

MINUTES

County Council Meeting

July 18, 2011

Spartanburg County Council met on Monday, July 18, 2011, 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 Roger Nutt, Council Members; along with Glenn Breed, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Deputy County Attorney; and Ginny Dupont, Associate 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 Ken Cash. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Ms. Marica Murff, Parks and Recreation, introduced Ms. Cara Lynn Cannon, Women Giving for Spartanburg Chair. Ms. Cannon presented a check for Tyger River Park Playground from Women Giving for Spartanburg.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement for **Fehrer Automotive North America, LLC** (Project Hunt) to be located in a multi county industrial park and matters relating thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance to authorize the execution and delivery of an amendment to the fee agreement by and between Spartanburg County and **DAA Draexlmaier Automotive of America, LLC** to provide Special Source Revenue Credits; and to provide for other matters thereto. Mr. Vince Pearson, Corporate Counsel, Draexlmaier Automotive of America, LLC, was present to represent Draexlmaier.

The matter was closed.

- C. Chairman Horton declared open a public hearing to consider an Ordinance to amend Section 2-287 of the Spartanburg County Code so as to provide that a bid protest shall be submitted within seven calendar days after receipt of the written intent to award bid notice. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance enlarging the Tyger River Fire Service Area to include certain areas owned by Lyman Warehouse, LLC which currently receives fire protection services from Tyger River Fire Service Area pursuant to a written contract. No one appeared, and the matter was closed.
- E. 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 4:00 p.m. until midnight on Saturday, August 13, 2011 for a drag race at 1792 Dragway Road, Greer. 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 **Greer Dragway** from 4:00 p.m. until midnight on Saturday, August 27, 2011 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

IV.

- A. Ms. Ruby Rice withdrew her request to appear.

V.

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

- A. Motion made by Mr. Britt to adopt a Resolution providing that under providing that under certain conditions, Spartanburg County will enter into an agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina with the **Eaton Corporation**. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and the **Eaton Corporation**; and matters relating thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to adopt a Resolution identifying a project to satisfy the requirements of South Carolina Code Section 12-44-40, so as to allow investment expenditures incurred by **Spartanburg Rehabilitation Institute, Inc.** (including its affiliated and related entities), to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Spartanburg County, South Carolina, to provide for the inclusion of the company in a multi-county business or industrial park, and to commit to enter in necessary agreements with this company to effect the intent of this resolution; and other related matters. Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Jane Hall, Chairman)

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Updated financial data and personnel vacancy reports received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Jim Campbell, Interim Parks Director, and Ms. Marcia Murff, Parks and Recreation, presented a Spartanburg Parks and Recreation Department Update. Mr. Campbell has been meeting with each member of Council to make sure Parks staff, County Administration, and County Council are on the same page and moving in the direction Council envisions for the Parks and Recreation Department.

Public Safety and Judiciary Committee – (Honorable Michael Brown, Chairman)

- A. Updated information received regarding activities of Building Codes Department.

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. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to amend the agreement authorized by Ordinances No. O-09-04, O-10-04 and O-10-14 relating to the Joint County Industrial and Business Park of Spartanburg and Cherokee Counties so as to enlarge the park. **(SEW-Eurodrive) – (Project Gear)** Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement for **Fehrer Automotive North America, LLC** (Project Hunt) to be located in a multi county industrial park and matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance to authorize the execution and delivery of an amendment to the fee agreement by and between Spartanburg County and **DAA Draexlmaier Automotive of America, LLC** to provide Special Source Revenue Credits; and to provide for other matters thereto. Motion seconded by Mr. Culbreth and carried.
- D. Motion made by Mr. Culbreth to render second reading to an Ordinance to amend Section 2-287 of the Spartanburg County Code so as to provide that a bid protest shall be submitted within seven calendar days after receipt of the written intent to award bid notice. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Culbreth to render second reading to an Ordinance enlarging the Tyger River Fire Service Area to include certain areas owned by Lyman Warehouse, LLC which currently receives fire protection services from Tyger River Fire Service Area pursuant to a written contract. Motion seconded by Ms. Hall and carried.

VII.

- A. Mr. Lawrence Flynn, Lister, Flynn & Kelly, PA, presented information in reference to a Resolution calling for a public hearing allowing Spartanburg County to handle the Town of Central Pacolet's elections and related function. There has been a change in the educational requirements that are mandated for members of Municipalities who serve on an Election

Commission. This puts a tremendous burden of time and expense on many of the Municipalities in Spartanburg County. Central Pacolet is requesting this responsibility be transferred to Spartanburg County to relieve Central Pacolet. Motion made by Ms. Hall to adopt Resolution. Motion seconded by Mr. Mintz and carried. Mr. Mintz stated Central Pacolet will be paying the bills for this.

- B. Motion made by Ms. Hall to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the Town of Central Pacolet to the Spartanburg County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Voter Registration and Election Commission for the conduct of Municipal Elections in the Town of Central Pacolet; to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, August 13, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, August 27, 2011 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz 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.

Mr. Britt reported that in the first two weeks of the Sheriff's Command Staff taking over the Jail, they had over \$25,000 in savings on overtime. In the first week, they had over 250 applications for 38 positions. Major Neal Urch is responsible for the Corrections Facility.

X.

Motion made by Mr. Britt to approve minutes of June 1, 2011 (Special Meeting); June 7, 2011 (Economic Recruitment & Development Meeting); and June 8, 2011 (Special Meeting). Motion seconded by Mr. Mintz and carried. Motion made by Mr. Britt to approve minutes of June 20, 2011 (Regular Meeting); June 20, 2011 (Special Meeting – County Attorney Interviews); June 21, 2011 (Special Meeting – County Attorney Interviews); June 23, 2011 (Special Meeting); June 24, 2011 (Special Meeting); June 30, 2011 (Special Meeting); and July 2, 2011 (Special Meeting). Motion seconded by Mr. Culbreth and carried. Mr. Brown requested that the July 2, 2011 minutes reflect that he requested information about the public providing comments, and people in the audience did comment.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council