

MINUTES

County Council Meeting

November 17, 2014

Spartanburg County Council met on Monday, November 17, 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 Attorney; 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 Mr. Nutt. Mr. Britt led in reciting the Pledge of Allegiance.

II.

- A. Mr. Ernie Boughman, SCAPA President, presented the South Carolina Chapter of the American Planning Association's 2014 Planning Advocate Award to Mayor Elaine Harris, Town of Pacolet, in recognition of her commitment to the advancement of planning in Spartanburg County and throughout South Carolina.
- B. Chairman Horton recognized the Graduates of Spartanburg County Citizens' Academy. The Fall 2014 Graduates were Carmen Blanco, Mildred Cates, Luther Clowney, Sherlanda Copeland, Kenneth Cox, Rev. Namon M. Dawkins, Rosalyn Henderson, Sherry Lewis, Mary Lyn Melton, Victor Page, Kathy Pool, Jamal Rice, Laura Timmons, Jody Walker, Saville Williams, Archer Calhour, and Stacey Hines.

III.

Ms. Katherine O'Neill recognized Wyatt Shennan, Information Technologies Department, for doing an exceptional job in saving very important information on the laptop of one of the County Council Members. Tammy Johnson, Communications 9-1-1 was recognized for receiving the Palmetto Award at the South Carolina Chapter of the Association of Public Safety Communications Officials (APCO) and the National Emergency Number Association (NENA) conference.

Chairman Horton recognized and thanked Mr. Henry Laye, Director, Registration and Elections, and the following Registration and Election Commission Members: Mr. Don Watson, Chairman; Ms. Rosemary Byerly, Vice-Chair; Ms. Dorothy Broyles; Ms. Ruth Littlejohn; Ms. Cynthia Church; and Mr. William Thompson for their hard work during the recent election. Chairman Horton stated that these individuals take their job seriously and put a lot of hard work into pulling off an election in a County this size.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing an Amendment to the Agreement for Development of Joint County Industrial and Business Park (Park No. 2) by and between Cherokee County, South Carolina, and Spartanburg County, South Carolina, to enlarge the boundaries of the Joint County Industrial and Business Park to include certain real property located in Cherokee County; and other related matters. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance to amend an agreement for development of Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg so as to enlarge the park. **(Polydeck)** No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider a proposed Uncodified Ordinance to grant a Right of Way Easement for installation of a transformer by Duke Energy Carolinas, LLC at the BMW Performance Center on land that is more fully identified as Spartanburg County Tax Pin #5-24-00-024.00 and containing 31.52 acres and 34.77 acres, more or less, described in a deed from SB Acquisitions, Inc. to Spartanburg County, South Carolina, a body of Politic and Corporate and a Political Subdivision of the State of South Carolina, dated December 23, 1992, recorded in Deed 59-P, Page 835, shown as plat entitled "Dobson Brothers", dated April 30, 1982, and revised October 29, 1984, recorded in Plat Book 93, Page 118 Spartanburg County Register of Deeds. 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 to develop a Jointly Owned and Operated Industrial and Business Park (**Project Big Ben**) in conjunction with Cherokee County, such Industrial and Business Park to include property initially located in Cherokee County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, to provide for a written agreement with Cherokee County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. Motion seconded by Mr. Brown and carried.

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

- A. Dr. Ernest Swiger, Project Director, Ernest Swiger Consulting, Inc., presented an overview on Analysis of Impediments to Fair Housing Choice. No action was taken.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Ms. Sue O'Brien, Executive Director, Spartanburg Alcohol and Drug Abuse Commission, presented information in reference to reclassifying a part-time position to a full-time position. Motion made by Mr. Culbreth to approve request. Motion seconded by Mr. Britt and carried.
- B. Resolution to approve a Special Assessment Period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as 154 Magnolia Street was carried over to Old Business.
- C. Resolution to approve a Special Assessment Period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as the Schuyler Building was carried over to Old Business.
- D. The item relating to the Veteran Affairs Officer was retained by the Personnel and Finance Committee for additional time to study under the committee.
- E. Honorable Sharon West, County Auditor, presented information in reference to a reclassification request from the Auditor's Office. Motion made by Mr. Culbreth to approve request. Motion seconded by Mr. Britt and carried.
- F. Coroner Rusty Clevenger presented information in reference to a request from the Coroner's Office to submit a grant application. Motion made by Mr. Culbreth to approve submittal of grant application. Motion seconded by Mr. Britt and carried.
- G. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Ms. Kathy Dunleavy, President/CEO, Mary Black Foundation, and Ms. Renee Romberger, Spartanburg Regional Healthcare System, presented information in reference to the Way to Wellville project. (Presentation included in backup) The City of Spartanburg was one of only five cities in the nation to be awarded participation in this project. We look forward to the great things this project will identify and bring together for the City and the County.
- B. Motion made by Ms. Hall to render first reading to an Uncodified Ordinance to grant a Utility Easement to Broad River Electric Cooperative to install an electrical transformer to serve facilities associated with the expansion of Va-du-Mar McMillan Park. Motion seconded by Mr. Britt and carried.
- C. Information received regarding activities of the Parks Department.

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

- A. Motion made by Mr. Brown to approve submittal of the PalmettoPride Enforcement Grant. Motion made by Mr. Britt and carried.
- B. Motion made by Mr. Brown to approve a Resolution ratifying a Mutual Aid Agreement between the Spartanburg County Sheriff's Office and the Lexington County Sheriff's Office. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Brown to adopt a Resolution ratifying a Mutual Aid Agreement between the Spartanburg County Coroner's Office, and all other County Coroner's Offices of the State of South Carolina. 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. Ms. Jes Sdao Swanson, Recycling Coordinator, presented information in reference to a SC-DHEC Compost Bin/Solid Waste Grant application. They will provide up to 250 compost bins for Spartanburg County to sell with the idea of purchasing more bins at the same price in order to sustain the compost bin program. The grant also funds up to \$2,000 for educational materials to promote backyard composting and advertising the sale of compost bins. The grant does not require a match by the County. Motion made by Mr. Mintz to approve submittal of grant application. Motion seconded by Mr. Nutt and carried.
- B. Ms. Jes Sdao Swanson, Recycling Coordinator, presented information in reference to a SC-DHEC RecycleMoreSC Grant application. Ms. Swanson stated this grant is through South Carolina DHEC (Department of Health and Environmental Control). DHEC is trying to encourage residential recycling. This grant provides up to \$20,000 to cover the cost of printing materials, advertising,

and distributing materials under the SC-DHEC RecycleMoreSC Campaign. Campaign material will be developed by SC-DHEC and will be customized to the needs of local governments. The grant does not require a match. Motion made by Mr. Mintz to approve submittal of grant application. Motion seconded by Mr. Nutt and carried.

- C. Updated information received regarding activities of the Public Works Department.

VI.

Tallulah Sieber, 450 Vinyard Road, Boiling Springs, appeared to speak in opposition to the closure of one end of Vinyard Road. Ms. Sieber gave Council a petition in opposition to the road closure and a video showing their safety concerns on the other end of the road.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance amending Section 2-121 of the Code of the County of Spartanburg, South Carolina regarding term limits for County Council Appointed Boards, Committees and Commissions. Motion seconded by Mr. Nutt and carried. Mr. Brown, Mr. Mintz, and Ms. Hall opposed.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of *ad valorem* taxes and incentive agreement to provide for a fee in lieu of *ad valorem* taxes incentive and infrastructure credits to **Polydeck Screen Corporation**, the inclusion of certain property in Spartanburg County, South Carolina in a multi-county industrial park; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance amending Spartanburg County Ordinance Number 521 so as to provide for necessary changes in terminology in compliance with United States Senate Bill 2781, otherwise known as Rosa's Law. Motion seconded by Mr. Nutt and carried.
- D. Motion made by Ms. Hall to render third reading to an Ordinance amending Chapter 70, Article VI of the Code of the County of Spartanburg, South Carolina to permit a City with an Architectural Review Board to serve as the Reviewing Authority and to clarify provisions regarding granting or extending the Special Assessment Period. Motion seconded by Mr. Britt and carried.
- E. **[Personnel and Finance Committee Report of Item B]**
Motion made by Mr. Culbreth to adopt a Resolution to approve a Special Assessment Period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as 154 Magnolia Street. Motion seconded by Ms. Hall and carried.
- F. **[Personnel and Finance Committee Report of Item C]**
Motion made by Mr. Culbreth to adopt a Resolution to approve a Special Assessment Period under Section 70-171 of the Spartanburg County, South

- Carolina Code of Ordinances for that certain parcel of improved real property known as the Schuyler Building. Motion seconded by Ms. Hall and carried.
- G. Motion made by Ms. Hall to render third reading to an Ordinance amending Spartanburg County Ordinance O-09-02 codified as Chapter 30, Article IV in its entirety and replacing it with the following in order to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effect of increased Stormwater runoff associated with both future land development and existing developed land within the County of Spartanburg. Proper management of Stormwater runoff will minimize damage to public and private property, insure a functional drainage system, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local environment, associated with the drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts. Motion seconded by Mr. Britt and carried.
- H. Motion made by Mr. Britt to render second reading to an Ordinance authorizing an Amendment to the Agreement for Development of Joint County Industrial and Business Park (Park No. 2) by and between Cherokee County, South Carolina, and Spartanburg County, South Carolina, to enlarge the boundaries of the Joint County Industrial and Business Park to include certain real property located in Cherokee County; and 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 an agreement for development of Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg so as to enlarge the park. **(Polydeck)** Motion seconded by Mr. Brown and carried. Motion seconded by Mr. Brown and carried.
- J. Motion made by Mr. Britt to render second reading to an Ordinance to add an Uncodified Ordinance to the Code of the County of Spartanburg to certify TNS Mills as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Mr. Brown and carried.
- K. Motion made by Mr. Britt to render second reading to an Uncodified Ordinance to grant a Right of Way Easement for installation of a transformer by Duke Energy Carolinas, LLC at the BMW Performance Center. Motion seconded by Mr. Brown and carried.
- L. Motion made by Mr. Britt to render second reading to an Ordinance pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, to enter into a fee agreement between Spartanburg County, South Carolina, **Eberspaecher North America, Inc. and Jim Holding, LLC**, providing for payment of fees in lieu of taxes and certain special source revenue credits against the same; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- M. Motion made by Mr. Britt to render second reading to an Ordinance to amend the agreement for development of Joint County Industrial Park dated April 20, 2009, as amended, by and between Spartanburg County, South Carolina and Cherokee County, South Carolina, providing for the development of a jointly owned and operated industrial/business park and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequiter, as amended; so as to include additional

property and to further describe such property in that portion of the Joint County Industrial Park geographically located in Spartanburg County, South Carolina, and other matters related thereto. **(Eberspaecher North America, Inc. and Jim Holding, LLC)** Motion seconded by Mr. Brown and carried.

XIII.

No items scheduled.

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 15095 relates to the Veteran Affairs Office. Budget Amendment Resolution Number 15098 relates to the Spartanburg Alcohol and Drug Abuse Commission (SADAC). Budget Amendment Resolution Number 15096 adds one Registration and Elections Board Member position to make it a seven member Board. Budget Amendment Resolution Number 15097 authorizes the reclassification of slot A13 in the Auditor's Office from an Administrative Assistant (grade 45) to an Office Operations Supervisor (grade 48). Budget Amendment Resolution Number 15099 accomplishes three objectives in the Spartanburg Alcohol and Drug Abuse Commission (SADAC) Drug Court Department: (1) Reclassifies a currently vacant part-time Clinical Specialist II slot (A11) to a Counselor II full-time slot; (2) Transfers \$10,000 from the contract agreement line item to overtime for the Drug Court police officer due to a change in the way the officer is paid; and (3) Adjusts the original revenue budget to match newly received revenue information. Budget Amendment Resolution Number 15100 accepts the Local Emergency Management Planning (13EMPG) Supplemental Grant for \$24,700 and sets up the necessary revenue and expenditure accounts. Budget Amendment Resolution Number 15101 sets up revenue and expenditure accounts for grants and restricted revenues that were received in FY 2013-14, but not yet allocated, and therefore could not be carried forward. Budget Amendment Resolution Number 15102 transfers carryover budgets to realign for outdoor recreation priorities including Tyger River Park turf improvement and outdoor fitness equipment in five County parks (Tyger River Park, Old Canaan Road Park Fitness

Trail, Woodruff Fitness Trail, Cleveland Park, and North Spartanburg Park). Budget Amendment Resolution Number 15103 adjust the Workforce Investment Board (WIB) funds down from anticipated state carryover funds from program year (PY)13 to actual state carryover funds. Budget Amendment Resolution Number 15104 recognizes the insurance revenue for a totaled Sheriff's Office vehicle, unit #2405, and sets up the corresponding expenditure for the lease repayment. Budget Amendment Resolution Number 15105 moves funds from the Professional Services line item to the Construction line item for Holston Creek Regional Park. Budget Amendment Resolution Number 15106 ratifies the carryovers from FY14 to FY15 which were approved on R-14-114, BAR 15037 at the August 2014 Council meeting. Budget Amendment Resolution Number 15107 amends the scope of project CD0001, County Comprehensive Plan to add Area Performance Planning to the project.

Ms. O'Neill asked that prior to voting on the Budget Amendment Resolutions that Council remove Budget Amendment Resolutions Number 15095 addressing the Veteran Affairs Office Budget and Number 15098 addressing a budget line item adjustment that is no longer needed in SADAC. This particular Resolution is not related to the action taken earlier this evening by Council relating to SADAC. Motion made by Mr. Culbreth to remove Budget Amendment Number 15095 relating to the Veteran Affairs Office and Budget Amendment Resolution Number 15098 relating to the Spartanburg Alcohol and Drug Abuse Commission (SADAC). Motion seconded by Mr. Britt and carried. Motion made by Mr. Britt to approve the Budget Amendment Resolutions provided to Council with the exception of Budget Amendment Resolutions 15095 and Budget Amendment Resolution 15098 which were removed. Motion seconded by Mr. Culbreth and carried.

XI.

Motion made by Mr. Britt to approve the minutes of October 20, 2014 (Regular Meeting). Motion seconded by Ms. Hall and carried.

XII.

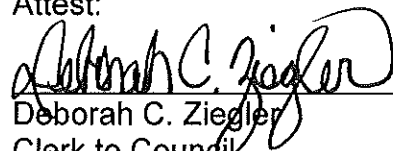
Meeting adjourned.

Spartanburg County Council
November 17, 2014

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey W. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council