



MINUTES

County Council Meeting

August 19, 2013

Spartanburg County Council met on Monday, August 19, 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. Honorable Roger Nutt led in reciting the Pledge of Allegiance.

II.

No presentations were scheduled. Chairman Horton extended sympathy to Mr. Brown and his family on the loss of his father. Mr. Brown thanked the Department Heads, County Administration, Staff, County Attorney's Office, County Council, County Employees, and everyone countywide that reached out to him and his mother in regards to the passing of his father. Mr. Brown thanked everyone for the cards, the flowers, the visits, and attendance at the Homegoing service for his father. Mr. Brown expressed his appreciation of the Sheriff for making a personal commitment to do something nice for his father after 34 years of military service. The Honor Guard was at the service.

III.

Ms. Hubbard recognized Mr. Jerry Glover, Mr. Gary Splawn, Mr. Brian Waldrop, Mr. Jonathan Emory, Mr. Travis Morris, and Mr. Jim Hyatt, Building Codes Department; Mr. Tony Bell, Human Resource Director; Ms. Kim Danner and the Information Technologies Staff.

IV.

- A. Chairman Horton advised that the Open Burning Ordinance has been postponed for further study. Chairman Horton declared open a public hearing to consider an Ordinance regulating Open Burning of any materials in Spartanburg County. Mr. Greg Henson, Roebuck; Mr. Harold Campbell, 507 Amelia Avenue; and Mr. John Floyd, 706 Plume Street, appeared in opposition to this Ordinance. The matter was closed.
- B. Chairman Horton advised that earlier this afternoon, the Land Use Committee amended the Ordinance scheduled for public hearing tonight to remove the amendments to Section 3.19 that deleted the exceptions for recycling facilities, scrap metal processors and landfills and recommended the revised Ordinance to full Council. Chairman Horton declared open a public hearing to consider proposed revisions to the Unified Land Management Ordinance (ULMO), Ordinance No. 0-99-15, as amended, so as to amend Sections 3.14 and 3.15 to include all Fuel Products in the requirements for Bulk Storage and Distribution of Petroleum; to update standards and safety requirements, including minimum setbacks from other uses and site capacity limits for Bulk Storage of Fuel Products, Asphalt Terminals, Asphalt Plants, and Off-Site Hazardous Chemical Storage; to better describe the site plan requirements and the application approval process for Bulk Storage of Fuel Products, Asphalt Terminals, Off-Site Hazardous Chemical Storage, and Asphalt Batch Plants; to amend Section 3.19 to remove the exemptions for recycling facilities and scrap metal processors so as to eliminate the ambiguity with Section 3.17, Waste Management Facilities; to add Section 3.28 Asphalt Batch Plants so as to distinguish between the requirements for Asphalt Terminals under Section 3.14 and Asphalt Batch Plants; to amend Section 4.06-3 to provide non-conforming use provisions for Bulk Storage and Distribution Facility for Fuel Products; to amend Article 6 to add and to clarify certain associated definitions; and to update Table 3. 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 a Fee In Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and **FedEx Ground Package System, Inc.**, acting for itself and for 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 establishment of certain facilities in the County (the "Project"); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the Company and the Project; and (3) other matters relating thereto. 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, September 7, 2013 and Saturday, September 21, 2013 for drag races 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 consenting to an assignment by **NURRC, LLC** to **INTERNATIONAL RECYCLING GROUP (SPARTANBURG), LLC** of all rights and obligations under a fee in lieu of tax agreement between NURRC, LLC and Spartanburg County dated December 4, 2007, as amended on November 23, 2009; the provision of an infrastructure credit; 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 consent to the amendment of the **City of Woodruff, South Carolina Tax Increment Financing Plan** so as to extend the term of the plan and the term of bonds issued thereunder; to authorize the execution and delivery of an Intergovernmental Agreement between the City of Woodruff and Spartanburg County; and other matters related thereto. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance to amend Ordinance No. O-99-014, as amended, relating to the Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (**FedEx Ground Package System, Inc.**) Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to adopt a Resolution with respect to consenting to the transfer via an assignment of interest of **ACPS, LLC to RT Woods Chapel, LLC** of the fee in lieu of tax agreement by and between Spartanburg County, Lear Operations Corporation and ACPS, LLC dated December 1, 2008. Motion seconded by Mr. Brown and carried.

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

- A. Motion made by Ms. Hall to approve filing of a Community Alcohol and Drug IMPACT Coalition grant application. Motion seconded by Mr. Brown and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to approve a request to reclassify one of the Deputy III positions to a Deputy III – Elections Database/IT position as part of a long-term departmental restructuring and process improvement effort in the Voter Registration and Elections Department. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to approve a request from the Auditor's Office to change a full-time position to a part-time position and use the savings from this salary to add another part-time position. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Culbreth to approve a request from the Public Defender's Office to add two additional positions in the Spartanburg office and one new position for the Cherokee office. These positions will be funded by the State and will be recurring funding. Motion seconded by Ms. Hall and carried.
- D. Ms. Katherine Hubbard, County Administrator, presented a Budget Update.
- E. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Ms. Elizabeth Hardee, Recreation Programs Assistant Manager, presented information in reference to a grant application for the annual Child and Adult Care Food Program (CACFP) grant. This is the sixth year that Spartanburg County has been participating in this. This helps provide healthy snacks for children receiving after school and summer childcare in facilities throughout the County. Motion made by Ms. Hall to approve filing of grant application. Motion seconded by Mr. Britt and carried.
- B. Mr. Jim Campbell, Interim Parks Director, presented the Parks Department Annual Report. (Presentation and the Parks Annual Performance Report are included in backup.) This report will be available on the Parks Department website.

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

- A. Ms. Katherine Hubbard, County Administrator, presented information in reference to the Town of Cowpens Senior Center. Mayor Mike Hamrick did not attend the meeting. Ms. Hubbard stated the County is a partner in a project with Cowpens for the Cowpens Senior Center. Our partnership consists of a Community Development Block Grant (CDBG) grant. A building permit will be needed for the work at the Cowpens Center. The request is to include the building permit as part of the contribution from the County to the grant. Motion seconded by Mr. Culbreth and carried.

- B. Motion made by Mr. Brown to approve a request from the Detention Center to eliminate an Administrative Assistant position, add a new PREA (Prison Rape Elimination Act) position, and upgrade a current Corporal's position (pay grade 66) to a Sergeant (pay grade 67) position. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Brown to approve a request from the Detention Center to use funds previously approved for a Nurse Practitioner to hire four part-time Medical Technicians. Motion seconded by Mr. Culbreth and carried.
- D. Motion made by Mr. Brown to approve a request from the Sheriff's Office to reclassify a current Corporal's position to a Sergeant position in the Training Division. Motion seconded by Mr. Nutt and carried.
- E. Mr. Bill Hall, Fire Marshal, requested postponing an Ordinance regulating Open Burning of any materials in Spartanburg County to give more time to work on the proposed Ordinance. Motion made by Mr. Brown to have full Council to continue to refer second reading of the Open Burning Ordinance to the Public Safety and Judiciary Committee and to allow the committee additional time to study the necessity or even the need for and the additional elements of the Ordinance if needed. Motion seconded by Ms. Hall and carried.
- F. Mr. Keith Lee, Communications/9-1-1 Department, presented information in reference to the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) re-accreditation that has placed our 9-1-1 Communications Center aboveboard and standing head and shoulders with a number of departments throughout the nation.
- G. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Mr. Mintz recused himself due to parts of this item being related to the Scrap Metal Industry. The Land Use Committee amended the ordinance scheduled for second reading to remove the amendments to Section 3.19 that deleted the exceptions for recycling facilities, scrap metal processors and landfills and recommended the revised ordinance to full Council. Motion made by Mr. Horton to render second reading to the revised Ordinance to amend the Unified Land Management Ordinance (ULMO), Ordinance No. 0-99-15, as amended, so as to amend Sections 3.14 and 3.15 to include all Fuel Products in the requirements for Bulk Storage and Distribution of Petroleum; to update standards and safety requirements, including minimum setbacks from other uses and site capacity limits for Bulk Storage of Fuel Products, Asphalt Terminals, Asphalt Plants, and Off-Site Hazardous Chemical Storage; to better describe the site plan requirements and the application approval process for Bulk Storage of Fuel Products, Asphalt Terminals, Off-Site Hazardous Chemical Storage, and Asphalt Batch Plants; to add Section 3.28 Asphalt Batch Plants so as

to distinguish between the requirements for Asphalt Terminals under Section 3.14 and Asphalt Batch Plants; to amend Section 4.06-3 to provide non-conforming use provisions for Bulk Storage and Distribution Facility for Fuel Products; to amend Article 6 to add and to clarify certain associated definitions; and to update Table 3. Motion seconded by Mr. Britt and carried.

- B. Mr. Mintz recused himself due to parts of this item being related to Scrap Metal Industry. Motion made by Mr. Horton to render first reading, refer to the Planning Commission for additional work, and schedule a public hearing at the November County Council meeting for an Ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. 0-99-15, as amended, so as to amend Section 3.19 to remove the exemptions for recycling facilities, scrap metal processors, and landfills so as to eliminate the ambiguity with Section 3.17, Waste Management Facilities. Motion seconded by Ms. Hall and carried.
- C. 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.

VI.

Mr. Kenny Price appeared to request an amendment to the policy of employees not being able to assist people at the County Convenience Centers. Ms. Judy Caton, Moore, appeared in opposition to tearing down Berry Softball Field.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to provide for the payment and collection of certain costs by inmates housed in the Spartanburg County Detention Center and matters related thereto. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance authorizing (1) the execution and delivery of a Fee In Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and **FedEx Ground Package System, Inc.**, (Project Fischer), acting for itself and for 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 establishment of

certain facilities in the County (the "Project"); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; and (3) other matters relating thereto. Motion seconded by Mr. Brown and carried.

XIII.

- A. Motion made by Mr. Culbreth 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. Britt and carried.
- 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, September 7, 2013 and Saturday, September 21, 2013 for drag races at 1792 Dragway Road, Greer. Motion seconded by Mr. Britt 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. Ms. Hubbard presented information in reference to the Budget Amendment Resolutions. The first item was to make a correction to the Budget Amendment Resolution pertaining to the Auditor's Office. The Budget Amendment Resolution in the packet refers to a Secretary position and actually Ms. West requested a Tax Listing Clerk. The second item is that it has been brought to Ms. Hubbard's attention that from time to time Council is seeing Budget Amendment Resolutions that are for pass through funds. Included in the Budget Amendment Resolution packet was some information about the County Transportation Committee and some of their projects. In reality in these circumstances, Council is not necessarily approving or disapproving the Budget. The County Transportation Committee is responsible for those decisions. Council is administratively helping Staff reallocate those funds into the proper accounts. As a result of scheduling, sometimes this can cause some delay in providing those funds to the different groups that do projects through the County Transportation

Committee. Ms. Hubbard asked if Council will allow her to go ahead, when the County Transportation Committee makes their decisions, to free up those funds for those groups that want to start right away, and then retroactively allow the accounts to become populated by these different projects. Council stated they did not have a problem with this request.

The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 14030 formally accepts the personnel changes for the Registration and Elections office as approved by County Council at their regular July meeting. Budget Amendment Number 14031 authorizes the retitling of Registration and Election slot VR14 from Deputy III to Deputy III-Elections IT. Budget Amendment Number 14032 authorizes the conversion of slot DS12, Code Enforcement Officer (Grade 43) in the Auditor's office from full-time to part-time. Budget Amendment Number 14033 reclassifies slot S138-Master Deputy, grade 66, to a Sergeant, grade 67. Budget Amendment Number 14034 – On July 1, the State raised the minimum base salary for Magistrate and Probate Judges by 3%. This increase was not budgeted because all of our Magistrate and Probate judges make well above the minimum base salary. Our interpretation of the State Statute did not require us to increase the salaries that were already above base. During July, we found an Attorney General's opinion which differed from our interpretation. The budget impact is approximately \$52,200. The expense will be recognized once a revenue source to fund this has been identified. The State did not provide a revenue source for this additional expense. Budget Amendment Number 14035 will increase the Greer Magistrate Office budget by \$4,200 to account for the Magistrate's move to a new office with higher rent. Budget Amendment Number 14036 sets up revenue received in the Forfeited Drug Fund. Budget Amendment Number 14037 allows for the closure of completed C-Fund projects. Budget Amendment Number 14038 sets up projects approved at the CTC meeting July 18, 2013. Budget Amendment Number 14039 is a follow-up to a Budget Amendment Resolution approved by Council in July recognizing additional revenue from the State for General Fund. Budget Amendment Number 14040 recognizes the award of the Local Emergency Management Performance Grant (LEMPG). Budget Amendment Number 14041 accepts the SC-DHEC Solid Waste grant for electronics recycling as well as sets up the needed revenue and expenditure accounts. Budget Amendment Number 14042 accepts the SC-DHEC Used Oil Recycling grant as well as sets up the needed revenue and expenditure accounts. Budget Amendment Number 14043 accepts the SC-DHEC Waste Tire grant as well as sets up the needed revenue and expenditure accounts. Budget Amendment Number 14044 recognizes additional revenue and use of fund balance to fund the addition of a full-time Assistant Public Defender, a full-time Investigator in the Spartanburg office, and a contract Attorney in the Cherokee office. Budget Amendment Number 14045 recognizes the State Mass Transit and Federal Transportation Administration grants awarded

through SCDOT for the Rural Section 5311 program. Budget Amendment Number 14046 recognizes the State Mass Transit grant award for the urban Section 5307 program. Budget Amendment Number 14047 recognizes the Federal Transportation Administration (FTA) grant award for the Urban Section 5307 program. Budget Amendment Number 14048 recognizes additional CDBG – HUD revenue above and beyond what was anticipated to be granted for Spartanburg County FY14. The expenditure allocations must be split between CDBG projects and Administration (inclusive of salary and fringe) of projects. Budget Amendment Number 14049 recognizes additional CDBG – HOME revenue above and beyond what was anticipated to be granted for Spartanburg County FY14. The expenditure allocations must be split between HOME projects and Administration (inclusive of salary and fringe) of projects. Budget Amendment Number 14050 increases project scope and funding for the three Community Development projects in the Capital Improvement Plan (CIP) as a result of increased funding from CDBG and HOME federal funding. Budget Amendment Number 14051 recognizes the award for the Prison Rape Elimination Act (PREA) grant that will be received in FY14. Budget Amendment Number 14052 authorizes the addition of four part-time Medical Technicians for the Detention Facility, as well as the elimination of two full-time frozen, vacant slots, J96 (Registered Nurse) and JG03 (LPN). Budget Amendment Number 14053 eliminates slot J48 (Booking/Records Tech/Jail Notifier, Grade 43) in the Detention Facility and replaces it with a PREA Coordinator, Grade 81. Budget Amendment Number 14054 converts slot J132 from a Corporal, Grade 66 to a Sergeant, Grade 67. Budget Amendment Number 14055 sets up the FY11 IT Equipment ARRA stimulus award allocations for the Transportation Service Bureau. Budget Amendment Number recognizes insurance revenue received for the total loss of Sheriff's unit 2105 in June 2013. Budget Amendment Number 14057 restructures Parks Capital Projects to achieve multiple objectives. Budget Amendment Number 14058 allows for the carryover of selected remaining FY13 budget balances as recommended by the County Administrator and as allowed in the Operating Budget Ordinance.

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

- B. Mr. Nutt stated there was some discussion in his district concerning a transfer station that was being proposed to the County. Mr. Nutt told some of the residents in his district that he would make sure that he put on record the stance of his district in relation to that transfer station. County Council District Six does not wish to have any further contracts or long-term agreements with Waste Management and are fine and dandy with keeping a landfill where it is and letting it die its own horrible death, and they will move on from there.

Mr. Britt stated that he appreciated Mr. Price's comments regarding a policy change being needed regarding employees being able to help citizens at the Convenience Centers. Mr. Britt, Mr. Mintz, Mr. Brown, and Ms. Hall stated a policy change is needed to help serve the citizens.

Ms. Hall stated that she understands Ms. Caton's comments. Ms. Hall stated that before anything is close to being on the drawing board with Berry Field there will be citizen input requested from many people. Whether or not the stadium stays, some type of memorial or something could be done to preserve this area.


XI.

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

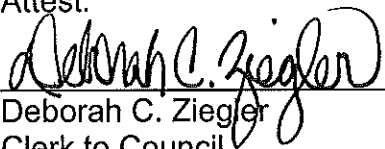
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council