

DATE: 5/18/16 FILE NO: DATE197
TO: Cherokee County Council
SUBJECT: Minutes of Regular Meeting, 5/16/16

There was a Regular Meeting of County Council Monday, 5/16/16, 5:07 PM. Chairman Tim Spencer presided with Charles Mathis leading in prayer. All council members were present along with Holland Belue, Attorneys Joe Mathis & Jim Thompson and Clerk Doris Pearson. The news media was informed by agenda and two was present. There were 25 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda for the Regular Meeting of 5/16/16 as received and in compliance with the SC FOIA, codified at Section 30-4-10 et. Seq. of the Code of Laws of SC, 1976, as amended. Steven Blanton seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the minutes of the Regular Meeting of 5/2/16 as received. Mike Fowlkes seconded and council voted in favor.

Petitioner Michael McLeymore, Director & Pastor of Church Builders of Cherokee County was present along with about 15 of their residents. He handed out materials for council and stated that they have been here about 3 yrs. At this time we have 18 residents that we provide shelter, food, health & spiritual guidance. Our place is there for those in need; those who may have been released from jail and have no place to go. We are there to encourage, direct and help them break their old cycle and begin a new life. He thanked the Gaffney Ledger, Lowe's and Sossamon for allowing us to utilize the DeCamp House for our building. We are not here asking for money but we are asking for your help in promoting us. We are a 501C-3 Non-Profit organization. Chairman Spencer thanked McLeymore for coming and stated that he knows him and he is doing a good job there.

Petitioner City of Gaffney Fire Chief Jamie Caggiano spoke regarding the upcoming budget appropriations for the City of Gaffney Fire Department. Currently the City of Gaffney does not receive appropriations from the county and we would like to do so. Those appropriations that you give is paid by all taxpayers of Cherokee County including the City residents; based on your Auditor & TAO, the city protects 46% of your assets that pay taxes to you; the milage rate for the City is 12 mils; average rate is 12.5 so we do it less than all of the other 10; ISO rating is Class 2; average in the county is Class 5.5; so we do it for less money than average and our ISO average is 2 to the taxpayers inside our district; call volume between what we provided the city and what we provided the county is 52% for the county and 48% in the city; based on the assessed value the county should be funding us at \$1.1 million; we get about \$500,000 for our taxpayers; based on call volume you should fund us at \$1.6 million; ISO Class 2 for \$500,000 is a good deal for the taxpayers at 12 mils; the City of Gaffney provides not just to the city taxpayers but county wide, to respond to all Haz-Mat equipment anywhere in the county; we currently assist with 15; we constructed a training facility that is able to be used by any fire dept. in the county; by the CTC program. All we are asking for is to be treated like all the other fire departments. Yes, we do get about \$500,000 not from your operating budget but from taxpayers in our district. We spend about

\$3,189,971 on our fire district. We collect the \$500,000 from the taxpayers and the City appropriates the rest. Steven asked about the training facility, is it opened to the county? Is there a charge? Jamie replied yes it is opened; there is a reimbursement for material. We charge for the burn building portion to reimburse us for hay & pallets and we require one of our firemen to be present and they are to reimburse that payroll for him. If they want to use the multi 3 story building, it is free of charge. For example for a 4 hr. burn, they will probably spend \$100. The scheduling is flexible. Everybody that has asked, it has been provided. We don't turn anybody down. We charge them 100% of what it would cost to reimburse our unit for the burn. For a 4 hr. burn, they would use hay & pallets for about \$50, our representative that has to be there for 4 hrs. is about \$90, if they want to stay an extra hour it is another \$10 and if they use our smoke machine it is \$5/hr. Steven asked about the mutual aid & automatic aid? Jamie replied on 10/2013 we stopped the automatic aid due to a letter received from the 12 Fire Chief Depts. in the county. On 11/2013 there was an article in the Gaffney Ledger about our decision; on 11/15/13, I along with Mr. Taylor met with Depts. from Stations 1,3,5,8 & 13 and discussed automatic aid. On 12/18/13, we met back with them to make an offer to them regarding automatic aid; on 1/13/14, I received a call from Dennis Gardner stating they did not want automatic aid based on the information we provided them. We gave them a proposal, they did not like the proposal and made the choice. Steven asked how does that work now? Jamie replied currently right now if they call for us we go. We do not go based on dispatch; we go based on those depts. calling us and requesting us to come. Steven replied do they have to be on the scene to call you before you go? Jamie replied all they say to us that it is burning and they need assistance. Steven asked would ya'll be open to automatic aid agreement? Jamie replied there is a difference in automatic and mutual aid. We currently have a mutual aid agreement signed with every dept. in the county and it has been in effect for many years. We have not signed an automatic aid agreement. If they call for us, we would not refuse to come. There was one instance that was a mistake when we questioned why we were being sent but we went anyway. Tracy McDaniel asked what were the concerns over the automatic aid? Why did you stop? When I first came we were running many calls that I felt were not ours; there were times when we would go out to a fire and there would be no representation from the county VFD there. We will help anybody who calls us but it was not our responsibility to handle their calls. Steven asked why was the county's allocation never there? Jamie replied the allocation was their; prior to 1999 we had a referendum to pass and we used to get \$70,000/yr. plus a vehicle from the county. It was stationed at the old Montgomery St. station. In that station was a city truck and a county truck. If the call came in for the city, the city truck would respond; if it was for the county, the county truck would respond. Once we got our tax referendum, that \$70,000 was stopped. Jamie asked why did ours' go away when other fire departments who started their tax district still continued to get their county appropriation?

Attorney Joe Mathis reminded council that in 1996 they entered into an agreement with Carolina Factory Shops Limited Partnership. In 2002, the Carolina Factory Shops Partnership assigned this arrangement to what is now known as Gaffney Outlets, LLC. The fee-in-lieu agreement that existed on the Outlet Mall is terminating this year. LLC has requested under the existing document that the county sign the termination of these agreements and the title fee be transferred back into their name

for financing purposes. I am asking for a motion from council authorizing the Chairman at the appropriate time in the next couple of weeks to sign the documents that have been requested by the Gaffney Outlets, LLC. **[Mike Fowlkes made the motion to allow Chairman Spencer to sign the fee-in-lieu termination documents for Gaffney Outlets, LLC as requested by Attorney Mathis. Hoke Parris seconded and council voted in favor.]**

Acting Admin. Holland Belue reviewed the newly proposed FYB 2016/17 ordinances with council. Your budget package was delivered to you last Wed. and in the package you received outlines of your ordinances & budget that was presented in your workshop. There are no changes in the budget; there is no recommended millage increase for any millage; there is not a recommended cost of living increases; there is a recommendation to purchase \$1,222,393.26 in capital equipment; there is a recommendation from the workshop to hire 17 contracted employees currently of which anyone who holds an operator position or has a valid driver license, after 6 months employment as a contract employee will be offered fulltime employment with the county; any contract employee who has a classification of skilled employee will be hired on an annual basis pending money is available. Currently we have 17 employees under contract that qualify. There is a recommendation to hire 3-911 dispatchers; hire 4 new sheriff deputies; 1 new Detention Center GPS Program Officer, this position will be self-funded. Increase in the fire departments allocation, \$10,000/station. LOST Funds will be used to offset the operating budget to cover any budget shortfalls. Administration commends you on your sound judgement you have had in the past and we will continue to work to manage our financial resources within the current economic climate. We will continue to work hard to reduce our expenditures by utilizing sound procurement & increase administrative oversight of all departments. We will continue to provide quality service to all taxpayers of this county. As a result of this, we are able to recommend to you a balanced budget that includes no reduction in work force, no employee furloughs, no reduction in service to our citizens, but we must reserve the right to do so if volatile economic conditions return. You have been provided a detailed copy of anticipated revenues, a budget summary with department operating budgets and capital request for your review. The 2016/17 FYB is balanced at \$23,253,470.09 which is recommended by the Administration as presented to you for adoption. In your package you will also find the operating budgets for Buffalo Fire District, Cherokee Creek Fire District, Corinth Fire District, Gaffney Area Fire District, Grassy Pond Fire District, CKC Fire District, Antioch Fire District, Goucher White Plains Fire District and DMW Fire District. You will also find in your records and recommended for 1st Reading on 3 ordinances: **1) Document Retention Policy** which will greatly help us in reducing paper storage we have; **2) Purchasing Policy** – this is basically a combination of all 3 amendments as well as your original document; there are no changes to the intent of the document from start to finish; **3) Freedom of Information Act Policy** – in many our inconsistency has been a deterrent to us with policies being in different places. This streamlines those policies into one and everyone follows the same document charge fees; all will be streamlined with the guidance of the SC FOIA Policy.

Acting Admin. Holland Belue reported that we currently have 4 crown vics 2006/2007 in nature; all these vehicles have been parted out and some have salvage titles. I recommend that 3 of those

vehicles be sold on govdeals.com. You are in the process of acquiring a new long arm tractor to use in the R&B Dept. This will retire the John Deer Long Arm Tractor that would need substantial work to be used. That tractor will also be sold. There is another retirement of 6 garbage trucks, 2006 Sterling, 2002, 2003 & 1999 Freightliner. Admin. recommends that these item be approved to be disposed of on govdeals.com at the time seem fit through Vehicle Main. and Co. Admin. **[Steven Blanton made the motion to allow Admin. to dispose of the following on govdeals.com as seems fit: 3 Crown Vic vehicles (1-2006 & 2-2007); 6210 John Deere long arm tractor, 4-SWD garbage trucks – 2006 Sterling, 2003 Freightliner, 2002 Freightliner & 1999 Freightliner. Tracy McDaniel seconded and council voted in favor.]**

Acting Admin. Holland Belue presented a request to purchase a roll-off truck for the Recycling Dept. In the workshop a couple weeks ago, we discussed the need for this truck. The current vehicle is a 2007 Sterling, not suffering from high mileage but one vehicle in which 20 roll-off containers is trying to service on a regular basis. We are not prepared for breakdowns; service, etc. The truck is still available with Carolina International Trucks under state contract. **[Tracy McDaniel made the motion to allow Admin. to submit a letter of commitment to be issued to purchase a Sterling roll-off truck from Carolina International Trucks, Inc. for the Recycling Dept. for state price of \$163,948.63 and to pay for this from the 2016/17 FYB. Steven Blanton seconded and council voted in favor.]**

Acting Admin. Holland Belue stated that during the workshop 2 wks. ago it was discussed that two solid waste collection trucks be converted into dump trucks. We have a late 80's that we are still utilizing in R&B but the engine now has catastrophic failure so that vehicle will not be able to be retired as we had planned. Admin. has secured through Lee Transport Equip. the cost to up-fit the existing solid waste truck, which is a 2009 Model Sterling & convert it into a dump truck in R&B for a cost not to exceed \$23,035.32 and to send a letter of commitment to Lee Transport Equip to issue a PO# after 7/1/16. **[Tracy McDaniel made the motion to up-fit the existing SW 2009 Model Sterling garbage truck and convert it into a dump truck for R&G with cost not to exceed \$23,035.32; to send a letter of commitment to Lee Transport Equip. of the PO# to be cut after 7/1/16 and to pay for this from the 2016/17 FYB. Mike Fowlkes seconded and council voted.]**

Acting Admin. Holland Belue reported on an upgrade for the 911 Viper System through AT&T. Admin. recommends that a contract be issued to AT&T for this upgrade for the total amount of \$34,881 which is Tariff eligible and will be reimbursed at 80% annually. **[Mike Fowlkes made the motion to allow Admin. to sign the contract with AT&T to upgrade the 911 Viper System for a total cost of \$34,881. Steven Blanton seconded and council voted in favor.]**

Acting Admin. Holland Belue updated on the lights project at the Ford Complex. We are actively working on the lights; surveyor was down there today getting boundary locations for all existing infrastructure that is in place. Contract has been executed to complete the design and we are anticipating the bid package to be ready in about 3 wks. to go out for bid for that work; bid process will last 4 to 6 wks; construction should start about 45 days and completed in 90 days. We should be in a

situation to be able to play fall ball at the Ford Complex with lights. Attorney Mathis is reviewing the final contract and we ask that contract be executed prior to any infrastructure being put in place at the field.

Acting Admin. Holland Belue reported on the C-funds. Both of your bonus monies, your annual allocation and the current c-funds contract we have for the 2016 paving year has just about spent all the funds available. We desperately need your roads for you bonus money expenditures; and we also need any upcoming roads that you would like to be put on the 2016 Paving Contract. The current contract does not expire until 9/16 but there is less than \$200,000 available and we need to work forward of getting those roads turned in and this money spent. We have also worked a partnership with DOT that any roads that you may be wanting to pave but need total reclamation/reconstruction, DOT is willing to do that. They will prepare an estimate, we will review it and make a recommendation to you and we will cut a check to them; if the project comes in under budget, you can get reimbursed and if it comes in over budget, you will have to pay the balance. There is no partnership available with DOT with this money. I recommend we do the patching, widening and resurfacing ourselves.

Councilman Mike Fowlkes asked Holland what affects the local government funds will have as a impact on us this upcoming fiscal year; how it has been unfunded; and what affect it has on our budget this year? Holland replied if it is funded at full level, it is about \$800,000 reduction to where we are now; but we budgeted for it because we knew the house & senate were both debating. We are \$2.4 million in our anticipated revenue stream; which actually anticipated \$10 million additional funding. There will be \$25 million; so we can anticipate about \$100,000 to \$125,000 increase in our local government fund from where we budgeted. We still have 25% this current year; it will be a flat year and that is why we budgeted the way we did. We anticipated a 10% rather than a 25% because they made out last year that 25% would be all you would receive in the next few years and we didn't want to come back after having 1st Reading and say we did not get what we anticipated. This will reduce your local option sales tax transfer in. I don't think it will provide you with additional resources to provide additional funding streams anywhere. There is simply not enough money to cover the anticipated expenditures. We have a surplus budget over the past several years which has allowed us to retain some of our fund balance and rebuild some of that. I don't at this time anticipate any recommendation to spend those funds, even if we get that additional money. Mike asked what action does any county have by the state legislature by not meeting their old laws? Holland replied you have the ability to reduce the funding to state based agencies at the same percentage our local government fund is reduced. From the standpoint of how we operate, there have been questions as far as some of the offices we are mandated by state to provide office space for them and we are not; you could look at doing that. It want reduce revenue stream but it would be offsetting an office space issue. We operate fairly lean anyway. I don't know a lot you can do. Our Magistrate Office has tried to help reduce and they have decreased their operating budget about \$20,000 in salaries.

Councilman Tracy McDaniel made the motion to approve the claims for Cherokee County in the amount of \$520,878.56. Mike Fowlkes seconded and council voted in favor.

Councilman Charles Mathis made the motion to pass the 2nd Reading of Ordinance No. 2016-13 to establish & create a Special Tax District to be known as the Goucher-White Plains Fire District, etc. Steven Blanton seconded and council voted in favor.

Councilman Charles Mathis made the motion to pass the 2nd Reading of Ordinance No. 2016-14 to establish & create a Special Tax District to be known as the DMW Fire District, etc. Mike Fowlkes seconded and council voted in favor.

Councilman Steven Blanton made the motion to pass 1st Reading of Ordinance No. 2016-04 adopting a budget for the County of Cherokee to provide for the levying of taxes & fees for county purposes for the FYB 2016/17. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to pass the 1st Reading of Ordinance No. 2016-05 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee and to provide for the proposal of the Antioch VFD for the fiscal year 2016/17. Steven Blanton seconded and council voted in favor.

Councilman Steven Blanton made the motion to pass the 1st Reading of Ordinance No. 2016-06 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee and to provide for the proposal of the Buffalo VFD for the fiscal year 2016/17. Charles Mathis seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to pass the 1st Reading of Ordinance No. 2016-07 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee and to provide for the proposal of the Cherokee Creek VFD for the fiscal year 2016/17. Tracy McDaniel seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to pass the 1st Reading of Ordinance No. 2016-08 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee and to provide for the proposal of the CKC VFD for the fiscal year of 2016/17. Mike Fowlkes seconded and council voted in favor.

Councilman Steven Blanton made the motion to pass the 1st Reading of Ordinance No. 2016-09 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee and to provide for the proposal of the Corinth VFD for the fiscal year 2016/17. Mike Fowlkes seconded and council voted in favor.

Councilman Steven Blanton made the motion to pass the 1st Reading of Ordinance No. 2016-10 levying ad valorem tax for the operation & maintenance of the Gaffney Fire Protection Area for the fiscal year 2016/17. Tracy McDaniel seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to pass the 1st Reading of Ordinance No. 2016-11 adopting a proposed budget containing estimates of proposed revenues & expenditures by the

County of Cherokee & to provide for the proposal of the Grassy Pond Fire District for the fiscal year 2016/17. Tracy McDaniel seconded and council voted in favor.

Councilman Steven Blanton made the motion to pass the 1st Reading of Ordinance No. 2016-15 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee & to provide for the proposal of the DMW Fire District for the fiscal year 2016/17. Tracy McDaniel seconded and council voted in favor.

Councilman Charles Mathis made the motion to pass the 1st Reading of Ordinance No. 2016-16 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee & to provide for the proposal of the Goucher/White Plain Fire District for the fiscal year 2016/17. Tracy McDaniel seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to pass the 1st Reading of Ordinance No. 2016-17 to adopt the General Records Retention Schedule for County Records (2002). Tracy McDaniel seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to pass the 1st Reading of Ordinance No. 2016-18 to amend the Purchasing Policy & Procedure for Cherokee Co. Steven Blanton seconded and council voted in favor.

Councilman Charles Mathis made the motion to pass the 1st Reading of Ordinance No. 2016-19 to establish certain fees to be charged by Cherokee Co. Records Requests made pursuant to the SC Freedom of Information Act. Steven Blanton seconded and council voted in favor.

Councilman Steven Blanton asked if Admin. was in compliance with the FOIA and are posting our agenda & minutes on our county web page? Holland replied he would check into it. Clerk Pearson stated that Delissa Coggins is posting the agenda but I'll don't think she is the minutes.

Chairman Tim Spencer reported that he met with Recreation District representatives Tuesday and they want to go out with McMillan Pazdan & Smith Architectures for a master plan for the Recreation District. I support this and I feel it is a step forward with recreation in our county. This master plan study is \$50,000 and Gable Studs has had conversations with USDA who will supposedly provide a grant for this project. Steven Blanton asked is this a continuation of the Clemson study? Tim replied no this is a master plan of what they do need. Charles replied that we all know that the recreation dept. wants to float a \$30 million bond and this would be the 1st step toward that. As a council, we haven't spent enough time to discuss where we are regarding the recreation needs. I would have reservations supporting a \$30 million bond. We need to slow down, discuss this among ourselves & keep the public informed of the direction we are heading. Steven Blanton suggested having a workshop on this issue. My reservations toward this type of bond is that our county doesn't have the tax base and it would be crippling to the folks in my district. Tim replied my understanding is USDA will grant the whole project. If this grant is issued, we will get our \$50,000 back. Until they do this master

plan, they don't know how much money they need. There are grants out there for the project. Holland replied if council agrees to commission the study, then you should be allowed to have the input in it as well and not just the Recreation District. I will work with McMillan Pazdan & Smith directly to find out what the scope of services entails and get that to each of you for your review so you will know what you will be paying for. Steven Blanton replied some things I'm concerned about is there are some things that members of the Recreation Dist. want that some residents in my district don't want and I rather not get the cart before the horse. Holland replied I will get council a copy of the formal proposal so you can look at it. Tim replied I would never support a \$30 million bond either but I support this because they assured me there was grant money to support this project. I do support recreation for our county. **Chairman Spencer instructed Clerk Pearson to set up a workshop for council.** Charles reminded council that if they pass this, they are putting a tax burden on these small businesses in our county.

Chairman Spencer reminded council of their invite to attend the Cherokee Co. Soil & Water Conservation Annual Awards Picnic Thursday, 5/19/16 @ 5:30 PM @ Lake Whelchel.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:10 PM.

Respectfully submitted,

APPROVED: _6/6/16_____

Doris F. Pearson, Clerk to Council

BY ITS: __Chairman Spencer_____