



MINUTES

County Council Meeting

February 17, 2020

Spartanburg County Council met on Monday, February 17, 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 Clay Collins.

III.

Honorable Bob Walker led the Pledge of Allegiance.

IV.

- A. Mr. Mabry presented a Proclamation giving honor and remembrance for **Mr. Jack "John" George Burth Jr.** on his life and service to Spartanburg County to Mr. Burth's family.
- B. Motion made by Mr. Britt to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the high achievements of Students, Coaches and Technical Mentors competing in **Cyber Patriot, the National High School Cyber Competition.** Motion seconded by Mr. Nutt and carried. Mr. Mabry presented the Resolution to Ms. Marcia Schenck, Department Chair, Computer and Engineering Technologies, Spartanburg Community College, and Mr. Steve Ford, parent volunteer.

- C. Motion made by Mr. Nutt to adopt a Resolution endorsing, supporting and proclaiming the Week of April 19, 2020 through April 26, 2020 as **Keep ONESPARTANBURG Beautiful Week** in Spartanburg County. Motion seconded by Mr. Britt and carried. Mr. Lynch presented the Resolution to Executive Director Christy Snow; Board President Wesley Hammond; and Vice President Jes Sdao Swanson, Keep OneSpartanburg Beautiful.

V.

Mr. Earl Alexander, Deputy County Administrator, congratulated and recognized Ms. Nikki Hall, Internal Auditor, on completing the monumental task of becoming a Certified Fraud Examiner in three and a half months.

VI.

- A. Motion made by Mr. Brown to approve the minutes of January 27, 2020 (Regular Meeting). Motion seconded by Mr. Britt and carried.

VII.

- A. Chairman Lynch declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- B. Chairman Lynch declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Pontheolla Mack Abernathy, Clevedale Historic Inn and Gardens**, from 5:30 p.m. until 11:00 p.m. on Saturday, May 2, 2020 for a Wedding and Reception at 1050 Willis Road, Spartanburg. No one appeared, and the matter was closed.
- C. Chairman Lynch declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Pontheolla Mack Abernathy, Clevedale Historic Inn and Gardens**, from 5:30 p.m. until 11:00 p.m. on Saturday, June 20, 2020 for a Wedding and Reception at 1050 Willis Road, Spartanburg. No one appeared, and the matter was closed.

VIII.

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

1. Mr. Britt recused himself on Items A and B due to a conflict of interest. Mr. Nutt served as chairman for this committee on Items A and B while Mr. Britt was out of the room. Motion made by Mr. Nutt to adopt a Resolution authorizing the execution and delivery by Spartanburg County, South Carolina of a Fee In Lieu Of Tax Agreement with **Project Storm Drain**. Motion carried. Mr. Farr opposed.
2. Mr. Britt recused himself on Items A and B due to a conflict of interest. Mr. Nutt served as chairman for this committee on Items A and B while Mr. Britt was out of the room. Motion made by Mr. Nutt 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 Storm Drain]**. Motion carried. Mr. Farr opposed.
3. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an amended and restated Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina and **Limelight Solar III, LLC**. Motion carried. Mr. Farr opposed.
4. 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 R7**. Motion carried. Mr. Farr opposed.
5. 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 R7**. Motion carried. Mr. Farr opposed. Mr. Britt stated these three items represent \$37 million of investment and around 30 new jobs in Spartanburg.

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

1. Motion made by Mr. Walker to adopt a Resolution to certify the former **Valley Falls Mill property** as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion carried.
2. Motion made by Mr. Walker to render first reading to an Ordinance to certify the former **Valley Falls Mill property** as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion carried.
3. Motion made by Mr. Walker to adopt a Resolution authorizing the **Master Lease Agreement** in the principal amount of not exceeding \$2,788,156 relating to the financing of equipment for public purposes; authorizing the execution and delivery of various documents; and other matters relating thereto. Motion carried.
4. Updated financial data and personnel vacancy reports were received.

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

1. Motion made by Mr. Mabry to support a request from **Partners for Active Living** that Council designate up to \$100,000 from the existing trails funding for Wadsworth Trail Phase 5, Anderson Mill Road side path through the appropriation of funds from the Bicycle and Pedestrian Infrastructure "Trails Bank." Motion carried.

2. Motion made by Mr. Mabry to approve a request from the **Parks Department** to submit a grant application to the South Carolina Department of Parks, Recreation and Tourism, which will allow Spartanburg County to apply for funding through the Land and Water Conservation Fund Grant Program. Motion carried.
3. Motion made by Mr. Mabry to approve a request from the **Parks Department** to submit a grant application to the South Carolina Department on Aging, which will allow Spartanburg County to apply for funding through the Senior Center Permanent Improvement Program. Motion carried.
4. 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 the **Emergency Management Department** to submit a grant application for Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funding to cover cost associated with the update of our Spartanburg County Natural Hazard Mitigation Plan. 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. Early site work on the floors, piers and footers should begin in March. Work on the Judge's temporary lot is also scheduled to begin. The design team has been reviewing different finishes, carpets, tiles, and color schemes. Courtroom mockups will be done in late March. Effectively, two plywood courtrooms, one center bench, and one corner bench configuration will be constructed. They will be built inside a warehouse space. An advisory group of judges, courthouse staff, and other focus groups will be given a chance to experience the layout and offer feedback on the design. This input will be used to revise the layout.
2. Updated information received regarding activities of the Public Works Department.

IX.

Mr. Ray Pace, 1722 Highway 357, Lyman, appeared in reference to the growth in District Five and the infrastructure. Ms. Teresa Wilbanks, 564 Edwards Road, Lyman, appeared in reference to overgrowth in Lyman. Ms. Allison Lindsey, 208 Edwards Road, Lyman, appeared in reference to McMakin Drive and other roads in Lyman being too narrow for current traffic and housing development. Ms. Jennifer Taylor, 171 Sunward Path, Inman, appeared in reference to electric vehicle charging spaces. Mr. Walker requested a Point

of Personal Privilege. Mr. Walker thanked his friends from District Five that spoke during the Public Comment Period, and told them that he is their Councilman, and all they have to do is call him. He is going to do everything he can. He is not going to tell them that we do not have problems in Spartanburg County with roads and infrastructure. Some of this is in the County, some of it is in the City, and some of it is in the State. Even though all of it is not in the County, Council is still concerned, but at the same time, they do not have the capability of covering every single problem if it is not a County responsibility. Mr. Walker stated that does not mean he is not going to come out and look at the problem. Rita Allison works hard on the State issues, and County Council is going to work hard on the County issues. Mr. Walker wants his constituents to have what they deserve to have and that is good roads. Mr. Walker stated that he is going to do all he can to help his constituents.

X.

- A. Motion made by Mr. Britt to render third 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 **Victor Hill Duncan AE700, LLC** (Project Scarlet). Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
- B. Motion made by Mr. Britt to render third reading to an Ordinance abolishing the **Domestic Violence Board**. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Britt to render third 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**. Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
- D. Motion made by Mr. Britt to render third 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**. Motion seconded by Mr. Nutt and carried. Mr. Brown and Mr. Farr opposed.
- E. Motion made by Mr. Nutt to render third 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 made by Mr. Britt and carried.
- F. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of Fee In Lieu Of Tax Agreements by and between Spartanburg County, South Carolina and **Stone Solar LLC**, previous identified as Project Stone. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.
- G. Mr. Cole Alverson stated that Council has at their places some proposed language to amend 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. This Ordinance would convey the property related to the Reidville Fire Station Lease that we are considering entering into with

Reidville Fire Department on behalf of our Emergency Medical Services (EMS) Department. The language would simply update the effective date from being effective upon third reading of the Ordinance to match the effective date to the issuance of a Certificate of Occupancy of the new building that they are constructing. They are in the process right now, but Staff thinks it makes sense to tie conveyance of the County owned property to Reidville Fire Department with completion of the fire station would house EMS. Motion made by Mr. Walker to amend the Ordinance to add the additional language as presented. Motion seconded by Mr. Mabry and carried. Motion made by Mr. Walker to adopt Ordinance as amended. Motion seconded by Mr. Mabry and carried.

- H. 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 **Tyger Lake Spartanburg LLC**. Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.

XI.

- A. Motion made by Mr. Brown to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Pontheolla Mack Abernathy, Clevedale Historic Inn and Gardens**, from 5:30 p.m. until 11:00 p.m. on Saturday, May 2, 2020 for a Wedding and Reception at 1050 Willis Road, Spartanburg. Motion seconded by Mr. Mabry and carried.
- B. Motion made by Mr. Brown to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Pontheolla Mack Abernathy, Clevedale Historic Inn and Gardens**, from 5:30 p.m. until 11:00 p.m. on Saturday, June 20, 2020 for a Wedding and Reception at 1050 Willis Road, Spartanburg. Motion seconded by Mr. Mabry and carried.

XII.

- A. Motion made by Mr. Farr to reconsider the vote on the Planning Commission for Mr. Bill Hamilton. Motion seconded by Mr. Brown. Ms. Dupont confirmed that this would require a two-thirds vote. Following a brief discussion, Mr. Farr called for an individual hand vote on this. The vote was taken to reconsider. Mr. Brown, Mr. Farr, and Mr. Walker voted in favor of reconsidering the vote. Mr. Mabry, Mr. Britt, and Mr. Nutt opposed reconsidering the vote. Vote to reconsider was a tie that Chairman Lynch did not have to break because the motion does not prevail with a tie. For the record, Mr. Lynch stated that he would vote no to reconsidering the vote.
- B. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 188-8 sets up for use program income received from HOME and CDBG participants in January 2020. Budget Amendment Number 243-8 sets up C-Fund projects approved at the January 16, 2020 CTC Meeting. Budget Amendment Number 252-8 sets up budget for revenue received in January for State Drug and Federal Drug Accounts. Budget Amendment Number 390-8 handles a

request from the Disability and Special Needs (DSN) Board for the use of their remaining fund balance, \$4,555, to have Directory of Resource booklets printed in two languages for the disability communities throughout the Spartanburg and Cherokee Counties. Budget Amendment Number 393-8 accepts and sets up a donation from AFL Telecommunications to the Emergency Management Department for spending on equipment. Budget Amendment Number 404-8 changes the FY20 Capital Budget for the replacement of Sheriff's Office vehicles (project number CP00000220) to the actual amount of master lease proceeds, \$2,788,156. Budget Amendment Number 480-8 sets up the C Funds annual Spartanburg County paving project for FY 20, Project 20013L. Budget Amendment Number 481-8 sets up Project 20023L approved at the January 16, 2020 CTC meeting. Budget Amendment Number 522-8 approves the transfer of funds between the Detention Facility Fund and the Special Revenue Fund to provide funds for the Sheriff's Office annual Rolling Thunder enforcement event. Budget Amendment Number 1143-7 accepts Upstate WIB supplemental funds for help with training and supportive services for dislocated workers in the area and the related staff costs associated with delivering those services.

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

Mr. Walker stated that as Chairman, he would like for Mr. Lynch to look into what Council heard during the Public Comment Period from the people from District Five and try to mesh together some discussion that Council can do. Mr. Walker thinks Council needs to looking at something. Chairman Lynch stated that he agreed and appreciated the comments Mr. Walker made after the Public Comment Period was over. The reason he did not make any comments is because it is a bad habit for Council to get into responding right then to public comments during the Public Comment Period. County Council understands that the infrastructure of this County is on County Council. It is a problem that has been long ignored, and it needs a lot more money thrown toward it than Council has in our coffers right now. Although, we are spending approximately \$10 million more in this year's budget than we did in last year's budget. We are spending \$16 million. Council understands that we have a problem. Our growth is a good and positive thing for Spartanburg County, but Council owes it to our citizens to do something about the infrastructure. Things will not happen overnight. There are a lot of issues. Primarily among them will be right-of-way issues. Mr. Lynch asked the public for their help in that arena if the County is going to be able to make a big impact. Mr. Britt stated that is why the One Cent Sales Tax with the County Courthouse and the City/County Complex is so important. The money left over will go towards road and infrastructure improvements.

Mr. Britt stated that he would like for Mr. Cole Alverson and Mr. Travis Brown to look at an issue with Pine Street. It starts before it gets in the City and goes right on through. It is a State Road, but working together with the City and the State, Mr. Britt would like to try to come up with some type solution.

Mr. Britt stated that in regards to the Lake Bowen and Lake Blalock issue. This has been resolved. The team is working together. Mr. Steve Hammett, Mr. Bill McDaniel, and the Water System are working together. The runoff from new developments is one of the issues. Mr. Britt asked Mr. Alverson if someone could work with him and Mr. Mabry to see what can be done to help prevent the runoff that goes into our lakes. The runoff is coming from subdivisions being developed.

Mr. Brown stated that when he first became a member of Council, he received what he thought would be an unlikely invitation to be heard from a citizens group in Spartanburg. He met with the Citizens for Efficient Government. Mr. Walter McSherry was most very gracious to Mr. Brown. Mr. McSherry passed away on February 5, 2020, and Mr. Brown wanted to recognize him.

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
A. Manning Lynch, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council