

MINUTES

County Council Meeting

October 20, 2014

Spartanburg County Council met on Monday, October 20, 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; Jim Hipp, Deputy County Attorney; Lisa Claxton, County Attorney; 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 to order.

Invocation was rendered by Ms. Hall. Mr. Britt led in reciting the Pledge of Allegiance.

II.

A. Motion made by Mr. Nutt to adopt a Resolution designating the month of November 2014 as Pulmonary Hypertension Awareness Month in Spartanburg County. Motion seconded by Mr. Brown and carried. Ms. Penney Cline received the Resolution.

III.

Ms. Katherine O'Neill recognized Jes Sdao Swanson, Wellford Landfill, Recycling Division, for being instrumental in organizing a Recycling event at Pacolet. Over two days, 30.44 tons of C&D material, 4 tons of tires, 13.85 tons of metal and 6.21 tons of e-scrap from 535 participants were gathered. This event was an overwhelming success due to the hard work and dedication of Jes. Mayor Elaine Harris, Town of Pacolet, sent her appreciation to the Parks and Recreation Department for the guidance, assistance, hard work and partnership during the spring and fall Pacolet River Paddling Events. Mike Nation, Marcia Murff, Jon Woodsby, Elizabeth Hardee, and Lou Kinsey, Parks

Department, were recognized for being outstanding and dedicated recreation professionals. Lisa Claxton, County Attorney, was recognized for recently being appointed to SPIHN (Spartanburg Interfaith Hospitality Network). Their mission is to help homeless families and their children become self-sufficient by bringing together community resources to provide essential human needs and life skills in a compassionate environment. Lisa was also recognized for completing the United Way Nonprofit Fellows program. It is a program that educates our community leaders on the critical role non-profit organizations play in the community and equipping these individuals with the skills necessary to serve as effective volunteer leaders.

IV.

- A. Chairman Horton declared open a public hearing in connection with the proposed issuance by the Issuer of its Qualified Energy Conservation Bonds (the "Bonds") in an aggregate principal amount not to exceed \$2,500,000. A portion of the proceeds of the Bonds will be made available to Abundant Power Group, LLC, a North Carolina limited liability company, and/or an affiliate thereof, including, without limitation, any entity created for purposes of the project specified herein (the "Borrower"), to provide funds to implement the South Carolina SAVES Green Community Program ("SC SAVES"). SC SAVES is a green community program established as a qualified conservation purpose under Section 54D(f)(1)(A)(ii) of the Internal Revenue Code of 1986, as amended. Under SC SAVES, the Borrower will make funds available to Spartanburg School District Four, or an affiliate thereof (the "School District"), for the purpose of implementing energy conservation measures at the four school buildings and administrative offices belonging to the School District and located within the territory of Spartanburg County, South Carolina (the "County"). No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance amending Section 2-121 of the Code of the County of Spartanburg, South Carolina regarding term limits for County Council Appointed Boards, Committees and Commissions. 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 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. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.

- E. Chairman Horton declared open a public hearing to consider 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)** No one appeared, and the matter was closed.
- F. Prior to the public hearing on the proposed Stormwater Ordinance, Chairman Horton stated that in order to be completely compliant with both the Federal and State regulations, an amendment to the Ordinance being considered will be offered upon second reading to properly reflect a one acre requirement for new and re-development projects that disturb land. Chairman Horton declared open a public hearing to consider 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. No one appeared, and the matter was closed.
- G. 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, November 1, 2014 for a live band 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 adopt a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its qualified energy conservation bonds, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended, in the aggregate principal amount not to exceed \$2,500,000. This Resolution is in support of Spartanburg School District Four using SC SAVES to Fund the Energy Performance Contract. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing an Amendment to the Agreement for Development of Joint County Industrial and

Business Park (Park No. 2) by and between Cherokee County, South Carolina, and Spartanburg County, South Carolina, to enlarge the boundaries of the Joint County Industrial and Business Park to include certain real property located in Cherokee County; and other related matters. Motion seconded by Mr. Brown and carried.

- C. Motion made by Mr. Britt to render first reading to an Ordinance 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. **(Polydeck)** Motion seconded by Mr. Brown and carried.

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

- A. Motion made by Mr. Nutt to approve submittal of grant application for a Recovery Program Transformation & Innovation Fund Grant. Motion seconded by Mr. Britt and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to adopt a Resolution to certify TNS Mills as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance to add an Uncodified Ordinance to the Code of the County of Spartanburg to certify TNS Mills as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Culbreth to approve a request from the Parks Department to add one position. Motion seconded by Ms. Hall and carried.
- D. Motion made by Mr. Culbreth to approve a request from Magistrate Court to reclassify one position. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Culbreth to approve a request to reclassify one position at the Detention Center. Motion seconded by Ms. Hall and carried.
- F. Motion made by Mr. Culbreth to approve a request from Communications/9-1-1 to reclassify one position. Motion seconded by Mr. Nutt and carried.
- G. Information was received in reference to Post 65 retiree insurance benefits. Motion made by Mr. Culbreth to authorize the County Administrator and her staff to solicit proposals and to execute the documents necessary to establish a relationship with a third party Administrator to offer Retiree Health Reimbursement Accounts to eligible retirees who are at least 65 and Medicare eligible with the understanding that the amount for each account will not exceed \$350.00 per month per retiree and that the County retains the right and full discretion to amend, change, modify or otherwise discontinue the Retiree Health Reimbursement Accounts including, but not limited to, the County's contribution to such accounts, at any time, for any reason. Motion seconded by Mr. Nutt and carried.
- H. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Mr. Jim Campbell, Interim Director, Parks Department, and Ms. Kristie Oliver, Recreation Coordinator II, presented information in reference to the Senior Wellness Initiative and the impact it is already having on the citizens of Spartanburg County. (Presentation and Report are included in backup)
- B. Information received regarding activities of the Parks Department.

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

- A. Mr. Stanley Webber, Commander, presented information in reference to a request from the American Legion Boiling Springs Post No. 200 to solicit funds from motorists on Saturday, November 8, 2014 between the hours of 9:30 a.m. and 1:30 p.m. with a rain date of Saturday, November 15, 2014 to collect funds at Rainbow Lake Road/Entrance and Wal-Mart and Lowe's Exits; Double Bridge Road next to Firehouse Subs; Valley Falls Road next to Rite Aid; the intersection of 4th Street at McDonalds and Shoally Creek Road at CVS; and Old Furnace Road off Highway #9 at McDonalds Exit and Bi-Lo Plaza Exit for Community Service and Palmetto Boys State & Law Cadet School. Motion made by Mr. Brown to approve request. Motion seconded by Mr. Culbreth and carried.
- B. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Information was received in reference to recommendation from the Planning Commission in reference to Area Planning Process. The recommendation from the Planning Commission was to study growth in five proposed areas as a starting point and to study the Southwest Corridor Planning Area first. Motion made by Mr. Horton to allow the Planning Commission and the Planning Department to, over the next year or so, bring forth some framework for issues related to businesses and residential areas in Spartanburg County. Motion seconded by Mr. Mintz and carried.
- B. Motion made by Mr. Horton to render first reading to an Uncodified Ordinance to grant a Right of Way Easement for installation of a transformer by Duke Energy Carolinas, LLC at the BMW Performance Center. Motion seconded by Mr. Mintz and carried.
- C. 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, presented an Update on the proposed Stormwater Ordinance.
- B. Ms. Katherine O'Neill presented information in reference to a Resolution opposing the proposed expansion of federal control under the Clean Water Act.

Motion made by Mr. Mintz to adopt the Resolution. Motion seconded by Mr. Britt and carried.

- 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 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. Brown and carried.
- B. Motion made by Mr. Britt to render third 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 render third 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. Mintz and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance amending Section 2-121 of the Code of the County of Spartanburg, South Carolina regarding term limits for County Council Appointed Boards, Committees and Commissions. Motion seconded by Mr. Nutt and carried. Mr. Brown, Mr. Mintz, and Ms. Hall opposed.
- E. Motion made by Mr. Britt to render second 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.
- F. Motion made by Mr. Britt to render second 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.

- G. Motion made by Mr. Britt to render second reading to an Ordinance to amend an agreement for development of a 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.
- H. Motion made by Mr. Britt to render second 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. Brown and carried.
- I. Motion made by Mr. Nutt to amend Section 70-169(a)(1)(c) of the proposed 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 to read as follows: Preliminary certification must be received prior to beginning work, unless the property is in a city and the Special Assessment Period pursuant to Section 70-171(h) does not exceed ten (10) years in which case County Council must resolve as set forth above prior to final certification. Motion seconded by Mr. Britt and carried. Motion made by Mr. Nutt to render second reading 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 as amended. Motion seconded by Mr. Britt and carried.
- J. Motion made by Mr. Nutt to amend the proposed Stormwater Ordinance passed on first reading to go back to the one acre threshold for new and re-development projects that disturb land. Motion seconded by Mr. Mintz and carried. Motion made by Mr. Britt to render second reading 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 as amended. 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 seconded by Mr. Mintz 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, November 1, 2014 for a live band 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 15066 provides an additional \$50,000 to the Register of Deeds Indexing System Project (IT0019). Budget Amendment Resolution Number 15067 authorizes the reclassification of slot OC4, Assistant Shift Supervisor, grade 47. Budget Amendment Resolution Number 15068 reclassifies slot C11 from a Senior Magistrate Court Coordinator position to a Deputy Court Coordinator position. Budget Amendment Resolution Number 15069 authorizes the donation of three deadlined Sheriff Office vehicles, one each to the Town of Pacolet, RD Anderson Applied Technology Center, and Swofford Career Center. Budget Amendment Resolution Number 15070 sets up revenue received in the Forfeited Gambling Fund and State Forfeited Drug Fund for July, August and September 2014. Budget Amendment Resolution Number 15071 recognizes the award of funding to provide additional video surveillance system capabilities at the Courthouse. Budget Amendment Resolution Number 15072 allows for the closure of completed C-Fund projects. Budget Amendment Resolution Number 15073 recognizes the award and receipt of Funding for the SCAAP grant which will provide for supplies and equipment at the Detention Center. Budget Amendment Resolution Number 15074 authorizes the reclassification of slot J22 from a Detention/Deputy III to a new Investigator/Intelligence Officer. Budget Amendment Resolution Number 15075 moves all remaining funds for part-time/temporary employees from Park Maintenance (9211) to Park Operations (9217) as well as creates a new full-time Site Coordinator II position (grade 46) in the Park Operations. Budget Amendment Resolution Number 15076 – At the last Board meeting, the Upstate WIB (Workforce Investment Board) approved removing the rent line items for the SC Works Centers

in Spartanburg (Evans Building) and Union (From Building) from the Upstate WIB Office Budget, in order to add these charges to the ResCare Budget (SC Works Operator) to more appropriately reflect these expenses as Programmatic. Budget Amendment Resolution Number 15077 sets up the revenue and expenditure Budgets for three Rapid Response Grants, one Incumbent Worker Training Grant, and one On the Job Training Program Grant. Budget Amendment Resolution Number 15078 amends the IT (Information Technologies) County Servers and Software Upgrade (IT0006) project scope to include the purchase of two sans servers. Budget Amendment Resolution Number 15079 transfers the remaining project balance of North Spartanburg Regional Park (PR0011) to Va-du-Mar McMillan Park (PR0008) to provide resources for future potential improvements or other project expenditures. Budget Amendment Resolution Number 15080 recognizes the receipt of funds from Duncan Fire Service Area General Obligation Bond to reimburse the County for Financial advisor fees incurred as part of the issuance of the bond. Budget Amendment Resolution Number 15082 authorizes the acceptance of the Violence Against Women Act grant for a special prosecutor position. Budget Amendment Resolution Number 15083 authorizes the Solicitor's Office to add one vehicle to the County fleet.

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

XI.

Motion made by Mr. Britt to approve the minutes of September 15, 2014 (Regular Meeting); September 25, 2014 (Special Meeting); and September 29, 2014 (Special Meeting). Motion seconded by Mr. Culbreth and carried.

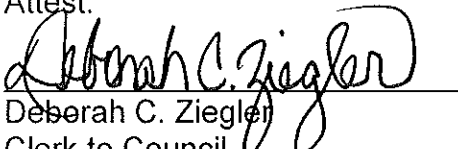
XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council