

MINUTES

County Council Meeting

January 25, 2021

Spartanburg County Council met on Monday, January 25, 2021, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Manning Lynch, Chairman; Honorables Monier Abusoft, Jack Mabry, David Britt, Justin McCorkle, and Bob Walker, Council Members; along with Cole Alverson, County Administrator; Earl Alexander, Deputy County Administrator; John Harris, County Attorney; and Ginny Dupont, 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.

Meeting was live streamed via YouTube. Links and instructions for how to access this meeting via computer or mobile device were made available on the County's webpage and provided to the local media.

I.

Chairman Lynch called the meeting to order. Mr. Lynch stated that we were going to experiment with a new format for this meeting. It is designed to let the citizens that attend the Main Council Meeting see everything Council does. In the past, things have been broken out into Committee Meetings in the afternoon followed by a full Council Meeting at 5:30 p.m. At the last meeting, Council approved an Ordinance on first reading that was fairly complex, and it had to do with financing a replacement for Annex II, which is a Jail that we use downtown. Mr. Lynch did not think anyone at the Main Meeting understood what Council was doing on this item, because Council did not discuss it during the Main Meeting. This change in meeting format is an effort for everyone to be able to understand and see all the discussion and information that goes into the decision-making process.

II.

Invocation was rendered by Chaplain James McMakin.

III.

Honorable Bob Walker led the Pledge of Allegiance.

IV.

Mr. Britt read a Resolution endorsing, supporting and approving the designation of **Chapman Cultural Center Inc.** as the Local Arts Agency for the County of Spartanburg, South Carolina. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Walker and carried.

V.

Mr. Earl Alexander, Deputy County Administrator, recognized Chris Massey, Director of Emergency Services Academy, for his efforts in assisting his neighbors directly across the street from his own during a house fire on December 26, 2020. Chief Scott Miller, Boiling Springs Fire Department, sent an email recognizing the efforts of Director Massey and his wife. Director Massey radioed pertinent information, made sure the resident was safe, emptied a fire extinguisher on the kitchen fire, and aided the fire crews and his neighbor by retrieving vital items from inside the home. Director Massey's spouse, Alicia, made sure the victim's doctor was notified about replacing her vital medications and medical equipment. Their presence and involvement was an invaluable aid to the fire district and the resident. Having a familiar face working with them kept the homeowner calm and reassured.

VI.

- A. Motion made by Mr. Britt to approve the minutes of December 14, 2020 (Regular Meeting). Motion seconded by Mr. Mabry and carried.

VII.

- A. Chairman Lynch declared open a public hearing to consider an **Ordinance to amend Ordinance No. O-20-26** which related to the fiscal affairs of Spartanburg County making appropriations therefore, by increasing General Obligation Bond proceeds by \$9,500,000 increasing the General Fund transfer by \$3,600,000, and increasing expenditure appropriations for County Buildings and Facilities by \$13,100,000 and other matters related thereto. Kirsty Schenkel, 172 Dellwood Drive, Spartanburg, appeared in opposition to this Ordinance. No one else appeared, and the matter was closed.
- B. Chairman Lynch declared open a public hearing to consider an Uncodified Ordinance to transfer property to the Town of Duncan not included within the Town of Duncan's Annexation Ordinance No. AN-2020-02 which consists of a portion of **Pigeon Haven Road** in order to perform maintenance and upkeep on the roadway for the Citizens of Spartanburg County. No one appeared, and the matter was closed.

Mr. Lynch requested unanimous consent to add an item to the Agenda. The item would normally be "Items Requiring a Vote Following Executive Session." Motion made by Mr. Britt to add this item to the Agenda with unanimous consent. Motion carried. There was no opposition. Motion made by Mr. Britt to authorize the County Administrator to disburse the accommodations tax monies as discussed in Executive Session to the Auditorium Commission. Motion seconded by Mr. Mabry and carried.

VIII.

Motion made by Mr. Britt to adopt current **Council Rules and Procedures** to accept change of new Council Members, to confirm new committee appointments as required by rules and procedures, and to amend Rule 7-4 relating to the Council Chairman's vote. Mr. Lynch stated that in the previous rules, Rule 7-4 stated "the County Council Chairman shall vote only in the instance of a tie." Rule 7-4 was changed to read as follows: "Except in a case of a conflict of interest, all members shall vote on all questions with the exception of the Council Chairman who shall vote only on those matters where his/her vote would affect the outcome (to break a tie vote or to create a tie vote). The Council Chairman shall vote on all questions in his/her role as a member of a Committee." Motion seconded by Mr. Mabry and carried.

IX.

Motion made by Mr. Mabry to nominate Mr. Britt to serve as **Vice-Chairperson** for a one (1) year term. Motion seconded by Mr. McCorkle and carried.

X.

Motion made by Mr. Britt to appoint Mr. Mabry, Mr. Lynch, and Mr. Abusaft to serve on the **Appalachian Council of Governments Board**. Motion seconded by Mr. Mabry and carried.

XI.

Motion made by Mr. Britt to appoint Mr. Walker to serve on **SPATS (Spartanburg Area Transportation System) Committee**. Motion seconded by Mr. Mabry and carried.

XII.

Motion made by Mr. Britt to appoint Mr. Lynch to serve on the **Downtown Partnership Committee**. Motion seconded by Mr. Walker and carried.

XIII. Public Health and Human Services Committee

Honorable Bob Walker, Chairman
Honorable Monier Abusoft, Member
Honorable Justin McCorkle, Member

- A. Ms. Kathy Rivers, Director, Community Development Department, presented information in reference to a request from the **Community Development Department** to approve a grant application to the US Department of the Treasury for Emergency Rental Assistance. This program is available to eligible local governments below the State level with a population that exceeds 200,000. These funds would be used to assist households throughout Spartanburg County that are unable to pay rent and utilities due to the COVID-19 pandemic. Spartanburg County has received \$9.6 million to be used for rent and utility assistance for low to moderate income families throughout Spartanburg County including the city limits of the municipalities. All the money has to be obligated by September 30, 2021 and spent by December 30, 2021. The City of Spartanburg, Spartanburg Housing, the United Way of the Piedmont, Upstate Family Resource Center, Middle Tyger Community Center, and possibly other agencies will be partnering with Spartanburg County on this. The County has also retained a consulting firm, Civitas LLC, to provide technical assistance to our team. They also work with the United States Department of Housing and Urban Development providing technical assistance for local governments. They will be working with four of the nine Counties in South Carolina receiving these funds from the Department of the Treasury. Mr. Eric Chatham, Principal Owner and Lead Consultant, Civitas LLC, was present at the meeting. Households are eligible for Emergency Rental Assistance if one or more household members meet the following criteria: (1) has qualified for unemployment benefits or can attest in writing that he or she has experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due directly or indirectly to the pandemic; (2) can demonstrate a risk of experiencing homelessness or housing instability; and (3) has a household income below 80% of the area median income. Emergency Rental Assistance can potentially cover up to twelve months of rental assistance arrears, but not before March 30, 2020, with an additional three months moving forward if necessary to ensure housing stability. Motion made by Mr. McCorkle to approve submittal of grant application. Motion seconded by Mr. Abusoft and carried.

Council Action:

Motion made by Mr. Walker to approve submittal of grant application.
Motion carried.

XIV. **Economic Recruitment and Development Committee**

Honorable David Britt, Chairman
Honorable Manning Lynch, Member
Honorable Jack Mabry, Member

- A. Motion made by Mr. Lynch to render first 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 **Project Juniper**, a code name for a Delaware Limited Liability Company with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Mabry and carried.

Council Action:

Motion made by Mr. Britt to render first 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 **Project Juniper**. Motion carried.

- B. Motion made by Mr. Lynch to adopt a Resolution ratifying the Assignment of a Fee in Lieu of Taxes Agreement between Spartanburg County and **Tyger Lake Spartanburg LLC to Lex Spartanburg (1021 TLD) LLC**; and providing for related matters. Motion seconded by Mr. Mabry and carried.

Council Action:

Motion made by Mr. Britt to adopt a Resolution ratifying the Assignment of a Fee in Lieu of Taxes Agreement between Spartanburg County and **Tyger Lake Spartanburg LLC to Lex Spartanburg (1021 TLD) LLC**. Motion carried.

- C. Motion made by Mr. Lynch to adopt a Resolution authorizing the execution and delivery by Spartanburg County, South Carolina of a Fee in Lieu of Tax Agreement with **Project Replay**. Motion seconded by Mr. Mabry and carried.

Council Action:

Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery by Spartanburg County, South Carolina of a Fee in Lieu of Tax Agreement with **Project Replay**. Motion carried.

- D. Motion made by Mr. Lynch to render first 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 **Project Replay**. Motion seconded by Mr. Mabry and carried.

Council Action:

Motion made by Mr. Britt to render first 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 **Project Replay**. Motion carried.

XV. Personnel and Finance Committee

Honorable Jack Mabry, Chairman

Honorable Bob Walker, Member

Honorable Manning Lynch, Member *(Interim Appointment until the Councilmember from Council District 6 is elected and seated)*

- A. Mr. Brad Love, Haynsworth Sinkler Boyd, presented information in reference to an Ordinance to provide for the issuance and sale of not exceeding ten million dollars (\$10,000,000) Spartanburg County, South Carolina **General Obligation Bonds**, in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. This is for the Annex to the Detention Center. Mr. Alverson stated this is related to the item discussed at length at the last meeting outlining the need for replacement of Annex II. This project is separate and distinct from the Courthouse and Capital Penny projects. This is the facility located across from the rear of the Courthouse across Daniel Morgan. We have owned the building since 1985. Because it was constructed in 1929, it has served its useful life. This is accompanying an item under Old Business for second reading of an Amendment to our Capital Improvement Plan that would establish the project scope. Motion made by Mr. Lynch to render first reading. Motion seconded by Mr. Walker and carried.

Council Action:

Motion made by Mr. Mabry to render first reading to Ordinance. Motion carried.

- B. Mr. Brad Love, Haynsworth Sinkler Boyd, presented information in reference to a Resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$18,000,000 of General Obligation Bonds of **Startex-Jackson-Wellford-Duncan Water District**, South Carolina and to provide for the publication of the notice of such hearing. This Resolution is asking Council to hold a public hearing to authorize SJWD Water District to issue General Obligation Bonds in one or more series for up to \$18,000,000. Billy Cothran and Larry Christopher, SJWD Water District, were also present to answer any specific project questions. Part of the South Carolina law requires the County where the Special Purpose District lies to approve the issuance of the bonds for the district before the district can authorize the issuance. This is the first step in the process. Item B is the Resolution calling for the public hearing, and Item C is the Ordinance authorizing the approval. This is for a laundry list of items. The

current one is the Lyman Lake Dam which was damaged by the tornado back in February of 2020. They have issued debt for portions of it. They are also working on some water towers and water tanks. These projects will be over the next three to four years. Items B and C were taken together. See Item C for the vote.

Council Action:

Items B and C were considered together. See Item C for the vote.

- C. Mr. Brad Love, Haynsworth Sinkler Boyd, presented information in reference to an Ordinance finding that **Startex-Jackson-Wellford-Duncan Water District**, South Carolina may issue not exceeding \$18,000,000 of General Obligation Bonds; to authorize Startex-Jackson-Wellford-Duncan Water Commission to issue such bonds and to provide for the publication of notice of the said find and authorization. Motion made by Mr. Walker to adopt the Resolution under Item B and render first reading to Ordinance under Item C. Motion seconded by Mr. Lynch and carried.

Council Action:

Motion made by Mr. Mabry to adopt the Resolution under Item B and render first reading to Ordinance under Item C. Motion carried. Items B and C were considered together.

- D. Mr. Lawrence Flynn, Pope Flynn, LLC, presented information in reference to a Resolution calling for a public hearing to be held on (1) the enlargement, diminishment and confirmation of the service area of the **Woodruff-Roebuck Water District** and (2) the issuance of not exceeding \$8,000,000 of General Obligation Bonds of the Woodruff-Roebuck Water District, South Carolina; providing for the publication of the notice of such public hearing; and generally approving other matters relating thereto. Woodruff-Roebuck Water District is also requesting the approval of \$8,000,000 of General Obligation Bonds. Similar to the statute Council approved for Startex-Jackson-Wellford-Duncan Water District, Woodruff-Roebuck Water District is also active within that same scope of statutes. The distinguishing factor here is their projects are a little different. Mr. Curt Dillard, General Manager, Woodruff-Roebuck Water District, was also in attendance to answer any questions. A new water treatment plant is being built off I-26. They have added an intake. They are continuing to make water treatment plant upgrades. This will also allow them to build an onsite reservoir facility. This has been part of their long-term Capital Plan. The idea is to roll these General Obligation Bonds on as their outstanding debt rolls off and keep a sustained millage levy in place that they have been doing for the last several years. The additional factor that Woodruff-Roebuck is also asking Council to consider is a certification or ratification of their service territory. The reason for that is because in 2018, as the County came to bring forward its Geographical Information Systems (GIS) and its mapping software, with respect to their election districts, because the board is elected, there were some questions about

the way certain parcels in the northern end of the service territory had been adjusted through time. In the process of requesting the approval of the General Obligation debt, the thought was to make sure they get the entire service territory cleaned up as well. They have been working with County Staff to make sure they are signed off on it. The version attached to the Resolution requesting the public hearing as well as first reading of the Ordinance is based on October 1, 2020 GIS data. This may get updated between now and third reading as they hear more information from County Staff and the Election Department to make sure that they are comfortable with it. There may be a slight adjustment. The map itself should not change, but there may be some parcel adjustments. Motion made by Mr. Walker to adopt the Resolution. Motion seconded by Mr. Lynch and carried.

Council Action:

Items D and E were considered together. See Item E for the vote.

- E. Mr. Lawrence Flynn, Pope Flynn, LLC, presented information in reference to an Ordinance authorizing the **Woodruff-Roebuck Water District**, South Carolina to (1) enlarge, diminish and confirm its service area, and (2) issue not exceeding \$8,000,000 General Obligation Bonds, in one or more series; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto. Motion made by Mr. Lynch to render first reading to Ordinance. Motion seconded by Mr. Walker and carried.

Council Action:

Motion made by Mr. Mabry to adopt the Resolution calling for a public hearing and to render first reading to an Ordinance calling for the issuance of General Obligation Bonds. Motion carried. Items D and E were considered together.

- F. Updated financial data and personnel vacancy reports were received.

XVI. Livability Committee

Honorable Jack Mabry, Chairman (*Interim Appointment until the Councilmember from Council District 6 is elected and seated*)
Honorable Monier Abusaft, Member
Honorable Justin McCorkle, Member

- A. Information received regarding activities of the Parks Department.

XVII. Public Safety and Judiciary Committee

Honorable Monier Abusoft, Chairman
Honorable David Britt, Member
Honorable Bob Walker, Member

- A. Motion made by Mr. Britt to authorize the **Commission of Darrell Weathers**, Planning Department, as a Code Enforcement Officer. Motion seconded by Mr. Walker and carried.

Council Action:

Motion made by Mr. Abusoft to authorize the **Commission of Darrell Weathers**. Motion carried.

- B. Updated information received regarding activities of Building Codes Department.

XVIII. Land Use Committee

Honorable Justin McCorkle, Chairman
Honorable David Britt, Member
Honorable Manning Lynch, Member

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

XIX. Public Works, Buildings and Grounds Committee

Honorable Manning Lynch, Chairman
Honorable Jack Mabry, Member
Honorable David Britt, Member *(Interim Appointment until the Councilmember from Council District 6 is elected and seated)*

- A. **Capital Penny Phase I Update** was presented by Mr. Alverson. To date, we have put about 13,700 labor hours toward the project. We have about one-half of a parking deck assembled. To date, our crews have assembled about 300 out of the roughly 600 precast pieces that are there. Our crews at Metromont, who is the subcontractor on the parking deck side for precast, have done about 20 million pounds of concrete in total. Some electrical crews are also there. In terms of activity on the rest of the site, the Central Energy plant is beginning to form up. It will house all of our mechanical equipment. They have formed up this past month the foundations, and they are now beginning to precast walls. As it relates to the rest of the project for the Courthouse, we are reaching about 50% of our construction documents. Our team has been working to nail down specifics in particular for steel, drywall, and aluminum. We got some early word that escalation could be potentially double digit on some of these things if we do not hurry up and lock in some of the mill package prices. As it relates to the Emergency Operation Center, we are in design development. We recently got back some revised renderings to the outside to try to dress it up. We have made

changes to some window locations. As it relates to the Municipal Police Building, Turner Construction, who is our General Contractor on the project, is currently pricing out the conceptual design, so the City of Spartanburg can review it.

A video was shown on some of the highlights at the Courthouse. The video can be found at [Invest Spartanburg | Spartanburg County, SC](#).

- B. Updated information received regarding activities of the Public Works Department.

XX.

Ms. Jackie Knafelc, 155 Joe Roy Drive, Lyman; and Ms. Lisa Pitts, 423 Gibbs Village Lane, Wellford, appeared in reference to dogs at the Wellford landfill. Mr. Larry Bates, 741 Shadow Dance Lane, Boiling Springs appeared in reference to litter control. Ms. Barbara Cameron, 417 Lyman Lake Road, Lyman, gave her time to Mr. Cecil Chappell. Mr. Cecil Chappell, 465 Lyman Lake Road, Lyman; Mr. James Manning, 409 Lyman Lake Road, Lyman; Ms. Marsha Madore, 345 Lyman Lake Road, Lyman; Ms. Kristyn McGraw, 491 Lyman Lake Road, Lyman, and Ms. Karen Baddorf, 317 Lyman Lake Road, Lyman, appeared in reference to a proposed subdivision, Lakeside at Lyman. Mr. Chappell left a handout and a petition which are included in backup. Mr. Mike Behnke, 240 Henry Court, Spartanburg, appeared in reference to taxes and fee-in-lieu-of-taxes. Mr. Walker stated that Council will look at what his constituents presented regarding their concerns with the proposed subdivision and expressed his appreciation for them being at the meeting. Mr. Walker feels that Council will agree with him that roads and stormwater are two issues that Council needs to address.

XXI.

- A. Motion made by Mr. Britt to render second reading to an **Ordinance to amend Ordinance No. O-20-26** which related to the fiscal affairs of Spartanburg County making appropriations therefore, by increasing General Obligation Bond proceeds by \$9,500,000 increasing the General Fund transfer by \$3,600,000, and increasing expenditure appropriations for County Buildings and Facilities by \$13,100,000 and other matters related thereto. Motion seconded by Mr. Mabry and carried.
- B. Motion made by Mr. Walker to render second reading to an Uncodified Ordinance to transfer property to the Town of Duncan not included within the Town of Duncan's Annexation Ordinance No. AN-2020-02 which consists of a portion of **Pigeon Haven Road** in order to perform maintenance and upkeep on the roadway for the Citizens of Spartanburg County. Motion seconded by Mr. Britt and carried.

XXII.

- A. Motion made by Mr. Britt to approve the **2021 County Council Meeting Schedule**. Motion seconded by Mr. Mabry and carried.
- B. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 84-7 sets up for use program income received from HOME and CDBG participants in December 2020. Budget Amendment Number 366-7 sets up the budget for revenue received in December 2020 in the Sheriff's State Drug Account. Budget Amendment Number 589-7 reduces the Environmental Enforcement budget in the Solid Waste Fund. Budget Amendment Number 643-7 transfers capital project funds from various Solid Waste projects to the Valley Falls Convenience Center Construction project, CP30500618, to provide resources for increased construction costs. Budget Amendment Number 675-7 recognizes a contribution from the City of Spartanburg for the Coroner's purchase of crime scene documentation technology software. Budget Amendment Number 683-7 recognizes revenue from a landfill customer for the repair of the cash drawer on the scale house. Budget Amendment Number 685-7 approves the recognition and sets up squad school fees received by the Trinity Fire Department from various fire departments. Budget Amendment Number 691-7 sets up the budget for grant PDMC-PL-04-SC-2019-011 for Emergency Management. Budget Amendment Number 820-6 adjusts the FY21 CDBG and HOME grant award allocations for Community Development. Budget Amendment Number 1158 accepts and sets up the Emergency Rental Assistance Grant established under the federal Consolidated Appropriations Act of 2021 administered by the U.S. Department of Treasury.

Motion made by Mr. Walker to approve the Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Mabry and carried.

- C. Mr. Walker requested a moment of personal privilege to thank everyone for their time and prayers for him in the last few weeks. It has been very difficult for him and his wife. He appreciates the thoughts, the prayers, and the cards. He stated it was great for him to be at the meeting. He could not be at the Installation Ceremony on January 14, 2021. He expressed his appreciation and stated that the good Lord has been good to him.

Spartanburg County Council
January 25, 2021

XXIII.


Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____

A. Manning Lynch, Chairman

Attest:



Deborah C. Ziegler
Clerk to Council