

December 15, 2003

Spartanburg County Council met on Monday, December 15, 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; 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. Ryan Goodroe, Pastor at Cedar Shoals Baptist Church in Enoree. Mr. Brady led in reciting the Pledge of Allegiance.

II.

No Presentations were scheduled.

III.

- A. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.

- C. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider 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. (Cherokee County has requested the addition of three properties in Cherokee County as follows: 427 Hyatt Street Realty, LLC; Duke Power Mill Creek Generating Plant; and Alcoa) No one appeared, and the matter was closed.

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 Community Development Block Grant and HOME Programs Amendments to Annual Action Plans (2000, 2001, 2002, and 2003). Motion made by Ms. Stewart to approve the proposed amendments. Motion seconded by Mr. Huckaby and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Judge Ray Eubanks presented information in reference to Position Reclassifications. This information was received in reference to the Probate Court's Estate Clerks. This request will be considered next year during the budgeting process.
- B. Judge Ray Eubanks presented information in reference to fees and charges that Probate Judges are charging to perform marriage ceremonies.
- C. Mr. David Forrester, SADAC, presented information in reference to a request from the Spartanburg Alcohol and Drug Abuse Commission to utilize dollars from the current SADAC fund balance to employ an additional Counselor III to provide Intensive Family Services in Spartanburg County. Motion made by Mr. Huckaby to approve this request. Motion seconded by Mr. Britt and carried.
- D. Motion made by Mr. Huckaby to approve a Resolution to express the intention of the County Council of Spartanburg County, South Carolina, to cause Spartanburg County to be reimbursed for certain costs for the renovation or construction of a County Detention Center and a Sheriff's Operation Facility with the proceeds of Tax-Exempt Obligations. Motion seconded by Mr. Adams and carried. Mr. Hartmann

stated that this is a preliminary matter that allows us to then collect back any expenses that we would deem necessary to put into the bond issue should we move forward with it.

E. Updated financial data and personnel vacancy reports were received.

Recreation Committee – (Honorable Jeff Horton, Chairman)

A. Mr. Jeff Caton presented an update on our Parks and Recreation Department. The infrastructure at Vadu-mar Park should be complete in the next 120 days. Cleveland Park is progressing well. Mr. Caton is going to check on bringing more soccer tournaments here.

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

No items scheduled.

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

A. Mr. Mike Bartosh, Public Defender, presented information in reference to the jail overpopulation. Since the first of the year, the jail population has increased approximately 100. It has leveled off during the last 60 to 90 days. Motion made by Mr. Adams to approve a request for an additional Public Defender position to expedite jail cases on a six month trial basis with the results being presented to County Council at the end of the six months, and it will be funded with the funds that we receive from the Federal Government for housing Federal inmates in our jail. Motion seconded by Mr. Huckaby and carried.

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

-

Land Use Committee (Honorable David Britt, Chairman)

A. Mr. Emory Price, Planning Department Director, presented an overview of the Land Use Committee Meeting held on December 8, 2003. There will be a request for second reading on the changes to our Ordinance in January.

B. Updated Planning Department Reports on Development Activity were received.

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

A. Motion made by Mr. Nutt to approve the bid of \$42,500 from Landrum First Baptist Church for the sale of the former Landrum Health Department Property that the County owns in Landrum. 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 render third 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 Mr. Huckaby and

carried.

- B. Motion made by Mr. Britt to render third 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 contingent upon the documents being amended to delete the Chairman's name and to substitute Mr. Hartmann's name in accordance with our procedures. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to render third 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 Ms. Stewart and carried.
- D. Motion made by Mr. Britt to render third 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 contingent upon the documents being amended to delete the Chairman's name and to substitute Mr. Hartmann's name in accordance with our procedures. Motion seconded by Ms. Stewart and carried.
- E. Motion made by Mr. Britt to render third 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. (Cherokee County has requested the addition of three properties in Cherokee County as follows: 427 Hyatt Street Realty, LLC; Duke Power Mill Creek Generating Plant; and Alcoa) Motion seconded by Mr. Huckaby and carried.
- F. Motion made by Mr. Nutt to carryover 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. Britt and carried.
- G. Motion made by Mr. Britt to render second reading to a Flood Plain Ordinance. 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 Mr. Britt to approve minutes of November 17, 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