

MINUTES

County Council Meeting

December 17, 2007

Spartanburg County Council met on Monday, December 17, 2007, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Johnnye Code-Stewart, O'Neal Mintz, David Britt, Rock Adams, Dale Culbreth, and Tom Foster, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; Tom Gates, 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 Honorable O'Neal Mintz. Honorable Tom Foster led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Chapman High School's Football Team, The Panthers, on their first trip to the State Championship. Motion seconded by Mr. Britt and carried. (Coach Kevin Farmer and players received Resolution.)
- B. Honorable Jeff Horton and Ms. Kathy Rivers, Community and Economic Development Director, congratulated and recognized the graduates of the First Spartanburg County Citizens' Academy.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and Sun Paper Company providing for a payment of a fee in lieu of taxes. No one appeared, and the matter

was closed.

- B. 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. (Sun Paper Company) No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider proposed revisions to the Spartanburg County Unified Land Management Ordinance, Ordinance No. O-99-015, as amended, to allow for mixed use projects and traditional neighborhood design based developments. Ms. Angela Viney, Director of the Spartanburg Office of Upstate Forever, a membership based nonprofit organization promoting sensible growth and the protection of special places, appeared. They have closely followed the progress of the Spartanburg County Planning Department in drafting a Planned Development Ordinance. They understand that the most recent draft Ordinance has been withdrawn and that the Planning Department and Planning Commission want to start from scratch. They also understand and support this desire to carefully draft a strong, clear Ordinance, since the previous draft was somewhat confusing and probably intimidating for developers, homebuilders, and citizens. However, they hope the Ordinance revision process does not delay the several progressive projects that are currently waiting for this Ordinance, so they can be built legally. Through their work with developers, they are acutely aware that many of them want to build traditional neighborhoods and mixed used developments. They cannot under the current Unified Land Management Ordinance. A strong, clear Planned Development or Mixed Use Ordinance will enable developers to create places that will be more walkable, environmentally sensitive, have lots of visual character, and be more economically viable. A brief memo outlining some of Upstate Forever's suggestions for the next draft Ordinance was distributed and is included in backup. Mr. Darrell Hinson, Spartanburg Homebuilders Association, Chairman of Development Committee, appeared. Mr. Hinson agreed with Upstate Forever. The homebuilders applaud the County for taking a proactive move toward being able to develop these type mixed use subdivisions. They also would like to be involved in the planning process as builders and developers. They also highly recommended that the Planning Commission be more involved in the new Ordinance that is going to be written. As homebuilders and developers, they feel there is a lot of talent on the Planning Commission. They are involved in the day to day reviewing and approving of preliminary plats and final plats. It is their desire that this responsibility stays with the Planning Commission. They are concerned about the previous proposed Ordinance that every mixed use subdivision would have to come before County Council. They would prefer for it to stay with the Planning Commission. Obviously, it takes a lot more time to go before two bodies. No one else appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

No items scheduled.

Public Health and Human Services Committee (Honorable Johnnye Code Stewart, Chairman)

- A. Mr. Don Byrum, Disable American Veterans Commander, presented a request relative to the purchase of a 2008 Ford Taurus X, 7 passenger van, to replace the current 2003 Ford Windstar, 7-passenger van, to transport needy and disabled Veterans to and from medical appointments. Motion made by Ms. Stewart

to approve this request and provide \$13,000 from Council Contingency toward the purchase of a van. The total cost of the van is \$22,500. Colorado Trust in Kentucky is paying the difference. Motion seconded by Mr. Foster and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Stan Halliday, McAbee, Talbert, Halliday & Co., presented information on results of financial audit as of and for the year ended June 30, 2007. The Auditors' Communication Letter, the SAS112 (Statement of Accounting Standards) required correspondence, the Comprehensive Annual Financial Report, and the presentation are included in backup.
- B. Mr. Tom Gates presented information in reference to Resolution authorizing the Parks and Recreation Commission to be reimbursed from any future debt issuance for expenditures they make as they prepare for their capital improvements. As is required by law, the Resolution limits the amount of reimbursable expense and indicates a total debt issuance amount. Motion made by Mr. Culbreth to adopt a Resolution to express the intention of the County Council of Spartanburg County, South Carolina, to cause Spartanburg County, South Carolina to be reimbursed for certain costs for certain public improvements with the proceeds of tax-exempt obligations. Motion seconded by Mr. Adams and carried.
- C. 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 \$2,000,000 General Obligation Bond of Boiling Springs Fire District and to provide for the publication of the notice of such hearing. The issuance of the General Obligation Bond is contingent upon a positive vote on the referendum next year. Motion seconded by Mr. Britt and carried.
- D. Updated financial and personnel vacancy reports were received.

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Livability Committee – (Honorable Tom Foster, Chairman)

No items scheduled.

Public Safety and Judiciary Committee – (Honorable Rock Adams, Chairman)

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

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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. Ms. Shirley Howell, Chair, Woodruff Community Center, and Ms. Eugenia Hooker, Executive Director of the Woodruff Community Center, presented information in reference to a request from the Woodruff Community Center for support and funding for the purchase of property for the Center. They requested \$15,000. Mr. Mintz stated that he seconded this item to get it to General Session, but he does not intend to vote for it. He feels this should be presented during our Budget requests. A similar type operation is starting in Boiling Springs, Upstate Family Life Resource Center, and Mr. Mintz has requested that they send a proposal in for the Budget. Mr. Britt stated that he is not opposed to this concept, but he would like to see the Parks and Recreation Commission have an opportunity to study this to see if they could partner with this group. Motion made by Mr. Mintz to approve this request for \$15,000. Motion seconded by Mr. Adams and carried. Motion failed. Mr. Mintz, Mr. Britt, Mr. Culbreth, and Chairman Horton opposed. Motion made by Mr. Britt to take this request and ask the Parks and Recreation Commission to study it. Motion seconded by Ms. Stewart and carried.

- B. The item in reference to County Property located in Wellford was carried over to a later meeting for further research to be done.
- C. Information received regarding activities of the Public Works Department.

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VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance amending Ordinance Nos. 556, 649, O-01-22 and O-07-08 and Articles of Incorporation to change the appointment process for members of Spartanburg Regional Health Services District, Inc. as appointed by County Council to include participation by the Board of Trustees of Spartanburg Regional Health Services District, Inc. in the appointment process, to provide for one board member to be either an active or senior status member of the Medical Staff, and to limit the term of office for a Member of the Board of Trustees to three consecutive terms of office. Motion seconded by Mr. Foster and carried. Ms. Stewart and Mr. Adams opposed.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and Sun Paper Company providing for a payment of a fee in lieu of taxes. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to render third 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. (Sun Paper Company) Motion seconded by Mr. Culbreth and carried.
- D. Motion made by Mr. Mintz to render second reading to an Ordinance amending Section 30.27(13) of the Code of the County of Spartanburg, South Carolina to change the time during which certain vehicles are exempt from the provisions of Spartanburg County Noise Restrictions from 10:00 P.M. to 11:00 P.M. Motion seconded by Mr. Adams and carried.
- E. Motion made by Mr. Mintz to render second reading to an Ordinance finding that Boiling Springs Fire District may issue a not exceeding \$2,000,000 General Obligation Bond; to authorize the Fire Control Board of the Boiling Springs Fire District to issue such bond and to provide for the publication of notice of the said finding and authorization upon successful referendum. Motion seconded by Mr. Culbreth 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. Britt to approve minutes of November 19, 2007 (Regular Meeting). Motion seconded by Mr. Foster and carried.

XI.

Motion made by Mr. Foster to adjourn. Motion seconded by Ms. Stewart and carried.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council