August 21, 2017

Spartanburg County Council met on Monday, August 21, 2017, 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, Whitney Farr, Bob Walker, and Roger Nutt, Council Members; along with Katherine O’Neill, County Administrator; Jim Hipp, Deputy County Administrator; John Harris, County Attorney; and Ginny Dupont, 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.

II.
Invocation was rendered by Chaplain Amos Durham.

III.
Honorable Bob Walker led in reciting the Pledge of Allegiance.

IV.
A. Motion made by Mr. Britt to adopt a Resolution of the Spartanburg County Council recognizing the invaluable services provided by the Upstate American Red Cross and proclaiming the Year 2017 as the Centennial Year of the Upstate American Red Cross. Motion seconded by Mr. Nutt and carried. Mr. Steve Trakas, Upstate American Red Cross Board Member, received Resolution. Ms. Lisa Colby, Executive Director, Upstate American Red Cross, could not attend the meeting.

B. Motion made by Mr. Brown to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the Spartanburg American Legion Baseball Team Post 28 winning the Junior
League State Championship. Motion seconded by Mr. Britt and carried. Coach
Blake Burress, Assistant Coach Steve Burress, Commander Carroll Owen, and
Mr. John Barron, Spartanburg American Legion Post 28, received Resolution.

V.

County Administrator Katherine O’Neill asked Chairman Horton and Vice-Chairman
Bradley to join her in recognizing the Spartanburg County Elected Officials who have
served Spartanburg County for at least five years. Chairman Horton and Chairman
Bradley presented Service Pins to the Officials present at the meeting. Councilman
Roger Nutt was recognized for six years of service; Clerk of Court Hope Blackley was
recognized for seven years of service; Councilman Michael Brown was recognized for
nine years of service; Chairman Jeff Horton was recognized for 22 years of service;
Councilman David Britt was recognized for 26 years of service; Solicitor Barry Barnette
was recognized for 26 years of service; Sheriff Chuck Wright was recognized for 30
years of service; Coroner Rusty Clevenger was recognized for 31 years of service;
Treasurer Lindsey Brady was recognized for 38 years of service; Probate Court Judge
Ponda Caldwell was recognized for 43 years of service; and Auditor Sharon West was
recognized for 44 years of service. Mr. John Grooms, Animal Control Officer, was
recognized for the fine job and quick response he provided to a Spartanburg County
resident. The Register of Deeds Office was recognized for the successful
implementation of E-Filing and E-Recording with the help of Information Technologies
and County Attorney John Harris.

VI.

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 Carbon Conversions, Inc.
(Project Flex/NIA), 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 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 Spartanburg 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 a
compAny identified for the time being as Steel Creek Galvanizing Company,
LLC (Project Bulldog), or one or 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. 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 an Amended and Restated Fee Agreement by and among Spartanburg County, South Carolina, Apollo 17, LLC, and Ritrama, Inc. 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 (1) the execution and delivery of (a) an Agreement as to Assignment and Assumption of Lease Agreement by and between Spartanburg County, South Carolina, (the "County"), and AFL Telecommunications, LLC (the "Company") and (b) a First Amendment to Lease Agreement by and between the County and the Company, both in connection with certain existing property located in the County; and (2) other matters related thereto. No one appeared, and the matter was closed.

E. Chairman Horton declared open a public hearing to consider an Ordinance authorizing a Special Source Revenue Credit Arrangement between the County and AWL USA, Inc. (Project Tulip), concerning certain industrial facilities (the "Project"), which include certain property or interests therein, pursuant to Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina 1976, as amended (the "Act"). The Project shall be located at 4231 Orchard Park Blvd., Spartanburg, South Carolina 29303. No one appeared, and the matter was closed.

VII.

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

1. 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 identified for the time being as Project ALF, (the "Company") 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 the company will be provided certain credits against fee payments in reimbursement of investment in related qualified property; and providing for related matters. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

2. Motion made by Mr. Britt to render first reading to an Ordinance authorizing pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, the approval of Rudolph Logistics North America, Inc. as a Sponsor Affiliate to an existing Fee-In-Lieu Of Ad Valorem Taxes Agreement, between Spartanburg County, South Carolina and Liberty Property Limited Partnership, as sponsor; the approval of certain special source revenue credits
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for the benefit of the sponsor affiliate; and other related matters. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

3. 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. (District 5 Properties) Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

4. Motion made by Mr. Britt to render first reading to an Ordinance to develop a Joint County Industrial and Business Park (Project Limestone) in conjunction with Cherokee County, such Industrial and Business Park to be geographically located in Cherokee County and established pursuant to Article VIII, Section 13 of the South Carolina Constitution, and South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Cherokee County providing for the expenses of the Park, the percentage of revenue application, and the distribution of Fees-In-Lieu Of Ad Valorem Taxes to the Counties and relevant taxing entities; to provide that jobs tax credits allowed by law be provided for businesses locating in said park; to permit a User Fee-In-Lieu of Ad Valorem Taxation within said park; and other matters related thereto. Motion seconded by Mr. Brown. Mr. Farr opposed.

5. 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 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 a Company identified for the time being as Project Fourteen, or one or 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. Mr. Farr opposed.

B. Public Health and Human Services Committee (Honorable Whitney Farr, Chairman)
No Items Scheduled.

C. Personnel and Finance Committee (Honorable Bob Walker, Chairman)
1. Motion made by Mr. Walker to adopt a Resolution to approve an Extended Special Assessment Period under Section 70-171 of the Spartanburg County, South Carolina Code of Ordinances for that certain parcel of improved real property known as the Fremont School. Motion seconded by Mr. Bradley. (Slides included in backup) Mr. Brown stated that he has the pleasure of
serving on an Advisory Committee associated with Northside and the wonderful things that are occurring on that side of town. Mr. Brown stated he is familiar with this property and what it meant for a number of people with the 41 units that are being proposed. Mr. Brown stated that he is going to stand in opposition to this. He knows that it is a wonderful project in terms of helping to revitalize that area, but at this time, this seems to be the first market rate unit that is coming online. The market rate of $850 up to $1,000 is high for people that live in the area. Mr. Nutt stated that he appreciates Mr. Brown's input. It helps him understand his feelings on this issue and his constituents. Mr. Nutt asked if Mr. Brown foresees something else happening with this property which would be better suited. Mr. Brown stated there are other proposals being proposed online that they are saying will be affordable and market rate. Motion carried. Mr. Brown, Mr. Farr and Mr. Nutt opposed.

2. Updated financial data and personnel vacancy reports were received.

D. Livability Committee – (Honorable Justin Bradley, Chairman)
1. Motion made by Mr. Bradley to approve a request from Partners for Active Living that Council designate up to $150,000 from existing trails funding for a pedestrian bridge over the Lawson's Fork Creek between the Drayton Mills Trails and the Beaumont Mill community. Motion seconded by Mr. Britt. Mr. Nutt recused himself because he is directly employed by a company that is under the direct control of one of the requesters of this funding. Motion carried. Mr. Bradley thanked Representative Steven Long for attending the meeting. (Video and Slides are included in backup.)
2. Information received regarding activities of the Parks Department.

E. Public Safety and Judiciary Committee – (Honorable Michael Brown, Chairman)
1. Motion made by Mr. Brown to approve a request from the Environmental Enforcement Department to apply for the current PetSmart Charities Grant to be utilized with our TNR (Trap Neuter and Return) program. Motion seconded by Mr. Walker and carried.
2. Motion made by Mr. Brown to approve a request from the Sheriff's Office to apply for the Justice Assistance Grant (JAG) to be used to replace their current Spectrometer with a new up-to-date model and to purchase one handheld narcotics analyzer. Motion seconded by Mr. Britt and carried.
3. Mr. Brown stated that Council had discussion in relation to this item in reference to desired action to an Ordinance which would amend Chapter 82 of the Spartanburg County Code of Ordinances entitled "Vehicles For Hire" to add a new section to address Wrecker and Towing Service Operations within the Unincorporated Private Property Sections of Spartanburg County. There was a previous motion that was made in regards to this. Based upon some new information that the Committee has before it, Mr. Brown made a motion to reconsider this item to be brought before full Council. Motion seconded by Mr.
Farr. Chairman Horton stated that we have a first and a second. Mr. Walker called Point of Order. Mr. Walker stated this was taken place during a Committee meeting and fully acted upon and the latest action was to refer it back to Committee. Mr. Walker stated that he thinks the term "indefinite time period" was used, but his request was for it to be at the next meeting. Mr. Walker stated that action has been taken, and it is out of order to bring it back up. Chairman Horton stated to Ms. O'Neill and Ms. Dupont that we had the Committee that did not proceed, and now we have the Chairman of the Committee with a motion to proceed with the Wrecker Ordinance. Ms. O'Neill stated that it would fall on him to rule on this Point of Order, but it was her understanding in talking with our Attorneys that this was a motion to reconsider by a member of the prevailing vote. It is seconded by a member of the prevailing vote. Both of which were in the Committee. Since this is the same Council meeting that the initial vote was taken, the matter would be right for Council to act on it. It would still require a majority vote of Council. Mr. Walker stated the prevailing vote was to postpone it. Ms. O'Neill stated that it is her understanding the matter can still be before Council at this meeting. Chairman Horton ruled on this Point of Order that it stands. It was in the Committee meeting earlier and will be postponed until the next meeting.

4. Updated information received regarding activities of Building Codes Department.

F. Land Use Committee (Honorable Jeff Horton, Chairman)
   1. Updated Planning Department Reports on Development Activity were received.

G. Public Works, Buildings and Grounds Committee (Honorable Roger Nutt, Chairman)
   1. Motion made by Mr. Nutt to approve a request for funding from the Steve Belue Infrastructure Fund for the Flatwoods Road Project. Motion seconded by Mr. Bradley and carried. (Presentation included in backup)
   2. Updated information received regarding activities of the Public Works Department.

VIII.

During the Public Comment Period, Mr. Walker stated that Lewis Vaughn, National Director KWVA, 632 Ashley Commons Court, Greer, was not present to appear, but he is working on the "Wall of Remembrance" to recognize Korean War Veterans. Mr. Kenny Price, 5104 Parris Bridge Road, Boiling Springs, appeared in opposition to the trash pickup requirement at Trailer Parks and Tax Incentives if he builds a Nursing Home in Spartanburg County. Mr. Walter McSherry, 108 Idlewylde Court, Spartanburg, appeared in opposition to the Capital Penny Sales Tax.
IX.

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 Agreement by and between Spartanburg County, South Carolina and Spartanburg Sched Automotive System Service LP (Project Royale) 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. Walker and carried. Mr. Farr opposed.  

B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the Croft Fire District, South Carolina to issue General Obligation Bonds in a principal amount of not exceeding $2,000,000; authorizing a referendum as a condition of such issuance; and other matters relating thereto. Motion seconded by Mr. Brown and carried.  

C. Motion made by Mr. Britt to render second reading to an Ordinance to amend the Agreement for Development for Joint County Industrial Park (Wingo Industrial Park) by and between Spartanburg County and Union 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. Pacific Industrial Development Corp. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.  

D. Motion made by Mr. Britt to render second 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. (WCC Holdings (Wolverine Coatings), Advanced Ceramics, Albis Plastics Corp., and Carbon Conversions, Inc.) Motion seconded by Mr. Brown and carried. Mr. Farr 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 Tax Agreement by and between Spartanburg County, South Carolina and Carbon Conversions, Inc. and CCI Enterprises, LLC (Project Flex/NIA) 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. Mr. Farr opposed.  

F. Motion made by Mr. Britt to render second 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 Spartanburg 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 a company identified for the time being as Steel Creek Galvanizing Company, LLC (Project Bulldog), or one or 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
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Spartanburg County, and (4) other matters related thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

G. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of an Amended and Restated Fee Agreement by and among Spartanburg County, South Carolina, Apollo 17, LLC, and Ritrama, Inc. 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. Mr. Farr opposed.

H. Motion made by Mr. Britt to render second reading to an Ordinance authorizing (1) the execution and delivery of (A) an Agreement as to Assignment and Assumption of Lease Agreement by and between Spartanburg County, South Carolina, (the "County"), and AFL Telecommunications, LLC (the "Company") and (B) a First Amendment to Lease Agreement by and between the County and the Company, both in connection with certain existing property located in the County; and (2) other matters related thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

I. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and AWL USA, Inc. and AWL Automation, LLC (Project Tulip), with respect to Fee in Lieu Of Tax Payments related to certain investments in the County, whereby such payments will receive Special Source Revenue Credits; and other matters related thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

X.

No Items Scheduled.

XI.

A. Chairman Horton congratulated and commended the University of South Carolina Upstate on its upcoming 50th Anniversary Celebration. They have turned out a lot of great quality students through the years and will continue to for the foreseeable future. Council appreciates their contribution to our community.

Chairman Horton stated the September meeting has been moved to Monday, September 25, 2017.

The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Resolution Number 18014 sets up revenue received in the Forfeited Gambling Fund and the State Forfeited Drug Fund for July 2017. Budget Amendment Resolution Number 18015 recognizes one-time funds given to The Forrester Center to provide community access to permanent Prescription Drug Boxes.
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at County Law Enforcement Agencies or other U.S. Drug Enforcement Administration approved medication disposal facilities. Budget Amendment Resolution Number 18016 – DAODAS has increased the amount of funding for the Screening, Brief Intervention and Referral to Treatment (SBIRT) program housed at the Detention Center as well as the Medication Assisted Treatment (MAT) program for FY 2017/18. Budget Amendment Resolution Number 18017 – DAODAS has increased the BRIDGE Grant Award amount to The Forrester Center for FY 2017/18. Budget Amendment Resolution Number 18018 – Funds were awarded to The Forrester Center by South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS), to hire a part-time employee to be housed at the Detention Center. Budget Amendment Resolution Number 18019 accepts and sets up a technology grant awarded to the 7th Circuit Solicitor’s Office. Budget Amendment Resolution Number 18020 allows for the carryover of selected remaining FY17 budget balances as recommended by the County Administrator and as allowed in the Operating and Capital Budget Ordinances.

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

XII.

A. Motion made by Mr. Britt to approve the minutes of July 17, 2017 (Regular Meeting) and July 26, 2017 (Special Meeting). Motion seconded by Mr. Farr and carried.
Meeting adjourned.

Attest:

Deborah C. Zieglen
Clerk to Council

SPARTANBURG COUNTY COUNCIL
By: Jeffrey A. Horton, Chairman

Deborah C. Zieglen