

MINUTES

County Council Meeting

July 19, 2004

Spartanburg County Council met on Monday, July 19, 2004, 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, and Frank Nutt, Council Members; along with James K. Hartmann, County Administrator; Glenn Breed, Assistant County Administrator; Chris Story, Assistant County Administrator; and Edwin Haskell, Assistant County Attorney. Hon. Ken Huckaby 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.

Chairman Horton called the meeting to order.

Invocation was rendered by Rev. Scott Linnerud, Associate Pastor of Boiling springs First Baptist Church. Hon. Rock Adams 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 Ann Ashley Wood of Spartanburg, South Carolina for winning the title of Miss South Carolina 2004. Motion seconded by Mr. Britt and carried.

III.

- A. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance regarding adoption of property tax roll back relief referendum to levy and impose a one percent sales and use tax on the gross proceeds of sales within the county area which are subject to tax under Chapter 36 of Title 12, subject to a referendum within Spartanburg County pursuant to the Local Option Sales Tax Act, S.C. Code Ann. Section 4-10-10, et seq.; to provide for a county-wide referendum to be held at a General Election on November 2, 2004 and to prescribe the contents of the ballot question in such referendum; to provide for publication in a newspaper of general circulation in the county the anticipated credit against property taxes in the first year of implementation of property tax credit fund; to provide for the conduct of such referendum by the Registration and Election Commission of Spartanburg County; to provide for the administration of such tax, if approved; to provide for the payment of such tax; and to provide for other matters relating thereto. Mr. Leroy Pike, 2031 Clark Road, Boiling Springs, spoke in opposition of this item. Mr. Walter McSherry spoke in opposition of this item on behalf of their affiliate in Spartanburg County of the South Carolina Association of Taxpayers. Mr. John Woodward, Mayo, spoke in opposition of this item. Mr. Rennie Chadway, Landrum, spoke in

opposition of this item. Ms. Lucille Dismukes spoke in opposition of this item. A handout Ms. Dismukes distributed is included in backup. Mr. Leonardo Artez also spoke against this item. Matter was closed.

- B. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance to repeal out-of-date Technical Codes set forth in Section 10-91, 10-101, 10-111, 10-121, 10-141, and 34-26 of the Spartanburg County Code and to adopt by reference pursuant to S.C. Code Section 6-9-50(1976) the latest edition of the Building, Residential, Gas, Plumbing, Mechanical, Fire, and Energy Codes as promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a Public Hearing to consider proposed revisions to the Unified Land Management Ordinance # O-99-15. 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 for July 25, 2004, from 7:00 p.m. until 9:00 p.m. through September 26, 2004, from 7:00 p.m. until 9:00 p.m. for a Tent Revival at 314 Bethlehem Church Road, Moore, 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 for August 7, 2004, at 12:00 p.m. for a Drag Race at Greer Dragway, 1477 Hwy. 357, Lyman, SC. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a Public Hearing to consider an Application for special Public Event Exclusion from Noise Ordinance for July 24, 2004, at 4:00 p.m. until July 25, 2004, at 2:00 a.m. for an "In Remembrance Celebration" at 274 Pioneer Place, Spartanburg, SC. Ms. Jean Fowler, Ethel Road, appeared in opposition to this item. Ms. Fowler stated that the traffic was horrible last year during this event. Ms. Dametria Bobo appeared in favor of this item for a representative. Mr. Adams stated that fourteen cars had to be towed away last year from this event. Matter was closed.

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 data and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Ms. Ann Cunningham presented a Parks Projects Update. Required handrails are being installed at Cleveland Park. Additional fireproofing has been completed on the lower level of the Event Center. Some dead trees are being removed. At Va-du-mar, playground equipment proposals are out.

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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 acknowledging the exercise of the option to purchase the project pursuant to the terms of the lease agreement between Spartanburg County, South Carolina and Waukesha Bearings Corporation dated as of June 1, 2000 and the payment of all amounts due pursuant to the lease agreement. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to approve a Resolution authorizing County Administrator to execute Quickclaim Deed for SEW-Eurodrive property in conjunction with Jackson Mills Sewer project subject to the written approval of SEW-Eurodrive. Motion seconded by Mr. Nutt and carried.

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

- A. Chief Larry Brady, North Spartanburg Fire District, presented information in reference to a request from North Spartanburg Fire and Emergency Services District in reference to Millage Rate Increase Request. No action was taken at this time.
- B. Chief Ron Nordenbrock, Poplar Springs Fire Service Area, presented information in reference to a letter of support to the Poplar Springs Fire Service Area regarding a USDA Rural Development Loan. No action was taken at this time.
- C. Mr. David Jones presented information in reference to annual contract agreements with Rescue Squads and funds distribution. The EMS Advisory Committee at its June meeting continued discussions regarding the annual service contracts with the County. These contracts govern the distribution of funding allocated for rescue squads. A motion was passed unanimously to make the recommendation to Council to make the following revisions to the annual service agreement document: (1) To be eligible for funding in FY2006, each rescue squad entity shall be in service a minimum of 80% of FY2005; (2) To be eligible for funding in FY2006, each rescue squad entity shall respond to 95% of all incidents respectively received from Spartanburg County 9-1-1; (3) To be eligible for funding in FY2007, each rescue squad entity shall be in service a minimum of 90% of FY2006. Motion made by Mr. Adams to authorize the County Administrator to execute revised annual service contracts with Rescue Squads. Motion seconded by Mr. Nutt and carried.
- D. Judge Cash presented information in reference to transfer of District Magistrate Clerk from Greer to Woodruff. Motion made by Mr. Adams to approve this request. Motion seconded by Mr. Nutt and carried.
- E. Information received regarding activities of the Building Codes Department.

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Land Use Committee (Honorable David Britt, Chairman)

- A. Mr. Emory Price presented an update from Land Use Committee meeting held on July 15, 2004. No action was needed at this time.
- B. Updated Planning Department Reports on Development Activity were received.

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

- A. County Staff has requested and received proposals for professional design services for the new Una Fire Department. Three proposals were received. A committee reviewed those proposals and graded them. The committee recommended that we award the contract to B. P. Barber & Associates. Motion made by Mr. Nutt to approve this. Motion seconded by Mr. Adams and carried.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to adopt a Resolution calling for a referendum for Tuesday, November 2, 2004 on the question of implementing the Local Option Sales and Use Tax within the Spartanburg County Area to provide for property tax roll back relief. Motion seconded by Mr. Nutt and carried. Mr. Nutt responded to the some of the comments made during the Public Hearing on this item. Mr. Nutt stated that he is opposed to tax increases. He does not consider this a tax increase. He stated that it should be a tax decrease for Spartanburg County residents. There are a certain amount of rules that go along with the Local Option Sales Tax provided by the State. Part of that rule is that at least 71% of it has to go toward reducing property tax. It is the discretion of this Council, or anybody that passes it, to make it 71% or anywhere between there and 100%. It has been estimated that we should take in about \$25 million in sales tax for one penny in Spartanburg County. It has also been estimated that as much as 20% would be from outside sources. Approximately, \$5 million would go to reduce property taxes if we use 100% of it. It would be a tax decrease of about \$5 million for Spartanburg County taxpayers. It is unpredictable, but this sales tax rollback would come as a tax credit on your tax notice. Your property tax will be reduced by this credit. Spartanburg County cannot eliminate property tax completely, but this will help. Mr. Britt stated that County Council is as opposed as anybody about property tax increases. If this were a tax increase, County Council would not be supporting it. Mr. Parker stated that if the voters vote to implement this on November 2, every person that is a resident of Spartanburg County will get a tax decrease. Right now, people that do not live here and do not pay property taxes drive on the roads and use the bridges that are paid for by Spartanburg County property owners.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to provide for Local Option Sales Tax and property tax roll back relief referendum; to levy and impose a one percent sales and use tax on the gross proceeds of sales within the county area which are subject to tax under Chapter 36 of Title 12, subject to a referendum within Spartanburg County pursuant to the Local Option Sales Tax Act, S.C. Code Ann. Section 4-10-10, et seq.; to provide for a county-wide referendum to be held at a General Election on November 2, 2004 and to prescribe the contents of the ballot question in such referendum; to provide for publication in a newspaper of general circulation in the county the anticipated credit against property taxes in the first year of implementation of property tax credit fund; to provide for the conduct of such referendum by the Registration and Election Commission of Spartanburg County; to provide for the administration of such tax, if approved; to provide for the payment of such tax; and to provide for other matters relating thereto. Motion made by Mr. Britt to render third reading to this Ordinance with a 100% rebate to taxpayers in property tax relief rollback. Motion seconded by Mr. Parker and carried.
- C. Motion made by Mr. Nutt to render third reading to an Ordinance to repeal out-of-date Technical Codes set forth in Section 10-91, 10-101, 10-111, 10-121, 10-141, and 34-26 of the Spartanburg County Code and to adopt by reference pursuant to S.C. Code Section 6-9-50(1976) the latest edition

of the Building, Residential, Gas, Plumbing, Mechanical, Fire, and Energy Codes as promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association. Motion seconded by Mr. Britt and carried.

- D. Motion made by Mr. Britt to render third reading to an Ordinance amending Spartanburg County Unified Land Management Ordinance, Ordinance No. O-99-015, as amended with the exception of item 40 relating to billboards. Motion seconded by Mr. Adams and carried.
- E. Motion made by Ms. Stewart to render second reading to an Ordinance to amend Section 2-121 of the Spartanburg County Code to provide that all members of a Board or Commission appointed by County Council shall be a resident of Spartanburg County and at the time of nomination, registered to vote in Spartanburg County. Motion seconded by Mr. Adams and carried.

VII.

- A. Motion made by Mr. Nutt to approve an Application for special Public Event Exclusion from Noise Ordinance for July 25, 2004, from 7:00 p.m. until 9:00 p.m. through September 26, 2004, from 7:00 p.m. until 9:00 p.m. for a Tent Revival at 314 Bethlehem Church Road, Moore, SC. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Adams to approve an Application for special Public Event Exclusion from Noise Ordinance for August 7, 2004, at 12:00 p.m. for a Drag Race at Greer Dragway, 1477 Hwy. 357, Lyman, SC. Motion seconded by Mr. Britt and carried. One opposed.
- C. No motion was made on an Application for special Public Event Exclusion from Noise Ordinance for July 24, 2004, at 4:00 p.m. until July 25, 2004, at 2:00 a.m. for an "In Remembrance Celebration" at 274 Pioneer Place, Spartanburg, SC. This request failed.

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 approve a request from Express Lane Track and Field Squad for \$1,000 from Council Contingency to help 20 at risk children participate in the National Junior Olympic Championship program in Des Moines, Iowa. Motion seconded by Ms. Stewart and carried.

X.

Motion made by Mr. Nutt to approve minutes of June 14, 2004 (Regular Meeting). Motion seconded by Mr. Adams and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:_____

Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler

Clerk to Council