

# MINUTES

## County Council Meeting

May 18, 2020

Spartanburg County Council met on Monday, May 18, 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.

The County Administration Building was closed for public meetings due to the Coronavirus (COVID-19) Pandemic. 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.

II.

Invocation was rendered by Chaplain James Thomas.

III.

Honorable Bob Walker led the Pledge of Allegiance.

IV.

No Presentations were scheduled.

V.

No Employee Recognitions were scheduled.

VI.

- A. Motion made by Mr. Brown to approve the minutes of April 20, 2020 (Regular Meeting) and May 12, 2020 (Special Meeting). Motion seconded by Mr. Britt and carried.

VII.

- A. Chairman Lynch declared open a public hearing to consider an Ordinance to amend the Agreement for Development for Joint County Industrial Park by and between Spartanburg County and Cherokee County, South Carolina, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating thereto. (**Tindall Corporation; Partans, LLC; Tyger Lake Spartanburg, LLC; and Stone Solar**) No one appeared, and the matter was closed.
- B. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing the execution and delivery of an amended and restated Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and **Inland 85 Logistics Center, LLC**, and the execution and delivery of a Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and **Lex Greer L.P.**, and other matters related thereto. No one appeared, and the matter was closed.
- C. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing the **Cherokee Springs Fire District**, South Carolina, to issue General Obligation Bonds in a principal amount not exceeding \$5,500,000, subject to a successful referendum in the district; and other matters relating thereto. No one appeared, and the matter was closed.
- D. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing (i) the execution and delivery of a Corrective Deed for County property conveyed on November 19, 2019 to **Buffington Spartanburg AE700, LLC**, (ii) the conveyance of an access easement to South Carolina Department of Corrections, and (iii) the conveyance of a drainage easement to Buffington Spartanburg AE700, LLC; 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 Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina and **Duncan Industrial Owner, LLC** [Project Apple Valley]. No one appeared, and the matter was closed.
- F. 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 **Stäubli Corporation** [Project Tennis]. No one appeared, and the matter was closed.
- G. Chairman Lynch declared open a public hearing to consider a **Budget Ordinance** relating to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2020 and ending June

30, 2021; to provide for budget control of said appropriation by the Spartanburg County Council. No one appeared, and the matter was closed.

- H. Chairman Lynch declared open a public hearing to consider a Budget Ordinance to establish **Capital Project Budgets** for the FY 2020-2021 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.

VIII.

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

No items were scheduled.

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

1. Motion made by Mr. Walker to adopt a Resolution ordering a Bond Referendum to be held in the **Cherokee Springs Fire District**, South Carolina, on the question of the issuance of not exceeding \$5,500,000 of General Obligation Bonds of the district; providing for the form of the ballot to be used; providing for notice of the referendum; and providing for other matters relating thereto. Motion carried.
2. Motion made by Mr. Walker to approve a request from **Fleet Services** to convert position #1369, Sr. Diesel Mechanic, to one fulltime and one part-time Auto Parts Clerk positions. Motion carried.
3. Motion made by Mr. Walker to adopt a Resolution to adopt an updated **Fee Schedule for the Spartanburg County Planning and Development Department** so as to establish the amount of certain fees in Spartanburg County. Motion carried.
4. 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. Mr. Brown stated the Public Safety and Judiciary Committee received information and had a request to take desired action in reference to a request from the Sheriff's Office to apply for the Coronavirus Emergency Supplemental Funding Program grant. As Mr. Brown heard it and understood it, as Chairman of the Committee, the Committee voted to send this to full Council with the exclusion of the ten drones. Mr. Walker stated that he had a point of order. He wanted to make sure that he understood. He took it when he made the motion during the Public Safety and Judiciary Committee meeting that they were moving to what was in the agenda to be approved. He did not hear an amendment or a change to his motion. Motion made by Mr. Brown to amend the motion from the Committee to include the exclusion of the ten drones. Motion seconded by Mr. Nutt.

Mr. Britt stated it was mentioned earlier during the Committee meeting that there was some concern about drones being used for other than good things. When the Sheriff's Department comes before Council and asks for a tool in their toolbox, Mr. Britt stated that he tends to listen very carefully. Sheriff Wright has been the Sheriff since 2004, and he has a Department that has not had any issues come before him about overreaching into our rights. Mr. Britt trusts the Sheriff and his team. The drones will enable the Sheriff's Department to help find lost individuals versus bringing out the helicopter. They will help apprehend criminals too and possibly even reduce all the high speed chases. Captain Gist stated the drones will come with a flare system and video capability on them. The drones will also reduce manpower and the use of the helicopter. Captain Gist stated that they do not have to have ten drones. They could use the grant in other areas and use fewer drones.

Mr. Brown stated there have been issues in the Sheriff's Office. While the Sheriff can try his best to correct problems, he cannot anticipate each and every time there may be a problem with personnel. Mr. Britt stated that he does not think they have used any tools incorrectly. People have made mistakes in the Sheriff's Office as have other people in other departments. Mr. Nutt stated that he agrees with a lot of what Mr. Britt said. If he needs someone between him and the Constitution, it would be Sheriff Chuck Wright. He trusts him. The only problem is that long after this Council is gone, there will be other people in charge. He has no idea what those individuals will think about using drones. He can envision the county starting to use drones for everything. Mr. Nutt stated that it is a stretch to use the Coronavirus Funding grant for drones. Because of the type of grant and the situation for looking out in the future, Mr. Nutt thinks it is best for him to vote no on the drone situation, but he certainly wants to make sure we get the grant, but specifically for the drones he has to vote no.

Mr. Walker stated we are comparing the drones to helicopters. He is sure all those flying the helicopters have proper license. It is his understanding that individuals have to be qualified before they can operate drones. Mr. Walker asked if the drone operators will be licensed drone operators. Captain Gist stated that he does not know much about drones. They have two pilots. Pilot Trey Williamson will be certified to teach the class. There will be a mandatory class in order to receive a license to fly the drones. Mr. Walker stated that when the vote comes up, the motion on the table is to approve the grant application without the drones.

Mr. Farr stated that his biggest reservation is the fact that this is tied to COVID-19 funding. This is an unprecedented time in our lives. Mr. Farr did not feel like using the words for crowd control is why they need drones. Mr. Farr stated he would support the grant and the drones if used for proper reasons.

Mr. Lynch stated that this is unfortunate timing. This is a tad bit controversial and potentially highly invasive in a time when we have had basic constitutional rights

striped from us. Mr. Lynch stated that he is proud that Spartanburg County has not been a party to any of it in what we have done, but at the same time, it makes him nervous when he thinks of all the things happening. Not allowing free assembly to practice our religious faith is kind of amazing, and it is hard to believe that is going on in this country, in this state, and in this town right now. Mr. Lynch is a little bit leery of the government wanting any more access to his private life right this minute.

Mr. Mabry stated that years ago we thought cell phones were of the devil. Nobody wanted them in their school. Now we use them as a teaching mechanism. Now we are scared of drones. Mr. Mabry stated that he would like to see them go forward with them.

Mr. Britt stated that Council should not be concerned about who will be elected after Sheriff Wright. The people of Spartanburg County have the control. He has served under three Sheriffs. He trusted them because the people of Spartanburg elected them to make the right decisions. Council cannot worry about who comes next. They have to trust the 315,000 people in Spartanburg that they will elect a Sheriff that will not let someone infringe upon their rights. Mr. Britt supported the grant application approval with the drones.

Mr. Walker stated that the question was brought up of where these drones are made. He understands they were made in China. Captain Gist stated that he was not sure where the drones were made. Mr. Walker stated that he does not want our money in Spartanburg County going to China. Captain Gist stated the direction of law enforcement is going toward using drones.

Council voted on the amended motion which was to exclude the drones from the grant application. Mr. Brown, Mr. Walker and Mr. Farr voted in favor of the motion to approve the submittal of the grant application with the exclusion of the drones. Mr. Britt, Mr. Mabry, and Mr. Nutt opposed. Mr. Lynch voted in favor of the amended motion.

Motion made by Mr. Britt to amend the motion that was just passed to allow five drones, if not purchased from a Chinese company, to be included in this grant. Motion seconded by Mr. Mabry. Mr. Nutt requested a point of order. Council passed a motion to take the grant minus the drones. Mr. Lynch stated that Council voted on the amendment, but they did not vote on the original motion as amended. The new motion amends the motion to add five drones. Mr. Maby, Mr. Britt and Mr. Farr voted in favor of the amended motion. Mr. Brown, Mr. Walker, and Mr. Nutt opposed. Mr. Lynch opposed.

Council voted on the original motion to approve the grant application as amended with no drones. Mr. Brown, Mr. Walker, and Mr. Nutt voted in favor of the motion. Mr. Mabry, Mr. Britt and Mr. Farr opposed. Mr. Alverson stated that if Council votes against the motion, they will not be able to submit any grant application. If

Council votes in favor, it would allow them to proceed effectively applying for \$100,000 worth of PPE. Mr. Lynch voted in favor of the amended motion without the drones with all the PPE in it. Mr. Britt asked if they could apply for the grant that would include the \$100,000 that would have gone for the drones to be going toward PPE or was that \$100,000 just for the drones. Mr. Britt stated that Council thinks they voted to include more PPE. Captain Gist stated that he would step out and call Lieutenant Creek to find out.

2. Motion made by Mr. Brown to approve a request from the **Solicitor's Office** to apply for the 2021 Body Worn Cameras Fund Financial Assistance grant. Motion carried.
3. Motion made by Mr. Brown to approve the **Commission of Charles P. Thornton**, Building Codes Department, as a Spartanburg County Building Codes Enforcement Officer. Motion seconded by Mr. Walker. Motion carried.
4. 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**. The Courthouse design continues to be refined. Team is still working together remotely and collaborating to the extent possible. A full-scale courtroom mock-up has been constructed. Demolition pre-bid was held this past week for the current Courthouse. Firms walked the Courthouse and Annex I to look at the building, mechanicals, etc. This will help them refine their pricing and proposals before submission. These will be reviewed with the contractor and our team once they are received.

We have been getting a lot of questions about whether our collections of the Capital Penny Tax will be impacted by COVID-19. We do expect collections to slow in the near term as the economy suffers; however, because we were previously ahead of budget for collection, we believe that we are adequately shielded. We are still on track.

Construction documents for the parking deck will be complete within the next 30 days. Grading permits have been secured for the site. South Carolina Department of Health and Environmental Control and the City have signed off on them. The total space count for parking is 647. The latest proposals from subs are within budget.

Architects and design consultant are currently working on preliminary floor plans for the Emergency Operation Center. They will review those with building occupants soon. The full design team will review sometime after input is received and incorporated.

Property for the Municipal Police Building has been purchased by the City. Design will begin upon completion of the Emergency Operation Center.

Mr. Alverson stated the demolition includes two different components. Annex I has to come down before the construction of the Courthouse actually happens. Then the Courthouse must be demolished after the new Courthouse is open. The team is looking at it now effectively trying to determine who would be our best value partner. Then pricing will be down the road.

2. Updated information received regarding activities of the Public Works Department.

IX.

- A. Mr. Britt recused himself for this item due to conflict of interest, because he works for Tindall Corporation. Motion made by Mr. Nutt to render third reading to an Ordinance to amend the Agreement for Development for Joint County Industrial Park by and between Spartanburg County and Cherokee County, South Carolina, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating thereto. (**Tindall Corporation, Partans, LLC, and Tyger Lake Spartanburg, LLC**) 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 execution and delivery of an amended and restated Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and **Inland 85 Logistics Center, LLC**, and the execution and delivery of a Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and **Lex Greer L.P.**, and other matters related thereto. Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
- C. Motion made by Mr. Walker to render third reading to an Ordinance authorizing the **Cherokee Springs Fire District**, South Carolina, to issue General Obligation Bonds in a principal amount not exceeding \$5,500,000, subject to a successful referendum in the district; and other matters relating thereto. Motion seconded by Mr. Mabry and carried.
- D. Motion made by Mr. Britt to render third reading to an Ordinance authorizing (i) the execution and delivery of a Corrective Deed for County property conveyed on November 19, 2019 to **Buffington Spartanburg AE700, LLC**, (ii) the conveyance of an access easement to South Carolina Department of Corrections, and (iii) the conveyance of a drainage easement to Buffington Spartanburg AE700, LLC; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- E. 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 **Duncan Industrial Owner, LLC** [Project Apple Valley]. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.
- F. 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 **Stäubli Corporation** [Project Tennis]. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

- G. Motion made by Mr. Britt to render second reading to an Ordinance conveying **187 Broad Street** to the Downtown Development District. Motion seconded by Mr. Brown and carried.
- H. Motion made by Mr. Walker to render second reading to a **Budget Ordinance** relating to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2020 and ending June 30, 2021; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Nutt and carried.
- I. Motion made by Mr. Walker to render second reading to a Budget Ordinance to establish **Capital Project Budgets** for the FY 2020-2021 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Nutt and carried.

X.

No Items were scheduled.

XI.

- A. Captain Raymond Gist stated that Lieutenant Creek will check and see if there are other items available instead of the drones for the Coronavirus Emergency Supplemental Funding Program grant application item discussed during the Public Safety and Judiciary Committee meeting. Motion made by Mr. Britt to reconsider grant application up to the same amount of money, just not including any drones. Motion seconded by Mr. Brown and carried.

The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 227-11 closes C Fund Projects 070225 (Sidewalk Installation in Pacolet) and 19011L (City of Spartanburg Paving Set-a-side-Representative Hyde) and returns remaining balances back to unobligated funds. Budget Amendment Number 380-11 sets up for use program income received from HOME and CDBG participants in April 2020. Budget Amendment Number 392-11 sets up the budget for revenue received in the Gambling Fund, State Drug Fund, and Federal Drug Fund for April 2020. Budget Amendment Number 445-11 closes capital projects CP40201020 (Mobile Data Technology –MDT Replacement) and CP20400120 (Body Worn Camera –BWC Replacement) both for the Sheriff's Office. Budget Amendment Number 463-11 modifies the SC-DHEC Waste Tire Grant (42WT20) accepted by County Council at its August 2019 council meeting. Budget Amendment Number 465-11 sets up grant 19RRC03. This grant is through Rapid Response and will assist UWB with helping address the demand for Dislocated Worker services due to COVID-19. Budget Amendment Number 552-11 recognizes restricted revenue received during the second and third quarters of this fiscal year in the Special Revenue Fund and sets up the corresponding expenditure accounts.



Budget Amendment Number 625-10 – The Parks Department received an insurance reimbursement for equipment that was stolen and a lighting system damaged by lightning. Budget Amendment Number 20015 accepts a donation of a ladder truck from the North Spartanburg Fire Department to be used at the Emergency Services Academy for training purposes. Budget Amendment Number 20016 amends the authorized staffing for Fleet Services.

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

XII.

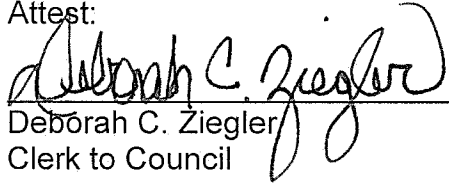
Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: \_\_\_\_\_

A. Manning Lynch, Chairman

Attest:

  
\_\_\_\_\_  
Deborah C. Ziegler  
Clerk to Council