

January 28, 2008

Spartanburg County Council met on Monday, January 28, 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 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. Honorable Johnnye Code-Stewart 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 Missionary Rennie Campbell, Chaplain for the Prison System. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Byrnes High School's Football Team, The Rebels, for winning the 4A Division I State Championship. Motion seconded by Mr. Britt and carried. Coach Chris Miller, Assistant Coach Jeff Tate, and several of the Captains received the Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider the issuance, pursuant to the favorable results of a referendum, of a not exceeding \$2,000,000 general obligation bond of the Boiling Springs Fire District District, the proceeds of which will be expended to defray the cost of acquiring a new main fire station and headquarters and title to a truck and paying all costs associated with the issuance of said bond. No one appeared, and 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 authorizing the execution and delivery of an Inducement Agreement by and between Spartanburg County, South Carolina, and American Yuncheng Plate Making, Inc. whereby, under certain conditions, said company will acquire, by construction and purchase, certain facilities in Spartanburg County and Spartanburg County will execute fee-in-lieu-of-tax and lease agreement(s) and provide certain economic development inducements to American Yuncheng Plate Making, Inc. and execute certain documents and enact certain further legislation for said company's project involving not less than six million dollars (\$6,000,000) in investment. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing a fee-in-lieu-of-tax arrangement on behalf of American Yuncheng Plate Making, Inc. (the "company") pursuant to a fee-in-lieu-of-tax agreement between Spartanburg County, South Carolina (the "county") and the company; authorizing a 5-year extension of the investment period for all investments over the initial \$6,000,000 investment; and other matters relating to the foregoing. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance to develop a jointly owned and operated industrial/business park ("American Yuncheng Park Project") in conjunction with Union County, such industrial/business park to be geographically located in Spartanburg County and established pursuant to South Carolina Code of Laws of 1976 §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 taxes to the counties and relevant taxing entities; to provide that jobs tax credits allowed by law be provided for businesses locating in said park; and to permit a user fee in lieu of ad valorem taxation within said park. Motion seconded by Mr. Foster and carried.
- D. Motion made by Mr. Britt to adopt a Resolution authorizing the extension of the project acquisition period under the lease agreement by and between Spartanburg County, South Carolina, and BMW Manufacturing Co., LLC, revised and restated as of December 20, 2001 to allow the completion of the project, and other matters relating thereto subject to review of the document by the County Attorney's Office. Motion seconded by Mr. Foster and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to adopt a Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing regarding whether it may be in the interest of the Cherokee Springs Fire District for the Spartanburg County Council to authorize the Board of Fire Control to issue General Obligation Bonds of the district in the principal amount of not exceeding \$2,190,000, subject to the favorable results of a referendum conducted in the district; approving the form of such notice of public hearing; and other related matters. Motion seconded by Mr. Foster and carried.
- B. Mr. Chris Bever presented an update on the Capital Improvement Program. The Presentation and the FY 2007-08 Capital Budget Status Report are included in backup. Mr. Jason Weaver, Solid Waste Manager, presented an update on the Phase VI MSW Landfill Cell 1 Liner Project. Mr. Steve Belue, Public Works Director of Operations, presented a Countywide Asphalt Resurfacing Update. Mr. Winston Anderson, Facilities Manager, presented an update on the Roof Replacement Project at Evans, Sheriff's

Office, Detention Facility and Annex I and an update on the Main Detention Facility Expansion Project.

- C. Mr. Tom Gates presented Sheriff/Detention Facility Financial Information. As was reported at the December meeting of County Council, the County's external auditors provided information about the year-end Fiscal 2007 and as a part of that discussion they offered an issue which they described as a "significant deficiency" in our financial process. The deficiency is identified as a persistent over expenditure of budget occurring in both the County Detention Facility Department and the Sheriff's Office. The issue is the amount of money that was actually expended by both the Detention Facility in that year and the Sheriff's Office relative to what was budgeted. Ms. Linda Blackerby, Budget Director, presented a report to help explain the specifics of the over expenditure. Presentation is included in backup.
- D. Mr. Ted Benevides, Waters Consulting Group, presented an Employee Classification and Compensation Update. Presentation is included in backup. Administration will present an implementation schedule in February. Motion made by Mr. Foster to endorse the recommendations presented. Motion seconded by Mr. Culbreth and carried.
- E. Ms. Lisa Benfield, Internal Auditor, presented a proposed Ethics Policy for employees of the County. A copy of the Ethics Policy is included in backup. This item was carried over until next month for review of the proposed policy.
- F. Updated financial and personnel vacancy reports were received.

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Livability Committee – (Honorable Tom Foster, Chairman)

No items scheduled.

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 Jeff Horton, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. The item in reference to a Resolution ordering a public hearing to be held for the purpose of considering the enlargement of the Spartanburg Sanitary Sewer District to include certain areas within the municipal boundaries of The Town of Chesnee, South Carolina, and a portion of Cherokee County, South Carolina was carried over.
- B. Information received regarding activities of the Public Works Department.

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VI.

- A. Motion made by Mr. Mintz to render third reading to an Ordinance amending Section 30.27(13) of the Code of the County of Spartanburg, South Carolina to change the time during which certain vehicles are exempt from the provisions of Spartanburg County Noise Restrictions from 10:00 P.M. to 11:00 P.M. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Mintz to render third reading to an Ordinance finding that Boiling Springs Fire District may issue a not exceeding \$2,000,000 General Obligation Bond; to authorize the Fire Control Board of the Boiling Springs Fire District to issue such bond and to provide for the publication of notice of the said finding and authorization subject to the favorable results of a referendum conducted in the district. Motion seconded by Mr. Foster 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. Culbreth to approve minutes of December 17, 2007 (Regular Meeting). Motion seconded by Mr. Foster 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