

MINUTES

County Council Meeting

May 19, 2008

Spartanburg County Council met on Monday, May 19, 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 Chairman Horton. Honorable Tom Foster led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the military service of Captain Travis A. Moore. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Brown to adopt a Resolution proclaiming the month of May 2008 as Older Americans Month in Spartanburg County. Motion seconded by Mr. Foster and carried. Ms. Barbara Jardno, South Carolina Appalachian Council of Governments, received Resolution.
- C. Motion made by Mr. Britt to adopt a Resolution proclaiming the month of May 2008 as Mental Health Month in Spartanburg County. Motion seconded by Mr. Foster and carried. Ms. Jane Clemmer, New Day Clubhouse, and Ms. Dee Richardson, Partnership Chair, received Resolution.
- D. Motion made by Mr. Culbreth to adopt a Resolution recognizing the P.A.C.E. Center on its one year Anniversary and in being chosen for National Presentation. Motion seconded by Mr. Britt and carried. Ms. Susan Bird, Chair of the Board of the P.A.C.E. Center, received Resolution.
- E. Chairman Horton recognized the Graduates of the Second Spartanburg County Citizens' Academy.
- F. Chairman Horton recognized the Graduates of the Project Civics Class at Boiling Springs High School.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to amend the jointly owned and operated Industrial Business Park in conjunction with Union County, dated as of July 11, 1994; 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. (Lubrizol Advanced Materials, Inc. – Herald-Journal Industrial Park) No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2008 and ending June 30, 2009; to provide for budget control of said appropriation by the Spartanburg County Council. The following individuals spoke against the Ordinance: Mr. Phillip Harris, 120 Patriot Road, Roebuck; Mr. Rene Tanguay, 105 Moss Lane, Landrum; Mr. Paul Manly, Roebuck; and Mr. Walter McSherry, 108 Idlewyde Court. The matter was then closed.

IV.

No appearances scheduled.

V.

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

- A. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend Ordinance No. 543, as previously amended by Ordinance Nos. O-05-10 and O-05-20, relating to the Joint County Industrial Park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Adidas Sales, Inc.) Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the amendment and restatement of Ordinance No. O-07-17 authorizing the development of a Joint-County Industrial and Business Park in Spartanburg County in conjunction with Union County. A written agreement with Union County to provide for the manner by which expenses and revenues from such park will be allocated, and a written agreement with the City of Spartanburg consenting to the creation of such park and relating to the allocation and payment of certain fee-in-lieu of tax revenues from said park. (Easton (Lan-Yair) Multi-County Industrial Park) Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee agreement between Spartanburg County and Iljin America Corp. and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. Motion seconded by Mr. Foster and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2009 were presented. Recommendations are included in backup. No action was taken.
- B. 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 Mayo Area 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 \$400,000 subject to the results of a favorable referendum in the district; approving the form of such notice of public hearing; and other related matters. Motion seconded by Mr. Mintz and carried.
- C. Motion made by Mr. Culbreth to render first 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. Mintz and carried.
- D. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Information was presented in reference to a proposal from the Inman Mills/Riverdale Foundation regarding recreation programs. Mr. Foster stated this request is worthy of investigating. There are a few more questions to be answered. No action was taken at this time. This item was carried over.

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. Motion made by Mr. Mintz to adopt a Resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$2,388,000 of General Obligation Bonds of Woodruff-Roebuck Water District and to provide for the publication of the notice of such hearing. Motion seconded by Mr. Britt and carried. Mr. Mintz, Mr. Culbreth, and Mr. Brown opposed.
- B. Motion made by Mr. Mintz to render first reading to an Ordinance finding that Woodruff-Roebuck Water District may issue not exceeding \$2,388,000 General Obligation Bonds; to authorize Woodruff-Roebuck Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Adams and carried. Mr. Mintz, Mr. Culbreth, and Mr. Brown opposed.
- C. 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 between Spartanburg County, South Carolina, and Lubrizol Advanced Materials, Inc (Project Cliffs); and other matters relating thereto including, without

limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Foster and carried.

- B. Motion made by Mr. Britt to render second reading to an Ordinance to amend the jointly owned and operated Industrial Business Park in conjunction with Union County, dated as of July 11, 1994; 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. (Lubrizol Advanced Materials, Inc. – Herald-Journal Industrial Park) Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance to amend that certain agreement for the development of a joint Industrial and Business Park between Spartanburg County and Cherokee County dated March 19, 2007. (Iljin America Corp.) Motion seconded by Mr. Foster and carried.
- D. Motion made by Mr. Britt to remove from table an Ordinance to establish Capital Project Budgets for the 2008-2009 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Foster and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance as amended to establish Capital Project Budgets for the 2008-2009 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Foster and carried.
- F. Motion made by Mr. Britt to render second reading to a Budget Ordinance as amended relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2008 and ending June 30, 2009; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Foster and carried. Mr. Culbreth opposed.
- G. Motion seconded by Mr. Foster to render third reading to an Ordinance to amend Article IV of the Spartanburg County Code relating to the Spartanburg County Fire Prevention and Protection Advisory Committee to revise criteria for funding eligibility of fire departments and for other purposes. Motion seconded by Mr. Britt and carried.
- H. Motion made by Mr. Britt to render third reading an Ordinance of Spartanburg County, South Carolina, authorizing a Master Lease Agreement in the principal amount of not exceeding \$807,821 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents including a Master Lease Agreement; and other matters relating thereto. 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.

Mr. Adams stated House Bill 4930 and Senate Bill 966, pertaining to the theft of copper, are very important

bills currently being discussed in Columbia. Motion made by Mr. Adams to direct the County Attorney to draft something similar to the House Bill in case it does not pass. Motion seconded by Mr. Britt and carried. Mr. Mintz stated that all indications are that House Bill 4930 will pass. Mr. Mintz agrees that if it does not pass, we need to take immediate action.

X.

Motion made by Mr. Foster to approve minutes of April 21, 2008 (Regular Meeting) and May 1, 2008 (Budget Work Session). Motion seconded by Mr. Adams 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