

# MINUTES

## COUNTY COUNCIL MEETING

June 18, 2001

Spartanburg County Council met on Monday, June 18, 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, Glenn Breed, 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 Honorable Frank Nutt. Mr. Harold Osborne led in reciting the Pledge of Allegiance.

II.

- A. Motion by Mr. Britt to adopt a Resolution recognizing Dr. Sonny King for placing in top ten in Iditorod Race in Alaska. Motion seconded by Ms. Stewart and carried. Presentation will be made at a later date.

III.

- A. Chairman Floyd declared open a public hearing to consider proposed revisions to the Unified Land Management Ordinance #0-99-15. These are changes which were proposed by our Planning Commission. No one appeared and the hearing was closed.
- B. Chairman Floyd declared open a public hearing to consider the proposed issue of not exceeding \$410,000 General Obligation Bonds of Boiling Springs Fire District. No one appeared and the hearing was closed.
- C. Chairman Floyd declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a lease agreement between Spartanburg County, SC as lessor, and Premier Roof Systems, LLC as lessee; and other matters related thereto including without limitation, payment of a fee in lieu of taxes. No one appeared and the matter was closed.

- D. Chairman Floyd declared open a public hearing to consider an application for Permit for special Public Event Exclusion from Noise Ordinance for August 25, 2001, from 9:00 a.m. - 9:00 p.m. at 1090 Austin Lane, Greer, SC. No one appeared and the hearing was closed.
- E. Chairman Floyd declared open a formal public hearing to consider the adoption of an annual operating and capital budget for Spartanburg County for the Fiscal Year 2001-02. Chief Phil Jolly, 150 Brookview Drive, Inman, appeared. He is representing several fire departments from the county. They have been involved in process of codes in Spartanburg County. There are 1,200 firefighters in Spartanburg County. About 1,000 of these are volunteer firefighters. The low ISO rating is a Class 3. The high is a Class 7. The average is 5.4. He stated Fire Chief's Association is opposed to having Fire Marshall's Office under Building Codes. Chief Ron Nordenbrock , Chief of Poplar Springs Fire Department, 110 Pinebrook Drive, Moore, appeared. He stated Council, Administration and Fire Service have worked very hard to establish and fund the office of Fire Marshall. The office is critically important to the life safety issues of the people who live and work in Spartanburg County. It is extremely important that this office functionally remain unchanged. Based upon several discussions with Administration, Mr. Nordenbrock supports Administration's motion to be put Fire Marshall's Office under Building Codes. Chairman Floyd declared the hearing closed.
- F. Chairman Floyd declared open a public hearing to consider an ordinance with respect to the approval by Spartanburg County Council, to provide for property tax rollback relief referendum; to levy and impose a one percent sales and use tax on the gross proceeds of sales within the county area which are subject to tax under Chapter 36 of Title 12, subject to a referendum within Spartanburg County pursuant to the Local Option Sales Tax Act, S.C. Code Ann. Section 4-10-10, et seq.; to provide for a county-wide referendum to be held at a special election on November 6, 2001 and to prescribe the contents of the ballot question in such referendum; to provide for publication in a newspaper of general circulation in the county the anticipated credit against property taxes in the first year of implementation of property tax credit fund; to provide for the conduct of such referendum by the Registration and Election Commission of Spartanburg County; to provide for the administration of such tax, if approved; to provide for the payment of such tax; and to provide for other matters relating 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. Motion made by Ms. Stewart to authorize County Administrator to negotiate cooperative agreements with EPA for the Arkwright Dumpsite and Brownfield Assessment. Motion seconded by Mr. Huckaby and carried.

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

- A. Update on Local Option Sales Tax was presented by Mr. Chris Story.
- B. Updated financial data was received with no action taken.

#### Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Jeff Caton presented information regarding Cleveland Park Renovation project. Project is progressing.
- B. Received a progress report from Mr. Jeff Caton on the USCS Soccer Complex. Project is progressing.

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

- A. Motion by Mr. Britt to approve request from DSI Draexlmaier to render first reading to an Ordinance and Amendment to Lease Agreement and to Inducement Agreement. Motion seconded by Mr. Huckaby and carried.
- B. Executive Session was held to discuss Economic Development Issues. No action was taken.

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

- A. Information was received regarding activities of the Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

- A. Mr. Price and Mr. Kennedy appeared and gave an update on the results of their Public Hearing and the Planning Commission Meeting last Tuesday night.

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

- A. A list of roads for repaving for the upcoming budget year has been presented. Motion made by Mr. Nutt this list be approved. Motion seconded by Mr. Adams.
- B. Information was received regarding activities of the Public Works Department.

VI.

- A. Motion by Mr. Britt to render third reading to an Ordinance for the purpose of 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 Mr. Huckaby and carried.
- B. Motion by Mr. Britt to render third reading to an Ordinance authorizing the development of a jointly owned and operated Industrial/Business Park to be geographically located in Cherokee and Spartanburg Counties, and established pursuant to SC Code of Laws 1976, et. Seq., as amended; to provide for the expenses of the park, the percentage of 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. Horton and carried.
- C. Motion by Mr. Britt to render second reading to an ordinance authorizing the execution and delivery of a lease agreement between Spartanburg County, South Carolina, as lessor, and ZF Lemforder Corporation as lessee; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Mr. Huckaby and carried.
- D. Motion by Mr. Britt to render third reading to an ordinance authorizing the execution and delivery of a lease agreement between Spartanburg County, South Carolina, as lessor, and Premier Roof Systems, LLC as lessee; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

- E. Motion by Mr. Britt to render second reading on Ordinance authorizing the Boiling Springs Board of Fire Control to issue not exceeding \$410,000 General Obligation Bonds. Motion seconded by Mr. Huckaby and carried.
- F. Motion by Mr. Britt to render third reading to the revised Unified Land Management Ordinance. Motion seconded by Mr. Horton. Motion amended by Mr. Britt to include Section 2.1 Table 3. Section 2.1, Table 3 is hereby amended by changing the side yard setback for single-family residential (with community sewer and without community sewer) from 7.5 ft. to 5 ft. Chairman Floyd advised Council is voting on recommendations passed in the Planning Commission Meeting last Tuesday as well as the most recent amendment. Motion seconded by Mr. Nutt and carried.
- G. Motion by Mr. Huckaby to render third reading to FY-02 Budget Ordinance. Motion seconded by Mr. Nutt and carried. Chairman Floyd clarified approval would include Administration's recommendation relating to Fire Marshall's Office being under Building Codes. Mr. Adams opposed.
- H. Motion made by Mr. Britt table the Ordinance to provide for property tax roll back relief referendum; to levy and impose a one percent sales and use tax on the gross proceeds of sales within the county area which are subject to tax under Chapter 36 of Title 12, subject to a referendum within Spartanburg County pursuant to the Local Option Sales Tax Act, S.C. Code Ann. Section 4-10-10, Et Seq; to provide for a county-wide referendum to be held at a special election on November 6, 2001 and to prescribe the contents of the ballot question in such referendum; to provide for publication in a newspaper of general circulation in the county the anticipated credit against property taxes in the first year of implementation of Property Tax Credit Fund; to provide for the conduct of such referendum by the Registration and Election Commission of Spartanburg County; to provide for the administration of such tax, if approved; to provide for the payment of such tax; and to provide for other matters relating thereto. Motion seconded by Ms. Stewart and carried. Mr. Huckaby and Mr. Nutt were opposed.

## VII.

- A. Motion made by Mr. Horton to adopt County Fire Department Millage Rates for all Departments not subject to Notice of Tax Increase Provisions as outlined by State Tax Guidelines. Mr. Hartmann advised this would not include Inman Community and Una Fire Departments. They require noticing of the public in a separate Public Hearing. Chairman Floyd advised this would adopt County Fire Department Millage Rates for all Departments with the exception of Inman and Una. Motion seconded by Mr. Britt and carried.

## 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 miscellaneous Council/Administrative matters.

X.

Motion by Ms. Stewart to approve minutes of May 21, 2001 (regular meeting). Motion seconded by Mr. Britt and carried.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

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

Karen Floyd, Chairman

Attest:

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Deborah C. Ziegler

Clerk to Council

