

MINUTES

County Council Meeting

November 17, 2008

Spartanburg County Council met on Monday, November 17, 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 Honorable O'Neal Mintz. Boiling Springs Boy Scout Troop 360 led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Britt to adopt Resolution designating Monday, December 1, 2008 as World AIDS Day in Spartanburg County. Motion seconded by Mr. Foster and carried. Honorable Michael Brown presented Resolution to Ms. Tracey Jackson, Piedmont Care Inc.
- B. Chairman Horton recognized Graduates of Spartanburg County Citizens' Academy.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and MK Metalfoils USA, Inc. (Project Nelson) providing for a payment of a fee in lieu of taxes. 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 by and between Spartanburg County, South Carolina and AFL Telecommunications, LLC 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.

- C. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03 and No. O-03-13 relating to the joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (AFL Telecommunications, LLC) No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to amend the FY 2008-09 Stormwater Fund (Fund 3) Operating Budget in the amount of \$600,000 to appropriate Stormwater proceeds collected by the County on behalf of the City of Spartanburg and the City of Greer. No one appeared, and the matter was closed.

IV.

- A. Mr. Jim Thomas, Regional Director for AT&T of South Carolina, presented County Council the annual South Carolina Utility Tax Credit check for \$35,000.

V.

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

No items scheduled.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Tom Gates presented information in reference to an Ordinance to amend Ordinance No. O-07-20 establishing a local Hospitality Tax in Spartanburg County, South Carolina, in order to provide appropriated allocations to community-based organizations. No motions were made on this item.
- B. Mr. Tom Gates presented an Update on FY09 Budget Action Plan. Presentation is included in backup.
- C. Mr. Chris Bever, Program Evaluation Manager, presented the FY 2008/09 1st Quarter Capital Improvement Plan Status Report. Status Report and Presentation are included in backup.
- D. Mr. Glenn Breed presented information in reference to Municipal Detainee Contracts. The committee voted to table this item.
- E. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Tom Gates presented an Update on the status of Victor Mill located in Greer. The County has submitted an application to EPA for the Brownfields Cleanup Grant. This grant can provide up to \$200,000 for site cleanup and remediation. We will not know if we will receive this grant until the April 2009 timeframe.

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

- A. President Jamie Caggiano, Spartanburg County Fire Chief's Association, presented an Update on the

Fire Service Issues as information. Presentation is included in backup.

- B. Motion made by Mr. Adams to authorize the commission of Megan R. Turner as an Animal Control Officer of Spartanburg County. Motion seconded by Mr. Mintz and carried.
- C. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Mr. Chris Story presented information in reference to an Ordinance amending the Storm Water Management Ordinance. Mr. Roger Nutt, Vice-President of TNC Engineering and Representative from the Homebuilders Association Development Group, spoke on behalf of the Homebuilders Association during The Land Use Committee meeting. Mr. Marion Grambling, Land Surveyor, spoke in opposition to two different parts of the Design Manual during the Land Use Committee meeting. No action was taken.
- B. Updated Planning Department Reports on Development Activity were received.

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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. Mintz to adopt a Resolution declaring the results of a referendum held on November 4, 2008, on the question of the issuance of not exceeding \$400,000 General Obligation Bonds of Mayo Area Fire District of Spartanburg County, South Carolina. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Mintz to render third reading to an Ordinance authorizing the Board of Fire Control of the Mayo Area Fire District in Spartanburg County to issue General Obligation Bonds in the principal amount of not exceeding \$400,000 to be issued by the Mayo Area Fire District subject to the results of a favorable referendum in the district; and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Spartanburg County, South Carolina ("the County") and Staubli Corporation (Project PV), acting for itself or an affiliate or other project sponsor, (the "Company"), whereby, under certain conditions, the County shall grant incentives to the company in connection with the expansion of certain manufacturing facilities in the County (the "Project"); (2) the County to covenant in such Incentive Agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the project; (3) the benefits of a multi-county park to be made available to the company; and (4) other matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- D. Motion made by Mr. Britt to render third reading to an Ordinance to develop, pursuant to Sec. 4-1-170 of the South Carolina Code of Laws, 1976, as amended, a jointly owned and operated Industrial/Business Park, to be known as the Congaree Bio Energy Multi-County Park, in conjunction with Union County, South Carolina, such Industrial/Business Park to be geographically located in Union County, South Carolina; to provide for a written agreement with Union County as to the sharing of the revenues and expenses of the park; to provide for the distribution of revenues from the park among the taxing entities having jurisdiction over the park; to provide for a user fee in lieu of ad valorem taxation; and other matters related thereto. Motion seconded by Mr. Foster and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and MK Metalfoils USA, Inc. (Project Nelson) providing for a payment of a fee in lieu of taxes. Motion

seconded by Mr. Culbreth and carried.

- F. 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 AFL Telecommunications, LLC 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. Foster and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03 and No. O-03-13 relating to the joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (AFL Telecommunications, LLC) Motion seconded by Mr. Foster and carried.
- H. Motion made by Mr. Adams to render second reading to an Ordinance to amend the FY 2008-09 Stormwater Fund (Fund 3) Operating Budget in the amount of \$600,000 to appropriate Stormwater proceeds collected by the County on behalf of the City of Spartanburg and the City of Greer. Motion seconded by Mr. Britt 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 Mr. Britt to approve minutes of October 14, 2008 (Tour of Horry County Jail) and October 20, 2008 (Regular Meeting). Motion seconded by Mr. Foster and carried.

XI.

Motion made by Mr. Britt to adjourn. Motion seconded by Mr. Adams and carried.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council