

MINUTES

County Council Meeting

February 23, 2009

Spartanburg County Council met on Monday, February 23, 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. Honorable Tom Foster led in reciting the Pledge of Allegiance.

II.

- A. Mr. John Henderson, South Carolina Association of Counties, presented the "Outstanding Safety Achievement Award" to County Council and Mr. Terry Booker, Risk Manager. This award was presented on January 20, 2009, at the Insurance Trust Membership meeting for members of the South Carolina Counties Property and Liability Trust and the South Carolina Workers' Compensation Trust.
- B. Motion made by Mr. Britt to adopt Resolution recognizing David Miller for his courageous and heroic act. Motion seconded by Mr. Foster and carried. Ms. Hall presented the Resolution to David Miller. Ashton Crowe was also present.

III.

No public hearings were scheduled.

IV.

- A. Mr. Walter McSherry, 108 Idlewylde Court, appeared in opposition to the Hospitality Tax in difficult economic times.

V.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance to provide for certain amendments to industrial and business park agreements between Spartanburg County and Union County in connection with the distribution of fee in lieu of tax revenues within Spartanburg County, and other matters related thereto. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance to provide for the Order of Distribution of fee in lieu of tax revenues generated from Spartanburg County parcels located in certain joint county industrial and business parks, and other matters related thereto in support of the Economic Futures Group. Motion seconded by Mr. Brown and carried. One opposed. Ms. Hall voted in opposition of this Ordinance for the reasons discussed during the Economic Recruitment and Development Committee meeting.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and Rochling Automotive Duncan, LLP with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to develop a jointly owned and operated Industrial/Business Park in conjunction with Cherokee County, such Industrial/Business Park to be geographically located in Spartanburg County and established pursuant to South Carolina Code of Laws for 1976, Section 4-1-170 et sequitur, as amended; to provide for a written agreement with Cherokee County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem tax to the counties and relevant taxing entities. (Project Mizzou and O.P. Carolina, LLC) Motion seconded by Mr. Foster and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, and Gas Turbine Efficiency, LLC (Project Thermal); and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Brown and carried.
- F. Item in reference to the Food Lion Shopping Center located at 95 Garner Road in Spartanburg was removed from the agenda. This item had not gone through the proper channels.

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

- A. Information was received in reference to Victor Mill. Motion made by Ms. Hall that the County Administrator be directed to prepare for Council consideration a Memorandum of Agreement between the County and ReGenesis. The Agreement should generally describe a partnership between the County and ReGenesis to include a transfer of ownership of the Victor Mill properties to ReGenesis for the purpose of environmental remediation and site redevelopment of the site. This is to be contingent on the County's acquiring ownership of the site via the Delinquent Tax or any other legal process which is deemed more accessible and more able to do what we need to do. We also need to contemplate that the County has a commitment to forgive any fees associated with the disposal of

material present on the Victor Mill sites which may be legally disposed of at our own County landfill and to have a County commitment to forgive or pay any outstanding tax liability owed by the Victor Mill properties. A ReGenesis commitment to accept ownership of the Victor Mill sites contingent on ReGenesis securing third party liability protection from the relevant state and federal agencies that will be involved, a ReGenesis commitment to pursue funding for an environmental remediation of the site, and a ReGenesis commitment to provide for an open community oriented process that incorporates and involves the residents of the neighborhood surrounding Victor Mill, the City of Greer, and other interested parties in the remediation and renewal process. The sharing and/or reimbursement of any proceeds generated through a site redevelopment process to at a minimum include cost recovery by the County for any fees, any taxes, or any other financial interests waived. Motion seconded by Mr. Mintz and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Tony Bell, Director of Human Resources, presented an update on the Voluntary Time Off (VTO) Program.
- B. Warden Larry Powers, Director of Detention Facility, presented information in reference to Retention and Recruitment Program at the Detention Center. Presentation is included in backup.
- C. Sheriff Chuck Wright presented recommendations from the Sheriff's Office on things that could save the County money. The Sheriff's Office is going to try to implement a Wright Fuel Express Card on a trial basis and report back at a later date the savings. An Ordinance amending the False Alarm Ordinance was also presented. Chief Deputy Billy Parris was present to answer any questions. Handouts are included in backup. Charles Worley, Brown and Brown Insurance, presented information on an insurance proposal made to the Sheriff's Office. Presentation is included in backup. No action was taken.
- D. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Todd Stephens, County Librarian, and Ms. Mary Speed Lynch, Library Board Chairman, presented information in reference to upcoming Library events.
- B. Mr. Jeff Caton, Director of Parks and Recreation, and Mr. Jeff Hardee, Chairman of Parks and Recreation Commission, presented information in reference to a Lease Agreement with Wellford Parks and Recreation. Motion made by Mr. Foster to adopt this agreement and authorize the County Administrator to enter into the Lease Agreement. Motion seconded by Mr. Britt 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. Mr. Chris Story presented information in reference to an Ordinance amending the Storm Water Management Ordinance. Motion made by Mr. Horton to render second reading to the Storm Water Management Ordinance. 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. Mr. Chris Story presented information in reference to a Resolution for Capital Project Scope Change – Dairy Ridge Road Bridge Replacement (Project #BR0004). Mr. Story and Mr. Jim Majors, Upstate

Trails Coordinator, Palmetto Conservation, presented safety provisions needed with this project. This resolution would authorize the addition of these safety provisions as long as they can be done within the existing budget. Motion made by Mr. Mintz to adopt a Resolution for Capital Project Scope Change – Dairy Ridge Road Bridge Replacement (Project #BR0004). Motion seconded by Mr. Britt and carried.

- B. Mr. Chris Story and Sandy Gutner P.E., Brown and Caldwell Engineers, presented information on Strategic Planning for Solid Waste Collection. Presentation is included in backup. No action was taken.
- C. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Mintz to render third reading to an Ordinance amending the Unified Land Management Ordinance (ULMO), Ordinance No. 0-99-15, Article 3, Section 3.20 Billboards, as amended, to require the permission of dwelling owners whose dwellings are located within 600 feet of a proposed sign, to define “permanently maintained business,” and to make certain other editorial correction. Motion seconded by Mr. Foster 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 January 26, 2009 (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:

Deborah C. Ziegler
Clerk to Council