

MINUTES

County Council Meeting

September 18, 2006

Spartanburg County Council met on Monday, September 18, 2006, 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, David Britt, Rock Adams, Ken Huckaby, and Frank Nutt, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; Tom Gates, Assistant County Administrator; and Edwin Haskell, County Attorney. Honorable Steve Parker was absent.

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 Honorable Frank Nutt. Spartanburg County 4-H Clubs led in reciting the Pledge of Allegiance.

II.

Honorable Ken Huckaby presented an Award Certificate of Achievement for Excellence in Financial Reporting to Mr. Al Rickett.

III.

A. Chairman Horton declared open a public hearing to consider a proposed Resolution approving the issuance by the Housing Authority of the City of Spartanburg of not exceeding \$5,900,000 aggregate principal amount of the Authority's Tax-Exempt Multifamily Housing Revenue Bonds (Page Lake Project) pursuant to Title 31, Chapters 3 and 13 of the Code of Laws of South Carolina 1976, as amended. No one appeared, and the matter was closed.

IV.

A. Mr. Larry Copper, Croft Homeowners' Association, appeared to discuss property maintenance issues in the Camp Croft area and presented pictures of areas needing attention. Mr. Glenn Breed and Mr.

Don Arnold, Environmental Enforcement, advised Mr. Copper of the progress that has been made to clean up the area. Mr. Breed stated that 12 derelict vehicles have been moved; 23 tagged vehicles have been tagged for removal; 4 mobile homes have been demolished; 4 apartments have been marked condemned; and 10 overgrown lots have been processed as of last week. Chairman Horton requested that Staff look at what can be done Mr. Cooper's complaints.

V.

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

- A. Mr. Roy Johnson, Spartanburg Housing Authority, appeared in reference to Page Lake Project. This project has to be taken back to the State Budget Control Board because the bond amount and the ownership name have changed. The scope of the program remains the same with the same number of units and a target start date of late this fall or early 2007. Motion made by Ms. Stewart to adopt a Resolution approving the issuance by the Housing Authority of the City of Spartanburg of its Tax-exempt Multi-family Housing Revenue Bonds (Page Lake Project) to satisfy the requirements of Section 147 (f) of the Internal Revenue Code in the aggregate principal amount of not exceeding \$5,900,000. Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Mr. Todd Wilson, Solicitor's Office Administrator, presented information in reference to the addition of two state funded positions in the Circuit Solicitor's Office for the prosecution of Criminal Domestic Violence in Spartanburg County. The state will send a check every quarter. The check for the first quarter has already been received. Motion made by Mr. Huckaby to approve the addition of two state funded positions for attorneys in the Circuit Solicitor's Office to prosecute Criminal Domestic Violence. Motion seconded by Ms. Stewart and carried.
- B. Mr. Tom Gates presented information in reference to a revision to the Procurement Ordinance. The old Ordinance is more than 15 years old. Many changes relating to legal matters, financial matters, fines, fees, and other matters needed to be made to this Ordinance. Motion made by Mr. Huckaby to render first reading to Spartanburg County Procurement Ordinance. Motion seconded by Ms. Stewart and carried.
- C. Updated financial and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

No items scheduled.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance consenting to a five-year extension of the investment period for Edscha Spartanburg LLC (formerly known as Premier Roof Systems, LLC) 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.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an infrastructure finance agreement by and among Spartanburg County, South Carolina, 290 Properties LLC and Knights Apparel, Inc. with respect to certain economic development property in the county, whereby such property will receive certain infrastructure credits in respect of its investment in related infrastructure; and other matters related thereto. Motion seconded by Mr. Nutt 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 Kohler Co., 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. Huckaby and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance develop a jointly owned and operated industrial/business park in conjunction with Union County, such industrial/business park to be geographically located in Spartanburg County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina 1976, as amended; to provide for a written agreement with Union County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto. (Kohler) Motion seconded by Mr. Nutt and carried.

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

- A. Mr. Tom Gates, Mr. Gil Bulman, and Ms. Glenda Wright presented information in reference to the Abandoned Mobile Home Abatement Program. The program would assist landowners who are burdened with an abandoned mobile home on their property that they do not own that was abandoned by someone with back taxes are owed on it. This program will give the County the right to take care of these situations. Motion made by Mr. Adams to approve the Abandoned Mobile Home Abatement Program. Motion seconded by Mr. Huckaby and carried.
- B. Mr. Chris Story presented information in reference to an Ordinance to amend Ordinance No. O-04-06 to provide for expiration periods for demolition permits and provide for the requirement of performance bonds or letters of credit on commercial demolition projects. Mr. Adams stated that this item pertains to the Victor Mill project in Greer and problems associated with it. It is a procedural change to keep us from developing future Victor Mill type situations. It requires a deadline, which is renewable, on commercial demolition jobs. Motion made by Mr. Adams to render first reading to an Ordinance to amend Ordinance No. O-04-06 to provide for expiration periods for demolition permits and provide for the requirement of performance bonds or letters of credit on commercial demolition projects. 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. Updated Planning Department Reports on Development Activity were received.

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

- A. Mr. Nutt stated that at the last Council meeting in the month of August, Council had discussion about sewer service in the area near Abner Creek Road and Abner Creek. Council left it with Staff to go to the Spartanburg Sanitary Sewer District and obtain some legal description of the area that Council in 2004 made a motion to dedicate to the Greer Commission of Public Works for sewer service. A controversy has come up about annexation and requirements for sewer service if that area belongs to the Commission of Public Works in Greer. The majority of Council decided to rescind what Council did two years ago. Today, a full discussion was held about different boundaries where this might go. Information was presented by Mr. Graham Rich, Spartanburg Sanitary Sewer District; Mayor Rick Danner, City of Greer; and Mr. Randy Garrett, Director of Governmental and Industrial Affairs, Laurens Electric Cooperative, and also a representative of the citizens in that area. Out of these discussions, Mr. Nutt made a recommendation that Council stay with what they proposed last month which is to rescind their action of 2004 and further to ask the Spartanburg Sanitary Sewer District to have that annexed into their district. Mr. Edwin Haskell stated that the first action would be to make a motion to rescind the previous

action taken by County Council on June 14, 2004, where Council by motion approved the recommendation from the Water and Sewer Advisory Committee to authorize the Greer Commission of Public Works to provide sewer services to Spartanburg County within the area between Highway I-85 South on Highway 101 to Highway 296 and West to the Enoree River, turning North following the Enoree River to I-85; and to request that the Spartanburg County Delegation pursue Legislative Actions to annex this same area into the Western Carolina Regional Sewer Authority Service Boundaries, and also to rescind Resolution Number R-06-18 adopted by County Council on May 15, 2006, clarifying the previous action by Council that it was the intent of County Council that its previous action related solely to the provision of sewer service and that Spartanburg County Council did not intend, nor is it its current position, that the provision of sewer service in that area by the Greer Commission of Public Works be conditioned upon the area being annexed into the municipal boundaries of the City of Greer. The motion would be to rescind those two previous actions by Council.

- B. Motion made by Mr. Nutt to rescind previous actions by Council on June 14, 2004, and May 15, 2006, which are described above in item A, related to the provision of sewer services by the City of Greer in certain area of Spartanburg County. Motion seconded by Mr. Adams and carried. Mr. Huckaby opposed.
- C. Motion made by Mr. Nutt to adopt a Resolution calling for a public hearing on the annexation of the previously described area between Highway I-85 South on Highway 101 to Highway 296 and West to the Enoree River, turning North following the Enoree River to I-85 into the Spartanburg Sanitary Sewer District. Motion seconded by Mr. Adams and carried. Mr. Huckaby opposed.
- D. Information received regarding activities of the Public Works Department.

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VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to regulate the sale and possession of copper, copper products and equipment containing copper; to establish reporting and recordation requirements when copper related products are purchased and/or transferred; to prohibit the burning of copper wiring; and to establish criminal penalties for violation. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to change the assessment of Aircraft subject to ad valorem taxation in Spartanburg County from a 10.5% assessment ratio to a 4% assessment ratio. Motion seconded by Mr. Nutt 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.

No items scheduled.

X.

Motion made by Ms. Stewart to approve minutes of August 21, 2006 (Regular Meeting). Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council