

# MINUTES

## County Council Meeting

June 15, 2009

Spartanburg County Council met on Monday, June 15, 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. Assistant Fire Chief Scott Miller, Boiling Springs Fire Department, led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Britt to adopt a Resolution congratulating and recognizing the Phoenix Racing Team for winning the NASCAR Sprint Cup in Talladega, Alabama and the NASCAR Nationwide Series Carquest Auto Parts 300 Race in Concord, North Carolina. Motion seconded by Mr. Mintz and carried. Mr. Steve Barkdoll, General Manager, Phoenix Racing Team, received Resolution.
- B. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the exceptional and meritorious service of all the agencies who responded to the search for 2-year-old William Eschenbach on March 17 and 18, 2009. Motion seconded by Mr. Mintz and carried. The agencies recognized were Spartanburg County Sheriff's Office, Emergency Medical Services, Spartanburg County Roads and Bridges, Fire Marshal Office, Spartanburg County Office Emergency Management, Community Emergency Response Team/SCOEM, Boiling Springs Fire Department, Poplar Springs Fire Department, Greenville County Sheriff's Office, Spartanburg County 911/TDT Team, South Carolina Emergency Management Division, Pelham Batesville Fire Department, and North and South Carolina Search and Rescue Dog Association.
- C. Motion made by Mr. Britt to adopt a Resolution recognizing and welcoming WWII Veterans of the USS Cowpens to the Mighty Moo Festival and Reunion and proclaiming the week of June 15-19, 2009, as "Mighty Moo Week" in Spartanburg County. Motion seconded by Mr. Foster and carried.

Ms. Jan Humphries, Cowpens Mighty Moo Festival Committee, and USS Cowpens Crew Veterans received Resolution.

- D. Motion made by Mr. Britt to adopt a Resolution proclaiming June 2009 as National Homeownership Month in Spartanburg County. Motion seconded by Mr. Brown and carried. Ms. Jane Hall presented Resolution to Ms. Brenda Oglesby, Housing Services Specialist, Community and Economic Development Department.

### 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 United Tool and Mold, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider 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) No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider 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." No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider 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. Assistant Chief Scott Miller, Boiling Springs Fire Department, 239 Red Fox Lane, Chesnee, appeared to discuss the False Alarm Ordinance. Mr. Miller supports the concept, but expressed his concerns regarding the Ordinance. An email sent to Mr. Breed expressing Mr. Miller's concerns was distributed and is included in backup. Matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Ordinance to provide for the issuance and sale of not exceeding five million six hundred thousand dollars (\$5,600,000) General Obligation Refunding Bonds, Series 2009A, 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. No one appeared, and the matter was closed.

- H. 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 11:00 a.m. on Saturday, July 11, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- I. 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 11:00 a.m. on Saturday, July 25, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

#### IV.

No appearances scheduled.

#### V.

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

- A. No item scheduled.

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

- A. Mr. Tony Bell, Director of Human Resources, presented information on the Spartanburg County Employee Health Clinic.

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

- A. Motion made by Mr. Culbreth to render first reading to an Ordinance for the purpose of establishing the Spartanburg County Tourism Public Facilities Corporation, stating its purposes and appointing the members to the Board of Directors of the Spartanburg County Tourism Public Facilities Corporation. Motion seconded by Mr. Foster and carried. Mr. Mintz opposed.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing Spartanburg County, South Carolina, to execute documents including a ground lease agreement by and between Spartanburg County, South Carolina and Spartanburg County Tourism Public Facilities Corporation, a lease agreement by and between Spartanburg County, South Carolina and Spartanburg County Tourism Public Facilities Corporation relating to the issuance of not exceeding \$30,000,000 Spartanburg County Tourism Public Facilities Corporation Certificates of Participation, Series 2009; consenting to the issuance of Certificates of Participation in the lease agreement in the aggregate principal amount of not exceeding \$30,000,000; approving the form of a trust agreement between Spartanburg County Tourism Public Facilities Corporation and the Trustee named thereunder; and other matters relating thereto. Motion seconded by Mr. Foster and carried. Mr. Mintz opposed.
- C. Updated financial and personnel vacancy reports were received.

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

- A. Mr. Winston Anderson, Facilities Manager, introduced Mr. Dan Dowell, Energy Systems Group. Mr. Dowell presented information in reference to potential improvements to County facilities to reduce environmental impact and energy consumption. Presentation is included in backup.
- B. Mr. Chris Story presented information in reference to utilization of County's Energy Efficiency and Conservation Block Grant funding through the American Reinvestment and Recovery Act.

- C. Mr. Chris Story presented information in reference to County's receipt of a Diesel Emissions Reduction Act Grant.
- D. Mr. Jeff Caton, Director of Parks and Recreation, presented an Update on West Spartanburg Regional Park. Presentation is included in backup.

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

- A. Ms. Linda Blackerby, Budget Management Director, presented information in regards to False Alarms in particular as it relates to the number of false alarms in Spartanburg County through this past calendar year and information with regards to benchmarking with other larger counties that may be similarly situated.
- B. Information received regarding activities of the 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 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 as amended at prior Council meeting. The Parks and Recreation amendment at prior meeting was to reduce the Administrator's Recommended Budget for the Parks Commission by \$250,293 downward from \$4,965,691 to \$4,715,398. Motion seconded by Mr. Foster and carried. Mr. Mintz and Mr. Culbreth opposed.
- B. Motion made by Mr. Britt to render third 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.
- C. 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 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. Brown and carried.
- D. Motion made by Mr. Britt to render third 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.
- E. Motion made by Mr. Britt to render third 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. Foster and carried.

- F. Motion made by Mr. Foster to render third 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. Britt and carried.
- G. Motion made by Mr. Britt to render third 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. Brown and carried.
- H. Motion made by Mr. Britt to render second 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. Brown and carried.
- I. Motion made by Mr. Brown to hold over 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. Britt and carried.
- J. Motion made by Mr. Britt to render second reading to an Ordinance to provide for the issuance and sale of not exceeding five million six hundred thousand dollars (\$5,600,000) General Obligation Refunding Bonds, Series 2009A, 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. Brown and carried.

#### VII.

- A. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by requested by Greer Dragway from 11:00 a.m. on Saturday, July 11, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 11:00 a.m. on Saturday, July 25, 2009 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.

Chairman Horton clarified that it had previously been cleared for Mr. Britt to participate in matters relating to the Spartanburg Humane Society. Mr. Britt brought to the attention of Council when he discussed the Humane Society that his wife serves on the Humane Society Board. This is a nonprofit organization, and neither Mr. Britt, nor his wife, would benefit economically from this endeavor. Mr. Britt had cleared previously with Council that he could vote on this matter.

X.

Motion made by Mr. Foster to approve minutes of May 12, 2009 (Special Meeting), May 18, 2009 (Regular Meeting), and May 28, 2009 (Special Meeting). Motion seconded by Mr. Culbreth and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

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

Attest:

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Deborah C. Ziegler  
Clerk to Council