

MINUTES

County Council Meeting

August 15, 2011

Spartanburg County Council met on Monday, August 15, 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; and John Harris, 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 Tommy Sparks. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

No presentations were scheduled.

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 the **Eaton Corporation**; and matters relating thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider 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. Mr. Henry Laye, Director, Spartanburg County Voter Registration & Elections, appeared on behalf of the

Spartanburg County Election Commission. They are prepared to accept the transfer of authority to conduct the elections for Central Pacolet with the following four amendments. (1) The City of Central Pacolet will collect all filing fees; (2) The City of Central Pacolet will file the Preclearance Notice with the Department of Justice; (3) The City of Central Pacolet will pay their pro rata share of the elections; and (4) All City elections will be held in the November odd year elections. Mr. Larry Flynn, Attorney for Central Pacolet, stated the City will accept the amendments. Mr. Laye also discussed the move afoot to take the Municipal authority to conduct elections to the County. The choice to do that is purely discretionary by each City, but in May of last year, the General Assembly passed a law which requires each member of a Municipal Election Commission to become certified and that the staff that assists them to also become certified. To become certified by the State Election Commission, there are seven courses that an individual must complete. The majority of the courses are held in Columbia. They are \$20 each. This is probably more of a challenge to the cities to find the people who have the time to go take these courses to become certified. Several weeks ago, Mr. Laye sent a letter to each of the Mayors reminding them of the Act that was passed and to advise on the status of their Commissioners being certified. This has resulted in conversations with the Spartanburg County Voter Registration and Election Office regarding taking over the authority. They have had inquires from Chesnee, Reidville, Lyman, Landrum, Campobello, and Cowpens to do this. The caveats would be similar.

- 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, September 10, 2011 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, September 24, 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)

- A. Motion made by Mr. Britt to render first 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 **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 Ms. Hall and carried.
- B. Motion made by Mr. Britt to render first 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.
- C. Mr. Chip Bentley, Planning Services Director, S.C. Appalachian Council of Governments, presented the Appalachian Region Comprehensive Economic Development Strategy 2011 Annual Report. Motion made by Mr. Britt to concur with the Appalachian Region Comprehensive Economic Development Strategy 2011 Annual Report. Motion seconded by Ms. Hall and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to adopt a Resolution amending the scope of Capital Improvement Plan project number PR0011 North Spartanburg Sports Complex to include the addition of a fully-accessible playground unit and authorizing transfer of funds related thereto and authorizing transfer of funds. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to adopt Resolution for Tyger River Park Funding Packaging and authorize transfer of funds. Motion seconded by Ms. Hall. Mr. Nutt made the same objections to this funding that he made earlier during the committee meeting and stated that he is only voting for this Resolution only because we are in a position where we have to move the funding. Mr. Nutt is not in favor of it, but Mr. Campbell has assured him this money will be available for trails. Motion carried.
- C. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Jim Campbell, Interim Parks Director, presented a Spartanburg Parks and Recreation Department Update.

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

- A. Motion made by Mr. Brown to render first 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. Culbreth and carried.
- 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. Motion made by Mr. Mintz to approve the Updated 2011 Solid Waste Management Plan. Motion seconded by Mr. Culbreth and carried. This is a 20-year Plan. Mr. Steve Belue, Public Works Director; Mr. Travis Brown, Environmental Engineer; and Mr. Jason Weaver, Solid Waste Manager, presented this item in committee.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render third 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 for **Fehrer Automotive North America, LLC** (Project Hunt) to be located in a multi county industrial park and matters relating thereto. Motion seconded by Mr.

Brown and carried.

- B. Motion made by Mr. Britt to render third reading to an Ordinance to authorize the execution and delivery of an amendment to the fee agreement by and between Spartanburg County and **DAA Draexlmaier Automotive of America, LLC** to provide Special Source Revenue Credits; and to provide for other matters thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Culbreth to render third reading to an Ordinance to amend Section 2-287 of the Spartanburg County Code so as to provide that a bid protest shall be submitted within seven calendar days after receipt of the written intent to award bid notice. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Culbreth to render third reading to an Ordinance enlarging the Tyger River Fire Service Area to include certain areas owned by Lyman Warehouse, LLC which currently receives fire protection services from Tyger River Fire Service Area pursuant to a written contract. Motion seconded by Mr. Nutt and carried.
- E. Motion made by Mr. Britt to render second 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.
- F. 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 the **Eaton Corporation**; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- G. Motion made by Mr. Mintz to render second 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 Mr. Britt and carried.

VII.

- A. 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 10, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz 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 24, 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.

No items scheduled.

X.

Motion made by Mr. Britt to approve minutes of July 18, 2011 (Regular Meeting). Motion seconded by Mr. Mintz and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council