

October 21, 2002

Spartanburg County Council met on Monday, October 21, 2002, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Karen Floyd, Chairman; Honorables Jeff Horton, David Britt, 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; 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 Dr. Jim Goodrow, Director of Missions for the Spartanburg County Baptist Network. James F. Byrnes High School Color Guard led in reciting the Pledge of Allegiance.

II.

No presentations scheduled.

III.

- A. Chairman Floyd declared open a public hearing to consider proposed revisions to the Unified Land Management Ordinance #O-99-15. Ms. Christine Owens appeared representing the Stapleton Family. Her mother could not be present. They own 100 acres on the Pacolet River in Spartanburg County. She has been talking with the Planning Department about how she could divide that property with her brother into two or three parcels. She found out that they could not comply with the Ordinance as it is written. They have tried to meet all the requirements. They have tried to purchase County Road Frontage from the owners, but they were not willing to sell. She was able to get recorded easements. She requested Council consider passing this amendment today, because it would solve the problem for them, as well as other families with the same problem. With this proposed amendment, they would be able to obtain a building permit. Ms. Owens requested later consideration of a review of how many parcels that property could be divided into, so that if a family has children and would like to give some of the land to their children, they would be able to obtain building permits. For her purposes at this time, being able to divide it into three lots will be sufficient.

- B. Chairman Floyd declared open a public hearing to consider the proposed issue of not exceeding \$8,000,000 of General Obligation Bonds of Startex-Jackson-Wellford-Duncan Water District. No one appeared and the matter was closed.
- C. Chairman Floyd declared open a public hearing to consider an Ordinance authorizing the Board of Fire Control of the Hilltop Area Fire District to issue General Obligation Bonds in the principal amount of not exceeding \$850,000 of the Hilltop Area Fire District; and other matters relating thereto. Mr. Nutt asked if when we authorize this General Obligation Bond if this is in addition to the maximum millage they are able to put on within their district. Is there a limit as to how much one of these districts can put on without a referendum? Mr. Bill Dennis stated the two choices you have are a referendum or Council action. By this action, you could go above the limit they have now. Mr. Nutt stated we need to take a harder look at this and get an explanation before third reading. No one appeared and the matter was closed.
- D. 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 (Parat Automotive USA, Inc. Project) Series 2002, 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 \$2,300,000. No one appeared and the matter was closed.
- E. Chairman Floyd declared open a public hearing to consider an Application for Permit for special Public Event Exclusion from Noise Ordinance for October 23, 2002, from 5:00 p.m. until 8:00 p.m. at Fairforest Baptist Church, 117 Church Street, Fairforest, SC. 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. Motion made by Ms. Stewart to approve a request for a letter of support of CancerCenters of the Carolinas' Certificate of Need application to provide Radiation therapy services in Spartanburg County. Motion seconded by Mr. Huckaby and carried. Chairman Floyd recused herself from vote.
- B. Motion made by Ms. Stewart to approve a request for a letter of support for SRHS Cancer Center Project. Motion seconded by Mr. Huckaby and carried. Chairman Floyd recused herself from vote.
- C. Motion made by Ms. Stewart to approve a request from The Spartanburg Residential Development Corporation (SRDC) for approval for their operation of an Emergency Loan Program in this jurisdiction.

Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee (Honorable Ken Huckaby)

- A. Information was provided in reference to FY03 Tax Base and Levy and recommendations regarding FY02 Year-end Financial Information. County Council was advised that there will be approximately \$500,000 excess. Motion made by Mr. Huckaby to hold these funds in an undesignated fund until further action can be taken next month. Motion seconded by Mr. Britt and carried.
- B. Mr. Bill Dennis presented information in reference to Mobile Home Permit Fees. Administration recommended that the Mobile Home Permit Fees be changed from the current flat rate of \$35 to a flat rate for a used mobile home at \$100 and a scaled rate of \$2 per \$1,000 cost value for a new mobile home. Motion made by Mr. Huckaby to approve Administration's recommendation. Motion seconded by Mr. Britt and carried.
- C. Mr. Joe Hines presented information in reference to request for pay supplement for Poll Workers for November 5, 2002 Election. Funds have been approved and are in the Voter Registration Budget for this pay supplement. Motion made by Mr. Huckaby to approve Mr. Joe Hines recommendation. Motion seconded by Mr. Britt and carried.
- D. Mr. Bill Dennis provided information in reference to Voter Registration Personnel Appeal. There are some Maintenance Technicians that are working in the Voter Registration Board. Administration recommended that the two Building Maintenance Technicians retain their current pay grade status of 16. They will be paid on a nonexempt status and be paid overtime when warranted. Also, these positions would be transferred to the Voter Registration Department. The Voter Registration Director concurs with this. Motion made by Mr. Huckaby to approve this request. Motion seconded by Mr. Adams and carried.

Recreation Committee – (Honorable Jeff Horton, Chairman)

- A. Cleveland Park is functioning properly. We are currently working with our bonding companies to be sure everyone is properly compensated for their involvement.
- B. Information received in regard to Va-du-Mar McMillan Park property. Photos were received of the progress that is taking place at Va-du-Mar McMillan Park. It seems to be on schedule.

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

- A. Motion made by Mr. Britt to adopt a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Parat Automotive USA, Inc. Project) Series 2002, 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 \$2,300,000. Motion seconded by Mr. Huckaby and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance consenting to Piedmont Natural Gas Company, Inc.'s transfer of property from a lease agreement arrangement to a fee agreement arrangement as provided in Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended; and authorizing the execution and delivery of a fee agreement between Spartanburg County and Piedmont Natural Gas Company, Inc. to replace the lease agreement; and authorizing the reconveyance of the property subject to such lease agreement by Spartanburg County to Piedmont Natural Gas Company, Inc. Motion seconded by Mr. Huckaby and carried.

- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina, and Stankiewicz International Corporation to provide for a fee in lieu of taxes incentive and other matters related thereto. Motion seconded by Mr. Horton and carried. This is for a 6% fee in lieu of tax incentive for Stankiewicz International Corporation on an \$18 million investment for the county and about 150 jobs.

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

- A. Presentation in reference to Emergency Preparedness by Dr. Goolsby, District Health Director, was carried over to the November meeting.
- B. Staff has developed an Ordinance to regulate the solicitation of funds in intersections of public roadways that is consistent with South Carolina Code of Laws 5-27-910. In addition, the Ordinance would include that any nonprofit organization must be registered with the Office of Secretary of State, establishes a minimum fine of \$250 for violation and restricts activity to take place on collector (secondary) roads and streets only. Motion made by Mr. Horton to render first reading by title to an Ordinance to regulate the solicitation of funds in intersections of public roadways. Motion seconded by Mr. Huckaby and carried.
- C. Motion made by Mr. Adams to approve a request from Habitat for Humanity of Spartanburg, Inc. to solicit funds from motorists at the intersections of Old Georgia Road and East Blackstock Road; Highway 9 and old Furnace Road (Boiling Springs); Highway 29 and Franklin Drive; Springfield Road and Highway 176; and Highway 290 and Reidville Road on Saturday, October 26, from 10 a.m. until 2 p.m. (the alternate rain date is Saturday, November 2). Motion seconded by Mr. Huckaby and carried.
- D. Information received regarding activities of the Building Codes Department.

Land Use Committee (Honorable David Britt, Chairman)

No items scheduled.

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

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

VI.

- A. Motion made by Mr. Huckaby to render third reading to a Budget Ordinance to the fiscal affairs of the Campobello Fire Service Area, the Chesnee Community Fire Service Area, the Cooley Springs-Fingerville Fire Service Area, the Cowpens Fire Service Area, the Cross Anchor Fire Service Area, the Duncan Fire Service Area, the East Greer Fire Service Area, the Enoree Fire Service Area, the Hobbysville Fire Service Area, the Inman Community Fire Service Area, the Town of Inman Fire Service Area, the Landrum Fire Service Area, the Poplar Springs Fire Service Area, the Tyger River Fire Service Area, the Woodruff Fire Service Area, making appropriations therefore, and levying taxes for the year beginning July 1, 2002 and ending June 30, 2003; to provide for budget control of said appropriations by the Spartanburg County Council; providing an effective date. Motion seconded by Mr. Britt and carried.
- B. Mr. Emory Price requested several modifications to the Planning Commission's recommendations, which were given to Council. Out of that group of 30 Amendments, Amendment 7 dealing with Public

Uses needs to be carried over for further study. On Amendment 9, Table 2 needs one modification. A one-phrase tie line was left out. Also, further modifications need to be made to 14, 15, 16, 21, 24, and 25. The Commission held a half-day Work Session at Spartanburg Tech on September 18, and they felt strongly on some of these modifications. Motion made by Mr. Britt to render third reading to an Ordinance amending the Unified Land Management Ordinance (Ordinance O-99-015) with the modifications presented by Mr. Price. Motion seconded by Mr. Huckaby and carried.

- C. Motion made by Mr. Huckaby to render second reading to an Ordinance finding that Startex-Jackson-Wellford-Duncan Water District may issue not exceeding \$8,000,000 General Obligation Bonds; to authorize Startex-Jackson-Wellford-Duncan Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Motion seconded by Mr. Horton and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the Board of Fire Control of the Hilltop Area Fire District to issue General Obligation Bonds in the principal amount of not exceeding \$850,000 of the Hilltop Area Fire District; and other matters relating thereto. Motion seconded by Mr. Huckaby and carried.
- E. Motion made by Mr. Britt to render second 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 Cryovac, Inc.; and matters relating thereto. Motion seconded by Mr. Adams and carried.

VII.

No items were 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.

Mr. Hartmann requested Council approve authorization to contract with the Workforce Investment Board for Administrative Staff Functions. Motion made by Mr. Britt to approve Administration's request. Motion seconded by Mr. Huckaby and carried.

X.

Motion made by Mr. Britt to approve minutes of September 16, 2002. Motion seconded by Ms. Stewart and carried.

XI.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____

Karen Floyd, Chairman

Attest:

Deborah C. Ziegler

Clerk to Council