

# MINUTES

## County Council Meeting

June 16, 2008

Spartanburg County Council met on Monday, June 16, 2008, 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, 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 Chaplain Jerry Clevenger. Chaplain Clevenger also led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Horton to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Boiling Springs High School's Baseball Team, The Bulldogs, for winning the 2008 4A State Championship. Motion seconded by Mr. Mintz and carried. Dr. Scott Mercer, Boiling Springs High School Principal, and Jeff Lipscomb, Head Coach, received Resolution.
- B. Motion made by Mr. Culbreth to adopt a Resolution proclaiming June 2008 as National Homeownership Month in Spartanburg County. Motion seconded by Mr. Foster and carried. Ms. Kathy Rivers, Community and Economic Development Director, received Resolution.
- C. Chairman Horton recognized additional Graduates of the Second Spartanburg County Citizens' Academy.

### III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. 543, as previously amended by Ordinance Nos. O-05-10 and O-05-20, relating to the Joint County

Industrial Park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Adidas Sales, Inc.) No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the amendment and restatement of Ordinance No. O-07-17 authorizing the development of a Joint-County Industrial and Business Park in Spartanburg County in conjunction with Union County. A written agreement with Union County to provide for the manner by which expenses and revenues from such park will be allocated, and a written agreement with the City of Spartanburg consenting to the creation of such park and relating to the allocation and payment of certain fee-in-lieu of tax revenues from said park. (Easton (Lan-Yair) Multi-County Industrial Park) No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement between Spartanburg County and Iljin America Corp. and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to authorizing the Board of Fire Control of the Mayo Area Fire District in Spartanburg County to issue General Obligation Bonds in the principal amount of not exceeding \$400,000 to be issued by the Mayo Area Fire District subject to the results of a favorable referendum in the district; and other matters relating thereto. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance finding that Woodruff-Roebuck Water District may issue not exceeding \$2,388,000 General Obligation Bonds; to authorize Woodruff-Roebuck Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. 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 Austin D. Kelley Jr. from 5:00 p.m. until 8:00 p.m. on June 28, 2008, for a Neighborhood Watch Block Party at 301, 303, and 305 North Celestial Drive, Greer. No one appeared, and the matter was closed.

#### IV.

No appearances scheduled.

#### V.

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

- A. Motion made by Mr. Britt to authorize the County Administrator to execute documents related to a Right-of-Way transfer from Spartanburg County to Duke Energy Carolinas, LLC to allow for the relocation of utilities for the BMW expansion project. Motion seconded by Mr. Foster and carried.

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

- A. Mr. Chris Story, Mr. Don Arnold, Environmental Enforcement Director, and Fire Marshal Bill Hall, presented information in reference to an Ordinance to regulate Open Burning. Council directed Administration to pursue the alternatives.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to adopt the Spartanburg County Ethics Policy. Motion seconded by Mr. Adams and carried.
- B. Updated financial and personnel vacancy reports were received.

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. 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 jointly owned and operated Industrial Business Park in conjunction with Union County, dated as of July 11, 1994; 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 Union 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. (Lubrizol Advanced Materials, Inc. – Herald-Journal Industrial Park) Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance as amended to establish Capital Project Budgets for the 2008-2009 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Adams and carried. Motion made by Mr. Mintz to delete Amendments 2 and Amendments 3 of the Administrator's Amendments relating to the fire departments. Mr. Mintz stated that Council needs to be consistent with all the fire departments. Mr. Mintz was advised that his motion would need to be made under Item C as it relates to the Operating Budget. This motion could not be voted upon because it did not relate to this item and another motion was on the floor. Motion made by Mr. Brown to amend the Capital Improvement Budget as it relates to the County Detention Center to exclude the cost of construction for the Detention Center with the understanding that the cost of planning and design expenditures will remain in place with the architectural firm at this time. Mr. Haskell stated a motion and a second are on the floor to approve. Any other motion would be inappropriate until the first motion is handled. Therefore, this motion could not be voted upon, because there was another motion on the floor. Mr. Gates stated that Council still has to settle on a design. The second hurdle would be to issue bonds. We would probably not be seeking issue until early 2009. Council would then have to agree to the issuance of the bonds. If Council accepts this, the expenditure of the money is authorized, but at least two additional items have to happen before anything begins. Design alternatives can still be reviewed and changed during this time. Questions were raised in regard to the proposed Water Park. Mr. Gates stated the study is being paid out of the current year. The Amendments on the Capital Budget

separated out the Water Park specifically from the Westside Regional Park. The Water Park stands alone as a Capital Project. It is in there at a total amount of \$650,000 to begin the planning at some point in FY09 the development of the Water Park. The location and construction of the Water Park are contingent on a Market and Feasibility Study scheduled for completion in the summer of 2008. Mr. Gates stated that language can be written into the enacting provisions of the Ordinance which set the condition up that none of the money shall be expended until Council has accepted the findings of the Water Park Market Analysis. Upon such time as the Market Analysis is complete, and Council by vote accepts it, the money appropriated in the Budget would be available. Motion made by Mr. Britt to amend his motion to render third reading to an Ordinance as amended to establish Capital Project Budgets for the 2008-2009 Budget Year of the Five-Year Capital Improvement Plan with the enacting provisions included. Motion seconded by Mr. Adams. Motion carried. Mr. Brown, Mr. Mintz, and Mr. Culbreth opposed.

- C. Motion made by Mr. Britt to render third reading to a Budget Ordinance as amended relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2008 and ending June 30, 2009; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Adams and carried. Mr. Mintz stated he would like to amend the Road Fee section of this Ordinance to take Seniors 67 years old and up off. Motion seconded by Mr. Culbreth. This motion could not be voted upon because another motion was on the floor. Mr. Mintz stated that he can do this and referenced an Attorney General's Opinion. Vote was taken on the motion made by Mr. Britt and seconded by Mr. Adams to render third reading to Budget Ordinance as amended relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2008 and ending June 30, 2009; to provide for budget control of said appropriation by the Spartanburg County Council. Mr. Brown, Mr. Mintz, and Mr. Culbreth opposed.
- D. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. 543, as previously amended by Ordinance Nos. O-05-10 and O-05-20, relating to the Joint County Industrial Park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Adidas Sales, Inc.) Motion seconded by Mr. Adams and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the amendment and restatement of Ordinance No. O-07-17 authorizing the development of a Joint-County Industrial and Business Park in Spartanburg County in conjunction with Union County. A written agreement with Union County to provide for the manner by which expenses and revenues from such park will be allocated, and a written agreement with the City of Spartanburg consenting to the creation of such park and relating to the allocation and payment of certain fee-in-lieu of tax revenues from said park. (Easton (Lan-Yair) Multi-County Industrial Park) Motion seconded by Mr. Foster and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee 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. Adams and carried.
- G. Motion made by Mr. Mintz to render second reading to an Ordinance authorizing the Board of Fire Control of the Mayo Area Fire District in Spartanburg County to issue General Obligation Bonds in the principal amount of not exceeding \$400,000 to be issued by the Mayo Area Fire District subject to the results of a favorable referendum in the district; and other matters relating thereto. Motion seconded by Mr. Britt and carried.
- H. Motion made by Mr. Britt to render second reading to an Ordinance finding that Woodruff-Roebuck Water District may issue not exceeding \$2,388,000 General Obligation Bonds; to authorize Woodruff-Roebuck Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Foster and carried. Mr. Brown, Mr. Mintz, and Mr. Culbreth opposed.

VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Austin D. Kelley Jr. from 5:00 p.m. until 8:00 p.m. on June 28, 2008, for a Neighborhood Watch Block Party at 301, 303, and 305 North Celestial Drive, 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.

Mr. Mintz recommended considering a mandate that all County vehicles and equipment be shut off when they are not being used, except the equipment that is run in the winter by Roads and Bridges and the Landfill when the temperature drops below freezing. Mr. Breed stated Public Works and Building Codes have started working four ten hour days per week in order to conserve fuel by not running the vehicles on Friday. Mr. Breed suggested possibly coming back with some alternatives to fuel consumption that might include some options with regard to idling and maybe look at some of the other policies that the County has in place regarding take home vehicles and the vehicles assigned to various departments. Chairman Horton requested that Administration handle this, since this would not require a vote from Council. Mr. Mintz stated that he would like to discuss Jails at the next meeting an also the Road Maintenance Fee.

X.

Motion made by Mr. Britt to approve minutes of May 13, 2008 (Special Meeting) and May 19, 2008 (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