grade 46. Appropriated funding for the Treasurer's Office will not change as a result of this amendment.
- F. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Spartanburg Convention & Visitors Bureau Tourism Update was presented by Mr. Chris Jennings, Director.
- B. Ms. Lisa Bollinger, MCRP, Senior Planner, SPATS Planning Department; and Mr. Mike Nation, Project Manager, Parks Department, presented information in reference to a Parks and Planning Department grant from SCDOT Transportation Alternative for the Wadsworth Trail. (Presentation included in backup) Motion made by Ms. Hall to approve submittal of the grant application. Motion seconded by Mr. Nutt and carried.
- C. Information received regarding activities of the Parks Department.

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

- A. Captain Mark Barry, Sheriff's Office, presented information in reference to a Sheriff's Office Justice Assistance Grant (JAG) for Special Weapons and Tactics (SWAT) equipment. Motion made by Mr. Brown to approve submittal of grant application. Motion seconded by Mr. Culbreth and carried.
- B. Captain Mark Barry, Sheriff's Office, presented information in reference to a Sheriff's Office Community Oriented Policing Services (COPS) Grant for additional School Resource Officers. Motion made by Mr. Brown to approve submittal of grant application. Motion seconded by Mr. Britt and carried.
- C. Mr. Doug Bryson, Emergency Preparedness Director, presented information in reference to a Local Emergency Management Planning Grant (LEMPG). Motion made by Mr. Brown to approve submittal of grant application. Motion seconded by Ms. Hall and carried.
- D. 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. Clerk of Court Hope Blackley presented Information in reference to the Courthouse. (Presentation included in backup) No action was taken.
- B. Updated information received regarding activities of the Public Works Department.

VI.

Spartanburg County Clerk of Court employees Pat Gotautas, 422 Lucerne Drive, Spartanburg, and Sue Pardue, 450 Jennifer Lee Court, Woodruff, appeared to request support for improvements at the Courthouse and a new Courthouse.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the Spartanburg Sanitary Sewer District, South Carolina to enlarge its service area; and generally approving other matters relating thereto. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to provide for the adjustment of certain fees by Resolution of County Council. Motion seconded by Ms. Hall and carried. Mr. Mintz opposed.
- C. Motion made by Ms. Hall to render third reading to an Ordinance to amend the Unified Land Management Ordinance to provide for the adjustment of certain fees by Resolution of County Council. Motion seconded by Mr. Britt and carried. Mr. Mintz and Mr. Nutt opposed.
- D. Motion made by Mr. Culbreth to adopt a Resolution to establish various County Fee Schedules so as to establish the amount of certain fees in Spartanburg County. Motion seconded by Ms. Hall. Ms. O'Neill stated this was a several step process where Council was taking the fees out of individual Ordinances and putting them into a Resolution. This would be adopting the Resolution that houses all of the fees. These are the primary fees that are charged by the County for various permitting and other services we provide. Motion carried. Mr. Mintz opposed.
- E. Motion made by Ms. Hall to amend the funding recommendations of the Accommodations Tax Advisory Committee with the following changes: (1) Remove \$6,000 for the Landrum Youth Association; (2) Add \$1,500 to Hollywild Marketing; (3) Add \$500 to Historic Price House; (4) Add \$500 to Historic Association Rations Rosie Roosevelt; (5) Add \$500 to Stone Soup;

and (6) Add \$3,000 to the Convention & Visitors Bureau. Motion seconded by Mr. Mintz. Mr. Culbreth stated that he disagrees with this amendment. He thinks taking money from Landrum is doing a disservice to them. Landrum is one of the most vibrant towns in our County. They do a great job bringing in people, and a lot of these Accommodations Taxes are a result of the hard work of the businesses in the Landrum area. Ms. Hall stated the reason for the removal of the \$6,000 for the line item for Landrum Youth Association is because we have so many other Youth Associations within Spartanburg County that are not getting funding nor have they requested funding. These Youth Organizations are just important as the Landrum Youth Association. Motion carried. Mr. Culbreth and Mr. Nutt opposed. Motion made by Ms. Hall to accept the funding recommendations of the Accommodations Tax Advisory Committee as amended. Motion seconded by Mr. Mintz and carried. Mr. Culbreth and Mr. Nutt opposed.

Motion made by Mr. Nutt to Amend Part I of the Budget Ordinance, Operation of County Government, Section 6, Fire Service Areas Tax Levy as follows: Amend the Poplar Springs millage rate to increase 1.6 mils to a new millage of 16.7. Motion seconded by Mr. Brown and carried.

Motion made by Ms. Hall to amend the Authorized Staffing level for the Treasurer's Office by reclassifying an Accounting Supervisor position, grade 84, to a Sr. Accountant, grade 83; reclassifying two Accounting Technicians and one Administrative Assistant, grade 45, to Sr. Administrative Assistants, grade 46. Appropriated funding for the Treasurer's Office will not change as a result of this amendment. Motion seconded by Mr. Mintz and carried.

Ms. O'Neill recommended to Council that they consider the Reclassifications requested by Clerk of Court Hope Blackley for the Clerk of Court's Office. Some additional revenue has been identified through our Fee In Lieu Of Tax revenue that could cover this. Motion made by Mr. Brown to Amend Part I of the Budget Ordinance, Operation of County Government, Section 8, Appropriations as follows: (1) Amend the General Fund expenditures by increasing the appropriation to the Clerk of Court department by \$40,983 to \$2,327,777 for sixteen position reclassifications and increasing the appropriation to the Non-Departmental department by \$159,017 to \$3,369,485 for personnel and contingency items; and (2) Amend the General Fund revenues by increasing the appropriation to Taxes-Current by \$200,000 to \$55,794,447 thereby increasing the total General Fund Budget to \$84,834,000 and the total County Budget to \$177,638,496. Such amendments would allow the Clerk of Court Authorized Staffing to be amended as follows: (1) The Chief Administrative Assistant position, grade 82, will be reclassified to a Clerk of Court Supervisor position, grade 83; (2) One Deputy Court Clerk position, grade 43, will be reclassified to a Senior Deputy Court Clerk position, grade 44; (3) Fourteen Senior Court Clerk positions will be reclassified from a grade 41 to a grade 42; and (4) The total

number of authorized positions for the Clerk of Court's Office does not change. Motion seconded by Mr. Britt and carried.

Motion made by Mr. Culbreth to Amend Part I of the Budget Ordinance, Operation of County Government, Section 6 Fire Service Areas Tax Levy to add the following language: A Duncan FSA (Fire Service Area) debt levy shall be established at a level to generate sufficient revenues to meet the annual debt service obligations and debt cash flow requirements. Motion seconded by Mr. Britt and carried.

Motion made by Mr. Brown to move to authorize our Staff to recalculate the current Consumer Price Index Rate and the projected growth in Spartanburg County, commonly referred to as Growth plus CPI, with a three year look back and that Council adjust the Budget to reflect such an adoption. Motion failed due to lack of a second.

Motion made by Ms. Hall to render third reading to a Budget Ordinance as amended relating to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2014 and ending June 30, 2015; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Brown and carried.

- F. Motion made by Mr. Britt to render third reading to a Budget Ordinance to establish Capital Project Budgets for the 2014-2015 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Ms. Hall and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance amending Ordinance No. 296, codified as Section 2-206 of the Code of the County of Spartanburg so as to remove the authorization of Council requirement to transfer property to the Forfeited Land Commission. Motion seconded by Ms. Hall and carried.
- H. Motion made by Mr. Britt to render second reading to an Ordinance (1) to amend an existing agreement for the Development of a Joint-County Industrial and Business Park by and between Spartanburg County, South Carolina and Union County, South Carolina to enlarge the boundaries of the park to include certain property located in Spartanburg County presently owned and/or operated by **Michelin North America, Inc.**, or one or more companies related thereto; and (2) authorizing other related matters. Motion seconded by Mr. Brown and carried.
- I. Motion made by Mr. Britt to render second reading to an Ordinance to amend the Agreement for Development for Joint County Industrial Park by and between Spartanburg County and Cherokee County, South Carolina, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating 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. Mintz 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, July 5, 2014 and Saturday, July 19, 2014 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Culbreth 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 Resolution Number 14346 accepts donation of training mannequins from Phil Plexico for use at our Emergency Services Academy. Budget Amendment Resolution Number 14347 recognizes the insurance revenue and sets up the expenditure to repair a damaged vehicle in Environmental Enforcement. Budget Amendment Resolution Number 14348 authorizes (1) the recognition of Additional Tax, Homestead, and FILOT revenue, receipt of lower Delinquent Tax revenues, and sets up additional expenditures for reinstatement of one-time Capital, Minor Capital, or other one-time items and other year-end expenditures; (2) the transfer of funds to the Special Revenue Fund and Transportation Service Bureau Fund in lieu of grant funding that is not expected to be received; (3) The budget for the health insurance fund is removed; and (4) Several revenue line items in the Special Revenue Fund are adjusted as a result of a change to the way revenues are recorded at year-end for these items. Budget Amendment Resolution Number 14349 sets up revenue received in the Forfeited Gambling Fund, State Forfeited Drug Fund and Federal Drug Fund for April and May 2014. Budget Amendment Resolution Number 14350 accepts and sets up the revenue and expenditure accounts for the Emergency Management – HMEP (Hazardous Materials Emergency Preparedness)

Training grant. Budget Amendment Resolution Number 14351 promotes the current Project Manager to a Senior Project Manager and voluntarily demotes the current Senior Project Manager to a Project Manager. It will allow the full-time Project Manager position in the Administration department in Parks to be temporarily converted to two part-time positions thus increasing the Authorized Staffing by one slot. Budget Amendment Resolution Number 14352 accepts the DSS (Department of Social Services) Summer Food Service Program grant. Budget Amendment Resolution Number 14353 – At the last Board meeting, the Upstate Workforce Investment Board (WIB) approved both a change to the budget of SCWorks to reduce some operational line items while also increasing two line items: training for the Adult participants, as well as outreach. The Upstate WIB also approved increasing the Upstate WIB budget by \$6,000 to address the need for a website. Budget Amendment Resolution Number 14354 recognizes insurance proceeds received for the total loss of a Sheriff's Office vehicle. Budget Amendment Resolution Number 14355 authorizes a change in the project description for the Fleet Services Equipment Replacement project (ER0004) for the FY 2013/14 budget year. Budget Amendment Resolution Number 14356 provides \$5,000 in resources for community tourism initiatives.

Motion made by Ms. Hall to approve the Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Brown and carried. Mr. Mintz, Mr. Britt, and Mr. Nutt opposed.

XI.

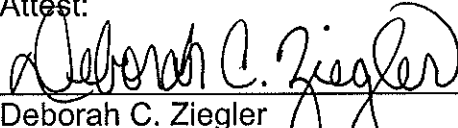
Motion made by Mr. Nutt to approve the minutes of May 19, 2014 (Regular Meeting) and May 21, 2014 (Strategic Visioning Retreat). Motion seconded by Mr. Britt and carried.

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council