

MINUTES

County Council Meeting

February 19, 2007

Spartanburg County Council met on Monday, February 19, 2007, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Johnnye Code-Stewart, 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. Mark Williams, Lake Bowen Baptist Church. Honorable Tom Foster led in reciting the Pledge of Allegiance.

II.

A. Chairman Horton presented Special Recognition Plaques to Honorable Steve Parker, Honorable Ken Huckaby, and Honorable Frank Nutt for their service to Spartanburg County.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance with respect to the approval by Spartanburg County, South Carolina amending the Joint County Industrial and Business Park between Spartanburg County, South Carolina and Union County, South Carolina. (Blue Ridge Log Cabins, LLC) No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the issuance and sale of a \$1,000,000 principal amount Spartanburg County, South Carolina Special Source Revenue Bond (Liberty Property Limited Partnership Project) Series 1007; the application of the proceeds of said bond to defray the costs of construction and installation of certain infrastructure improvements in the county; and other matters relating thereto. No one appeared, and the matter was closed.

- C. Chairman Horton declared open a public hearing to consider 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) No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to develop a jointly owned and operated Industrial/Business Park in conjunction with Cherokee County, such Industrial/Business Park to be geographically located in Cherokee County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina 1976, as amended; to provide for a written agreement with Cherokee County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. (Carthuplas) No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance to consider the proposed enactment of an Ordinance authorizing the delivery by Spartanburg County, South Carolina of a Fee in Lieu of Tax Agreement between the County and Innovative Fibers, LLC, a South Carolina limited liability company, with respect to the Company's manufacturing facilities to be located in the County. 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 render first reading to an Ordinance authorizing a fee-in-lieu-of-tax arrangement on behalf of 3G Mermet Corporation pursuant to a fee-in-lieu-of-tax agreement between Spartanburg County, South Carolina 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. Adams and carried.
- B. Motion made by Mr. Britt to adopt an Inducement Resolution providing for a fee in lieu of tax agreement between Spartanburg County and Project SPA. Motion seconded by Mr. Culbreth and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Terry Booker, Risk Manager, and Mr. Mark Cash, Information Technologies Data Administrator, presented an update on Risk Management Issues and Workers' Compensation Insurance Costs. No

action was taken.

- B. Updated financial and personnel vacancy reports were received.

-

-

Livability Committee – (Honorable Tom Foster, Chairman)

No items scheduled.

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

- A. Information received regarding activities of the Building Codes Department.

-

-

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Information received in reference to an Ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-015, as amended, for on-premise signage removal from rights of way. This item was carried over. No action was taken.
- B. Motion made by Chairman Horton to render first reading to an Ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-015, as amended, for a change in spacing between buildings on same lot. Motion seconded by Mr. Adams and carried.
- C. Information received in reference to an Ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance No. O-99-015, as amended, to require site plan for minor and major land development and redevelopment projects prior to issuing grading permits. This item was carried over. No action was taken.
- D. Updated Planning Department Reports on Development Activity were received.

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

- A. Motion made by Mr. Mintz to approve a request from the Spartanburg Housing Authority for a sewer easement across county park property on Sims Chapel Road to facilitate development of the Ridge at Southport. Motion seconded by Mr. Britt and carried.
- B. Information received regarding activities of the Public Works Department.
- C. During committee meetings, Mr. Haskell briefed Council on the Commission of Public Works settlement.

-

-

VI.

- A. Motion made by Mr. Britt to render third 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. 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 by and among Spartanburg County, South Carolina and BASF Corporation and its assignees; and other matters relating thereto including, without limitation, payment of a fee-in-lieu of taxes. Motion seconded by Mr. Adams and carried.

- C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the issuance and sale of a \$1,000,000 principal amount Spartanburg County, South Carolina Special Source Revenue Bond (Liberty Property Limited Partnership Project) Series 1007; the application of the proceeds of said bond to defray the costs of construction and installation of certain infrastructure improvements in the county; and other matters relating thereto. Motion seconded by Mr. Adams and carried.
- D. Motion made by Mr. Britt to render second 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. Adams and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance to develop a jointly owned and operated Industrial/Business Park in conjunction with Cherokee County, such Industrial/Business Park to be geographically located in Cherokee County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina 1976, as amended; to provide for a written agreement with Cherokee County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. (Carthuplas) Motion seconded by Mr. Adams and carried.
- F. 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 Innovative Fibers, LLC (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. Adams 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.

No items scheduled.

X.

Motion made by Mr. Culbreth to approve minutes of January 22, 2007 (Regular Meeting). Motion seconded by Mr. Adams and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council