

MINUTES

County Council Meeting

November 19, 2007

Spartanburg County Council met on Monday, November 19, 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 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. Honorable Johnnye Code-Stewart was absent.

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 Rev. Richard Lewis, St. Luke United Methodist Church, Camp Croft. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Culbreth to adopt a Resolution recognizing Ronnie Allison for his service on the Board of Trustees for Spartanburg Regional Health Services District, Inc. Motion seconded by Mr. Britt and carried.
- B. Mr. Glenn Breed, County Administrator, and Ms. Kathy Dunleavy, President/CEO of United Way, recognized Spartanburg County Employees who served as volunteers and successfully lead this year's United Way Campaign.

III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and Gibbs International, Inc. (Project Tom), its affiliates and assigns, to provide for a fee in lieu of taxes incentive, including the grant of an infrastructure credit to provide for the inclusion of the project in a multi-county business or industrial park, 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 authorizing the execution and delivery of an amended Fee Agreement by and between Spartanburg County and Intier Automotive Interiors of America, Inc. (Project 701), its affiliates and assigns, to provide for an amendment to the existing fee in lieu of ad valorem taxes incentive, to include the grant of certain infrastructure credits as part of the fee-in-lieu of taxes arrangement, and other matters thereto related. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the assignment of an Inducement Agreement and the execution and delivery of a fee agreement between Spartanburg County, South Carolina and NURRC, LLC providing for a payment of a fee in lieu of taxes. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to amend that certain agreement for the development of a joint County Industrial and Business Park between Spartanburg County and Union County dated August 21, 2006. (NURRC, LLC) No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of an amendment to an existing fee in lieu of tax agreement by and between Spartanburg County, South Carolina and Michelin North America, Inc. dated as of December 20, 2004; and other matters relating thereto. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Ordinance to develop a jointly owned and operated Business Park in conjunction with Union County and to authorize a written agreement with Union County to provide for the manner by which expenses and revenues from such park will be allocated, and to authorize a negotiated user fee in lieu of ad valorem taxation. (Michelin) No one appeared, and the matter was closed.

IV.

- A. Mr. Rene Tanguay, president of Spartanburg County Citizens for Efficient Government, the Spartanburg County affiliate of the South Carolina Association of Taxpayers, appeared to address County Council on the subject of the status of taxation in Spartanburg County. Mr. Tanguay lives at 105 Moss Lane in Landrum.

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 execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and Sun Paper Company providing for a payment of a fee in lieu of taxes. Motion seconded by Mr. Adams and carried.
- B. Motion made by Mr. Britt to render first 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. (Sun Paper Company) 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. Motion made by Mr. Culbreth to authorize the County Administrator to execute settlement agreement

regarding audit of franchise fee payments with Charter Communications. Motion seconded by Mr. Britt and carried.

- B. 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. Motion made by Mr. Adams to adopt a Resolution to authorize a project schedule change, 9-1-1 Mobile Data Infrastructure, part of the FY 2008-12 Capital Improvement Plan (CIP). Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Adams to render first reading to an Ordinance amending Section 30.27(13) of the Code of the County of Spartanburg, South Carolina to change the time during which certain vehicles are exempt from the provisions of Spartanburg County noise restrictions from 10:00 P.M. to 11:00 P.M. Motion seconded by Mr. Mintz and carried.
- C. Motion made by Mr. Adams to authorize the Commission of Jason Larry Sain as an Environmental Enforcement Officer of Spartanburg County. Motion seconded by Mr. Mintz and carried.
- D. Motion made by Mr. Adams to authorize the Commission of Frances Elizabeth Gillespie as an Environmental Enforcement Officer of Spartanburg County. Motion seconded by Mr. Mintz and carried.
- E. Information received regarding activities of the Building Codes Department.

-

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Mr. Chris Story presented an update on efforts to review County Land Use and Growth Management Policies. Land Design, a firm out of Charlotte, North Carolina, and Duncan and Associates have been selected to guide us through our Land Use program. They will be in Spartanburg on December 11, 2007, to meet with each Council Member. They will then report back to Council about tools and approaches to consider.
- B. 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 authorize the County Administrator to execute a Consent Agreement to close out the Camp Croft Landfill. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Mintz to study the old Florence Chapel School Property in Wellford which was donated to the County by Spartanburg School District 5 in 1994 and is now held by Parks and Recreation further and to come back to Council at a later date in reference to a request from the City of Wellford for a portion of the property. Motion seconded by Mr. Britt and carried.
- 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 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. Culbreth and carried.
- B. 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 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. Britt and carried.

- C. Motion made by Mr. Britt to render second reading to Ordinance amending Ordinance Nos. 556, 649, O-01-22 and O-07-08 and Articles of Incorporation to change the appointment process for members of Spartanburg Regional Health Services District, Inc. as appointed by County Council to include participation by Health Services District Board in the appointment process. Motion seconded by Mr. Culbreth and carried. Mr. Adams opposed.
- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of an amendment to an existing fee in lieu of tax agreement by and between Spartanburg County, South Carolina and Michelin North America, Inc. dated as of December 20, 2004; and other matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance to develop a jointly owned and operated Business Park in conjunction with Union County and to authorize a written agreement with Union County to provide for the manner by which expenses and revenues from such park will be allocated, and to authorize a negotiated user fee in lieu of ad valorem taxation. (Michelin) Motion seconded by Mr. Foster and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the assignment of an Inducement Agreement and the execution and delivery of a fee agreement between Spartanburg County, South Carolina and NURRC, LLC providing for a payment of a fee in lieu of taxes. Motion seconded by Mr. Foster and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance to amend that certain agreement for the development of a joint County Industrial and Business Park between Spartanburg County and Union County dated August 21, 2006. (NURRC, LLC) Motion seconded by Mr. Foster and carried.
- H. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of an amended Fee Agreement by and between Spartanburg County and Intier (Project 701), its affiliates and assigns, to provide for an amendment to the existing fee in lieu of ad valorem taxes incentive, to include the grant of certain infrastructure credits as part of the fee-in-lieu of taxes arrangement, and other matters thereto related. Motion seconded by Mr. Foster and carried.
- I. Motion made by Mr. Britt to render second reading to an Ordinance amending the Spartanburg County Unified Land Management Ordinance, Ordinance No. O-99-015, as amended, to allow for mixed use projects and traditional neighborhood design based developments. Motion seconded by Mr. Culbreth and carried.
- J. 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, and Gibbs International Inc. (Project Tom), its affiliates and assigns, to provide for a fee in lieu of taxes incentive, including the grant of an infrastructure credit; to provide for the inclusion of the project in a multi-county business or industrial park; and other matters related thereto. Motion seconded by Mr. Foster and carried. Mr. Adams opposed.
- K. Motion made by Mr. Culbreth to render third reading to an Ordinance to provide for a special property tax assessment for rehabilitated historic property in Spartanburg County. Motion seconded by Mr. Britt and carried.

VII.

- A. Motion made by Mr. Mintz to render first reading to an Ordinance to amend Ordinance No. O-07-20 entitled an Ordinance to establish and collect a local Hospitality Tax in Spartanburg County; to establish a sunset provision for the local hospitality tax; and for other purposes. Mr. Mintz offered this amendment to permit the expiration of the Local Hospitality Tax before a period of 20 years subsequent to the date

the Local Hospitality Tax ordinance was implemented or until the last outstanding debt obligation secured by or payable from proceeds derived from the Local Hospitality Tax has been satisfied, whichever comes later. The amended ordinance would read as follows: The longest the obligation is outstanding that the County has designated as being secured or payable from the Local Hospitality Tax, the Local Hospitality Tax shall continue to be collected by the County. The Local Hospitality Tax shall expire on January 1, 2028, 20 years subsequent from the date of implementation or upon the date of the last outstanding debt obligation. Motion seconded by Mr. Culbreth. Motion did not carry. Mr. Horton, Mr. Britt, Mr. Foster, and Mr. Adams opposed.

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 Mr. Britt to approve minutes of October 15, 2007 (Regular Meeting). Motion seconded by Mr. Foster and carried.

XI.

Motion made by Mr. Adams to adjourn. Motion seconded by Mr. Foster and carried.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council