

# MINUTES

## County Council Meeting

October 18, 2010

Spartanburg County Council met on Monday, October 18, 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, Dale Culbreth, and Tom Foster, Council Members; along with Glenn Breed, County Administrator; Jim Hipp, Deputy 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. Honorable Tom Foster led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Mintz to adopt a Resolution congratulating and recognizing Gene Fulton of Chesnee, South Carolina for his many contributions to the sport of drag racing. Motion seconded by Mr. Britt and carried.

### III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance amending Flood Damage Prevention Ordinance O-04-01 to make revisions to Ordinance and maps as required by Federal Emergency Management Agency (FEMA). 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-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. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider 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. 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 authorizing the execution and delivery of (1) an amended and restated fee in lieu of tax agreement by and among Spartanburg County, South Carolina, Rochling Automotive Duncan, LLP and certain other sponsor affiliates with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes; (II) an infrastructure finance agreement by and between Spartanburg County, South Carolina and Rochling Automotive Duncan, LLP with respect to certain economic development property in the county, whereby such property will receive certain infrastructure credits in respect of its investment in related infrastructure; and (III) other matters related thereto. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first 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. (Rhe-Tech in Cherokee County) Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Britt to adopt a Resolution authorizing an amendment to the fee agreement by and between Spartanburg County, South Carolina, and (Project MCIP), its affiliates and assigns, to provide for an extension of the investment period and the term; and other related matters. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an amendment to the fee agreement by and between Spartanburg County, South Carolina, and (Project MCIP), its affiliates and assigns, to provide for an extension of the investment period and the term; and other related matters. Motion seconded by Ms. Hall and carried.

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

- A. Mr. Harold Mitchell, H. Mitchell Group, presented an update on the Victor Mill cleanup project. The cleanup project is ahead of schedule. The Victor Mill Water Tower is scheduled to come down on November 3, 2010.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Doug Bryson, Emergency Preparedness, presented information in reference to an Ordinance to implement hazardous substance reporting requirements and hazardous substance user fees in Spartanburg County; to provide for the disposition of fees collected to be used exclusively for hazardous substance purposes; and to provide for the enforcement and administration of the ordinance. (Presentation included in backup.) Motion made by Mr. Culbreth to render first reading to Ordinance. Motion seconded by Ms. Hall. Mr. Britt stated that he applauds the committee for coming

forward and requesting the ordinance, but he does not agree with placing a fee on companies that have not had incidents. A suggestion was made that companies be charged if they have a hazardous spill or incident rather than charging a fee to all companies across the board. The suggestion was made to put the cost of the Emergency Notification System in the General Fund or the appropriate department. Motion failed. Mr. Horton, Mr. Brown, Mr. Mintz, Mr. Britt, Mr. Culbreth, and Mr. Foster opposed.

- B. Motion made by Mr. Culbreth to adopt a Resolution calling for a public hearing to be held upon the question of the issuance of a not exceeding \$175,000 of General Obligation Bond of the Arkwright Area Fire District, South Carolina, providing for the publication of the notice of such public hearing; and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Culbreth to render first reading to an Ordinance finding that the Arkwright Area Fire District, South Carolina may issue a not exceeding \$175,000 General Obligation Bond and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Foster and carried.
- D. Motion made by Mr. Culbreth to adopt a Resolution ordering the holding of a public hearing pursuant to S.C. Code Ann. Section 6-11-430 on the question of the consolidation of the Arkwright Area Fire District into Croft Fire District and Roebuck Fire District and for the purpose of making a determination as to whether and to what extent the aforesaid fire districts should be enlarged, diminished or consolidated, and to order the advertising of such public hearing in accordance with the requirements of S.C. Code Ann. Section 6-11-440. Motion seconded by Mr. Foster and carried.
- E. Motion made by Mr. Culbreth to render first reading to an Ordinance approving a plan and agreement of consolidation of Arkwright Area Fire District into Croft Fire District and Roebuck Fire District, and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- F. Updated financial data and personnel vacancy reports received.

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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 William Roman, Environmental Enforcement Litter Control Officer, as a Spartanburg County Law Enforcement Officer. Motion seconded by Ms. Hall and carried.
- B. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Horton to render second reading to an Ordinance amending Flood Damage Prevention Ordinance O-04-01 to make revisions to Ordinance and maps as required by Federal Emergency Management Agency (FEMA). Motion seconded by Mr. Mintz 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. Culbreth to render third 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. Brown and carried.

- B. Motion made by Mr. Culbreth to render third 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 Mr. Britt and carried.
- C. Motion made by Mr. Britt 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 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 Mr. Brown and carried.
- D. Motion made by Mr. Britt to render second 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 Ms. Hall and carried.

## VII.

No items scheduled.

## 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.

No items scheduled.

## X.

Motion made by Mr. Culbreth to approve minutes of September 20, 2010 (Regular Meeting). Motion seconded by Mr. Britt and carried.

## XI.

Motion made by Mr. Foster to adjourn.

SPARTANBURG COUNTY COUNCIL

By: \_\_\_\_\_  
Jeffrey A. Horton, Chairman

Attest:

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Deborah C. Ziegler  
Clerk to Council