

March 19, 2001

Spartanburg County Council met on Monday, March 19, 2001, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Karen Floyd, Chairman; Honorables Johnnye Code Stewart, David Britt, Jeff Horton, Frank Nutt, Ken Huckaby, and Rock Adams, Council Members; along with James K. Hartmann, County Administrator; Bill Dennis, Deputy County Administrator; Chris Story, Assistant County Administrator, Glenn Breed, Assistant County Administrator; and Roy McBee Smith, 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 Floyd called the meeting to order.

Invocation was rendered by Bill Cox of Concoxiions Ministries. Harold Osborne led in reciting the Pledge of Allegiance.

II.

- A. Motion by Mr. Britt to adopt a Resolution recognizing the Spartanburg County Communications/9-1-1 Department and proclaiming the week of April 8-14, 2001 as Telecommunicators Week. Motion seconded by Mr. Adams and carried.
- B. Motion by Mr. Nutt to to adopt a Resolution proclaiming the week of April 8-14, 2001 as International Building Safety Week. Motion seconded by Mr. Horton and carried.

III.

- A. Chairman Floyd declared open a public hearing pertaining to an Ordinance to authorize the issuance of not exceeding \$950,000 general obligation bonds of Pelham-Batesville Fire District. Mr. Robert Galloway was present to answer questions. No one appeared and the hearing was closed.
- B. Chairman Floyd declared open a public hearing pertaining an Ordinance to authorize: (1) the execution and delivery of a fee in lieu of tax agreement among Cherokee County, SC, Spartanburg County, SC and 3G Mermet Corporation; (2) Spartanburg County to covenant in such agreement to accept certain fees in lieu of ad valorem taxes; and (3) other matters related thereto (3G Mermet). No one appeared and the hearing was closed.

IV.

No appearances were scheduled.

V.

- A. Motion by Mr. Nutt to approve Resolution approving the enlargement of the boundaries of the Spartanburg Sanitary Sewer District (Lower North Tyger

River Annexation). Motion seconded by Mr. Britt. Mr. Adams opposed. He has petition with 213 signatures from residents of Roebuck area opposing this. They will not have access to sewer in the immediate future. Some residents may never be served. Mr. Nutt addressed correspondence he has received. He stated this has not been easy, but feels this is a plan for orderly growth. He feels it is a move toward a long range plan. It above all else plans for future growth. This plan has been approved by Water and Sewer Advisory Board which is created to advise County Council. They are a nonpolitical board. It has also been approved by the Chamber of Commerce. This plant would replace three other plants. As far as historical significance, we should be better off. Also, the issue of odor was raised. It is a remote site. The odor should not be any worse than odor from other plants that exist which will be taken out of service because of this. Noise should not be any worse, because it is further away than present plants. You cannot see the site from the road or any home, so this should not be visually disruptive. Wetlands has been mentioned. It is my understanding that this tract of land does have some wetlands on it, but where this plant is going will not interfere with these wetland at all. If there is a problem with the wetlands, Department of Health and Environmental Control will have to take care of it. The issue Mr. Adams raised is the most serious one. Mr. Nutt feels the only negative to this plant site is the tax issue. He agrees and hates taxes, but until we come up with another way of financing we have to move with this. If we allow bandaidd plant to go in at the Dorman site, we will have four plants instead of one, and in a few short years it would have to be replaced anyway. He feels it would be a waste of taxpayers money if this is not approved. This is the reason Mr. Nutt made the motion. Motion to call the question made by Mr. Britt. Motion seconded by Mr. Adams. Two thirds vote to call the question. Mr. Huckaby and Mr. Adams opposed to Resolution. Resolution carries.

VI.

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

- A. Information was received to update Council on Archer Road Community Meetings. Ms. Elena Rush is working with the residents of area on improving conditions and getting their feeling on how things should be redeveloped. Ms. Rush will provide a full report next month.
- B. Information was received to update Council on Arkwright redevelopment. Ms. Elena Rush is working with the residents of Arkwright and getting their feeling on how things should be redeveloped. Ms. Rush will provide a full report next month.

Personnel and Finance Committee (Honorable Ken Huckaby, Chairman)

- A. Information was received regarding County Audit Management Letter from Mr. Randy Thomas.

- B. Information was received regarding recommendations pursuant to the property tax audit from Mr. Randy Thomas.
- C. Information was received from Mr. Bill Dennis concerning the schedule for the Charter Cable Franchise Agreement process.
- D. Westview Fairforest Fire District has requested to appear before Council concerning the Referendum held in 1997 and the resulting millage problems encountered. In 1997, a Referendum was held, and the millage approved was 18 mills. This has not been charged since that time. They have not received money that they contend they should have received. The committee recommends this millage be increased to 18 mills as was approved by the referendum. Motion made by Mr. Britt to approve Administration's request. Motion seconded by Mr. Huckaby and carried.
- E. Motion by Mr. Huckaby to approve Memorandum of Understanding between Spartanburg County and Spartanburg Technical College – Re: Dent Building. Motion seconded by Mr. Horton.
- F. Motion by Mr. Huckaby to receive information and take desired action concerning a local option sales tax. Committee recommends rendering first reading by title only. Motion seconded by Mr. Britt.
- G. Updated financial data was received with no action taken.

#### Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Jeff Caton presented information regarding Cleveland Park Renovation project. The bids have been awarded.
- B. Received a progress report from Mr. Jeff Caton on the USCS Soccer Complex. Progress is being made.

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

No items scheduled.

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

- A. Mr. Horton makes motion to take desired action with regard to amending the boundaries of the Duncan Fire Service Area to exclude property annexed by the Town of Lyman. (render first reading) Chairman Floyd put forward that motion takes into account there would be two Resolutions which would need to be adopted; one to diminish the annexed area of Duncan Fire Service Area and one to annex annexed areas into Tyger River Fire Service area. Motion seconded by Mr. Adams and carried.
- B. Mr. Adams made motion to approve request by Town of Reidville to prosecute any of its cases in the Magistrate's Court. Motion seconded by Mr. Britt and carried.
- C. Motion by Mr. Horton to consent to request from the Town of Chesnee for Spartanburg County to consent to a proposed order to be signed by the Chief Justice concerning its municipal judge. Motion seconded by Mr. Huckaby and carried.
- D. Information was received regarding activities of the Public Works Department.

#### Land Use Committee (Honorable David Britt, Chairman)

- A. Updated information received from Mr. Emory Price concerning changes to the Unified Land Management Ordinance.

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

- A. Motion made by Mr. Nutt to approve request for three way multi-stop as well as four way multi-stop in Glenn Forest Subdivision and a multi-stop in the Woodbury Subdivision. Also requested staff develop policy to handle this process in the future. When this process is being developed, there should be a majority of homeowners in favor. Motion seconded by Mr. Horton and carried.

- B. Motion made by Mr. Nutt to authorize purchase of 5.67 acres on Parris Bridge Road to be used as regional collection center. Motion seconded by Mr. Huckaby and carried. Mr. Horton abstains due to potential conflict or appearance thereof.
- C. Motion made by Mr. Nutt to authorize staff to proceed with negotiations for landfill planning services with Olver, Inc. Motion seconded by Mr. Horton and carried.
- D. Motion made by Mr. Nutt to approve a letter of consistency for permitting additional acreage at Spartanburg County's Wellford landfill facility. It involves increasing acreage from 7 acres to 24 acres. Motion seconded by Mr. Horton and carried.
- E. Motion made by Mr. Nutt to approve awarding continuing Engineering and related service contracts to the four firms recommended pursuant to consultant service selection process in response to Request for Proposals dated November 20, 2000. The following firms were selected Full service Providers of On-Call Professional Services for Spartanburg County: TranSystems Corporation in association with The LPA Group, ARCADIS Geraghty & Miller, and HDR Engineering, Inc. The following firm was selected as a Limited Service Provider of On-Call Professional Services for Spartanburg County: Wilbur Smith and Associates. Motion seconded by Mr. Horton and carried.
- F. Information was received regarding activities of the Public Works Department.

## VI.

- A. Motion by Mr. Britt to render third reading to an Ordinance authorizing the execution and deliver of a fee in lieu of tax agreement between Spartanburg County, SC, Cherokee County, SC and 3G Mermet Corporation. Spartanburg County to covenant in such agreement to accept certain fees in lieu of ad valorem taxes, the benefits of a multi-county park to be made available to 3G Mermet, and other matters thereto. Motion seconded by Mr. Horton and carried.
- B. Motion by Mr. Horton to render third reading to an Ordinance repealing an Ordinance creating the Emergency Communications Advisory Committee. Motion seconded by Mr. Britt and carried.
- C. Motion by Mr. Britt to render second reading to an Ordinance finding that Pelham-Batesville Fire District may issue not exceeding \$950,000 general obligation bonds, to authorize the board of fire control of Pelham-Batesville Fire District to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Horton and carried.
- D. Motion by Mr. Britt to render second reading to an Ordinance for the purpose of establishing the Spartanburg/Cherokee Industrial Development Corporation, stating its purposes and appointing the members to the Board of Directors of the Spartanburg/Cherokee Industrial Development Corporation. Motion seconded by Mr. Horton and carried.
- E. Motion by Mr. Britt to render second reading to an Ordinance authorizing the development of a jointly owned and operated industrial/business park to be geographically located in Cherokee and Spartanburg Counties, and established pursuant to SC Code of Laws 1976, et. Seq., as amended; to provide for the expenses of the park, the percentage of revenue application and the distribution of fees in lieu of taxes to the counties 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. Motion seconded by Mr. Adams and carried.
- F. Motion by Mr. Britt to render second reading to an Ordinance consenting to the assignment in part to Teijin Monofilament US, Inc., a Delaware Corporation, of that certain lease, agreement between Spartanburg County, SC and Hoechst Celanese Corporation, dated December 1, 1989, as amended and that certain lease agreement between Spartanburg County, SC and Hoechst Celanese Corporation, dated December 1, 1995, as amended and that certain lease agreement between Spartanburg County, SC and Hoechst Celanese Corporation, dated December 1, 1996, as amended, all pursuant to the terms of the respective lease agreements; and other matters related thereto. Motion seconded by Mr. Horton and carried.
- G. Motion by Mr. Britt to render second reading to an Ordinance approving the granting of an amended and restated mortgage o the real and personal property subject to the lease agreement dated October

1, 1998 between Spartanburg County, SC and Spartanburg Stainless, inc., and Spartanburg Automotive, Inc., and the execution and deliver of such an amended and restated mortgage on such property to Comerca Bank. Motion seconded by Mr. Horton and carried.

VII.

- A. Motion by Mr. Britt to receive information and take desired action in reference to a proposed Resolution changing the name of that particular road designated as Old Greenville Highway (Highway 29) located from East Blackstock Road westward to Interstate 85 as Warren H. Abernathy Street. Motion seconded by Mr. Horton.
- B. Motion by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a lease agreement between Spartanburg County, SC as lessor, and Premier Roof Systems, LLC as lessee; and other matters related thereto including without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Horton 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 miscellaneous Council/Administrative matters.

X.

Motion by Ms. Stewart to approve minutes of February 19, 2001 (regular meeting), February 23, 2001 (Retreat) and March 12, 2001 (Special Meeting). Motion seconded by Mr. Britt and carried.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:\_\_\_\_\_

Karen Floyd, Chairman

Attest:

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Deborah C. Ziegler

Clerk to Council