

# TOWN OF DUNCAN

## Regular Scheduled Council Meeting Minutes

Monday December 13, 2022 6:00 PM

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### MINUTES

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The Council Meeting was called to order by Mayor Shirley Clopton at 6:00 p.m. A roll call was given and present at call was Councilmember Waddell, Councilmember Calvin Cowen, Councilmember Greg Rensberger and Mayor Shirley Clopton. Also present at Call was Police Chief Shandrell Holcombe, Fire Chief Barry Frost and Town Administrator Cameron Fant.

In compliance with the Freedom of Information Act, notice of this meeting was submitted by e-mail to the Spartanburg Herald-Journal and the Greer Citizen on December 12, 2022. The agenda was posted on the front door of the Duncan Police Department and Town Hall on December 12, 2022. The agenda was also uploaded to the Town of Duncan Website on December 12, 2022. Included on the agenda was the toll-free call-in number and a statement encouraging people to attend the meeting via the toll-free call-in number because of the impact of COVID-19.

Administrator Cameron Fant led the Invocation.

Mayor Shirley Clopton led the Pledge of Allegiance.

At approximately 6:04 Mayor Clopton opened the Floor for a PUBLIC HEARING RELATING TO ANNEXATION ORDINANCE NO. AN-2022-11, An Ordinance to Provide for the Annexation of Real Property. An Ordinance to provide for the Annexation and zoning of property owned by Ricky H Chastain by 100% Petition. The property is approximately 7.69+/- acres and is located at 1350 S. Danzler Rd. The property is currently un-zoned and located in Spartanburg County. The request is for the property to be zone GI General Industrial District. The property is better defined as Spartanburg County tax map number 5-25-00-126.03. No one from the Public took the Floor to make any comments. At Approximately 6:07 Mayor Clopton closed the Floor for the Public Hearing.

After that Mayor Clopton called Town Administrator Cam Fant to the Floor to introduce Kevin McCall with Miss. Byrnes. Fant told Council that both Kevin and Miss. Byrnes, Katie Harrison, had volunteered their time and helped us at many different Town sponsored events thru Katie's tenue as Miss Byrnes. Fant said that Miss Byrnes is associated with the Byrnes Band Booster Club and get funding from the band. Fant said he wanted to include Miss Byrnes as a State A Tax Grant recipient. Fant said they host the beauty contest in January of each year and do many other tourism related activities. Then Fant asked Kevin McCall to take the Floor and say a few

words. Kevin took the Floor and thanked Council for their donation and then talked about the different tasks that Miss Byrnes does during her tenure. Kevin invited everyone to the Miss Byrnes Pageant set for January 21, 2023 at 7:00 p.m. at Byrnes High School.

After that Judge Vicki Rae Smith took the Floor and called Mayor Shirley Clopton to the front. Next Judge Smith sworn in Shirley Clopton as Mayor of the Town of Duncan.

After that Mayor Clopton told Council that it was time to vote on the Mayor Pro Tem. Town Administrator Cam Fant handed out the election forms and then took them up and tallied the votes. Fant told Council that Councilmember Rensberger had been elected to serve as Mayor Pro Tem.

Next Mayor Shirley Clopton asked for a Motion to approve the minutes from the regular scheduled council meeting held on November 7, 2022. A Motion was made by Councilmember Rensberger and his Motion was followed by a Second from Councilmember Cowen. The Vote to approve the Minutes from the November 7, 2022 regular scheduled council meeting passed 4-0.

Next Mayor Shirley Clopton asked for a Motion to approve the minutes from the Special Call Council Meeting scheduled on November 11, 2022. A Motion was made by Councilmember Waddell and his Motion was followed by a Second from Councilmember Cowen. The Vote to approve the Minutes from the November 11, 2022 Special Call council meeting passed 4-0.

The Police Department report was given by Chief Holcombe. Chief Holcombe passed out a copy of the report to Council and went then went thru the report. Chief Holcombe also reminded folks to lock their cars when parked. Holcombe said that theft reports go up this time of the year and the biggest reason people's cars get broken into is because they leave them unlocked. After that Chief Holcombe answered a couple question from Council.

The Code Enforcement report was given by Officer Wooten. Officer Wooten let the Council know that code calls had gone down in the month of November 2022. After that Officer Wooten answered a couple questions from Council.

The Fire Department report was given by Chief Barry Frost. Frost went over what happened during the month. After that Frost answered a couple various questions from Council.

Next Town Administrator Cameron Fant took the Floor and gave an update on Public Works. Fant reported that Public Works in addition to picking up leaves with the leaf machine had been helping put up Christmas lights and the Christmas tree. Fant told Council that the new park benches arrived and Public Works helped unload them and put them together and started putting them out. Fant said Public Works would continue helping with limbs and other special projects

as they arise. After that Fant answered a couple various questions from Council and told Council to let him know if they had any public works issues.

Then Fant gave an update on The Event Center, Stoneledge and Shipwreck Cove. Fant reported on the Veterans Day Meal and Senior Bingo and feeding the Seniors. Fant said there were more seniors at the lunch than ever before. Fant then gave an update on the first annual Christmas Tree Lighting and the Christmas Parade and Pictures with Santa. Fant said there were 16 people at dance class the last Thursday and 14 people last night. Fant reminded Council that there was no bingo this month due to Christmas. After that Fant updated Council on the work being done at the waterpark and the preparations for next season. Fant said that he, Patrick Elliot and Michael Rutledge had a great meeting at the IAAPA event meet with Polin and the Engineer and would be getting cost estimates for our expansion plans soon. After that Fant answered a couple various questions from Council.

Mayor Clopton called Administrator Fant to the floor for the Second Reading of Ordinance No. 20220914-2. an Ordinance to Amend the Town of Duncan Code or Ordinances Section 125, Zoning Division 4 District Regulations, Subdivision II. RS-1 Single-Family Residential District, Sec. 125-453 Permitted uses will be amended to include (4) Minimum square footage of the house would be 1,400 sq. ft., Subdivision III. RS-2 Single-Family Residential District, Sec. 125-459 Permitted uses will be amended to include (3) Minimum square footage of the house would be 1,400 sq. ft., Subdivision IV. RS-3 Single-Family Residential District, Sec. 125-525 Permitted uses will be amended to include (3) Minimum square footage of the house would be 1,400 sq. ft., Subdivision V. RS-4 Single-Family Residential District, Sec. 125-561 Permitted uses will be amended to include (3) Minimum square footage of the house would be 1,400 sq. ft., and finally Subdivision VII. RS-TF Two-Family Residential District, Sec. 125-629 Permitted uses will be amended to include (3) Minimum square footage of the house would be 1,400 sq. ft. Fant took the Floor and told Council that the Zoning Board had the Public Hearing on this last night and they voted in favor of this 4-1. Fant reminded Council that the First Reading passed back in September. Fant also reminded Council the Code of Ordinances currently read, the only minimum square footage required for a house built in Duncan was in the RS-5 Patio Home section. Fant said the minimum square footage is 1,400 sq. ft. Fant said that means that currently there is nothing to stop someone from building a “tiny home” in a residential district that would hurt property values from the neighboring home owners. Fant reminded Council that we are not trying to eliminate “tiny homes” but said we could designate a “tiny home” area if we so desired so all smaller square footage homes would be in the same areas. Next Fant passed out a picture of an example of a “tiny home” that someone wanted to put in Duncan. After that Zoning Administrator Frost re-iterated what Fant said about designating special zoning for “tiny homes”. After that Fant and Frost answered a couple questions from Council. Then Mayor Clopton asked for a Motion to approve the Second and Final Reading of ZTA-2022-01. A motion was made by

Councilmember Cowen, a Second was made by Mayor Clopton. The Vote to approve the Second Reading of ZTA-2022-01 passed 4-0.

After that Mayor Clopton called Chief Barry Frost to the Floor for the Second Reading of Annexation Ordinance AN-2022-11, an Ordinance to provide for the Annexation of property owned by Ricky H. Chastain by One Hundred Percent Petition. The property is approximately 7.69 +/- acres and is located at 1350 S. Danzler Rd., Duncan SC. The property is Spartanburg County Parcel # 5-25-00-126.03; And to establish a Zoning Classification of GI (General Industrial District) for said property. Frost reminded Council that the First Reading took place on October 24<sup>th</sup> and that the Zoning Board voted in favor of this and the Public Hearing just took place. Frost told Council the owner of the property had no building plans at this point and that he just wanted to go ahead and have the property annexed into the town and zoned for industrial use. Frost said that the owner might decide to put the property up for sale. After that Chief Frost answered a couple various questions from council. Then Mayor Clopton asked for a Motion to approve the Second and Final Reading of Annexation Ordinance AN-2022-11. A motion was made by Councilmember Rensberger and his Motion was followed by a Second from Councilmember Cowen. The Vote to approve the Second Reading of Annexation Ordinance AN-2022-11 passed 4-0.

Next Mayor Clopton called Zoning Administrator Barry Frost to the Floor for the First Reading of AN-2022-12, An Annexation of Real Property. The properties are owned by People Choice Storage Duncan I, LLC and People Choice Storage Duncan II, LLC by One Hundred Percent Petition. The properties are approximately 3.89 +/- acres and are located at 1650 E. Main Street and 1660 E. Main Street, Duncan SC. The properties are Spartanburg County Parcel # 5-26-00-003.06 and 5-26-00-003.08; And to establish a Zoning Classification of GBD (General Business District) for said properties. Frost took the Floor and gave Council a location map of the properties and a copy of the annexation paperwork. Frost told the Board that this property was located down E. Main Street across the road from the Jimmy Johns strip center. Frost told the Board that his property included storage units and a strip center with 4 or 5 separate units. Frost said there were business located all around it. Frost told Council that the manager had reached out to Town Administrator Cam Fant and told him they wanted to join the Town to take advantage of our police and fire services. After that Fant and Frost answered a couple various questions from Council. Next Mayor Clopton asked for a Motion to approve Annexation Request No. AN-2022-12. A Motion was made by Councilmember Cowen and his Motion was followed by a Second from Councilmember Rensberger. The Vote to approve the First Reading of Annexation Request AN-2022-12 passed 4-0.

After that Mayor Clopton called Zoning Administrator Barry Frost to the Floor for the First Reading of AN-2022-13, An Annexation of Real Property. The property is owned by Aughtry Investments, LLC and is being annexed by One Hundred Percent Petition. The property is approximately 7.56 +/- acres and is located at 1699 Victor Hill Road, Duncan SC. The property is Spartanburg County Parcel # 5-25-00-073.00; And to establish a Zoning Classification of GID

(General Industrial District) for said property. Frost took the Floor and gave Council a location map of the property and a copy of the annexation paperwork. Frost told Council that this property was located off Victor Hill Road and adjacent to property that this same developer recently put in the Town to build an industrial building on. Frost said they planned to build a metal industrial building and lease it out. Frost told Council that this was the old fire tower property. Frost then told Council that the Zoning Board approved this last night. After that Frost answered a couple various questions from Council. Then Mayor Clopton made a Motion to approve Annexation Request No. AN-2022-13. Her Motion was followed by a Second from Councilmember Cowen. The Vote to approve the First Reading of Annexation Request AN-2022-13 passed 4-0.

After that Mayor Clopton called Zoning Administrator Barry Frost to the Floor for the First Reading of AN-2022-14, An Annexation of Real Property. The property is owned by Igor Olefirenko and is being annexed by One Hundred Percent Petition. The property is approximately 3.83 +/- acres and is located at 1725 Victor Hill Road, Duncan SC. The property is Spartanburg County Parcel # 5-25-00-074.00; And to establish a Zoning Classification of GBD (General Business District) for said property. Frost took the Floor and gave Council a location map of the property and a copy of the annexation paperwork. Frost told Council that this property was located off Victor Hill Road just beside the property of AN-2022-13. Frost told Council that the property owner went to Spartanburg County to see about building a truck repair shop on the property and Spartanburg County told him he would be better off annexing into the Town of Duncan. After that Frost answered a couple various questions from Council. Then Mayor Clopton asked for a Motion to approve Annexation Request No. AN-2022-14. A Motion was made by Councilmember Rensberger and his Motion was followed by a Second from Mayor Clopton. The Vote to approve the First Reading of Annexation Request AN-2022-14 passed 4-0.

Next Mayor Clopton called Zoning Administrator Barry Frost to the Floor for the First Reading of Rezoning request RZ-2022-04, the rezoning of property where the current owners Henry and Maria Restrepo are requesting a change from the current zoning of RS-4 Single-Family Residential District. The current land use of the property is residential. The proposed zoning for this property is R-TF Two-Family Residential District and more clearly by specifying Spartanburg County parcel number 5-20-06-006. Frost took the Floor and showed Council a map of the property and the rezoning paperwork on the property. Frost told Council that staff approved this request as well as the Zoning Board on 11/28/22. Frost told Council that this property was about 1/2 acre and is located on Fowler Street in Duncan. Frost told Council this property was owned by Duncan Village Apartments but nobody ever built anything on the property. Frost said it was sold and rezoned to RS-4 over a year ago. Frost said that still no one built anything on the property. Frost said the current owner wanted to rezone to R-TF but only wanted to build one duplex on it. Frost reminded Council this property backs up to an apartment complex and suggested this probably would be better than RS-4 because they only plan on building 1 duplex on it. After that Frost answered a couple questions from Council. Then Mayor Clopton asked for a Motion to approve Rezoning Request No. RZ-2022-04. A Motion was made by Councilmember Cowen and his Motion was followed by a Second from Mayor Clopton. The Vote to approve the First Reading of Rezoning Request RZ-2022-04 passed 4-0.

Next Mayor Clopton called Town Administrator Cam Fant to the Floor for the First Reading of Ordinance No. 20221213-01, An Ordinance to Authorize and Execute an Infrastructure Reimbursement Agreement. An Ordinance authorizing the execution and delivery of an Infrastructure Reimbursement Agreement by and between The Town of Duncan, South Carolina and Pool 6 Industrial SC, LLC, with respect to Infrastructure Credits to be applied against Fee In Lieu of Tax Payments related to certain Investments in the Town; and other matters related thereto. Fant took the Floor and told Council that this IRA was for an MOU and Annexation that happened during July of 2020. Fant told Council it was the Pro Trans property and building. Fant said that Council agreed with the MOU that the terms would be 15 years at 65% including both real and personal property. Fant said the original build cost was estimated at \$10 Million. Fant said the actual cost was around \$18 Million. After that Fant and Frost answered a couple various questions from Council. Fant said we would be holding a special call meeting before the end of the year to have the Second Reading. After that Mayor Clopton asked for a Motion to approve Ordinance No. 20221213-01. A Motion was made by Councilmember Rensberger and his Motion was followed by a Second from Mayor Clopton. The Vote to approve the First Reading of Ordinance No. 20221213-01 passed 4-0.

After that Mayor Clopton called Town Administrator Cam Fant to the Floor for Resolution # R20221213-01, A Resolution to use monies from the American Rescue Plan Act (ARPA) account to purchase real estate. A Resolution to allow the Town Administrator to use monies received from the American Rescue Plan Act (ARPA) to purchase 6.7 +/-acres on Hughes Street (Spartanburg County Parcel Numbers 5-20-01-108.00 & 5-20-01-108.01) at a purchase price not to exceed \$145,000 and to close on this purchase on or before December 28, 2022. Fant took the Floor and told Council that instead of using up monies on our GO Bond limit and paying the high interest we would just use ARPA money to purchase the 6.7 acres that would be used for overflow parking until plans were made to build on it at a later time. After this Fant and Frost answered a couple various questions from Council. Then Mayor Clopton made a Motion to approve Resolution # R202213-01. Her Motion was followed by a Second from Councilmember Cowen. The Vote to approve Resolution # R20221213-01, A Resolution to use monies from the American Rescue Plan Act (ARPA) account to purchase real estate. A Resolution to allow the Town Administrator to use monies received from the American Rescue Plan Act (ARPA) to purchase 6.7 +/-acres on Hughes Street (Spartanburg County Parcel Numbers 5-20-01-108.00 & 5-20-01-108.01) at a purchase price not to exceed \$145,000 and to close on this purchase on or before December 28, 2022 passed 4-0.

Next Mayor Clopton called Resolution # R20221213-02, A Resolution to use monies from the American Rescue Plan Act (ARPA) account to purchase real estate. A Resolution to allow the Town Administrator to use monies received from the American Rescue Plan Act (ARPA) to purchase 1.775 +/-acres and an old bank building at 126 W. Main Street (Spartanburg County Parcel Numbers 5-20-01-049.00 & 5-20-01-052.00) at a purchase price not to exceed \$400,000 and to close on this purchase on or before December 28, 2022. Fant took the Floor and told Council that instead of using up monies on our GO Bond limit and paying the high interest we

would just use ARPA money to purchase the bank building. After this Fant and Frost answered a couple various questions from Council. After that Mayor Clopton asked for a Motion to approve Resolution # R20221213-02. A Motion was made by Councilmember Waddell and his Motion was followed by a Second from Councilmember Rensberger. The Vote to approve Resolution # R20221213-02, A Resolution to use monies from the American Rescue Plan Act (ARPA) account to purchase real estate. A Resolution to allow the Town Administrator to use monies received from the American Rescue Plan Act (ARPA) to purchase 1.775 +/- acres and an old bank building at 126 W. Main Street (Spartanburg County Parcel Numbers 5-20-01-049.00 & 5-20-01-052.00) at a purchase price not to exceed \$400,000 and to close on this purchase on or before December 28, 2022 passed 4-0.

Then Mayor Clopton called Town Administrator Cam Fant to the Floor for Resolution # R20221213-03, A Resolution to purchase an ATM machine, LED sign and furniture, fixtures and security system. A Resolution to allow the Town Administrator to enter into an Agreement with Secured Federal Credit Union to purchase an ATM Machine, LED Sign, Furniture, Fixtures and Security System at a price not to exceed \$50,000 and to pay for the purchase using funds from a State Accommodations Tax Grant and funds from the General Fund. Fant took the Floor and reminded Council that just recently they had approved a State A Tax grant for \$40,000 for the purchase of a new LED Signs. Fant said that since the bank was selling us their sign, we could use this money to purchase it. Fant said that the entire package was a deal. Fant told Council that we would be able to make money off the ATM machine. Fant said the security system was in great shape and better than anything we currently had. Fant said the furniture was better than anything we had as well. Fant said that this package was a deal. Fant said he had gotten the bank as low as they would go. After that Mayor Clopton asked for a Motion to approve Resolution # R20221213-03. A Motion was made by Councilmember Cowen and his Motion was followed by a Second from Councilmember Rensberger. The Vote to approve Resolution # R20221213-03, A Resolution to purchase an ATM machine, LED sign and furniture, fixtures and security system. A Resolution to allow the Town Administrator to enter into an Agreement with Secured Federal Credit Union to purchase an ATM Machine, LED Sign, Furniture, Fixtures and Security System at a price not to exceed \$50,000 and to pay for the purchase using funds from a State Accommodations Tax Grant and funds from the General Fund passed 4-0.

After that Mayor Clopton called Town Administrator Cam Fant to the Floor for Resolution # R20221213-04, A Resolution for an Annexation Agreement. The Annexation Agreement is between Spartanburg County, South Carolina (the "*County*") and the Town of Duncan, South Carolina (the "*Town*"). This Agreement is an intergovernmental agreement authorized under Article VIII, Section 13 of the Constitution of the State of South Carolina, 1895, as amended. This Agreement addresses service agreements between special tax districts and municipalities when a municipality annexes property in the service area of a special tax district pursuant to Title 5,

Chapter 3 of the Code of Laws of South Carolina, 1976, as amended (the "SC Code"). This Resolution addresses the Tyger Ridge Industrial Owner, LLC properties. Fant took the Floor and told Council that we were amending this Annexation Agreement again to include the recent annexation of the Tyger Ridge Industrial Owner projects. Fant told Council that this property was in the FSA area and told Council that because of being in the FSA the property area was apart of the fire bond. After that Fant answered a couple various questions from Council. After that Mayor Clopton made a Motion to approve Resolution # R20221213-04. Her Motion was followed by a Second from Councilmember Cowen. The Vote to approve Resolution # R20221213-04, A Resolution for an Annexation Agreement. The Annexation Agreement is between Spartanburg County, South Carolina (the "County") and the Town of Duncan, South Carolina (the "Town"). This Agreement is an intergovernmental agreement authorized under Article VIII, Section 13 of the Constitution of the State of South Carolina. 1895, as amended. This Agreement addresses service agreements between special tax districts and municipalities when a municipality annexes property in the service area of a special tax district pursuant to Title 5, Chapter 3 of the Code of Laws of South Carolina, 1976, as amended (the "SC Code") passed 4-0.

Then Chief Barry Frost gave the Zoning Update giving updates on annexations and then Chief Frost answered any questions.

Next Administrator Cam Fant gave the administrative update. Fant informed Council that Officer Leivia was officially our Victim Advocate and that he would have her come to a meeting to go over VA updates. Fant then reminded everyone about the Christmas Party set for Friday at 6:30 at the Event Center.

Next Fant gave the financial update. Fant went over the report thru November 30, 2022 and answered a couple questions from Council.

Next at approximately 8:35 Mayor Clopton asked for a Motion to go into Executive Session to discuss a contractual matter. A Motion was made by Councilmember Rensberger and his Motion was followed by a Second from Councilmember Cowen. The Vote to go into Executive Session to discuss a contractual matter passed 4-0.

At approximately 9:11 Mayor Clopton asked for a Motion to come out of the Executive Session. A Motion to come out of the Executive Session to discuss a contractual matter and go back into the regular meeting was made by Councilmember Cowen. A Second was made by Councilmember Rensberger. The Vote come out of Executive Session to discuss a contractual matter and go back into the regular meeting passed 4-0.

At 9:12 Mayor Clopton called for a Motion to close the meeting. A Motion was made by Councilmember Waddell and a Second was made by Mayor Clopton. The Motion was passed 4-0.



Approved by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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By: \_\_\_\_\_

Mayor Shirley Clopton

Attest \_\_\_\_\_

Clerk to Council, Melody Millwood