

# MINUTES

## County Council Meeting

December 18, 2006

Spartanburg County Council met on Monday, December 18, 2006, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Steve Parker, David Britt, Rock Adams, Ken Huckaby, and Frank Nutt, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; Tom Gates, Assistant County Administrator; and Edwin Haskell, County Attorney. Honorable Johnnye Code-Stewart 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. Honorable Dale Culbreth led in reciting the Pledge of Allegiance.

### II.

No presentations were scheduled. Chairman Horton expressed his thanks and appreciation to Honorables Steve Parker, Frank Nutt, and Ken Huckaby for their years of service. Mr. Parker expressed his appreciation to Administration and Staff for their help during his term on Council. Mr. Britt also expressed his appreciation to the other Council Members for their public service. Mr. Nutt expressed his thanks and appreciation to County Staff. Mr. Huckaby expressed his appreciation for the support he has received during the past 38 years he has served in Government and his appreciation for County Staff.

### 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 and an Infrastructure Finance Agreement by and

between Spartanburg County, South Carolina and Echostar DBS Corporation with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes and Echostar DBS Corporation 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.

- B. Chairman Horton called open a public hearing to consider an Ordinance amending Spartanburg County Ordinance No. O-06-05 General Fund Annual Operating Budget for Spartanburg County to reflect the lease purchase of Sheriff Department vehicles, estimated purchase cost to be \$3,275,368; to transfer \$897,870 from the General Fund Unrestricted Fund Balance to the Debt Service Fund for the lease payment obligation; and to reserve available General Fund balance to establish an equipment replacement program for said vehicles. 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. Britt to adopt a Resolution authorizing the execution and delivery of an inducement and millage rate agreement by and between Spartanburg County, South Carolina, and the owner of the industrial project known as Project Littlejohn, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement with said owner with respect to said project in the county, whereby the project would be subject to certain fees in lieu of taxes; and providing for related matters. Motion seconded by Mr. Nutt and carried. Project Littlejohn is a code name being used for first reading. This company is being recruited, and there are some matters that have not been concluded. The company will be identified before second reading. This is about an \$11 million investment and about 30 jobs.
- B. Motion made by Mr. Britt to render first 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 the owner of the project known as Project Littlejohn 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. Nutt and carried.
- C. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina and Liberty Property Limited Partnership, whereby, under certain conditions, Spartanburg County will provide certain infrastructure credits with respect to public infrastructure investment in respect of the establishment of an industrial and business park in the county; and providing for related matters. Motion seconded by Mr. Huckaby and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an Infrastructure Finance Agreement by and between Spartanburg County, South Carolina and Liberty Property Limited Partnership, in respect of the establishment of an industrial and business park in the county; and providing for related matters. Motion seconded by Mr. Huckaby and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance to develop a jointly owned and operated industrial and business park in conjunction with Union County, such industrial and business park to be geographically located in Spartanburg County and established pursuant to Sec. 4-1-170 of the South Carolina Code of Laws 1976, as amended; to provide for a written agreement with Union County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; and to permit a user fee in lieu of

ad valorem taxation. (Liberty Property Limited Partnership) Motion seconded by Mr. Nutt and carried.

Public Health and Human Services Committee (Honorable Johnnye Code Stewart, Chairman)

- A. Ms. Kathy Rivers, Interim Director, CED, presented information in reference to a Resolution amending Resolution R-04-04 for the purpose of supporting the Housing Authority of the City of Spartanburg Community Development Projects. Motion made by Mr. Huckaby to adopt this Resolution. Motion seconded by Mr. Parker and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Captain Mark Barry, Sheriff's Office, presented information in reference to a request from School District One to create two additional School Resource positions. Lieutenant Kingsmore, Sheriff's Office, and Dr. Goodwin, District One Schools, were also present. One of the Resource Officers will be placed at Landrum Middle School. The other Officer will be assigned to both District One and District Two and placed at Swofford Vocational Center. These positions will be funded completely by the School District. Motion made by Mr. Britt to approve this request. Motion seconded by Mr. Huckaby and carried.
- B. Mr. Stan Halliday, McAbee, Talbert, Halliday & Co., presented the results of annual financial audit (fiscal year 2006). The Comprehensive Annual Financial Report, the Auditors' Communication Letter, and the presentation are included in backup.
- C. Updated financial and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Jeff Hardee, Parks and Recreation Commission Chairman, presented a Parks and Recreation Commission Update. Mr. Parker stated that our Parks and Recreation Department will now be more independent and more public. More public and private funds will be joined together to better our Recreational facilities in Spartanburg County. Mr. Parker also invited the public to stop to see the Miracle League Complex in Boiling Springs.

Public Safety and Judiciary Committee – (Honorable Rock Adams, Chairman)

- A. Mr. Chris Story presented information in reference to authorizing County Administrator to execute revised contract with the Spartanburg Humane Society Inc. for animal sheltering and euthanasia services. Motion made by Mr. Huckaby to carry over this item until the new Council takes office in January. Motion seconded by Mr. Nutt and carried. No action was taken. Mr. Britt advised Council that his wife serves on the Spartanburg Humane Society Board, and Staff advised Mr. Britt it is not a conflict.
- B. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable David Britt, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable Frank Nutt, Chairman)

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

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VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of an amendment to a lease purchase agreement between Spartanburg County and Milliken & Company, so as to extend the initial investment period to ten years for investments in excess of the initial commitment. Motion seconded by Mr. Adams 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 between Spartanburg County, South Carolina, as lessor, and Blue Ridge Log Cabins, LLC; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Blue Ridge Log Cabins, LLC. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance to amend the jointly owned and operated Industrial Business Park in conjunction with Union County, dated as of December 1, 1998; 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. (Blue Ridge Log Cabins, LLC) Motion seconded by Mr. Nutt and carried.
- D. 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 and an infrastructure finance agreement by and between Spartanburg County, South Carolina and Echostar DBS Corporation with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes and Echostar DBS Corporation will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Nutt and carried.
- E. Motion made by Mr. Huckaby to render second reading to an Ordinance amending the Fiscal Year 2006-2007 General Fund Annual Operating Budget by authorizing the procurement of Sheriff Department Vehicles, entering into a financing agreement to fund said vehicles, and for the establishment of an equipment replacement program; amending the Debt Service Fund to recognize a General Fund transfer of dollars to meet the Fiscal Year 2006-2007 debt payment requirement. Motion seconded by Mr. Britt 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.

Mr. Breed stated that a couple of months ago, several employees decided to do a countywide philanthropic fundraiser for Safe Homes Rape Crisis Center during Christmas. County employees put together funds, goods, and services for this cause. Mr. Breed invited Council to look at the enormous amount of items being collected in Conference Room One to be taken to Safe Homes.

X.

Motion made by Mr. Britt to approve minutes of November 20, 2006 (Regular Meeting) and December 6, 2006 (Special Meeting). Motion seconded by Mr. Nutt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

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

Attest:

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Deborah C. Ziegler  
Clerk to Council