



MINUTES

County Council Meeting

September 15, 2014

Spartanburg County Council met on Monday, September 15, 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 Katherine O'Neill, County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney. Jim Hipp, Deputy 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. Britt led in reciting the Pledge of Allegiance.

II.

No presentations were scheduled.

III.

Ms. Katherine O'Neill recognized Kelly Newman, Budget Department, Kelly McCormick, Planning Department, and Lynn O'Dell, Veterans' Affairs Office, for completing the Grassroots Leadership Development Institute. Ms. O'Neill also recognized our team members that participated in Spartanburg Water's Third Annual Paddlefest.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee in lieu of tax and Special Source Tax Credit Agreement between Spartanburg County, **Bosch Security Systems, Inc.**, as Sponsor, and Liberty Property Limited Partnership, as Co-Sponsor; and prescribing matters related thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the **Spartanburg Sanitary Sewer District**, South Carolina to enlarge its service area; and generally approving other matters relating thereto. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Brannon** from 10:00 a.m. until 11:59 p.m. on Saturday, September 20, 2014 for an Outdoor Concert at 140 Double Bridge Road, Boiling Springs. 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 **John M. Brown** from dusk until 1:00 a.m. on October 3, 4, 10, 11, 17, 18, 24, 25, 31, and November 1, 2014; and from Dusk to 10:00 p.m. on October 5, 12, 19, 23, 26, 29, and 30, 2014 for Nightmare Hollow Haunted Trail at 3411 Reidville Road. No one appeared, and the matter was closed.
- F. 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, October 4, 2014 and Saturday, October 18, 2014 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. Mr. David Shellhorse, EDFP, Economic Development Planner, Appalachian Council of Governments, presented the Appalachian Region **2014 Comprehensive Economic Development Strategy (CEDS)**

Report. (The 2014 CEDS Update is included in backup.) Motion made by Mr. Britt to approve letter of support. Motion seconded by Mr. Brown and carried.

- B. Motion made by Mr. Britt to adopt a Resolution identifying a project to satisfy the requirements of South Carolina Code annotated Section 12-44-40, so as to allow investment expenditures incurred by a company known to the County as **Polydeck Screen Corporation** (including its affiliated and related entities) to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Spartanburg County, South Carolina; and to commit to enter into necessary agreements with the company to effectuate the intent of the resolution; and other related matters. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render first 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 **Polydeck Screen Corporation**, 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. Brown and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the conversion and extension of a fee in lieu of *ad valorem* taxes arrangement under Title 4, Chapter 29 Code of Laws of South Carolina, 1976, as amended, between Spartanburg County ("County") and **Trelleborg Coated Systems US, Inc.** ("Company") to a simplified fee in lieu of *ad valorem* taxes arrangement under Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended; the cancellation and termination of certain lease and industrial revenue bond documentation between the County and the Company; the reconveyance by the County of related property to the Company; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance to amend an agreement for development of Joint County Industrial Park between Lee and Spartanburg Counties so as to diminish the park; to amend an agreement for development of Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg so as to enlarge the park. (**Trelleborg**) Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Chapter 44 of Title 12 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of a fee-in-lieu-of-tax and special source revenue credits agreement between **Project Blue** and Spartanburg County; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- G. Motion made by Mr. Britt to render first reading to an Ordinance to amend the agreement for development of Joint County Industrial Park dated April 20, 2009, as amended, by and between Spartanburg County, South Carolina and Cherokee County, South Carolina, providing for the

development of a jointly owned and operated industrial/business park and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequiter, as amended; so as to include additional property and to further describe such property in that portion of the Joint County Industrial Park geographically located in Spartanburg County, South Carolina, and other matters related thereto. **(Project Blue)** Motion seconded by Mr. Brown and carried.

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

- A. Ms. Murray Cecil, Disabilities Board Chairman, presented information in reference to the Disabilities Board. Motion made by Mr. Culbreth to render first reading to an Ordinance amending Spartanburg County Ordinance Number 521 so as to provide for necessary changes in terminology in compliance with United States Senate Bill 2781, otherwise known as Rosa's Law. Motion seconded by Mr. Mintz and carried.
- B. Ms. Patty Wheatley, Family Care Counsel Program Coordinator, Spartanburg Alcohol and Drug Abuse Commission, presented information in reference to a Department of Alcohol and Other Drug Abuse Services (DAODAS) grant application for Family Care Counsel/Glenn Springs Academy. Motion made by Mr. Culbreth to approve grant application submittal. Motion seconded by Mr. Brown and carried.
- C. Ms. Lisa Deer, Deputy Director, Criminal Justice Program, Spartanburg Alcohol and Drug Abuse Commission, presented information in reference to a Department of Alcohol and Other Drug Abuse Services (DAODAS) grant application for SBIRT (Screening, Brief Intervention and Referral to Treatment. Motion made by Mr. Culbreth to approve grant application submittal. Motion seconded by Mr. Brown and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Mr. Greg Walker, Veterans Affairs Officer, presented information in reference to a position reclassification in the Veterans Affairs Office. Mr. Walker requested reclassification of his Assistant Veterans Affairs Officer from a nonexempt grade 49 to an exempt grade 84. Motion made by Mr. Culbreth to approve reclassification request. Motion seconded by Mr. Nutt and carried.
- B. Ms. Katherine O'Neill, County Administrator, presented information in reference to an Ordinance amending Chapter 70, Article VI of the Code of the County of Spartanburg, South Carolina to permit a City with an Architectural Review Board to serve as the Reviewing Authority and to clarify provisions regarding granting or extending the Special Assessment Period. Motion made by Mr. Culbreth to render first reading to Ordinance. Motion seconded by Mr. Nutt and carried.
- C. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Mr. John Perry, University South Carolina Spartanburg, presented information in reference to USC Upstate proposed project. (Handout included in backup) This proposed park project was received as information.
- B. Mr. Chris Jennings, Director, Spartanburg Convention and Visitors Bureau, presented in reference to the 2014 Panthers Impact, 2014 Panthers Camp Visitors Profile, and the upcoming 2014 Tourism Forum & Luncheon. (Presentation, Economic Impact of Panthers Training Camp – 2014 Report by Dr. Bob Brookover, and an invitation to the 2014 Tourism Forum and Luncheon are included in backup.)
- C. Mr. Jim Campbell, Interim Director, and Mr. Mike Nation, Project Manager, Parks Department, presented information in reference to the status of the Parks Department Capital Projects. (Presentation included in backup) Motion made by Ms. Hall to accept the conceptual design for Cleveland Park and Berry Field without the train. Motion seconded by Mr. Brown and carried.
- D. Information received regarding activities of the Parks Department.

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

- A. Chairman Brown presented information in reference 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 rescind the Resolution adopted at the August County Council Meeting which set an advisory referendum to allow for an increase in the levy and collection of a tax from the current millage in the Una Community Fire Service Area currently set for November 3, 2014. Motion seconded by Mr. Culbreth and carried. Mr. Mintz opposed. Motion made by Mr. Brown to adopt the Resolution to set an advisory referendum for January 27, 2015 which would allow for an increase in the levy and collection of a tax from the current millage in the Una Community Fire Service Area. Motion seconded by Ms. Hall and 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. Mr. Ron Kirby, Engineer, and Mr. Tim Sherbert, Stormwater Manager, presented information in reference to an Ordinance amending Spartanburg County Ordinance O-09-02 codified as Chapter 30, Article IV in its entirety and replacing it with the following in order to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effect of increased Stormwater runoff associated with both future land development and existing developed land within the County of Spartanburg. Proper management of Stormwater runoff will minimize damage to public and private property, insure a functional drainage system, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local environment, associated with the drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts. Motion made by Mr. Mintz to render first reading to Ordinance. Motion seconded by Mr. Nutt. Motion made by Mr. Nutt to amend the recommended Ordinance Section 3.1(B) (5) to delete the term "one acre or more" and replace it with "two acres or more." Motion seconded by Mr. Culbreth. Ms. O'Neill stated that she is not sure we will still be in compliance with our intended permit that would be effective in January. Ms. O'Neill stated that she would be glad to take this revision to DHEC and see if they will consider that to be in compliance. We need to get the Ordinance revisions in place by January. Motion to amend the Ordinance carried. Ms. Hall and Mr. Horton opposed. Motion made by Mr. Nutt to render first reading to Ordinance as amended. Motion seconded by Mr. Mintz and carried. Ms. Hall and Mr. Horton opposed.
- C. Updated information received regarding activities of the Public Works Department.

VI.

No one appeared during the Public Comment Period.

VII.

- A. Motion made by Mr. Britt to render third 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. Nutt and carried.
- B. Motion made by Mr. Britt to render second 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, **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.
- C. Motion made by Mr. Britt to render second 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.
- D. Motion made by Mr. Nutt to render second 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 Ms. Hall and carried.

XIII.

- A. Motion made by Mr. Mintz to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Brannon** from 10:00 a.m. until 11:59 p.m. on Saturday, September 20, 2014 for an Outdoor Concert at 140 Double Bridge Road, Boiling Springs. Motion seconded by Mr. Culbreth and carried.
- B. Motion made by Mr. Nutt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **John M. Brown** from dusk until 1:00 a.m. on October 3, 4, 10, 11, 17, 18, 24, 25, 31, and November 1, 2014; and from Dusk to 10:00 p.m. on October 5, 12, 19, 23, 26, 29, and 30, 2014 for Nightmare Hollow Haunted Trail at 3411 Reidville Road. Motion seconded by Mr. Britt and carried.
- C. 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, October 4, 2014 and Saturday, October 18, 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 15047 reclassifies Veterans Affairs' slot VA2 – Assistant Officer of Veterans Affairs from a grade 49 to a grade 84. Budget Amendment Resolution Number 15048 changes the title of slot CD4 in the HAZMAT department from HAZMAT Administrator/Assistant Director of Emergency Preparedness to Deputy Fire Marshall/HAZMAT Coordinator. Budget Amendment Resolution Number 15049 adjusts the FY 15 adopted budget for the DHEC Emergency Medical Services GIA (Grant-in-Aid) grant downward to the actual amount awarded. Budget Amendment Resolution Number 15050 sets up grant revenue and expenditures awarded in the Sheriff's Office from the Department of Justice – JAG (Justice Assistance Grant). Budget Amendment Resolution Number 15051 acknowledges receipt of funds redemption interest and overage from the sale of FLC (Forfeited Land Commission) properties. Budget Amendment Resolution Number 15052 utilizes the SC DSS CACFP (South Carolina Department of Social Services Child and Adult Care Food Program) grant for partial reimbursement to provide healthy snacks in their ACE (After Class Enrichment) Program. Budget Amendment Resolution Number 15053 accepts the unsolicited donation of two 60" VIZIO 1080p HDTV televisions from the South Carolina Lieutenant Governor's Office on Aging, 1301 Gervais Street, Suite 350, Columbia SC 29201, for utilization at the Chesnee Community Center. Budget Amendment Resolution Number 15054 – The Upstate WIB received additional Rapid Response funds for STS with specific training for incumbent workers. Budget Amendment Resolution Number 15055 amends the Other Funds Vehicle and Capital Equipment Replacement CIP project (ER0003). Budget Amendment Resolution Number 15056 accepts the award of the annual Law Enforcement Network grant awarded to the Sheriff's Office.

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

XI.

Motion made by Mr. Culbreth to approve the minutes of August 18, 2014 (Regular Meeting). Motion seconded by Mr. Britt and carried.

XII.

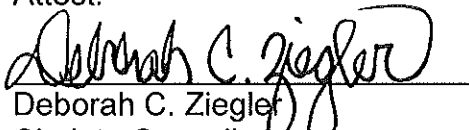
Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: _____


Jeffrey W. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council