

MINUTES

County Council Meeting

March 21, 2005

Spartanburg County Council met on Monday, March 21, 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, Interim County Administrator; Chris Story, Assistant County Administrator; and Edwin Haskell, Assistant 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. Frank Nutt. Jeremy and Justin Mehl, Boy Scout Troop 79, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Parker to adopt a Resolution designating the month of March as 2005 Disabilities Awareness Month. Motion seconded by Mr. Huckaby and carried. Ms. Paula White, Chairman of Disabilities Board, was present to receive Resolution.
- B. Motion made by Ms. Stewart to adopt a Resolution proclaiming April as Fair Housing Month in Spartanburg County. Motion seconded by Mr. Britt and carried. Ms. Kathy Rivers was present to receive Resolution.

III.

- A. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance authorizing the execution and delivery of a Fee in lieu of Tax Agreement and an Infrastructure Finance Agreement by and between Spartanburg County, South Carolina and Benteler Automotive Corporation with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes and Benteler Automotive Corporation will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. 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 Noise Ordinance requested by Laotian Association of Spartanburg for April 16, 2005, from 5:00 p.m. until 1:00 a.m. April 17, 2005, for a Lao New Year Festival Outdoor Concert at 470 Fox Drive, Spartanburg, SC. No one appeared, and the matter was closed. Sheriff Chuck Wright requested more information regarding how long this event will last. This event is just one day until 1:00 a.m. the next day.

IV.

No appearances were scheduled.

V.

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

- A. Motion made by Ms. Stewart to adopt a Resolution supporting the Community Development Block Program and urging Congress to restore its funding. Motion seconded by Mr. Huckaby and carried.
- B. Motion made by Ms. Stewart to approve the Spartanburg County Community & Economic Development FY 2005 Annual Action Plan. Motion seconded by Mr. Parker and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Motion made by Mr. Huckaby to approve agreement between Spartanburg County and Probate Court Judge setting fees to be charged for performing marriage ceremonies. The proceeds will be turned over to the General Fund. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Huckaby to authorize staff to engage Telecommunications Consulting Associates to conduct a review of franchise fee payments from Charter Communications. Motion seconded by Mr. Britt and carried.
- C. Updated financial and personnel vacancy reports were received.

Recreation Committee – (Honorable Jeff Horton, Chairman)

No items scheduled.

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

No items scheduled.

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

- A. Sheriff Chuck Wright presented information in reference to the Spartanburg County Sheriff's Office DUI Task Force Grant. No action was taken. Sheriff Wright will gather more statistics and present it at the next meeting.
- B. Mr. Mike Padgett presented information in reference to Derelict Vehicles. Mr. Padgett stated that Derelict Vehicles are defined as vehicles that are improperly tagged and uninsured, incapable of self-propulsion, up on block and under repair, or abandoned vehicles on private property. Towing agencies have been solicited to tow derelict vehicles at the owner's expense to an impound lot. If the owner wants the vehicle back, he can retrieve it at the impound lot. This will only be done after proper due process has been done by notifying the property owner of the violation and allowing them to bring the property into compliance. The Sheriff's Department, Environmental Enforcement, and Building Codes will be working on this. No action was taken.
- C. Motion made by Mr. Adams to authorize an appropriation of not to exceed \$105,000 from General Fund reserves to contract for the demolition of the former Florence Chapel school building in Wellford; an

appropriation of approximately \$100,000 from General Fund reserves to cover the demolition of the two derelict former hotels on Fairforest Road and Simuel Road adjacent to Business 85; and an appropriation of not to exceed \$10,000 from General Fund reserves to fund the demolition of additional unsafe burned homes. Motion seconded by Mr. Nutt and carried. A lien will be placed on the property on Fairforest Road and Simuel Road adjacent to Business 85, as well as the property on which the unsafe burned homes are demolished in order to recover as much as possible of the cost of demolition.

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

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Land Use Committee (Honorable David Britt, Chairman)

- A. Mr. Don Woodward, Spartanburg Development Association, presented a detailed presentation. Mr. Woodward represents Spartanburg County on the Clean Air Committee that was born about three years ago. Motion made by Mr. Britt that Spartanburg County join in the appeal of EPA's final rule as set forth in the January 5, 2005 Federal Register, wherein Greenville County was designated "unclassifiable" for PM 2.5. In conjunction with this appeal, Spartanburg County resolves to support the legal and technical research needed to evaluate the existing data from the Greenville Monitor and allocate an appropriation of no more than \$10,000. Motion seconded by Mr. Nutt and carried.
- B. Updated Planning Department Reports on Development Activity were received.

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

- A. Hon. Elaine Harris, Mayor of Pacolet, presented information in reference to the concept of an I-26/I-85 connector across southeastern Spartanburg County connecting three counties. Motion made by Mr. Nutt to adopt a Resolution endorsing the concept. No money is involved at this point. Motion seconded by Mr. Adams and carried.
- B. Mr. Mike Garrett presented information in reference to the Wellford Landfill. County Staff has been working with South Carolina DHEC and a neighborhood committee around the landfill to obtain a permit to expand the Wellford Landfill. A part of this process requires that a Citizens' Facility Issues Negotiation Committee be established, and that the County Staff work with the committee to resolve any conflicts and issues that the neighborhood has concerning the operation of the landfill. Staff has met with this committee and negotiated a list of agreements and concessions. Motion made by Mr. Nutt to adopt a Resolution authorizing execution of agreement between Spartanburg County and Wellford Landfill's Citizens' Facility Issues Committee. Motion seconded by Mr. Huckaby and carried.
- C. Information received in reference to Courthouse Roof Replacement to a portion of the Courthouse Roof located over the Solicitor's Office. Three bids were received to replace this section of the roof. Motion made by Mr. Nutt to award the bid to Pickens Roofing in the amount of \$76,700. Motion seconded by Mr. Britt and carried.
- D. Information received regarding activities of the Public Works Department.

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VI.

- A. Motion made by Mr. Huckaby to render third reading to an Ordinance establishing a uniform road maintenance fee for the maintenance and improvement of the County road system with the amendments that the \$200 penalty in Section 11 of the Ordinance be amended to state \$500 so as to be in accordance with state law and that Section 3 (b) and 3 (c) providing exemptions for tax exempt vehicles and antique cars be deleted. Motion seconded by Mr. Adams and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance extending the date for filing returns and the payment of property taxes for persons serving with United States Armed Forces or National Guard in or near a hazard duty zone. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Fee in lieu of Tax Agreement and an Infrastructure Finance Agreement by and between Spartanburg County, South Carolina and Benteler Automotive Corporation with respect to certain

economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes and Benteler Automotive Corporation will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Huckaby and carried.

VII.

- A. Motion made by Mr. Huckaby to approve an application for special Public Event Exclusion from Noise Ordinance requested by Laotian Association of Spartanburg for April 16, 2005, from 5:00 p.m. until 1:00 a.m. April 17, 2005, for a Lao New Year Festival Outdoor Concert at 470 Fox Drive, Spartanburg, 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. Huckaby that the appointment of the County Attorney position be added to the agenda. Motion seconded by Mr. Britt and carried.

Motion made by Mr. Huckaby that Edwin Haskell be appointed County Attorney to replace Roy McBee Smith who has asked not to be reappointed. Motion seconded by Mr. Britt and carried.

X.

Motion made by Mr. Britt to approve minutes of February 3 and 4, 2005 (Council Retreat) and February 21, 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