

# MINUTES

## County Council Meeting

September 15, 2008

Spartanburg County Council met on Monday, September 15, 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 Rev. Weldon Burnett, Northside Missionary Baptist Church. Cameron Sanders, First Presbyterian Boy Scout Troup, led in reciting the Pledge of Allegiance.

### II.

No presentations scheduled.

### III.

- A. Chairman Horton declared open a public hearing to consider the proposed removal of an abandoned cemetery. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing a fee-in-lieu-of-tax arrangement on behalf of Master Precision Global, LLC (The "Company") pursuant to a fee-in-lieu-of-tax agreement between Spartanburg County, South Carolina (The "County") and the company; authorizing a 5-year extension of the investment period for all investments over the initial \$6,000,000 investment; and other matters relating to the foregoing. 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 in lieu of tax agreement and an infrastructure finance agreement by and among

Spartanburg County, South Carolina, Lear Operations Corporation and ACPS, LLC with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and ACPS, LLC will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. No one appeared, and the matter was closed.

- D. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and Epsilon Plastics, Inc. 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. No one appeared, and the matter was closed.
- E. 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, O05-20 and O-08-14, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Lear Operations Corporation and ACPS, LLC, Epsilon Plastics, Inc.) 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 so as to redefine Wrecker Service Zones, to provide for Wrecker Service Operators to respond to calls within one hour, and to allow the County Administrator to provide for his designee to remove Wrecker Service Operators from the approved list of the County Sheriff's Office. No one appeared, and the matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and Johnson Development Associates, Inc., its affiliates and assigns, to provide for a fee in lieu of taxes incentive, including the grant of an infrastructure credit; to provide for the inclusion of the project in a multi-county business or industrial park; and other matters thereto related. 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 Goodwill Industries Foundation from 5:00 p.m. until 7:00 p.m. on Thursday, September 18, 2008, and from 8:00 a.m. to 5:00 p.m. on Saturday, September 20, 2008, for a Fundraiser at 2755 South Highway 14, 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 Wompus Woods Entertainment from 5:00 p.m. until 12:00 midnight nightly from October 3, 2008 through November 1, 2008, for a Halloween Haunted Trail at 231 Parris Road, Cowpens. No one appeared, and the matter was closed.
- J. 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. until 12:00 midnight on Saturday, October 4, 2008, and Saturday, November 22, 2008, 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. Mr. Chip Bentley, Planning Services Director, Appalachian Council of Governments, presented information in reference to the Appalachian Council of Governments 2008 Comprehensive

Economic Development Progress Report. The Spartanburg County Element of the 2008 Annual Report is included in backup.

- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Spartanburg County, South Carolina ("the County") and Project PV, acting for itself or an affiliate or other project sponsor, (the "Company"), whereby, under certain conditions, the County shall grant incentives to the company in connection with the expansion of certain manufacturing facilities in the County (the "Project"); (2) the County to covenant in such Incentive Agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the project; (3) the benefits of a multi-county park to be made available to the company; and (4) other matters relating thereto. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance to develop, pursuant to Sec. 4-1-170 of the South Carolina Code of Laws, 1976, as amended, a jointly owned and operated Industrial/Business Park, to be known as the Congaree Bio Energy Multi-County Park, in conjunction with Union County, South Carolina, such Industrial/Business Park to be geographically located in Union County, South Carolina; to provide for a written agreement with Union County as to the sharing of the revenues and expenses of the park; to provide for the distribution of revenues from the park among the taxing entities having jurisdiction over the park; to provide for a user fee in lieu of ad valorem taxation; and other matters related thereto. Motion seconded by Mr. Foster 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. Glenn Breed presented information in reference to the Road Maintenance Fee followed by discussion. Presentation is included in backup. No motions were made on this item.
- B. Mr. Tom Gates presented information in reference to Other Post Employment Benefits (OPEB) and GASB (Governmental Accounting Standards Board) related accounting requirements. Presentation is included in backup.
- C. Ms. Linda Blackerby, Budget Management Director, presented information in reference to State Reductions to Local Government Fund Revenue. Presentation is included in backup.
- D. Ms. Linda Blackerby, Budget Management Director, presented information in reference to Hospitality Tax Collections. Presentation is included in backup.
- E. Mr. Tom Gates presented information in reference to General Obligation Bonds. Motion made by Mr. Culbreth to render first reading to an Ordinance to provide for the issuance and sale of not exceeding four million one hundred thousand dollars (\$4,100,000) General Obligation Bonds, Series 2008, 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. Foster and carried.
- F. Updated financial and personnel vacancy reports were received.

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

- A. Mr. Chris Story and Staff Team presented information in reference to Derelict Mobile Homes. Presentation is included in backup. Presentation was for information purposes. No action was taken.

#### 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.

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

A. Mr. Joe Maddox, Attorney for Petitioner, presented information in reference to authorizing Facilities Group of South Carolina, Inc. to search for graves on property located in Boiling Springs at the Intersection of Highway 9 and Rainbow Lake Road owned by Facilities Group of South Carolina and if found to move them to a suitable location. Mr. Roy Hall spoke on this during the Public Works Committee meeting. Mr. Hall presented information about heirs to the property. He was not in opposition to the search being done by Jimmy Dunbar. Motion made by Mr. Mintz to authorize search and removal if graves are found. Motion seconded by Mr. Britt and carried.

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

## VI.

A. Motion made by Mr. Britt to render second reading to an Ordinance authorizing a fee-in-lieu-of-tax arrangement on behalf of Master Precision Global, LLC (The "Company") pursuant to a fee-in-lieu-of-tax agreement between Spartanburg County, South Carolina (The "County") and the company; authorizing a 5-year extension of the investment period for all investments over the initial \$6,000,000 investment; and other matters relating to the foregoing. Motion seconded by Mr. Brown and carried.

B. 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 and an infrastructure finance agreement by and among Spartanburg County, South Carolina, Lear Operations Corporation and ACPS, LLC with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and ACPS, LLC will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Culbreth and carried.

C. 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 by and between Spartanburg County, South Carolina and Epsilon Plastics, Inc. 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. Culbreth and carried.

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, O05-20 and O-08-14, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Lear Operations Corporation and ACPS, LLC, and Epsilon Plastics, Inc.) Motion seconded by Mr. Brown and carried.

E. Motion made by Mr. Britt to render second reading to an Ordinance amending the Spartanburg County Code so as to redefine Wrecker Service Zones, to provide for Wrecker Service Operators to respond to calls within one hour, and to allow the County Administrator to provide for his designee to remove Wrecker Service Operators from the approved list of the County Sheriff's Office. 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 by and between Spartanburg County, South Carolina, and Johnson

Development Associates, Inc., its affiliates and assigns, to provide for a fee in lieu of taxes incentive, including the grant of an infrastructure credit; to provide for the inclusion of the project in a multi-county business or industrial park; and other matters thereto related. Motion seconded by Mr. Culbreth and carried.

#### VII.

- A. Motion made by Mr. Foster to authorize the County Administrator to execute agreement to settle Fowler legal claim. Motion seconded by Mr. Adams and carried.
- B. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Goodwill Industries Foundation from 5:00 p.m. until 7:00 p.m. on Thursday, September 18, 2008, and from 8:00 a.m. to 5:00 p.m. on Saturday, September 20, 2008, for a Fundraiser at 2755 South Highway 14, Greer. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Wompus Woods Entertainment from 6:00 p.m. until 12:00 midnight nightly from October 3, 2008 through November 1, 2008, for a Halloween Haunted Trail at 231 Parris Road, Cowpens. Motion seconded by Mr. Foster and carried.
- D. 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. until 12:00 midnight on Saturday, October 4, 2008, and Saturday, November 22, 2008, 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.

No items scheduled.

#### X.

Motion made by Mr. Britt to approve minutes of August 13, 2008 (Visit to the Charleston County Detention Center), August 18, 2008 (Regular Meeting), and September 3, 2008 (Visit to the Mecklenburg County Detention Center). Motion seconded by Mr. Foster and carried.

#### XI.

Motion made by Mr. Culbreth to adjourn. Motion seconded by Mr. Britt and carried.

SPARTANBURG COUNTY COUNCIL

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

Attest:

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Deborah C. Ziegler  
Clerk to Council