

MINUTES

County Council Meeting

November 19, 2001

Spartanburg County Council met on Monday, November 19, 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 Pastor Charles J.J. Jackson, III. Of Cornerstone Baptist Church. Burns High School Junior Air Force ROTC led in reciting the Pledge of Allegiance.

II.

No Presentations Scheduled.

III.

- A. Chairman Floyd declared open a public hearing to consider the enlarging of the boundaries of the Una Fire Service Area to include the entire area of the Arcadia Community Fire Service Area pursuant to § 4-19-10, Code of Laws of South Carolina, 1976, as amended, the dissolution of the Arcadia Community Fire Service Area, and for the purpose of making a determination as to the area to be included within the boundaries of the service area. No one appeared and the hearing was closed.
- B. Chairman Floyd declared open a public hearing to consider 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. No one appeared and the hearing was closed.

- C. Chairman Floyd declared open a public hearing to consider the lease of a dwelling at 205 R. C. Thompson Road, Chesnee, SC, and the lease of farm property located at 205 R. C. Thompson Road, Chesnee, SC. Mr. Danny Palmer appeared. He presently holds a lease on the dwelling at 205 RC Thompson Road. He would like to continue holding the lease on the dwelling. Chairman Floyd advised this lease involves only the farm property. The dwelling is under a separate lease. Mr. Bob Trout has signed a lease for the property. Mr. Bob Trout appeared to ask if he could lease the farmland from year to year until the county gets ready to use it without other people bidding on it. Mr. Hartmann advised lease will be renewed on a year to year basis. Mr. Edwin Haskell will look at lease to see if it can be extended for longer than one year due to fertilizer being used on farmland. Chairman Floyd requested Mr. Trout and Mr. Haskell get together to work the lease arrangement out.
- D. Chairman Floyd declared open a public hearing to consider a proposed Ordinance amending Ordinance No. 439 so as to redefine the boundaries of the Six Single Member Election Districts, based upon the results of the release of the 2000 Census for Redistricting Proposed, in order that the population of such districts shall comply with the population requirements set forth in the Voting Rights Act of 1965. No one appeared and the hearing was closed.
- E. Chairman Floyd declared open a public hearing to consider 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. No one appeared and the hearing was closed.
- F. Chairman Floyd declared open a public hearing to consider an Ordinance to provide for the issuance and sale of not exceeding fifteen million dollars (\$15,000,000) General Obligation 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. No one appeared and the hearing was closed.
- G. Chairman Floyd declared open a public hearing to consider a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (T&WA of South Carolina, L.L.C. Project) Series 2001, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$9,000,000. No one appeared and the hearing was closed.
- H. Chairman Floyd declared open a public hearing to consider the proposed modification of an existing arrangement involving the leasing and sale by the County to BMW Manufacturing Corp. and SB Acquisitions, Inc. of certain industrial facilities which include real and personal property or interests therein to be acquired by the County through the issuance of additional Industrial Development Revenue Bonds (BMW Project) Series 2001, not exceeding \$800,000,000, pursuant to the Industrial Revenue Bond Act, Title 4 Chapter 29 Code of Laws of South Carolina 1976, as amended. No one appeared and the matter was closed.

IV.

No appearances were scheduled.

V.

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

- A. Ms. Pam Dean appeared in reference to a request from Disabilities and Special Needs Board regarding special needs athletic field. The County will allow them to use county owned property located at Westside Regional Park. They will raise their own money for the park. It will not cost the county anything. Motion made by Ms. Stewart that the piece of property located in the Westside Complex undeveloped area be designated for the special needs athletic facility. Motion seconded by Mr. Horton and carried.
- B. Motion made by Ms. Stewart to accept Administration's request to endorse New Day's application for some funding to receive a handicapped assessable van. Motion seconded by Mr. Horton and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Motion made by Mr. Nutt to lease the farm property at 205 R. C. Thompson Road, Chesnee, SC, to Mr. Bob Trout subject to Administrator's final approval. Motion seconded by Mr. Horton and carried.
- B. Motion made by Mr. Huckaby to approve Department of Social Services lease agreement. Motion seconded by Mr. Britt and carried.
- C. Mr. Bill Dennis provided update on Cable TV Ordinance and Franchise Agreement for information only.
- D. Updated financial information was received as information only.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Cleveland Park Renovation project is still on schedule.
- B. Work is progressing on the USCS Soccer Complex. They should be completing fencing before long. Hopefully, it will be ready for playing soccer next fall.
- C. Improvements to Va-du-Mar McMillan Park were discussed. Additional discussions will be held to determine where we should start.

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

- A. Executive Session to discuss sale or purchase of property and matters relating to Economic Development. No action was taken during the Executive Session.
- B. Motion made by Mr. Britt to approve Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (T&WA of South Carolina, L.L.C. Project) Series 2001, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$9,000,000. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Britt to approve Resolution approving the financing of the acquisition, construction and equipping of certain Industrial Facilities in Spartanburg County, South Carolina, through the issuance of not exceeding eight hundred million dollars (\$800,000,000) Spartanburg County, South

Carolina, Industrial Development Revenue Bonds (BMW Project) Series 2001; authorizing a petition to the South Carolina State Budget and Control Board for its approval of such undertaking pursuant to Title 4 Chapter 29 Code of Laws of South Carolina 1976, as amended; providing for a Public Hearing to be held in connection with the Leasing of certain land to be owned by the county; and other matters relating thereto. Motion seconded by Mr. Nutt and carried.

- D. Motion made by Mr. Britt to approve Resolution regarding the two-year investment period extension approved pursuant to Ordinance No. 0-01-04 with respect to the lease agreement adopted December 1, 1996 between Spartanburg County and Johns-Manville International, Inc. Motion seconded by Mr. Nutt and carried.
- E. Motion made by Mr. Britt to adopt an incentive package for the corporate recruitment and headquarters relocation of Extended Stay America Inc. to Spartanburg Development Corporation. Motion seconded by Mr. Huckaby and carried.
- F. Motion made by Mr. Britt to authorize the County Administrator to proceed with the Sale of Certain County Property. Motion seconded by Mr. Huckaby and carried.

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

- A. Information received regarding relocation of Medic 8 EMS Station (Lyman) being relocated to Tyger River Fire Department new station.
- B. Information was received regarding activities of the Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

No items schedule.

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

- A. Information was received regarding activities of the Public Works Department.

VI.

- A. Motion made by Mr. Britt to render second 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 Mr. Britt to render second reading to an Ordinance amending Ordinance No. 439 so as to redefine the boundaries of the Six Single Member Election Districts, based upon the results of the release of the 2000 Census for Redistricting Proposed, in order that the population of such districts shall comply with the population requirements set forth in the Voting Rights Act of 1965. Motion seconded by Mr. Horton and carried.
- C. Motion made by Mr. Huckaby to render second reading to Ordinance enlarging of the boundaries of the Una Fire Service Area to include the entire area of the Arcadia Community Fire Service Area pursuant to § 4-19-10, Code of Laws of South Carolina, 1976, as amended, the dissolution of the Arcadia Community Fire Service Area, and for the purpose of making a determination as to the area to be included within the boundaries of the service area. Motion seconded by Mr. Horton and carried. Motion made by Mr. Horton to render first reading to Ordinance to enlarge the board size of the Una Fire Service Area to include two additional members. Motion seconded by Ms. Stewart and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance to provide for the issuance and sale of not exceeding fifteen million dollars (\$15,000,000) 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. Adams and carried.
- E. Motion made by Mr. Horton to render second 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. Britt and carried.
 - F. Motion made by Mr. Britt to render second 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. Horton and carried.
 - G. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the issuance and sale of not exceeding \$800,000,000 principal amount Spartanburg County, South Carolina Industrial Development Revenue Bonds (BMW Project) Series 2001; the application of the proceeds of said bonds to defray the costs of the acquisition of certain land, the construction thereon of certain Industrial Facilities and the acquisition of certain machinery, equipment and other personal property for use in conjunction therewith; the execution and delivery of certain instruments relating to the issuance of the aforesaid bonds; the leasing and sale of certain real property by the County to BMW Manufacturing Corp. and SB Acquisitions, Inc.; and other matters relating thereto. Motion seconded by Mr. Huckaby and carried.
 - H. Motion made by Mr. Horton to render second 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. Britt and carried.
 - I. Motion made by Mr. Britt to render third reading to Ordinance/Franchise Agreement between Spartanburg County and Charter Communications. Motion seconded by Mr. Huckaby and carried.
 - J. Motion made by Mr. Horton to render third reading to 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.
 - K. Motion made by Mr. Britt to render third reading to Renaissance Park 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; to provide for an intergovernmental agreement with the City of Spartanburg and agreement for the development of joint county industrial/business park within the City of Spartanburg. Motion seconded by Mr. Huckaby and carried.

VII.

No items scheduled.

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. Mr. Hartmann advised our Community & Economic Development Department is conducting an advertised public hearing next week to change a few of the projects within their current year project list and diverting a couple of those to the next year and adding a new Economic Development project to this year. It involves about a \$150,000 of Federal Funds. Because of the timing is sensitive on this, Mr. Hartmann requested Council's approval pursuant to the recommendations that come forth from the public hearing. Motion made by Mr. Britt to grant County Administrator's request. Motion seconded by Mr. Huckaby and carried.

X.

Motion by Mr. Horton to approve minutes of October 15, 2001 (special meeting) and October 19, 2001 (regular meeting). Motion seconded by Ms. Stewart and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:_____

Karen Floyd, Chairman

Attest:

Deborah C. Ziegler

Clerk to Council