

# MINUTES

## County Council Meeting

**December 20, 2010**

Spartanburg County Council met on Monday, December 20, 2010, 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; Jim Hipp, Deputy County Administrator; Edwin Haskell, County Attorney; and William McBee Smith, Assistant 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. Motion made by Mr. Horton to adopt a Resolution recognizing and congratulating Harold Watson "Trey" Gowdy III on his successful campaign and winning the 4<sup>th</sup> District United States House Seat. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Mintz to adopt a Resolution recognizing and congratulating Walter M. "Bud" Moore of Spartanburg, South Carolina in being elected to the NASCAR Hall of Fame in Charlotte, North Carolina. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Mintz to adopt a Resolution recognizing and congratulating David Pearson of Spartanburg, South Carolina in being elected to the NASCAR Hall of Fame in Charlotte, North Carolina. Motion seconded by Mr. Britt and carried.
- D. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the contributions of Larry Pearson to the sport of stock car racing. Motion seconded by Mr. Culbreth and carried.
- E. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Oakbrook Preparatory School for winning the SCISA 2A Boys Golf State Title. Motion seconded by Mr. Britt and carried. Coach Ron Cisler and team received Resolution.
- F. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Oakbrook Preparatory School for winning the SCISA Boys Soccer 2A State Title. Motion seconded by

Ms. Hall and carried. Coach Jonathan Burnett and team received Resolution.

- G. Motion made by Mr. Foster to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Dorman High School for winning the South Carolina High School League 4A Girls Cross Country State Championship Title. Motion seconded by Ms. Hall and carried. Coach Jerry Kimbrell and team received Resolution.
- H. Chairman Horton presented a Special Recognition Plaque to Honorable Tom Foster for his service to Spartanburg County under Item IX of the Agenda.

### III.

- A. 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 among Spartanburg County, South Carolina, **Frigoglass North America Ltd. Co. and Buffington Road LLC** with respect to certain economic development property in the county, 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.
- B. 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, No. O-01-18, No. O-03-03, No. O-03-13, No. O-08-29, No. O-09-32, and No. O-10-07 relating to the joint county industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. **(Timken, Frigoglass North America Ltd. Co. and Buffington Road LLC)** 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 execution of an agreement regarding transfer of fee-in-lieu-of-tax arrangement between Spartanburg County, South Carolina and **Invista S.A.R.L.** Motion seconded by Mr. Foster and carried. Mr. Mintz abstained due to his company doing business with the company. This fee-in-lieu-of-tax arrangement will be transferred from Invista S.A.R.L. to Indorama.
- 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 **Atlantic Beverages, LLC**, 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 (\$5,000,000.00) investment. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to adopt a Resolution authorizing the approval of **Leigh Carpet and Plastic Recycling, LLC** and subsequent affiliates as sponsor affiliates under the fee in lieu of tax agreement between Spartanburg County, South Carolina (the "County") and Leigh Fibers, Inc. (the "Company") dated as of June 1, 2010 (the "Fee Agreement"); authorizing the inclusion of investments by such entities as investments of the company under the fee agreement and the infrastructure finance agreement between the county and the company dated as of June 1, 2010; and other matters related thereto. Motion seconded by Mr. Foster and carried.

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

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No items scheduled.

**Personnel and Finance Committee** (Honorable Dale Culbreth, Chairman)

- A. Updated financial data and personnel vacancy reports received.

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**Livability Committee** – (Honorable Tom Foster, Chairman)

- A. Mr. Julian Hankinson and Mr. Scott Talley, Tyger River Foundation, were unable to attend the meeting. Mr. Foster presented a brief outline of the progress on Anderson Mill and the fact that the property should be deeded over to the Tyger River Foundation.

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

- A. Sheriff Wright presented information in reference to a Gang Grant. The grant is funded by a federal fund. Motion made by Mr. Culbreth to authorize the County Administrator to execute the grant and appropriations. Motion seconded by Ms. Hall and carried.
- B. Chief Jamie Caggiano, Chairman, presented an Update on the Fire Protection and Prevention Advisory Committee in regards to their funding, ordinance, and the grant process.
- C. Updated information received regarding activities of Building Codes Department.

**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. Dr. Jim Weeks, Chairman, HHW Committee, and Mr. Joe Maple, HHW Committee, presented an Update on Hazardous Household Waste. Presentation included in backup. Two very successful collection days were held in 2010. The next scheduled collection date is April 16, 2011, at the Administration Building parking lot. Another collection day will also be held in Boiling Springs. These collections days were handled very professionally and took a tremendous amount of different types of hazardous waste out of Spartanburg County. No action was taken.
- B. 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 (1) an amended and restated fee in lieu of tax agreement by and among Spartanburg County, South Carolina, **Rochling Automotive Duncan, LLP** and certain other sponsor affiliates with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes; (II) an infrastructure finance agreement by and between Spartanburg County, South Carolina and Rochling Automotive Duncan, LLP with respect to certain economic development property in the county, whereby such property will receive certain infrastructure credits in respect of its investment in related infrastructure; and (III) 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 amend that certain agreement for the development of a joint industrial and business park between Spartanburg

County and Cherokee County dated March 19, 2007. **(Rhe-Tech in Cherokee County)**  
Motion seconded by Mr. Brown and carried.

- C. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of an amendment to the fee agreement by and between Spartanburg County, South Carolina, and **Invista S.A.R.L.** (Project MCIP), its affiliates and assigns, to provide for an extension of the investment period and the term; and other related matters. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Foster to render third reading to an Ordinance finding that the Arkwright Area Fire District, South Carolina may issue a not exceeding \$175,000 General Obligation Bond and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Culbreth and carried.
- E. Motion made by Mr. Brown to render third reading to an Ordinance approving a plan and agreement of consolidation of Arkwright Area Fire District into Croft Fire District and Roebuck Fire District, and other matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- F. 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 among Spartanburg County, South Carolina, **Frigoglass North America Ltd. Co. and Buffington Road LLC** with respect to certain economic development property in the county, 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.
- G. Motion made by Mr. Britt to render third reading an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, No. O-01-18, No. O-03-03, No. O-03-13, No. O-08-29, No. O-09-32, and No. O-10-07 relating to the joint county industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. **(Timken, Frigoglass North America Ltd. Co. and Buffington Road LLC)** Motion seconded by Mr. Brown and carried.
- H. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Huntington Foam, LLC** (Project SE); and other matters relating thereto. Motion seconded by Mr. Brown and carried.
- I. Motion made by Mr. Brown to render second reading to an Ordinance authorizing the Board of Fire Control of the **Hilltop Area Fire District** in Spartanburg County to issue General Obligation Bonds in the principal amount of not exceeding \$800,000 to be issued by the Hilltop Area Fire District; and other matters relating thereto. Motion seconded by Mr. Britt and carried.
- J. Motion made by Mr. Brown to render second reading to an Ordinance repealing Spartanburg County Ordinance Number O-06-07 regulating the sale and possession of copper, copper products and equipment containing copper; to establish reporting and recordation requirements when copper related products are purchased and/or transferred, prohibiting the burning of copper wiring; and establishing criminal penalties for violations. Motion seconded by Mr. Foster and carried. Mr. Mintz abstained.

## 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.

Chairman Horton presented a Special Recognition Plaque to Honorable Tom Foster for his service to Spartanburg County.

The Installation Ceremony has been scheduled for Tuesday, January 4, 2011 at 5:30 p.m. in Council Chambers.

The January Council meeting will be held on Monday, January 24, 2011 due to Martin Luther King Day being observed on the third Monday.

X.

Motion made by Mr. Britt to approve minutes of November 15, 2010 (Regular Meeting). Motion seconded by Mr. Brown and carried.

XI.

Motion made by Mr. Foster to adjourn.

#### SPARTANBURG COUNTY COUNCIL

By: \_\_\_\_\_  
Jeffrey A. Horton, Chairman

Attest:

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Deborah C. Ziegler  
Clerk to Council

