

MINUTES

County Council Meeting

October 17, 2005

Spartanburg County Council met on Monday, October 17, 2005, 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; 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 Hon. Steve Parker. Cub Scout Webelos Den and Mr. Derrick Balsa, Scoutmaster, led in reciting the Pledge of Allegiance.

II.

- A. Mr. Johnny Hall, SCDHEC (South Carolina Department of Health and Environmental Control) Regional Air Quality Section Manager, presented an Early Action Compact Award to Spartanburg County.
- B. Ms. Pam Jamerick, Director of Quality for North American Logistics for Michelin North America, presented an award from Michelin for the work and support of Enoree, Cross Anchor, Woodruff, Croft, Boiling Springs, Roebuck, Poplar Springs, Westview, Hobbysville, and Glen Springs-Pauline Fire Departments during a plant fire at T & T's Laurens Distribution Center.
- C. Motion made by Ms. Stewart to adopt a Resolution proclaiming October 17, 2005 through October 23, 2005 as "National Business Women's Week" in Spartanburg County. Motion seconded by Mr. Britt and carried. Ms. Janet Cann, President of BPW-Spartanburg, received the Resolution.

III.

- A. Chairman Horton declared open a public hearing to consider a proposed Ordinance authorizing the delivery by Spartanburg County, South Carolina of a Fee in Lieu of Tax Agreement between the County and 101 Properties, LLC, a South Carolina limited liability company with respect to the

relocation and expansion of Plastic Omnium Auto Exteriors, LLC's facilities in the County for the manufacture of automotive parts. No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from Noise Ordinance requested by First Baptist North Spartanburg for October 20, 2005, from 6:00 p.m. until 10:00 p.m. for a Fall Festival at 8740 Asheville Highway, Spartanburg, SC. Mr. Parker stated that North Spartanburg First Baptist always put on an outstanding, family oriented festival and atmosphere for our citizens, and he fully endorses this. No one else 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. Information received in reference to Accommodations Tax Advisory Committee Recommendations. This item was carried over until next month.
- B. Mr. Chris Story presented Fiscal Year 2005 Closeout Report. It will be updated later this year.
- C. Updated financial and personnel vacancy reports were received.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Mr. Chris Story presented a report in regards to an Ordinance to create a Parks and Recreation Commission to get more citizen involvement and more input about how we want to run our Parks and Recreation Committee. Motion made by Mr. Parker to render first reading to an Ordinance to create a Parks and Recreation Commission. Motion seconded by Mr. Huckaby and carried. Mr. Breed stated the as discussed amendments that Ms. Stewart recommended will be made.

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

- A. Motion made by Mr. Britt to render fist reading to an Ordinance to amend Ordinance No. 543, as previously amended by Ordinance No. O-05-10, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park. (Adding 101 Properties) Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and Schwan's Bakery Operations, LLC; and matters relating thereto. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the amendment of that certain fee agreement between Spartanburg County, South Carolina and Stankiewicz International Corporation for purposes of adding a sponsor affiliate and other matters related thereto. Motion seconded by Mr. Nutt and carried.

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

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

-

Land Use Committee (Honorable David Britt, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

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

- A. Mr. Mike Garrett continued the presentation concerning our Expressions of Interest from Solid Waste Management Service Providers. Two or three options were brought before the Public Works, Buildings and Grounds Committee. At the conclusion of the recommendation by the committee, Mr. Adams presented some information from some person or persons that implied that Mr. Nutt would not be able to vote on this issue. It was turned over immediately to the County Attorney who recommended to Council that there was no reason why Mr. Nutt should not vote. In the mid-nineties, Mr. Nutt bought a portion of an interest in a piece of property located near the Palmetto Landfill that is owned by Waste Management Corporation. Immediately after he bought it, he contacted Waste Management to see if they would be interested in buying it. They were not interested. He also asked them at that time if they would be interested in buying some soil off of the property to use as a cover for the landfill. They at first told him they didn't think the soil was suitable. Mr. Nutt contacted the Department of Health and Environmental Control in Columbia and had them review it and investigate it, and they said indeed the dirt on that property was suitable for fill as a cover for landfill. Mr. Nutt again contacted Waste Management, and they were not interested to his dismay. This happened in 1997 prior to Mr. Nutt being elected to office in 1998 and starting to serve in 1999. Mr. Nutt stated that he has no reason to owe Waste Management anything. They don't owe him anything. He has no connections with Waste Management, Republic Waste, Allied Waste, or Santek. Motion made by Mr. Nutt to authorize that negotiations be initiated between Spartanburg County and Waste Management for the entering into of an agreement for the construction of a new MSW landfill in Spartanburg County, to negotiate fees and other considerations to be paid to Spartanburg County, and to address other issues related to MSW disposal in Spartanburg County. Any proposed agreement with Waste Management will first have to be presented to County Council for approval prior to the agreement being executed by Spartanburg County. Motion seconded by Mr. Parker. Mr. Adams spoke in opposition to another landfill and requested delaying negotiations until this is studied further. Mr. Britt expressed his support for Mr. Nutt and discussed his reasons for voting in favor of negotiations. Chairman Horton read a Resolution from the Spartanburg County Legislative Delegation that was signed by Doug Smith, John Hawkins, Ralph Davenport, Scott Talley, Joe Mahaffey, Bob Walker, Lanny Littlejohn, Phil Sinclair, and Mike Anthony expressing their discontent and their opposition to this particular landfill. The Resolution is included in backup. Chairman Horton spoke in opposition and cautioned Council about moving too quickly. Motion carried four to three. Chairman Horton, Ms. Stewart, and Mr. Adams opposed. Motion made by Mr. Nutt to authorize and instruct County Administrator to review the County Solid Waste Management Plan and to determine any revisions to such plan which would be required to enable Spartanburg County to enter into an agreement with Waste Management for the construction and operation of a new MSW landfill. Motion seconded by Mr. Britt and carried. Three opposed. Motion made by Mr. Nutt to authorize the County Administrator and one Council person to form a committee to do the negotiations; Mr. Nutt suggested that maybe Mr. Glenn Breed and David Britt, or whoever Council decided, be authorized to start negotiations and to bring in other members of the community as they see fit to help with the negotiations. Motion seconded by Mr. Parker and carried. Three opposed.
- B. Information received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the assignment and transfer to Celanese Americas Corporation ("Celanese") of a portion of the interest of Indopco, Inc. D/B/A National Starch & Chemical Company ("Indopco") in that certain lease agreement between Spartanburg County,

South Carolina, and Indopco, dated as of December 1, 1997, and certain agreements, property, other rights, and other matters related thereto (collectively, the "assigned project"); and other matters related thereto, including the release of Indopco from its obligations under the lease agreement as to the assigned project, the assumption of those obligations by Celanese, and the continuation of a fee in lieu of tax pertaining to such lease agreement for the benefit of Indopco and Celanese, respectively. Motion seconded by Mr. Huckaby and carried.

- B. Motion made by Mr. Britt to render third 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 101 Properties, LLC 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. Nutt and carried.

VII.

- A. Motion made by Mr. Huckaby to approve an Application for special Public Event Exclusion from Noise Ordinance requested by First Baptist North Spartanburg for October 20, 2005, from 6:00 p.m. until 10:00 p.m. for a Fall Festival at 8740 Asheville Highway, Spartanburg, SC. Motion seconded by Mr. Parker 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 September 15, 2005 (Special Meeting) and September 19, 2005 (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