

January 17, 2000

A regular meeting of Spartanburg County Council was held on Monday, January 17, 2000, at 5:30 p.m. in the County Council Chambers, County Administrative Office Building, 366 North Church Street, Spartanburg, SC. The following were in attendance: Honorable Karen Floyd, Chairman; Honorables Johnnye Code Stewart, David Britt, Jeff Horton, Rock Adams, Ken Huckaby and Frank Nutt, Council Members; along with James K. Hartmann, County Administrator; Glenn Breed, Assistant County Administrator; and Roy McBee Smith, County Attorney.

I.

Chairman Floyd called the meeting to order.

II.

Invocation was rendered by Rev. Kenny Moore of Glendale Baptist Church. The Honorable Jeff Horton led in reciting the Pledge of Allegiance.

III.

A. Motion by Mr. Britt to adopt a Resolution recognizing Ms. Nancy Crowley. Motion seconded by Mr. Horton and carried.

B. Motion by Mr. Horton to adopt a Resolution recognizing David Pearson, Sports Illustrated NASCAR Driver of the Century. Motion seconded by Mr. Adams and carried.

C. Motion by Mr. Adams to adopt a Resolution honoring Mitch Stewart, Emergency Services Magazine and Braun Industries 1999 Paramedic of the Year. Motion seconded by Mr. Horton and carried.

D. Motion by Mr. Huckaby to adopt a Resolution honoring the Byrnes High School Band regarding their appearance at the Rose Bowl. Motion seconded by Mr. Britt and carried.

IV.

No Public Hearings Scheduled.

V.

- A. Mr. Donald Coggins appeared on behalf of John Stewart and Doug Cobb (Flightworld, Inc.) to appeal the decision of the Spartanburg County Planning Commission relative to the placement of a communications tower to be located at 945 Brockman Road, Greer, SC. The Chairman inquired of the County Attorney if it was proper for Council to hear this matter. The County Attorney stated that it was at Council's discretion to hear the matter. Jonathan Yates, Attorney for SBA stated his objection for the record. Mr. Yates stated that this matter should not be before Council, but should go to the Circuit Court. The former appeals process was unique in that it required that the Planning Commission had to be found in error. No error has been shown in Mr. Coggins' letter requesting an appeal. Mr. Coggins stated that the Board of Appeals never reached the merits of appeal. The only action taken was that the appeal was dismissed. Mr. Coggins and his clients believe that there are fundamental safety issues involved in this matter. The most significant safety issue is that the tower would be directly in the flight

path of airplanes. Mr. Coggins said this was never heard by the Board of Appeals. Mr. Yates stated that safety issues were reviewed. Mr. Yates also stated that there were two public hearings relative to the placement of this tower due to the fact that it was felt that notice of the first hearing was not broad enough. Mr. Yates again stated that the appeal has not been perfected and no error has been shown. Motion by Mr. Britt to hear the appeal. Motion seconded by Mr. Huckaby. Chairman Floyd stated that a record is established at the lowest level. If this matter is not remanded back down, there will not be a strong record. A vote was taken and the motion to hear the appeal failed. Motion by Mr. Britt to remand this matter to the Board of Appeals. Motion seconded by Mr. Adams and carried.

- B. Mr. Rick Thacker (Diamond Homes) appeared to appeal the decision of the Development Standards Board of Appeals relative to a variance requested to place a home at 510 Mason Road, Inman, SC. Mr. Thacker's appeal is based on the Planning Commission's denial without reasons given for that denial. He stated that he requests that he be allowed to place a mobile home closer to the property line than what is normally allowed. Mr. Thacker has a letter from the adjacent property owner stating that he has no objection to the variance being granted. Mr. Mike Padgett, Director of Building Codes, stated that he had reviewed the minutes of the Planning Commission meeting and listened to the tapes. Mr. Padgett agrees that the Planning Commission denied the variance without giving reasons. Mr. Horton stated that he had visited the property. The lot is pie shaped and there is no other option for placing the mobile home. The adjoining property owners have no objections. Motion by Mr. Horton to grant the variance. Motion seconded by Mr. Huckaby and carried.

## VI.

### Public Health and Human Services Committee

- A. Mr. Everett Powers and Ms. Jennifer Evins provided an update on the Spartanburg County International Swiss Cultural Exchange Program.

### Personnel and Finance Committee

- A. Motion by Mr. Huckaby to authorize the Registration and Elections Office to hold the Republican Presidential Preference Primary on February 19, 2000, and the Democratic Presidential Preference Primary on March 9, 2000. Motion seconded by Mr. Britt and carried.
- B. Motion by Mr. Huckaby to render first reading by title to a proposed Ordinance to provide for the issuance and sale of not exceeding thirteen million dollars (\$13,000,000) general obligation bonds, series 2000, of Spartanburg County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto. Motion seconded by Mr. Britt and carried.
- C. Motion by Mr. Huckaby to direct the County Assessor to use the raw land value as the present worth value of undeveloped acreage subdivided into lots as provided in Section 12-43-224, SC Code of Laws, with property owners wishing to take advantage of this procedure meeting the qualification requirements and making application to the Assessor once, waiving the annual re-filing requirements. Motion seconded by Mr. Britt and carried.
- D. Updated financial information received.

### Recreation Committee

- A. Updated information was received regarding the USCS/County Soccer Complex. Negotiations are underway for an intergovernmental agreement regarding maintenance and usage. No action taken.
- B. Motion by Mr. Horton to authorize the County Administrator to enter into a contract with Milone and McBroom and further authorize an expenditure of up to \$532,000 from the Palmetto Landfill Fund to proceed with the Cleveland Park Project. Motion seconded by Mr. Huckaby and carried.

## Economic Recruitment and Development Committee

- A. Motion by Mr. Britt to adopt a resolution authorizing the execution and delivery of an inducement agreement and millage rate agreement in regard to not less than a \$12 million investment by Benore Logistics Systems, Inc., and render first reading by title to an Ordinance authorizing the execution and delivery of a lease agreement between Spartanburg County, SC, Lessor, and Benore Logistics Systems, Inc., Lessee, and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Huckaby and carried.
- B. Motion by Mr. Britt to adopt a resolution authorizing the execution of an Inducement Agreement and Millage Rate Agreement in regard to not less than a \$9,250,000 investment by Raynor USA Southeast Manufacturing Division. Motion seconded by Mr. Nutt and carried.

## Public Safety and Judiciary Committee

- A. This item tabled pending receipt of further information. (Receive information and consider approval of a Tower Attachment License Agreement between Spartanburg County and Carolina Phone Company.)
- B. Information received regarding activities of Building Codes Department.

## Public Works, Buildings and Grounds Committee

- A. Information received regarding activities of Public Works Department.

## VII

- A. Motion by Mr. Britt to carry this item over. Motion seconded by Mr. Huckaby and carried. (Receive information and take desired action in reference to a proposed Resolution approving the enlargement of the boundaries of the Spartanburg Sanitary Sewer District (Fernwood-Glendale/Sloans Grove Road Area)).
- B. Motion by Mr. Huckaby to render third reading to an Ordinance abolishing the Tyger River Sewer Authority. Motion seconded by Mr. Britt and carried.
- C. Motion by Mr. Huckaby to render third reading to an Ordinance creating the Spartanburg County Fire Chiefs Advisory Committee. Motion seconded by Mr. Adams and carried.

## VIII

- A. Motion by Mr. Britt to render first reading by title to an Ordinance providing technical and administrative amendments to Ordinance O-99-015 entitled Spartanburg County Unified Land Management Ordinance. Motion seconded by Mr. Adams and carried.

## IX

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.

## X

Motion by Mr. Britt to add an item to the agenda relative to the appointment of interim chairmen for the three newly formed committees created by the Unified Land Management Ordinance, pending appointment of a

chairman by each committee. Motion seconded by Mr. Adams and carried. Motion by Mr. Adams to appoint Whit Kennedy as acting chairman of the newly formed Planning Commission; Gerald Lawson as acting chairman of the newly formed Appeals Board; Wendell Lee as acting chairman of the Citizens Advisory Board. Motion seconded by Mr. Britt and carried.

XII

Motion by Mr. Britt to approve the Minutes of December 13, 1999 (regular meeting); December 13, 1999 (special meeting); and December 20, 1999 (work session/joint public hearing/special meeting). Motion seconded by Mr. Adams and carried.

Meeting adjourned.

Spartanburg County Council

By: \_\_\_\_\_

Karen Floyd, Chairman

Attest:

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Lori A. Hinds

Clerk to Council