



MINUTES

County Council Meeting

October 19, 2015

Spartanburg County Council met on Monday, October 19, 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. Honorable Bob Walker led in reciting the Pledge of Allegiance.

II.

No Presentations were scheduled.

III.

No Employee Recognitions were scheduled. Ms. O'Neill had a number of County employees who she was going to recognize at this meeting, but they were helping with the Cleveland Park Community Build. Ms. O'Neill deferred their recognition until November. The Cleveland Park Community Build is an opportunity for our staff and our community to come out and help build Cleveland Park.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance providing for amendment and restatement of Ordinance No. O-09-09, as previously amended by Ordinance No. O-12-27 and Ordinance No. O-14-15, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks. 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 fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Project HVA** 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. 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 tax agreement by and between Spartanburg County, South Carolina and **Project Static** 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. No one appeared, and the matter was closed.
- D. Chairman Horton 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 **Rochling Automotive USA LLP (Project 40)** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. No one appeared, and the matter was closed.
- E. Chairman Horton stated that earlier today we had one public hearing that was advertised in the Spartanburg Herald-Journal, but it was not placed on the paper agenda for the County. Earlier Spartanburg County Council unanimously agreed to add this public hearing to the Agenda. Chairman Horton declared open a public hearing to consider a Resolution in regards to the issuance by the South Carolina Jobs-Economic Development Authority of its Education Facilities Revenue Bonds, in one or more Series, taxable or tax-exempt, pursuant to the provisions of Title 41, Chapter 43 of the Code of Laws of South Carolina 1976, as amended, in the principal amount of not exceeding \$6,500,000. 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 authorizing the extension of the investment period under a fee agreement by and between Spartanburg County, South Carolina, and **Leigh Fibers, Inc.** and the execution and delivery of an Amendment to the Fee Agreement in connection with such extension. 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 of 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. (**Coveris Flexibles US LLC, Holroyd Precision Rotors, and Apollo 17, LLC**) 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 Special Source Credit Agreement by and between Spartanburg County, South Carolina and **Palmetto Hospitality of Spartanburg, 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. Brown and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to develop a jointly owned and operated industrial/business park in conjunction with Spartanburg County, such industrial/business park to be geographically located in Union County and established pursuant to South Carolina Code of Laws 1976, Section 4-1-170 et seq., as amended; to provide for a written agreement with Union County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem tax; and matters related thereto. (**Project Veruca Salt**) 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. During the Personnel and Finance Committee meeting earlier in the day, Mr. Brad Love, Haynsworth Sinkler Boyd, presented information in reference to an Ordinance to provide for the issuance and sale of not exceeding sixteen million dollars (\$16,000,000) Spartanburg County, South Carolina General Obligation Refunding Bonds, Series 2015, in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto and the Committee approved this for second reading. Motion made by Ms. Hall to render second reading to Ordinance.

Motion seconded by Mr. Nutt and carried. Mr. Horton stated that the County is trying to refinance some Bonds to try to save money on interest.

- B. Mr. Walker stated the Personnel and Finance Committee approved the reorganization request from The Forrester Center for Behavioral Health to reorganize some of their positions. The Forrester Center for Behavioral Health requested to reclassify slot AFG2, Grade 82, Position Code 8023 from Counselor III to Program Coordinator (Grade 83), Position Code 8027. (The current and proposed Organization Charts are included in backup.) Motion made by Ms. Hall to approve reorganization request. Motion seconded by Mr. Nutt and carried.
- C. Updated financial data and personnel vacancy reports were received.
- D. At the beginning of General Session, Council voted unanimously to add the following item to the Agenda. The Personnel and Finance Committee received information in reference to a Resolution by the South Carolina Jobs-Economic Development Authority of its Education Facilities Revenue Bonds, in one or more Series, Taxable or Tax-Exempt, pursuant to the provisions of Title 41, Chapter 43 of the Code of Laws of South Carolina 1976, as amended, in the principal amount of not exceeding \$6,500,000. Mr. Walker stated this Resolution relates to Spartanburg Prep. Motion made by Ms. Hall to adopt Resolution. Motion seconded by Mr. Brown. Ms. O'Neill stated that Sections I, II, and III of the Resolution fully cover what the Council is being asked. This is solely for the purpose of satisfying the federal tax requirements. It is not an endorsement. It shows that Council has held a public meeting; there has been the opportunity for individuals to make comments about the Spartanburg Preparatory School going forward with Revenue Bonds; and there is no obligation or liability by the County. The County has created the forum for the public feedback on the proposal, and the County Administrator is being authorized to execute a Certificate for the excerpt of our minutes and any Freedom of Information Act requests that may be necessary to show the County met those requirements in providing the host forum for the community to share their approval or disapproval of the school going forward. Motion carried.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Ms. Laura Ringo, Executive Director, Partners for Active Living (PAL) presented information in reference to County Trails Funding Request. The Livability Committee agreed to approve this request and bring it to full Council. (A Map showing Spartanburg Trails Plan was presented to Council and is included in backup.) Partners for Active Living requested that Council designate \$100,000 for each of three projects. The projects include the Glendale Bridge restoration; the Cottonwood South connector; and the Drayton Mills Trail-south. The funding is already part of the Capital Improvement Plan in Project PR0005. Motion made by Ms. Hall to approve the funding request for the trails. Motion seconded by Mr. Britt and carried.
- A. Information received regarding activities of the Parks Department.

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

- A. Motion made by Mr. Brown to approve request from American Legion Boiling Springs Post No. 200 to solicit funds from motorists on Saturday, November 7, 2015 between the hours of 9:30 a.m. and 1:30 p.m. with a rain date of Saturday, November 14, 2015 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 seconded by Mr. Nutt and carried.
- B. Mr. Jamie Nelson, Environmental Enforcement Director, presented information in reference to a request to apply for the PalmettoPride Enforcement Grant. Motion made by Mr. Brown to approve grant application submittal. Motion seconded by Mr. Britt and carried.
- C. Mr. Murray Glenn, Office Administrator, Solicitor's Office, presented information in reference to a request to apply for the Victims of Crime Act – Special Solicitation Grant. The funds will be used to provide Tablets to Victim Advocates. Motion made by Mr. Brown to approve grant application submittal. Motion seconded by Mr. Britt and carried.
- D. Mr. Jim Hipp, Deputy County Administrator, presented information in reference to the Holly Springs Fire Department property lease at Holston Creek Park. On behalf of the Public Safety and Judiciary Committee, motion made by Mr. Brown to render first reading to an Uncodified Ordinance to lease property to the Holly Springs Fire Department to allow for the construction of a Fire Department Substation on a portion of the Holston Creek Park property to provide additional fire protection services to the citizens of Spartanburg County. Motion seconded by Mr. Walker and carried.
- E. 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. Updated information received regarding activities of the Public Works Department.

VI.

During the Public Comment Period, Emily Neely, 1275 Partridge Road, Spartanburg, and Deborah Kocisko, 118 Lomond Lane, Spartanburg, appeared in reference to the discharge of firearms in residential areas. Bill Conley, Chairman, Republican Party, 212

York Street, Chesnee, appeared and gave Council for their consideration a copy of a Resolution that was passed at the Spartanburg County Republican Convention back in April regarding Refugee Resettlement.

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 Credit Agreement by and between Spartanburg County, South Carolina and **Coveris Flexibles US LLC**, formerly known to the County as Project Stamp, 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.
- B. Motion made by Mr. Britt to render third 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 **Holroyd Precision Rotors, Inc.** (Project EMU) 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.
- C. Motion made by Mr. Britt to render third reading to an Ordinance to amend the agreement for development of a joint county industrial and business park, dated as of March 19, 2007, by and between Cherokee County and Spartanburg County, South Carolina, so as to extend the termination date, as to certain properties, and other matters relating thereto. (**Moderna Products America, LLC**) Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render third reading to an Uncodified Ordinance to grant a utility easement to Duke Energy Carolinas, LLC to extend existing lighting and power service to serve additional facilities associated with the Spartanburg County Emergency Services Academy. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render third reading to an Ordinance providing for amendment and restatement of Ordinance No. O-09-09, as previously amended by Ordinance No. O-12-27 and Ordinance No. O-14-15, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks. 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 fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Auriga Polymers Inc.** (Project HVA) 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 authorizing the execution and delivery of a fee in lieu of tax agreement by and between

Spartanburg County, South Carolina and **DDA Draexlmaier Automotive of America LLC** (Project Static) 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.

- 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 **Rochling Automotive USA LLP** (formerly known to the County as "Project 40") with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.

XIII.

No items scheduled.

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 16058 recognizes revenue from the Boiling Springs Fire Department for development and implementation of a training program to prepare individuals for a career in firefighting. Budget Amendment Resolution Number 16059 acknowledges and approves use of County contingency funds for the purchase of employee appreciation cards to be distributed for the holidays. Budget Amendment Resolution Number 16060 assigns a portion of the General Fund unassigned fund balance remaining at the end of FY 2015 for the following purposes: (1) establishing a capital reserve (\$2,000,000); (2) establishing a reserve of delinquent tax collection costs in excess of expenditures (\$153,490); and (3) establishing a capital reserve to begin funding the purchase and implementation of a financial software package (\$750,000). Budget Amendment Resolution Number 16061 sets up revenue received in the Forfeited Gambling Fund, State Forfeited Drug Fund and Federal Forfeited Drug Fund for June, August and September 2015. Budget Amendment Resolution Number 16062 authorizes the move of two positions

within The Forrester Center budget as well as reclassifies one position. Budget Amendment Resolution Number 16063 sets up revenue and expenditure accounts for the Law Enforcement Network (LEN) Mini Grant 2JC16007 award. Budget Amendment Resolution Number 16064 sets up projects for Delegation Member set-asides for the Glendale Bridge project, contingent upon passage by the CTC at their next meeting. Budget Amendment Resolution Number 16065 authorizes a project scope change for the County Server and Software Upgrade project (IT0006). Budget Amendment Resolution Number 16066 recognizes a donation from Lowe's, Inc. "Lowe's Heroes" program for the Cleveland Park Playground project. Budget Amendment Resolution Number 16067 accepts unsolicited donation of fitness equipment from KapStone Paper and Packaging Corporation located at 139 Price Farm Road, Cowpens, SC 29330, for utilization at the Timken Community Center in Cowpens. Budget Amendment Resolution Number 16068 reduces WIB's operating budget from the estimated grant awards to the actual grant awards for FY16. Budget Amendment Resolution Number 16069 – The Upstate WIB received funds to provide training resources for businesses. Budget Amendment Resolution Number 16070 accepts a grant award from the Spartanburg Regional Foundation as well as establishes the budget for the grant. Budget Amendment Resolution Number 16071 recognizes revenue from the City of Chesnee, received as part of the Chesnee's commitment of \$75,000 to the renovation of Chesnee Park, when the City joined the Parks District in 2013. Budget Amendment Resolution Number 16072 transfers funding from three capital projects to the Community Parks Improvement capital project (PR0017) and consolidates the current balances within the Community Parks Improvement project into the construction account. Budget Amendment Resolution Number 16073 approves project allocations for the Bicycle & Pedestrian Infrastructure capital project (PR0005) which banks funding for trails network development. Budget Amendment Resolution Number 16075 ratifies the carryovers from FY15 to FY16 which were approved on R15-100, BAR 16030 at the August 2015 Council meeting. Budget Amendment Resolution Number 16076 sets up revenue and expenditure accounts for grants and restricted revenues. Budget Amendment Resolution Number 16077 acknowledges and approves use of currently appropriated data processing contingency funds for the upgrade of the AssessPro software suite and associated server and operating software necessary to run the suite.

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

XI.

Motion made by Mr. Britt to approve the minutes of September 18, 2015 (Council Retreat), September 21, 2015 (Regular Meeting), and October 8, 2015 (Special Meeting). Motion seconded by Ms. Hall and carried.

Spartanburg County Council
October 19, 2015

XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: Jeffrey A. Horton
Jeffrey A. Horton, Chairman

Attest:
Deborah C. Ziegler
Deborah C. Ziegler
Clerk to Council