

December 17, 2001

Spartanburg County Council met on Monday, December 17, 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 David Britt, Jeff Horton, Frank Nutt, Ken Huckaby, Johnnye Code Stewart and Rock Adams, Council Members; along with James K. Hartmann, County Administrator; Bill Dennis, Deputy County Administrator; Chris Story, Assistant County Administrator, Glenn Breed, Assistant County Administrator; Roy McBee Smith, County Attorney; William McBee Smith, Assistant County Attorney; 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 Floyd called the meeting to order.

Invocation was rendered by Mr. Ernie Thigpen of Central Church of Christ. Mr. McSherry led in reciting the Pledge of Allegiance.

II.

Presentation by Representative Rita Allison of a Resolution to County Council to recognize Spartanburg County for its many accomplishments and to declare February 13, 2001, as "Spartanburg County Day" in South Carolina.

III.

- A. Chairman Floyd declared open a public hearing to consider a proposed Ordinance amending Ordinance No. 439 so as to redefine the boundaries of the Six Single Member Election Districts, based upon the results of the release of the 2000 Census for Redistricting Proposed, in order that the population of such districts shall comply with the population requirements set forth in the Voting Rights Act of 1965. Mr. Emory Price made an earlier presentation to County Council in subcommittee and the subcommittee passed the Single Member District Ordinance and Redistricting Lines. Mr. Rick Beltram appeared representing The Republican Party. They have reviewed the district lines, and they understand that Justice Department considerations always come into this. For the record, a lot of people in the community will not understand the spider shape of District One. He realizes that was the same as 1990, and based on Justice Department considerations, this district has to be drawn that way, although it defies other things as far as compactness, etc. Even though the community may not understand, the Republican Party understands why it has to be drawn that way. They do not have any issues with the Redistricting Plan. However, the second issue deals with the number of registered voters in Spartanburg County. We now have 140,000 registered voters throughout the county. This is up dramatically from just a few years ago. The state law states very clearly that we should not have any precinct over 1,500 voters. It also generally implies any precinct under 750 could be considered for consolidation. The Election Commission has put together different plans and proposals. They have been given to the Legislature. County Council and the Legislature needs to take a look at this. As the Redistricting Plan comes into motion, if we are going to consolidate these precincts, it may in fact give you more split precincts than your plan is calling for now. Chairman Floyd asked Mr. William McBee

Smith if this was accurate. Is this information in terms of precinct numbers duplicable to county? Mr. Smith advised it is, but the ones being adopted actually reduces the number being split. Mr. Beltram advised this information is out of the Manual for Poll Managers. The Republican Party spends a lot of time recruiting Poll Workers and Poll Managers. Some of the large precincts are at a point that they cannot handle any more. At Boiling Springs during the Presidential Election of 2000, they were voting 500 people per hour during the peak part of the day. During the next election, the schools will be open on Election Day. Spartanburg County needs to fix this before we end up with gridlock. Mr. Beltram feels in 2002 that this will be a problem in three precincts. He stated Boiling Springs, Campton and Westview are way over the numbers. Chairman Floyd stated this is a public hearing on Single Member District Planning rather than more efficient use of precincts for voting. Mr. Beltram stated this is where it relates. If you break these precincts into two or three precincts, does that give you more splits than you need? Should you look at splitting some of these precincts before you make direct lines, so that you do not end up with more split precincts? If you do A and then B, you may end up coming back and having to change it. You may end up with some splits you did not anticipate in ten years. Also, there are several precincts that are 200 and 300 that could be consolidated. When we put two together, do we end up with a split district in County Council. Mr. Beltram stated redistricting of your lines and consolidating of lines has to be worked together. Chairman Floyd stated no one is disputing the hard work and the tenacity, but what the public hearing is being held about today is the Single Member Districts Plans and Lines that have been redrawn in compliance with the Department of Justice. Mr. Nutt stated why not take this plan and redesign precincts. Mr. Beltram stated the Republican Party could work on a Task Force and assist, but all this has to be initiated by a legislature. Chairman Floyd advised this public hearing is about Single Member District lines that have to be done in such a way that is not discriminatory. Representative Allison commended Mr. Beltram for bringing this information forward. She feels we should go forward with the plan. They need to work with the Election Commission. They have looked at ways and have somewhat of a plan. We do have four or five precincts that are extremely busy. Legislatively, they have to change this. Representative Allison feels they need to talk with Mr. Hines and set up a Task Force to move forward. Chairman Floyd stated if they do put together a Task Force, she will self volunteer. Again, this is just about the Redistricting Lines. No one else appeared and the hearing was closed.

- B. Chairman Floyd declared open a public hearing to consider a proposed Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina, and INA USA Corporation, 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. No one appeared and the hearing was closed.

#### IV.

No appearances were scheduled.

#### V.

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

- A. Mr. Jim Price appeared in reference to a request from The Charles Lea Center regarding a handicapped assessable van. Motion made by Ms. Stewart to approve request to endorse The Charles Lea Center's application for some funding to receive a handicapped assessable van. Motion seconded by Mr. Britt and carried.

#### Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Motion made by Mr. Huckaby to adopt a Resolution calling for a Public Hearing to be held upon the

question of the issuance of not exceeding \$1,900,000 of General Obligation Bonds of Woodruff-Roebuck Water District and to provide for the publication of the notice of such hearing, and an Ordinance finding that Woodruff-Roebuck Water District may issue not exceeding \$1,900,000 General Obligation Bonds; to authorize Woodruff-Roebuck Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization and to render first reading to Ordinance. Motion seconded by Mr. Britt and carried.

- B. Motion made by Mr. Huckaby to adopt a Resolution authorizing the County Council of Spartanburg County to publish a Notice of Public Hearing regarding whether it may be in the interest of the West View-Fairforest Fire District for the Spartanburg County Council to authorize the Board of Fire Control to issue General Obligation Bonds of the district in the principal amount of not exceeding \$1,600,000, and authorizing the form of such notice of public hearing, and an Ordinance authorizing the Board of Fire Control of the West View-Fairforest Fire District to issue General Obligation Bonds in the principal amount of not exceeding \$1,600,000 of the West View-Fairforest Fire District; and other matters relating thereto and to render first reading to Ordinance.
- C. Updated financial information was received as information only.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Cleveland Park Renovation project is still on schedule for spring opening.
- B. Survey is being done on the Va-du-Mar McMillan Park property. Additional recommendations will be made.

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

- A. Executive Session to discuss matters relating to Economic Development. No action was taken during the Executive Session.
- B. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of an Inducement and Millage Rate Agreement by and between Spartanburg County, South Carolina and Milliken & Company, whereby, under certain conditions, Spartanburg County will execute a lease agreement or agreements for one or more projects involving an investment of not less than five million dollars (\$5,000,000), whereby the project or projects would be subject to certain fees-in-lieu-of-taxes, and providing for related matters. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a lease purchase agreement between Spartanburg County and Milliken & Company whereby certain assets used in the manufacturing process will be leased to Milliken & Company; and other matters relating thereto. Motion seconded by Mr. Huckaby and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to amend the jointly owned and operated Industrial/Business Park in conjunction with Union County, dated as of December 1, 1998; as amended as of December 18, 2000 such Industrial/Business Park being geographically located in Spartanburg County and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Union County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem tax to the counties and 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. The City of Lyman requests we include 110 acres in joint Industrial/Business Park with Union County. Motion seconded by Mr. Nutt and carried.

- E. Motion made by Mr. Britt to approve an Inducement Agreement for R. R. Donnelley with a 6% fee-in-lieu agreement. Motion seconded by Mr. Nutt and carried.

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

- A. Motion made by Mr. Adams to extend mobile home amnesty program until December, 2002, with some new requirements to include underskirting all mobile homes prior to January 1, 2002. It is highly feasible some of these citizens may consider taking older, unoccupied mobile homes to the landfill rather than perform the underskirting. Motion seconded by Mr. Huckaby and carried.
- B. Information received regarding activities of the Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

No items schedule.

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

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

VI.

- A. Motion made by Mr. Nutt to render third reading to an Ordinance amending Ordinance Nos. 557 and 649 and Articles of Incorporation to change the expiration date of terms of Directors of Spartanburg Regional Health Services District, Inc. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance amending Ordinance No. 439 so as to redefine the boundaries of the Six Single Member Election Districts, based upon the results of the release of the 2000 Census for Redistricting Proposed, in order that the population of such districts shall comply with the population requirements set forth in the Voting Rights Act of 1965. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to render third reading to Ordinance enlarging of the boundaries of the Una Fire Service Area to include the entire area of the Arcadia Community Fire Service Area pursuant to § 4-19-10, Code of Laws of South Carolina, 1976, as amended, the dissolution of the Arcadia Community Fire Service Area, and for the purpose of making a determination as to the area to be included within the boundaries of the service area. Motion seconded by Mr. Horton and carried.
- D. Motion made by Mr. Britt to render third reading to an Ordinance to provide for the issuance and sale of not exceeding fifteen million dollars (\$15,000,000) General Obligation Refunding and Improvement Bonds, Series 2002, 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. Huckaby and carried.
- E. Motion made by Mr. Britt to render third reading to an Ordinance to amend Ordinance No. 0-99-014 relating to the Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. Motion seconded by Mr. Horton and carried.
- F. 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 INA USA Corporation, 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. (Includes certain revisions requested by the County Attorney with regard to indemnification) Motion seconded by Ms.

Stewart and carried.

- G. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the issuance and sale of not exceeding \$800,000,000 principal amount Spartanburg County, South Carolina Industrial Development Revenue Bonds (BMW Project) Series 2001; the application of the proceeds of said bonds to defray the costs of the acquisition of certain land, the construction thereon of certain Industrial Facilities and the acquisition of certain machinery, equipment and other personal property for use in conjunction therewith; the execution and delivery of certain instruments relating to the issuance of the aforesaid bonds; the leasing and sale of certain real property by the County to BMW Manufacturing Corp. and SB Acquisitions, Inc.; and other matters relating thereto. Motion made by Mr. Britt to approve the ordinance for third reading with amended language to section 4.7(a) adopting exhibit H to the lease to provide an infrastructure credit schedule to be taken starting in 2002. Motion seconded by Ms. Stewart and carried.
- H. Motion made by Mr. Horton to render third reading to an Ordinance to amend the Spartanburg County Transportation Ordinance #640 to delete the requirement of the County Treasurer to accept, hold and refund fines pending the outcome of trial, to provide that fines otherwise collected by Magistrates Court shall be paid into the County Treasurer and expended as may be authorized by County Council and to provide that the intent of the Ordinance is to regulate the size and weight of certain vehicles on county roads based on road capacity, design and construction. The Ordinance is enacted for the implementation and enforcement of the powers of the County Council in reference to Public Health, Public Safety, Police Protection and Sanitation as referred to in S.C. Code 1976, § 4-9-30 (5) and as allowed by S. C. Code 1976 §§ 56-5-4020 et. seq. Motion seconded by Mr. Britt and carried.
- I. Motion made by Ms. Stewart to render second reading to an Ordinance amending Spartanburg County Ordinance No. 398 establishing an Advisory Board for the Una Community Fire Service Area and providing for its duties, functions and membership so as to increase its Advisory Board Membership from five members to seven members. Motion seconded by Mr. Huckaby 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.

Mr. Britt made motion to adopt a Resolution for Spartanburg High School for State Championship. Motion seconded by Ms. Stewart and carried.

X.

Motion by Ms. Stewart to approve minutes of November 19, 2001. Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

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

Karen Floyd, Chairman

Attest:

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Deborah C. Ziegler

Clerk to Council