

# MINUTES

## County Council Meeting

**November 28, 2011**

Spartanburg County Council met on Monday, November 28, 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.

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. Spartanburg County Fire Chief's Association Honor Guard presented colors and led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Hall to adopt a Resolution designating the month of November 2011 as Pulmonary Hypertension Awareness Month. Motion seconded by Mr. Culbreth and carried.
- B. Terry Stephenson, representing Ronald McDonald House Charities of the Carolinas, presented a \$5,000 check to Marcia Murff of Spartanburg Parks Department, to be used for the playground at Tyger River Park.
- C. Graduates of Spartanburg County Citizens' Academy were recognized.

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 **Project 300**; the application of an infrastructure credit to fee-in-lieu of tax payments; and authorizing and approving matters relating thereto. Mr. Britt stated Project 300 is **AMAZON.COM.DEDC, LLC**. There are still steps that need to be taken before this is finalized. No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider an Ordinance to amend an existing agreement for the development of a joint county industrial and business park between Cherokee County and Spartanburg County to add an additional property located in Spartanburg County thereto. **(Project 300)** No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance amending Ordinance Nos. 439, 481 and O-01-19 as amended so as to redefine the boundaries of the six single member election districts, for the election of Spartanburg County Council Members, based upon the release of the 2010 Census for Redistricting purposes, in order that the population of such districts shall comply with the population requirements set forth in the Voting Rights Act of 1965. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Milliken & Company**, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance to prohibit advertisement, possession, use, purchase, or distribution of substituted cathinones (commonly called “bath salts”), synthetic cannabinoids, and certain other synthetic drugs; and matters related thereto. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Ordinance to amend the “Special Assessment Period” definition set forth Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances addressing the Special Property Tax Assessment for Rehabilitated Historic Property in Spartanburg County. No one appeared, and the matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Ordinance to amend Chapter 6 of the Spartanburg County Code of Ordinances relating to Animals. No one appeared, and the matter was closed.

IV.

- A. Mr. Jim Herzog appeared in reference to financial and procurement policies of the County.

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. Mr. Jim Hipp and Mr. Cole Alverson, Budget Director, presented a Budget Report and information in reference to FY11-12 Budget. Motion made by Mr. Culbreth to authorize temporary Assistant Public Defender position. Motion seconded by Ms. Hall and carried.
- B. Updated financial data and personnel vacancy reports received.

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**Livability Committee** – (Honorable Roger Nutt, Chairman)

- A. Motion made by Mr. Nutt to adopt a Resolution to endorse staff recommendations for the further development and maintenance of public parks in Spartanburg County and to announce Spartanburg County's intention to acquire land and/or easements for development of blueways and greenways, and other matters related thereto. Motion seconded by Mr. Britt and carried. Mr. Nutt recognized Mr. Chris Jennings, Spartanburg Convention and Visitors Bureau, for his work on the Republican Presidential Debate held at Wofford College on November 12, 2011.

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

- A. Sheriff Chuck Wright presented information in reference to the Sheriff's Office Budget Proposal. (Presentation included in backup)
- B. Mr. Cleve Seay, Director of Development, Animal Allies, and Ms. Michelle Radioff, Executive Director, presented information in reference to Animal Allies. (Presentation included in backup)
- 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. Mr. Steve Belue, Public Works Director, presented information in reference to an Ordinance to grant a Sanitary Sewer Easement to Spartanburg Sanitary Sewer District. The property is located on Broadcast Drive. Motion made by Mr. Mintz to render first reading to Ordinance. 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 to amend Ordinance No. O-11-08 which related to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2011 and ending June 30, 2012 and to provide for budget control of said appropriation by the Spartanburg County Council by reducing the General Fund transfer to the Special Revenue Fund by \$300,000, reducing the Public Defender Fund by \$14,303, and adjusting other revenue and expenditure appropriations related thereto. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Britt to render third 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. Culbreth and carried.
- C. Motion made by Mr. Mintz to render third 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. Britt and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance amending Ordinance Nos. 439, 481 and O-01-19 as amended so as to redefine the boundaries of the six single member election districts as set forth in Option A, for the election of Spartanburg County Council Members, based upon the release of the 2010 Census for Redistricting purposes, in order that the population of such districts shall comply with the population requirements set forth in the

Voting Rights Act of 1965. Motion seconded by Ms. Hall and carried. Mr. Mintz opposed.

- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Milliken & Company**, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Culbreth and carried.
- F. Motion made by Mr. Mintz to render second reading to an Ordinance to prohibit advertisement, possession, use, purchase, or distribution of substituted cathinones (commonly called "bath salts"), synthetic cannabinoids, and certain other synthetic drugs; and matters related thereto. Motion seconded by Mr. Britt and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance to amend the "Special Assessment Period" definition set forth Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances addressing the Special Property Tax Assessment for Rehabilitated Historic Property in Spartanburg County. Motion seconded by Ms. Hall and carried.
- H. Motion made by Mr. Mintz to render second reading to an Ordinance to amend Chapter 6 of the Spartanburg County Code of Ordinances relating to Animals. Motion seconded by Mr. Culbreth and carried. Mr. Britt and Mr. Nutt opposed.

## VII.

- A. Motion made by Mr. Britt to adopt a Resolution authorizing the County Council of Spartanburg County to publish a Notice of public hearing transferring the authority for conducting Municipal Elections in the Town of Cowpens to the Spartanburg County Election Commission. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the Town of Cowpens 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 Cowpens; 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. Motion seconded by Mr. Mintz and carried.
- C. Motion made by Mr. Culbreth to adopt a Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing transferring the authority for conducting Municipal Elections in the City of Chesnee to the Spartanburg Election Commission. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing the acceptance of the Transfer of Authority for conducting Municipal Elections in the City of Chesnee 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 City of Chesnee; 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. Motion seconded by Mr. Mintz and carried.
- E. Motion made by Mr. Culbreth to adopt a Resolution authorizing the County Council of Spartanburg County to publish a Notice of public hearing transferring the authority for conducting Municipal Elections in the City of Landrum to the Spartanburg County Election Commission. Motion seconded by Mr. Mintz and carried.
- F. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the City of Landrum 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 City of Landrum; 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. Motion seconded by Mr. Mintz and carried.

- G. Motion made by Mr. Culbreth to adopt a Resolution authorizing the County Council of Spartanburg County to publish a Notice of public hearing transferring the authority for conducting Municipal Elections in the City of Inman to the Spartanburg County Election Commission. Motion seconded by Mr. Mintz and carried.
- H. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the City of Inman 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 City of Inman; 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. Motion seconded by Mr. Mintz and carried.
- I. Motion made by Mr. Culbreth to adopt a Resolution authorizing the County Council of Spartanburg County to publish a Notice of public hearing transferring the authority for conducting Municipal Elections in the City of Wellford to the Spartanburg County Election Commission. Motion seconded by Mr. Mintz and carried.
- J. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the City of Wellford 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 City of Wellford; 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. 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. Culbreth to approve minutes of October 10, 2011 (Special Meeting), October 17, 2011 (Regular Meeting), and October 31, 2011 (Special Meeting). Motion seconded by Mr. Nutt and carried.

XI.

Motion made by Mr. Britt to adjourn. Motion seconded by Ms. Hall and carried.

SPARTANBURG COUNTY COUNCIL

By: \_\_\_\_\_  
Jeffrey A. Horton, Chairman

Attest:

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Deborah C. Ziegler  
Clerk to Council