

Wednesday, December 30, 1998

Special Meeting

A special meeting of the Spartanburg County Council was held on December 30, 1998, at 1:00 o'clock p.m. in County Council Chambers, County Administrative Office Building. The following were present: Honorables David G. Dennis, Sr., Rock Adams, Jeff Horton, Johnnye Code Stewart, David Britt, and Frank Dillard, Council Members. Also in attendance were Roland H. Windham, Jr., County Administrator, Paula J. Wayne, Deputy County Administrator, Glenn Breed, Assistant County Administrator, and Edwin Haskell, Assistant County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was mailed in advance to the local news media and other interested persons.

1.

Chairman Dennis opened the meeting and rendered the invocation. Mr. Britt led in reciting the Pledge of Allegiance.

2.

- A public hearing was held regarding the County's agreement to convey to the Town of Cowpens by quit claim deed without consideration the property known as the Health-Tex Facility on Highway 42-268 as described in Deed book 48-T at page 490. Chairman Dennis declared the meeting open. Mr. Harold Osborne of 130 Dogwood Avenue inquired as to the results of a recent Corp of Engineers study on this property. He also asked if there were taxes owed on the property, if anyone else was interested in purchasing it, and why there were no signs posted on the property indicating that the County was the owner and that trespassing was prohibited. Mr. Windham stated that taxes are owed for 1990/91 in the amount of \$590,686.51. In 1992 the South Carolina Tax Commission relinquished jurisdiction to the Spartanburg County Assessor, and the Assessor declared the property exempt. He stated that the County has not actively pursued selling the property. At one time there were two interested buyers, but both decided not to pursue the purchase. Signs were posted at one time on the property, and it was requested that the Town of Cowpens patrol the property. Mayor White, Town of Cowpens, confirmed that the property is patrolled regularly. Ms. Elizabeth Bilenchia, Consultant for the Town of Cowpens, stated that test results are not yet available from the Corp of Engineers testing of the site. Chemicals have been detected in samples taken, but additional testing is needed. Mr. Mike Duncan, Attorney for the Town of Cowpens, appeared and stated that he has advised his client that it would be best from a liability standpoint if the Town were to take title to this property as a non-profit corporation. Correspondence has been received from the EPA and DHEC indicating that they will assist in clean up of the property, but Mr. Duncan is concerned with the liability that the town may experience by taking title to contaminated property. Mr. Dan Dearybury of Cowpens appeared and stated that his property adjoins the HealthTex site. He is concerned about contamination and stated that the health and welfare of the citizens of Cowpens is the most important issue. Mayor White said that the Town is trying to do everything in its power to get the property cleaned up. Grants have been secured and the town has spent a great deal of money in its efforts. Mr. Haskell, Assistant County Attorney, said that the County

acquired this property through a bond issue, and the State Industrial Revenue Bond Statute protects the County from liability. He is concerned that if the County takes an active role in the clean up, liability would then be assumed. Mr. Haskell stated that he feels the proposal made by the Town's attorney is a workable solution. Ms. Bilenchia added that one of the reasons the Town is actively pursuing this matter is that the Brownsfield Grant already obtained will expire in one year. The Town wants to access all funds available. Chairman Dennis declared the public hearing closed.

- A public hearing was held regarding an Ordinance adopting the Spartanburg County Comprehensive Plan. Chairman Dennis declared the meeting open. Donald Jones of River Falls Plantation appeared and stated that the Comprehensive Plan is lacking in vital areas. It does not contain guidelines for future land use. Mr. Royce Justice, President of United Neighborhood Association (UNA) appeared and stated that his group feels that mobile home park license fees should be increased, which would bring in more revenue and allow the County to hire additional personnel to enforce codes. Mr. Bob McKenna of Chesnut Lakes, Inman, appeared and said that he feels the Comprehensive Plan is a good plan, but it needs continued work. He feels that zoning should be pursued. Ms. Sylvia Newsome, Woodridge Subdivision, stated that her neighborhood is "zoned", but that lack of zoning around her has allowed large businesses and apartment complexes to be built adjacent to her property. She stated that zoning similar to the plan in Greenville is needed in Spartanburg. Ms. Newsome stated that she was disappointed that the newly elected County Council members led constituents to believe they were pro-zoning during their campaigns, and now that they are elected, they are not in favor of zoning. Ms. Madeline Wallace of Landrum appeared and said that the citizens she has talked with want zoning or land use planning. She asked Council to be aggressive and not passive. Mr. Michael West of Stone Station appeared and asked Council to take steps to incorporate zoning in the Comprehensive Plan. Mr. Marshall Robeshot of Woodruff appeared and stated that he felt that County Council was listening to private interests rather than public interests by not pursuing zoning. He said that zoning is needed and the people are asking for zoning. He asked if the fact that the County has not asked Mr. Vismore to prepare zoning ordinances would preclude zoning. Mr. Windham stated that an additional contract for \$40,000 was entered into several months ago for Mr. Vismore to consolidate our current land use ordinances. He is in the process of doing that now, and he has submitted another proposal in the amount of \$20,000 to do a zoning Ordinance for the County in whatever manner County Council stipulates. Mr. Vismore will be attending County Council's retreat in January to explain the different types of zoning. Council will then consider extending his contract. Mr. Don Jones asked if the Comprehensive Plan will be adopted as it exists and be incorporated without due consideration to the changes that have been recommended at the public hearings. Mr. Britt stated that he would like to hold off on adopting the plan until County Council can determine what its goals are. He said that the Plan as it exists is a placebo. Ms. Malise Welsh of Woodruff appeared and stated that zoning is needed. Small homes are being turned into businesses without consideration for increased traffic. Mr. Allan McKenzie of Stone Station said that the Comprehensive Plan is vague and has no specifics. He asked if the Plan could be amended in the future. He was told that it could be amended. Mr. Dillard stated that he would like the Plan to pass and be used as a guide for the consolidation of ordinances. Mr. Britt stated that a good example of zoning is on Reidville Road, which is in the City Limits. He stated that zoning is not the answer to everyone's problems, and the Reidville Road area proves that. Mr. Hugh Atkins stated that he is a developer. He stated that putting additional regulations in place will increase taxes. He feels that the land use ordinances in place can be modified and adjusted. Mr. Darryl Hinson appeared and stated that he is currently developing some property in Greer, which is zoned. He said that he is building the highest density subdivision ever developed in the City of Greer, and he met all zoning requirements. He does not feel that zoning is the answer. A property owner should be able to do what he wants to do with his property. Mr. Roy Tracy of Poplar Springs stated that restricting the use of someone's property will cause problems. Mr. David Mitchell of Calhoun Lakes stated that the homeowners need zoning for protection. Mr. Jim Hindman of 305 Hope Road asked Council to proceed with the Comprehensive Plan. He stated that he would welcome zoning. Chairman Dennis declared the Public Hearing Closed.

3.

Motion by Mr. Dillard to render third reading to the Spartanburg County Comprehensive Plan, and that the Public

Hearing Comments be used as a guide in the future. Motion seconded by Mrs. Stewart. A vote was taken with Mr. Dillard, Mr. Adams, Mr. Horton and Ms. Stewart voting yes. Mr. Britt voted no. The motion carried.

4.

Motion by Mr. Britt to render second reading to an Ordinance providing technical and administrative amendments to ordinance regulating sexually oriented businesses to facilitate enforcement and compliance. Motion seconded by Mr. Adams and carried.

5.

Motion by Mr. Horton to render third reading to an Ordinance amending the Spartanburg County Development Standards Ordinance so as to make certain editorial corrections concerning the setback distance of communications towers from the nearest property line of any platted subdivision, and to provide for certain co-location certification, with the stipulation that churches be excluded from the definition of commercial properties. Motion seconded by Mr. Britt and carried.

6.

This item carried over. (Receive information regarding Auditorium renovation bids.

7.

Mr. Randy Thomas of McAbee, Talbert and Halliday, CPA firm, appeared to give a status report of the reassessment audit. Mr. Thomas provided Council with preliminary results of the audit. He said that the calculation of maximum millage rates was one item of concern, stating that he feels that these rates should be going down but they are not. Mr. Darryl Hinson asked if there was any way to provide relief to the tax payer pending the outcome of the audit. Ms. Sharon West of the County Treasurer's office, stated that there is nothing that can be done at this point. State Law prohibits extending the penalty date. Installment payments can be taken, but the law requires that the final installment must be made by January 15th. In response to a question raised by Council, Mr. Haskell stated that special legislation cannot be enacted by the Legislature in this regard. He stated that the State Code provided that during a reassessment year, if the Department of Revenue reviews the collections and determines that the limit provided for by law has been exceeded as a result of not complying with the law, then the governing body has the ability to immediately transfer the total amount to a separate fund which must be used to roll back millage for the following year. This is a remedy County Council can implement if more has been collected than should have been collected. Ms. Sarah Broyles stated

that the Department of Revenue assisted her in the reassessment process. She feels comfortable with the figures. Industry did not go up as much as the real property did, and the burden has been shifted to the homeowner. Mr. Thomas stated that he will have another progress report for County Council at its January 11th meeting.

Mr. Hugh Atkins thanked Chairman Dennis for his service over the last eighteen years.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____

Chairman

Attest:

Lori A. Hinds

Clerk to Council