

November 15, 1999

A regular meeting of Spartanburg County Council was held on Monday, November 15, 1999, at 5:30 p.m. in County Council Chambers, County Administrative Office Building. The following were present: Honorables Karen Floyd, Chairman; Johnnye Code Stewart, Ken Huckaby, David Britt, Jeff Horton, and Rock Adams, Council Members. Also in attendance were James K. Hartmann, County Administrator; Paula 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 provided in advance to local news media and other interested persons.

I.

Chairman Floyd called the meeting to order.

II.

Invocation was rendered by Greg Meeks, Minister of Youth at Bethlehem Baptist Church.

David Whitener led in the Pledge of Allegiance.

III.

- A. Motion by Mr. Adams to adopt a resolution recognizing Spartanburg County Communications/911 Department for awards received. Motion seconded by Mr. Britt and carried.
- B. Motion by Mr. Britt to adopt a resolution recognizing Ms. Jean Thrift. Motion seconded by Mr. Huckaby and carried.

IV.

- A. Chairman Floyd declared a public hearing open relative to the transfer of title to Spartanburg Technical College for property located on Commerce Court off Highway 290, Spartanburg, SC. Mr. Henry Giles appeared in favor. No one appeared in opposition. The public hearing was closed.
- B. Chairman Floyd declared a public hearing open relative to a proposed Ordinance creating Twin Lakes Special Tax District. Dwight Patterson, Attorney, appeared on behalf of the residents requesting the creation of this tax district. Petitions have been submitted with the required 75% of the homeowners signing in favor. The residents are requesting this special tax district in order to collect funds necessary to repair two dams in the neighborhood. Not all residents in the neighborhood are required to pay yearly dues, but all residents would be required to pay the special tax. David Whitener appeared in opposition, stating that he does not support the creation of yet another tax district. Mr. Whitener does not live in Twin Lakes. Violet Meadowbrook appeared in favor, stating that school buses and emergency vehicles cross over the dams that are in need of repair. A safety issue makes this special tax district a necessity. Raymond Patterson appeared in favor. He stated that funds collected through the neighborhood association have not been sufficient to maintain upkeep of the dams. Raymond Burt appeared in support, as did Dave Clyburn, James Goodman and J. D. Fryml. Chairman Floyd declared the public hearing closed.
- C. Chairman Floyd declared a public hearing open relative to an Ordinance to develop a jointly

owned and operated industrial and business park in conjunction with Cherokee County, to provide for a fee in lieu of taxation, and other matters relative thereto. No one appeared. The public hearing was declared closed.

- D. Chairman Floyd declared a public hearing open relative to the re-conveyance by the County to the Charles Lea Center for Rehabilitation and Special Education, Inc. of 1.18 acres, more or less, shown on a plat recorded in Plat Book 79 at page 723, Office of the Register of Deeds for Spartanburg County, conveyed to the County in 1977, as an accommodation to the center, for grant purposes. Al Brumfield appeared in support. No one appeared in opposition. The hearing was closed.
- E. Chairman Floyd declared a public hearing open relative to a proposed Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and KMC Telecom Holdings, Inc, to provide for a fee in lieu of taxes. Ray Jones of KMC Telecom appeared in favor. No one appeared in opposition. The hearing was closed.
- F. Chairman Floyd declared a public hearing open relative to the issuance of SC Jobs Economic Development Authority of its Economic Revenue Bonds (Jeffrey Specialty Equipment Corporation Project) Series 1999, pursuant to the provisions of Title 41, Chapter 43, as amended, in the aggregate principal amount of not exceeding \$4,000,000. Tyler Smith, Attorney, appeared on behalf of Jeffrey Specialty Equipment Corporation. No one appeared in opposition. The hearing was closed.

V.

- A. Ms. Nancy Sloan appeared to appeal the decision of the Development Standard Board of Appeals relative to a variance requested to place a second mobile home on property with no road frontage on a county or state maintained road, and not be required to register as a mobile home park, but be allowed to have this allowed as a family exemption. The property in question is located on Cayce Road off Highway 221, between Enoree and Woodruff. Mr. Owens, who is Ms. Sloan's brother and neighbor, opposes the variance. Mr. Mike Padgett, Director of Building Codes was present. Each party was given an opportunity to present their case. In light of the fact that this is a family matter, Ms. Floyd asked the parties to step outside with Mr. Padgett and attempt to reach a compromise agreement. The parties returned and stated that they could not reach an agreement. Mr. Adams and Mr. Britt stated that they wanted the opportunity to visit the property. Motion by Mr. Britt to carry this item over to give members of Council the opportunity to visit the property. Motion seconded by Mr. Britt and carried.

VI.

Public Health and Human Resources – Honorable Johnnye Code Stewart, Chairman

- A. Motion by Ms. Stewart to authorize an expenditure of \$8,245.37 from council contingency to pay May and June invoices for the transport of veterans, with the stipulation that the Public Health and Human Services Committee will reconvene to be certain that there will be no budget shortfall in the next budget year, and with the further stipulation that a committee of two to three people be formed to make a determination as to whether or not a veteran is eligible for transportation services. Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee – Honorable Ken Huckaby, Chairman

- A. Motion by Mr. Huckaby to approve a \$9,000,000 bond issue for the Spartanburg County Public Libraries long-range building needs proposal, and approve a request by the Library to use the proceeds from the sale of the Woodruff Library property to reduce the cost of the branch construction projects by \$43,151, leaving \$9,000,000 as the amount to be funded by bonds. Motion seconded by Mr. Britt. A

- vote was taken with Mr. Horton and Mr. Adams voting no. The motion carried.
- B. Motion by Mr. Huckaby to proceed with the acquisition of the Cowpens Branch Library site at a cost of \$10,000, which is included in the Library budget. Motion seconded by Mr. Britt and carried.
 - C. See item A above for action on this item (Take desired action in reference to the disposition of the proceeds from the sale of the Woodruff Library property.)
 - D. Motion by Mr. Huckaby to authorize distribution of \$78,046.29 in interest earnings on auditorium renovations bonds to cover budget shortfalls in the auditorium renovation project. Motion seconded by Mr. Britt. A vote was taken with Mr. Horton and Mr. Adams voting no. The motion carried.
 - E. Motion by Mr. Huckaby to revise the holiday schedule for Spartanburg County, with December 24, December 27, and January 3 being designated as holidays. Motion seconded by Mr. Britt and carried.
 - F. Updated financial data was received as information.
 - G. Motion by Mr. Huckaby to add an item to the agenda relative to items discussed in executive session, specifically an item to take desired action relative to magistrate pay. Motion was seconded by Mr. Britt and carried. Motion by Mr. Huckaby to increase the salary for Magistrate Larry M. Hutchins and Magistrate Eber C. Gown to \$56,000. Motion seconded by Ms. Stewart and carried. Mr. Huckaby stated for the record that this adjustment will assist in establishing a policy for full-time second and third shift magistrates, making their salaries more fair and equitable.

Recreation Committee – Honorable Jeff Horton, Chairman

- A. Information was received regarding the Cleveland Park Project.

Economic Recruitment and Development Committee – Honorable David Britt, Chairman

- A. Motion by Mr. Britt to adopt a Resolution consenting to the transfer of certain interest in BMW Spartanburg County FILOT Project among related BMW entities. Motion seconded by Ms. Stewart and carried.

Public Safety and Judiciary Committee – Honorable Rock Adams, Chairman

- A. Motion by Mr. Adams to expend \$97,000 from Council contingency for the purchase of Rescue 5's ambulance and related equipment, and lease of space at the Hilltop Fire Department for the location of an EMS transport unit. Motion seconded by Mr. Horton and carried.
- B. Motion by Mr. Adams to adopt a resolution calling for a public hearing relative to the Wellford Fire Service Area. Motion seconded by Ms. Stewart and carried.
- C. Information was received relative to justice system technology opportunities.
- D. Motion by Mr. Adams to render first reading to a proposed Ordinance creating Fire Chiefs Advisory Committee. Motion seconded by Mr. Huckaby and carried.
- E. This item carried over. (Receive information and take desired action in reference to Detention Center Medical Coverage).
- F. Information was received regarding activities of the Building Codes Department with no action taken.

Public Works, Buildings and Grounds Committee - Honorable Frank Nutt, Chairman

- A. Information was received regarding activities of Public Works Department. No action taken.

VII.

- A. Motion by Mr. Britt to carry this item over. Motion seconded by Ms. Stewart and carried. (Receive

information and take desired action in reference to a proposed Resolution approving the enlargement of the boundaries of the Spartanburg Sanitary Sewer District (Fernwood-Glendale/Sloans Grove Road Area).

- B. Motion by Mr. Horton to render third reading to an Ordinance repealing Ordinances Nos. 85 and 472 which provided for the creation of the Spartanburg County Parks and Recreation Advisory Committee. Motion seconded by Mr. Britt and carried.
- C. Motion by Mr. Britt to render second reading to an Ordinance creating Twin Lakes Special Tax District. Motion seconded by Mr. Huckaby. A vote was taken with Mr. Adams and Ms. Floyd voting no. The motion carried.
- D. Motion by Mr. Britt to render second reading to an Ordinance to develop a jointly owned and operated industrial and business park in conjunction with Cherokee County. Motion seconded by Mr. Huckaby and carried.
- E. Motion by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and KMC Telecom Holdings, Inc. to provide for a fee in lieu of taxes. Motion seconded by Ms. Stewart. A vote was taken with Mr. Horton voting no. The motion carried.

VIII.

- A. Motion by Mr. Huckaby to render first reading to an Ordinance abolishing the Tyger River Sewer authority. Motion seconded by Mr. Britt and carried.
- B. Motion by Mr. Britt to authorize the County Attorney to prepare a deed for the County Administrator's signature relative to the transfer of title to property located on Commerce Court off Highway 290, Spartanburg, SC, to Spartanburg Technical College. Motion seconded by Ms. Stewart and carried.
- C. Motion by Mr. Britt to authorize the County Attorney to prepare a deed for the County Administrator's signature relative to the transfer of title to the Charles Lea Center for Rehabilitative and Special Education, Inc., of 1.18 acres for grant purposes. Motion seconded by Ms. Stewart and carried.
- D. Motion by Mr. Britt to adopt a resolution in support of the issuance by the SC JEDA of its economic development revenue bonds (Jeffrey Specialty Equipment Corporation Project) Series 1999, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended, in the aggregate principal amount of not exceeding \$4,000,000. Motion seconded by Mr. Huckaby and carried.

IX.

No further information regarding vacancies.

X.

See minutes from 2:00 p.m. meeting this date for nominations and appointments.

XI.

No further appointments.

XII.

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.

XIII.

No miscellaneous administrative or Council matters discussed.

XIV.

Motion by Ms. Stewart to approve the minutes of October 18, 1999, (Regular Meeting); October 18, 1999 (special meeting), and October 27, 1999 (special meeting). Motion seconded by Mr. Britt and carried.

Meeting adjourned.

Spartanburg County Council

By: _____

Karen Floyd, Chairman

Attest:

Lori A. Hinds

Clerk to Council