



MINUTES

County Council Meeting

General Session

Monday, January 27, 2020

Spartanburg County Council met on Monday, January 27, 2020, in the County Council Chambers of the County Administrative Office Building. The following were in attendance: Honorable Manning Lynch, Chairman; Honorables Michael Brown, Jack Mabry, David Britt, Whitney Farr, Bob Walker, and Roger Nutt, Council Members; along with Cole Alverson, County Administrator; Earl Alexander, Deputy County Administrator; Ginny Dupont, County Attorney; and John Harris, 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 Lynch called the meeting to order.
- II. There were no items requiring a vote following Executive Session.
- III. Motion made by Mr. Nutt to nominate David Britt to serve as Vice-Chairperson for a one (1) year term. Motion seconded by Mr. Mabry and carried.
- IV. Motion made by Mr. Britt to appoint Jane W. Hall, At Large, to the Appalachian Council of Governments Board. Motion seconded by Mr. Nutt and carried. Motion made by Mr. Brown to appoint Mildred Tillerson, Minority Appointee, to the Appalachian Council of Governments Board. Motion seconded by Mr. Nutt and carried. Motion made by Mr. Brown to appoint Michael Fowler, Minority Appointee, to the Appalachian Council of Governments Board. Motion seconded by Mr. Britt and carried. Motion made by Mr. Brown to appoint Romesena Holman, Community Development Advisory Committee Representative, to the Community Development Department Housing Loan Committee. Motion seconded by Mr. Britt and carried. Motion made by Mr. Britt to appoint Cathy Bannon Carden to the Disabilities and Special Needs Board. Motion seconded by Mr. Mabry and carried. Motion made by Mr. Mabry to appoint Anthony Earl Revels to the Disabilities and Special Needs Board. Motion seconded by Mr. Britt and carried.

Motion made by Mr. Farr to appoint J. Martial Robichaud, District 4, to the Spartanburg County Planning Commission. Motion seconded by Mr. Walker. Chairman Lynch stated we have a motion and a second and asked if there was any discussion. Mr. Brown stated that he understood there were some questions in regards to what Mr. Farr wanted to do with this appointment. Mr. Farr stated that he moved to appoint him. Mr. Lynch called for discussion. Mr. Brown stated that in terms of this appointment, he understands that there may have been some unreadiness. Mr. Brown stated that he only asked that because clearly they want to operate as a Council. He understood that it was Mr. Farr's appointment, but Council wants to hopefully operate in a unified manner, and if Council cannot, Mr. Brown thought there should be some discussion over this. Mr. Lynch stated that he thought this was a valid question. Mr. Lynch served with Mr. Robichaud for two years on the committees that were working on the Area Performance Planning, and Martial told them numerous times when the committees did things that he did not agree with that he would get the last bite at the apple, and so he did. He took a lot of the work of the committee and undid it in the Planning Commission. Mr. Lynch stated that it set Council back months on adopting the Area Performance Plan (APP). Mr. Lynch felt like he was rowing in a different direction than County Council. Mr. Lynch thinks he knew he was rowing in a different direction, and Mr. Lynch does not feel like Mr. Robichaud is a good appointment to the Planning Commission.

Mr. Nutt stated that he agreed with Mr. Lynch, and he would go a little bit further. Mr. Nutt stated the Planning Commission is an independent body, of course, from Council, and he would not disparage anybody for their vote, voting record, or collective record. From what the Chairman said, Mr. Nutt stated that he was on the same committee. They had a consultant that was there to give them guidance on the document that they were creating, and one of the fundamental items in the Ordinance was about Road Classifications. The Road Classifications were to be made solely based on technical observation of the use of the roads. It was not a political assignment of Road Classifications. It was not a contest or based on what everybody on that road felt like it ought to be. It really had nothing but technical aspects. The consultant was very adamant that if our Road Classifications were not based on technical specifications or classifications, then the whole process they were doing was shaky, and it would not work at all. It would tear down the whole process. So, it was something the committee really worked on a lot at the end of the committee as a whole. So, the committee worked on it, and as the Chairman said, there was some back and forth, and it was told to the committee that the Planning Commission was going to have a

shot at it, and he was going to make sure that they would undo some of the classifications in his area. So, when it got to the Planning Commission, it was not just that a vote was taken, and he voted a certain way. There was a lot of the public brought in for the meeting, and they were told that County Council was going to undo everything the Planning Commission did. County Council was going to obviously pass it or not pass it when it came to Council. At that point, Council had people that came to them, writing letters and making phone calls, saying you are going to undo everything that the Planning Commission did. The Planning Commission dealt with it for about 30 minutes one night, and the committee dealt with it for years. Because Council knew about the technical aspects of the Road Classifications, going back to the Road Classifications was the only way to do it correctly. So, Council did go back to the Road Classification, but they had to go back to the Planning Commission, and then back and forth. It probably cost the Council two or three months' worth of work. For that reason, not because of the voting record or being independent or whatever, Mr. Nutt thinks if Council is going to have that as their arm of the Planning Commission, then that is probably not something he would wish to have on the Planning Commission. He stated that County Council can decide whatever, but that will be his vote. Mr. Brown stated that he knows that Council has had delays with other things, and asked if it cost us literally money in terms of the time. Mr. Nutt stated they had to write and rewrite. He was not saying that he personally caused all that but it was certainly an effort to be sure. Mr. Nutt stated that he had legitimate beliefs, and he does not disparage anybody for that, but for the whole thing and how it panned out, it is not something that he would like to see from our Planning Commission.

Mr. Farr stated that this is his appointment for his area. The majority of the Area Performance Planning meetings, Mr. Farr did not attend. However, he does believe Mr. Robichaud did attend the majority of the meetings as a nonvoting member of the Area Performance Planning Committee. Once it did receive clarification from the Area Performance Planning Committee, it went on to the Planning Commission. In the meantime, the Chairman that served over the Area Performance Planning Committee was also the same person that served over the Planning Commission. Mr. Farr understands, from various discussions, that Mr. Robichaud brought various insights that were not necessarily the majority of other insights that sat on the Planning Commission. Mr. Farr understands that he brought committee involvement to the Planning Commission. Mr. Farr does not disparage anybody for bringing conversation, even if it tends to be more conversation than some people want at times. The Planning Commission meetings are public meetings, and if he feels

that the public should know about what is going on, Mr. Farr stated that he does not disparage it. Section 6-29-350(C) of the South Carolina Code states that in the appointment of planning commission members the appointing authority shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction. The district that Mr. Farr represents goes from Greer to Pacolet from Cross Anchor to the Union County line all the way back to Roebuck. The area of the Area Performance Planning only goes from 85 to 221 and the Greenville County line back to 290. Mr. Robichaud, while sitting on that committee, also represents the rest of Mr. Farr's Council district that for the majority part still is primarily rural and primarily agricultural and is struggling with what is coming to Spartanburg County. Mr. Farr does not believe that anybody is opposed to what is coming to Spartanburg County. However, they are opposed to the order in which things may happen. District Four has a lot of very small roads. There are a lot of the roads that were in discussion. In the Area Performance Advisory Committee, early on those roads were listed and had been listed and had been detailed out by our Planning Department. They had spent well over a year writing up the original drafts of the Area Performance Planning. Those Road Classifications were changed primarily because, as we indulged into these documents, we realized that the area was going to grow beyond what density was allowed by the current Road Classifications. Those Road Classifications were at that point changed to allow for sewer to come there which is fine because higher density allows for less urban sprawl, but in the original documents that came from the Planning Department to the Area Performance Planning Advisory Committee, those roads were all upgraded midstream of this entire process, and while that is fine, Mr. Farr does not fault anybody for bringing back to light some of the things that went on as well as having a fruitful conversation. Therefore, Mr. Farr stated that he cannot not reappoint somebody just because they want to have a meaningful conversation and things may or may not get changed from one committee to the other. Mr. Farr stated that at the end of the day, County Council had the final say so on what happened. Motion made by Mr. Farr to appoint Mr. Martial Robichaud. Mr. Lynch advised Mr. Farr that he had already made the motion.

Mr. Nutt stated the Road Classifications did change midstream, but there is a real easy reason for the change. The Committee was going to have to classify each individual road. So, when they first got it they were all at the lowest level. When they found out that most roads were kind of in the middle, they moved every road to the

middle. Then there was a lot less roads to move when they had to do it the second way instead of going through each one and moving them all up. They moved them all up to the middle, and then they started taking the ones that were lower down and the ones that were higher up. It was only technical reasons for moving the Road Classifications. It did not have anything to do with them deciding all the roads were a bigger level in the middle. Mr. Nutt wanted to clarify that it had nothing to do with changing the roads in the middle.

Mr. Brown asked Mr. Farr as a point of question if he was familiar with the other person listed as a possible alternative. Mr. Farr stated that he had never heard of him. Mr. Brown stated that he could certainly say that from his time on Council, Council has on a few occasions done some things in regards to appointments that may have been contrary to what some members on Council may have wanted, and Mr. Brown stated that he is certain that this Council is going to take the action that it feels appropriate. For light of this conversation, Mr. Brown stated that he did not want Mr. Farr to be the person that he would feel on the outside of this process, so Mr. Brown stated that he was going to vote for his power of appointment. But in light of what he had heard at the meeting, Mr. Brown stated that Council just has to mindful of appointments of anything Council considers in the future. Mr. Brown stated that he was going to respect Mr. Farr's request based upon his appointment. He just wanted to extend that olive branch.

Mr. Walker stated that since he has been on the Council, this is probably the first time Council has dealt with this situation. He was under the impression and feels that Council should defer to the person that has that appointment. Here again, he stated that he understands that is not necessarily the case, but he respects everybody's comments, but he has not heard of anything that would lead him to not vote to follow Councilman Farr's suggestion. Mr. Walker stated the he thinks that he is the one that lives there in that area, and he would hope that if there is a problem that he would address it in a proper way. Mr. Walker stated that he wishes Council would have had this discussion ahead of time. Mr. Lynch stated that they have been discussing it all week, and told Mr. Walker that he was well aware of the discussion. Mr. Walker stated that there have been comments made to him, but he did not realize that Council was going to take this approach. He was not disagreeing with anybody, but he thinks Council needed to proceed. He stated that he has an appointment coming up next, and he hoped that Council would agree with him. If Council sees they have a problem, they have legal staff. Mr. Walker stated that Council can revise this process in the future,

so they do not have an embarrassing moment like he thought they were having at the meeting.

Mr. Lynch asked if there was any other discussion and stated "let's move to the vote." Mr. Brown, Mr. Farr and Mr. Walker voted in favor of appointing Martial Robichaud. Mr. Mabry, Mr. Britt, and Mr. Nutt opposed. Mr. Lynch stated this was a tie vote and exercised his authority to break the tie. Mr. Lynch voted opposed as well. Motion made by Mr. Nutt to appoint Bill Hamilton to District 4. Motion seconded by Mr. Britt. Mr. Mabry, Mr. Britt, and Mr. Nutt voted in favor. Mr. Farr stated, "Excuse me Mr. Chairman, Point of Order. You asked for no discussion on this matter." Mr. Lynch stated that he was sorry. He thought Council had discussed plenty. Mr. Farr stated that they had discussed one appointment, but they did not discuss the second appointment. Motion made by Mr. Farr to table this appointment until the next Council meeting. He stated that he knew nothing about this gentleman, and he felt they all deserve the right to do a little more research and come back to this next month. Mr. Lynch stated Council has a motion that had been duly seconded. Ms. Dupont stated that she thought he was moving to amend that motion at this point. Mr. Lynch stated that is not what he said. He said he wanted to table it. Ms. Dupont stated that is correct. Mr. Lynch stated that at this point he has a motion and a second. If you want any discussion go ahead, otherwise they were going to vote. Mr. Nutt asked if you can table a motion after a second. Mr. Lynch stated that you cannot. Mr. Nutt asked when you can table a motion. Ms. Dupont stated that you can. Mr. Farr stated that his motion stands, and it calls for a vote. Ms. Dupont stated that if it gets a second, it will call for a vote. Mr. Brown seconded the motion. Mr. Lynch asked if the motion and second to table takes precedence over the prior motion. Ms. Dupont stated that it did. Mr. Lynch stated it is tabled until when. Mr. Farr stated the next Council meeting was his motion. Mr. Nutt stated that he personally did not see any problem with putting it off for a month to give Councilman Farr a chance to look at the appointment. It is his district. Mr. Mabry stated that he thinks Council needs to dig a little deeper into it. He does not know Bill Hamilton, but it is Mr. Farr's district. Mr. Farr stated that he would appreciate a month to look into it. Mr. Alverson stated that just to clarify, a table would just lay it on the table until later in the meeting. He believes what Mr. Farr is intending is to postpone definitely. Mr. Lynch stated that we cannot put words in his mouth. He said table. Mr. Lynch stated that was not fair. Mr. Walker asked if he didn't say he was tabling it until the next meeting. Mr. Farr stated that he did. Mr. Walker stated that is a time certain. Mr. Farr stated that he did say until the next meeting. Mr. Alverson stated that to table is to lay on the table until later in the meeting and to postpone is to put it to

another meeting. Mr. Nutt asked how much longer into the meeting were they going to go. Mr. Britt asked if Mr. Farr could restate his motion. Mr. Alverson stated that he believed Mr. Farr could restate his motion if that is his intent. Mr. Farr moved to postpone this definitely until the next Council meeting. Motion seconded by Mr. Brown and carried. Mr. Lynch stated that they would put this off until the next meeting.

Mr. Lynch requested a three minute recess. Council reconvened. Motion made by Mr. Walker to appoint James Les Green, District 5, to the Spartanburg County Planning Commission. Motion seconded by Mr. Nutt and carried.

Mr. Lynch stated that he wished to put the At Large appointment to the Spartanburg County Planning Commission off for a month. Mr. Walker stated that it is on the agenda. Motion made by Mr. Walker to delay action on the Stewart Winslow, At Large position, until the next meeting. Motion seconded by Mr. Nutt. Mr. Farr asked for clarification on why and stated it was on the agenda. Motion carried. Mr. Farr opposed.

Motion made by Mr. Nutt to appoint Ross L. Abrams to the Twin Lakes Special Tax District. Motion seconded by Mr. Britt and carried. Motion made by Mr. Walker to appoint Paul Thomas Smith to the Tyger River Fire District Board. Motion seconded by Mr. Britt and carried. Motion made by Mr. Walker to appoint James E. Stephens to the Tyger River Fire District Board. Motion seconded by Mr. Farr and carried. Motion made by Mr. Walker to appoint Jerry Conway Smith to the Tyger River Fire District Board. Motion seconded by Mr. Mabry and carried. Motion made by Mr. Britt to appoint Wallace Jason Patrick, District 3, to the Board of Zoning Appeals (formerly Spartanburg County ULMO Board of Appeals). Motion seconded by Mr. Brown and carried. Motion made by Mr. Nutt to appoint Michael Padgett, At Large, to the Board of Zoning Appeals. Motion seconded by Mr. Britt and carried.

Meeting adjourned.

Spartanburg County Council

By: 
A. Manning Lynch, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council