



MINUTES

County Council Meeting

June 15, 2015

Spartanburg County Council met on Monday, June 15, 2015, 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, Justin Bradley, David Britt, Jane Hall, Bob Walker, and Roger Nutt, Council Members; along with Katherine O'Neill, County Administrator; Jim Hipp, Deputy County Administrator; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy 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 Horton called the meeting.

Invocation was rendered by Chaplain Amos Durham. Spartanburg County Fire Chief's Association Honor Guard presented Colors and led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Walker to adopt a Resolution honoring and recognizing Shannon D. Dotson for his dedicated service to our Country, his exemplary achievement as a firefighter, and his heroic efforts of assisting a fellow citizen in a time of need. Motion seconded by Mr. Britt and carried.
- B. Motion made by Ms. Hall to adopt a Resolution congratulating and recognizing Chief Ron Nordenbrock for thirty-five years of dedicated service to the Poplar Springs Fire Department and Spartanburg County Community. Motion seconded by Mr. Nutt and carried.

III.

Ms. O'Neill recognized Jon Woodsby and Kristie Oliver, Parks and Recreation Department, and all of our Parks employees who made our First Senior Enrichment Day

a success. Lacey Brady, Finance Department, was recognized for receiving her certification for Certified Government Finance Officer (CGFO). Holly Crooke, Coroner's Office, was recognized for her great professionalism and remarkable initiative with a situation that could have been out of control. Ms. O'Neill also asked Council to join her in welcoming the newest member of our Senior Management Team, Travis Brown, our new Public Works Director.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing a fee-in-lieu of taxes and infrastructure credit arrangement between the County, **Rite Aid of Georgia, Inc. and Flatwood Farms I, LLC**; concerning certain industrial facilities (the "Project"), which includes certain property or interests therein, pursuant to Title 12, Chapter 44 and Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina 1976, as amended (the "Act"). No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a Special Source Credit Agreement between Spartanburg County, South Carolina and **Berrang, Inc.**; and other matters relating thereto including, without limitation, authorization of a Special Source Credit. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a FILOT (Fee In Lieu Of Tax Agreement) and infrastructure credit arrangement between the County and **Mairec Precious Metals U.S., Inc.** concerning certain industrial facilities (the "Project"), which include certain property or interests therein, pursuant to Title 12, Chapter 44 and Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina 1976, as amended (the "Act"). No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Ordinance to amend the agreement for development for Joint County Industrial/Business Park dated as of June 25, 2001 by and between Spartanburg County and Cherokee County, South Carolina, and other matters relating thereto. **(Project Evergreen)** No one appeared, and the matter was closed.
- E. 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, July 11, 2015 and Saturday, July 25, 2015 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

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

- A. Motion made by Mr. Britt to render first reading to an Ordinance authorizing and approving (1) development of a Joint County Industrial and Business Park pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, in conjunction with Cherokee County (the "Park"), such park to be, at the time of its initial development, geographically located in Cherokee County and to include certain property owned and/or operated by the **Timken Company**, a company previously identified as Project Paper or one of more of its affiliates or other related companies; (2) the execution and delivery of a written park agreement with Cherokee County as to the requirement of payments of fee in lieu of *ad valorem* taxes with respect to park property and the sharing of the revenues and expenses of the park; (3) the distribution of revenues from the park within Spartanburg County; and (4) other matters related thereto. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first 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. (**Berrang, Inc.; Mairec Precious Metals U.S., Inc.; and Rite Aid of Georgia, Inc. and Flatwood Farms I, LLC**) Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Justin Bradley, Chairman)
No items scheduled.

Personnel and Finance Committee (Honorable Bob Walker, Chairman)

- A. Motion made by Mr. Walker to amend the Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2016 to remove \$55,000 from the allocation to the Spartanburg Convention & Visitors Bureau (CVB) and placing that amount in an undesignated line item in order for the Accommodations Tax Advisory Committee to reconvene and revisit the applications submitted by The Shrine Bowl, Stone Soup, and the Landrum Sports Association for a report on those applications at the July 2015 County Council meeting. Motion seconded by Ms. Hall and carried. Motion made by Mr. Walker to approve and include all the other recommendations from the Accommodations Tax Advisory Committee in the Fiscal Year 2016 Budget. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Walker to adopt a Resolution to adopt various County Fee Schedules so as to establish the amount of certain fees in Spartanburg County. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Walker to approve a request from the Sheriff's Office to reclassify one of their vacant Sergeant positions (Grade 67) and to an

Administrative Training Lieutenant (Grade 68). Motion seconded by Mr. Britt and carried.

- D. Motion made by Mr. Walker to approve a request from the Detention Center to reclassify two Medical Technician positions (pay grade 43) to pharmacy technician (pay grade 44) positions. Motion seconded by Mr. Britt and carried.
- E. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Ms. Laura Ringo, Executive Director, Partners for Active Living, presented the Partners for Active Living Trails Master Plan Update. This update was received as information.
- B. Mr. Mike Nation, Senior Project Manager, presented information in reference to an Uncodified Ordinance to grant a Right-Of-Way Easement for installing utilities at Holston Creek Park to Duke Energy Carolinas. Motion made by Ms. Hall to render first reading to Ordinance. Motion seconded by Mr. Britt and carried.
- C. Information received regarding activities of the Parks Department.

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

- A. Captain Mark Barry, Sheriff's Office, presented information in reference to a Sheriff's Office Justice Assistance Grant (JAG) for a new Livescan machine. Motion made by Mr. Brown to approve submittal of grant application. Motion seconded by Mr. Nutt and carried.
- 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 Roger Nutt, Chairman)

- A. The Public Works, Buildings and Grounds Committee discussed Policies and Procedures for the Public Works Infrastructure Fund. This Public Works Infrastructure Fund has been named the Steve Belue Public Works Infrastructure Fund in honor of our late Public Works Director. Motion made by Mr. Nutt to adopt the Policies and Procedures. Motion seconded by Mr. Bradley and carried.
- B. Updated information received regarding activities of the Public Works Department.

VI.

In regards to the appointment of the Citizen's Advisory Committee, Chairman Horton stated, "I appreciate all of you coming out this afternoon as the topic of discharging firearms in densely populated, residential, platted subdivisions in Spartanburg County is

discussed. This is not an issue that County Council initiated. This is something that certain neighborhoods have brought to us for a resolution. Let me start by saying this is presented as a safety issue. This is a safety issue. This is not about infringing on anyone's Second Amendment rights. No one is going to take anyone's guns away, and we are not going to hinder your ability to protect your homes or families regardless of where you live. We're tasking this committee with looking at the best practices that will balance protecting your Second Amendment rights with the safety concerns of the people living in these densely populated, residential, platted subdivisions. This group will be working throughout the summer to maybe find solutions as we move forward." Earlier today, a committee was appointed to look at possible remedies in isolated incidences of either shooting of a high powered rifle in a subdivision or target practice in subdivisions. The Committee Members as submitted are Sabrina Gist, a retired County Deputy; Brent Glover, Cibby Krell; David Chapman; John M. Barton, Jr.; Sonny Justice; and Paul Wiliford. The Committee also includes from Staff, Jim Hipp, Deputy County Administrator; Ginny Dupont, Deputy County Attorney; and Captain Tim Metz, Sheriff's Office. Chairman Horton appointed Jim Hipp, Deputy County Administrator, to serve as Temporary Chairman as he works with this committee to examine other Counties and all the laws that may address these very isolated incidences where these neighbors are very fearful for the safety of their families in these areas. Chairman Horton stated each individual signed up to speak during the Public Comment Period has three minutes each, and there is a thirty minute time limit.

Bill Bledsoe, 128 Pastorale Drive, Chesnee, appeared to request a Forfeiture Ordinance in Spartanburg County. The following individuals spoke in reference to discharging of firearms in residential areas: Dave Salyer, 1480 Mt. Lebanon Road, Campobello; Bill Leeder, 113 Castleford Road, Moore; Charles Harrison, 280 Harrison Road, Roebuck; Rebecca Chapman, 691 Wasp Nest Road, Wellford; Mark Lightner, 163 Bristow Lane, Spartanburg; Stanley Bishop, 179 Polk Road, Roebuck; Cherry Laurens, 256 Ashley Danielle Drive, Duncan; Michelle Wiles, 1908 E. Main Street, Duncan; Robin Nelson, 245 Arnold Road, Woodruff; and John Brown, 127 Mallard Drive, Moore. Chairman Horton closed the Public Comment Period.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to amend Chapter 2, Article V, Division 2 of the Spartanburg County Code of Ordinances relative to the Spartanburg Alcohol and Drug Abuse Commission to provide for a change in the name of the commission which better encompasses all elements of services and treatment provided to the residents of Spartanburg County. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Ms. Hall to render third 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, 2015 and ending June 30, 2016; to provide for budget control of said appropriation by the Spartanburg County Council. Motion seconded by Mr. Britt. Mr. Walker stated that he had an amendment.

Motion made by Mr. Walker to waive the requirements of the Resolution adopted by Spartanburg County Council relative to Spartanburg County FSAs conducting non-binding referendums for millage increases in their areas and to amend the 2015/2016 Fiscal Year Spartanburg County Budget to increase the Spartanburg County FSAs millage to include CPI and Growth plus the three year look-back where available and as allowed by State law. Mr. Walker did not read how this would change the millage for each individual FSA, but he distributed a copy of the recommendation showing the millage change for each FSA. This handout is included in backup. Motion seconded by Mr. Brown. Mr. Walker stated that Act 388 was established in 2007. The intention of that was to have CPI plus Growth for those entities that needed to take care of inflation and charges over the years. Since 2008, the FSAs in our County have not received a tax increase or a millage increase or any additional revenues other than Growth. There are 21 SPDs. They are allowed to do it based under their taxing ability. There are 14 FSAs, and they are not allowed to do it because Council did a referendum that stated that we did not want to vote, but we want the people to vote. Mr. Walker stated that they were elected as Council Members to make a decision as to whether these fire departments need to have the CPI. Mr. Walker shared that these fireman, mostly volunteers, start any time they get a call. In some cases, this amounts to as small as \$5 a year increase in the CPI plus Growth. When you add the three year back, it may get to \$15. Mr. Britt stated that this Council has not raised taxes, even \$5 in most cases, in 20 years. Mr. Britt stated that he cannot support this amendment. Mr. Walker asked Mr. Britt if he plans on supporting the Budget and if he does he will be voting for a tax increase since there is in the Budget an increase of \$5 for the County Landfill on each County Tax Notice. Mr. Nutt called the question. Mr. Horton stated for the record that no one on Council knows what a fireman does more than he does. His son is a fulltime fireman. He started out as a volunteer. He knows when he has to leave his house at Christmas, Thanksgiving and go somewhere to do certain things. Mr. Horton expressed that Mr. Walker should have let Council know about this prior to the last minute. Motion failed by a vote of 5 to 2. Mr. Bradley, Mr. Britt, Ms. Hall, Mr. Nutt, and Mr. Horton opposed. Mr. Brown and Mr. Walker voted in favor. Council still had the motion and second to render third 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, 2015 and ending June 30, 2016; to provide for budget control of said appropriation by the Spartanburg County Council. Motion carried by a vote of 5 to 2. Mr. Brown and Mr. Walker opposed. Mr. Bradley, Mr. Britt, Ms. Hall, Mr. Nutt, and Mr. Horton voted in favor.

- C. Motion made by Mr. Britt to render third reading to a Budget Ordinance to establish Capital Project Budgets for the 2015-2016 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Ms. Hall and carried.
- D. Motion made by Mr. Britt 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, **Rite Aid of Georgia, Inc. and Flatwood Farms I, LLC;**

the application of an infrastructure credit to fee-in-lieu of tax payments;; and matters relating 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 Special Source Credit Agreement between Spartanburg County, South Carolina and **Berrang, Inc.**; and other matters relating thereto including, without limitation, authorization of a Special Source Credit. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a FILOT (Fee In Lieu Of Tax Agreement) by and between Spartanburg County, South Carolina and **(Mairec Precious Metals U.S., Inc. (Project Kickoff))** 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.
- G. Motion made by Mr. Britt to render second reading to an Ordinance to amend the agreement for development for Joint County Industrial/Business Park dated as of July 2, 2001 by and between Spartanburg County and Cherokee County, South Carolina, and other matters relating thereto. **(Project Evergreen)** Motion seconded by Mr. Brown and carried.

XIII.

- A. Motion made by Mr. Britt 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, July 11, 2015 and Saturday, July 25, 2015 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Walker 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 15358 recognizes additional current tax collections in the general fund and sets up corresponding expenditures; establishes a capital project for a new county website and accompanying online human resources modules; recognizes revenue and a corresponding expenditure for Clerk

of Court State Incentive funds (restricted revenue); recognizes revenue and a corresponding expenditure for forfeited drug and gambling funds for Solicitor's Office (restricted revenue); recognizes prior year funds and corresponding expenditure for juvenile arbitration; recognizes donation and corresponding expenditure for Emergency Preparedness; combines remaining budget balances of group insurance line items for general fund and general fund supported departments (detention) and transfer to the health insurance fund; and recognizes additional revenue and expenditure in the debt service fund related to the Motorola MAP project. Budget Amendment Resolution Number 15359 sets up revenue received in the Forfeited Gambling Fund, State Forfeited Drug Fund, and Federal Forfeited Drug Fund for March, April and May 2015. Additionally, it sets up revenue received in the Sex Offender Fee Account for July 2014 – June 2015. Budget Amendment Resolution Number 15360 sets up projects approved at the CTC meetings on April 16, 2015 and May 7, 2015. Budget Amendment Resolution Number 15361 sets up the grant agreement for the following SC Department of Commerce grant: Real Property Improvements Grant C-15-2425 (Project True Blue) for Kobelco Construction Machinery USA, Inc. Budget Amendment Resolution Number 15362 – The Upstate WIB received funds for three area businesses to conduct incumbent worker training in strategic planning, visual controls training, value stream mapping, standard process documentation training, data assessment training, lean overview, SS & visual management training, SMED quick change training, demonstration blitz event/facilitation, ISO system training, lean warehouse evaluation, lean warehouse implementation, warehouse automation training, marketing boost training, and Kaizen Leadership Training. Budget Amendment Resolution Number 15363 transfers funds from the solid waste fund to the CIP fund in order to increase the budget of the scale house renovations project. Budget Amendment Resolution Number 15364 recognizes and sets up the future Expenditure of money received for a damaged Sheriff's Office vehicle.

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 revised minutes of May 18, 2015 (Regular Meeting). Motion seconded by Mr. Britt and carried.

Spartanburg County Council
June 15, 2015

XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council