

MINUTES

County Council Meeting

August 17, 2020

Spartanburg County Council met on Monday, August 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.

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 Tim Hackett.

III.

Honorable Bob Walker led the Pledge of Allegiance.

IV.

- A. Motion made by Mr. Brown to adopt a Resolution acknowledging and celebrating the 30th Anniversary of the signing of the **Americans with Disabilities Act**. Motion seconded by Mr. Nutt and carried. Ms. Kathy Rivers, Director of Community Development Department, received the Resolution.
- B. Motion made by Mr. Brown to adopt a Resolution recognizing the invaluable services provided by Health Centers, like Regenes Health Care, and proclaiming August 9-15, 2020 as **National Health Center Week**. Motion seconded by Mr. Mabry and carried. Mr. Farr presented the Resolution to Mr. Marion Hunter, CEO, ReGenesis Health Care.

V.

Mr. Alverson recognized Johnny Ravan, Roads and Bridges Manager; Ronnie McBee, Section 4 Supervisor; Mike Teague, Section 4 Lead; Rick Graham, Earl Johnson, and Andrew Nichols, Section 4, Roads and Bridges Department, for their hard work and efficient service to our Spartanburg citizens. Mr. Nutt expressed his appreciation for the work the Roads and Bridges Department does. Mr. Britt also thanked them for being so profession and kind. He has had two constituents that have called and written about what great work they do.

VI.

- A. Motion made by Mr. Britt to approve the minutes of July 20, 2020 (Regular Meeting) and July 22, 2020 (Public Safety Committee Special Meeting). Motion seconded by Mr. Brown and carried.

VII.

- A. 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 **Spartanburg RE Investments, LLC, Spartanburg RE Investments II, LLC, and Spartanburg RE Investments III, LLC** (Project ND1). No one appeared, and the matter was closed.
- B. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing and approving (1) the development of a new Joint County Industrial and Business Park (**Nestle Prepared Foods Company**) in conjunction with Cherokee County such park to be geographically located in Cherokee County and to include the aforementioned project; (2) the execution and delivery of a written Park Agreement with Cherokee County; (3) the distribution of revenues from the Park to the counties and relevant taxing entities; and (4) 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 and approving (1) the development of a new Joint County Industrial and Business Park (**Old Castle APG South, Inc.**) in conjunction with Cherokee County, such park to be geographically located in Cherokee County and to include the aforementioned project; (2) the execution and delivery of a written Park Agreement with Cherokee County; (3) the distribution of revenues from the Park to the counties and relevant taxing entities; and (4) 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 a Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina and **Tietex International, Ltd.** (Project Stitch). 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 **LPA Spartanburg Apartments, LLC** (Project LPA). 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 an Amended and Restated Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina, **Blue Ridge Log Cabins, LLC, and BRLC Properties DE, LLC**. No one appeared, and the matter was closed.

VIII.

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

- A. Motion made by Mr. Britt to adopt a Resolution approving and consenting to the transfer and assignment to, and assumption by, **LSC Communications US LLC** of certain existing FILOT Lease Agreements to which the County is a party (the “FILOT Leases”) and other matters relating thereto. Motion carried. Mr. Farr opposed.
- B. Motion made by Mr. Britt to adopt a Motion made by Mr. Brown to adopt a Resolution authorizing the assignment of a Fee In Lieu of Ad Valorem Taxes Agreement between Spartanburg County and **Antolin Interiors USA, LLC to Antolin Spartanburg Assembly, LLC**; and providing for related matters. Motion carried. Mr. Farr opposed.
- C. Motion made by Mr. Britt to adopt a Resolution with respect to consenting to the transfer via an Assignment of Interest of **RT Woods Chapel, LLC to Sealy Woods Chapel Road, L.L.C.** of the Fee In Lieu of Tax Agreement dated December 1, 2008, by and between Spartanburg County, Lear Operations Corporation and ACPS, LLC, as successor-in-interest to RT Woods Chapel, LLC. Motion carried. Mr. Farr opposed.

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

- 1. Motion made by Mr. Walker to approve a request from the Clerk of Court’s Office to reclassify positions 1934-1941 and 1960 from Court Clerk positions (grade 0675) to Deputy Court Clerk positions (grade 0775) and to eliminate one Court Clerk position. Motion carried.
- B. Motion made by Mr. Walker to approve the **Spartanburg County Employee Handbook Updates** as presented. Motion carried.
- C. Motion made by Mr. Walker to render first reading to an Uncodified Ordinance to authorize the **Sale of County Owned Property** identified as Tax Map Number 7-20-02-073.02, located at 171 Sims Chapel Road, Spartanburg, South Carolina. 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. Motion made by Mr. Brown to approve a request from the **Coroner's Office** to apply for the Firehouse Subs Public Safety grant to be used to purchase body armor for his fulltime investigators. Motion carried. Mr. Farr stated the he would like for the Coroner to get body armor for his part-time investigators at a later time.
2. Motion made by Mr. Walker to approve a request from the **Sheriff's Office** to apply for a 2020 Justice Assistance Grant (JAG) to be used to purchase four camera mobile License Plate recognition systems and eight magnets and software to be used by the Sheriff's Office Interstate Criminal Enforcement Team. Mr. Brown stated that he thinks this is totally intrusive upon the rights of our citizens. It is not analogist to any type of tracking system we have via GPS, telephone, Fitbit, or i-watches, because law enforcement would have to have a separate process to go about to get that information, i.e. a search warrant or a commission directly from a Court of Law as opposed to this unabashed way to intrude upon the privacies of our citizens. Mr. Brown is totally against this, and he thinks it is repugnant that it would even come to Spartanburg County. Mr. Britt stated that in contrary to his friend, Mr. Brown, he totally supports the request from the Sheriff's Office and Captain Barry, and he thinks it is a very useful tool. Motion carried. Mr. Brown and Mr. Farr opposed.
3. 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. Motion made by Mr. Nutt to render first reading to an Uncodified Ordinance to grant a **Utility Easement to Duke Energy Carolinas, LLC** to provide power to the Collection Center located at Valley Falls Road. Motion carried.
2. **Capital Penny Phase I Update** was presented by Mr. Nutt. Over the last several weeks, trees around the Judge's parking lot have been removed. An underground tank has been removed. The initial phase of site fencing has been installed. Utility locations have been conducted, and site has been potholed. Library Street has been closed off so that final gates can be

installed, and milling equipment can be dropped in several days. Next things to come in the next few weeks will be Milling of Library Street; Tree removal along Magnolia Street; Storm Water line work along St. John Street; and Water and storm water line work at Library Street. A construction camera will be installed that will stream to the investspartanburg.com website. The website is undergoing a redesign and update. It should be pushed out in the next couple of weeks. Construction documents are complete on the Parking Deck, and the contractor is developing the GMP (Guaranteed Maximum Price). City Building Codes is in the process of permitting structure. Design development drawings have been published for the Courthouse. Pricing is being updated now. Central energy plant footprint and equipment requirements have been reduced. Preliminary floor plans for the Emergency Operation Center have been reviewed with building occupants. Schematic Design pricing is being reviewed. Initial floor plans for the Municipal Police Building are being reviewed. A lot of construction activity will be seen in the next few weeks and months. It should be very exciting.

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

IX.

Mr. Steve Hammett, 541 Fagan Drive, Inman, SC; Mr. Bill McDaniel, 446 Oak Grove Road, Spartanburg, SC; Mr. Dean Anderson, 1100 Wildwood Lane, Spartanburg, SC; appeared in reference to environmental issues on the lakes in Spartanburg County. They were from the Lakefront Property Owners Association and represented Lake Bowen, Lake Blalock and Reservoir I. Ms. Sue Schneider, Spartanburg Water, and Mr. Buddy Cothran, Startex-Jackson-Wellford-Duncan Water District, were in attendance. (Presentation included in backup) Mr. Jason Spencer, SIREN (Spartanburg Initiative for Racial Equity Now), 167 Grady Avenue, Tryon, NC, appeared to speak regarding ways to prevent obstacles during the General Election.

X.

- A. 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 **Spartanburg RE Investments, LLC, Spartanburg RE Investments II, LLC, and Spartanburg RE Investments III, LLC** (Project ND1). 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 Fee In Lieu Of Tax Agreement by and among Spartanburg County, South Carolina, **Keurig Green Mountain, Inc., and Veyron/KDP I Partners LLC** to clarify the investment period thereof, to ratify a partial assignment of the Agreement pursuant to a sale-

- leaseback transaction, and other matters related thereto. Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
- 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 **New Spartanburg Owner, LP** (Project Norris). 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, **Smith Animal Hospital, P.A., and Spartan Investment Holdings, 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. Nutt and carried. Mr. Farr opposed.
 - E. Motion made by Mr. Britt to render third reading to an Uncodified Ordinance to grant a **utility easement to Piedmont Natural Gas Company, Inc.** to install underground gas pipelines through the 295 Sports Complex owned by Spartanburg County and identified as Tax Map Number 7-21-00-006.00. Motion seconded by Mr. Mabry and carried.
 - F. Motion made by Mr. Britt to render second reading to an Ordinance authorizing and approving (1) the development of a new Joint County Industrial and Business Park (**Nestle Prepared Foods Company**) in conjunction with Cherokee County such park to be geographically located in Cherokee County and to include the aforementioned project; (2) the execution and delivery of a written Park Agreement with Cherokee County; (3) the distribution of revenues from the Park to the counties and relevant taxing entities; and (4) other matters related thereto. Motion seconded by Mr. Mabry and carried. Mr. Farr opposed.
 - G. Motion made by Mr. Britt to render second reading to an Ordinance authorizing and approving (1) the development of a new Joint County Industrial and Business Park (**Old Castle APG South, Inc.**) in conjunction with Cherokee County, such park to be geographically located in Cherokee County and to include the aforementioned project; (2) the execution and delivery of a written Park Agreement with Cherokee County; (3) the distribution of revenues from the Park to the counties and relevant taxing entities; and (4) other matters related thereto. Motion seconded by Mr. Nutt 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 Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina and **Tietex International, Ltd.** (Project Stitch). Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
 - I. 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 **LPA Spartanburg Apartments, LLC** (Project LPA). Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
 - J. Motion made by Mr. Britt to render second 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, **Blue Ridge**

Log Cabins, LLC, and BRLC Properties DE, LLC. Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.

XI.

No Items Scheduled.

XII.

- A. Mr. Walker stated that Spartanburg County and the State of South Carolina lost an outstanding person on August 16, 2020. Mr. Joe Mahaffey served in the South Carolina House for eight years. He lived in the Lyman area. He served this area well, and we are going to miss him. We send our thoughts and prayers to Linda and the family.

Mr. Britt stated that Cibby Krell was a good friend to a lot of us. He was a Veteran. He passed away on August 16, 2020 as well. Mr. Britt asked everyone to keep Mr. Krell's family in their prayers and thoughts.

Mr. Britt also thanked Bill McDaniel, Dean Anderson, Steve Hammett, and Sue Schneider. The team came together and worked hard to resolve the Lake Bowen and Spartanburg Water issue. They rolled up their sleeves for weeks and weeks. Mr. Lynch and Mr. Mabry were a part of the team as well. We need to take our hands and put our arms around environmental issues around our lakes. This is our drinking water. It is not just Lake Bowen, Lake Blalock, and Reservoir I. This is the water supply for Spartanburg's water. We have to do whatever is necessary. Mr. Britt thinks it may take a task force to do it. There is money out there. Mr. McDaniel was one of the first ones in their early meetings that stated there is money available if we work together to go and get it. It is a serious matter.

Mr. Walker stated that we have work to do in two areas in the County. The two areas are roads and storm water. We really need to protect what we have here. We have to go to work on it.

Mr. Brown thanked Mr. Lynch, Mr. Henry Laye, and all of Council for Mr. Laye coming to stress the importance of upcoming elections just because of what was brought up at this meeting with certain precincts being closed down. Mr. Brown immediately got word and a number of his constituents were very worried. Mr. Brown wanted Mr. Laye to have the opportunity to come talk with Council immediately. He is glad Mr. Laye was able to be here and appreciates Council having this come forth on the Agenda. This is important to a number of members of the community. Mr. Brown appreciates the information Council received, and it is good to know that there are active members of this community and groups that

are really paying attention to what will happen during this process, not only with elections, but all the other things that concern everyone in this community. Mr. Brown expressed his appreciation to Ms. Sue Schneider for the work she is doing at Spartanburg Water.

The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 39-2 sets up for use program income received from HOME and CDBG participants in July 2020. Budget Amendment Number 103-2 sets up revenue received during July 2020 in the State Forfeited Drug Account. Budget Amendment Number 221-2 sets up for use grant funding received from the US Dept. of Housing and Urban Development as awarded to Spartanburg County through the CARES act signed into law in March 2020. Budget Amendment Number 351-2 accepts and sets up a grant from the SC Department of Aging for the Parks Department. Budget Amendment Number reclassifies positions #1934, #1935, #1936, #1937, #1938, #1939, #1940, #1941, and #1960 from the title of Court Clerk (grade 0675) to Deputy Court Clerk (grade 0775). Budget Amendment Number 21007 allow for the carryover of selected remaining FY20 budget balances as recommended by the County Administrator and as allowed in the Operating and Capital Budget Ordinances. Budget Amendment Number 21008 accepts a donation of a 1992 Pierce Lance fire apparatus (ladder truck) from the North Spartanburg Area Fire District to the Emergency Services Academy. Budget Amendment Number 21009 amends the FY21 Authorized Staffing for the Sheriff's Office.

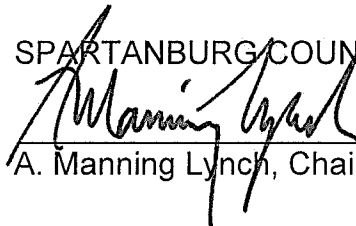
Motion made by Mr. Britt to approve the Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Nutt and carried.

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:


A. Manning Lynch, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council