

MINUTES

County Council Meeting

October 15, 2001

Spartanburg County Council met on Monday, October 15, 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 Glenn Breed, Assistant County Administrator. Mr. Harold Osborne led in reciting the Pledge of Allegiance.

II.

- A. Motion by Mr. Britt to adopt a Resolution recognizing Anthony Miller, Amanda Hernandez, Bryan Talley, Darterian Moore, Matthew Stevens, Chris Robs and Zachary Johnson for helping save Byrnes High student Mahalia Foster's life. (Resolution to be presented at a later date.) Motion seconded by Mr. Huckaby and carried.

III.

- A. Chairman Floyd declared open a public hearing to consider an Ordinance granting the consent of Spartanburg County to a non-exclusive Cable Television Franchise to Charter Communications Inc. for sections at the non-incorporated portions of the county. Be it ordained by Spartanburg County Council: This Franchise Ordinance is adopted pursuant to the authority given to the Spartanburg County Council by Section 4-9-30 (11) and Section 58-12-10, et. seq., Code of Laws of South Carolina, 1976, as amended. This Franchise Ordinance establishes a Nonexclusive Cable Television Franchise Agreement with Charter Communications Inc. effective December 1, 2001. No one appeared and the hearing was closed.
- B. Chairman Floyd declared open a public hearing to consider an Ordinance to develop a jointly owned and operated industrial/business park in conjunction with Union County, such industrial/business park to be geographically located in Spartanburg County and the city of Spartanburg; 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-taxes to the relevant taxing entities; to permit a user fee-in-lieu-of-*ad valorem* taxes within said park; and to provide for an intergovernmental agreement with the City of Spartanburg. 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. Ms. Elena Rush appeared to provide update on Proposed Archer Road/Draymont Community Affordable Housing Plan. No action was taken. Mr. Britt and Ms. Stewart attended two public meetings. The first meeting was a contentious meeting because the developers were trying to do too much in a limited area. The neighborhood very much opposed it, as did the people who lived on Archer Road. This group went back and established a relationship with the Draymont Community. They meet and worked out a compromise. They eliminated certain aspects of the development that were not conducive to that neighborhood. They came back with a proposal. At the second meeting, there were people that spoke for and against it. Ms. Elena Rush provided this as information only.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Motion made by Mr. Huckaby to adjust limits on salaries of employees at the maximum of their pay grade by 3% which would amount to \$33,998. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Huckaby to render first reading to Ordinance to provide for the issuance and sale of not exceeding sixteen million dollars (\$16,000,000) 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. Horton and carried.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Cleveland Park Renovation project is on schedule.
- B. Work is progressing on the USCS Soccer Complex and should be complete on time.

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

- A. Motion made by Mr. Britt to render first 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. Huckaby and carried.
- B. Motion made by Mr. Britt to render first 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. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing issuance of Industrial Revenue Bonds for BMW Project which shall never constitute an indebtedness of Spartanburg County not exceeding \$800,000,000 for certain facilities; leasing and sale of property; and matters related thereto. Motion seconded by Mr. Huckaby and carried.

- D. Motion made by Mr. Britt to adopt Resolution consenting to leasehold pledge from Seeber USA, L.L.P. to Wachovia Bank, N.A. regarding certain real and personal property owned by Spartanburg County and leased to Seeber USA, L.L.P. under a fee in lieu of taxes arrangement and related matters. Motion seconded by Mr. Huckaby and carried.

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

- A. Motion made by Mr. Adams to approve request from The Spartanburg County emergency, rescue, and law enforcement officers to solicit funds from motorists at various locations throughout Spartanburg on Saturday, October 27, 2001, to go to the 911 Family Fund to benefit the families of those emergency workers killed in the World Trade Center bombing in New York. Motion seconded by Mr. Horton and carried.
- B. Motion made by Mr. Adams to render first 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. Horton and carried.
- C. Motion made by Mr. Adams to approve Spartanburg County Sheriff's Department Federal Block Grant of \$388,466 with match from Spartanburg County Sheriff's Department of \$43,163 using Drug Funds.
- D. Motion made by Mr. Adams to grant request from Fire Chief's Advisory Board to replace an Air Compressor owned by the County housed at Croft Fire Department. The cost will be approximately \$7,700. Motion seconded by Mr. Huckaby and carried.
- E. No appearance in reference to Special Public Event Exclusion from Noise Ordinance for Benefit for USO to be held November 3. Item was pulled.
- F. Information was received regarding activities of the Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to render second reading of Ordinance to Amend the Unified Land Management Ordinance to regulate the height of structures located in the vicinity of Public Use Airports. Motion seconded by Mr. Horton and carried.

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

- A. Presentation was made by Mr. Lee Blair concerning the original Upstate Grid Contract between the County and State Infrastructure Bank. In the initial contract, we were limited to \$350 million for the Upstate. For those funds, we had requested \$369 million. The additional \$19 million has been made available. Motion made by Mr. Nutt to amend our contract to total of \$369 million. Motion seconded by Mr. Horton and carried.
- B. Information was received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to approve expansion of three of the six Business Corridor Redevelopment Districts and to extend the potential life of the program by five years. Motion seconded by Mr. Horton and carried.

- B. Motion made by Mr. Britt to render third reading to an Ordinance enacted to establish comprehensive enforcement procedures pursuant to S.C. Code 1976, § 4-9-30(14), which provides for the enactment of Ordinances 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). This Chapter is enacted to promote the general health, safety and welfare of the citizens of the county and to protect their property rights. Motion seconded by Mr. Horton and carried.
- C. Motion made by Mr. Horton to render second reading of Ordinance/Franchise Agreement between Spartanburg County and Charter Communications. Motion seconded by Mr. Britt and carried.
- D. Motion made by Mr. Horton to render second reading of an Ordinance to provide for a Home Detention Program as an alternative to incarceration in certain cases in Spartanburg County. Motion seconded by Mr. Britt and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance to develop a jointly owned and operated industrial/business park in conjunction with Union County, such industrial/business park to be geographically located in Spartanburg County and the city of Spartanburg; 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-taxes to the relevant taxing entities; to permit a user fee-in-lieu-of-*ad valorem* taxes within said park; and to provide for an intergovernmental agreement with the City of Spartanburg. Motion seconded by Mr. Horton and carried.

VII.

- A. Motion made by Mr. Horton to render first 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 Ms. Stewart and carried.
- B. Motion made by Ms. Stewart to render first reading to Redistricting Ordinance. Motion seconded by Mr. Horton 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.

- A. Motion made by Mr. Horton to adopt Resolution pursuant to Sec. 4-9-630 Code of SC and Council Rule 2-3.1 authorization of County Administrator, to correct the previous resolution. Motion seconded by Mr. Britt and carried.

X.

Motion by Mr. Horton to approve minutes of September 11, 2001 (special meeting) and September 17, 2001 (regular meeting). Motion seconded by Mr. Britt and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:_____

Karen Floyd, Chairman

Attest:

Deborah C. Ziegler

Clerk to Council