

# MINUTES

## County Council Meeting

March 19, 2007

Spartanburg County Council met on Monday, March 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 Chaplain Jerry Clevenger. Boy Scout Troop 9 led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Ms. Stewart to adopt a Resolution proclaiming April as Fair Housing Month in Spartanburg County. Motion seconded by Mr. Britt and carried. Ms. Kathy Rivers was present to receive Resolution.
- B. Motion made by Ms. Stewart to adopt a Resolution proclaiming April 9-15 as Community Development Block Grant Week in Spartanburg County. Motion seconded by Mr. Britt and carried. Ms. Kathy Rivers was present to receive Resolution.

### III.

- A. Chairman Horton declared open a public hearing to consider the purchase of a 2006 Pierce Custom Pumper Fire Truck by Inman Community Fire Department using a master lease. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a proposed issuance by the South Carolina Jobs-Economic Development Authority ("JEDA") of not exceeding \$8,540,000 aggregate principal amount Economic Development Revenue Bonds (Innovative Fibers, LLC Project). No one

appeared, and the matter was closed.

- C. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Spartanburg Methodist College for 7:00 p.m. Friday, April 13, 2007, through 7:00 a.m. Saturday, April 14, 2007, for a Relay for Life Event at 1000 Powell Mill Road. Mr. Art Hartzog, Spartanburg Methodist College Dean of Students, appeared to request this exclusion. No one appeared in opposition, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association Incorporation for June 1, 2, and 3, 2007, from 10:00 a.m. until 2:00 p.m. each day for a live band outside at 470 Fox Drive. No one appeared, and the matter was closed.

#### IV.

- A. Ms. Blakely Hallman, Marketing Coordinator, National Kidney Foundation of South Carolina (NKFSC), presented the *Counties that Care Award* to Spartanburg County Council on behalf of its citizens for outstanding contributions to the National Kidney Foundation of South Carolina's car donation program. Since the Year 2000, the Citizens of Spartanburg County have donated 360 unwanted cars to the Kidney Foundation's Kidney Car Program. This has brought about \$62,000 in revenue for the National Kidney Foundation.
- B. Ms. Murray Cecil, Disabilities and Special Needs Board, appeared in reference to the Disabilities and Special Needs Board purchasing bricks in honor of the County Council members. This Disabilities and Special Needs Board has bought a brick in honor of each Council Member in support of the Carolina Miracle League and its new field. The grand opening for the new field is April 19, at 6:00 p.m. Information packets were presented to Council and are included in backup.
- C. Ms. Rose Mary Ritchie, First Vice President of the League of Women Voters of Spartanburg County, appeared in reference to open government in celebration of Sunshine Week 2007.

#### V.

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

- A. Motion made by Mr. Britt to adopt a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Tax-exempt Adjustable Mode Economic Development Revenue Bonds (Innovative Fibers, LLC Project) Series 2007, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$8,540,000. Motion seconded by Mr. Culbreth and carried.
- B. This item relates to a project that is still under a code name. As it moves forward and gets beyond the inducement stage, if the company decides to locate in Spartanburg County, then the name will be revealed to everyone. 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 Project Subrosa whereby, under certain conditions, Spartanburg County will execute a fee-in-lieu of tax agreement including Special Source Revenue Credits for a project involving an investment of approximately one hundred fifty million dollars (\$150,000,000) and the creation of approximately 1,200 new jobs. Motion seconded by Mr. Culbreth and carried.
- C. 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 among Spartanburg County, South Carolina and Project Subrosa and its assignees and one or more sponsors; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Culbreth and carried.

- D. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an agreement between Spartanburg County, South Carolina and Project Subrosa, its assignees and one or more sponsors granting certain Special Source Credits. Motion seconded by Mr. Culbreth and carried.

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

- A. Ms. Kathy Rivers presented information in reference to the Community Development Block Grant Program, Home Investment Partnerships Program, Supportive Housing Program, and American Dream Down Payment Initiative Funding Recommendations. The Executive Summary of the Annual Action Plan for the FY 2007 Program Year was given to Council. At its meeting on February 20, 2007, the Community Development Advisory Committee approved the plan. Motion made by Ms. Stewart to approve the FY 2007 Annual Action Plan. Motion seconded by Mr. Mintz and carried.

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

- A. Ms. Ann Fesperman, Director for the Upstate Workforce Investment Board, presented information in reference to a request from the Workforce Investment Board for staff positions. Motion made by Mr. Culbreth to approve this request for the additional staff in the Workforce Investment Board Office. Motion seconded by Mr. Foster and carried.
- B. Mr. Tony Bell presented a status report on our Classification and Compensation Study.
- C. Updated financial and personnel vacancy reports were received.

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

- A. Dr. Doris Paez, USC Upstate, presented information in reference to USC Upstate Metropolitan Studies Institute and a proposed Spartanburg Transit Study Initiative.
- B. Mr. Jim D'Amato, SPATS Senior Transportation Planner, presented information in reference to proposed traffic calming program and policy. Additional information will be presented on this item at the April meeting.

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

- A. Chief Shane Bagwell, presented information in reference to the purchase of a \$345,000 Pumper Truck by Inman Community Volunteer Fire Department. Motion made by Mr. Adams to authorize the Chairman to endorse purchase as required by Section 147(f) of the Internal Revenue Code. Motion seconded by Mr. Mintz and carried.
- B. 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.

#### Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, 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 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. Foster and carried.
- B. Motion made by Mr. Britt to render third 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 Ms. Stewart and carried.
- C. Motion made by Mr. Britt to render third 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.
- 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 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. Foster and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance amending Ordinance Nos. 557, 649, and O-01-22 and Articles of Incorporation to change the residence requirement of single member district board members of Spartanburg Regional Health Services District, Inc. as appointed by County Council to require residency in the county and to require Board Members to comply with the current Hospital District Conflicts of Interest Governance Policy. Motion seconded by Mr. Foster and carried. Ms. Stewart, Mr. Mintz, and Mr. Adams opposed.
- F. Motion made by Mr. Britt to render second 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. Foster and carried.
- G. Motion made by Mr. Foster to render second reading to an Ordinance amending the Spartanburg County Unified Land Management Ordinance (ULMO), Ordinance Number O-99-015, as amended, to adjust the required spacing between buildings so as to allow for more efficient use of property while maintaining safety through the building code and to make certain other editorial corrections. Motion seconded by Mr. Adams and carried.

VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise

Ordinance requested by Spartanburg Methodist College for 7:00 p.m. Friday, April 13, 2007, through 7:00 a.m. Saturday, April 14, 2007, for a Relay for Life Event at 1000 Powell Mill Road. Motion seconded by Mr. Foster and carried.

- B. Motion made by Mr. Adams to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association Incorporation for June 1, 2, and 3, 2007, from 10:00 a.m. until 2:00 p.m. each day for a live band outside at 470 Fox Drive. Motion seconded by Ms. Stewart 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.

Motion made by Mr. Adams to waive rules, nominate and appoint Charles B. Welchel, Rescue 17 Lower Piedmont, to the EMS Advisory Committee. Motion seconded by Mr. Britt and carried.

Chairman Horton requested that a meeting with Union County be set up to discuss joint economic development opportunities.

Dates for a Budget and Capital Improvement Projects Work Session were discussed. A date will be confirmed at a later time.

#### X.

Motion made by Ms. Stewart to approve minutes of February 2, 2007 (Council Retreat), February 13, 2007 (Special Meeting), and February 19, 2007 (Regular Meeting). Motion seconded by Mr. Culbreth and carried.

#### XI.

Motion made by Mr. Foster to adjourn. Motion seconded by Ms. Stewart and carried.

#### SPARTANBURG COUNTY COUNCIL

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

Attest:

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Deborah C. Ziegler  
Clerk to Council