

November 17, 2003

Spartanburg County Council met on Monday, November 17, 2003, 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 James K. Hartmann, County Administrator; Glenn Breed, Assistant County Administrator; Chris Story, Assistant County Administrator; Roy McBee Smith, County Attorney; William McBee Smith, Assistant County Attorney; 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 Rev. Lewis Mills of Greater Hopewell Baptist Church in Duncan. Mr. Adams led in reciting the Pledge of Allegiance.

II.

No Presentations were scheduled.

III.

No Public Hearings were scheduled.

IV.

No appearances were scheduled.

V.

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

A. Ms. Elena Rush presented information in reference to Startex Sewer System and Loan Guarantee. It was approved by the Public Health and Human Services Committee to authorize the County Administrator to grant \$300,000 of loan ability to be used for construction of sewer facilities for the unincorporated parts of the County (Startex). Motion made by Mr. Huckaby to accept the recommendation of this committee and let the County Administrator proceed. Motion seconded by Mr. Britt and carried. Motion amended to be subject to the review of the Water & Sewer Advisory Committee. Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

A. Ms. Ann Fesperman and Ms. Shay Muncus presented information in reference to additional staffing for the Workforce Investment Board. The Workforce Investment Board is recommending four additional people be employed by that group. Funds are already available. It will not require any County funds. Motion made by Mr. Huckaby to approve these four positions. Motion seconded by Ms. Stewart and carried. They informed the group that if these funds were to dissipate, those positions would be eliminated as well.

B. Updated personnel vacancy report was received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

A. Mr. Jeff Caton presented an update on our Parks and Recreation Department. He also presented information on a trip that he made to the National Conference in St. Louis. He received some valuable information. Also, Mr. Caton advised that Spartanburg County received a \$100,000 federal grant to assist in some projects that are going on, especially at the Va-du-mar Park.

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

A. Committee reported on a meeting held with the South Carolina Racing Museum, School District 7, City of Spartanburg, and the committee. We have been asked to amend our Intergovernmental Agreement between the City and the County as it relates to the Racing Museum. Motion made by Mr. Britt to render second first reading to an Ordinance to amend the Intergovernmental Agreement by and between the City of Spartanburg and Spartanburg County dated December 14, 1998 in so far as it related to the Beaumont Mill Site so as to provide fees in lieu of tax from the Beaumont Mill Site of the Park referenced in such Intergovernmental Agreement be distributed to Spartanburg County and provide for the assignment by Spartanburg County of the fees in lieu of tax to the repayment of certain tax-exempt bonds for the construction of the South Carolina Racing Museum by the South Carolina Racing Museum Foundation, Inc. which bonds will fund certain infrastructure expenses to be incurred in the construction of the museum. Motion seconded by Mr. Huckaby and carried.

B. Committee recommends approval of an Ordinance as it relates to Draexlmaier amending an earlier fee-in-lieu agreement. If we extend it, they want to make an initial investment that will relate to about 50 new jobs initially. On down the line, it will add 50 more jobs. Motion made by Mr. Britt to render first reading to an Ordinance extending the investment period under 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.

- C. Cherokee County has requested an amendment to our Ordinance as it relates to the joint Industrial Park between Spartanburg County and Cherokee County. They would like to add two properties to this. We will be the recipients of a 1% fee-in-lieu. 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 and No. O-03-03 relating to the joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (Additions of 427 Hyatt Street Realty, LLC and Duke Power Mill Creek Generating Plant in Cherokee County). Motion seconded by Mr. Huckaby and carried.

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

- A. Solicitor Trey Gowdy presented information in reference to Award of Grant for DUI Prosecution Team. The Solicitor has received a grant for a DUI Prosecution Team for \$85,933 with funding beginning in October 2003. Matching costs are being borne by a private donation. The Solicitor would like to create two positions to execute grant requirements. These positions include one attorney and one paralegal/investigator. Motion made by Mr. Adams to approve this request with the stipulation that these positions are subject to removal should the grant funds or matching costs be discontinued. Motion seconded by Ms. Stewart and carried.
- B. Motion made by Mr. Adams to render first reading to an Ordinance amending Ordinance 597 adopted September 16, 1996 and codified as Section 10-92 of the Spartanburg County Building Code to prohibit contractors from removing their name or mailing address from the Electrical Billing Application without proof of final inspection and certification of occupancy being issued by the Spartanburg County Building Codes Department. Motion seconded by Mr. Huckaby and carried.
- C. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable David Britt, Chairman)

- A. Mr. Emory Price, Planning Department Director, presented information in reference to our proposed Flood Plain Ordinance. He stated that under FEMA's new rules that we stand the possibility of being out of compliance unless we take some pretty quick action. Motion made by Mr. Britt to render first reading to an Ordinance by title as it relates to the Flood Plain Ordinance. Follow up meeting will be held on this. Motion seconded by Ms. Stewart and carried.
- B. Mr. Emory Price, Planning Department, gave an update on Departmental Activity.

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

- A. Discussions were held in reference to the future use of the QS1 Building located on Howard Gap Road. We now have access to the use of those facilities as well as obtaining the furnishings within the

building. Motion made by Mr. Nutt to negotiate with QS1 for the furnishings within the building. Mr. Hartmann stated that he needs to tell them that we will budget for it, basically contract to purchase those furnishings, so that they can make their decisions on their new facility. Mr. Nutt stated that they will put that in form of a motion. Motion seconded by Mr. Adams and carried.

- B. Mr. Nutt presented information in reference to the Landrum Health Department Property. This piece of property was put out to take bidders to purchase it. The property appraised for \$65,000. We received only one bid of \$42,500 with the minimum acceptable bid being the appraised value. Mr. Glenn Breed stated that this surplus property has been vacant for about nine years. It consists of about 1/4 of an acre. It has an 1100 square foot building on it. Motion made by Mr. Parker to rebid the property with a minimum bid of \$42,500. Motion seconded by Mr. Nutt and carried.
- C. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Parker to render third reading to an Ordinance suspending the "Blue Laws" which prohibit the retail sale of certain items prior to 1:30 p.m. on Sundays pending outcome of November referendum. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance amending the Domestic Violence Board Ordinance No. 246, as amended by Ordinance 498 to delete the Medical Society Auxiliary as a representative and make this an additional at large position. Motion seconded by Ms. Stewart and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance providing for a five-year extension of the investment period for Seeber USA, L.L.P. under its lease agreement with Spartanburg County pursuant to Section 4-12-30(C)(2), Code of Laws of South Carolina 1976, as amended. Motion seconded by Mr. Nutt and carried.
- D. Motion made by Mr. Britt to table the motion to render second reading to an Ordinance amending the Spartanburg County Animal Control Ordinance. Motion seconded by Mr. Huckaby and carried.

VII.

No Items Scheduled.

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.

- A. Motion made by Mr. Parker to permanently move the January meeting forward to the Monday prior to Martin Luther King Day due to Martin Luther King Day falling on the third Monday in January. Motion seconded by Ms. Stewart and carried.
- B. Mr. Britt stated that a lot of work has gone on in reference to the Animal Control Ordinance, both pro and anti Ordinance. Council asked about three months ago for our Director of Animal Control, Don Arnold, along with others, to bring us a solution to a problem. Obviously, it is not the solution to the problem that we had hoped to get. By tabling it, Council wants to take this back under their wing. They will ask for Citizen Involvement, from Animal Allies, Hunters, Kennel Owners, and everyone else to try to come up with a solution that is good for Spartanburg. Mr. Nutt stated that if spay/neuter is the problem, he would like to see us give some serious consideration into putting money in the budget for that purpose. Chairman Horton stated Council will continue to work on this, and it will be discussed at Council Retreat to be held this month.

X.

Motion made by Mr. Britt to approve minutes of October 20, 2003. 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