

MINUTES

County Council Meeting

June 13, 2005

Spartanburg County Council met on Monday, June 13, 2005, 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, Steve Parker, David Britt, Rock Adams, Ken Huckaby and Frank Nutt, Council Members; along with Glenn Breed, County Administrator; Chris Story, 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 Hon. Frank Nutt. Mr. Walter McSherry led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Stewart to adopt a Resolution recognizing June 2005 as National Homeownership Month in Spartanburg County. Motion seconded by Mr. Britt and carried. Ms. Elena Rush received the Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider the adoption of an annual operating budget for Spartanburg County for the Fiscal Year 2005-06. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a proposed Ordinance to amend Ordinance No. 543 relating to the joint County Industrial Park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider a proposed Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and BFS Diversified Products, LLC 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. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider a proposed Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and Intier Automotive Interiors of America, Inc., its affiliates and assigns, to provide for a fee in lieu of

taxes incentive and other matters related thereto. No one appeared, and the matter was closed.

IV.

No appearances were scheduled.

V.

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

No items scheduled.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Hon. Ponda Caldwell, Probate Judge, presented information in reference to a Budget Appeal relating to reclassification. Motion made by Mr. Huckaby to approve this request for FY06. Motion seconded by Mr. Britt and carried. One opposed. The final reclassifications would cost the county an additional \$39,398. However \$32,072.84 unused salary and fringes from Fiscal 2005 will be carried over leaving a balance of \$7,325.33 needed to finish the reclassifications.
- B. The current Spartanburg County Veterans Affairs Officer is retiring at the end of June. Rep. Doug Smith, Legislative Delegation Chairman, recommended giving the incoming Veteran Affairs Officer a salary of \$43,538, which is the current salary of the outgoing Veterans Affairs Officer. Motion made by Mr. Huckaby to approve this request. Motion seconded by Mr. Adams and carried.
- C. Updated financial and personnel vacancy reports were received.

Recreation Committee – (Honorable Jeff Horton, Chairman)

No items scheduled.

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 and Millage Rate Agreement by and between Spartanburg County, South Carolina, and MPI International, Inc., a corporation organized and existing under the laws of the State of Michigan, whereby, under certain conditions, Spartanburg County will provide certain economic development inducements to MPI International, Inc. and will execute a fee agreement for a project involving an investment of not less than \$8,000,000. Motion seconded by Mr. Huckaby and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Spartanburg County, South Carolina, and MPI International, Inc., a corporation organized and existing under the laws of the State of Michigan, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$8,000,000. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an inducement and millage rate agreement by and between Spartanburg County, South Carolina, and Spartanburg Automotive, Inc., whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement with Spartanburg Automotive, Inc. with respect to an industrial project in the county, whereby the project would be subject to certain fees in lieu of taxes; and providing for related matters. Motion seconded by Mr. Nutt and carried.
- D. 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 Spartanburg

Automotive, 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. Nutt and carried.

- E. Motion made by Mr. Britt to adopt a Resolution designating certain parcels for inclusion in the Spartanburg County/Union County Joint County Industrial and Business Park located in the City of Spartanburg, South Carolina, in accordance with Spartanburg County Ordinance No. 673 and the Intergovernmental Agreement, as amended, authorized by that Ordinance, between the City of Spartanburg and the County of Spartanburg, South Carolina; and other matters related thereto. Motion seconded by Mr. Nutt and carried. This is the Beaumont Property.
- F. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, a company referred to herein as Project Janus, its affiliates and assigns, to provide for a fee in lieu of taxes incentive and other matters related thereto. Motion seconded by Mr. Nutt and carried. This is the Invista Company.
- G. Motion made by Mr. Britt to approve a request for an easement regarding the Liberty Street and Broad Street Project, and to authorize the County Administrator to execute the agreement. Motion seconded by Mr. Huckaby and carried. This is a project that Johnson Development and their partners will build right beside the library.

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

- A. Motion made by Mr. Adams to approve a request from Reidville Area Fire District to set their millage levy at sixteen mills for the tax year 2005-2006. Motion seconded by Mr. Huckaby and carried. This amounts to a 1/10 millage increase.
- B. Spartanburg County Council had given seven rescue squads that did not meet Spartanburg County performance criteria until the meeting today to come up with a plan. Four of them came up with a plan. They have been given two more weeks to come up and present the plans at a Special Council meeting.
- C. Discussion on Magistrate Court was carried over.
- D. Information received regarding activities of the Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to render third reading to an Ordinance setting Vestment Rights in development of land in Spartanburg County with the language changes that were faxed out to Council on June 10. Motion seconded by Mr. Nutt and carried.
- B. Updated Planning Department Reports on Development Activity were received.

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

- A. A thorough presentation was presented regarding the landfill and the request for proposals that has been discussed at the last couple of meetings. The guidelines are set, and staff will be preparing the request for proposals. A rough draft was given to Council. Hopefully by the next meeting the final request for proposals will be ready to issue, and maybe we can get some answers this summer on our direction for landfill.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Huckaby to render third reading to FY06 Budget Ordinance. Motion seconded by Mr. Adams and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance approving an amendment to that certain lease agreement by and between Spartanburg County, South Carolina and DSI Draexlmaier Service, Inc. and DAA Draexlmaier Automotive of America LLC, dated as of December 22, 1998, and amended as of December 12, 2001, relating to, without limitation, the lease of a project as defined in Title 4, Chapter 12

of the South Carolina Code of Laws, as amended, and the payment to Spartanburg County of a fee in lieu of taxes. Motion seconded by Mr. Huckaby and carried.

- C. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. 543 relating to the joint County Industrial Park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. Motion seconded by Mr. Huckaby and carried.
- D. Motion made by Mr. Britt to render second 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 BFS Diversified Products, LLC 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 Ms. Stewart and carried.
- E. 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 Intier Automotive Interiors of America, Inc., its affiliates and assigns, to provide for a fee in lieu of taxes incentive and other matters related thereto. Motion seconded by Ms. Stewart and carried. This Ordinance was approved subject to review and correction by the County Attorney's Office prior to Mr. Breed being authorized to execute it. The Ordinance was referred to earlier as Project Tom.

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 May 12, 2005 (Budget Work Session) and May 16, 2005 (Regular Meeting). Motion seconded by Mr. Huckaby and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council