

MINUTES

County Council Meeting

July 20, 2009

Spartanburg County Council met on Monday, July 20, 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. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the Landrum Rescue Squad being named EMS System of the year. Motion seconded by Mr. Foster and carried. Chief Bruce Cogdell, Landrum Rescue Squad, received Resolution.
- B. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Robin Spratlin Forrest for winning the 2009 South Carolina Coroner's Association Deputy Coroner of the Year award. Motion seconded by Mr. Britt and carried.

III.

- A. 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 11:00 a.m. on August 8, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter

was closed.

IV.

- A. Mr. Walter McSherry appeared in opposition to Ordinance for the purpose of establishing the Spartanburg County Tourism Public Facilities Corporation.

V.

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

- A. Mr. Chip Bentley, Planning Services Director, Appalachian Council of Governments, presented information in reference to the Appalachian Council of Governments 2009 Comprehensive Economic Development Strategy Report. Report is included in backup. A letter of support will be sent Appalachian Council of Governments.
- B. Motion made by Mr. Brown to render first 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. Brown and carried.
- C. 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. (Iljin America Corp.) Motion seconded by Mr. Brown and carried.
- D. Motion made Mr. Britt to adopt a Resolution designating certain parcels for inclusion in the Spartanburg County/Union County Joint County Industrial and Business Park located in the City of Spartanburg, South Carolina, in accordance with Spartanburg County Ordinance No. O-09-13 and the Intergovernmental Agreement, as amended, authorized by that ordinance, between the City of Spartanburg and the County of Spartanburg, South Carolina; and other matters related thereto. (Heavenly Ham/Yannis Restaurant) 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 adopt a Resolution to authorize a change in project funding, Va-Du-Mar McMillan Regional Park Development (PR0008), part of the FY 2010-14 Adopted Capital Improvement Plan. Motion seconded by Ms. Hall and carried. This is a partnership between School District Two and Spartanburg County.
- B. Mr. Jeff Caton, Director of Parks and Recreation, presented information in reference to revised Hospitality Tax Certificate of Participation (COPs) project list. A list of funded projects and delayed projects are included in backup. The funded projects include West Spartanburg Regional Park, Phase I of Countywide Trail System, North Spartanburg Regional Park, and River Access for Outdoor Recreation.
- C. Motion made by Mr. Culbreth to render second 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. The only difference between first and second reading is the sum total and the specific list of projects. Motion seconded by Mr. Britt and carried.

- D. Motion made by Mr. Culbreth to render first 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. The \$13 million resulted from taking out \$6.5 million for the acquisition/renovation of office space for current Evans Building occupants at this time. Motion made by Mr. Mintz to table this item until the next meeting in order for Administration to see if other reductions can be made. Motion seconded by Mr. Brown. Motion failed. Mr. Horton, Mr. Brown, Mr. Britt and Ms. Hall opposed tabling this item. Mr. Culbreth tabled his motion. Motion made by Ms. Hall to move forward with first reading to Ordinance at \$13 million. Motion seconded by Mr. Britt and carried. Mr. Mintz, Mr. Culbreth, and Mr. Foster opposed.

Livability Committee - Hon. Tom Foster, Chairman

No items scheduled.

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. Foster to render first reading to an Ordinance to amend the Unified Land Management Ordinance to establish commercial project design standards and review as amended. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Horton to rescind first reading of an Ordinance to amend the Unified Land Management Ordinance to provide minimum setbacks of commercial and industrial uses from residential units, which occurred at the June 26, 2009 meeting of county council. Motion seconded by Mr. Foster and carried.
- C. 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 authorizing certain economic development incentives including payment of a fee in lieu of property taxes and other related matters pursuant to a fee agreement between Spartanburg County, South Carolina, and DAA Draexlmaier Automotive of America LLC. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to render second 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.
- C. Motion made by Mr. Mintz to render second 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 amended to include all of Council on the Board. Motion seconded by Mr. Britt and carried.

VII.

- A. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 11:00 a.m. on August 8, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Foster 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.

No items scheduled.

X.

Motion made by Mr. Foster to approve minutes of June 15, 2009 (Regular Meeting), June 25, 2009 (Special Meeting), and June 26, 2009 (Special Meeting). Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council