

MINUTES

County Council Meeting

April 21, 2008

Spartanburg County Council met on Monday, April 21, 2008, 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, 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. Tommy Sparks, Pastor of Pacolet First Baptist Church. Chairman Horton recognized Honorable Michael Brown, our new County Council District One Representative. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Honorable Michael Brown presented a Resolution proclaiming April 29, 2008 as "Teach a Child to Save Day" in Spartanburg County. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Adams and carried. Ms. Sarah Petty, First National Bank, received Resolution.
- B. Motion made by Mr. Britt to adopt a Resolution proclaiming April 2008 as "Child Abuse Prevention Month" in Spartanburg County. Motion seconded by Mr. Foster and carried. Ms. Jean Bradley, Spartanburg County Guardian ad Litem Program, received Resolution.
- C. Motion made by Mr. Adams to adopt a Resolution proclaiming the Week of April 13-19, 2008 as Telecommunicators Week. Motion seconded by Mr. Britt and carried. Mr. Keith Lee and Staff received Resolution.
- D. 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 Ponda Ann Sims of Spartanburg County Communications/9-1-1 in being named Telecommunicator-of-the-Year. Motion seconded by Mr. Adams and carried.
- E. Motion made by Mr. Culbreth to adopt a Resolution proclaiming the week of May 5-11, 2008 as Building Safety Week in Spartanburg County. Motion seconded by Mr. Foster and carried. Mr. Mike

Padget, Building Codes Director, and Staff received Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to establish Capital Project Budgets for the 2008-2009 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, and Lubrizol Advanced Materials, Inc (Project Cliffs); and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. 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 the Noise Ordinance requested by Lao Association Incorporation of Spartanburg from 6:00 p.m. on May 24, 2008, through 1:00 a.m. on May 25, 2008, for a Memorial Day Celebration at 470 Fox Drive. 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 adopt a Resolution identifying a project to satisfy the requirements of South Carolina Code annotated Section 12-44-40 to allow investment expenditures incurred by Johnson Development Associates, Inc. to qualify as expenditures eligible for a fee-in-lieu of ad valorem taxes arrangement with Spartanburg County, South Carolina, committing to enter into a fee agreement with the company, 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. Culbreth and carried.
- B. Ms. Julie Franklin, City of Spartanburg Economic Development Director, presented a request to include Church Street Plaza redevelopment site in the Spartanburg County/Union County Joint County Industrial Park. Motion made by Mr. Britt to adopt a Resolution designating certain parcels for inclusion in the Spartanburg County/Union County Joint County Industrial and Business Park located in the City of Spartanburg, South Carolina, in accordance with Spartanburg County Ordinance No. 673 and the Intergovernmental Agreement, as amended, authorized by that Ordinance, between the City of Spartanburg and the County of Spartanburg, South Carolina; and other matters related thereto. (Church Street Plaza redevelopment site – Business Corridor Redevelopment Program) Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance to amend the jointly owned and operated Industrial Business Park in conjunction with Union County, dated as of July 11, 1994; 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. (Lubrizol Advanced Materials, Inc.) Motion seconded by Mr. Foster and carried.

- D. Motion made by Mr. Britt to adopt a Resolution authorizing an Incentive and Inducement Agreement between Project Nelson and Spartanburg County, South Carolina. Motion seconded by Mr. Culbreth and carried. The company name will be disclosed at the next Council meeting.
- E. Motion made by Mr. Britt to adopt an Inducement Resolution identifying a project to satisfy the requirements of Title 12, Chapter 44 of the Code of Laws of South Carolina, as amended, so as to allow investment expenditures incurred by Iljin America Corp. to qualify as expenditures eligible for a fee in lieu of tax arrangement and special source revenue credit arrangement with Spartanburg County, South Carolina; and committing to enter into such necessary agreements with Iljin America Corp. to effectuate the intent of this Resolution; and other matters related thereto. Motion seconded by Mr. Foster and carried. This was formerly under the code name of Project Cliff.
- F. Motion made by Mr. Britt to render first reading to an Ordinance to amend that certain agreement for the development of a joint Industrial and Business Park between Spartanburg County and Cherokee County dated March 19, 2007. (Iljin America Corp.) Motion seconded by Mr. Foster and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Glenn Breed and Mr. Tom Gates presented the FY09 Budget Overview. Presentation is included in backup.
- B. Motion made by Mr. Culbreth to render first reading to a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2008 and ending June 30, 2009; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Britt and carried.
- C. Mr. Chris Bever presented the FY 2007-08 3rd Quarter Capital Projects Status Report. Presentation and Status Report are included in backup. Warden Larry Powers and Mr. Buddy Golson of Rosser International provided an update on the Main Detention Facility Expansion Project. No action was taken.
- D. Mr. Tom Gates presented information in reference to a Master Lease Purchase Agreement. Motion made by Mr. Culbreth to render first reading to an Ordinance of Spartanburg County, South Carolina, authorizing a Master Lease Agreement in the principal amount of not exceeding \$807,821 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents including a Master Lease Agreement; and other matters relating thereto. Motion seconded by Mr. Adams and carried.
- E. Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2009 were carried over.
- F. 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. Motion made by Mr. Adams to authorize the Commission of Joshua Cross as a Code Enforcement Officer of Spartanburg County. Motion seconded by Mr. Britt 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.

VI.

- A. Motion made by Mr. Culbreth to render third reading to an Ordinance finding that Startex-Jackson-Wellford-Duncan Water District may issue not exceeding \$10,900,000 General Obligation Bonds; to authorize Startex-Jackson-Wellford-Duncan Water Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Foster and carried. Mr. Mintz opposed.
- 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 between Spartanburg County, South Carolina, and Lubrizol Advanced Materials, Inc (Project Cliffs); and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Culbreth to table second reading to an Ordinance to establish Capital Project Budgets for the 2008-2009 Budget Year of the Five-Year Capital Improvement Plan until after the Budget Work Session. Motion to table seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Foster to render second reading to an Ordinance to amend Article IV of the Spartanburg County Code relating to the Spartanburg County Fire Prevention and Protection Advisory Committee to revise criteria for funding eligibility of fire departments and for other purposes. Motion seconded by Mr. Mintz and carried.

VII.

- A. Motion made by Mr. Foster to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association Incorporation of Spartanburg from 6:00 p.m. on May 24, 2008, through 1:00 a.m. on May 25, 2008, for a Memorial Day Celebration at 470 Fox Drive. Motion seconded by Mr. Adams 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.

A Budget Work Session was scheduled for Thursday, May 1, at 4:00 p.m.

X.

Motion made by Mr. Britt to approve minutes of March 17, 2008 (Regular Meeting). Motion seconded by Mr.

Culbreth and carried.

XI.

Motion made by Mr. Adams to adjourn. Motion seconded by Mr. Foster.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council