

MINUTES

County Council Meeting

September 20, 2004

Spartanburg County Council met on Monday, September 20, 2004, 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, Steve Parker, David Britt, Rock Adams, Ken Huckaby and Frank Nutt, Council Members; along with James K. Hartmann, County Administrator; Glenn Breed, Assistant County Administrator; Chris Story, Assistant County Administrator; and Edwin Haskell, Assistant 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.

Chairman Horton called the meeting to order.

Invocation was rendered by Honorable Steve Parker. Mr. Jessie Campbell led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Parker to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the dedicated services of James Hendrix, Superintendent for Spartanburg School District Two. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Nutt to adopt a Resolution recognizing Duke Power Company in celebration of its 100th Anniversary. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Parker to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of the Carolina Heat Baseball Team, a 12 and Under Major USSSA Sanctioned Traveling Team. Motion seconded by Ms. Stewart and carried.
- D. Motion made by Mr. Adams to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the Spartanburg American Legion Baseball Team Post 28. Motion seconded by Mr. Huckaby and carried.

III.

- A. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance recognizing and consenting to the conversion of BMW Manufacturing Corp. to BMW Manufacturing Co., LLC and SB Acquisitions Inc. to SB Acquisitions LLC in connection with (i) a fee-in-lieu of taxes arrangement under Title 4, Chapter 29, Code of Laws of South Carolina 1976, as amended among the County, BMW Manufacturing Corp. and SB Acquisitions, Inc. with respect to certain industrial facilities and (ii) related Inducement Agreement, Millage Rate Agreement, Lease Agreement and not exceeding \$800,000 Industrial Development Revenue Bonds Series 1994. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance recognizing and consenting to the conversion of BMW Manufacturing Corp. to BMW Manufacturing Co., LLC and SB Acquisitions, Inc. to SB Acquisitions, LLC in connection with (i) a fee-in-lieu of taxes arrangement under Title 4, Chapter 29, Code of Laws of South Carolina 1976, as amended among the County, BMW Manufacturing Corp. and SB Acquisitions, Inc. with respect to certain industrial facilities and (ii) related Inducement Agreement, Millage Rate Agreement, Lease Agreement and not exceeding \$800,000 Industrial Development Revenue Bonds Series 1997. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a Public Hearing to consider an Application for special Public Event Exclusion from Noise Ordinance requested by First Baptist North Spartanburg for October 21, 2004, from 6:00 p.m. until 10:00 p.m. for a Fall Festival at 8740 Asheville Highway, Spartanburg, SC. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a Public Hearing to consider an Ordinance regarding storage of derelict motor vehicles replacing Section 302.8 of the International Property Maintenance Code with amended provisions to provide for the more effective enforcement for elimination of derelict motor vehicles in the unincorporated areas of the county, to provide notice of removal and towing of derelict vehicles and to provide for certain exception and variances. No one appeared, and the matter was closed.

IV.

No appearances were scheduled.

V.

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

No items scheduled.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Information was received in reference to special audit procedures relating to delinquent tax collection and disbursement. A bid was placed concerning this audit. Three firms submitted bids. Motion made by Mr. Huckaby to award the bid to McAbee, Talbert, Halliday & Co. Motion seconded by Mr. Britt and

carried.

- B. Updated personnel vacancy report was received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Jeff Caton presented a Parks Projects Update on Va-du-mar Park Project and Cleveland Park. Everything is moving smoothly.

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

- A. Zeuna Staerker requested the adoption of a 6% fee-in-lieu for their expansion. 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 Zeuna Staerker USA, Inc., whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement with Zeuna Staerker, USA, Inc. with respect to an industrial 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.
- 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 Zeuna Staerker USA, 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. Nutt and carried.
- C. R. R. Donnelley & Sons Company had a little over a \$70 million investment and the timing moved a little bit out from what they had expected it to be. They requested our effective date be amended. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the amendment of the effective date of a lease agreement between Spartanburg County, South Carolina and R. R. Donnelley & Sons Company and the effective date of the infrastructure financing agreement between the county and the company; and other matters relating to the foregoing. Motion seconded by Mr. Huckaby and carried.

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

- A. Motion made by Mr. Adams to approve local law enforcement block grant monies to be used for replacement vehicles. The Grant is for \$91,377. The Match is \$9,100. Motion seconded by Mr. Nutt and carried.
- 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. The Town of Wellford requested part ownership in part of the property known as the Wellford

Community Center. Motion made by Mr. Nutt to proceed with granting this request subject to Staff negotiations on how the cost will be shared with the Town of Wellford. There are a couple of structures to be demolished, as well as the survey. Motion seconded by Mr. Huckaby and carried.

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

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance acknowledging the exercise of the option to purchase the project pursuant to the terms of the Lease Agreement between Spartanburg County, South Carolina and Waukesha Bearings Corporation dated as of June 1, 2000 and the payment of all amounts due pursuant to the Lease Agreement. Motion seconded by Mr. Huckaby and carried.
- B. Motion made by Mr. Huckaby to render third reading to an Ordinance abolishing the Inman Mills Fire District. Motion seconded by Mr. Adams and carried.
- C. Motion made by Mr. Huckaby to render third reading to an Ordinance enlarging the Inman Community Fire Service Area to include the area within the boundaries of the Inman Mills Fire District. Motion seconded by Mr. Adams and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance recognizing and consenting to the conversion of BMW Manufacturing Corp. to BMW Manufacturing Co., LLC and SB Acquisitions Inc. to SB Acquisitions LLC in connection with a lease agreement (*dated December 20, 1994*), an inducement agreement (*dated September 16, 1992*) and a millage rate agreement (*dated September 16, 1992*) among Spartanburg County, BMW Manufacturing Corp., and SB Acquisitions, Inc. and a related industrial revenue bond. Motion seconded by Mr. Nutt and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance recognizing and consenting to the conversion of BMW Manufacturing Corp. to BMW Manufacturing Co., LLC and SB Acquisitions, Inc. to SB Acquisitions, LLC in connection with a Lease Agreement (*dated December 15, 1997*), an inducement and millage rate agreement (*dated December 27, 1996*) among Spartanburg County, BMW Manufacturing Corp. and SB Acquisitions, Inc., and a related industrial revenue bond. Motion seconded by Mr. Nutt and carried.
- F. Motion made by Mr. Nutt to render second reading to an Ordinance to amend the International Property Maintenance Code previously adopted by Ordinance which has been approved by the South Carolina Building Codes Council to replace the Standard Housing Code § 10-131 and the Unsafe Building Abatement Code § 10-151. Motion seconded by Mr. Britt and carried.

VII.

- A. Motion made by Mr. Parker to approve an Application for special Public Event Exclusion from Noise Ordinance requested by First Baptist North Spartanburg for October 21, 2004, from 6:00 p.m. until 10:00 p.m. for a Fall Festival at 8740 Asheville Highway, Spartanburg, SC. Motion seconded by Mr. Britt 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 16, 2004 (Regular Meeting). Motion seconded by Ms. Stewart and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:_____

Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler

Clerk to Council