

MINUTES

County Council Meeting

September 20, 2010

Spartanburg County Council met on Monday, September 20, 2010, 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, and Dale Culbreth, Council Members; along with Glenn Breed, County Administrator; Jim Hipp, Deputy County Administrator; and Edwin Haskell, County Attorney. Honorable Tom Foster was absent.

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 9 led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Hall to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Sonny Justice. Motion seconded by Mr. Britt and carried.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. O-10-06 which established the Capital Project Budgets for the FY 2010/11 Budget Year of the Five-Year Capital Improvement Plan in order to provide additional funding for Va-du-mar McMillan Regional Park, to accelerate funding for Holston Creek Regional Park and to reduce funding for the Outdoor Adventure Center. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance amending Ordinance No. 141 which created the Spartanburg County Safety Review Board and provided for its membership, powers, and duties in order to change the name of the Board and to make certain other editorial changes. 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 First Baptist North Spartanburg from 5:00 p.m. until 11:00 p.m. on Thursday, October 21, 2010 for a Fall Festival at 8740 Asheville Highway. 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, October 30, 2010 for a drag race at 1792 Dragway Road, Greer. 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 Greer Dragway from 4:00 p.m. until midnight on Saturday, November 6, 2010 for a drag race at 1792 Dragway Road, Greer. 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 Wompus Woods Haunted Trail from 7:00 p.m. until 11 p.m. on October 1 through October 31, 2010 for Wompus Woods 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 Nightmare Hollow from dusk to 12 am from October 1 through October 31 for Haunted Trail at 3411 Reidville Road. No one appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

- A. No items scheduled.

Public Health and Human Services Committee (Honorable Jeff Horton, Chairman)

- A. No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to render third reading to an Ordinance to amend ordinance O-10-06 (FY 2010/11 Capital Year Budget) to recognize new revenue and expenditures related to project ER0001 (General Fund Vehicle and Capital Equipment Replacement) and project IT0004 (9-1-1 System & CPE Upgrade and Replacement), allowing for the master lease of components related to the capital projects. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to adopt Resolution authorizing the Master Lease Agreement in the principal amount of not exceeding \$3,350,106 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents; and other matters relating thereto. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Culbreth to table for further study an Ordinance to provide for the issuance and sale of a not exceeding one million six hundred thousand dollars (\$1,600,000) Spartanburg County, South Carolina, General Obligation Bond (Spartanburg County Parks and Recreation Special Tax District Project), Series 2010; to prescribe the purposes for which the proceeds

shall be expended; to provide for the payment thereof; and other matters relating thereto. Motion seconded by Mr. Mintz and carried. Mr. Brown opposed.

- D. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend Ordinance No. O-10-06 which established the Capital Project Budgets for the FY 2010/11 Budget Year of the Five-Year Capital Improvement Plan by appropriating Hospitality Tax proceeds to create sponsorship funded improvements at Tyger River Regional Park Project and provide matching funds for road improvements at Tyger River Regional Park. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend Ordinance No. O-10-12 which related to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year 2010/11 and to provide for budget control, of said appropriation by the Spartanburg County Council by appropriating Hospitality Tax Fund Balance proceeds to fund expenditure transfers in support of Hospitality Tax Funded Capital Projects. Motion seconded by Mr. Britt and carried.
- F. Updated financial data and personnel vacancy report, including Retirement Incentive Program Recap, were received.

Livability Committee – (Honorable Tom Foster, Chairman)

No items scheduled.

Public Safety and Judiciary Committee – (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Brown to authorize the Commission of Ervan R. White, new Animal Control Officer, as a Spartanburg County Law Enforcement Officer. 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. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Culbreth to render second reading to an Ordinance to amend Ordinance No. O-10-06 which established the Capital Project Budgets for the FY 2010/11 Budget Year of the Five-Year Capital Improvement Plan in order to provide additional funding for Va-du-mar McMillan Regional Park, to accelerate funding for Holston Creek Regional Park and to reduce funding for the Outdoor Adventure Center. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance amending Ordinance No. 141 which created the Spartanburg County Safety Review Board and provided for its membership, powers, and duties in order to change the name of the Board and to make certain other editorial changes. 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 First Baptist North Spartanburg from 5:00 p.m. until 11:00 p.m. on Thursday, October 21, 2010 for a Fall Festival at 8740 Asheville Highway. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Culbreth to approve and Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. until midnight on Saturday, October 30, 2010 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- C. 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 6, 2010 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Wompus Woods Haunted Trail from 7:00 p.m. until 11 p.m. on October 1 through October 31, 2010 for Wompus Woods Haunted Trail at 381 Parris Road, Cowpens. Motion seconded by Ms. Hall. Discussion was held regarding time and dates. Mr. Tim Jones, Wompus Woods appeared. Mr. Jones stated that he has operated Wompus Woods for fourteen years, and they have only had one complaint. He averages employing 140 to 160 young adults during this time. Youth Groups attend on Sunday nights. Mr. Jones stated they are located in the woods, and the noise cannot be heard from the road. Motion carried. Mr. Mintz opposed.
- E. Motion made by Mr. Brown to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Nightmare Hollow from dusk to 11:00 p.m. from October 1 through October 31 for Haunted Trail at 3411 Reidville Road. Motion seconded by Mr. Culbreth and carried. Mr. Mintz opposed.

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.

Chairman Horton congratulated Mr. David Burnett on being named 2010 Realtor of the Year by the South Carolina Realtors.

X.

Motion made by Mr. Britt to approve minutes of August 16, 2010 (Regular Meeting). Motion seconded by Ms. Hall and carried.

XI.

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

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council