

MINUTES

County Council Meeting

November 20, 2006

Spartanburg County Council met on Monday, November 20, 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, and Ken Huckaby, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; Tom Gates, Assistant County Administrator; and Edwin Haskell, County Attorney. Honorable Frank Nutt was absent.

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 Pastor Richard Smith, Hope Point Community Church. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Huckaby to adopt a Resolution expressing recognition and appreciation to Glenn "Buddy" Bowen, Jr., for his 40 years of dedicated service to Spartanburg County. Motion seconded by Mr. Adams and carried.
- B. Motion made by Chairman Horton to adopt a Resolution in celebration of the 60th Anniversary of the Beacon Drive Inn Restaurant. Motion seconded by Mr. Adams and carried. Mr. Kenny Church and Mr. Sam Maw, Jr. were present to receive Resolution.
- C. Motion made by Mr. Britt to adopt a Resolution recognizing U. S. Marine Corps, 2nd Lt. Andrew Kinard of Spartanburg, South Carolina for his military service. Motion seconded by Mr. Adams and carried.
- D. Motion made by Ms. Stewart to adopt a Resolution designating the month of November 2006 as Pulmonary Hypertension Awareness Month. Motion seconded by Mr. Britt and carried. Ms. Jenni Messel, South Carolina Pulmonary Hypertension Support Group, was present to receive Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider a Resolution approving the issuance by the Housing Authority of the City of Spartanburg of not exceeding \$18,000,000 aggregate principal amount of its tax-exempt Multi-family Housing Revenue Bonds (Spartanburg Southside Projects) pursuant to Title 31, Chapters 3 and 13 of the Code of Laws of South Carolina 1976, as amended. 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 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. No one appeared, and the matter was closed.

IV.

- A. Ms. Shirley Sims Gray, 178 Miles Drive, Spartanburg, appeared in reference to the Arkwright Community. Chairman Horton advised Ms. Gray that he went to Washington for two days recently to try to help Mayor Barnet obtain funds to clean up the Arkwright dump.

V.

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

- A. Resolution authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina and Blue Ridge Log Cabins, LLC, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than seven million dollars (\$7,000,000) investment and Spartanburg County will provide an Infrastructure Tax Credit was carried over. No action was taken.
- B. Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, as lessor, and Blue Ridge Log Cabins, LLC; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Blue Ridge Log Cabins, LLC was carried over. No action was taken.
- C. Ordinance to amend the jointly owned and operated Industrial Business Park in conjunction with Union County, dated as of December 1, 1998; 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 was carried over. (Blue Ridge Log Cabins, LLC) No action was taken.
- D. 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 and an infrastructure finance agreement by and between Spartanburg County, South Carolina and Echostar DBS Corporation with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes and Echostar DBS Corporation will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Huckaby.

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

- A. Mr. Roy Johnson, Spartanburg Housing Authority, presented information in reference to Spartanburg Southside Project to the Public Health and Human Services Committee. This project combines

Collins Park/Little Camp Croft, Page Lake, and Cedar Springs Townhomes projects, which were previously approved by County Council. The South Carolina Budget and Control Board requires that a public hearing be held and that County Council consider a revised resolution if the project terms change. This change will enable the Spartanburg Housing Authority to obtain the most advantageous financing. Motion made by Ms. Stewart to adopt a Resolution approving the issuance by the Housing Authority of the City of Spartanburg of its tax-exempt multi-family Housing Revenue Bonds (Spartanburg Southside Projects) to satisfy the requirements of Section 147(f) of the Internal Revenue Code. Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Mr. Glenn Breed and his staff presented information in reference to Vehicle Replacement Program for the Sheriff's Office.
- B. Motion made by Mr. Huckaby to render first reading to an Ordinance to amend the FY07 Operating Budget to provide Supplemental Appropriation for Vehicle Replacement Program. Motion seconded by Mr. Adams and carried.
- C. Motion made by Mr. Huckaby to grant authorization to acquire short-term debt for the Sheriff's Office Vehicle Replacement Program. This would include about \$3 million supplement to the FY07 Budget. Motion seconded by Ms. Stewart and carried.
- D. Honorable Trey Gowdy, Solicitor, presented a proposal in reference to the addition of a part-time drug investigator position for in the Circuit Solicitor's Office. This position would be funded by some of his discretionary funds in his office. No additional money would be appropriated. Motion made by Mr. Huckaby to approve this part-time position. Motion seconded by Mr. Britt and carried.
- E. 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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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. Britt to render third reading to a proposed Ordinance enacting new procurement procedures for Spartanburg County. Motion seconded by Mr. Adams and carried.
- B. Motion made by Mr. Britt to render third 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. Adams and carried.

- C. Motion made by Mr. Britt to render third 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. Adams and carried.
- D. 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 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 Ms. Stewart and carried.
- E. Motion made by Ms. Stewart to render third 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. Britt and carried.
- F. Motion made by Mr. Huckaby to render third reading to an Ordinance to amend Ordinance No. O-04-06 to provide that demolition permits for commercial structures shall only be valid for a 6 month period of time, to provide for an irrevocable letter-of-credit and agreement or payment and performance bond at the time a demolition permit is issued, and to provide for the expiration of building permits if an inspection is not requested within 6 months from the date of issuance. Motion seconded by Mr. Britt and carried.
- G. Motion made by Mr. Britt to render second 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 Ms. Stewart 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.

No items scheduled.

X.

Motion made by Ms. Stewart to approve minutes of October 12, 2006 (Special Meeting) and October 16, 2006 (Regular Meeting) Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council