

# MINUTES

## County Council Meeting

**August 17, 2015**

Spartanburg County Council met on Monday, August 17, 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 Chairman Horton. Honorable Bob Walker led in reciting the Pledge of Allegiance.

II.

No presentations were scheduled.

III.

Ms. O'Neill recognized Parks Department employees Trey Glover, Sean Veilleux, Justin Raney, Matt Arms, Mike Nation and Eric McCall for their hard work hosting the NSA East Zone Tournament. David Butler, NSA Tournament, commended them on the smooth and fun week. Parks Department employees Mike Nations, Eric McCall, and all the Team Members were commended for the great job they did for the 6<sup>th</sup> Annual "Push America All Star Game and Dinner." Jamie Nelson, Environmental Enforcement Director, was recognized for helping the Coroner's Office with a dangerous situation on Highway 221 involving a scared and confused dog. Patti Cobb, Environmental Enforcement, was recognized for assisting a concerned citizen with an animal cruelty complaint, and Jamie Nelson was recognized for his leadership. Dorothy Earle,

Marionanne Weeks, and Anita Ivey, Records of Deeds Office, were also recognized. Haynsworth, Sinkler and Boyd commended them on how well the Records of Deeds Office new system is working and wanted to express their appreciation for all of their hard work. Mike Flynn, Communications 9-1-1 Director; Tim Watson, Assistant Supervisor; Chris Johnson, Dispatcher; Hannah Sacarelos, Dispatcher; and Mandy Cockrell, Assistant Supervisor, were recognized for their CPR saves.

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 Agreement by and between Spartanburg County, South Carolina and **Apollo 17, LLC** 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.
- 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 **Georgia-Pacific Corrugated LLC** 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.
- C. 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 5, 2015 and Saturday, September 12, 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 adopt a Resolution authorizing, under certain conditions, the execution and delivery by Spartanburg County, South Carolina of a Fee in Lieu of Tax and Special Source Credit Agreement with a Company known to the County at this time as **Project Stamp** with respect to an industrial project in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Project Stamp will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. Motion seconded by Mr. Brown and carried.
- B. 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 Credit Agreement by and between Spartanburg County, South Carolina and a Company

known to the County at this time 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.

- C. Motion made by Mr. Britt to render first 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 **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.
- D. Motion made by Mr. Britt to render first 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.

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

**Personnel and Finance Committee** (Honorable Bob Walker, Chairman)

- A. Mr. Murray Glenn, Administrator, Solicitor's Office, presented information in reference to a request from the Solicitor's Office to reclassify one position. Motion made by Mr. Walker to approve request. Motion seconded by Mr. Britt and carried.
- B. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Jane Hall, Chairman)

- A. Mr. Jim Campbell, Interim Director, Parks Department, presented information in reference to the National Softball Association (NSA) Tournament and the Amateur Softball Association (ASA) Tournament. Between the two Tournaments, we had over 8700 people who occupied hotel rooms. Hotels were completely full in Spartanburg County with spillover into Greenville and Cherokee Counties with the economic impact being well over \$3 million for these two weeks of play.
- B. Ms. Marcia Murff, Public Relations and Development Manager, Parks Department, distributed the Parks Department Annual Performance Report.

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

- A. Motion made by Mr. Brown to authorize the Commission of Trevor Wynn Sherbert, Litter Control Officer, as a Spartanburg County Code Enforcement Officer. Motion seconded by Mr. Walker 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. Updated information received regarding activities of the Public Works Department.

VI.

During the Public Comment Period, Michael Hayes, 2470 Landrum Mill Road, Campobello; Walt Meyers, 405 Fairview Farms Road, Campobello; Judie Klapholz, 199 Kelseys Mill Road, Campobello; Deborah Messner, 1140 Tugaloo Road, Landrum; and Pat Knie, 885 Smith Chapel Road, Campobello, spoke in opposition to the proposed Duke Energy Transmission Lines Project and requested a Council Resolution to represent them. Ms. Messner gave Council a petition containing over 1,000 signatures just from Spartanburg County and South Carolina alone. In addition, over 4,300 people mostly from North Carolina have signed the petition.

Mr. Walker personally thanked all those with concerns that were present at the meeting and stated that he shares the concerns of his fellow County Councilmen and the residents of this area about Duke Energy's plan to build a transmission line through the northern portion of Spartanburg County. However, based on advice he received from the South Carolina Ethics Commission, he must recuse himself from any votes on the matter to avoid the appearance of a conflict of interest because property he owns is potentially impacted by one of the proposed routes. Mr. Walker encouraged citizens to continue to give their input to Duke Energy, the Public Service Commission (PSC), and the Office of Regulatory Services during this due diligence process phase, and stated that he hopes the company weighs that input carefully before moving forward with any plan.

Chairman Horton stated that Council is aware that Duke Energy is concluding its public comment period prior to the next regular Council meeting. An overwhelming number of citizens have asked Council to urgently support their concerns about the impact of the proposed transmission lines on the community, County, and region before plans are finalized for the project. As a result of these exigent circumstances, a Resolution has been prepared. Mr. Walker recused himself. Motion made by Mr. Nutt to amend the agenda to allow for the introduction of the Resolution concerning Duke-Energy

Transmission lines. Motion seconded by Mr. Britt and carried. Mr. Brown, Mr. Bradley, Mr. Britt, Ms. Hall, Mr. Nutt, and Mr. Horton voted in favor. Mr. Walker abstained. Chairman Horton read the proposed Resolution as follows:

**RESOLUTION REGARDING THE PROPOSED LOCATION OF DUKE ENERGY'S WESTERN CAROLINA MODERNIZATION PROJECT IN SPARTANBURG COUNTY**

**WHEREAS**, Duke Energy has determined the need to invest in new and existing transmission lines and substations to meet growing demand in the region; and

**WHEREAS**, a project known as the proposed Western Carolina Modernization Project includes building a new transmission substation located in Spartanburg County near Campobello, South Carolina, and connecting it to the Asheville power plant with a new approximately forty-five (45) mile, 230-kilovolt(kV) transmission line; and

**WHEREAS**, this proposed transmission line will potentially be constructed through Buncombe, Henderson and Polk Counties in North Carolina, and Greenville and Spartanburg Counties in South Carolina; and

**WHEREAS**, County Council recognizes that there is a balance between providing safe, reliable, affordable electricity and the responsibility of utilities to choose infrastructure locations that minimize the impact of such infrastructure on surrounding properties; and

**WHEREAS**, it is the County's understanding that Duke Energy's goal is to minimize the impact of their infrastructure on environmental and cultural resources, as well as homes and businesses; and

**WHEREAS**, locating 230-kV transmission lines impacts the view shed, natural resources, cultural resources, tourism, future development and other aspects of the community and individual properties that Spartanburg County views as important assets to the community, County and region; and

**WHEREAS**, County Council has requested that Duke Energy carefully inventory and consider the potential impact of this project on all dedicated conservation easements and other easements, family cemetery locations, and environmental or land preservation concerns; and

**WHEREAS**, in light of the uncertainty and concern that has been created in the community as a result of the due diligence period, County Council urges Duke Energy to move expeditiously through the route selection process.

**NOW, THEREFORE BE IT RESOLVED** that the Spartanburg County Council strongly encourages Duke Energy to make every effort to determine the route that affects the fewest people, utilizes existing rights-of-way wherever possible to include choosing rights-of-way that are not located in Spartanburg County, and that protects the County's rich environmental and cultural resources.

Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Nutt and carried. Mr. Brown, Mr. Bradley, Mr. Britt, Ms. Hall, Mr. Nutt, and Mr. Horton voted in favor. Mr. Walker abstained.

VII.

- A. Motion made by Mr. Britt to render third 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 third 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. Nutt and carried.
- C. Motion made by Ms. Hall to render third reading to an Uncodified Ordinance to grant a Right-Of-Way Easement for installing utilities at Holston Creek Park to Duke Energy Carolinas. Motion seconded by Mr. Britt and carried.
- D. 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 **Apollo 17, LLC** 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. Nutt and carried.
- E. 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 **Georgia-Pacific Corrugated LLC** 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. Nutt and carried.
- F. Motion made by Ms. Hall to render second reading to an Ordinance governing the establishment of an Employee Grievance Committee and appointment of members to such committee. Motion seconded by Mr. Britt 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, September 5, 2015 and Saturday, September 12, 2015 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Ms. Hall 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 16021 authorizes the reclassification of slot CS44 within the Circuit Solicitor's Office from a Senior Criminal Investigator (grade 66) to an Assistant Solicitor I-IV (grade 83-86). Budget Amendment Resolution Number 16022 acknowledges the receipt of a citizen donation and sets up a corresponding expenditure budget amount in the Environmental Enforcement Department. Budget Amendment Resolution Number 16023 sets up revenue received in the Forfeited Gambling Fund, State Forfeited Drug Fund, and Federal Forfeited Drug Fund for July 2015. Budget Amendment Resolution Number 16024 acknowledges the receipt of the Justice Assistance Grant (JAG) for the automated fingerprint (Livescan) machine and sets up the necessary revenue and expenditure account. Budget Amendment Resolution Number 16025 acknowledges the receipt of the Hazard Mitigation Plan Grant from FEMA and sets up the necessary revenue and expenditure account. Budget Amendment Resolution Number 16026 sets up budgets for prior year grant revenue for the Community Development HOME program. Budget Amendment Resolution Number 16027 sets up the grant agreement for the following SC Department of Commerce grant: Real Property Improvements Grant C-15-2428 (Project Emerald) for Rite Aid Corporation. Budget Amendment Resolution Number 16028 authorizes a project scope change for the County Network Infrastructure Project (IT0005). Budget Amendment Resolution Number 16029 authorizes a project scope change for the County Server and Software Upgrade project (IT0006). Budget Amendment Resolution Number 16030 allows for the carryover of selected remaining FY15 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. Brown and carried.

Mr. Walker stated that there will be a Special Public Service Commission Meeting held at Landrum High School on Thursday, August 27, 2015, at 6:00 p.m. This is the full Commission. Persons who wish to provide comments before the Public Service Commission can do so at this hearing.

Mr. Britt stated that he empathizes with those present with concerns regarding the Duke Energy Project. He stated that he thinks they are doing the right thing. As Mr. Knie stated, Council has no say in what is going on other than, as Mr. Knie stated, Duke Energy does pay attention to elected bodies, and Council is here to represent the citizens of Spartanburg County. Mr. Britt stated that Council wants to do what they can do. Mr. Britt asked Mr. Walker if the power lies with the PSC (Public Service Commission). Mr. Walker stated that the Office of Regulatory Staff actually receives the permit request and information and makes a recommendation to the PSC, but the PSC makes the final ruling. The Congressional District, which is Delegations within a Congressional District, recommend the person that the Governor will appoint for PSC. Greenville and Spartanburg is in the 4<sup>th</sup> Congressional District, so the representative for the Congressional District for our area is appointed by Greenville and Spartanburg Delegations, and then it goes to the Governor. Our Representative is Ms. Lib Fleming. Mr. Britt stated that people should also get in contact with Ms. Fleming. Mr. Walker stated that they ask that you not contact the Commissioners, because the way the Statute reads you can call the Office of Regulatory Staff. Mr. Walker stated that he would be glad to give out the number. Dukes Scott is the Executive Director of the Office of Regulatory Staff, and Mr. Scott has been meeting with different groups and individuals. The PSC is coming to receive comments, and normally they do not have a hearing until the permit is filed. Mr. Walker stated that it is his understanding that Duke Energy has not made an official permit request yet, and normally this hearing does not take place until after the permits are requested. Mr. Walker provided information to all interested individuals regarding the upcoming Special Public Service Commission Meeting. Comments will be limited to three minutes for each individual. Mr. Britt stated that in the Resolution Council just passed, it states that Council encourages Duke Energy to utilize existing right-of-ways whenever possible to include choosing rights-of-way that are not located in Spartanburg County. Chairman Horton stated that Mr. Walker has done a lot of work, and they have also been talking with Duke Energy Officials. They understand the process and also understand the concerns.



XI.

Motion made by Mr. Nutt to approve the minutes of July 20, 2015 (Regular Meeting).  
Motion seconded by Mr. Bradley and carried.

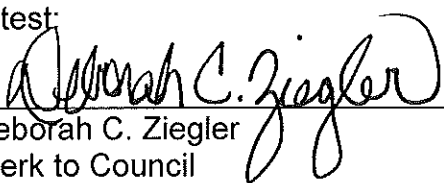
XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council