

MINUTES

County Council Meeting

May 16, 2011

Spartanburg County Council met on Monday, May 16, 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 Glenn Breed, County Administrator; Jim Hipp, Deputy County Administrator; Edwin Haskell, County Attorney; and William McBee Smith, Assistant 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. Honorable Jane Hall led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Hall to adopt a Resolution proclaiming the month of May 2011 as Mental Health Month in Spartanburg County. Motion seconded by Mr. Nutt and carried. Ms. Jane Clemmer, Executive Director, New Day, Inc. of Spartanburg, received Resolution.
- B. Motion made by Mr. Horton to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the 17 years of dedicated services of Dr. John C. Stockwell, Chancellor of the University of South Carolina Upstate. Motion seconded by Mr. Britt and carried. Resolution to be presented to Dr. Stockwell at his retirement celebration on May 19, 2011.
- C. Motion made by Mr. Brown to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the dedicated and vital services provided by Sergeant Corey Cole and the Security Staff Deputies of the Spartanburg County Sheriff's Office. Motion seconded by Mr. Mintz and carried.
- D. Chairman Horton recognized the Graduates of the Spartanburg County Citizens' Academy.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance amending Ordinance Number O-06-02 to eliminate the Spartanburg County Parks and Recreation Special Tax District Commission, to provide for the Spartanburg County Parks and Recreation Special Tax District to be operated as an Administrative Division of Spartanburg County and to make certain other corrections relating to title of property and employees of the Special Tax District. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. O-07-20 which established and provided for the collection of a local Hospitality Tax in Spartanburg County in order to provide for the repeal of such ordinance on June 30, 2031. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider a Budget Ordinance relating 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; to provide for budget control of said appropriation by the Spartanburg County Council. Ms. Lynn Hawkins, Executive Director, SAFE Homes–Rape Crisis Coalition, appeared in reference to the proposed budget cuts to Outside Agencies and asked Council to consider the implications the cuts would have on SAFE Homes-Rape Crisis Coalition. Ms. Hope Blackley, Clerk of Court, appeared in reference to the vital services SAFE Homes-Rape Crisis Coalition provides for the Clerk of Court’s Office. Mr. Samuel Bua, Registered Nurse, Soup Kitchen, appeared. Mr. Tom McDaniel, Children’s Advocacy Center Board Member, appeared in reference to budget cuts and the implications of the cuts to the Children’s Advocacy Center. Mr. James Herzog, 210 Biggerstaff Road, appeared in reference to the Parks and Recreation Budget.
- D. Chairman Horton declared open a public hearing to consider a Budget Ordinance to establish Capital Project Budgets for the 2011-2012 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a Multi-County Park Agreement, governing a Multi-County Park, by and between Spartanburg County, South Carolina, and Union County, South Carolina, to designate the boundaries of the park; and other related matters. 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 **Greer Dragway** from 4:00 p.m. until midnight on Saturday, June 11, 2011 for a drag race at 1792 Dragway Road, Greer. 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, June 25, 2011 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance to amend the agreement authorized by Ordinances No. O-09-04, O-10-04 and O-10-14 relating to the Joint County Industrial and Business Park of Spartanburg and Cherokee Counties so as to enlarge the

park. **(Project Gear)** Motion seconded by Mr. Brown and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Glenn Breed presented information in reference to the FY 2012 Budget. (Presentation included in backup) The State Insurance Plan and Self-Insurance are two of the options being considered on our Insurance Program. The purpose of this would be to give better insurance for our employees at a substantial savings. A Budget Work Session will be held during the week of May 23, 2011.
- B. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Chairman Nutt presented information in reference to the International Council for Local Environmental Initiatives (ICLEI). Motion made by Mr. Nutt to direct Spartanburg Area Transportation Study (SPATS) Policy Committee to remove Spartanburg County from the membership list of the International Council for Local Environmental Initiatives (ICLEI). Motion seconded by Mr. Britt and carried. Mr. Brown abstained.

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

- A. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Ms. Joan Holliday, Planning Department, presented information in reference to an Ordinance to amend Section 3.03 Manufactured Homes and Section 3.04 Manufactured Home Parks in the Unified Land Management Ordinance (ULMO). This item was tabled until the June meeting.
- 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. Culbreth to render third reading to an Ordinance amending Ordinance Number O-06-02 to eliminate the Spartanburg County Parks and Recreation Special Tax District Commission, to provide for the Spartanburg County Parks and Recreation Special Tax District to be operated as an Administrative Division of Spartanburg County and to make certain other corrections relating to title of property and employees of the Special Tax District. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. O-07-20 which established and provided for the collection of a local Hospitality Tax in Spartanburg County in order to provide for the repeal of such ordinance on June 30, 2031. Motion seconded by Mr. Nutt. Motion made by Mr. Mintz to amend to sunset the Hospitality Tax at the debt payout

of approximately 17 years. Motion seconded by Mr. Britt. Motion made by Ms. Hall to amend to sunset the Hospitality Tax on June 30, 2030. Motion seconded by Mr. Britt and carried. Motion made by Ms. Hall to approve this change. Motion seconded by Mr. Britt and carried.

- C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Multi-County Park Agreement, governing a Multi-County Park, by and between Spartanburg County, South Carolina, and Union County, South Carolina, to designate the boundaries of the park; and other related matters. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement between Spartanburg County, South Carolina, and Project Gear; and other matters relating thereto including, without limitation, payment of a fee-in-lieu of taxes and granting certain Special Source Tax Credits to Project Gear. Motion seconded by Mr. Culbreth and carried.
- E. Carried over second reading to a Budget Ordinance relating 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; to provide for budget control of said appropriation by the Spartanburg County Council. No action was taken. Mr. Britt stated that he could not support the Budget until Detention Facility overtime and the Parks and Recreation Budget are addressed, and he would also like to fully restore funding to the Outside Agencies at the same level as last year. Mr. Culbreth would also like to restore the funding to the Outside Agencies to at least the same level as the prior year. Mr. Mintz stated that he will not vote for this Budget until the Outside Agencies funding is restored back to the current funding of this year. Mr. Mintz would also like to discuss the Detention Center further. Mr. Brown stated Public Safety and Judiciary make up more than half the Budget. The reality in terms of what we do in the County Detention Facility often involves inspecting Criminal Justice and Criminal Law, and it is a lot of experimentation. This relates to each and every one of the Outside Agencies that receives funding from the County. Mr. Brown stated that we cannot afford to experiment with the Budgets and more importantly, we cannot afford to experiment with the lives of the people that are affected. Mr. Brown also denied support of this Budget unless Outside Agencies are restored to current levels. Ms. Hall also reiterated her fellow Council Members and stated there are so many social issues that must be addressed as a community. Ms. Hall stated that on the state level our Aid to Local Funding has been tremendously decreased and urged all constituents to contact their Senators to urge them to support amendments to the Budget to add \$53 million to the Local Government Fund and to restore the \$20 million which was cut from the Local Government Fund in the House and Senate Finance versions of the Budget. Ms. Hall stated Council will do everything they can financially to restore funding to the Outside Agencies. Mr. Nutt stated it has been a pleasure to work through this Budget with Council. Council is going to be sure they have their priorities straight and make sure they work efficiently and effectively to provide services to the taxpayers. Ms. Hall stated the reason they are not approving the Budget has nothing to do with the Spartanburg County employees who have spent so much time creating the Budget. Motion made by Mr. Nutt to carry second reading of the Budget over until such time the necessary revisions can be made. Motion seconded by Mr. Culbreth and carried.
- F. Motion made by Mr. Britt to render second reading to a Budget Ordinance to establish Capital Project Budgets for the 2011-2012 Budget Year of the Five-Year Capital Improvement Plan with the removal of the Holston Park, \$1.4 million. Motion seconded by Mr. Mintz and carried. Mr. Horton and Mr. Culbreth opposed.
- G. Motion made by Mr. Mintz to direct the County Administrator to give notice to the Municipalities that all provisions of current contract on retention of Inmates at the Detention Center will be enforced after 30 days. Motion seconded by Mr. Britt and carried.

- A. 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, June 11, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Britt 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, June 25, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Nutt 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.

Mr. Mintz asked Mr. Tony Bell questions regarding the County implementing mandatory direct deposit for all employees. Mr. Mintz stated that all employees do not have checking accounts, and he does not feel this should be mandatory. Mr. Britt agreed this should not be mandatory. Ms. Hope Blackley stated there is a movement to go to direct deposit in the Clerk of Court's Office for child support payments. Chairman Horton asked Administration to take another look at whether or not to implement mandatory direct deposit for all employees with Mr. Bell.

X.

Motion made by Mr. Culbreth to approve minutes of April 18, 2011 (Regular Meeting), April 20, 2011 (Livability Committee Meeting), and April 26, 2011 (Special Meeting). Motion seconded by Mr. Mintz and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council

