



# MINUTES

## County Council Meeting

January 27, 2020

Spartanburg County Council met on Monday, January 27, 2020, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: 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; 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.

I.

Chairman Lynch called the meeting to order.

II.

Invocation was rendered by Chaplain Amos Durham.

III.

Honorable Bob Walker led the Pledge of Allegiance.

IV.

- A. Motion made by Mr. Walker to adopt a Resolution congratulating and expressing appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of **Chapman High School's Football Team**, "The Panthers," for winning the South Carolina AAA Football State Championship. Motion seconded by Mr. Britt and carried. Dr. Andrew McMillan, Principal; Coach Mark Hodge; the coaching staff; and the players received the Resolution.

V.

No Employee Recognitions were scheduled.

VI.

- A. Motion made by Mr. Britt to approve the minutes of December 16, 2019 (Regular Meeting). Motion seconded by Mr. Brown and carried.

VII.

- A. Chairman Lynch declared open a public hearing to consider the issuance by **Spartanburg Regional Health Services District, Inc.** (the "Issuer") of certain Hospital Revenue Bonds (the "Bonds"), in one or more series, in an aggregate principal amount not to exceed \$120,000,000. No one appeared, and the matter was closed.
- B. Chairman Lynch declared open a public hearing to consider an Ordinance abolishing the **Domestic Violence Board**. No one appeared, and the matter was closed.
- C. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a Special Source Credit Agreement by and between Spartanburg County, South Carolina and **Partans, LLC** with respect to certain economic development property in the County, whereby such property will receive certain special source credits; and other matters related thereto. No one appeared, and the matter was closed.
- D. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing the execution and delivery of Fee In Lieu Of Tax Agreements by and between Spartanburg County, South Carolina and **Oriole Solar LLC, Spring Solar LLC, and Stone Solar LLC**, South Carolina limited liability companies, formerly identified collectively as Project Stone, with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. No one appeared, and the matter was closed.
- E. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a Special Source Credit Agreement by and between Spartanburg County, South Carolina and **Liberty Street Apartments, LLC**, with respect to certain economic development property in the County, whereby such property will receive certain special source credits; and other matters related thereto. No one appeared, and the matter was closed.
- F. Chairman Lynch declared open a public hearing to consider an Uncodified Ordinance to authorize the **Sale of County Owned Property** identified as Tax Map Number 4-06-00-100.01, located at Highway 101, Woodruff, South Carolina and more fully described as those certain tracts or parcels of land situate, being and lying in the County of Spartanburg, State of South Carolina containing approximately 0.50 acres. No one appeared, and the matter was closed.

- G. Chairman Lynch declared open a public hearing to consider an Ordinance to amend the **Spartanburg County Floodplain Ordinance** in accordance with guidance from the South Carolina Department of Natural Resources which mandate certain changes and recommend other changes based upon the South Carolina State Model Ordinance. No one appeared, and the matter was closed.

VIII.

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

1. Motion made by Mr. Britt to adopt a Resolution authorizing the addition of **Airsys Cooling Technologies, Inc.** as a Sponsor Affiliate under a 2018 Fee Agreement between Spartanburg County, South Carolina and **SF Industrial Property Owner, L.P., SF Industrial Property Owner 2, L.P., and SF Industrial Venture, L.P.** (collectively, the "SF Entities") and matters relating thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.
2. Motion made by Mr. Britt to adopt a Resolution authorizing, under certain conditions, the execution and delivery by Spartanburg County, South Carolina of a Fee In Lieu Of Tax Agreement with **Tyger Lake Spartanburg LLC** with respect to an industrial project in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and providing for related matters. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.
3. 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 **Tyger Lake Spartanburg LLC** 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. Brown and carried. Mr. Farr opposed. Mr. Britt stated these two projects represent \$24 million of investment and 116 new jobs in Spartanburg County.

B. **Personnel and Finance Committee** (Honorable Bob Walker, Chairman)

1. Motion made by Mr. Walker to approve a Resolution approving the issuance by the **Spartanburg Regional Health Services District, Inc.** of certain Hospital Revenue Bonds, pursuant to the provisions of Articles 15 and 16 of Chapter 7, Title 44, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$120,000,000. Motion seconded by Mr. Nutt and carried.
2. During the Personnel and Finance Committee meeting, Mr. Stan Halliday, McAbee, Schwartz, Halliday & Co., presented information on the results of the **Annual Financial Audit (Fiscal Year 2019)**. The presentation, the Auditors' Communication Letter, and the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2019, are included in backup.
3. Updated financial data and personnel vacancy reports were received.

**C. Livability Committee** – (Honorable Jack Mabry, Chairman)

1. Information received regarding activities of the Parks Department.

**D. Public Safety and Judiciary Committee** – (Honorable Michael Brown, Chairman)

1. Motion made by Mr. Brown to approve a request from **Trinity Fire Department** to apply for the Assistance to Firefighter Grant (AFG) to replace radios. Motion carried.
2. Updated information received regarding activities of Building Codes Department.

**E. Land Use Committee** (Honorable Roger Nutt, Chairman)

1. Updated Planning Department Reports on Development Activity were received.

**F. Public Works, Buildings and Grounds Committee** (Honorable Roger Nutt, Chairman)

1. Mr. Nutt presented a Capital Penny Phase I Update for the Judicial Building. Three existing buildings along Library Street have been removed, and the lot has been hydroseeded to stabilize the soil for the short-term. The early sitework (utility relocation, rigid inclusion piers and footers) should start in March. At this time, Library Street will be closed off from Daniel Morgan, and site fencing will be reoriented. Parking for the existing Courthouse will continue to be at the surface lot off Daniel Morgan, and on-street parking will be on Magnolia. The parking that was available on Library Street in the past will not be available during this time. The deck itself will start taking shape in May, and the plan is to complete it near the end of this year. It will have approximately 578 spaces and the adjoining surface lot will have an additional 65 spaces, but that surface lot will not be completed until the old Courthouse is demolished. It will be used for construction functions until then. The CPA Office at 191 North Daniel Morgan will be repurposed as the construction office for the project. Parking lots around the building will be used for construction parking and laydown. As the parking garage sitework starts, overhead power and telecom will be relocated along Library to underground and a new temporary Judge's parking lot will be constructed off Magnolia Street at the front of the building. Once the old Judge's parking lot has been vacated, the Central Energy Plant work will start taking place. The goal is to have the equipment and connections installed near November and cut over power and hot and cold water around Christmas. We are still ahead on revenues.
2. Updated information received regarding activities of the Public Works Department.

IX.

Mr. Ryan Barnett, 401 Hampton Ridge Drive, Greer, and Mr. Cibby Krell, 24 Hagood Court, Spartanburg, appeared to request a Resolution declaring Spartanburg County as

a Second Amendment Sanctuary Jurisdiction. (Proposed Resolution given to Council by Mr. Cibby Krell is included in backup)

X.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to enter into an Agreement for the Development of a Joint County Industrial and Business Park by and between Spartanburg County and Cherokee County, South Carolina, so as to include property located in Cherokee County as part of the Joint County Industrial and Business Park, and other matters relating thereto. **(Freightliner Custom Chassis Corporation)** Motion seconded by Mr. Brown and carried. Mr. Farr opposed.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the assignment and assumption of a Fee-In-Lieu Of Tax Agreement originally by and between Spartanburg County, South Carolina and **Spartanburg Industrial Property Owner, LLC, as the company/assignor, to Stag Industrial Holdings, LLC, as assignee.** Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
- C. Motion made by Mr. Mabry to render third reading to an Ordinance regulating **Nuisance Businesses** and regulating the permitting of Nightclubs within the unincorporated areas of Spartanburg County and providing penalties for violations of said Ordinance. Motion seconded by Mr. Britt. Mr. Brown stated this was a highly discussed proposal. As Mr. Brown understands it, it does give nightclubs and other businesses an opportunity to operate effectively if they meet certain stipulations as have been laid out by County Council. Mr. Brown is happy with the Ordinance and thinks it covers everything County Council wanted to see. Motion carried.
- D. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the **Spartanburg Sanitary Sewer District**, South Carolina to enlarge its service area; and generally approving other matters relating thereto. Motion seconded by Mr. Mabry and carried. Mr. Nutt abstained from this vote.
- E. Motion made by Mr. Britt to render second reading to an Ordinance abolishing the **Domestic Violence Board.** Motion seconded by Mr. Mabry. Mr. Alverson stated there is already a board that effectively covers the same purpose which is headed by the Solicitor's Office. As a matter of practice, they have included the same group of individuals who would otherwise make up this board. Therefore, it would be a duplicative effort to have two boards covering the same ground with the same makeup of people. This simply streamlines it. Motion carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Special Source Credit Agreement by and between Spartanburg County, South Carolina and **Partans, LLC** with respect to certain economic development property in the County, whereby such property will receive certain special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.
- G. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of Fee In Lieu Of Tax Agreements by and between Spartanburg County, South Carolina and **Oriole Solar LLC, Spring Solar LLC, and**

**Stone Solar LLC**, South Carolina limited liability companies, formerly identified collectively as Project Stone, with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

- H. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Special Source Credit Agreement by and between Spartanburg County, South Carolina and **Liberty Street Apartments, LLC**, with respect to certain economic development property in the County, whereby such property will receive certain special source credits; and other matters related thereto. Motion seconded by Mr. Mabry and carried. Mr. Farr opposed.
- I. Motion made by Mr. Britt to render second reading to an Uncodified Ordinance to authorize the **Sale of County Owned Property** identified as Tax Map Number 4-06-00-100.01, located at Highway 101, Woodruff, South Carolina and more fully described as those certain tracts or parcels of land situate, being and lying in the County of Spartanburg, State of South Carolina containing approximately 0.50 acres. Motion seconded by Mr. Nutt and carried.
- J. Motion made by Mr. Farr to render second reading to an Ordinance to amend the **Spartanburg County Floodplain Ordinance** in accordance with guidance from the South Carolina Department of Natural Resources which mandate certain changes and recommend other changes based upon the South Carolina State Model Ordinance. Motion seconded by Mr. Nutt. Mr. Walker asked for clarification on this item. Mr. Nutt stated this Ordinance is basically changing some things to match the way Federal Emergency Management Agency (FEMA) is updating their General Ordinance. Council is adopting the same Ordinance. Then when FEMA changes come down, our Ordinance can be changed to incorporate what FEMA has done over the course of rewriting their Ordinance. Motion carried.

XI.

No Items Scheduled.

XII.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 110 and 739 sets up for use program income received from HOME and CDBG participants in December 2019. Budget Amendment Number 597 recognizes revenue received from the wellness program and sets up funds to be reinvested in the program. Budget Amendment Number 610 approves the recognition and sets up insurance revenue received for the repair of a fire truck. Budget Amendment Number 651 authorizes the set-up of revenue received from the State for Drug Court as well as Drug Treatment Education. Budget Amendment Number 668 authorizes the use of Road Maintenance Fee fund balance for the Town of Lyman's portion of the reclamation of Hampton Road. Budget Amendment

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Number 754 sets up budgeted funds for the DHEC Grant in Aid award. Budget Amendment Number 755 adds additional budgeted funds to C Fund project 200035, the Falling Creek and North Blackstock Road project. Budget Amendment Number 759 sets up budgeted funds for C Fund project 20024L. Budget Amendment Number 774 is a follow-up to BAR 20011 approved by Council at its December 2019 meeting to approve the addition of seven School Resource Officer (SRO) positions in the Sheriff's Office.

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

XIII.


Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:

  
A. Manning Lynch, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council