

MINUTES

County Council Meeting

May 16, 2005

Spartanburg County Council met on Monday, May 16, 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. Steve Parker. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Ms. Stewart to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Stephanie Seay in being named South Carolina Teacher of the Year. Motion seconded by Mr. Parker and carried.
- B. Motion made by Mr. Huckaby to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the 41 years of dedicated service of the Honorable Roy McBee Smith as Spartanburg County Attorney. Motion seconded by Ms. Stewart and carried.

III.

- A. Chairman Horton declared open a public hearing to consider a proposed Ordinance providing for the establishment of a vested right to develop property in Spartanburg County. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider a proposed 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 that will, without limitation, allow the inclusion of two additional adjoining parcels of land totaling approximately 7.82 acres to the existing

fee-in-lieu-of tax project with approximately 77.12 acres. No one appeared, and the matter was closed.

- C. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from Noise Ordinance requested by Northside Missionary Baptist Church for June 5, 12, 19, and 26, 2005, from 6:00 p.m. until 7:30 p.m. for an Outdoor Worship Service at 300 New Cut Road, Spartanburg, SC. 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 Noise Ordinance requested by Mr. Phil Higginbotham for June 18, 2005, from 7:00 p.m. until 12:00 midnight for a wedding reception at 102 Club Pointe Drive, Spartanburg, SC. 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 Noise Ordinance requested by Mr. Jim Ward for May 28, 2005, from 7:00 p.m. until 11:30 p.m. for a Memorial Day Event at Carolina Foothills, 90 Carolina Foothills Drive, Chesnee, SC. Jack and Linda Lee were present to speak in opposition of this request. They live at 753 Rabbit Moffit Road. Their property adjoins the property of Carolina Foothills. David and Linda Mosley also spoke in opposition of this request. They live at 660 Rabbit Moffit Road.
- F. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from Noise Ordinance requested by Mr. Jim Ward for July 2, 2005, from 3:00 p.m. until 11:30 p.m. for an Independence Day Event at Carolina Foothills, 90 Carolina Foothills Drive, Chesnee, SC. Jack and Linda Lee were present to speak in opposition of this request. They live at 753 Rabbit Moffit Road. Their property adjoins the property of Carolina Foothills. David and Linda Mosley also spoke in opposition of this request. They live at 660 Rabbit Moffit Road.

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. Updated financial and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Steve Parker presented information in reference to consideration for a possible Land Swap on some property owned by Spartanburg County. The County would receive approximately seven acres in exchange for two acres. More information will be presented at a later date.

Economic Recruitment and Development Committee – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to render first 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. Nutt and carried.
- B. 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 BFS Diversified Products, LLC, whereby, under certain conditions, Spartanburg County will execute a fee in lieu of tax

agreement with BFS Diversified Products, 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. Nutt and carried. This fee in lieu of tax is in the amount of 6%.

- 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 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 Mr. Nutt and carried.
- D. Motion made by Mr. Britt to adopt a Resolution identifying a project in order to satisfy the requirements of South Carolina Code Section 12-44-40 so as to allow investment expenditures incurred by a company referred to herein as Project Janus to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Spartanburg County, South Carolina, committing to enter into a fee agreement with said company, and other matters related thereto. Motion seconded by Mr. Huckaby and carried. This is a coded project for an existing industry.
- E. 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, 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.
- 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, and a company referred to herein as Project Tom (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 Mr. Nutt and carried. This is an \$8 million investment in 70 new jobs.

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

- A. Mr. David Jones presented information in reference to EMS Contract Issues for FY 06. Mr. Hubert Odom, Chair of the EMS Advisory Committee, spoke before the Public Safety and Judiciary Committee during committee meetings earlier in the afternoon. Mr. Jones recapped the discussions held during committee meetings. In July 2004, County Council adopted, upon the recommendation from the EMS Advisory Committee, certain minimum standards for accountability in response of the rescue squads to be eligible for a contract and funding in the current fiscal year. Those accountability standards are as follows: (1) Each rescue squad must participate in ten of twelve monthly meetings of the EMS Advisory Committee; (2) each rescue squad shall be in-service a minimum of 80% of the time (In FY2006, this minimum in-service time will increase to 90% of the time); and (3) each rescue squad entity shall respond to 95% of all incidents respectively received from Spartanburg County 9-1-1. According to these standards, County staff applied these standards and determined that the following five rescue squads are eligible for contract and funding in the coming year. Those five rescue squads are Rescue 3 (Westview-Fairforest), Rescue 10 (Inman), Rescue 11 (Landrum), Rescue 18 (Croft), and Rescue 21 (Wellford). In applying the minimum accountability standards in the existing contracts, per Council direction, seven rescue squads are not eligible for contract and/or funding. They are Rescue 2 (Whitney), Rescue 6 (Pacolet), Rescue 7 (Chesnee Community), Rescue 8 (Chesnee), Rescue 15 (Drayton), Rescue 17 (Woodruff), and Rescue 20 (Enoree). Rescue(s) 2, 15, and 17 failed to meet the minimum in-service time of 80%. Rescue(s) 6 and 8 failed to meet the response ratio of 95%. Rescue(s) 7 and 20 failed to meet both the minimum in-service time and the response ratio. In preparing for this, Jimmy Greene, Spartanburg EMS, made a presentation on how the County would respond if these seven rescue squads were not contracted with for the coming fiscal year. Essentially, he indicated that there would be two changes that are necessary because of this. First, the current quick response vehicle that is based in Pacolet would be converted to a 24/7 transport ambulance. He also indicated that a current 12 hour rover ambulance would be converted to a 24/7. The cost of the change to adopt this coverage is approximately \$390,000. However, the approximate 1200 patients that would be transported would generate a revenue stream of approximately \$405,000. Essentially, the position was that the level

of service and the quality of service would be increased at no additional burden on the taxpayers. Mr. Hubert Odom, Chair of the EMS Advisory Committee, made a presentation. Mr. Odom asked for some time from County Council to allow the EMS Advisory Committee to make formal recommendations on how they can improve themselves. Specifically, he mentioned that they have consolidation ideas on the table and other ideas for service improvements. Motion made by Mr. Huckaby to authorize the County Administrator to execute the FY2006 contract(s) with Rescue 3, Rescue 10, Rescue 11, Rescue 18, and Rescue 21. Motion seconded by Mr. Nutt and carried. No action was taken on the other seven. County Council instructed the County Administrator to research Mr. Odom's request.

B. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable David Britt, Chairman)

A. Motion made by Mr. Britt to render second reading to a proposed Digital Plat Submission Amendment to the Unified Land Management Ordinance. Motion seconded by Mr. Nutt and carried.

B. Motion made by Mr. Britt to render second reading to an Ordinance setting Vestment Rights in Development of Land in Spartanburg County. Motion seconded by Mr. Nutt and carried.

C. Updated Planning Department Reports on Development Activity were received.

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

A. Information received in reference to a request from property owners in reference to county assistance regarding repairs to the Wadsworth Pond Dam. Mr. and Mrs. Wieder appeared regarding the Wadsworth Pond Dam that has recently failed. They requested that the county participate in repairing the dam. No motions were made on this request.

B. Information was received in reference to a request for proposals process relating to solid waste services. Since the February Council Retreat, Council Members have been involved with different waste management companies to discuss what some possibilities might be for making our solid waste operation more efficient. Four different companies have expressed some interest in solid waste in Spartanburg County. Motion made by Mr. Nutt to proceed by instructing staff to prepare a preliminary request for proposals that would be made public and get some feedback from these companies, as well as any others that might be interested, to see where we go with a formal request for proposal possibly later this year. Motion seconded by Mr. Britt and carried. One opposed.

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

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VI.

A. Motion made by Mr. Huckaby to render second reading to FY06 Budget Ordinance. Motion seconded by Mr. Nutt and carried.

B. Motion made by Mr. Britt to render second 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. Nutt and carried.

VII.

A. Motion made by Mr. Nutt to approve an application for special Public Event Exclusion from Noise Ordinance requested by Northside Missionary Baptist Church for June 5, 12, 19, and 26, 2005, from 6:00 p.m. until 7:30 p.m. for an Outdoor Worship Service at 300 New Cut Road, Spartanburg, SC. Motion seconded by Mr. Parker and carried.

- B. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from Noise Ordinance requested by Mr. Phil Higginbotham for June 18, 2005, from 7:00 p.m. until 12:00 midnight for a wedding reception at 102 Club Pointe Drive, Spartanburg, SC. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Huckaby to deny a request for special Public Event Exclusion from Noise Ordinance requested by Mr. Jim Ward for May 28, 2005, from 7:00 p.m. until 11:30 p.m. for a Memorial Day Event at 90 Carolina Foothills Drive, Chesnee, SC. Motion seconded by Mr. Adams and carried.
- D. Motion made by Mr. Huckaby to deny a request for special Public Event Exclusion from Noise Ordinance requested by Mr. Jim Ward for July 2, 2005, from 3:00 p.m. until 11:30 p.m. for an Independence Day Event at 90 Carolina Foothills Drive, Chesnee, SC. Motion seconded by Mr. Adams 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.

Motion made by Mr. Parker to move the June Council meeting up to June 13, 2005. Motion seconded by Mr. Nutt and carried.

X.

Motion made by Mr. Britt to approve minutes of April 18, 2005 (Regular Meeting). Motion seconded by Ms. Stewart and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council