

MINUTES

County Council Meeting

November 23, 2009

Spartanburg County Council met on Monday, November 23, 2009, 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, Jane Hall, Dale Culbreth, and Tom Foster, Council Members; along with Glenn Breed, 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. Veterans led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the Veterans who courageously served in the United States Armed Forces and recognizing the organizations providing services to Veterans. Motion seconded by Mr. Brown and carried. Resolution was presented to all Veterans present and all the representatives present from the organizations providing services to the Veterans.
- B. Chairman Horton recognized the Graduates of the Spartanburg County Citizens' Academy. Graduates recognized were Alfred Ballenger, Mary Black, Evelyn Blakley, Constance Jones, Minnie King, Ean Reed, Judith Roman, Janie Salley, Roland Salley, Curtis Smith, Michelle Smith, and James Splawn.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to authorize the execution and delivery of various documents in order to fund a portion of the costs associated with the environmental cleanup of property known as the Victor Mill project; to authorize the execution and delivery of those documents in connection therewith; and other matters relating thereto. No one appeared, and the matter was closed.

IV.

No appearances were scheduled.

V.

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

No items scheduled.

Public Health and Human Services Committee (Honorable Jeff Horton, Chairman)

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to place the Cherokee County Public Defender and its employees under the administration of Spartanburg County. Motion seconded by Mr. Foster and carried.
- B. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Trip Muldrow, Consultant, presented information in reference to the Spartanburg County Tourism Action Plan. No action was taken.
- B. Motion made by Mr. Foster to authorize public hearing in reference to Right of Way agreement with Duke Energy Carolinas, LLC. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Foster to authorize public hearing in reference to Right of Way agreement with Spartanburg Sanitary Sewer District. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to authorize public hearing in reference to Right of Way agreement with Williams Transcontinental Gas Pipeline Company. Motion seconded by Mr. Brown and carried. Mr. Foster is employed by Williams Transcontinental Gas Pipeline Company and abstained from voting on this matter.

Public Safety and Judiciary Committee – (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Brown to adopt Resolution ordering a public hearing to be held for the purpose of considering the annexation of the area of the Spartanburg Metropolitan Sub-District B Water and Sewer District into the North Spartanburg Fire and Emergency Services District. Motion seconded by Mr. Culbreth and carried..
- B. Information received regarding activities of the Building Codes Department.

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.

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the assignment and transfer to Henkel Corporation ("Henkel") of the remaining interest of Indopco, Inc. D/B/A National Starch & Chemical Company ("Indopco") in that certain lease agreement between Spartanburg County, South Carolina, and Indopco, dated as of December 1, 1997, and certain agreements, property, other rights, and other matters related thereto (collectively, the "assigned project"); and other matters related thereto, including the release of Indopco from its obligations under the lease agreement as to the assigned project, the assumption of those obligations by Henkel, and the continuation of a fee in lieu of tax pertaining to such lease agreement for the benefit of Henkel. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina, and Merit Leasing, LLC, 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. Foster and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance consenting to an extension of the investment period for NURRC, LLC under its fee in lieu of tax agreement with Spartanburg County dated December 4, 2007, the provision of an additional infrastructure credit, and other matters related thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Ms. Hall to render third reading to an Ordinance to provide for the issuance and sale of not exceeding one million seven hundred fifty thousand dollars (\$1,750,000) Spartanburg County, South Carolina, General Obligation Bonds (Woodruff Community Fire Service Area Project), Series 2009; 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. Mr. Mintz and Mr. Culbreth opposed.
- E. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the issuance and sale of not exceeding \$800,000,000 principal amount Spartanburg County, South Carolina Industrial Development Revenue Bonds (BMW Project) Series 2009; the application of the proceeds of said bonds to defray the costs of the acquisition of certain industrial facilities and certain machinery, equipment and other personal property for use in conjunction therewith; the provision of an infrastructure credit in connection with such costs; the execution and delivery of a revised and restated lease between the County, BMW Manufacturing Co., LLC and SB Acquisitions, Inc. and of certain other documents relating to the foregoing; and other matters relating thereto. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03, No. O-03-13, and No. O-08-29 relating to the joint county industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (Gemini Manufacturing, LLC (Project Astrology), Suminoe Textile of America Corporation, and Project Como) Motion seconded by Mr. Brown 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. Britt to approve minutes of October 19, 2009 (Regular Meeting). Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council