

MINUTES

County Council Meeting

April 16, 2007

Spartanburg County Council met on Monday, April 16, 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. Hub Blankenship, Jr., Spartanburg Community Church. Mr. Don Arnold led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Stewart to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the acts of bravery of Misha Marshall and her dog, Gandalf, of the South Carolina Search and Rescue Dog Association. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Horton to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Spartanburg Christian Academy's Boys Basketball Team, The Warriors, for winning the 2006-07 2A South Carolina Independent Schools Association State Championship. Motion seconded by Mr. Culbreth and carried.
- C. Motion made Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Spartanburg Christian Academy's Varsity Girls Volleyball Team, The Lady Warriors, for winning the 2006-07 2A South Carolina Independent Schools Association State Championship. Motion seconded by Mr. Adams and carried.
- D. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Spartanburg Christian Academy's Varsity Girls Cross Country Team, The Lady Warriors, for winning the 2006-07 2A South Carolina Independent Schools Association State Championship. Motion seconded by Mr. Britt and

carried.

- E. Motion made by Mr. Horton to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Spartanburg Christian Academy's Cheerleading Team, The Phat Phive, for winning the 2006-07 South Carolina Independent Schools Association State Championship. Motion seconded by Mr. Mintz and carried.
- F. Motion made by Mr. Foster to adopt a Resolution proclaiming the Week of April 8-14, 2007 as Telecommunicators Week. Motion seconded by Ms. Stewart and carried.
- G. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Tiffany Lamkin of Spartanburg County Communications/9-1-1 in being named Telecommunicator-of-the-Year. Motion seconded by Ms. Stewart and carried.

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 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. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a Resolution in support of the issuance by the South Carolina Jobs – Economic Development Authority of its First Mortgage Health Care Facilities Refunding and Revenue Bonds (The Lutheran Homes of South Carolina, Inc.) Series 1999 pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended, in the principal amount of not exceeding \$45,000,000. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Bondtex, Inc. 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 \$2,000,000. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.

IV.

Jim and Gail Parres, 7281 New Cut Road, Inman, appeared in reference to a water issue on their property. Chairman Horton asked Mr. Breed if he would look into this and report back to Council.

V.

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

- A. Mr. Britt stated this item is a refinancing of The Lutheran Homes Facility at Rosecrest. The public hearing was held earlier. Motion made by Mr. Britt to adopt a Resolution in support of the issuance by the South Carolina Jobs – Economic Development Authority of its First Mortgage Health Care Facilities Refunding and Revenue Bonds (The Lutheran Homes of South Carolina, Inc.) Series 1999 pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended, in

- the principal amount of not exceeding \$45,000,000. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Britt to adopt a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Bondtex, Inc. 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 \$2,000,000. Motion seconded by Mr. Culbreth and carried.
 - C. Mr. Hank McCullough, Piedmont Natural Gas, made a presentation in reference to Utility Tax Credits and Piedmont Natural Gas commitment of \$50,000 to Spartanburg County for economic purposes. Motion made by Mr. Britt to authorize the County Administrator to execute agreement with Piedmont Natural Gas with the amendments specified by the County Attorney, and we will accept \$50,000 from Piedmont Natural Gas to be used toward economic purposes. Motion seconded by Mr. Culbreth and carried.

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

- A. Mr. Roy Johnson, Spartanburg Housing Authority, and Representative Harold Mitchell presented information in reference to a request by the Spartanburg Housing Authority for establishment of an Affordable Housing Trust and establishment of dedicated source of revenue. Motion made by Ms. Stewart to support the establishment of an Affordable Housing Trust Fund for Spartanburg County and to authorize the County Administrator to execute and enter into collaborative agreements with the Affordable Housing Trust Fund as appropriate to support efforts to produce affordable housing in the County. Motion seconded by Mr. Mintz and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Joe Newton, Appalachian Council of Governments, presented information in reference to implications of State Revisions to Tax Legislation and Impact on Local Governments. (Presentation enclosed in backup.)
- B. Updated financial and personnel vacancy reports were received.

-
-

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Chris Story presented information in reference to proposed traffic calming program and policy. This item was carried over.

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

- A. Sheriff Chuck Wright, Lieutenant Jeff Valentine and Master Deputy Marc Miller, Sheriff's Office, presented information in reference to an Ordinance to prevent Loitering. Information was received on some of the things going on in Spartanburg County, especially on Howard Street just outside the City. Motion made by Mr. Adams to direct the County Attorney to draft Paraphernalia and Loitering Ordinances. Motion seconded by Mr. Britt and carried.
- B. Associate Chief Magistrate David Turner presented information in reference to State Case Management System for the Magistrate Court. Information was presented on some of the duties, and the revenue that has been collected in Magistrate Court. This system has been recommended by the South Carolina Court Administration. Motion made by Mr. Adams to approve the request for an additional administrative

staff member to support the implementation of the State Case Management System and to assist in moving traffic cases. Motion seconded by Ms. Stewart and carried. This position will be a grade 18 position.

C. 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 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. Culbreth. Mr. Haskell stated that a revised draft with one slight revision has been distributed. Mr. Britt asked for clarification on the sentence that was added that adds the language "to comply with the current Hospital District Conflicts of Interest Governance Policy." Mr. Haskell stated that General Counsel for the Hospital asked that the language be added that members of the Board comply with the current Hospital District Conflicts of Interest Governance Policy consistent with applicable Federal Law for tax exempt organizations and State Ethics Act. You could have conflicts that could arise between Board Members and Organizations competing with the Hospital. They felt this was necessary to deal with this situation. Mr. Britt stated that without this sentence, the Board Member would step outside the room if any competitive issue was arising. Under this new sentence, they would actually have to get off the Hospital Board. Mr. Haskell stated that there is a sentence included that if they make such a finding, they will have to put it in writing setting forth the factual basis and the reasons for it, and submit it to the Chairman. It would require the concurrence of County Council with the findings to provide some oversight by Council with any situation that could arise. Mr. Haskell stated that the real substantive change to the Ordinance is instead of Council being restricted to nominating someone from their district, they can go outside their district. The intent is for Council to be able to go outside their district instead of being restricted within their district. Motion carried. Mr. Adams and Mr. Mintz opposed.

B. Motion made by Mr. Britt to render third 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. Culbreth and carried.

C. 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 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. Culbreth 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.

Motion made by Mr. Foster to waive rules, nominate and appoint Mr. Jimmy Gibbs, District 6 Representative, to the Health Services District Board. Motion seconded by Mr. Culbreth and carried.

X.

Motion made by Mr. Culbreth to approve minutes of March 19, 2007 (Regular Meeting) and March 26, 2007 (Special 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