

MINUTES

County Council Meeting

August 18, 2014

Spartanburg County Council met on Monday, August 18, 2014, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney. Katherine O'Neill, County Administrator, was absent.

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 Horton called the meeting to order.

Invocation was rendered by Chaplain Jerry Clevenger. Mr. Nutt led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Culbreth to adopt a Resolution congratulating and recognizing Steve Skinner for thirty-five years of dedicated service coaching the Inman Post 45 American Legion Baseball Team. Motion seconded by Mr. Nutt and carried. Mr. Culbreth recognized the American Legion Members present and also former Mayor Bo Cantrell.
- B. Chairman Horton recognized the Graduates of the Project Civics Class at Urban League of the Upstate. The County provided a mini course of its Citizens' Academy to high school students of the Urban League. There were 17 participants.

III.

Employee Recognition was carried over to September due to Ms. O'Neill's absence.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and **Toray Carbon Fibers America, Inc.**; the application of an infrastructure credit to fee-in-lieu of tax payments; and matters relating thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, September 6, 2014 and Saturday, September 20, 2014 for a drag race at 1792 Dragway Road, Greer.

V.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax and Special Source Tax Credit Agreement between Spartanburg County, and **Bosch Security Systems, Inc.**, as Sponsor, and Liberty Property Limited Partnership, as Co-Sponsor; and prescribing matters related thereto. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and Incentive Agreement (the "Incentive Agreement") between Spartanburg County, South Carolina (the "County") and **F3 Holdings, LLC**, acting for itself, one or more affiliates or other project sponsors (the "Company"), whereby the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes in connection with the establishment of a manufacturing facility in the County (collectively, the "Project"); and (2) other matters relating thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to adopt a Resolution pursuant to Chapter 44 of Title 12, Code of Laws of South Carolina 1976, as amended, to enter into a fee and Special Source Revenue Credit Agreement between Spartanburg County, South Carolina and a company known to the County

at this time as **Project Blue**; and matters relating thereto. Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Roger Nutt, Chairman)

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Jim Campbell, Interim Director, Parks Department, presented information in reference to the recommendation from the Livability Committee to modify the Parks Enhancement Plan and approve the resulting amendments to the Capital Improvements Plan (CIP). This closes the loop on the action that Council took last month to take into the Parks and Recreation Special Tax District the Towns of Wellford and Duncan and to announce the intention to include their projects in the FY16 Capital Improvement Plan (CIP). The taxation for the district will begin in FY15. Motion made by Mr. Culbreth to approve amendments to the Capital Improvement Plan and resulting Budget Amendment Resolution. Motion seconded by Ms. Hall and carried.
- B. Ms. Sue O'Brien, Executive Director, presented information in reference to a request from SADAC (Spartanburg Alcohol and Drug Abuse Commission) to hire additional staff. Motion made by Mr. Culbreth to approve this request. Motion seconded by Ms. Hall and carried.
- C. Mr. Murray Glenn, Administrator, Solicitor's Office, presented information in reference to a request from the Solicitor's Office to reclassify two positions. Motion made by Mr. Culbreth to approve request. Motion seconded by Ms. Hall and carried.
- D. Mr. John Montgomery, Pacolet Milliken, presented information in reference to a Resolution to amend the Trail Specifications contained in Resolution R-13-50 and to affirm an extended Special Assessment Period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as the Drayton Mill. Motion made by Mr. Culbreth to adopt Resolution. Motion seconded by Mr. Nutt and carried.
- E. The item involving the consideration of a Resolution ordering an advisory referendum in the Una Community Fire Service Area to allow for an increase in the levy and collection of a tax was transferred to the Public Safety and Judiciary Committee for consideration, action and reporting to full Council during the August Committee and Council Meeting.
- F. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. The item in reference to the USC (University South Carolina) Upstate proposed project was postponed until the September meeting.
- B. Ms. Marcia Murff, Public Relations and Development Manager, Parks Department, and Mr. Trey Glover, Parks Operation Manager, presented information in reference to Hubapalooza and the National Softball Association (NSA) Tournament. (Video included in backup) This was a tremendous event, and we have an economic impact for the whole week of over \$3 million to the County.
- C. Information received regarding activities of the Parks Department.

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

- A. Chairman Brown stated that one item was referred to the Public Safety and Judiciary Committee by the Personnel and Finance Committee. This item relates to a Resolution ordering an advisory referendum in the **Una Community Fire Service Area**, to submit the question of whether the voters of the Una Community Fire Service Area approve an increase in the levy and collection of a tax from the current millage to the extent provided by law upon all of the taxable property of such fire service area; providing for the form of ballot to be used; providing for notice of the advisory referendum; and providing for all other things necessary to submit the aforesaid question. Motion made by Mr. Brown to adopt Resolution with the amendment to Sections 1(d); Section 2; Section 5; and Exhibit A where there is a specific reference to the date of November 4 and in the alternative to delete that and to substitute November 3 in each place in which November 4 appears. Motion seconded by Mr. Culbreth. Mr. Mintz stated that Chesnee Community had a similar situation two years ago and was late getting their information. They were told that their next opportunity would be in 2014. Mr. Mintz wanted the Chief to know that he could not vote in favor of this tonight. Mr. Horton stated that in this particular incident, the County may have had some responsibility in it not making it to the Election Commission by the deadline. Motion carried. Mr. Mintz opposed.
- B. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. Motion made by Mr. Mintz to adopt a Resolution calling for a public hearing to be held upon the question of extending the boundaries of the Spartanburg Sanitary Sewer District; and providing for publication of the notice of such hearing. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Mintz to render first 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. Britt and carried.
- C. Updated information received regarding activities of the Public Works Department.

VI.

Mr. Ron Lambright, 131 Powder Springs Drive, Duncan, appeared and gave Council a petition in reference to requesting that condemned property in Powder Springs Estates be demolished. Chairman Horton asked Ms. Claxton and Mr. Nutt to work together to get a letter to this neighborhood by the end of the week advising him what the County can and cannot do. Representative Doug Brannon, 201 Clearwater Road, Landrum, appeared in reference to the referendum for Sunday Alcohol Sales. Chairman Horton asked Mr. Brannon to get in touch with the County Attorney regarding his request for a change in the wording.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of *ad valorem* taxes agreement between Spartanburg County, South Carolina and a company known to the County as **Aladdin Manufacturing Corporation**, a Delaware Corporation (Project Landrum), and one or more existing or to-be-formed or acquired subsidiaries, or affiliated or related entities, as sponsor, to provide for a fee in lieu of *ad valorem* taxes incentive with respect to an industrial project in the County; and other related matters. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Nutt to render third reading to an Ordinance to provide for the issuance and sale of not exceeding two million two hundred fifty thousand dollars (\$2,250,000) Spartanburg County, South Carolina, General Obligation Bonds (**Duncan Fire Service Area Project**), Series 2014; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance (1) to amend an existing agreement for the Development of a Joint-County

Industrial and Business Park by and between Spartanburg County, South Carolina and Union County, South Carolina to enlarge the boundaries of the park to include certain property located in Spartanburg County presently owned and/or operated by **Michelin North America, Inc.**, or one or more companies related thereto; and (2) authorizing other related matters. Motion seconded by Mr. Brown and carried.

- D. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement to provide for a fee in lieu of ad valorem taxes incentive and infrastructure credits to **Trelleborg Wheel Systems Americas, Inc.** (Project McDonald's); the inclusion of certain property in Spartanburg County, South Carolina in a multi-county industrial park; and other matters related thereto. Motion seconded by Mr. Nutt and carried.
- E. Motion made by Mr. Nutt to render second reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Spartanburg County, South Carolina and **Toray Carbon Fibers America, Inc.**; the application of an infrastructure credit to fee-in-lieu of tax payments; and matters relating thereto. Motion seconded by Mr. Culbreth and carried.

XIII.

- A. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, September 6, 2014 and Saturday, September 20, 2014 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.

IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Resolution Number 15025 eliminates recently vacated full-time slot CC33, Court Clerk in Magistrate Court and adds three new part-time Court Clerk slots in District Magistrate Court as well as

unfreezes one part-time Court Clerk slot. Budget Amendment Resolution Number 15026 reclassifies one Assistant Solicitor III position to an Assistant Solicitor II and one Assistant Solicitor I position to an Assistant Solicitor II. Budget Amendment Resolution Number 15027 sets up the *Imagine That* department. Budget Amendment Resolution Number 15028 – Effective FY 2014, SADAC was awarded a Drug Free Communities Grant (DFC) in the amount of \$125,000. This Resolution is to separate the DFC funding from the Alcohol Enforcement Team (AET) Departmental budget and sets up a new department for DFC (9739). Budget Amendment Resolution Number 15029 transfers one part-time slot and the funding for the slot from the Community Referral department (9732) in SADAC to the ADSAP department (9736). Budget Amendment Resolution Number 15030 is for one-time additional revenue in the amount of \$78,285 from DAODAS for outpatient and prevention services. SADAC is requesting to unfreeze three full-time Counselor II positions and add an additional Counselor III slot which will increase the total authorized staffing by one. Budget Amendment Resolution Number 15031 allows for the closure of completed C-Fund projects. Budget Amendment Resolution Number 15032 sets up projects approved at the CTC meeting August 18, 2014. Budget Amendment Resolution Number 15033 sets up the grant agreements for the following SC Department of Commerce grants: (1) Economic Development Set-Aside Grant C-14-2306 for Eberspaecher North America, Inc. (2) Land Acquisition and Real Property Improvements Grant C-14-2258 for Toray Carbon Fibers America, Inc. These are economic development pass-through grants. Budget Amendment Resolution Number 15034 grants \$600 from Spartanburg County Parks Department funds to the Converse Fire Department. Budget Amendment Resolution Number 15035 transfers ownership of up to eleven (11) sets of surplus bleachers from the Spartanburg County Parks Department to School District Two for use at Boiling Springs Middle School. Budget Amendment Resolution Number 15036 provides for the recognition of donation revenues from Crosland Southeast and the establishment of a new capital project and corresponding expenditures for storm water management issues on and around Arcadia Main Street. Additionally, this BAR will allow for the transfer of the remaining project balance in the Storm Sewer Inspection System Project (ST0005) and the balance in the Storm Water Management Program project (ST0003) to fund this new project. Budget Amendment Resolution Number 15037 allows for the carryover of selected remaining FY14 budget balances as recommended by the County Administrator and as allowed in the Operating Budget Ordinance.

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

XI.

Motion made by Mr. Nutt to approve the minutes of July 21, 2014 (Regular Meeting). Motion seconded by Ms. Hall and carried.

XIII.

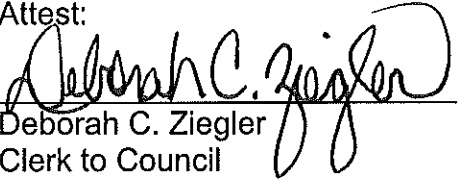
Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____


Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council