

# MINUTES

## County Council Meeting

March 15, 2010

Spartanburg County Council met on Monday, March 15, 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; 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. Mr. Don Arnold, Environmental Enforcement Director, led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Ms. Hall to adopt a Resolution proclaiming April 4-10, 2010 as Community Development Block Grant Week in Spartanburg County. Motion seconded by Mr. Foster and carried. Ms. Jamie Steed and Ms. Mallory Beckett, Chairs of CDBG Celebration, received Resolution.
- B. Motion made by Ms. Hall to adopt a Resolution proclaiming April as Fair Housing Month in Spartanburg County. Motion seconded by Mr. Culbreth and carried. Ms. Charlene McKanic, Housing and Construction Services Manager, and Ms. Brenda Oglesby received Resolution.
- C. Motion made by Mr. Brown to adopt a Resolution proclaiming the week of April 11-17, 2010 as Telecommunicators Week. Motion seconded by Mr. Britt and carried. Mr. Keith Lee and Staff received Resolution.
- D. Motion made by Mr. Brown to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Tiffany Lamkin of Spartanburg County Communications/9-1-1 in being named Telecommunicator-of-the-Year. Motion seconded by Mr. Britt and carried.

### III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, and Cooper-Standard Automotive, Inc.; and other matters relating thereto including without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Cooper-Standard Automotive, Inc. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance to amend the jointly owned and operated industrial business park in conjunction with Cherokee County, dated as of April 20, 2009; such industrial/business park being located in Spartanburg County and established pursuant to the South Carolina Code of Laws of 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; and, to provide that jobs tax credits allowed by law be provided for industries locating in said park, and to permit a user fee in lieu of ad valorem taxation. (Cooper-Standard Automotive, Inc.) No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance to consider an Ordinance authorizing a Trust Indenture, Loan Agreement and Mortgage up to \$6,500,000 Spartanburg County Revenue Bonds (Country Club Road ALF, LLC Project), Series 2010A and \$800,000 Spartanburg County Revenue Bonds (Country Club Road ALF, LLC Project), Taxable Series 2010B. The bonds to be issued in this project shall be limited obligations of the county, payable solely from the revenues and other amounts derived from the project and shall not under any circumstances be deemed to constitute a general obligation of the county. The bonds do not and shall never constitute an indebtedness of the county within the meaning of any state constitutional provisions or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the county or a charge against its general credit or taxing power. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to consider a Budget Ordinance to establish Capital Project Budgets for the 2010-2011 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Spartanburg Buddhist Center of SC, Inc. from 5:00 p.m. on Saturday, April 10, 2010 until midnight and 5:00 p.m. on Sunday, April 11, 2010 until midnight for a Cambodian New Year Celebration at 770 Bryant Road, Spartanburg. Ms. Kim Hall appeared to request approval of this item. Matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Ordinance to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association from 10:00 a.m. on Friday, April 23, 2010 until 1:00 a.m. on Sunday, April 25, 2010 for a Water Festival with live band at 470 Fox Drive, Spartanburg. No one appeared, and the matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Ordinance to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, May 8, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- H. Chairman Horton declared open a public hearing to consider an Ordinance to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, May 29, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

### IV.

No appearances were 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 a fee in lieu of tax agreement and an infrastructure finance agreement by and between Spartanburg County, South Carolina and Leigh Fibers, Inc. with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and Leigh Fibers Inc. will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- B. 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 ZF Lemforder Corporation 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.

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

- A. Ms. Kathy Rivers, Director of Community Development Department, presented information in reference to Community Development Block Grant Program and Home Investment Partnerships Program Funding Recommendations during committee. Motion made by Ms. Hall to approve the FY 2010 Annual Action Plan. Motion seconded by Mr. Mintz and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. No action was taken on Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing regarding whether it may be in the interest of the Hilltop Area Fire District for the Spartanburg County Council to authorize the Board of Fire Control to issue General Obligation Bonds of the fire district in the principal amount of not exceeding \$790,000, and authorizing the form of such notice of public hearing. Item did not carry during committee meeting. Committee recommended for this item to go to a referendum.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance amending Spartanburg County Ordinance Number O-05-04 which extends the date for filing returns and the payment of Spartanburg County property taxes for persons serving with United States Armed Forces or National Guard in or near a hazard duty zone in order to add Afghanistan as a hazard duty zone. Motion seconded by Mr. Foster and carried.
- C. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Bill Barnet presented an Update on Sustainability Initiatives. Motion made by Mr. Foster to approve resolution. Motion seconded by Mr. Brown and carried.
- B. Mr. Chris Jennings, Executive Director, Spartanburg Convention and Visitors Bureau, presented a tourism review. No action was taken.
- C. Mr. Bruce Johnson, Parks and Recreation Special Tax District Commission, presented Spartanburg Parks Commission Annual Report Presentation. (Presentation included in backup) No action was taken.

Public Safety and Judiciary Committee – (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Brown to authorize the purchase of .5 acres of land for the Reidville EMS project. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Brown to authorize the Commission of Julie Bentley, new Animal Control Officer, as a Spartanburg County Law Enforcement Officer. Motion seconded by Mr. Foster and carried.
- C. 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 authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, and Cooper-Standard Automotive, Inc.; and other matters relating thereto including without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Cooper-Standard Automotive, Inc. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to amend the jointly owned and operated industrial business park in conjunction with Cherokee County, dated as of April 20, 2009; such industrial/business park being located in Spartanburg County and established pursuant to the South Carolina Code of Laws of 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; and, to provide that jobs tax credits allowed by law be provided for industries locating in said park, and to permit a user fee in lieu of ad valorem taxation. (Cooper-Standard Automotive, Inc.) Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance authorizing a Trust Indenture, Loan Agreement and Mortgage up to \$6,500,000 Spartanburg County Revenue Bonds (Country Club Road ALF, LLC Project), Series 2010A and \$800,000 Spartanburg County Revenue Bonds (Country Club Road ALF, LLC Project), Taxable Series 2010B. The bonds to be issued in this project shall be limited obligations of the county, payable solely from the revenues and other amounts derived from the project and shall not under any circumstances be deemed to constitute a general obligation of the county. The bonds do not and shall never constitute an indebtedness of the county within the meaning of any state constitutional provisions or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the county or a charge against its general credit or taxing power. 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-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03, No. O-03-13, and No. O-08-29 relating to the joint county Industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (Leigh Fibers, Inc. and ResMed, Inc.) Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render second reading to a Budget Ordinance to establish Capital Project Budgets for the 2010-2011 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Mintz and carried.

VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Spartanburg Buddhist Center of SC, Inc. from 5:00 p.m. on Saturday, April 10, 2010 until midnight and from 5:00 p.m. on Sunday, April 11, 2010 until midnight for a Cambodian New Year Celebration at 770 Bryant Road, Spartanburg. Motion seconded by Mr. Foster and carried. Mr. Mintz opposed.
- B. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association from 10:00 a.m. on Friday, April 23, 2010 until 1:00 a.m. on Sunday, April 25, 2010 for a Water Festival with live band at 470 Fox Drive, Spartanburg. Motion seconded by Mr. Foster and carried. Mr. Mintz opposed.
- C. Motion made by Mr. Mintz to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, May 8, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Culbreth and carried. Mr. Britt opposed.
- 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. on Saturday, May 29, 2010 until midnight 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 congratulated Wofford College and wished them well in competing in their first NCAA tournament.

X.

Motion made by Mr. Culbreth to approve minutes of February 8, 2010 (Regular Meeting). Motion seconded by Mr. Foster and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

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

Attest:

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Deborah C. Ziegler  
Clerk to Council