

MINUTES

County Council Meeting

May 15, 2006

Spartanburg County Council met on Monday, May 15, 2006, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Johnnye Code-Stewart, Steve Parker, David Britt, Rock Adams, Ken Huckaby, and Frank Nutt, Council Members; along with Glenn Breed, County Administrator; Chris Story, Assistant County Administrator; Tom Gates, Assistant County Administrator; and Edwin Haskell, 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 Horton called the meeting to order.

Invocation was rendered by Dr. P. Randall Wright, Fernwood Baptist Church. Mr. Emory Price led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Parker to adopt a Resolution expressing recognition and appreciation for the benefits bestowed upon Spartanburg County by Carebridge Adult Day Care Center for providing needed community services for the elderly and disabled. Motion seconded by Mr. Britt and carried. Ms. Joanne Rogers, Ms. Lynn Stevens, and Ms. Paula Guest received Resolution.
- B. Motion made by Ms. Stewart to adopt a Resolution proclaiming the month of May 2006 as Mental Health Month in Spartanburg County. Motion seconded by Mr. Britt and carried.

III.

- A. Chairman Horton declared open a public hearing to consider a proposed Ordinance amending County Ordinance #O-99-015, as amended, (The Unified Land Management Ordinance); providing a new Article (Section 3.26) setting forth siting standards for the placement of Tattoo Establishments in Spartanburg County; amending Table 3-Setbacks and Other Requirements to include Section 3.26; and to add new definitions pertaining to tattooing. Mr. Emory Price, 502 Royal Oak Drive, Spartanburg, appeared on behalf of the Planning Commission. The Planning Commission held their hearing on May 2, 2006, and recommends adoption of the Ordinance as presented in draft format. They discovered a couple of things at their public hearing, but did not feel the need to change the draft. The only thing that the draft Commission endorses that differs from the DHEC State

regulations are to add 500 feet distance separating each of these establishments, 500 distance between bars, and no home occupation can include a tattoo parlor. Endorsement and adoption of this statute amendment was recommended on behalf of the Planning Commission. No one appeared in opposition, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider a proposed Resolution approving enlargement of the boundaries of the Spartanburg Sanitary Sewer District to include a proposed commercial and industrial Corporate Park development. Mr. Larry Flynn, Flynn & Kelly, P.A., appeared to request approval of this Resolution. Mr. Graham Rich, Director of Spartanburg Sanitary Sewer District, Mr. Gene Jackson, Director of Engineering, Spartanburg Sanitary Sewer District, and Mr. Bob Benson were also present. No one appeared in opposition, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Wompus Woods Entertainment for July 3 and July 4 from 1:00 p.m. until midnight for Wompus Fest, an outside Musical at 375 Whitney Highway, Highway 221 N. Mr. Tim Jones, Wompus Woods Entertainment, appeared to request approval of this request. No one appeared in opposition, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway for June 24 from 1:00 p.m. until 11:30 p.m. for Quick 8 Drag Race at 1792 Dragway Road. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway for July 8 from 1:00 p.m. until 11:30 p.m. for Drag Race at 1792 Dragway Road. No one appeared, and the matter was closed.

IV.

No appearances scheduled.

V.

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

No items scheduled.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Mr. Huckaby stated that several Department Heads had appeared in reference to appeals and other issues associated to proposed FY07 Budget. No action was taken. Action will not be taken until the June meeting after reviewing the information.
- B. Updated financial and personnel vacancy reports were received.

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Recreation Committee – (Honorable Jeff Horton, Chairman)

No items scheduled.

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

- A. Motion made by Mr. Britt to adopt a Resolution authorizing an Incentive and Inducement Agreement between Kohler Co. and Spartanburg County, South Carolina, involving an investment of approximately \$5,000,000 and anticipated to result in the creation of approximately 22 new full-time jobs. Motion seconded by Mr. Huckaby and carried. Several Kohler officials were present during committee meetings held earlier in the day. Kohler has been a longtime corporate citizen of Spartanburg County.

- 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 Echostar DBS Corporation, whereby, under certain conditions, Spartanburg County will (1) execute a fee in lieu of tax agreement with Echostar DBS Corporation with respect to a project to be established in the County, whereby the project would be subject to payment of certain fees in lieu of taxes, and (2) provide certain credits against such payments in reimbursement of investment in related qualified infrastructure, and providing for related matters. Motion seconded by Mr. Nutt and carried. Mr. Britt stated this is the largest economic development announcement and the number of jobs since BMW came here in 1992. They plan to employ approximately 1300 employees. Mr. Britt expressed his thanks and appreciation for Mr. George Dean Johnson, Johnson Development, and his team for helping to make this happen.

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

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

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Land Use Committee (Honorable David Britt, Chairman)

- A. Mr. Rod Brown, GIS Manager, presented a Geographic Information Systems (GIS) Update and Overview.
- B. Updated Planning Department Reports on Development Activity were received.

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

- A. Mr. Nutt stated that a proposed Resolution by Councilman Adams was discussed at length during the Public Works, Buildings and Grounds Committee meeting pertaining to the action taken a couple of years ago by Council in reference to sewer territories on the other side of Highway 101 near the Enoree River. It is being proposed that the area be served by Greer Commission of Public Works. There has been some concern by residents in the area that they would be required to annex into the City of Greer should that happen. They appeared earlier today, as well as the City Manager and the Mayor of Greer. Mr. Nutt asked the Greer City Manager and the Mayor if they would be willing to put into writing to these residents the statements made as it pertains to condemnation and eminent domain as you obtain right-of-way in that area? They respectfully asked that they not be put in a position where they would bind future Councils. Mr. Nutt stated that Dr. Jim Ruffing and Mr. Randy Schuler represented the residents well during committee meetings, but he offered to give others the opportunity to speak. Mr. Schuler thanked Council for listening to them earlier and stated they would like to provide an option. They would be glad to speak with the two ladies that talked about making this happen with the sewer to the District Five School property at Den House Road at any time to show them their proposal on sewer services. Mr. Graham Rich, Spartanburg Sanitary Sewer District, has provided documentation for them. He does not feel there is any need for annexation. Mr. Nutt stated that it might be advisable to bring our Water and Sewer Advisory Committee back into this issue. They looked at this two years ago without looking at the issues that have been brought up. This school is the issue. School District Five is building a new school that is to be opened by Fall of 2007. Motion made by Mr. Nutt to approve a Resolution expressing the opinion and recommendation of the Spartanburg County Council regarding the providing of Sewer Service in Spartanburg County within the area bounded by Highway I-85 South on Highway 101 to Highway 296 and west to the Enoree River, turning north following the Enoree River to I-85. Mr. Nutt read the proposed Resolution. Motion seconded by Mr. Adams and carried. Mr. Breed stated that this Resolution is not repealing any action taken in June of 2004. It is simply to clarify intent with regards to annexation. Mr. Haskell was asked to clarify for the concerned residents. Mr. Haskell stated that previously County Council adopted a Resolution setting forth its opinion and position with respect to which entities would provide sewer service in the described area. All this Resolution is intended to do is

to make clear County Council's position that at the time it took its original action and today, it did not intend to condition the provision of sewer service in this area by the Greer Commission of Public Works upon being annexed.

- B. Motion made by Mr. Nutt to approve a Resolution approving enlargement of the boundaries of the Spartanburg Sanitary Sewer District to include a proposed commercial and industrial Corporate Park development. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Nutt to approve a Resolution ordering a public hearing to consider the enlargement of the Spartanburg Sanitary Sewer District to include the Landrum High School property. Motion seconded by Mr. Huckaby and carried.
- D. Information received regarding activities of the Public Works Department.

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VI.

- A. Motion made by Mr. Huckaby to render third reading to an Ordinance consenting to a three-year extension of the investment period for Sew-Eurodrive, Inc. under its lease agreement with Spartanburg County pursuant to Section 4-12-30(C)(2), Code of Laws of South Carolina 1976, as amended. Motion seconded by Mr. Adams and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance amending County Ordinance #O-99-015, as amended, (The Unified Land Management Ordinance); providing a new Article (Section 3.26) setting forth siting standards for the placement of Tattoo Establishments in Spartanburg County; amending Table 3-Setbacks and Other Requirements to include Section 3.26; and to add new definitions pertaining to tattooing. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Huckaby to render second reading to a Budget Ordinance relating to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2006 and ending June 30, 2007; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Parker and carried.

VII.

- A. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Wompus Woods Entertainment for July 3 and July 4 from 1:00 p.m. until midnight for Wompus Fest, an outside Musical at 375 Whitney Highway, Highway 221 N. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Huckaby to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway for June 24 from 1:00 p.m. until 11:30 p.m. for Quick 8 Drag Race at 1792 Dragway Road. Motion seconded by Mr. Adams and carried.
- C. Motion made by Mr. Huckaby to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway for July 8 from 1:00 p.m. until 11:30 p.m. for Drag Race at 1792 Dragway Road. Motion seconded by Mr. Adams 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 items scheduled.

X.

Motion made by Mr. Britt to approve minutes of April 17, 2006 (Regular Meeting). Motion seconded by Ms. Stewart and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council