

MINUTES

County Council Meeting

October 16, 2006

Spartanburg County Council met on Monday, October 16, 2006, 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; 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. Tim Williams, Roebuck Baptist Church. Woodruff Boy Scout Troop 21 led in reciting the Pledge of Allegiance.

II.

A. Mr. Jim Rogers, Chairman of Spartanburg County Economic Development Corporation, recognized Chairman Horton as South Carolina Ambassador for Economic Development from Spartanburg County.

III.

- A. Chairman Horton declared open a public hearing to consider a proposed Ordinance enacting new procurement procedures for Spartanburg County. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance consenting to a five-year extension of the investment period for Edscha Spartanburg LLC (formerly known as Premier Roof Systems, LLC) under its lease agreement with Spartanburg County pursuant to Section 4-12-30(C)(2), Code of Laws of South Carolina 1976, as amended. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of an infrastructure finance agreement by and among Spartanburg County, South Carolina, 290 Properties LLC and Knights Apparel, Inc. with respect to certain economic

development property in the county, whereby such property will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. No one appeared, and the matter was closed.

- D. 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 between Spartanburg County, South Carolina, and Kohler Co., 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. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance to develop a joint industrial/business park in conjunction with Union County, such industrial/business park to be geographically located in Spartanburg County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina 1976, as amended; to provide for a written agreement with Union County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. (Kohler Co.) No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. O-04-06 to provide for expiration periods for demolition permits and provide for the requirement of performance bonds or letters of credit on commercial demolition projects. No one appeared, and the matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by First Baptist North Spartanburg for October 19 from 6:00 p.m. until 10:00 p.m. for a Fall Festival at 8740 Asheville Highway, Spartanburg. No one appeared, and the matter was closed.
- H. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Timothy Jones for October 16 until November 1 from 6:00 p.m. until 10:00 p.m. weekdays and 6:00 p.m. until 12:00 p.m. Friday and Saturday for a Wompus Woods Haunted Trail at 281 Parris Road, Cowpens. Mr. Timothy Jones of Spartanburg appeared in reference to this request. This is the tenth year they have opened the Haunted Trail. Mr. Jones stated they have a noise maker they fire about every half hour. They have it down in the woods, so it is muffled. The surrounding neighbors have said that it never bothers them. They employee about 100 youth. It is one of the largest haunted trails in the southeast. Mr. Jones only knows of one complaint regarding the noise that was made last year. The Sheriff's Office checked with 50 or 60 other neighbors, and they all said it did not bother them. The matter was closed.

IV.

No appearances scheduled.

V.

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

No items scheduled.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Captain Mark Barry, Sheriff's Office, presented information in reference to two grant funded positions in the Sheriff's Office. One is a Forensic Services Unit Grant for one investigator. The other one is a Criminal Domestic Violence Investigator Grant. These two positions require approximately \$182,000.

The grant will pay \$68,125 on the Forensic Investigator and \$68,362 on the Criminal Domestic Violence Investigator. The local matches are a little over \$22,000 on each position. These grants are for a period of three years. The grants will be requested by the Sheriff's Office each year. The Sheriff has indicated he will pay the local match out of the Sheriff's Office forfeiture account. The County will look at these positions at the end of the three years. It is not a requirement of the grant that the County fund these positions after the three years. Motion made by Mr. Huckaby to approve these positions for the three years, and then County Council will look at whether or not they continue funding them. Motion seconded by Mr. Britt and carried.

B. Updated financial and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

No items scheduled.

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

A. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an amendment to a lease purchase agreement between Spartanburg County and Milliken & Company, so as to extend the initial investment period to ten years for investments in excess of the initial commitment. Motion seconded by Mr. Nutt and carried. This is an amendment to an existing fee-in-lieu made four years ago with Milliken and Company. They initially asked for a fee-in-lieu for a \$5 million investment for a period of five years. They requested extending it out to ten years, because they have more investments they would like to make on their existing facilities here in Spartanburg County. The time allowed has now been extended to ten years by the Legislature. Milliken to date has invested \$26 million.

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

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

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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. Information received regarding activities of the Public Works Department.

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VI.

A. Motion made by Mr. Huckaby to render second reading to a proposed Ordinance enacting new procurement Procedures for Spartanburg County. Motion seconded by Mr. Nutt and carried.

B. Motion made by Mr. Britt to render second reading to an Ordinance consenting to a five-year extension of the investment period for Edscha Spartanburg LLC (formerly known as Premier Roof Systems, LLC) under its lease agreement with Spartanburg County pursuant to Section 4-12-30(C)(2), Code of Laws of South Carolina 1976, as amended. Motion seconded by Mr. Huckaby and carried.

C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of an infrastructure finance agreement by and among Spartanburg County, South Carolina, 290 Properties LLC and Knights Apparel, Inc. with respect to certain economic development property in the county, whereby such property will receive certain infrastructure credits in respect of its

investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Nutt and carried.

- D. 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 by and between Spartanburg County, South Carolina, and Kohler Co., 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.
- E. Motion made by Mr. Britt to render second reading to an Ordinance to develop a jointly owned and operated industrial/business park in conjunction with Union County, such industrial/business park to be geographically located in Spartanburg County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina 1976, as amended; to provide for a written agreement with Union County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. (Kohler) Motion seconded by Mr. Nutt and carried.
- F. Motion made by Mr. Huckaby to render second reading to an Ordinance to amend Ordinance No. O-04-06 to provide for expiration periods for demolition permits and provide for the requirement of performance bonds or letters of credit on commercial demolition projects. Motion seconded by Mr. Nutt and carried.

VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by First Baptist North Spartanburg for October 19 from 6:00 p.m. until 10:00 p.m. for a Fall Festival at 8740 Asheville Highway, Spartanburg. Motion seconded by Ms. Stewart and carried.
- B. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Mr. Timothy Jones for October 16 until November 1 from 6:00 p.m. until 10:00 p.m. weekdays and 6:00 p.m. until 12:00 p.m. Friday and Saturday for a Wompus Woods Haunted Trail at 281 Parris Road, Cowpens. Motion seconded by Mr. Parker 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.

Mr. David Rutherford, new Planning Director, was introduced. Discussion was held on the possibility of moving the November meeting to November 13th. No decision was made at this time.

X.

Motion made by Ms. Stewart to approve minutes of September 18, 2006 (Regular Meeting). Motion seconded by Mr. Huckaby and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council