

MINUTES

County Council Meeting

January 22, 2007

Spartanburg County Council met on Monday, January 22, 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 Odell Moseley, Buck Creek Baptist Church. Alex Simmons, Boy Scout Troop 21 out of Woodruff, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Britt to adopt a Resolution in recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the services of Hubert Eugene Odom of Wellford, South Carolina. Motion seconded by Ms. Stewart and carried. Resolution was read by Mr. Culbreth.

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 between Spartanburg County, South Carolina, as lessor, and Blue Ridge Log Cabins, LLC; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Blue Ridge Log Cabins, LLC. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a proposed issuance by JEDA of not exceeding \$8,000,000 aggregate principal amount Economic Development Revenue Bonds (Blue Ridge Log Cabins, LLC Project) (the "Bonds"). The proceeds of the Bonds will be made

available to Blue Ridge Log Cabins, LLC and BRLC Properties LLC (collectively, the "Borrower") to defray the cost of acquiring, by construction and purchase, approximately 35 acres of land, an approximately 93,000 square foot building or buildings, other improvements, and certain machinery and equipment for the manufacture of modular log homes (the "Project"), to be located in Spartanburg County, South Carolina. No one appeared, and the matter was closed.

IV.

- A. Mr. Larry Cooper appeared to comment on positive results on issues addressed in the Croft area.
- B. Mr. Joe B. Burgess appeared to comment on social and community standards.
- C. Mr. Robin Wright appeared to comment on safety concerns.

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 BASF Corporation whereby, under certain conditions, Spartanburg County will execute a fee-in-lieu of tax agreement for a project involving an investment of approximately six million dollars (\$6,000,000). Motion seconded by Mr. Adams 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 among Spartanburg County, South Carolina and BASF Corporation and its assignees; and other matters relating thereto including, without limitation, payment of a fee-in-lieu of taxes. Motion seconded by Mr. Adams and carried.
- C. 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 3G Mermet Corporation whereby, under certain conditions, said Corporation 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 3G Mermet Corporation and execute certain documents and enact certain further legislation for said corporation's project involving not less than six million dollars (\$6,000,000) in investment. Motion seconded by Mr. Adams and carried.
- D. Motion made by Mr. Britt to adopt a Resolution approving the financing of the construction and installation of certain Infrastructure Improvements in Spartanburg County in connection with the establishment by Liberty Property Limited Partnership of an industrial and business park within Spartanburg County through the issuance and delivery of a Spartanburg County, South Carolina, Special Source Revenue Bond (Liberty Property Limited Partnership Project) Series 2007 (the "bond") in the principal amount of \$1,000,000; authorizing a petition to the State Budget and Control Board of South Carolina for its approval of such undertaking pursuant to Title 4, Chapter 29, Code of Laws of South Carolina 1976, as amended; and providing for other matters relating thereto. Motion seconded by Ms. Stewart and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the issuance and sale of a \$1,000,000 principal amount Spartanburg County, South Carolina Special Source Revenue Bond (Liberty Property Limited Partnership Project) Series 1007; the application of the proceeds of said bond to defray the costs of construction and installation of certain infrastructure improvements in the county; and other matters relating thereto. Motion seconded by Ms. Stewart and carried.
- F. Motion made by Mr. Britt to render first 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 Cherokee County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina 1976, as amended; to provide for a written agreement with Cherokee County to

provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. (Carthuplas) Motion seconded by Ms. Stewart and carried.

- G. Motion made by Mr. Britt to adopt a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Blue Ridge Log Cabins, LLC Project) Series 2007), pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended, in the aggregate principal amount of not exceeding \$8,000,000. Motion seconded by Ms. Stewart and carried.

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

- A. Motion made by Mr. Horton to adopt a Resolution of Spartanburg County Council expressing Support to Apply for Federal Transit Administration Funds, State Mass Transit Funds and State Transportation Assistance Program Funds under SAFETEA-LU. Motion seconded by Ms. Stewart and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Motion made by Mr. Britt to adopt a Resolution to authorize financing for Sheriff's Office Vehicles. Motion seconded by Mr. Fosters and carried.
- B. Updated financial and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

No items scheduled.

Public Safety and Judiciary Committee – (Honorable Rock Adams, Chairman)

- A. Motion made by Mr. Britt to authorize the County Administrator to execute revised contract with the Spartanburg Humane Society Inc. for animal sheltering and euthanasia services with an amendment on the effective date changing it to February 1, 2007, and an amendment to charge a straight \$37.50 per animal. Motion seconded by Mr. Foster and carried.
- B. Motion made by Mr. Britt to extend the Mobile Home Amnesty Program an additional six months. Motion seconded by Ms. Stewart and carried.
- C. Motion made by Mr. Britt to authorize the Commission of Danny Ray Hart, Andrew Smith, and Mark Gwinn as Environmental Enforcement Officers of Spartanburg County and to authorize the ability for them to carry weapons.
- D. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable David Britt, Chairman)

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

Public Works, Buildings and Grounds Committee (Honorable Frank Nutt, Chairman)

- A. Motion made by Mr. Britt to ask Staff to study the Road Maintenance Program issue, amount needed, and other funding options. Motion seconded by Mr. Foster and carried. Three opposed. Motion made by

Mr. Mintz to eliminate the Road Maintenance Fee effective July 1, 2007. Motion failed due to a lack of second.

B. Information received regarding activities of the Public Works Department.

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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 Blue Ridge Log Cabins, LLC; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Blue Ridge Log Cabins, LLC. Motion seconded by Mr. Adams and carried.

B. Motion made by Mr. Britt to render third reading to an Ordinance amending the Fiscal Year 2006-2007 General Fund Annual Operating Budget by authorizing the procurement of Sheriff Department Vehicles, entering into a financing agreement to fund said vehicles, and for the establishment of an equipment replacement program; amending the Debt Service Fund to recognize a General Fund transfer of dollars to meet the Fiscal Year 2006-2007 debt payment requirement. 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. Britt requested an update from the County Attorney on the Greer lawsuit be presented at the County Council Retreat to be held on February 2, 2007. Chairman Horton also expressed his appreciation to Mr. Mintz, Mr. Culbreth, and Mr. Foster for their willingness to serve on the Appalachian Council of Governments Board.

X.

Motion made by Mr. Britt to approve minutes of December 18, 2006 (Regular Meeting). Motion seconded by Mr. Foster and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council