

# MINUTES

## County Council Meeting

October 20, 2008

Spartanburg County Council met on Monday, October 20, 2008, 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, 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 Rev. Danny Garrett, Cudd Memorial Baptist Church. Cub Scout Pack 79 led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Britt to adopt Resolution designating the month of November 2008 as Pulmonary Hypertension Awareness Month. Motion seconded by Mr. Foster and carried.

### III.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to provide for the issuance and sale of not exceeding four million one hundred thousand dollars (\$4,100,000) General Obligation Bonds, Series 2008, of Spartanburg County, South Carolina; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Spartanburg County, South Carolina ("the County") and Staubli Corporation (Project PV), acting for itself or an affiliate or other project sponsor, (the "Company"), whereby, under certain conditions, the County shall grant incentives to the company in connection with the expansion of

certain manufacturing facilities in the County (the "Project"); (2) the County to covenant in such Incentive Agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the project; (3) the benefits of a multi-county park to be made available to the company; and (4) other matters relating thereto. No one appeared, and the matter was closed.

- C. Chairman Horton declared open a public hearing to consider an Ordinance to develop, pursuant to Sec. 4-1-170 of the South Carolina Code of Laws, 1976, as amended, a jointly owned and operated Industrial/Business Park, to be known as the Congaree Bio Energy Multi-County Park, in conjunction with Union County, South Carolina, such Industrial/Business Park to be geographically located in Union County, South Carolina; to provide for a written agreement with Union County as to the sharing of the revenues and expenses of the park; to provide for the distribution of revenues from the park among the taxing entities having jurisdiction over the park; to provide for a user fee in lieu of ad valorem taxation; and other matters related thereto. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by First Baptist North Spartanburg from 5:00 p.m. until 10:00 p.m. on Thursday, October 23, 2008, for a Fall Festival Carnival at 8740 Asheville Highway, Spartanburg. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by John M. Brown from dusk until midnight from October 22, 2008, until November 1, 2008, for a Haunted Trail at 3411 Reidville Road, Spartanburg. Ms. Jill Emory, 105 Lakeridge Lane, Spartanburg, appeared on behalf of her neighborhood association to object to the firing of a gun. Mr. Foster stated that he talked with Mr. Brown today, and there will be no gunfire, and they will shutdown by 10:00 p.m. on school nights. This satisfied Ms. Emory. The matter was closed.

#### IV.

- A. Dr. Linda B. Greer, 229 Briarcreek Drive, Spartanburg, of the Raintree Neighborhood Association appeared to discuss neighborhood issues and concerns regarding nearby development. An aerial map was distributed and is included in backup. Due to the increase in crime in the Raintree Neighborhood, Dr. Greer requested information on what it would take to make the Raintree Neighborhood a more secure neighborhood. Administration will get together with Dr. Greer regarding her concerns.

#### 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 MK Metalfoils USA, Inc. (Project Nelson) providing for a payment of a fee in lieu of taxes. Motion seconded by Mr. Foster and carried.
- 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 AFL Telecommunications, LLC, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax agreement with AFL Telecommunications, LLC 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. Culbreth and carried.
- C. 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 AFL Telecommunications, 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 Mr. Foster 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 and No. O-03-13 relating to the joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (AFL Telecommunications, LLC) Motion seconded by Mr. Foster and carried.

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

- A. Mr. Gerald Kiehl, Veterans' Affairs Officer, presented an update on the Spartanburg Veterans' Clinic. This update was received as information. No action was taken.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend the FY 2008-09 Stormwater Fund (Fund 3) Operating Budget in the amount of \$600,000 to appropriate Stormwater proceeds collected by the County on behalf of the City of Spartanburg and the City of Greer. Motion seconded by Mr. Foster and carried.
- B. Mr. Tom Gates presented a Fiscal Year 2008 Financial Update.
- C. Motion made by Mr. Culbreth to Table an Ordinance to provide for the issuance and sale of not exceeding four million one hundred thousand dollars (\$4,100,000) General Obligation Bonds, Series 2008, of Spartanburg County, South Carolina; for the issuance of notes in anticipation of such bonds; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. Motion seconded by Mr. Foster and carried.
- D. Updated financial and personnel vacancy reports were received.

Livability Committee – (Honorable Tom Foster, Chairman)

- A. Mr. Tom Gates presented an Update on the status of Victor Mill located in Greer. A Phase II Environmental Study which was done on the site by the Environmental Protection Agency (EPA) is included in backup.

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

- A. Mr. Mike Padgett, Building Codes Director, and Chief Lee Jeffcoat, Holly Springs Volunteer Fire Department, presented information on the Assistant Fire Inspector Program and an Update on Fire Inspection Services. Presentation is included in backup. Sec. 34-52 of the County Code allows the County Administrator to execute contracts with Fire Districts for the purpose of assisting the county in conducting inspections and enforcing Fire Codes. The proposed agreement is included in backup. Motion made by Mr. Adams to authorize the County Administrator to execute the agreements. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Adams to authorize the Commission of David Jett as an Environmental Enforcement Litter Officer of Spartanburg County. Motion seconded by Mr. Mintz and carried.
- C. Motion made by Mr. Adams to authorize the Commission of Julie Thomas, Mobile Home Division Supervisor, and Evelyn Eller, Mobile Home Agent, as County Code Enforcement Officers in an effort to enforce Mobile Home Ordinance Sec 54-77. Motion seconded by Mr. Mintz and carried.
- D. Information received regarding activities of the Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Proposed amendment to the Unified Land Management Ordinance regarding temporary real estate

-

-

-

signage was carried over.

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

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. Mr. Mike Garret, Public Works Director, presented information in reference to condemnation of right of way for road improvements at Cherry Hill Road and US 29. Motion made by Mr. Mintz to grant authorization to proceed with the acquisition of a parcel of private property necessary for the new right of way for this project under authority of the South Carolina Eminent Domain Procedure Act. Motion seconded by Mr. Britt and carried.
- 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 a fee-in-lieu-of-tax arrangement on behalf of Master Precision Global, LLC (The "Company") pursuant to a fee-in-lieu-of-tax agreement between Spartanburg County, South Carolina (The "County") and the company; authorizing a 5-year extension of the investment period for all investments over the initial \$6,000,000 investment; and other matters relating to the foregoing. Motion seconded by Mr. Foster 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 and an infrastructure finance agreement by and among Spartanburg County, South Carolina, Lear Operations Corporation and ACPS, 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 ACPS, LLC will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Foster and carried.
- C. 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 Epsilon Plastics, 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. Mintz and carried.
- D. Motion made by Mr. Britt to render third reading to an Ordinance to amend Ordinance No. 543, as previously amended by Ordinance Nos. O-05-10, O05-20 and O-08-14, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Lear Operations Corporation and ACPS, LLC, and Epsilon Plastics, Inc.) Motion seconded by Mr. Foster and carried.
- E. Motion made by Mr. Britt to render third reading to an Ordinance amending the Spartanburg County Code so as to redefine Wrecker Service Zones, to provide for Wrecker Service Operators to respond to calls within one hour, and to allow the County Administrator to provide for his designee to remove Wrecker Service Operators from the approved list of the County Sheriff's Office. Motion seconded by Mr. Foster and carried.
- F. 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 Johnson Development Associates, Inc., 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 thereto related. Motion seconded by Mr. Foster and carried.
- G. Motion made by Mr. Britt to render second reading to an Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between

Spartanburg County, South Carolina ("the County") and Staubli Corporation (Project PV), acting for itself or an affiliate or other project sponsor, (the "Company"), whereby, under certain conditions, the County shall grant incentives to the company in connection with the expansion of certain manufacturing facilities in the County (the "Project"); (2) the County to covenant in such Incentive Agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the project; (3) the benefits of a multi-county park to be made available to the company; and (4) other matters relating thereto. Motion seconded by Mr. Culbreth and carried.

- H. Motion made by Mr. Culbreth to render second reading to an Ordinance to develop, pursuant to Sec. 4-1-170 of the South Carolina Code of Laws, 1976, as amended, a jointly owned and operated Industrial/Business Park, to be known as the Congaree Bio Energy Multi-County Park, in conjunction with Union County, South Carolina, such Industrial/Business Park to be geographically located in Union County, South Carolina; to provide for a written agreement with Union County as to the sharing of the revenues and expenses of the park; to provide for the distribution of revenues from the park among the taxing entities having jurisdiction over the park; to provide for a user fee in lieu of ad valorem taxation; and other matters related thereto. Motion seconded by Mr. Foster and carried.

## VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by First Baptist North Spartanburg from 5:00 p.m. until 10:00 p.m. on Thursday, October 23, 2008, for a Fall Festival Carnival at 8740 Asheville Highway, Spartanburg. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Foster to approve and Application for special Public Event Exclusion from the Noise Ordinance requested by John M. Brown from dusk until 10:00 p.m. during weeknights from October 22, 2008, until November 1, 2008, for a Haunted Trail at 3411 Reidville Road, Spartanburg, with the exception of no gunfire. Motion seconded by Mr. Britt and carried.

## 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. Foster to approve minutes of September 15, 2008. Motion seconded by Mr. Britt and carried.

## XI.

Motion made by Mr. Britt to adjourn. Motion seconded by Mr. Brown and carried.

SPARTANBURG COUNTY COUNCIL

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

Attest:

\_\_\_\_\_  
Deborah C. Ziegler  
Clerk to Council