

MINUTES

County Council Meeting

April 20, 2009

Spartanburg County Council met on Monday, April 20, 2009, 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, Jane Hall, Dale Culbreth, and Tom Foster, 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 Chaplain Jerry Clevenger. Honorable Tom Foster led in reciting the Pledge of Allegiance.

II.

- A. Mr. Brown presented a Resolution remembering and recognizing Captain Robert Dillard "Buddy" Hadden for his service to the Una Fire Department. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Brown and carried. Mr. Jeff Hadden received Resolution.
- B. Mr. Culbreth presented a Resolution proclaiming the week of May 3-9, 2009 as Building Safety Week in Spartanburg County. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Britt and carried. Mr. Mike Padgett, Building Codes Director, and Staff received Resolution.
- C. Mr. Mintz presented a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the contributions of Walter M. "Bud" Moore. Motion made by Mr. Mintz to adopt Resolution. Motion seconded by Mr. Foster and carried.
- D. Mr. Mintz presented a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the contributions of Everett Douglas "Cotton" Owens. Motion made by Mr. Mintz to adopt Resolution. Motion seconded by Mr. Foster and carried.
- E. Ms. Hall presented a Resolution proclaiming the week of April 12-18, 2009 as Telecommunicators Week. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Foster and carried. Mr. Keith Lee and Staff received Resolution.
- F. Ms. Hall presented a Resolution expressing recognition and appreciation for the pride and honor

bestowed upon Spartanburg County by the achievements of Jeff Moss of Spartanburg County Communications/9-1-1 in being named Telecommunicator-of-the-Year. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Foster and carried.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to develop a jointly owned and operated Industrial/Business Park in conjunction with Cherokee County, such Industrial/Business Park to be geographically located in Spartanburg County and established pursuant to South Carolina Code of Laws for 1976, Section 4-1-170 et sequitur, as amended; to provide for a written agreement with Cherokee 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. (Wal-Mart Stores East, LP (Project Mizzou), O.P. Carolinas, LLC, and Tasty Blend Foods, Inc.) 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 between Spartanburg County, South Carolina, and Gas Turbine Efficiency, LLC (Project Thermal); and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. 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 a fee agreement by and between Spartanburg County, South Carolina and Wal-Mart Stores East, LP, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than thirteen million five hundred thousand dollars (\$13,500,000) investment and a special source revenue credit. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association of Spartanburg from 9:00 a.m. on April 25, 2009 until 2:00 a.m. on April 26, 2009, and 9:00 a.m. on April 26, 2009 until 12:15 a.m. on April 27, 2009, for a Laos New Year Water Festival at 470 Fox Drive. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 11:00 a.m. on May 2, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Mr. Mark James, Greer, appeared in opposition to granting this exclusion. He stated they run without mufflers. Mr. Mike Greer, Operator of Greer Dragway, appeared. Mr. Greer stated they have been finishing the races around 8:00 or 9:00 p.m. They try to run a couple of special events a month in order to pay for improvements at the track. The matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 11:00 a.m. on May 23, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Mr. Mark James, Greer, appeared in opposition to granting this exclusion. He stated they run without mufflers. Mr. Mike Greer, Operator of Greer Dragway, appeared. The matter was closed.

IV.

No appearances scheduled.

V.

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

- A. Motion made by Mr. Britt to adopt a Resolution inducing DAA Draexlmaier Automotive of America LLC to additional investments of at least \$20 million in equipment at existing plant in Duncan, SC and committing Spartanburg County to provide certain economic development incentives including fee in lieu of ad valorem tax payments subject to the approval of the County Attorney. Motion seconded by Mr. Foster and carried.
- B. 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 United Tool and Mold, Inc., whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than five million dollars (\$5,000,000) investment subject to the approval of the County Attorney. Motion seconded by Mr. Foster and carried.
- C. 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 between Spartanburg County, South Carolina, and United Tool and Mold, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes subject to the approval of the County Attorney. Motion seconded by Mr. Foster and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to develop a new jointly owned and operated Industrial/Business Park in conjunction with Union County, such new Industrial/Business Park to be geographically located in Spartanburg County and the City of Spartanburg and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a new written agreement with Union County providing for the expenses of the new park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; to provide that jobs tax credits allowed by law be provided for businesses locating in said new park; to permit a user fee in lieu of ad valorem taxation within said new park; and to provide for a new intergovernmental agreement with the City of Spartanburg. (Business Corridor) Motion seconded by Mr. Foster and carried.

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

- A. No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to adopt a Resolution authorizing Schedule No. 2 to the Master Lease Agreement between Spartanburg County, South Carolina and First Citizens Bank and Trust Company, Inc. in the principal amount of not exceeding \$495,000 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents including Schedule No. 2 to the Master Lease Agreement; and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance providing for the issuance and sale of revenue bonds (Solid Waste Landfill Projects) of Spartanburg County, South Carolina, and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Culbreth to render first reading to an Ordinance providing for the issuance and sale of a not exceeding \$14,750,000 Revenue Bonds (Solid Waste Landfill Projects), Series 2009, of Spartanburg County, South Carolina, for the expenditure of the proceeds thereof, for the payment of said bond, and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- D. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

No items scheduled.

-
Public Safety and Judiciary Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Brown stated there is a supplemental matter in regards to an Ordinance amending the Spartanburg County Code relating to Alarm Systems, Sections 28-51 through 28-55, in order to make provisions for false alarms, service charges for false alarms, notification of alarm system installation and alarm system standards. This item was carried over to next month.
- B. Information received regarding activities of the Building Codes Department.

-
Land Use Committee (Honorable Jeff Horton, Chairman)

No items scheduled.

-
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. 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 Rochling Automotive Duncan, LLP 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.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to develop a jointly owned and operated Industrial/Business Park in conjunction with Cherokee County, such Industrial/Business Park to be geographically located in Spartanburg County and established pursuant to South Carolina Code of Laws for 1976, Section 4-1-170 et sequitur, as amended; to provide for a written agreement with Cherokee 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. (Wal-Mart Stores East, LP (Project Mizzou), O.P. Carolinas, LLC, and Tasty Blend Foods, Inc.) Motion seconded by Mr. Foster and carried.
- C. 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 between Spartanburg County, South Carolina, and Gas Turbine Efficiency, LLC (Project Thermal); and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Brown and carried.
- D. 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 Wal-Mart Stores East, LP, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement for a project involving not less than thirteen million five hundred thousand dollars (\$13,500,000) investment and a special source revenue credit. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Mintz to render second reading to an Ordinance amending Section 30.27 of the Code of the County of Spartanburg, South Carolina to change the time during which certain motorized racing of vehicles is exempt from the provisions of Spartanburg County Noise Restrictions from 10:00 p.m. to 11:00 p.m. and to amend Section 30-33 of the Code of the County of Spartanburg, South Carolina to change the time for publishing the first notice of the public hearing for the special event exclusions from 21 days to 15 days. Motion seconded by Mr. Culbreth and carried.

VII.

- A. Motion made by Mr. Foster to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Lao Association of Spartanburg from 9:00 a.m. on April 25, 2009 until 2:00 a.m. on April 26, 2009, and 9:00 a.m. on April 26, 2009 until 12:15 a.m. on April 27, 2009, for a Laos New Year Water Festival at 470 Fox Drive. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 11:00 a.m. on May 2, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
- C. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 11:00 a.m. on May 23, 2009 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz 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.

No items scheduled.

X.

Motion made by Mr. Britt to approve minutes of March 6, 2009 (Special Joint Meeting) and March 16, 2009 (Regular Meeting). Motion seconded by Mr. Culbreth and carried.

XI.

Motion made by Mr. Britt to adjourn.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler

Clerk to Council