



# MINUTES

## County Council Meeting

September 17, 2012

Spartanburg County Council met on Monday, September 17, 2012, 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.

A moment of silence was observed for Mr. Danny Allen, a former Council Member, and his family. Invocation was rendered by Chaplain Jerry Clevenger. Mr. Nutt led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Culbreth to adopt a Resolution remembering and recognizing United States Army Private First Class (PFC) Adam Ross, of Lyman, South Carolina for his military service. Motion seconded by Mr. Britt and carried.
- B. Solicitor Barry Barnette presented Doubletree Settlement. The sixteen Solicitor's Office in the State combined in a situation where there was possibly some loan cashing of checks. They brought suit and a settlement was brought out. Each County was given a portion of the settlement. The first part Spartanburg County received was \$59,464.50. The second part was \$86,744.75. The Solicitor's Office presented this to County Council and requested that Council give the power to the Administrator to use some of these funds to help the Solicitor's Office, but to also help other parts of County Government too. The Solicitor's Office also received two other checks unexpectedly. One was Supplemental Judicial Circuit State

Support which was \$10,626 that was put in the Budget. In Criminal Domestic Violence (CDV) prosecution, the Solicitor's Office had a situation where they had lost their grant on CDV prosecution. With the support and help of our Legislative Delegation, the Solicitor's Office received the first payment of \$25,000 of an anticipated \$100,000. Solicitor Barnette presented a total amount of \$181,835.25 to County Council. Chairman Horton expressed his appreciation to Solicitor Barnette.

III.

Ms. Hubbard recognized Investigator Dwayne Corn, a longtime employee of Spartanburg County Coroner's Office and Law Enforcement on receiving the LifePoint Dove Award at the South Carolina Coroner's Conference in June of 2012.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement between Spartanburg County, South Carolina, and **Spartanburg Rehabilitation Institute, Inc.**, its affiliates and assigns, and one or more sponsor affiliates, to provide for a fee-in-lieu of ad valorem taxes incentive, the grant of certain infrastructure credits as part of the fee-in-lieu of taxes arrangement, the inclusion of the company's property in a multi-county industrial park; and other related matters. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance finding that **Startex-Jackson-Wellford-Duncan Water District** may issue not exceeding \$12,000,000 of General Obligation Bonds; to authorize Startex-Jackson-Wellford-Duncan Water Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Craig** from 5:30 p.m. until 10:00 p.m. on Saturday, October 20, 2012 for a Wedding at 331 Shadow Lane, Lyman. 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 **John M. Brown** from 7:00 p.m. until 1:00 a.m. on October 5-6; October 11-14; October 18-21; and October 24-31, 2012 for Nightmare Hollow haunted trail at 3411 Reidville Road. No one appeared, and 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 **Casey Sanders** from 5:00 p.m. until midnight on October 12-13 and 5:00 p.m. until 9:00 p.m. on Sunday, October 14, 2012 for an outdoor concert at 12651 Hwy. 56, Enoree. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Timothy Jones** from 6:00 p.m. until 2:00 a.m. on October 5-7; October 12-14, October 19-21; and October 24-November 3, 2012 for a haunted trail at 381 Parris Road, Cowpens. No one appeared, and the matter was closed.
- G. 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, October 13, 2012 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- H. 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, November 3, 2012 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

Mr. Trey Jacks, President, Cambridge Subdivision Home Owners Association, 703 Ramsgate Drive, appeared in opposition to a proposed junk yard application. They are opposed to a junk yard application that is currently in progress. The application was made by L&S Auto (Owner Larry Stripling) on July 27, 2012, and references tax map # 5-22-00-016.01. Grounds for the opposition presented were environmental concerns, traffic concerns, and concerns regarding the proposed junk yard creating a negative impact on area properties. Mr. Mintz stated that he would have two concerns with this type operation. The first would be an environmental study on the property, and the second would be the noise coming from the shredder. The trees muffle the noise. If they are cut down, the noise will be louder in the surrounding area. Mr. Brown recognized all the homeowners in attendance. Mr. Jacks stated they have concerns with the aesthetics such property would bring in terms of insuring it complies with all applicable County codes and that they would be given due notice of any applications for variances. Mr. Nutt stated they have been in talks with some of the homeowners, and they are going to try to get the two parties together and see what they can come in with for the best possible scenario. Mr. Jacks stated there is a sale pending on the property between Mr. Frank Nutt and L&S Auto pending the outcome of the Planning Commission. Mr. Deno L. White, 704 Ramsgate Drive, also

spoke in opposition to this application. Ms. Vivian Booker Jones, President, Westside Homeowners Alliance, 1010 Nazareth Road, spoke against putting a junk yard in their area.

VI.

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

- A. Mr. David Shellhorse, EDFP, Economic Development Planner, Appalachian Council of Governments, presented information in reference to the Appalachian Region **2013-2017 Comprehensive Economic Development Strategy (CEDS) Report**. (Report and Presentation included in backup) Motion made by Mr. Britt to approve a letter of support to the Appalachian Region 2013-2017 Comprehensive Economic Development Strategy (CEDS) Report. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Sections 67 and 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of an infrastructure credit agreement and amendment to a lease agreement between Spartanburg County, South Carolina, **BMW Manufacturing Co., LLC and SB Acquisitions, Inc.**; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance providing for amendment of Ordinance No. O-09-09, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks, to add certain additional park agreements thereto. Motion seconded by Ms. Hall and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to add the **Greer 290 Properties** into the multi-county agreement with Cherokee County. 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. Resolution to approve an extended 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 **Apalache Mill** was deferred to a later date.
- B. Updated financial data and personnel vacancy reports were received.

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

- A. Mr. Jim Campbell, Interim Parks Director, presented information in reference to the Parks Enhancement Plan for Council's consideration. (Presentation and Plan are included in backup.) No action was taken.
- B. Mr. Jim Campbell, Interim Parks Director, presented information in reference to the conversion of two part-time positions into a full-time position in the Parks Department. Motion made by Mr. Nutt to approve request for the conversion of two part-time positions into a full-time position in the Parks Department. Motion seconded by Britt and carried.

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

- A. Mr. Stewart Taylor, past Commander, American Legion Post 200 Boiling Springs, presented information in reference to a request from American Legion Post No. 200 to solicit funds from motorists on Saturday, November 10, 2012 between the hours of 9:30 a.m. and 3:00 p.m. with a rain date of November 17, 2012 at Rainbow Lake Road, Double Bridge Road next to Firehouse Subs, Valley Falls Road next to Rite Aide, the intersection of 4<sup>th</sup> Street at McDonalds and Shoally Creek Road at CVS, Intersections of Old Furnace Road off Highway 9, and Old Furnace Road & Parris Bridge Road at Carlisle Crossing. Motion made by Mr. Brown to approve this request to solicit funds. Motion seconded by Mr. Culbreth and carried.
- B. Chief Barry Frost, Duncan Fire Department, presented information in reference to a request from Duncan Fire Department for support for the Duncan Fire Department accepting the 2012 Staffing For Adequate Fire & Emergency Response (SAFER) Grant). Motion made by Mr. Brown to support acceptance of grant to open this item for discussion. Motion seconded by Mr. Culbreth. Discussions were held in reference to the cost and impact of retaining the firefighters after the first two years when the grant is no longer fully funded. Mr. Mintz stated Council has been sending all fire departments to referendum any time there is a millage increase or general obligation bond. It is too late to get this on a referendum in the General Election. For this reason, Mr. Mintz stated that he will have to vote against this request. Chief Frost stated this is a total of a \$230,000 grant over a two-year period for the hiring of three fire fighters. Motion did not carry. Mr. Horton, Mr. Brown, Mr. Mintz, Mr. Britt, Ms. Hall, and Mr. Nutt opposed. Mr. Culbreth voted in favor of the acceptance of the grant.
- C. Coroner Rusty Clevenger presented information in reference to the Coroner's Office Grant Application. Motion made by Mr. Brown to approve applying for grant. Motion seconded by Mr. Culbreth and carried.
- D. Mr. Jamie Nelson, Director of Environmental Enforcement, presented information in reference to two Palmetto Pride Grants. Motion made by

Ms. Hall to approve applying for the two Palmetto Pride Grants. Motion seconded by Mr. Mintz and carried.

- E. 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. Jim D'Amato, Transportation Planning Manager, Spartanburg Area Transportation Study (SPATS), presented information in reference to the Traffic Calming Program. (Presentation and revised Traffic Calming Program included in backup.) Mr. Mintz stated the Traffic Calming Process will require applications to the County. Applications will be investigated. Speed and volume are the two items involved in the study. They are looking for 750 vehicles per day and 85% of them will have to be traveling greater than ten miles per hour over the speed limit. Cut- traffic will be given priority. Motion made by Mintz to approve revisions to the Traffic Calming Program. Motion seconded by Mr. Culbreth and carried.
- B. Updated information received regarding activities of the Public Works Department.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance abolishing the Spartanburg County EMS Advisory Committee. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing (I) the execution and delivery of an Infrastructure Credit Agreement by and between Spartanburg County, South Carolina, and a company known to the County as **Polydeck Screen Corporation** (Project Screen), its affiliates and assigns, to provide for a special source revenue credit, (II) the expansion of the joint county industrial and business park formed with Cherokee County to include the project, and (III) other related matters. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Culbreth to render third reading to an Ordinance to sell/donate 150 Leonard Street known as Parcel No. 5-20-01-103.00 to District 5 Sports & Activities Council, Inc. Motion seconded by Ms. Hall and carried.
- D. Motion made by Ms. Hall to render third reading to an Ordinance authorizing the acceptance of the Transfer of Authority for conducting Municipal

Elections in the **Town of Reidville** to the Spartanburg County 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 Reidville; 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. Britt and carried.

- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee agreement between Spartanburg County, South Carolina, and **Spartanburg Rehabilitation Institute, Inc.**, its affiliates and assigns, and one or more sponsor affiliates, to provide for a fee-in-lieu of ad valorem taxes incentive, the grant of certain infrastructure credits as part of the fee-in-lieu of taxes arrangement, the inclusion of the company's property in a multi-county industrial park; and other related matters. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Nutt to render second reading to an Ordinance finding that **Startex-Jackson-Wellford-Duncan Water District** may issue not exceeding \$12,000,000 of General Obligation Bonds; to authorize Startex-Jackson-Wellford-Duncan Water Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Britt and carried. Mr. Mintz opposed.

#### VIII.

- A. Motion made by Mr. Britt 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 Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Craig** from 5:30 p.m. until 10:00 p.m. on Saturday, October 20, 2012 for a Wedding at 331 Shadow Lane, Lyman. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Mintz to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **John M. Brown** from 7:00 p.m. until 1:00 a.m. on October 5-6; October 11-14; October 18-21; and October 24-31, 2012 for Nightmare Hollow haunted trail at 3411 Reidville Road. Motion seconded by Mr. Britt. Ms. Hall stated that she was concerned about the 1:00 a.m. on school nights. Mr. John Brown, 3411 Reidville Road, stated they close at 10:00 p.m. on weekdays. Mr. Mintz amended his motion to end the exclusion at 10:00 p.m. on weeknights. Mr. Britt amended his second. Thursday and Sunday nights would be considered weeknights, and therefore the Special Public Event Exclusion would end at 10:00 p.m. Motion carried.

- D. Motion made by Ms. Hall to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Casey Sanders** from 5:00 p.m. until midnight on October 12-13 and 5:00 p.m. until 9:00 p.m. on Sunday, October 14, 2012 for an outdoor concert at 12651 Hwy. 56, Enoree. Motion seconded by Mr. Britt and carried.
- E. Motion made by Mr. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Timothy Jones** from 6:00 p.m. until 2:00 a.m. on October 5-7; October 12-14, October 19-21; and October 24-November 3, 2012 for a haunted trail at 381 Parris Road, Cowpens with the amendment that the Special Public Event Exclusion ends on weeknights at 10:00 p.m. and weekends at 1:00 a.m. Motion seconded by Mr. Mintz and carried.
- F. 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, October 13, 2012 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- G. 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, November 3, 2012 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz 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 stated that she has been asked through the South Carolina Work Ready Communities, an initiative through the South Carolina Department of Employment and Workforce, to identify a Champion Organization in the community to lead the Work Ready Communities project through Economic Development relating to the Work Keys Program. Ms. Hubbard is going to notify them that we would like our Workforce Investment Board to serve as our Champion. They are working on putting together a steering committee that will include all of the local leaders that you would expect to see on this initiative including Mr. Britt in his role as Chairman of Economic Development and also Ms. Hubbard as the County Administrator.

Ms. Hubbard presented information in reference to proposed Budget Amendment Resolutions. The first Budget Amendment Resolution represented an amendment in the General Fund relating to our Sprint and Nextel revenue in the amount of \$5,816. We receive funds pursuant to our Planning Funding Agreement. This is to appropriate those funds into the proper account. The only other General Fund Budget Amendment Resolution relates to a \$100 donation from Z. Conklin family for the Environmental Enforcement Department to be set-up to cover expenditures in general supplies. A Budget Amendment Resolution was presented for \$16,142.01 to set-up revenue received in the Forfeited Gambling Fund from confiscated property and the interest. The Spartanburg Alcohol and Drug Abuse Commission (SADAC) received a series of Grant Awards. The first Budget Amendment Resolution for SADAC presented was a decrease of \$5,000 for the Alcohol Enforcement Team Grant and the subsequent reduction in the contract agreement. A Budget Amendment Resolution was presented relating to STEP program which moves additional revenue of \$1,907.59 into the Supplies Account. A Budget Amendment Resolution was presented relating to the South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS). We are receiving additional revenue of \$6,050 and applying this revenue to our Community Based Treatment Contract Agreement Account. A Budget Amendment Resolution was presented relating to the SADAC Set-off Debt Program. We have been asked by the State to record separate line items instead of each program line item. In the Drug Enforcement Fund, we have received additional revenue through August 31, 2012, in the amount of \$84,571.40. This is another fund that has restricted revenue in which the yearly amounts vary. A Budget Amendment Resolution was presented to adjust the Solicitor Grants Budget for the actual amount of the Violence Against Women's Act Grant Award. The lower grant amount requires a lower match from the General Fund. Solicitor Barnette was looking to have two staff members assigned through this grant. This is only going to provide for a little over one. The Solicitor asked Ms. Hubbard if Council would give her the authority to work with him to try to through the series of the additional revenue he shared to Council during Presentations to try to get enough money put together for the second person, since he has part of it through this grant. Ms. Hubbard agreed to work with the Solicitor on this request. Pre-Trial Drug Screening and Counseling Revenues are being received on a quarterly basis during this fiscal year. A Budget Amendment Resolution was presented to move \$1,895 into their Medical Expense Account. A Budget Amendment Resolution was presented to set up grant revenue allocated to Emergency Management under Grant 11EMPG01. This represents an \$8,869 reobligation of revenue from the State through a Grant Award Amendment. This allocates the revenue to Miscellaneous Equipment. A Budget Amendment Resolution was presented to allow for the closing of completed C-Funds projects. Unspent balances will be returned to the unobligated funds for use on future C-Funds projects. A Budget Amendment Resolution was presented relating to our

Spartanburg Area Transportation Study (SPATS) program. This adjusts some of our revenues and expenditures to particular categories. The total amount adds approximately \$66,000 in revenues and expenditures. A Budget Amendment Resolution for \$5,423.69 coming in from the Federal Marshal was presented to set-up revenue in the Sheriff Federal Sharing Fund through August 31, 2012. This is restricted revenue in which the yearly amounts vary and therefore are not budgeted during the budget process. A Budget Amendment Resolution for \$75,000 was presented to set up the S1951 South Carolina Department of Commerce grant. This is a pass through grant received from the South Carolina Coordinating Council for Economic Development for a project with Eaton Corporation. While the award letter was received in October 2011, a request for the funding drawdown was just received requiring the funding to be set-up. A Budget Amendment Resolution was presented relating to the Parks Fund. The Spartanburg Parks Department requested combining two part-time positions into one full-time position. Council approved this action. This moves the line items into the appropriate amounts in order to cover this change. A Budget Amendment Resolution was presented relating to the Workforce Investment Board Fund. This represents adjustments for the allocations made for three grants. The total Workforce Investment Board approved Budget was \$5,261,000. The actual allocation came in about \$1.5 million less. This will reduce all the allocations to the agencies that we provide funding for through the Workforce Investment Board. A Budget Amendment Resolution was presented relating to the Workforce Investment Board in the amount of \$346,180 to reduce the funds that go toward the different trainings of contractors. A Budget Amendment Resolution was presented relating to the Workforce Investment Board ResCare Funds acknowledging that we are receiving \$735,660 less than we anticipated for this particular section of allocations made by the Workforce Investment Board. A Budget Amendment Resolution was presented to set up a Professional Services line item in the Parks Department. A Budget Amendment Resolution for \$1,500 was presented relating to the Document Management project and moves money from training to programming hours. A Budget Amendment Resolution was presented to allocate savings in the General Obligation Bonds proceeds to projects that were eligible. This is to allocate \$121,000 to Security Systems and Renovations. A Budget Amendment Resolution was presented relating to a series of fund changes being made allowing carryovers from last fiscal year. This relates to projects approved in a previous fiscal year. This brings the projects forward with their allocations into this fiscal year so that they can be booked appropriately in the Budget. Motion made by Ms. Hall to adopt the Budget Amendment Resolutions. Motion seconded by Mr. Britt and carried.

XI.

Motion made by Mr. Nutt to approve minutes of August 20, 2012 (Regular Meeting) and August 30, 2012 (Special Joint Meeting). Motion seconded by Mr. Britt and carried.

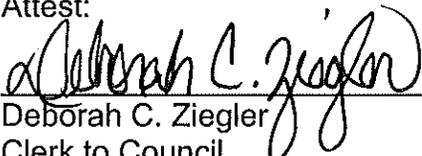
XII.

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

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey W. Morton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council