

MINUTES

County Council Meeting

November 15, 2004

Spartanburg County Council met on Monday, November 15, 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, 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 Hon. Steve Parker. Mr. Steve Evatt 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 Dorman High School's 2003-2004 Academic Team, for winning first place at the National Competition hosted by the American Scholastic Competition Network. Motion seconded by Mr. Britt and carried. Ms. Becky Rank, Head Coach, and members of the Academic Team received Resolution.

III.

- A. Chairman Horton declared open a Public Hearing to consider a proposed Agreement to transfer ownership, responsibility and authority for operations and maintenance of certain parks and recreation facilities located within the City of Spartanburg to the City of Spartanburg. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a Public Hearing to consider Reconveyance of .4 acres of unused sewer right-of-way from Spartanburg County to SEW Eurodrive, Inc. No one appeared, and the matter was closed.

- C. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance authorizing the amendment of the effective date of a lease agreement between Spartanburg County, South Carolina and R. R. Donnelley & Sons Company and the effective date of the infrastructure financing agreement between the county and the company; and other matters relating to the foregoing. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a Public Hearing to consider a proposed Ordinance to consolidate Inman Mills Water District and Startex Jackson Wellford Duncan Water District, provide for the constitution of the governing body of the consolidated district, and other matters related thereto. 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. Mr. Jerry McPherson, Disabled American Veterans, presented information in reference to a request from the Disabled American Veterans to assist in the purchase of a van in 2005. Motion made by Ms. Stewart to provide \$12,000 assistance in purchasing a 12-passenger van for the Disabled American Veterans. Motion seconded by Mr. Huckaby and carried.
- B. Mr. Edwin Haskell presented information in reference to Reconveyance of .4 acres of unused sewer right-of-way from Spartanburg County to SEW Eurodrive, Inc. Spartanburg County initially acquired an easement from SEW-Eurodrive in connection with the construction of the Jackson Mills Sewer Project. When construction began, rock was encountered in the area of the easement granted by SEW-Eurodrive. The project specifications were changed to avoid the rock. Motion made by Mr. Huckaby to approve the reconveyance of .4 acres of unused sewer right-of-way to Spartanburg County from SEW-Eurodrive, Inc. Motion seconded by Mr. Parker and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Mr. David Britt did some work in reference to the transition of the Office of Sheriff. Motion made by Mr. Huckaby to have Sheriff-elect Chuck Wright work with our current Sheriff, Bill Coffey, until the end of his term at a salary of \$5,000 per month effective November 16, 2004. Motion seconded by Mr. Britt and carried.
- B. Updated financial and personnel vacancy reports were received.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Jeff Caton presented an update on our Parks Projects. Va-du-mar Park in Boiling Springs is going well. A grant was received for recreation equipment. This equipment will be installed soon. The athletic fields will be in operation in the fall.
- B. Mr. Chris Story presented information in reference to finalizing and implementing an agreement to transfer responsibility and authority for operations and maintenance of certain parks and recreation facilities located within the City of Spartanburg to the City of Spartanburg and to implement the appropriate financial and contractual arrangements related to that transfer. Motion made by Mr. Parker to transfer the parks in the inner City back to the City of Spartanburg. Motion seconded by Mr. Huckaby and carried.

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

- A. Piedmont Natural Gas requested an extension of four years on our fee agreement with them. Motion made by Mr. Britt to adopt a Resolution approving the extension by Spartanburg County, South Carolina of a fee agreement by and between Piedmont Natural Gas Company, Inc. and Spartanburg County, South Carolina (Piedmont Natural Gas Company, Inc. Project), pursuant to the provisions of South Carolina Code Annotated, Section 4-12-30 (1976), as amended. Motion seconded by Mr. Nutt and carried.
- B. Michelin North America, Inc. is going to invest not less than \$60 million over the next ten years in the existing facility. The Economic Recruitment Committee recommended approving a 4% fee-in-lieu for this not less than \$60 million expansion. Motion made by Mr. Britt to adopt a Resolution authorizing an Inducement Contract between Spartanburg County, South Carolina and Michelin North America, Inc. relating to the County's execution and delivery of a fee agreement with the company pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to adopt a Resolution to add certain properties to the Joint County Industrial and Business Park ("Renaissance Park Project") within the County of Spartanburg and other matters related thereto. Motion seconded by Mr. Nutt and carried.

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

- A. Information was received in reference to purchasing replacement vehicles for the Sheriff's Office. Motion made by Mr. Adams to replace 25 vehicles during Budget Year 2004-2005 at a price of \$534,175 to be taken from Fund Balance. These vehicles have 145,000 to 184,000 miles on them. Motion seconded by Mr. Huckaby and carried.
- B. Information was received in reference to an Autopsy Agreement between Spartanburg County and Spartanburg Regional Medical Center. There have been some minor changes. The Coroner's Office will be billed an autopsy fee as follows: From October 1, 2004 through December 31, 2004, \$175.00 per autopsy; Beginning January 1, 2005 through December 31, 2005, \$225.00 per autopsy; Beginning January 1, 2006 through December 31, 2006, \$350.00 per autopsy. Beginning October 1, 2004, imaging services will be billed as follows: \$175.00 for each x-ray; \$350.00 for each CT scan. The morgue at Spartanburg Regional will be staffed and open seven days a week, twenty-four hours a day. Mr. Britt recommended forming a committee to study the possibility of having a Medical Examiner's Office in Spartanburg County. Mr. Britt stated that this would be a large committee looking at the whole death process in Spartanburg County in broad and specific terms. This committee will be made up of local Health Department Officials, State DHEC Officials, State Coroner's Association, both local hospitals, Emergency Medical Services, the funeral homes, and the City and County law enforcement agencies. Motion made by Mr. Huckaby to approve the Autopsy Agreement. Motion seconded by Mr. Nutt and carried.
- C. Information was received in reference to Public Defender's request for staff. Chief Justice Jean Toal from the S. C. Supreme Court has begun to implement in all judicial circuits across the State a differentiated case system. Judge Mark Hayes has signed an Administrative Order implementing this system in the Seventh Judicial Circuit, effective January 1, 2005. It is based on the majority of criminal cases being disposed of within 180 days of arrest. Therefore, the Public Defender's Office needs additional personnel. Solicitor Trey Gowdy is in favor of this. The request is for two Assistant Public Defenders and one Interviewer/Screeners. The Assistant Public Defenders would be a Grade 26 @ \$40,960 each and the Interviewer/Screeners would be a Grade 16 @ \$25,145. The estimated total cost of these positions is approximately \$140,000. Moving the majority of the cases in this Judicial Circuit within 180 days would significantly assist in relieving the jail overcrowding with its accompanying savings. Motion made by Mr. Adams to approve this request on a two-year trial basis. Motion seconded by Mr. Huckaby and carried. A quarterly report was requested from the Public Defender's Office beginning January 1, 2005, providing information on the cases moved.
- D. Mr. Don Arnold and Ms. Betsy Boxer, Animal Allies, presented a Spay and Neuter Update. Information

was presented comparing the year 2003 with 2004. Euthanasia has decreased by 15.9%. Adoptions have increased by 5.8%. Rescue adoptions are up. Beginning in January 2005, \$25,000 provided by Spartanburg County will be used to implement a low cost spay and neuter program. This will focus on the targeted areas of Pacolet and Pacolet Mills, Woodruff, and Lyman-Wellford-Duncan. Veterinarians are being invited to participate in the County Spay/Neuter Assistance Program.

E. 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. Glenn Breed presented an update on the Wellford Community Center proceedings. This item is still ongoing. We have about a \$104,000 expense facing us if we dispose of the building. We are trying to get some partners in this.

B. 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 authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and Zeuna Staerker USA, Inc. 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. Nutt and carried.

B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the amendment of the effective date of a lease agreement between Spartanburg County, South Carolina and R. R. Donnelley & Sons Company and the effective date of the infrastructure financing agreement between the county and the company; and other matters relating to the foregoing. Motion seconded by Mr. Nutt and carried. Mr. Britt stated that this is a \$75 million expansion.

C. Motion made by Mr. Britt to render second 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 Michelin North America, Inc.; and other matters relating thereto. Motion seconded by Ms. Stewart and carried.

D. Motion made by Mr. Britt to hold over an Ordinance proposing a Digital Plat Submission Amendment to the Unified Land Management Ordinance. Motion seconded by Mr. Adams and carried.

E. Motion made by Mr. Nutt to render second reading to an Ordinance to consolidate Inman Mills Water District and Startex Jackson Wellford Duncan Water District, provide for the constitution of the governing body of the consolidated district, and other matters related thereto. Motion seconded by Ms. Stewart 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 October 11, 2004 (Regular Meeting). Motion seconded by Mr. Nutt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council