

MINUTES

COUNTY COUNCIL MEETING

February 19, 2001

Spartanburg County Council met on Monday, February 19, 2001, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Karen Floyd, Chairman; Honorables Johnnye Code Stewart, David Britt, Jeff Horton, Frank Nutt, Ken Huckaby, and Rock Adams, Council Members; along with James K. Hartmann, County Administrator; Bill Dennis, Deputy County Administrator; Chris Story, Assistant County Administrator; and Roy McBee Smith, 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 Floyd called the meeting to order.

Invocation was rendered by Reverend Jim Oliver of Bethlehem Baptist Church. The Chapman High School Airforce Junior ROTC led in reciting the Pledge of Allegiance. A moment of silence was observed to honor the life of Dale Ernhardt, Sr., who died February 18, 2001.

III.

- A. Motion by Mr. Horton to adopt a Resolution recognizing employees of Spartanburg County's Collection Division (Recycling Collection Center Employees and Drivers) for their extra efforts during the holiday season. Motion seconded by Mr. Adams and carried.
- B. Motion by Mr. Horton to adopt a Resolution recognizing Mr. Steve Mooneyham. Motion seconded by Mr. Britt and carried.

IV.

- A. Chairman Floyd declared open a public hearing pertaining to an Ordinance to authorize the developing of a jointly owned and operated industrial/business park in conjunction with Cherokee County, to be geographically located in Spartanburg County, and Cherokee County, SC, and a written agreement between the counties providing for the sharing of expenses of the park, the percentage of revenue allocation, and the distribution of fees in lieu of taxes. (3G Mermet). No one appeared and the hearing was closed.
- B. Chairman Floyd declared open a public hearing pertaining to the enlargement of the Spartanburg Sanitary Sewer District (Lower North Tyger River Drainage Area Annexation). Mr. Graham Rich introduced members of the Spartanburg Sanitary Sewer District as well as staff members. The Chairman asked Mr. Rich to share information regarding this project, after which time public comments

will be heard. Mr. Rich stated that in 1998 Dorman High School approached the District to see if the District would be interested in providing wastewater treatment services to the new High School. Staff met with the Board to develop a plan that would not be short-sighted and would be regional in nature. He stated that once the High School is built, the area will grow. A study identified this as a high growth area. A property owner was interested in having the facility located on their property. Mr. Rich said that the location is accessible. This allows the District to potentially serve a drainage basin of almost 7,000 acres. The cost of the project is \$3.6 million, which includes all piping, design, the plant itself and planning. In the future the District hopes to extend services to areas in the basin. If this facility is constructed, it will allow other facilities in the area to be eliminated. Mr. Rich stated that he wanted to make it clear that the District was approached by the High School. Chairman Floyd asked for public comment. Mr. Dave Fleck owns property in the area and said that he is not happy about being taxed for something he does not want. He further stated that the benefactors will be the school and commercial properties on Highway 221. He feels he would get no benefit and it would cost him \$40 or \$50 more per year in taxes. Mr. Fleck agreed that the facility is needed, but does not believe he should have to pay for it. Mr. Charles Moore stated that a portion of his property is already within a sewer district, and now this proposal would put another part of his property in another district. He stated that if the District would run a line to his home, and to everyone else's home within the next two years, he would have no problem with the proposal. He is under the impression that the District will run a trunk line, he and his neighbors will pay for it, and will receive no service in return. Mr. Moore added that he feels the Sewer District Board is too large and should be revamped to include one member from each Council District. Mr. Douglas Lego stated that there are 50 families in his neighborhood, and he expects that to grow to 80 families. His neighborhood never received notification because they are actually just outside the annexation line, but he feels that they will be impacted because of the odor from the facility. He is also concerned about future annexations. Mr. Jim Faulkner stated that if he doesn't have the money to build something, he doesn't build it. Councilman Britt asked Mr. Rich to explain how the map is drawn, which outlines the annexation area. Mr. Rich stated that the map is drawn by drainage gravity. Typically roads are boundaries. The cost for a \$100,000 home is estimated at \$20,80 per year. The cost to tap on would be \$485. Mr. Britt asked what the District would do if Council did not allow this facility. Mr. Rich stated that the District would serve the High School with a smaller treatment plant. The District feels it makes more sense to take a regional approach rather than to add another smaller facility. The Sewer and Water Advisory Committee has reviewed this matter and agrees that a regional approach would be best. Chairman Floyd asked about the odor problem. Mr. Rich stated that from time to time, odor may be a problem. The District tries to determine the source, and can sometimes solve the problem with chemicals. The facility can also be enclosed an a scrubber installed. The proposed facility is not expected to be used for sludge processing, so the odor problem will be limited. Mr. Nutt asked about capacity. The regional facility could process 500,000 gallons per day, versus 30,000 per day and 15,000 per day at the smaller facilities. Mr. Nutt asked if the District receives odor complaints from other plants. Mr. Rich stated that they do receive complaints, but that odor is handled on the design end now, and improvements are made all the time. Mr. Britt asked what benefits the residents would receive by eliminating the smaller facilities and creating a regional facility. Mr. Rich stated that there would be less likelihood of problems. The quality of the treatment would be increased. Mr. Britt inquired as to property values. Mr. Rich stated that historically, when sewer is added, property values increase. With availability, associated value tends to increase. Mr. Horton asked when property owners would see a tax increase. Mr. Rich stated that the increase would go into effect in the year following the annexation, presumably 2002. Motion by Ms. Stewart to carry this item over to the next meeting to give Council an opportunity to study the matter. Motion seconded by Mr. Britt. The motion carried with Mr. Adams and Mr. Huckaby abstaining.

V.

No appearances were scheduled.

VI.

Public Health and Human Services Committee (Honorable Johnnye Code Stewart, Chairman)

A. Information was received regarding the acquisition of land for housing activities on Archer Road. Council members will tour the site and consider this matter at the February 23rd Retreat.

Personnel and Finance Committee (Honorable Ken Huckaby, Chairman)

- A. Motion by Mr. Huckaby to authorize an expenditure of \$2,000 from Council Contingency to assist with bringing the American Legion State Baseball Playoffs to Spartanburg, with the understanding that Mr. Jeff Caton will assist Mr. Jessie Campbell in applying for Accommodations Tax Funds to reimburse the County. Motion seconded by Mr. Britt and carried.
- B. Motion by Mr. Huckaby to render first reading to an Ordinance finding that Pelham-Batesville Fire District may issue not exceeding \$950,000 general obligation bonds, to authorize the board of fire control of Pelham-Batesville Fire District to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Britt and carried.
- C. Motion by Mr. Huckaby to adopt a Resolution calling for a public hearing on the question of the issuance of not exceeding \$950,000 general obligation bonds of Pelham-Batesville Fire District and to provide for the publication of the notice of such meeting. Motion seconded by Mr. Adams and carried.
- D. Updated financial data was received with no action taken.

Recreation Committee (Honorable Jeff Horton, Chairman)

- A. Updated information was provided by Mr. Jeff Caton relative to the Cleveland Park Renovation Project, including fundraising and project implementation. This matter will be discussed further at the February 23, 2001, Retreat.
- B. Mr. Caton provided a monthly progress report regarding the USCS Soccer Complex, stating that four fields have been graded, and two are at the rough grade stage.

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

- A. 1. Motion by Mr. Britt to render first reading to an Ordinance establishing the Spartanburg Cherokee Industrial Development Corporation, stating its purposes and appointing the members to the Board of Directors of the Spartanburg Cherokee Industrial Development Corporation. Motion seconded by Ms. Stewart and carried.

2. Motion by Mr. Britt to render first reading to an Ordinance in reference to a jointly owned and operated industrial business park in conjunction with Cherokee County, such park to be geographically located in Cherokee and Spartanburg Counties, established pursuant to SC Code of Laws 1976, section 4-1-170, et seq., as amended; to provide for a written agreement with Cherokee County providing for the expenses of the park, the percentage of the revenue application, and the distribution of fees in lieu of taxes to the counties relevant taxing entities; and to provide that jobs tax credits allowed by law be provided for industries locating in said park, and to permit a user fee in lieu of ad valorem taxation. Motion seconded by Mr. Adams and carried.
- B. Motion by Mr. Britt to render first reading to an Ordinance consenting to the assignment in part to Teijin Monofilament US, Inc., a Delaware Corporation, of that certain lease agreement between Spartanburg County, SC, and Hoechst Celanese Corporation, dated December 1, 1989, as amended, and that certain lease agreement between Spartanburg County, SC, and Hoechst Celanese Corporation, dated December 1, 1995, as amended, and that certain lease agreement between Spartanburg County, SC,

and Hoechst Celanese Corporation dated December 1, 1996, as amended, all pursuant to the terms of the respective lease agreements; and other matters related thereto. Motion seconded by Mr. Nutt and carried.

- C. Motion by Mr. Britt to render first reading to an Ordinance approving the granting of an amended and restated mortgage on the real and personal property subject to the lease agreement dated October 1, 1998, between Spartanburg County, SC, and Spartanburg Stainless, Inc., and Spartanburg Automotive, Inc., and the execution and delivery of such an amended and restated mortgage on such property to Comerca Bank. Motion seconded by Mr. Huckaby and carried.
- D. Motion by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an inducement agreement by and between Spartanburg County, SC, and Premier Roof Systems, LLC, whereby under certain conditions, Spartanburg County will execute a lease agreement for a project involving not less than Ten Million Dollars (\$10,000,000) investment.

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

- A. Motion by Mr. Adams to continue the mobile home amnesty program through January 1, 2002. Motion seconded by Mr. Huckaby and carried.
- B. Information was received regarding activities of Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

A. Mr. Britt provided an update as information only regarding Land Use Committee Meetings held January 30, 2001, and February 15, 2001.

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

- A. Motion by Mr. Nutt to accept a deed of the Arts Center Property in Woodruff, to be used by the Spartanburg County Public Library, pending certification of a clear title. Motion seconded by Mr. Huckaby and carried.
- B. Information was received regarding activities of the Public Works Department.

VII.

- A. Motion by Mr. Britt to render third reading to an Ordinance authorizing the development of a jointly owned and operated industrial/business park in conjunction with Cherokee County, to be located in Spartanburg County and Cherokee County jointly, and a written agreement between the counties providing for the sharing of the expenses of the park, the percentage of revenue allocation, and the distribution of fees in lieu of taxes to the counties and relevant taxing entities, and to permit a user fee in lieu of ad valorem taxes (re: 3G Mermet). Motion seconded by Mr. Huckaby and carried.
- B. Motion by Mr. Horton to render third reading to an Ordinance enlarging the Chesnee Community Fire Service Area to include the areas within the municipal boundaries of the Town of Chesnee, SC, and determining whether such areas to be annexed shall be established as a taxing district pursuant to Title IV< Chapter 19, Code of Laws of SC 1976, as amended. Motion seconded by Mr. Adams and carried.
- C. Motion by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, SC, Cherokee County, SC, and 3 G Mermet Corporation; Spartanburg County to covenant in such agreement to accept certain fees in lieu of ad valorem taxes, the benefits of a multi-county park to be made available to 3G Mermet, and other matters relating thereto. Motion seconded by Mr. Adams and carried.
- D. Motion by Mr. Horton to render second reading to an Ordinance repealing an Ordinance creating the Emergency Communications Advisory Committee. Motion seconded by Mr. Adams and carried.
- E. Motion by Mr. Horton to render second reading to a revised Unified Land Management Ordinance. Motion seconded by Mr. Britt and carried.

- F. This item carried over (Receive information and take desired action in reference to proposed Resolution approving the enlargement of the boundaries of the Spartanburg Sanitary Sewer District (Lower North Tyger River Annexation)).

VIII.

No new business discussed.

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.

No miscellaneous Council/Administrative matters.

XI.

Motion by Mr. Horton to approve minutes of January 15, 2001. Motion seconded by Mr. Britt and carried.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:_____

Karen Floyd, Chairman

Attest:

Lori A. Hinds

Clerk to Council

