

MINUTES

County Council Meeting

January 25, 2010

Spartanburg County Council met on Monday, January 25, 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, Jane Hall, Dale Culbreth, and Tom Foster, Council Members; along with Glenn Breed, County Administrator; and Edwin Haskell, County Attorney. Honorable David Britt was absent.

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. Nathan McDowell, First Baptist Spartanburg Boy Scout Troop 5, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the dedicated service of Bobby Joe Humphries to the Mayo Fire Department. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the exceptional and meritorious service of Chief John Hall, Chief Phill Jolley, Assistant Chief Edward Cooley, Chief Eddie McNeill and Chief Dale Worthy for their years of commitment to the Spartanburg County Fire Prevention and Protection Advisory Committee. Motion seconded by Mr. Mintz and carried. Chief Phill Jolley was unable to attend.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to authorize the execution and delivery of various documents in order to fund a portion of the costs associated with the environmental cleanup of property known as the Victor Mill project; to authorize the execution and

delivery of those documents in connection therewith; and other matters relating thereto. Mr. Tom McAbee, President, Victor Mill Community Association, expressed the gratitude of the Victor Mill Community Association to members of County Council for their support in the cleaning up of the Victor Mill site, to Representative Harold Mitchell for seeking federal funds, and to County Administration for their diligent work on this project. They believe the Victor Mill site has potential for economic development. The Victor Mill Community Association requested authorization of the loan documents that are needed to fund the clean up of the Victor Mill site. The matter was closed.

- B. 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. on Saturday, March 6, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- C. 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. on Saturday, March 20, 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. Horton to adopt Resolution authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina and Cooper-Standard Automotive, Inc., whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than six million dollars (\$6,000,000) investment and Spartanburg County will provide an infrastructure tax credit. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Horton to render first 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. Brown and carried.
- C. Motion made by Mr. Horton to render first 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. Brown and carried.
- D. Motion made Mr. Horton to render first 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.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Cole Alverson, Program Evaluation Manager, presented the FY 2009/10 2nd Quarter Capital Improvement Plan Status Report. Presentation and Capital Projects Status Report are included in backup. No action was taken.
- B. Budget Presentation made by Mr. Glenn Breed. Presentation included in backup.
- C. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

No items scheduled.

Public Safety and Judiciary Committee – (Honorable Jeff Horton, 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. Chairman Mintz presented information in reference to a request from Renewable Water Resources regarding a proposed Resolution endorsing the 2009 Upstate Roundtable's 20 year strategic plan. On October 19, 2009 Mr. Glen McManus, Director of Operations, Renewable Water Resources, presented information in reference to the 2009 Upstate Roundtable Report (20-year strategic plan). County Council must approve all water and sewer projects. Motion made by Mr. Mintz to adopt Resolution endorsing the 2009 Upstate Roundtable's 20 year strategic plan. Motion seconded by Mr. Culbreth. Ms. Hall stated that with the Appalachian Council of Governments this past week, it was advised to table this Resolution from ACOG perspective until some other further investigation could be done. Ms. Hall recommended holding off on taking action on this item until hearing from the ACOG committee as to how they feel about this Resolution. Mr. Mintz stated that he also serves on the Appalachian Council of Governments, and he asked Mr. Dirk Reis, Appalachian Council of Governments, immediately after the meeting what his thoughts were regarding if Council should go ahead and pass this Resolution. Spartanburg has such a very small part in the Enoree basin, Mr. Reis suggested Council adopting Resolution. The questions some of the Appalachian Council of Governments committee had were referring mostly to Greenville and possibly Pickens. Mr. Mintz also spoke with Mr. Breed and Ms. Sue Schneider, General Manager, Spartanburg Sanitary Sewer District. Ms. Schneider approved passing this Resolution as long as everyone understands that County Council does have the final approval on all water and sewer projects. Mr. Breed stated that for the record County Council has the final say on any water and sewer projects. Ms. Hall stated that Spartanburg Sanitary Sewer District does not come down into the Enoree basin which feeds into the

Woodruff and Enoree area. Ms. Hall recommended holding until further investigation is done on the Appalachian Council of Governments level. Mr. Culbreth withdrew his second. This item will be carried over until Appalachian Council of Governments states its position on this item.

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

VI.

A. Motion made by Ms. Hall to render second reading to an Ordinance to authorize the execution and delivery of various documents in order to fund a portion of the costs associated with the environmental cleanup of property known as the Victor Mill project; to authorize the execution and delivery of those documents in connection therewith; and other matters relating thereto. Motion seconded by Mr. Culbreth and carried.

B. Motion made by Mr. Brown to render second reading to an Ordinance to repeal Ordinance O-09-20 relating to provisions for False Alarms in its entirety. Motion seconded by Mr. Culbreth and carried.

VII.

No items scheduled.

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.

February Council meeting has been moved to Monday, February 8, 2010.

X.

Motion made by Mr. Mintz to approve minutes of December 21, 2009 (Regular Meeting). Motion seconded by Ms. Hall and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____

Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council