



# MINUTES

## County Council Meeting

July 15, 2013

Spartanburg County Council met on Monday, July 15, 2013, 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.

Invocation was rendered by Chaplain Jerry Clevenger. Honorable O'Neal Mintz led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of the Boiling Springs High School Lady Bulldog Softball Team as the 2013 State 4A Softball Champions. Motion seconded by Mr. Britt and carried. Head Coach Sandy Martin and team received Resolution.

### III.

Ms. Hubbard recognized Ms. Sherry Dull, Ms. Laurie Horton, Mr. Bob Harkrader, Ms. Joan Holliday, Planning Department; Ms. Marlene West, Register of Deeds Office; Mr. Cole Alverson, Budget Department, and Ms. Debbie Ziegler, Clerk to Council.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance regulating Open Burning of any materials in Spartanburg County. Ms. Jenneane Froman, Henson Management; and Mr. Calvin Cowen, 120 South Moore Street, Duncan, appeared in opposition to the Ordinance. The matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance to provide for the payment and collection of certain costs by inmates housed in the Spartanburg County Detention Center and matters related thereto. 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 Johnny Senchantixay from 12:00 p.m. on Saturday, August 31, 2013 until 1:00 a.m. September 1, 2013; from 1:00 p.m. on Sunday, September 1, 2013 until 1:00 a.m. September 2, 2013; and from 1:00 p.m. until midnight on Monday, September 2, 2013 for a Labor Day Celebration at 470 Fox Drive, Spartanburg. 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 Geraldo Guzman from 4:00 p.m. on Saturday, July 27, 2013 until 2:00 a.m. July 28, 2013 for a 15<sup>th</sup> birthday party for his daughter at 4134 Peachtree Road, Inman. 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, August 10, 2013 and Saturday, August 24, 2013 for drag races at 1792 Dragway Road, Greer. 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 adopt a Resolution authorizing (1) the execution and delivery of a Fee In Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and a company to be known for the time being as **Project Fischer**, acting for itself and for one or more affiliates or other project sponsors (the "Company"), whereby the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes in connection with the establishment of certain facilities in the County (the "Project"); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; and (3) other matters relating thereto. Motion made by Mr. Brown and carried.

- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing (1) the execution and delivery of a Fee In Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and a company to be known for the time being as **Project Fischer**, acting for itself and for one or more affiliates or other project sponsors (the "Company"), whereby the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes in connection with the establishment of certain facilities in the County (the "Project"); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; and (3) other matters relating thereto. Motion seconded by Mr. Brown and carried.

**Public Health and Human Services Committee** (Honorable Roger Nutt, Chairman)  
No items scheduled.

**Personnel and Finance Committee** (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to approve reclassifications in the Spartanburg County Voter Registration and Elections Department. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to approve a request from the Solicitor's office to add a Driving Under Influence (DUI) position and one other position through alternative funding in the Solicitor's Office. Motion seconded by Mr. Britt and carried.

**Livability Committee** – (Honorable Jane Hall, Chairman)

- A. Mr. Jim Campbell, Interim Parks Director, presented information in reference to the activities of the Parks Department. (Presentation included in backup)
- B. Ms. Hall requested a moment of Council's time just to make a comment regarding the criticism she has undergone in the past month since the last Council meeting over comments she made regarding the reinstatement of the .5 millage for Parks and her reasoning for voting for it.

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

- A. Motion made by Mr. Brown to approve a request for additional School Resource Officers for School District Six, School District Seven, Charter School, and the South Carolina School for the Deaf and the Blind. Motion seconded by Mr. Nutt. Ms. Hubbard stated there is a possibility that the Sheriff's Department may be a recipient of a grant for these School Resource Officers. Motion made by Mr. Brown to amend his motion to

make the approval and funding contingent upon if the County does not receive the grant. If the grant is received, it will cover the funding of the School Resource Officers. If it is not received, the School Districts will provide the funds to the County. Amended motion seconded by Mr. Nutt and carried.

- B. Motion made by Mr. Brown to approve a request from the Sheriff's Office to apply for a Justice Assistance Grant (JAG) grant. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Brown to approve a request from the Spartanburg County Emergency Management Department to apply for a Local Emergency Management Performance Grant (LEMPG). Motion seconded by Mr. Nutt and carried.
- D. The Public Safety and Judiciary Committee allowed the item relating to an Ordinance regulating Open Burning of any materials in Spartanburg County to come before full Council for its consideration for the purpose of Council to vote on it. Mr. Culbreth and Mr. Nutt expressed their opposition to the proposed Ordinance during the Public Safety and Judiciary Committee meeting. Motion made by Mr. Brown for this item to be brought before full Council for consideration. Motion seconded by Mr. Mintz. Mr. Hall presented the highlights of the proposed Ordinance. Forestry Protection Chief Darryl Jones presented information regarding the Forestry's Notification Law. Discussions were held regarding the proposed Ordinance. The majority of Council felt this reading should be postponed. Mr. Brown withdrew his motion. Mr. Mintz withdrew his second. Motion made by Mr. Brown to delay second reading until the July meeting. Motion seconded by Mr. Nutt and carried. Motion made by Mr. Nutt to notice and hold another public hearing. Motion seconded by Mr. Culbreth 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. Mintz presented information in reference to 58 Lake Front Circle located on Lyman Lake. An offer has been presented to the property owners by the County to resolve the issue regarding the property located at 58 Lake Front Circle. The offer remains on the table for acceptance.
- B. Mr. Travis Brown, Solid Waste Manager, presented information in reference to a position reclassification and the elimination of a position in the Solid Waste Division. In order to optimize daily operations, Mr. Brown

proposed reclassifying a full-time Site Monitor position to a full-time Equipment Operator and the elimination of a part-time position which would result in about \$6,000 annual savings. Motion made by Mr. Mintz to approve this request. Motion seconded by Mr. Brown and carried.

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

VII.

No public comments were received.

VIII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of an Infrastructure Credit Agreement by and among Spartanburg County, South Carolina; **American Credit Acceptance, LLC**; Bell Hill, LLC; East Main Redevelopment, LLC; East Main Redevelopment II, LLC, and other matters related thereto. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to develop a jointly owned and operated industrial and business park in conjunction with Cherokee County, South Carolina, such industrial and business park to include property initially located in Spartanburg County and established pursuant to Section 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. (**American Credit Acceptance, LLC**) Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance to provide for the payment and collection of certain costs by inmates housed in the Spartanburg County Detention Center and matters related thereto. Motion seconded by Mr. Culbreth and carried.
- D. Motion made by Ms. Hall to render second reading to an Ordinance to amend the Unified Land Management Ordinance (ULMO), Ordinance No. O-99-015, as amended, so as to amend Sections 3.14, 3.15, 3.19, 3.28, 4.06-3, Table 3b, and to amend Article 6 to add and to clarify certain associated definitions. Motion seconded by Mr. Brown. Mr. Nutt abstained. Motion withdrawn by Mr. Hall. Second withdrawn by Mr. Brown. Item was carried over until next meeting.

XIII.

- 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. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Johnny Senchantixay from 12:00 p.m. on Saturday, August 31, 2013 until 1:00 a.m. September 1, 2013; from 1:00 p.m. on Sunday, September 1, 2013 until 1:00 a.m. September 2, 2013; and from 1:00 p.m. until midnight on Monday, September 2, 2013 for a Labor Day Celebration at 470 Fox Drive, Spartanburg. Motion seconded by Mr. Brown and carried. Mr. Mintz opposed.
- C. Motion made by Ms. Hall to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Geraldo Guzman from 4:00 p.m. on Saturday, July 27, 2013 until 2:00 a.m. July 28, 2013 for a 15<sup>th</sup> birthday party for his daughter at 4134 Peachtree Road, Inman. Motion seconded by Mr. Britt. Mr. Mintz recommended amending this to end at midnight. Motion amended by Ms. Hall to end at midnight. Mr. Britt amended his second to end at midnight. Motion carried. Motion made by Mr. Mintz to approve as amended. Motion seconded by Mr. Britt and carried.
- D. 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, August 10, 2013 and Saturday, August 24, 2013 for drag races 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 presented information in reference to the General Fund Magistrate Court Budget Amendment Resolution. We have received word that the State has appointed two new part-time Magistrates. Both Judges will be working 20 hours per week. We have one part-time Judge that has had their hours increased from 20 hours to 30 hours per week. The combined impact for the two new Magistrates is about \$140,000. In the

Parks Fund, Ms. Hubbard stated that when third reading of the Parks Budget was held in June, it was her understanding that when we reverted back to the original Recommended Budget that would keep the Chesnee Senior Center as part of the recommendation, but that Ms. Hubbard would need to find a way to make the Budget work. The scope of the project has been reduced and an outside granting source has been found to help us balance the Budget. A Budget Amendment Resolution was presented that would allow the County to take over the Senior Center operations, the activities, and also the Recreation Center next door. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 14006 recognizes an additional \$147,380 in revenue from the state. Half of the money is earmarked for the prosecution of DUI cases and replaces a grant from the State for one (1) Assistant Solicitor I position. Budget Amendment Number 14007 corrects the FY14 Authorized Staffing to reflect the budget as of third reading. Budget Amendment Number 14008 – On July 1, the State appointed two (2) new part-time Magistrate Judges. These appointments will raise the FY14 authorized staffing level by two (2) positions (one (1) full-time equivalent position). Budget Amendment Number 14009 authorizes eleven (11) new School Resource Officer (SRO) Positions. Budget Amendment Number 14010 eliminates one (1) part-time site monitor position (SW23) at the landfill and reclassifies one (1) full-time site monitor position – grade 40 (LF01) to a full-time MEO II position – grade 43. Budget Amendment Number 14011 allows for the closure of completed C-Fund Projects. Budget Amendment Number 14012 sets up funds received from The Spartanburg County Foundation for project number 12026 (Copperline Drive). Budget Amendment Number 14013 sets up the FY13 Transportation award allocations for the following pass-through Transportation grants: State Mass Transit Urban Grant (PT-3199-10); FTA Rural Program Section 5311 Grant (SC-18-X-033); and State Mass Transit Rural Grant (PT-31911-29). The pass-through is to Spartanburg Regional Hospital System. Budget Amendment Number 14014 adds back operational expenses for the Chesnee VSP Center. Budget Amendment Number 14015 recognizes funds from School District 5 for additional rehabilitation of the Beech Springs Tennis Courts, which are under a shared-use agreement between the County and School District. Budget Amendment Number 14016 transfers \$25,000 out of the Wellford Landfill Disposal Permitting/Phase VII project, housed in the CIP Fund (40) to the Solid Waste Fund (4) to be used for seeding at the Wellford Landfill.

Motion made by Ms. Hall to adopt Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Mintz and carried.

- B. Mr. Nutt addressed County Transparency. Mr. Nutt stated that none of the Council Members want or are actively involved in hiding things from the public. Mr. Nutt has personally made it a goal of his to make sure that anything that he has that is public gets put out on his website. He has

videoed the meeting every month, but he thinks people in the County expect to go to the County website, click on a link, and be able to find the things being discussed by Council. Mr. Nutt asked Council to put something out to the public to show that they are actively involved in this. Mr. Nutt requested getting a section on the website that shows active Ordinances where people can go to one spot and find all the information. Chairman Horton requested getting this on the website as quickly as possible. Ms. Hubbard stated this will be accomplished, but requested that Council bear with us. We have an older version of website software. We will accomplish the intent of this request. Ultimately for the public to find our website most useful, we will need to eventually upgrade it to a platform that makes this better for the County, the Citizens, and for Council.

XI.

Motion made by Mr. Culbreth to approve the minutes of June 12, 2013 (Special Meeting) and June 17, 2013 (Regular Meeting). Motion seconded by Mr. Britt and carried.

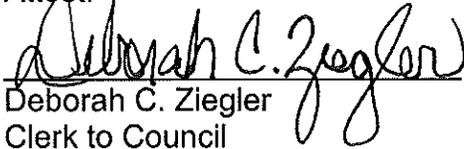
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey W. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council