

# MINUTES

## County Council Meeting

May 18, 2009

Spartanburg County Council met on Monday, May 18, 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. Ms. Hall presented a Resolution proclaiming the month of May 2009 as Mental Health Month in Spartanburg County. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Brown and carried. Ms. Jane Clemmer, New Day Clubhouse, received Resolution.
- B. Chairman Horton recognized Ms. Janet Lowe, Ms. Linda Pruitt, and the March of Dimes Leadership Team. A record \$9,651.00 was raised this year for March of Dimes.
- C. Chairman Horton recognized the Graduates of the Project Civics Class at Spartanburg County Alternative School.
- D. Chairman Horton recognized the Graduates of the Spartanburg County Citizens' Academy.

### III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance amending Section 30.27 of the Code of the County of Spartanburg, South Carolina to change the time during which certain motorized racing of vehicles is exempt from the provisions of Spartanburg County Noise Restrictions from 10:00 p.m. to 11:00 p.m. and to amend Section 30-33 of the Code of the County

of Spartanburg, South Carolina to change the time for publishing the first notice of the public hearing for the special event exclusions from 21 days to 15 days. No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2009 and ending June 30, 2010; to provide for budget control of said appropriation by the Spartanburg County Council. Mr. Walter McSherry, 108 Idlewylde Court, Spartanburg, appeared to speak in opposition to the proposed budget. Ms. Lucille Dismukes, Spartanburg, also appeared to speak in opposition to the proposed budget. Ms. Dismukes comments are included in backup. The matter was closed.
- C. Chairman Horton declared open a public hearing to consider a Budget Ordinance to establish Capital Project Budgets for the 2009-2010 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance providing for the issuance and sale of revenue bonds (Solid Waste Landfill Projects) of Spartanburg County, South Carolina, and other matters relating thereto. 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 Mr. Jeff M. Brown, T-Bro Entertainment from 12:00 noon on June 19, 2009 until 1:00 a.m. on June 20, 2009, and 12:00 noon on June 20, 2009 until 1:00 a.m. on June 21, 2009, for a Music Concert at 190 Childress Road. Mr. Jeff Brown was present to answer any questions. 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 adopt an Inducement Resolution identifying a project to satisfy the requirements of Title 12, Chapter 44 of the Code of Laws of South Carolina, as amended, so as to allow investment expenditures incurred by Iljin America Corp. to qualify as expenditures eligible for a fee in lieu of tax arrangement and special source revenue credit arrangement with Spartanburg County, South Carolina; and committing to enter into such necessary agreements with Iljin America Corp. to effectuate the intent of this resolution; and other matters related thereto. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to render first 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.

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

- A. No items scheduled.

##### Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to approve the Accommodations Tax Advisory Committee

Recommendations for Fiscal Year 2010. Motion seconded by Mr. Britt and carried.

- B. Mr. Robert Galloway, Haynsworth Sinkler Boyd, presented information in reference to Ordinance designed to expand the verbiage in connection with use of proceeds at University of South Carolina Upstate of a General Obligation Bond that was done in 2007. There are some remaining proceeds of the bond issue, and this is just a technical expansion of the language in the 2007 Ordinance to permit the use of remaining proceeds of the remainder of that project at USC Upstate. Motion made by Mr. Britt to render first reading to an Ordinance amending Ordinance No. O-07-22 entitled "an Ordinance to provide for the issuance and sale of not exceeding four million dollars (\$4,000,000) General Obligation Bonds, Series 2007, 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 Mr. Horton and carried.
- C. Mr. Chris Story and Mr. Steve Ford, Acting County Tax Collector, presented an update on improvements to Delinquent Tax Office processes and customer service. Presentation is included in backup.
- D. Updated financial and personnel vacancy reports were received.

#### Livability Committee – (Honorable Tom Foster, Chairman)

- A. Motion made by Mr. Foster to adopt a Resolution authorizing application for USDA Rural Business Enterprise Grant Funding to support efforts to develop a Countywide Tourism Plan. Motion seconded by Mr. Brown and carried.

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

- A. Motion made by Mr. Brown to render first 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. Culbreth. Mr. Culbreth stated that he did not agree with the \$500 fine levied against those that do not register within a timely manner. Mr. Culbreth requested that the fine be reduced to \$250. Mr. Mintz recommended part of the money in the fines be earmarked to go back to the departments providing the emergency service. Mr. Mintz also recommended looking at an annual fee, because someone will have to be hired to track this. Mr. Breed stated the programs and the personnel on staff are prepared to implement the program without any additional staff or any additional software purchases. This is not going to be a revenue generator. The intent of the Ordinance is to allow better use of the resources that are dispatched. The idea is to minimize the false alarm and the necessary equipment to dispatch to the false alarm location. Mr. Breed stated Council has the prerogative to do whatever they need to do necessary to get the money back in the hands of an individual department, but this is not going to involve a lot of money. Mr. Mintz stated that we hope it is not, but requested that Administration research this. Motion made by Mr. Brown to amend the fine from \$500 to \$250 for those that do not register in a timely manner. Amended motion seconded by Mr. Culbreth and carried. Motion made by Mr. Brown to render first reading to the Ordinance as amended. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Brown to authorize the Commission of Scott C. Gambrell, new Animal Control Officer, as a Spartanburg County Law Enforcement Officer. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Brown to authorize the Commission of Allison R. Ezell, Development Coordinator, Planning and Development Department, as a Spartanburg County Code Enforcement Officer. Motion seconded by Mr. Culbreth and carried.
- D. Information received regarding activities of the Building Codes Department.

#### Land Use Committee (Honorable Jeff Horton, Chairman)

No items scheduled.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

A. Information received regarding activities of the Public Works Department.

VI.

- A. 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 and authorizing the revisions to the Ordinance regarding the distribution of revenues according to student population was carried over.
- B. 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 was carried over.
- C. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and Wal-Mart Stores East, LP, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than thirteen million five hundred thousand dollars (\$13,500,000) investment and a special source revenue credit. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Mintz to render third reading to an Ordinance amending Section 30.27 of the Code of the County of Spartanburg, South Carolina to change the time during which certain motorized racing of vehicles is exempt from the provisions of Spartanburg County Noise Restrictions from 10:00 p.m. to 11:00 p.m. and to amend Section 30-33 of the Code of the County of Spartanburg, South Carolina to change the time for publishing the first notice of the public hearing for the special event exclusions from 21 days to 15 days. Motion seconded by Mr. Culbreth and carried.
- E. Motion made by Mr. Culbreth to postpone second reading to a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2009 and ending June 30, 2010; to provide for budget control of said appropriation by the Spartanburg County Council until Council has had an opportunity to have a Workshop involving entire Council. Motion seconded by Mr. Mintz and carried.
- F. Motion made by Mr. Mintz to render second reading to a Budget Ordinance to establish Capital Project Budgets for the 2009-2010 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Foster and carried. Mr. Culbreth opposed.
- G. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, and United Tool and Mold, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Foster and carried.
- H. Motion made by Mr. Britt to render second reading to an Ordinance to develop a new jointly owned and operated Industrial/Business Park in conjunction with Union County, such new Industrial/Business Park to be geographically located in Spartanburg County and the City of Spartanburg and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a new written agreement with Union County providing for the expenses of the new park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; to provide that jobs tax credits allowed by law be provided for businesses locating in said new park; to permit a user fee in lieu of ad valorem taxation within said new park; and to provide for a new intergovernmental agreement with the City of Spartanburg. (Business Corridor) Motion seconded by Mr. Brown and carried.
- I. Motion made by Mr. Foster to render second reading to an Ordinance providing for the issuance and

sale of revenue bonds (Solid Waste Landfill Projects) of Spartanburg County, South Carolina, and other matters relating thereto. Motion seconded by Mr. Mintz and carried.

- J. Motion made by Mr. Britt to render second reading to an Ordinance providing for the issuance and sale of a not exceeding \$17,000,000 Revenue Bonds (Solid Waste Landfill Projects), Series 2009, of Spartanburg County, South Carolina, for the expenditure of the proceeds thereof, for the payment of said bond, and other matters relating thereto. Motion seconded by Mr. Foster and carried.

## VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Mr. Jeff M. Brown, T-Bro Entertainment from 12:00 noon on June 19, 2009 until 1:00 a.m. on June 20, 2009, and 12:00 noon on June 20, 2009 until 1:00 a.m. on June 21, 2009, for a Music Concert at 190 Childress Road. Motion seconded by Mr. Culbreth 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.

- A. Dates for a Special Council meeting to be held after May 21 and prior to June 2 to receive information regarding Community Development Block Grant Recovery Program (CDBG-R) Amendment to FY 2008 Annual Action Plan and a Budget Workshop were discussed. Meeting will be scheduled for May 27 or May 28, 2009.

## X.

Motion made by Mr. Foster to approve minutes of April 20, 2009 (Regular Meeting). Motion seconded by Mr. Mintz and carried.

## XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

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

Attest:

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Deborah C. Ziegler  
Clerk to Council