MINUTES
County Council Meeting

March 16, 2020

Spartanburg County Council met on Monday, March 16, 2020, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Manning Lynch, Chairman; Honorables Michael Brown, Jack Mabry, David Britt, Whitney Farr, Bob Walker, and Roger Nutt, Council Members; along with Cole Alverson, County Administrator; Earl Alexander, 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 Lynch called the meeting to order.

II.

Invocation was rendered by Chaplain Amos Durham.

III.

Honorable Bob Walker led the Pledge of Allegiance.

Chairman Lynch stated that Council thought it would be appropriate to start with concerns about the Coronavirus Disease 2019 (COVID-19). Mr. Lynch assured everyone that County Council, County Administration, and all of our Staff are working to continue to keep services available to the County and addressing the situation. Mr. Lynch made the following public statement on COVID-19 Response.

Spartanburg County and its Emergency Management professionals have been, and will continue to actively monitor South Carolina Department of Health and Environmental Control (SCDHEC) and Center for Disease Control (CDC) guidance on response to COVID-19, Coronavirus. Spartanburg County will continue to take progressive and proportionate measures where appropriate to ensure the safety of the public and our employees. SCDHEC remains the lead agency in charge of COVID-19, Coronavirus...
response for the state and localities. To date, SCDHEC has not requested any specific actions be taken by the County.

The County maintains a Pandemic Flu Continuity of Operations Guidelines (COOP), amongst other plans/guidelines/procedures, established by Spartanburg County Emergency Management for situations such as this. These Guidelines outline three levels of operational response based upon the public health risk posed by any pandemic. At each declared level, services are progressively adjusted to reduce risk for the public, improve response capability, and temporarily reduce non-essential services or otherwise adjust staffing.

Last week, the County initiated our Level 1 response from our Guidelines whereby we sought input from departments and officials on how services may be impacted by absenteeism, began executing internal communication protocols, increased cleaning and sanitization efforts for public facilities and taking other action as outlined for Level 1 responses. This week, based on the guidance and actions of the Federal and State governments, we are adjusting to Level 2 response protocols. Efforts to improve readiness and response will be enhanced, and we have begun reducing services in public facing areas to align with other Federal and State guidance.

Effective last night, all afterschool programs and associated recreational offerings have been cancelled until further notice. Senior trips and programming were also cancelled until further notice. The Sheriff has also closed the public lobby at the Detention Facility. Additional non-essential services are being reviewed for adjustment as appropriate. Any closures or changes to operations will be disseminated through social media outlets, the County website and media as those adjustments are made.

During this time, we urge the public to remain calm, continue to practice handwashing, sanitizing and social distancing measures as recommended by SCDHEC and CDC. The County will continue to be deliberate and methodical in our response to this public health risk.

IV.
A. Mr. Van Henson, South Carolina Association of Counties, presented the Safety Award, the Lag Time Award, Service Award, Sustained Excellence Award, and the Experience Modifier Award. Sheriff Chuck Wright and Major Allen Freeman, Detention Center, received the Safety Award. Mr. Terry Booker, Risk Manager, and Mr. Tony Bell, Human Resources Director, received the remainder of the Awards.
B. Motion made by Mr. Britt to adopt a Resolution proclaiming March 2020 as Disabilities Awareness Month in Spartanburg County. Motion seconded by Mr. Brown and carried. Mr. Mabry presented the Resolution to Ms. Laura Terrell, Community Development Fiscal Coordinator.
C. Motion made by Mr. Lynch to adopt a Resolution proclaiming April 2020 as Fair Housing Month in Spartanburg County. Motion seconded by Mr. Nutt and carried.
Ms. Mary Ann Washington Deku, Community Development Advisory Committee Member, received the Resolution.

D. Motion made by Mr. Mabry to adopt a Resolution proclaiming the Week of April 12 through April 18, 2020 as “Animal Control Officer Appreciation Week” in Spartanburg County. Motion seconded by Mr. Britt and carried. Mr. Brown presented the Resolution to Mr. Jamie Nelson, Environmental Enforcement Director, and Animal Control Officer Patricia Landis.

E. Motion made by Mr. Brown to adopt a Resolution endorsing and supporting the Statewide “Zero Tolerance for Litter” Campaign during the month of April 2020 conducted by the South Carolina Litter Control Association, Palmetto Pride and Keep America Beautiful of South Carolina. Motion seconded by Mr. Britt and carried. Mr. Jamie Nelson, Environmental Enforcement Director, and Mr. William Roman, Environmental Enforcement Deputy Director, received the Resolution.

V.

Mr. Cole Alverson, County Administrator, recognized Rachel Dill, Development Coordinator, Planning and Development Department, for providing outstanding customer service. Joan Holliday, Interim Director, Planning and Development Department, and the Planning Staff, were also recognized for their professionalism and for providing exceptional customer service. Mr. Lynch congratulated the Planning Staff as well.

VI.

A. Motion made by Mr. Britt to approve the minutes of February 17, 2020 (Regular Meeting). Motion seconded by Mr. Brown and carried.

VII.

A. Chairman Lynch declared open a public hearing to consider an Ordinance authorizing the execution and delivery of an amended and restated Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina and Limelight Solar III, LLC. No one appeared, and the matter was closed.

B. Chairman Lynch 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 Southern States Packaging Company (Project R7). No one appeared, and the matter was closed.

C. Chairman Lynch declared open a public hearing to certify the former Valley Falls Mill property as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. No one appeared, and the matter was closed.

D. Chairman Lynch 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 Tindall Corporation [Project Storm Drain].
Ms. Cheryl Lang, Vice President and Chief Financial Officer, Tindall Corporation, thanked County Council for consideration of this matter. Tindall is committed to this community and to being good citizens. Mr. Lynch pointed out that Tindall has 550 employees and is a long-standing corporate citizen of our community. The matter was closed.

E. Chairman Lynch declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by Teu Thang, Community of Khher Buddhist Monks, from 1:00 p.m. until 11:59 p.m. on Saturday, April 4, 2020 and 11:00 a.m. until 8:00 p.m. on Sunday, April 5, 2020 for a Cambodian New Year Celebration at 841 Shiloh Church Road, Wellford. No one appeared, and the matter was closed.

F. Chairman Lynch declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by BKM Hospitality MGT, Inc d/b/a/ 1800 Drayton Catering & Events from 6:00 p.m. until 11:59 p.m. on Thursday, April 16, 2020; Thursday, May 14, 2020; Thursday, June 18, 2020; Thursday, July 16, 2020; Thursday, August 20, 2020; Thursday, September 17, 2020; and Thursday, October 22, 2020 for Drayton Concert Series at Drayton Mills Marketplace Event Lawn, 1800 Drayton Road, Drayton. No one appeared, and the matter was closed.

G. Chairman Lynch declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by Johnny Senchantixay, Lao Association of Spartanburg, from 10:00 a.m. until 11:45 p.m. on Friday, April 24, 2020; from 10:00 a.m. until 11:45 p.m. on Saturday, April 25, 2020; and from 10:00 a.m. until 11:00 p.m. on Sunday, April 26, 2020 for a Lao New Year Party at 470 Fox Drive, Spartanburg. No one appeared, and the matter was closed.

H. Chairman Lynch 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 11:00 p.m. on Saturday, March 28, 2020; Saturday, April 4, 2020; and Saturday, April 18, 2020 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

VIII.

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

1. Mr. Britt recused himself on Item A due to a conflict of interest, since it relates to Tindall. Motion made by Mr. Lynch 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. **(Tindall Corporation, Partans, LLC, and Tyger Lake Spartanburg, LLC)** Motion seconded by Mr. Brown and carried. Mr. Britt returned to Chambers. Mr. Farr opposed.
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2. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of an amended and restated Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and Inland 85 Logistics Center, LLC, and the execution and delivery of a Special Source Revenue Credit Agreement by and between Spartanburg County, South Carolina and Lex Greer L.P., and other matters related thereto. Motion seconded by Mr. Brown and carried. Mr. Farr opposed. Mr. Britt stated these two items represent $150.4 million of investment in Spartanburg County and an additional 170 new jobs.

B. Public Health and Human Services Committee (Honorable Whitney Farr, Chairman)
1. During Committee Meetings, Ms. Kathy Rivers, Director of Community Development Department, presented information in reference to the Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) Funding Recommendations. Motion made by Mr. Farr to approve the FY 2020 Annual Action Plan. Motion carried.

C. Personnel and Finance Committee (Honorable Bob Walker, Chairman)
1. Motion made by Mr. Walker to adopt a Resolution calling for a public hearing to be held upon the question of the issuance of not exceeding $5,500,000 of General Obligation Bonds of the Cherokee Springs Fire District, South Carolina; providing for the publication of the notice of such public hearing; and other matters relating thereto. Motion carried.
2. Motion made by Mr. Walker to render first reading to an Ordinance authorizing the Cherokee Springs Fire District, South Carolina, to issue General Obligation Bonds in a principal amount not exceeding $5,500,000, subject to a successful referendum in the district; and other matters relating thereto. Motion carried.
3. Updated financial data and personnel vacancy reports were received.

D. Livability Committee – (Honorable Jack Mabry, Chairman)
1. 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 Emergency Management Department to apply for a Spartanburg Regional Foundation grant to kick off a Pilot Project called Project Live Find. Motion carried.
2. Motion made by Mr. Brown to approve a request from the Emergency Management Department to apply for an AFL Community Grant to provide funding for Stop the Bleed trainers and supplies. Motion carried.
3. Motion made by Mr. Brown to authorize the Commission of Mr. James Small, Animal Control Division, as a Spartanburg County Code Enforcement Officer. Motion carried.
4. Updated information received regarding activities of Building Codes Department.
F. **Land Use Committee** (Honorable Roger Nutt, Chairman)
   1. Updated Planning Department Reports on Development Activity were received.

G. **Public Works, Buildings and Grounds Committee** (Honorable Roger Nutt, Chairman)
   1. During the Public Works, Buildings and Ground Committee meeting, Mr. Doug Kaiser, Exxon Project Management, presented information in reference to an Ordinance authorizing (i) the execution and delivery of a Corrective Deed for County property conveyed on November 19, 2019 to Buffington Spartanburg AE700, LLC, (ii) the conveyance of an access easement to South Carolina Department of Corrections, and (iii) the conveyance of a drainage easement to Buffington Spartanburg AE700, LLC; and other matters related thereto. (Presentation included in backup) Motion made by Mr. Nutt to render first reading to Ordinance. Motion carried.
   2. During the Public Works, Buildings and Grounds Committee meeting, Mr. Alverson presented an extensive Capital Penny Phase I Update. (Presentation included in backup)
   3. Updated information received regarding activities of the Public Works Department.

IX.

Mr. Buddy Carlton, P.O. Box 21, Reidville, appeared to read a letter from Mr. Cibby Krell. Mr. Krell was unable to attend the meeting. In the letter, Mr. Krell expressed his support for a letter County Council sent to Spartanburg County’s State and Congressional Delegations about Citizen Concerns regarding the South Carolina Constitution and the United States Constitution. (Mr. Krell’s letter is included in backup.) Ms. Kirsty Schenkel, 172 Dellwood Drive, Spartanburg, and Ms. Susan Bailey, 553 Cromwell Road, Spartanburg, appeared in reference to proposed apartments to be built in front of Hawkcreek North Subdivision.

X.

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 **Tyger Lake Spartanburg LLC**. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

B. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of an amended and restated Fee In Lieu Of Tax Agreement by and between Spartanburg County, South Carolina and **Limelight Solar III, LLC**. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

C. 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 **Southern States Packaging Company** (Project R7). Motion seconded by Mr. Nutt and carried. Mr. Farr opposed.
D. Motion made by Mr. Britt to render second reading to an Ordinance to certify the former Valley Falls Mill property as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Mr. Brown and carried.

E. Mr. Britt recused himself for this item due to conflict of interest, because he works for Tindall Corporation. Motion made by Mr. Nutt 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 Tindall Corporation [Project Storm Drain]. Motion seconded by Mr. Brown and carried. Mr. Farr opposed.

XI.

A. Motion made by Mr. Farr to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Teu Thang, Community of Khher Buddhist Monks, from 1:00 p.m. until 11:59 p.m. on Saturday, April 4, 2020 and 11:00 a.m. until 8:00 p.m. on Sunday, April 5, 2020 for a Cambodian New Year Celebration at 841 Shiloh Church Road, Wellford. Motion seconded by Mr. Brown and carried.

B. Motion made by Mr. Britt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by BKM Hospitality MGT, Inc d/b/a/ 1800 Drayton Catering & Events from 6:00 p.m. until 11:59 p.m. on Thursday, April 16, 2020; Thursday, May 14, 2020; Thursday, June 18, 2020; Thursday, July 16, 2020; Thursday, August 20, 2020; Thursday, September 17, 2020; and Thursday, October 22, 2020 for Drayton Concert Series at Drayton Mills Marketplace Event Lawn, 1800 Drayton Road, Drayton. Motion seconded by Mr. Nutt and carried.

C. Motion made by Mr. Farr to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Johnny Senchantixay, Lao Association of Spartanburg, from 10:00 a.m. until 11:45 p.m. on Friday, April 24, 2020; from 10:00 a.m. until 11:45 p.m. on Saturday, April 25, 2020; and from 10:00 a.m. until 11:00 p.m. on Sunday, April 26, 2020 for a Lao New Year Party at 470 Fox Drive, Spartanburg. Motion seconded by Mr. Mabry and carried.

D. Motion made by Mr. Mabry to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by Greer Dragway from 4:00 p.m. until 11:00 p.m. on Saturday, March 28, 2020; Saturday, April 4, 2020; and Saturday, April 18, 2020 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Farr and carried.

XII.

A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 21-9 sets up for use program income received from HOME and CDBG participants in February 2020. Budget Amendment Numbers 24-9 and 29-9 makes two corrections for Community Development. One will correct the
program income amount set up in October by BAR. The second one will reestablish the HM16UNAP17 (HOME unappropriated grant) balance that was not carried at the end of FY18 to FY19 and FY20. Budget Amendment Number 170-9 closes C Fund Projects 18019L (FY18 Spartanburg County Annual Paving), 19010L (Resurface Syphritt Road-Representative Allison Set-aside), 19013L (Town of Cowpens FY19 Paving), 19014L (Town of Lyman FY19 Annual Paving), 19015L (City of Greer FY19 Annual Paving), and 19016L (Town of Wellford FY19 Paving) and will return remaining balances back to unobligated funds. Budget Amendment Number 171-9 reduces the award amount for grant C-13-2167 (Project Mermaid) from the original award amount of $100,000 to $40,790. Budget Amendment Number 178-9 is a South Carolina Department of Commerce pass-through grant. Budget Amendment Number 244-9 reduces the Litter Control (Environmental Enforcement) budget by the amount of the Palmetto Pride anticipated grant award. Budget Amendment Number 251-9 sets up budget for revenue received in February in the Forfeited Gambling Account. Budget Amendment Number 325-9 authorizes the purchase of a new MIS reporting package for 9-1-1. Budget Amendment Number 329-9 approves a series of transfers between and within current Road Infrastructure CIP projects. Budget Amendment Number 450-9 recognizes revenue to be received from the City of Greer to complete their annual paving needs for FY20. Budget Amendment Number 20013 amends the project scope for the Health Department HVAC Replacement project (CP41200220). Budget Amendment Number 20014 amends the authorized staffing for the Sheriff’s Office School Resource Officer (SRO) division.

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

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: A. Manning Lynch, Chairman

Attest: Deborah C. Ziegler

Clerk to Council