

MINUTES

County Council Meeting

October 17, 2011

Spartanburg County Council met on Monday, October 17, 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 Nelson Marchioli, Interim County Administrator; 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. Boy Scout Troop 11 from Morning Side Baptist Church with Troop Leaders Ryan Atchley and Russell Lynch led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Hall to adopt a Resolution to congratulate the Piedmont Interstate Fair on its 65th Anniversary and to designate the second week of every October as Piedmont Interstate Fair Week. Motion seconded by Mr. Britt and carried. Wayne and Nancy Harmon received Resolution.
- B. Motion made by Mr. Brown to adopt a Resolution recognizing the month of October, 2011, as "Volunteers Against Violence" month in Spartanburg County. Motion seconded by Mr. Culbreth and carried. Ms. Tamara Smith received Resolution.
- C. Motion presented by Mr. Brown recognizing Rolling Thunder, Inc. – S.C. Chapter 2 and its efforts to support and educate citizens about the Prisoners of War (POW) and Missing in Action (MIA). Motion made by Mr. Mintz to adopt Resolution. Motion seconded by Mr. Britt and carried. Ms. Faye Smith received Resolution. Mr. Michael Cromer, President of Rolling Thunder, Inc. - S.C. Chapter 2, presented a Prisoners of War (POW) and Missing in Action (MIA) flag to Council.
- D. Motion made by Mr. Mintz to adopt Resolution to name the new bridge on Overhead Bridge Road in Spartanburg County "Lt. Colonel Thomas W. Bonner Bridge" and erect appropriate markers or signs at this bridge containing the words "Lt. Colonel Thomas W. Bonner Bridge."

Motion seconded by Mr. Britt and carried. Ms. Flora Alice Bonner Powell received Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance amending the Spartanburg County Code, Chapter 66, Solid Waste Management, as amended, to assure compliance with the Solid Waste Management Plan. 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 **Eddie Tan** from 10:00 a.m. until midnight on Saturday, October 22, 2011 and from 10:00 a.m. until 5:00 p.m. on Sunday, October 23, 2011 for a KATIN at 841 Shiloh Church Road, Wellford. Mr. Tony Moul provided information on the event. The matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by **The Deli Korner** from 1:00 p.m. until 8:00 p.m. on Saturday, October 22, 2011 for an Octoberfest at 1445 Fernwood-Glendale Road, Spartanburg. No one appeared, and the matter was closed.

IV.

- A. Mr. John Kelly, SC No-Kill Alliance, appeared in reference to proposals to save lives of animals at the Spartanburg Humane Society. Handout is included in backup.

V.

Economic Recruitment and Development Committee – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to adopt a Resolution with respect to **Milliken & Company** regarding extension of 2002 FILOT Agreement. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to adopt a Resolution with respect to **Milliken & Company** regarding proposed new Fee Agreement. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render first 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. Brown and carried.

- D. Motion made by Mr. Britt to render first reading by title 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 300**; the application of an infrastructure credit to fee-in-lieu of tax payments; and authorizing and approving matters relating thereto. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render first reading by title to 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 additional property located in Spartanburg County thereto. **(Project 300)**

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

- A. Mr. John Harris and Mr. O'Neal Mintz presented information during Committee meetings regarding 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. Other Counties in South Carolina are adopting similar Ordinances. Motion made by Ms. Hall to render first reading to Ordinance. Motion seconded by Mr. Mintz and carried. Mr. Nutt received information from the Spartanburg Alcohol and Drug Abuse Commission with some recommendations on changing the Ordinance, and Mr. Nutt would like for the changes to be made prior to second reading. Mr. Britt also recommended that the Sheriff be given an opportunity to review the Ordinance to see if he would like to add anything as Council moves forward.

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. (Presentation included in backup) No action was taken.
- B. Mr. Nelson Marchioli, Interim County Administrator, presented information in reference to hiring temporary staff. Mr. Marchioli requested authorization to hire temporary employees for three or four weeks to look and analyze the Purchasing Department, the Finance Department, and the Information Technologies Department and make recommendations at the next meeting. Motion made by Mr. Culbreth to authorize Interim County Administrator to hire temporary staff. Motion seconded by Mr. Nutt and carried.
- C. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Ms. Jennifer Evins, President and CEO of The Arts Partnership, presented an Update on the Chapman Cultural Center. Board Chairman Tommy Young was also present.
- B. Mr. Jim Campbell, Interim Parks and Recreation Director, presented information in reference to Policy Recommendations for Fiscally Sustainable Parks Development and Maintenance. (Presentation included in backup) On November 8, 2011, at 7:00 p.m. a community meeting will be held on the Holston Park project at Campobello Gramling Elementary.

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

- A. Major Neal Urch, Detention Center, presented information in reference to Municipal Agreements regarding inmates being held at the Detention center. Motion made by Mr. Brown to approve the Municipal Agreements regarding inmates being held at the Detention Center with a 30-day invoicing period and to authorize the County Administrator to execute

agreements. Motion seconded by Mr. Culbreth and carried.

- B. Mr. Keith Lee, presented information in reference to bid received for full compliance with FCC (Federal Communications Commission) 2013 mandates, a Resolution to authorize a project scope change, FCC 2013 Mandate (PS0009), part of the FY 2012-16 Adopted Capital Improvement Plan and a Resolution authorizing the financing agreement. Motion made by Mr. Brown to approve the bid, authorize the purchase of equipment as presented and adopt the Resolutions. Motion seconded by Ms. Hall and carried.
- C. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Horton to render first 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 Mr. Mintz and carried.
- B. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. 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, Code of Laws of South Carolina 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and **BMW Manufacturing Co., LLC** (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 Mr. Brown and carried.
- B. Motion made by Mr. Britt to render third 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. Motion made by Mr. Britt to render third 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. Nutt and carried.
- D. Motion made by Mr. Britt to render second 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.
- E. Motion made by Mr. Brown to render second 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. Britt and carried.
- F. Motion made by Mr. Britt to render second 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 Ms. Hall and carried.

VII.

- A. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Eddie Tan** from 10:00 a.m. until midnight on Saturday, October 22, 2011 and from 10:00 a.m. until 5:00 p.m. on Sunday, October 23, 2011 for a KATIN at 841 Shiloh Church Road, Wellford. Motion seconded by Mr. Britt and carried. Mr. Mintz opposed.
- B. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **The Deli Korner** from 1:00 p.m. until 8:00 p.m. on Saturday, October 22, 2011 for an Octoberfest at 1445 Fernwood-Glendale Road, Spartanburg. Motion seconded by Mr. Culbreth 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.

Motion made by Mr. Culbreth to discuss moving the regular November meeting date to Monday, November 28, 2011. Motion seconded by Mr. Nutt and carried.

Motion made by Mr. Culbreth to add the consideration of Executive Session to discuss a personnel matter to the agenda. Motion seconded by Mr. Nutt and carried.

X.

Motion made by Mr. Culbreth to approve minutes of September 19, 2011 (Regular Meeting), and September 23, 2011 (Special Meeting). Motion seconded by Mr. Britt and carried.

XI.

Motion made by Mr. Culbreth to go into Executive Session to discuss a personnel matter. Motion seconded by Mr. Mintz and carried.

Motion made by Mr. Britt to add receipt of legal advice to the Executive Session. Motion seconded by Mr. Nutt and carried.

Motion made by Mr. Britt to exit Executive Session. Motion seconded by Mr. Nutt and carried.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council