

MINUTES

County Council Meeting

February 8, 2010

Spartanburg County Council met on Monday, February 8, 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; 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 Chaplain Jerry Clevenger. Michael Anderson, Boy Scout Troop 28, led in reciting the Pledge of Allegiance.

II.

- A. Mr. Robert Benfield, South Carolina Association of Counties, presented the Outstanding Safety Achievement Award for the Spartanburg County Employee Health Facility and the Sustained Excellence Award to County Council. Mr. Tony Bell, Human Resource Director, and the Health Facility Staff received the Outstanding Safety Achievement Award. Mr. Terry Booker, Risk Manager, received the Sustained Excellence Award.
- B. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Dean Jones, Head Baseball Coach, Chesnee High School, Chesnee, South Carolina. Motion seconded by Mr. Foster and carried.
- C. Ms. Jane Hall presented a Resolution recognizing and congratulating the Gibbs Regional Cancer Center for exceptional contributions to improving cancer health and research and for being accredited with commendation for performance by the American College of Surgeons, Commission on Cancer. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Foster and carried. Dr. Julian Josey, Dr. Jay Bearden, and Dr. Robert Flandry received Resolution.
- D. 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's

Football Team, "The Cavaliers," for winning the South Carolina Region II 4A Football Championship. Motion seconded by Mr. Brown and carried.

III.

- A. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, April 3, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, April 17, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

IV.

No appearances were scheduled.

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 ZF Lemforder Corporation, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement with ZF Lemforder Corporation 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. Brown and carried.
- B. Motion made by Mr. Britt to adopt a Resolution authorizing a Special Source Revenue Credit Incentive to Rochling Automotive Duncan, LLP (the "company") in respect of certain proposed investment by the company and other manufacturers (the "sponsor affiliates") at the manufacturing facilities of the company in Spartanburg County; authorizing the addition of the sponsor affiliates to a fee in lieu of tax agreement between Spartanburg County and the company; and other matters related thereto. Motion seconded by Mr. Brown 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 Leigh Fibers, Inc. whereby, under certain conditions, Spartanburg County will (1) execute a fee in lieu of tax agreement with Leigh Fibers, Inc. with respect to an industrial project in the county, whereby the project would be subject to payment of certain fees in lieu of taxes, (2) provide certain credits against such payments in reimbursement of investment in related qualified infrastructure, and (3) locate the project in a multi-county industrial and business park; and providing for related matters. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03, No. O-03-13, and No. O-08-29 relating to the joint county Industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (Leigh Fibers, Inc. and ResMed, Inc.) Motion seconded by Mr. Brown and carried.

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

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Cole Alverson, Program Evaluation Manager, presented the FY 2010/2011 Capital Improvement Plan. (Presentation and Recommended FY 2011-15 Capital Improvement Plan are included in backup.) Motion made by Mr. Culbreth to render first reading to a Budget Ordinance to establish Capital Project Budgets for the 2010-2011 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Foster and carried.
- B. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Ms. Erika Walker, SAGE WAVE Consulting, presented an Update on the Encore Project. (Presentation is included in backup.) Council agreed to send a letter of support for this project to Ms. Walker at her request.

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

- A. 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. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Foster to render third reading to an Ordinance to authorize the execution and delivery of various documents in order to fund a portion of the costs associated with the environmental cleanup of property known as the Victor Mill project; to authorize the execution and delivery of those documents in connection therewith; and other matters relating thereto. Motion seconded by Ms. Hall and carried. Ms. Hall recognized Representative Harold Mitchell; Tom McAbee, Victor Mill Community Association; and Kathy Rivers, Director of Community Development Department. Ms. Hall thanked Council Members for seeing the need to go forward with this project. This project is an example of government agencies and citizens working together for the good of this community.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to repeal Ordinance O-09-20 relating to provisions for False Alarms in its entirety. Motion seconded by Mr. Foster and carried.
- C. Motion made by Mr. Foster to render second reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina, and Cooper-Standard Automotive, Inc.; and other matters relating thereto including without limitation, payment of a fee in lieu of taxes and granting certain infrastructure credits to Cooper-Standard Automotive, Inc. Motion seconded by Mr. Britt and carried.
- D. 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 Cherokee County, dated as of April 20, 2009;

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 Cherokee 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. (Cooper-Standard Automotive, Inc.) Motion seconded by Mr. Foster and carried.

- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing a Trust Indenture, Loan Agreement and Mortgage up to \$6,500,000 Spartanburg County Revenue Bonds (Country Club Road ALF, LLC Project), Series 2010A and \$800,000 Spartanburg County Revenue Bonds (Country Club Road ALF, LLC Project), Taxable Series 2010B. The bonds to be issued in this project shall be limited obligations of the county, payable solely from the revenues and other amounts derived from the project and shall not under any circumstances be deemed to constitute a general obligation of the county. The bonds do not and shall never constitute an indebtedness of the county within the meaning of any state constitutional provisions or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the county or a charge against its general credit or taxing power. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, March 6, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried. Mr. Britt opposed.
- G. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, March 20, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried. Mr. Britt opposed.

VII.

- A. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, April 3, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried. Mr. Britt opposed.
- B. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. on Saturday, April 17, 2010 until midnight for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried. Mr. Britt 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.

Mr. Jim Hipp, new Deputy Administrator, from Concord, North Carolina, was introduced. Mr. Hipp has over thirty years experience in local government.

Budget Work Session has tentatively been scheduled for Thursday, March 4, 2010 from 9:00 a.m. until 1:00 p.m.

X.

Motion made by Mr. Culbreth to approve minutes of January 25, 2010 (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