

MINUTES

County Council Meeting

August 17, 2009

Spartanburg County Council met on Monday, August 17, 2009, 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 Tom Foster, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; and Edwin Haskell, 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. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

A. Ms. Kathy Rivers, Community and Economic Development Director, recognized the Information Desk Volunteers. Since February, we have been very fortunate to have seven graduates of the Citizen's Academy volunteering at the Customer Service/Information Desk for a total of 408 cumulative hours. Mr. Breed also expressed his appreciation to the volunteers. The volunteers are Sandra Barnes, John Burth, Anthony Clayton, Sharise Dom-Martin, Romesena Holman, and Ruth Littlejohn.

III.

A. Chairman Horton declared open a public hearing to consider an Ordinance for the purpose of establishing the Spartanburg County Tourism Public Facilities Corporation, stating its purposes and appointing the members to the Board of Directors of the Spartanburg County Tourism Public Facilities Corporation. The following individuals spoke in opposition to the proposed Ordinance: Lucille Dismukes, 7559 Lone Oak Road, Spartanburg; Walter McSherry, 108 Idlewyde Court, Spartanburg; Margaret Howard, Campobello; Rene Tanguay, 105 Moss Lane, Landrum, and James Herzog, 210 Biggerstaff Road, Spartanburg.

- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing Spartanburg County, South Carolina, to execute documents including a ground lease agreement by and between Spartanburg County, South Carolina and Spartanburg County Tourism Public Facilities Corporation, a lease agreement by and between Spartanburg County, South Carolina and Spartanburg County Tourism Public Facilities Corporation relating to the issuance of not exceeding \$20,000,000 Spartanburg County Tourism Public Facilities Corporation Certificates of Participation, Series 2009; consenting to the issuance of Certificates of Participation in the lease agreement in the aggregate principal amount of not exceeding \$20,000,000; approving the form of a trust agreement between Spartanburg County Tourism Public Facilities Corporation and the Trustee named thereunder; and other matters relating thereto. Mr. James Herzog, 210 Biggerstaff Road, Spartanburg, spoke in opposition to the proposed Ordinance.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement between Spartanburg County and Iljin America Corp. and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to amend that certain agreement for the development of a joint industrial and business park between Spartanburg County and Cherokee County dated March 19, 2007. (Iljin America Corp.) No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance to provide for the issuance and sale of not exceeding thirteen million dollars (\$13,000,000) General Obligation Refunding and Improvement Bonds, Series 2009, in one or more series, of Spartanburg County, South Carolina; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. 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 Goodwill Foundation from 7:00 a.m. on Thursday, September 10, 2009 until 7:00 p.m. on Sunday, September 13, 2009 for a Construction Theme Park fundraising event at the property adjacent to 395 Abner Creek 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 2:00 p.m. on Saturday, September 19, 2009 until midnight 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 2:00 p.m. on Saturday, September 26, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

IV.

No appearances were scheduled.

V.

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

- A. Motion made by Mr. Britt to adopt Resolution approving a five-year partial exemption to an unrelated purchaser who preserves the existing facilities and the existing number of jobs. (Sage Automotive) Motion seconded by Mr. Brown and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to render third reading to an Ordinance for the purpose of establishing the Spartanburg County Tourism Public Facilities Corporation, stating its purposes and appointing the members to the Board of Directors of the Spartanburg County Tourism Public Facilities Corporation. Motion seconded by Mr. Britt and carried. Mr. Mintz opposed.
- B. Motion made by Mr. Culbreth to render third reading to an Ordinance authorizing Spartanburg County, South Carolina, to execute documents including a ground lease agreement by and between Spartanburg County, South Carolina and Spartanburg County Tourism Public Facilities Corporation, a lease agreement by and between Spartanburg County, South Carolina and Spartanburg County Tourism Public Facilities Corporation relating to the issuance of not exceeding \$20,000,000 Spartanburg County Tourism Public Facilities Corporation Certificates of Participation, Series 2009; consenting to the issuance of Certificates of Participation in the lease agreement in the aggregate principal amount of not exceeding \$20,000,000; approving the form of a trust agreement between Spartanburg County Tourism Public Facilities Corporation and the Trustee named thereunder; and other matters relating thereto. Motion seconded by Mr. Britt and carried. Mr. Mintz opposed.
- C. Motion made by Mr. Culbreth to approve request for an additional School Resource Officer position for one of the middle schools in School District Two. Motion seconded by Mr. Britt and carried.
- D. Motion made by Mr. Culbreth to render first reading to an Ordinance amending Article IV of the Spartanburg County Code relating to the Spartanburg County Fire Prevention and Protection Advisory Committee and to provide for certain other editorial revisions. Motion seconded by Mr. Foster and carried.
- E. Motion made by Mr. Culbreth to approve and adopt the Spartanburg County Identity Theft Prevention Policy. Motion seconded by Mr. Foster and carried.
- F. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Todd Stephens, County Librarian, and Ms. Jennifer Moore, Vice Chairman, Library Board of Trustees, presented information in reference to the Spartanburg County Public Library and upcoming Library events.
- B. Motion made by Mr. Foster to render first reading to an Ordinance to amend the International Property Maintenance Code previously adopted by Ordinance Number O-00-014, as amended by Ordinance Number O-04-15, to further amend Section 302.1 relating to the responsibility to keep exterior property clean and sanitary and to amend Section 302.4 to provide that weeds and plant growth shall not exceed a height of eighteen (18) inches on premises and exterior property. Motion seconded by Ms. Hall and carried.

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

- A. Information received regarding activities of the Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Horton to render second reading to the original document dated July 20, 2009,

of an Ordinance amending the Spartanburg County Unified Land Management Ordinance, Ordinance Number O-99-015, as amended, to provide certain design standards for commercial and industrial uses and to provide for the amendment of certain definitions and for certain new definitions. Motion seconded by Mr. Britt and carried.

- 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. Britt to render third reading to an Ordinance amending the Spartanburg County Code relating to Alarm Systems, Sections 28-51 through 28-55, in order to make provisions for false alarms, service charges for false alarms, notification of alarm system installation and alarm system standards. Motion seconded by Mr. Foster and carried.
- B. 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 and Iljin America Corp. and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance to amend that certain agreement for the development of a joint industrial and business park between Spartanburg County and Cherokee County dated March 19, 2007. (Iljin America Corp.) Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance to provide for the issuance and sale of not exceeding thirteen million dollars (\$13,000,000) General Obligation Refunding and Improvement Bonds, Series 2009, in one or more series, of Spartanburg County, South Carolina; 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. Brown and carried. Motion made by Mr. Mintz to amend this motion to delete \$2,478,506 out of the energy cost savings project. This would leave the \$244,780 for boiler replacement and domestic hot water heater modifications and \$122,777 for water filters, new hot water heaters, and tanks. This would delete from the \$13 million from the energy savings \$2,478,506 with this amendment. Motion seconded by Mr. Culbreth. Mr. Winston Anderson, Facilities Manager, stated the purpose of the energy part of this project is to save energy while improving the facilities. Mr. Anderson made the argument this should be done for a variety of reasons. The first reason is the cost of borrowing this money on a 20 year bond is going to be set, using a conservative interest rate of 4.5%, at \$218,794 per year. The guaranteed energy savings will be no less than \$331,000 per year. This process has been done all over the country. Motion to amend this motion failed. Mr. Horton, Mr. Brown, Mr. Britt, Ms. Hall, and Mr. Foster opposed. Motion made by Mr. Britt to proceed with the second reading to an Ordinance to provide for the issuance and sale of not exceeding thirteen million dollars (\$13,000,000) General Obligation Refunding and Improvement Bonds, Series 2009, in one or more series, of Spartanburg County, South Carolina; 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 Ms. Hall and carried. Mr. Mintz and Mr. Culbreth opposed.

VII.

- A. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Goodwill Foundation from 7:00 a.m. on Thursday, September 10,

2009 until 7:00 p.m. on Sunday, September 13, 2009 for a Construction Theme Park fundraising event at the property adjacent to 395 Abner Creek Road, Greer. Motion seconded by Mr. Foster and carried.

- B. Motion made by Mr. Mintz to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 2:00 p.m. on Saturday, September 19, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Mintz to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 2:00 p.m. on Saturday, September 26, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Culbreth 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.

A work session has been set for August 24, 2009, for stakeholders and other interested parties to give additional input and try to resolve some of the outstanding questions in regard to Commercial Design Standards.

X.

Motion made by Mr. Britt to approve minutes of July 20, 2009 (Regular Meeting). Motion seconded by Mr. Foster and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council