

MINUTES

County Council Meeting

November 21, 2005

Spartanburg County Council met on Monday, November 21, 2005, 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 Glenn Breed, County Administrator; Chris Story, 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 Mr. Jeff Caton. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Stewart to adopt a Resolution recognizing and congratulating Betsy Fleming on being named President of Converse College. Motion seconded by Mr. Huckaby and carried.
- B. 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 David Jones, Director of Emergency Services for Spartanburg County, in receiving the Order of the Palmetto Award. Motion seconded by Mr. Adams and carried.

III.

- A. Chairman Horton declared open a public hearing to consider a proposed Ordinance to amend Ordinance No. 543, as previously amended by Ordinance No. O-05-10, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Adding 101 Properties and as amended adding Schwan's Bakery Operations, LLC) Mr. Larry Flynn, Lister, Flynn & Kelly, P.A., requested favorable consideration. No one else appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a proposed Ordinance authorizing a

fee-in-lieu of taxes arrangement between the County and Schwan's Bakery Operations, LLC concerning certain industrial facilities (the "Project") which Project includes real property or interests and personal property interests therein pursuant to Title 12, Chapter 44 Code of Laws of South Carolina 1976, as amended (the "Act"). Mr. Larry Flynn, Lister, Flynn & Kelly, P.A., requested favorable consideration. Mr. Flynn stated that a minor issue was discussed with the County Attorney. No one else appeared, and the matter was closed.

- C. Chairman Horton declared open a public hearing to consider a proposed Resolution approving the issuance by the Housing Authority of the City of Spartanburg of its tax-exempt multi-family housing revenue bonds (Collins Park/Page Lake Projects) to satisfy the requirements of Section 147(f) of the Internal Revenue Code, in the aggregate principal amount of not exceeding \$18,000,000. No one appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

- A. Ms. Elena Rush and Mr. Roy Johnson, Executive Director, Spartanburg Housing Authority, presented information in reference to a Resolution approving the Spartanburg Housing Authority's issuance of Tax-Exempt Multi-family Housing Revenue Bonds in conjunction with the HOPE VI Revitalization Program. The projects associated with this Resolution will be located in the City of Spartanburg and in the unincorporated County. Currently the plans estimate approximately 650 residential units and 40,000 square feet of commercial and retail will be constructed in the unincorporated area of Spartanburg County, located at the Page's Lake property. The Authority estimates that the total cost of the affordable residential construction in both the City of Spartanburg and Spartanburg County associated with this resolution will be approximately \$18,000,000. A request for issuance of these tax-exempt bonds will be placed on the agenda of the SC State Budget and Control Board to be heard on 12/13/2005. Motion made by Ms. Stewart to approve the issuance by the Housing Authority of the City of Spartanburg of its tax-exempt Multi-Family Housing Revenue Bonds (Collins Park/Page Lake Projects) to satisfy the requirements of Section 147(f) of the Internal Revenue Code, in the aggregate principal amount of not exceeding \$18,000,000. Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Information received in reference to Accommodations Tax Advisory Committee Recommendations. It is anticipated that 2006 Accommodations Tax will amount to around \$277,000. It will be distributed to 18 organizations. Motion made by Mr. Huckaby to approve the Accommodations Tax Advisory Committee Recommendations. Motion seconded by Mr. Britt and carried.
- B. At the end of FY05, we had approximately \$2.5 million that we were able to get for supplemental expenditures, such as storm and flood damage and some other items. Motion made by Mr. Huckaby to render first reading to an Ordinance amending Spartanburg County Ordinance No. O-05-06, enacted June 13, 2005, which provides for the Fiscal Year 2005-2006 General Fund Annual Operating Budget for Spartanburg County, in order to appropriate \$2,750,000 from the General Fund Unrestricted Fund Balance to certain line item expenditures in the General Fund Annual Operating Budget. Motion seconded by Mr. Adams and carried.
- C. Updated financial and personnel vacancy reports were received.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Parker to render second reading to an Ordinance to create a Parks and Recreation Commission. Motion seconded by Mr. Huckaby and carried.
- B. Discussion was held in reference to adding some additional Frisbee holes at Va-du-mar Park which would make it more conducive to Frisbee Golf Tournaments which would bring in a large number of tourists which would provide motel rooms and businesses with additional tax funds and tax base. Under Jeff Caton's leadership with Mr. Glenn Breed, we are going to look into doing this.

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

- A. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina, and Napac BioTech, Inc., whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement with NAPAC BioTech, 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. This represents a 6% fee-in-lieu.
- 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 Napac BioTech, 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. This represents a 6% fee-in-lieu.

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

- A. Information received regarding activities of the Building Codes Department.

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. Solid Waste Negotiations Timeline item was covered earlier in the day during General Session. Council voted today to have the Landfill Negotiating Committee return a recommendation by January 20, 2006, at 12:00 p.m. This was a regular session of full Council. Therefore, this action did not need to be repeated here.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. 543, as previously amended by Ordinance No. O-05-10, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Adding 101 Properties and as amended adding Schwan's Bakery Operations, LLC) Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and Schwan's Bakery Operations, LLC; and matters relating thereto. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the amendment of that certain fee agreement between Spartanburg County, South Carolina and Stankiewicz International Corporation for purposes of adding a sponsor affiliate and other matters related thereto. Motion seconded by Mr. Nutt 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. Huckaby to move the December meeting to December 12, 2005, and the January meeting to January 23, 2005. Motion seconded by Ms. Stewart and carried.

X.

Motion made by Mr. Britt to approve minutes of October 17, 2005 (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