

November 16, 1998

A regular meeting of the Spartanburg County Council was held on November 16, 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, David Britt, and Frank Dillard, 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 Mr. Dennis. Mr. Britt led in reciting the Pledge of Allegiance.

3.

A. Motion by Mr. Britt to adopt Resolution No. 1486 recognizing Dr. John Stockwell. Motion seconded by Mrs. Stewart and carried.

B. Motion by Mr. Britt to adopt Resolution No. 1487 in honor of Strom Thurmond. Motion seconded by Mr. Dillard and carried.

4.

****NOTE: PUBLIC HEARINGS WERE HELD AT 4:00 P.M. AS ADVERTISED.**

Public hearings were conducted regarding each of the following items:

A. A proposed Ordinance 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.

B. Two Ordinances approving the transfer of two cable franchise agreements with Charter Communications to Mr. Paul Allen.

C. An Ordinance 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.

D. An Ordinance 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.

E. An Ordinance 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 payment of a fee in lieu of taxes.

F. An Ordinance 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.

G. An Ordinance 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.

H. An Ordinance 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.

I. An Ordinance 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.

J. An Ordinance 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.

The public hearings were declared open by Chairman Dennis. No one appeared in opposition to any item listed. The public hearing was closed.

5.

A. No appearances scheduled.

6.

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

A. Motion by Mrs. Stewart to renew a lease for office space in the Montgomery Building for use by the Department of Social Services for another three year term, at a monthly rate of \$5,765.42, with the state reimbursing the county for said rent. Motion seconded by Mr. Dillard and carried.

B. First reading rendered by title to an Ordinance restricting private ambulance services running EMS calls in Spartanburg County.

PERSONNEL COMMITTEE - Hon. Tony Gillespie, Chairman

A. Information was received regarding the upgrading of a Deputy I position to that of a Criminalist for the Drug Lab. Mr. Windham stated that this position is needed in order for the newly established drug lab to run efficiently. The County=s consultant has recommended that this position be a grade 21. Motion by Mr. Britt to approve the upgrading of a Deputy I position to that of a Criminalist for the Drug Lab, with any additional funding being taken from the Sheriff=s salary slippage account. Motion seconded by Mrs. Stewart and carried.

B. Information was received regarding upgrading the Public Information Officer=s position in the Sheriff=s Department. The Sheriff has requested that this position be upgraded to a sworn deputy position. Any additional cost will be taken from the Sheriff=s salary slippage

account. Motion by Mr. Britt to approve upgrading the Public Information Officer=s position in the Sheriff=s Department to a sworn deputy position, with any additional funding being taken from the Sheriff=s salary slippage account. Motion seconded by Mr. Horton and carried.

RECREATION COMMITTEE - Hon. Jeff Horton, Chairman

A. Mr. Jeff Caton appeared to provide an update on construction of the Woodruff Recreation Complex. He stated that staff had met with Clayton Construction, the only bidder on the project, in an effort to reduce the projected cost. A revised quote from Clayton Construction was provided in the amount of \$610,783, with the modifications itemized. Mr. Windham stated that there was \$575,000 remaining in the budget for this project, as well as an additional \$40,000 which had been set aside. With the new quote, there will be a contingency of \$5,783. Mr. Caton stated that he would like to look into having the walls and floors upgraded to provide a second story. Motion by Mr. Horton to proceed with the Woodruff Recreation Project based on a quote from Clayton Construction Company, Inc., dated November 13, 1998, in the amount of \$610,783, and direct Mr. Caton to obtain figures to upgrade the walls and floors for a second story. Motion seconded by Mr. Adams and carried.

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

A. No items scheduled for this Committee.

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. Motion by Mr. Dillard to approve the County providing labor and equipment to widen and resurface a section of River Ridge Road from the ballfield at the YMCA to a point past the last subdivision entrance, with the County Transportation Committee providing funding for materials. Motion seconded by Mr. Horton and carried.

B. Information was received regarding enforcement of litter laws by Environmental Enforcement Officers. There is some question as to whether or not the County Ordinance intends for bagged trash to be covered with a tarp. Mr. Windham stated that he and Mr. Breed met with litter enforcement officers. Council=s concerns were addressed and Mr. Windham feels that the officers know what their duties are. Mr. Dennis stated that he has requested the County Attorney=s office to amend the Ordinance to be more specific in order to eliminate confusion. Mr. Roy McBee Smith stated that the County cannot enact an Ordinance that is less stringent than the State Statute. He will review this matter and report to Council at the December meeting.

C. Information was received regarding activities of the Public Works Department.

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

A. Motion by Mr. Dillard to authorize the Enoree Lanford Fire District to enter into a lease purchase transaction with Banc One Leasing Corporation. Motion seconded by Mr. Britt and carried.

7.

A. This item carried over pending further recommended amendments from the Planning Commission. (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 #662 to develop a jointly owned and operated industrial/business park in conjunction with Union County to accommodate the new Disney Distribution Center. Motion seconded by Mrs. Stewart and carried.

C. Motion by Mr. Britt to render third reading to Ordinance #663 amending Spartanburg County Billboard Ordinances No. 359, 424, and 501 which would prohibit temporary banners and small signs from being posted on telephone and utility poles; to clarify procedures for appeal to Circuit Court and to renumber sections to be consistent with the County Code. Motion seconded by Mrs. Stewart and carried.

D. Motion by Mr. Britt to render second reading to an Ordinance 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 Mr. Dillard and carried.

E. Motion by Mr. Britt to render second reading to two Ordinances approving the transfer of two cable franchise agreements with Charter Communications to Mr. Paul Allen. Motion seconded by Mr. Dillard and carried.

F. Motion by Mr. Dillard to render second reading to an Ordinance 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 Mr. Britt and carried.

G. Motion by Mr. Britt to render second reading to an Ordinance 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 Mr. Dillard and carried.

H. Motion by Mr. Britt to render second reading to an Ordinance 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 payment of a fee in lieu of taxes. Motion seconded by Mr. Dillard and carried.

I. Motion by Mr. Britt to render second reading to an Ordinance 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 Mr. Dillard and carried.

J. Motion by Mr. Britt to render second reading to an Ordinance 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 Mr. Dillard and carried.

K. Motion by Mr. Britt to render second reading to an Ordinance 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 Mr. Dillard and carried.

L. Motion by Mr. Britt to render second reading to an Ordinance 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 Mr. Dillard and carried.

M. Motion 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, to be geographically located in Spartanburg County and the City of Spartanburg. Motion seconded by Mrs. Stewart and carried.

8.

A. Motion by Mr. Dillard to adopt Resolution #1488 calling for a public hearing to be held upon the question of extending the boundaries of the Startex Jackson Wellford Duncan Water District, and to provide for the publication of the notice of such hearing. Motion seconded by Mr. Horton and carried.

B. Motion by Mr. Horton to adopt Resolution #1489 calling for a public hearing to be held upon the question of extending the boundaries of the Liberty Chesnee Fingerville Water District, and to provide for the publication of the notice of such hearing.

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.

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