

December 14, 1998

A regular meeting of the Spartanburg County Council was held on December 14, 1998, at 2:00 p.m. in Council Chambers of the County Administrative Office Building. The following were present: Honorables David G. Dennis, Sr., Johnnye Code Stewart, Jeff Horton, Rock Adams, and David Britt, Council Members. Also in attendance were Roland H. Windham, Jr., County Administrator; Paula Wayne, Deputy County Administrator; Glenn Breed, Assistant County Administrator; Roy McBee Smith, County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was mailed in advance to the local news media and other interested persons.

1.

Chairman Dennis opened the meeting

2.

Invocation was rendered by Rev. Kenny Moore

3.

A. Motion by Mr. Britt to adopt Resolution Nos. 1490, 1491, 1492, 1493, and 1494. Motion seconded by Ms. Stewart and carried.
Motion by Mr. Horton to adopt Resolution 1495. Motion seconded by Mr. Britt and carried.

B. Ms. Elaine Harris and Ms. Sarah Isaac, Members of the Pacolet Town Council, presented a Resolution to Spartanburg County Council regarding assistance rendered in obtaining sewer and water services for the Pacolet area.

4.

A. A proposed Ordinance

5.

A. No appearances scheduled.

6.

PUBLIC HEALTH AND HUMAN SERVICES COMMITTEE - Hon. Johnnye Code Stewart, Chairman

A.

PERSONNEL COMMITTEE - Hon. Tony Gillespie, Chairman

A.

RECREATION COMMITTEE - Hon. Jeff Horton, Chairman

A.

ECONOMIC RECRUITMENT AND DEVELOPMENT COMMITTEE - Hon. David Britt, Chairman

A.

PUBLIC SAFETY AND JUDICIARY COMMITTEE - Hon. Rock Adams, Chairman

A. Information was received regarding Building Codes Department activities.

PUBLIC WORKS, BUILDINGS AND GROUNDS COMMITTEE - Hon. Frank Dillard, Chairman

A.

FINANCE COMMITTEE - Hon. David G. Dennis, Sr., Chairman

A.

7.

A. This item carried over to the December 30, 1998, meeting. (Render third reading to an Ordinance amending the Spartanburg County Development Standards Ordinance so as to make certain editorial corrections concerning the setback distance of communication towers from the nearest property line of any platted subdivision and to provide for certain co-location certification.)

B. Motion by Mr. Britt to render third reading to Ordinance #666 with respect to approval by Spartanburg County of a Fee-in-Lieu of Tax (FILOT) Agreement including specifically a lease to be entered into by Spartanburg County with TNS Mills, Inc. for property located at 100 Cudd Drive and 681 DeYoung Road, in Greer, SC. Motion seconded by Mrs. Stewart and carried.

C. Motion by Mr. Britt to render third reading to Ordinances #671 and 672 approving the transfer of two cable franchise agreements with Charter Communications to Mr. Paul Allen. Motion seconded by Mr. Horton and carried.

D. Motion by Mr. Britt to render third reading to Ordinance #674 amending the Spartanburg County anti-smoking Ordinance to prohibit smoking and the use or consumption of tobacco products while on school property and to amend the same to be consistent with the Spartanburg County Code and subsequently enacted ordinances. Motion seconded by Mrs. Stewart and carried.

E. Motion by Mr. Britt to render third reading to Ordinance 669 authorizing the execution and delivery of a lease agreement between Spartanburg County, South Carolina, as lessor, and Piedmont natural Gas Company, Inc., as lessee, and other matters relating thereto, including, without limitation, payment of a fee in lieu of taxes. Motion seconded by Ms. Stewart and carried.

F. Motion by Mr. Britt to render third reading to Ordinance 667 authorizing the execution and delivery of a lease agreement between Spartanburg County, SC, as lessor, and Zeuna Starker, USA, Inc., as lessee, and other matters relating thereto including without limitation a fee in lieu of taxes. Motion seconded by Ms. Stewart and carried.

G. Motion by Mr. Britt to render third reading to Ordinance 676 authorizing the execution and delivery of a lease agreement between Spartanburg County, as lessor, and DSI Draexlmaier Service, Inc., as lessee; and other matters relating thereto including, without

limitation, payment of a fee in lieu of taxes. Motion seconded by Mrs. Stewart and carried.

H. Motion by Mr. Britt to render third reading to Ordinance 668 authorizing the execution and delivery of a lease agreement between Spartanburg County, South Carolina, as lessor, and Seeber, USA, Inc., as lessee, and other matters relating thereto including without limitation payment of a fee in lieu of taxes. Motion seconded by Mrs. Stewart and carried.

I. Motion by Mr. Britt to render third reading to Ordinance 665 authorizing the execution and delivery of a lease agreement between Spartanburg County, SC, as lessor, and Lear Corporation, as lessee; and other matters relating thereto, including without limitation payment of a fee in lieu of taxes. Motion seconded by Mrs. Stewart and carried.

J. Motion by Mr. Britt to render third reading to Ordinance 675 authorizing the execution and delivery of a lease agreement between Spartanburg County, as lessor, and Siemens Energy Automation, Inc., as lessee, and other matters relating thereto, including without limitation payment of a fee in lieu of taxes. Motion seconded by Mrs. Stewart and carried.

K. Motion by Mr. Britt to render third reading to Ordinance 673 to develop a jointly owned and operated industrial/business park in conjunction with Union County, to be geographically located in Spartanburg County and the City of Spartanburg. Motion seconded by Mr. Adams and carried.

L. Motion by Mr. Britt to render second reading to an Ordinance restricting private ambulance services responding to EMS calls in Spartanburg County. Motion seconded by Mr. Adams and carried.

M. Motion by Mr. Britt to render third reading to Ordinance 670 supplementing the Spartanburg County Development Standards Ordinance, providing for inspection, permitting, reporting by sexually oriented businesses and employees, providing health and safety measures, location requirements, penalties and revocation of permits, within the unincorporated areas of the County. Motion seconded by Mrs. Stewart and carried.

8.

A. Motion by Mr. Britt Resolution #1500 extending the boundaries of the Startex Jackson Wellford Duncan Water District. Motion seconded by Mr. Horton and carried.

B. Motion by Mr. Horton to adopt Resolution #1501 extending the boundaries of the Liberty Chesnee Fingerville Water District. Motion seconded by Mr. Britt and carried.

C. This item carried over to December 30, 1998, meeting. (Receive information and take desired action regarding the County=s agreement to convey to the Town of Cowpens by quit claim deed without consideration the property known as the Health Tex Facility.)

D. Motion by Mr. Adams to encourage the 1999 County Council to utilize the services of Vismore and Associates should Council determine that a form of zoning should be incorporated into the Comprehensive Plan. Motion seconded by Mrs. Stewart and carried. It was suggested that the 1999 Council discuss forms of zoning at the January Retreat.

9.

A. Motion by Mr. Horton to waive rules, nominate and appoint Mr. Ronald D. Brock to the

Chesnee Community Fire District, to replace Junior Littlejohn. Motion seconded by Mr. Dillard and carried.

10.

A. Domestic Violence Board - Motion by Mrs. Stewart to waive rules, nominate and appoint Susan C. Sutton (at large representing law enforcement), Lynn Hawkins (representing Safe Homes Network) Keisha C. Young (at large representing Mental Health) Charles Allen (at-large) and Dateria C. Johnson (at-large) with terms to expire 07/02/02. Motion seconded by Mr. Horton and carried.

B. Building Code Board of Appeals & Adjustments - Motion by Mr. Horton to waive rules, nominate and appoint Wayne Plylar, Contractor (new term to expire 12/14/00), Charles W. Lowe, Jr., Realtor (new term to expire 10/31/00) and Ron Nordenbrock, Fire Chiefs Representative (term to expire 10/31/00). Motion seconded by Mr. Dillard and carried.

C. Inman Mills Fire District - carried over.

D. Affirmative Action Committee - Motion by Mr. Adams to waive rules, nominate and appoint Cynthia Lister (Women=s Equal Employment), term to expire 01/14/00, Mark Hammond (Department Head-Elected) term to expire 01/14/00, Kerry Ashley (Planning Department) term to expire 08/22/00, and Linda Dogan (Planning Department) term to expire 08/22/00.

E. Lakewood Hills Special Tax District Commission - carried over.

F. Parks and Recreation Advisory Committee - carried over.

G. Tyger River Sewer Authority - carried over.

H. Fire Prevention & Protection Advisory Committee - carried over.

I. Board of Junkyard Control - carried over.

J. Spartanburg County EMS Advisory Committee - Motion by Mr. Britt to waive rules, nominate and appoint Shawn Petras, David Culbreth, Antonio Widmar Zayas, Patrick Craig, Wanda Hines Scruggs, Thomas Norris, Angel Lee, Mark Ashley Campbell, Randy Britt Simmons, Larry Bouret, Eddie Smith, Sandra Corley, Hubert Odom and Lewis Moore to the Spartanburg County EMS Advisory Board with terms to expire 07/01/99. Motion seconded by Mrs. Stewart and carried.

K. Employee Grievance Committee - Motion by Mr. Horton to waive rules, nominate and appoint Mr. Joe Emory, term to expire 09/03/01. Motion seconded by Mr. Britt and carried.

L. Emergency Communications Advisory Committee - Motion by Mr. Horton to waive rules, nominate and appoint Steve Kimling as representative of the Chiefs= Association, term to expire 10/01/02, replacing Mr. James Jones, resigned. Motion seconded by Mr. Britt and carried. Motion by Mr. Horton to waive rules, nominate and appoint Mr. Jeff Bowers representing Police Chiefs= Association, term to expire 10/01/02. Motion seconded by Mr. Dillard and carried.

M. Assessment Appeals Board - carried over.

N. Disabilities and Special Needs Board - Motion by Mr. Horton to waive rules, nominate and appoint Diana B. Parnes, term to expire 11/01/00. Motion seconded by Mr. Dillard and carried.

O. Accommodations Tax Advisory Committee - Motion by Mrs. Stewart to waive rules, nominate and elect Paula Allen Ayers (hospitality), William Carl Mayrose (Cultural) and Lennetta Gray-Brewton (at large), terms to expire 11/12/02.

P. Alcohol and Drug Abuse Commission - carried over.

Q. Cross Anchor Community Fire Service Area - Motion by Mr. Adams to waive rules, nominate and appoint Russell Starnes, term to expire 12/17/02. Motion seconded by Mr. Britt and carried.

R. Enoree Fire District Commission - carried over.

S. Poplar Springs Fire District Commission - carried over.

11.

There were no additional appointments.

12.

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 fully as if 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.

13.

A. Chairman Dennis stated that he had been contacted by a group of individuals who reside in the Raintree Subdivision who would like to address Council regarding the location of a strip club near their neighborhood. Mr. Dennis stated that he had obtained copies of an Ordinance enacted in the State of Florida that deals with public nudity, and he has asked the County Attorney's office to review it. Mr. Britt introduced by title an Ordinance dealing with public nudity. The Chairman asked the group of individuals to return to Council Chambers at the close of this meeting if they still desired to address Council. The group did so, and after a lengthy discussion, Council reconvened at 5:35 p.m. Motion by Mr. Britt to add an item to the agenda regarding a proposed moratorium relative to sexually oriented businesses. Motion seconded by Mr. Britt and carried. Motion by Mr. Horton to place a county-wide moratorium on issuing Certificates of Occupancy from this day forward to any sexually oriented business, such as a strip club, in light of the fact that the business may be in violation of a pending County Ordinance. Motion seconded by Mr. Britt and carried. Motion by Mr. Britt to adjourn at 5:40 p.m. Motion seconded by Mr. Horton and carried.

B. Motion by Mr. Britt to add an item to the agenda regarding the distribution of proceeds from the sale of the former headquarters library. Motion seconded and carried. Mr. Dennis stated that he had received a letter from Nancy Crowley stating that she was under the impression that County Council had agreed quite some time ago to give the Regional Museum its pro-rata share of the proceeds from the sale. County Council has not taken formal action on this matter. Motion by Mr. Britt to give the Regional Museum its

pro rata share of the proceeds from the sale of the former headquarters library based on square footage, once the County receives the funds. Motion seconded by Mrs. Stewart and carried.

C. It was determined that December County Council meetings would be scheduled as follows: Monday, December 7th at 1:00 p.m. - Committee Meetings, and Monday, December 14th at 2:00 p.m., -County Council Meeting.

14.

Motion was made by Mr. Dillard to approve claims where the checks have been released. Motion was seconded by Mr. Horton and carried.

15.

Motion was made by Mr. Horton to approve the minutes of October 19, 1998, and October 22, 1998 (special meeting). Motion was seconded by Mr. Dillard and carried.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:_____

DAVID G. DENNIS, SR., CHAIRMAN

ATTEST:

LORI A. HINDS

Clerk to Council