

MINUTES

County Council Meeting

September 17, 2007

Spartanburg County Council met on Monday, September 17, 2007, 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, 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 Pastor Ray Hellings, Trinity Presbyterian Church. Mr. Don Bramblett led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Britt to adopt a Resolution remembering and recognizing Marine Corps, Lance Corporal David P. Lindsey of Spartanburg, for his military service. Motion seconded by Mr. Foster and carried. Mr. and Mrs. Mike Bishop, Corporal Lindsey's parents, received the Resolution.
- B. Motion made by Mr. Foster to adopt a Resolution endorsing and supporting the Family Readiness Groups efforts in the development of Operation Palmetto Guardian to assist families of the South Carolina Army National Guard actively deployed in the war on terror. Motion seconded by Mr. Britt and carried. Ms. Ann Moore, Family Readiness Group, received the Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to establish and collect a local Hospitality Tax in Spartanburg County. The following individuals appeared in opposition to the Hospitality Tax Ordinance: Walter McSherry, 108 Idlewylde Court, Spartanburg; Paul Manly, Roebuck; Rene Tanguay, Landrum; Allen Rawley, 417 Maplecroft Street, Spartanburg; and Hamp Lindsey, 1122 Edisto Drive, Spartanburg, on behalf of the South Carolina Restaurant Association.

The following individuals appeared in favor of the Hospitality Tax Ordinance: Tom Davies, 380 Mary Hanna Road, Woodruff; Karen Calhoun, 216 Dares Ferry Road, Spartanburg, appearing on behalf of Partners for Active Living and the other 14 board members; Laura Henthorn, 449 South Oakley Lane; Don Bramblett, Clifton Community; Rocky Bull, 71 Lakeside Drive, Lyman; and Wade Ballard, Muirfield Drive, Vice Chair of the Spartanburg Chamber's Governmental Relations Committee, appearing on behalf of the Chamber. The public hearing was closed.

- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing a fee-in-lieu of tax arrangement on behalf of Mack Molding Company, Inc. (The "Corporation") pursuant to a fee agreement between Spartanburg County, South Carolina (The "County") and the Corporation; and other matters relating to the foregoing. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider the proposed adoption of an Ordinance entitled "An Ordinance to provide for the issuance and sale of not exceeding four million dollars (\$4,000,000) General Obligation Bonds, Series 2007, of Spartanburg County, South Carolina; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. 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 First Baptist North Spartanburg for October 25, 2007, from 8:00 a.m. until 11:00 p.m. for a Carnival at 8740 Asheville Highway. 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 Tim Jones for October 5 through October 31 from 5:00 p.m. until 12:00 a.m. for Wompus Woods at 281 Parris Road, Cowpens, SC. No one appeared, and the matter was closed.

IV.

- A. Mr. Walter McSherry, Citizens for Efficient Government, appeared. They are the Spartanburg County affiliate of South Carolina Association of Taxpayers.
- B. Mr. David Hewitt of Peach Valley, Spartanburg, appeared on behalf of Upstate Citizens for Better Government.

V.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the amendment of the fee in lieu of tax agreement between Spartanburg County, South Carolina (The "County") and Echostar DBS Corporation (The "Company") to confirm the inclusion of the Landlord's Capital Investment within the project, to correct the commencement date of the annual FILOT payments and to make certain other technical corrections; and other matters relating to the foregoing. Motion seconded by Mr. Foster and carried.
- B. 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 by and between Spartanburg County, South Carolina and Richard Fritz, Inc. 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. Culbreth and carried.
- C. Motion made by Mr. Britt to adopt a Resolution identifying a project in order to satisfy the requirements of South Carolina Code Section 12-44-40 so as to allow investment expenditures incurred by a company

referred to herein as Project Tom to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Spartanburg County, South Carolina, committing to enter into a fee agreement with said company, and other matters related thereto. Motion seconded by Mr. Culbreth and carried.

- D. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and Project Tom, its affiliates and assigns, to provide for a fee in lieu of taxes incentive and other matters related thereto. 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. Mr. Clay Allen, Public Defender, presented a request for two additional staff positions in the Public Defender's Office. The legislature has appropriated additional money to the County Public Defender Offices for CDV defense and DUI defense. Mr. Allen requested an additional interviewer/screener (Grade 16) and an additional secretary (Grade 12) at the Jail. The estimated cost is \$91,600. It is being provided by new money from State Funds. It is listed as recurrent funds. This will not increase any County appropriations. Motion made by Mr. Culbreth to approve a request from the Public Defender's Office for two additional staff positions. Motion seconded by Mr. Foster and carried.
- B. Captain Mark Barry, Sheriff's Office, presented information in reference to a request from R. D. Anderson Vocational for a School Resource Officer. This position will be fully funded by R. D. Anderson. There was a question concerning the vehicle for the Officer. This item was carried over until next month.
- C. Mr. David Forrester, Executive Director, presented information in reference to a request for a new Spartanburg Alcohol and Drug Abuse Commission employee position. This position will be completely funded from a \$98,000 grant recently awarded to SADAC by the South Carolina Department of Alcohol and Drug Abuse Services for its Alcohol Enforcement Team (AET). The Team's goal is to decrease youth access to alcohol and underage alcohol use in Spartanburg County. There will be no cost to the County. Motion made by Mr. Culbreth to approve this request. Motion seconded by Ms. Stewart 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 Rock Adams, Chairman)

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

-

-

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Mr. Roy Johnson presented information in reference to the Housing Authority Southport Page Lake Project Neighborhood Plan. (Presentation is included in backup.)
- B. Updated Planning Department Reports on Development Activity were received.

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 second reading to an Ordinance to establish and collect a local Hospitality Tax in Spartanburg County, South Carolina. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance authorizing a fee-in-lieu of tax arrangement on behalf of Mack Molding Company, Inc. (The "Corporation") pursuant to a fee agreement between Spartanburg County, South Carolina (The "County") and the Corporation; and other matters relating to the foregoing. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance to provide for the issuance and sale of not exceeding four million dollars (\$4,000,000) General Obligation Bonds, Series 2007, of Spartanburg County, South Carolina; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. (USC Upstate) 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 Ms. Stewart to approve minutes of August 20, 2007 (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