

April 16, 2001

Spartanburg County Council met on Monday, April 16, 2001, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Karen Floyd, Chairman; Honorables Johnnye Code Stewart, David Britt, Jeff Horton, Frank Nutt, and Rock Adams, Council Members; along with James K. Hartmann, County Administrator; Bill Dennis, Deputy County Administrator; Chris Story, Assistant County Administrator, Glenn Breed, Assistant County Administrator; and Roy McBee Smith, 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 Floyd called the meeting to order.

Invocation was rendered by Brett Allen, Area Director for Young Life. Carter Smith led in reciting the Pledge of Allegiance.

II.

- A. Motion by Ms. Stewart to adopt a Resolution proclaiming the first full week of May as "National Arson Awareness Week". Motion seconded by Mr. Horton and carried.
- B. Motion by Mr. Horton to adopt a Resolution proclaiming April as Fair Housing Month in Spartanburg County. Motion seconded by Mr. Adams and carried.
- C. Motion by Mr. Horton to adopt a Resolution proclaiming the month of May 2001 as Better Hearing and Speech Month for Spartanburg County. Motion seconded by Mr. Britt and carried.
- D. Motion by Mr. Adams to adopt a Resolution proclaiming May 11-12, 2001 as Fourth Annual "Zero Tolerance for Litter" Weekend. Motion seconded by Mr. Britt and carried.
- E. Invitation presented to County Council by Spartanburg County School District 6 Horizon Program Students to join Governor Jim Hodges as Spartanburg County students introduce their latest production at BMW Zentrum Visitors Center on April 27, 2001.
- F. Recognition of The 4H Junior Palmetto Leadership Club of Cowpens Middle School attending County

III.

- A. Chairman Floyd declared open a public hearing to consider an ordinance consenting to the assignment, in part, to Teijin Monofilament U.S., Inc., a Delaware Corporation, of (1) that certain lease agreement between Spartanburg County, South Carolina and Hoechst Celanese Corporation, dated as of December 1, 1989, as amended; (2) that certain lease agreement between Spartanburg County, South Carolina and Hoechst Celanese Corporation, dated as of December 1, 1995, as amended; and (3) that certain lease agreement between Spartanburg County, South Carolina and Hoechst Celanese Corporation, dated as of December 1, 1996, as amended; all pursuant to the terms of the respective lease agreements; and other matters related thereto. Chairman Floyd read by title only. No one appeared and the hearing was closed.
- B. Chairman Floyd declared open a public hearing to consider an ordinance approving the granting of an amended and restated mortgage on the real and personal property subject to the lease agreement dated October 1, 1998 between Spartanburg County, SC and Spartanburg Stainless, Inc., and Spartanburg Automotive, Inc., and the execution and delivery of such an amended and restated mortgage on such property to Comerica Bank. No one appeared and the hearing was closed.
- C. Chairman Floyd declared open a public hearing to consider a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its revenue notes (Provident Group-Windsor House West, LLC Project) Series 2001, 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 \$8,000,000. Mr. Charles Moore appeared. He is one of original owners of facility. In 1996-1998, facility was originally built for cost of \$3,000,000. It was refinanced in 1998 for \$3.2 million. He understands that there is going to be a management contract with Greenbriar Corporation. He wants to understand the impact on the county. Chairman Floyd advised there is no obligation to the county. Mr. Moore stated the property is not worth \$8,000,000. He feels litigation is going on between Greenbriar and people who have loaned them money, Loan Star Corporation. He feels these are not reputable people. Mr. Ray Jones advised a group called Provident Group out of Louisiana is going to purchase the facility from Greenbriar. JETA is issuing the loan. Provident Group will be responsible for paying the bonds. There will be no obligation to county. The purchase price could be less, but \$8,000,000 would be the cap. Mr. Moore has a question as to whether Greenbriar has the contractual right to sell the property. This is in litigation now with Loan Star Corporation. Matter closed for Public Hearing.
- D. Chairman Floyd declared open a public hearing to consider an ordinance authorizing the development of a jointly owned and operated industrial/business park to be geographically located in Cherokee and Spartanburg Counties, and established pursuant to SC Code of Laws 1976, et. Seq., as amended; to provide for the expenses of the park, the percentage of revenue application and the distribution of fees in lieu of taxes to the counties 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. Carter Smith, Spartanburg Chamber of Economic Development, appeared and presented a handout which outlined the property. Matter closed.
- E. Chairman Floyd declared open a public hearing to consider an ordinance for the purpose of establishing the Spartanburg/Cherokee Industrial Development Corporation, stating its purposes and appointing the members to the Board of Directors of the Spartanburg/Cherokee Industrial Development Corporation. No one appeared and the hearing was closed.

IV.

No appearances were scheduled.

V.

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

- A. Information was presented to Council in reference to FY 2001 Annual Action Plan-CDBG Projected Use of Funds by Ms. Elena Rush. These plans will be presented to HUD for the final approval. The committee accepted her proposal. Motion was made by Ms. Stewart for full Council to accept proposal. Motion was seconded by Mr. Horton and carried.

Personnel and Finance Committee (Honorable Karen Floyd)

- A. Information was received from Chris Story with regard to local option sales tax.
- B. Information was received regarding ratify settlement of the Frank Adams vs. Spartanburg County lawsuit. Motion by Mr. Adams to ratify settlement. Motion seconded by Mr. Britt and carried.
- C. Information was received from Mr. David Jones on the Cellular Phone Conversion Project. Verizon Wireless was proposal deemed to be most efficient and economical.
- D. Information was received in reference to FY-02 Budget. Motion made by Mr. Horton to render first reading of Budget Ordinance by title only. Motion seconded by Ms. Stewart.
- E. Updated financial data was received with no action taken.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Jeff Caton presented information regarding Cleveland Park Renovation project. There has been a dramatic change at Cleveland Park. Hopefully, within the next ten to twelve months, we will have a beautiful facility which will have been made available for us.
- B. Received a progress report from Mr. Jeff Caton on the USCS Soccer Complex. Progress is being made to get these fields completed, so the youth of our county will have a wonderful place to enjoy soccer.

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

- A. Motion by Mr. Britt to adopt a resolution authorizing the execution and delivery of an inducement agreement and millage rate agreement by and between Spartanburg County and INA USA Corporation whereby under certain conditions Spartanburg County will make provisions for a fee in lieu of property taxes for an industrial facility to be acquired and constructed by INA USA Corporation. Motion seconded by Mr. Adams and carried.
- B. Motion by Mr. Britt to adopt a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its revenue notes (Provident Group-Windsor House West, LLC Project) Series 2001, 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 \$8,000,000. Motion seconded by Mr. Nutt and carried.
- C. Motion 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, authorized by that ordinance, between the City of Spartanburg and the County of

Spartanburg, South Carolina; and other matters related thereto. Motion seconded by Ms. Stewart and carried.

- D. Motion by Mr. Britt to approve an inducement agreement made and entered into by and between Spartanburg County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina (the "County"), and ZF Lemforder Corporation (the "Company"), a corporation organized and existing under the laws of the State of Delaware.

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

- A. Motion by Mr. Adams to withdraw action taken this morning with regard to a request from Croft Rescue Squad #18 to solicit funds from motorists at the intersection of Highway 295 and Highway 56 on Saturday, May 12, 2001, because the intersection of Highway 295 and Highway 56 has been annexed into the City of Spartanburg. This governing body has no jurisdiction over this. Mr. Glenn Breed to notify Croft Rescue Squad.
- B. Judge Paslay appeared and presented information in reference to appointment of additional Magistrates pursuant to the State Statutory formula. Motion made by Chairman Floyd that the two mandated positions are approved, but the changes are held until later discussion. Motion seconded by Mr. Nutt.
- C. Information was received regarding activities of the Public Works Department.

Land Use Committee (Honorable David Britt, Chairman)

- A. Land Use Committee is moving forward and will have some of the changes to the Unified Land Management Ordinance to present to Council next month.

Public Works, Buildings and Grounds Committee (Honorable Frank Nutt, Chairman)

- A. Motion made by Mr. Nutt to approve policy concerning a multi-way stop policy as presented by Administration with a couple minor changes being made. Motion seconded by Mr. Horton and carried.
- B. Information was received regarding activities of the Public Works Department.

VI.

- A. Motion by Mr. Britt to render third reading to an Ordinance finding that Pelham-Batesville Fire District may issue not exceeding \$950,000 general obligation bonds, to authorize the board of fire control of Pelham-Batesville Fire District to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Ms. Stewart and carried.
- B. Motion by Mr. Britt to render third reading to an Ordinance consenting to the assignment in part to Teijin Monofilament US, Inc., a Delaware Corporation, of that certain lease, agreement between Spartanburg County, SC and Hoechst Celanese Corporation, dated December 1, 1989, as amended and that certain lease agreement between Spartanburg County, SC and Hoechst Celanese Corporation, dated December 1, 1995, as amended and that certain lease agreement between Spartanburg County, SC and Hoechst Celanese Corporation, dated December 1, 1996, as amended, all pursuant to the terms of the respective lease agreements; and other matters related thereto. Motion seconded by Mr. Nutt and carried
- C. Motion by Mr. Britt to render third reading to an Ordinance approving the granting of an amended and restated mortgage on the real and personal property subject to the lease agreement dated October 1,

1998 between Spartanburg County, SC and Spartanburg Stainless, inc., and Spartanburg Automotive, Inc., and the execution and deliver of such an amended and restated mortgage on such property to Comerca Bank. Motion seconded by Mr. Horton and carried.

- D. Motion by Mr. Britt to render second reading to an Ordinance to provide for property tax roll back relief referendum; to levy and impose a one percent sales and use tax on the gross proceeds of sales within the county area which are subject to tax under Chapter 36 of Title 12, subject to a referendum within Spartanburg County pursuant to the Local Option Sales Tax Act, S.C. Code Ann. Section 4-10-10, Et Seq; to provide for a county-wide referendum to be held at a special election on November 6, 2001 and to prescribe the contents of the ballot question in such referendum; to provide for publication in a newspaper of general circulation in the county the anticipated credit against property taxes in the first year of implementation of Property Tax Credit Fund; to provide for the conduct of such referendum by the Registration and Election Commission of Spartanburg County; to provide for the administration of such tax, if approved; to provide for the payment of such tax; and to provide for other matters relating thereto. Motion seconded by Mr. Adams and carried.
- E. Motion by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a lease agreement between Spartanburg County, SC as lessor, and Premier Roof Systems, LLC as lessee; and other matters related thereto including without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Horton and carried.

#### VII.

- A. Motion by Mr. Britt to receive information and take desired action in reference to an inducement agreement made and entered into by and between Spartanburg County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina (the "County"), and ZF Lemforder Corporation (the "Company"), a corporation organized and existing under the laws of the State of Delaware. Motion seconded by Mr. Adams and carried.
- B. Information received and given first reading to Budget Ordinance by title.

#### 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 miscellaneous Council/Administrative matters.

X.

Motion by Mr. Britt to approve minutes of March 19, 2001 (regular meeting). Motion seconded by Ms. Stewart and carried.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:\_\_\_\_\_

Karen Floyd, Chairman

Attest:

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Deborah C. Ziegler

Clerk to Council

