

DATE: 6/7/16 FILE NO: DATE198
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, 6/6/16

There was a Public Hearing & Regular Meeting of County Council Monday, 6/6/16, 5:00 PM in Council Chambers. Chairman Spencer presided with Tracy McDaniel leading in prayer remembering Treasurer Jackie Williams who is in the hospital. All councilmembers were present along with Holland Belue, Attorneys Jim Thompson & Joe Mathis and Clerk Doris Pearson. The news media was informed by agenda and 2 was present. There were 15 visitors.

Councilman Steven Blanton made the motion to adopt the agenda for the PH & Regular Meeting of 6/6/16 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. Tracy McDaniel seconded and council voted in favor.

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

Chairman Spencer presented Sheriff Steve Mueller with a proclamation and plaque honoring him for being selected "Sheriff of the Year" by the SC Sheriff Association.

Chairman Spencer opened the public hearings on 3 matters: **1)** on Ordinance No. 2016-12 with respect to approval by Cherokee County Council of a Fee-in-Lieu of Tax Agreement to be entered into by & between Tribal Mfg., Inc. located at 815 Pickens St., Chesnee, SC, and Cherokee County. No one was present to speak. **2)** on Ordinance No. 2016-13 to establish a Special Tax District to be known as the Goucher-White Plains Fire District, Cherokee Co., SC; to define its areas and boundaries; to define the nature of the services to be rendered therein; to fix the maximum level of taxes which may be levied to provide for the operation and maintenance of the Goucher-White Plains Fire District; and to provide for other matters relating thereto. No one was present to speak. **3)** on Ordinance No. 2016-14 to establish & create a Special Tax District to be known as the DMW Fire District, Cherokee Co., SC; to define its areas & boundaries; to define the nature of the services to be rendered therein; to fix the maximum level of taxes which may be levied to provide for the operation & maintenance of the DMW Fire District; and to provide for other matters relating thereto. No one was present to speak and Chairman Spencer closed the public hearings.

Attorney Joe Mathis requested council to go into Executive Session to receive legal advice relating to a contractual matter. [Steven Blanton made the motion to go into Executive Session to receive legal advice relating to a contractual matter. Tracy McDaniel seconded and council voted in favor and went into executive session at 5:13 PM.]

Councilman Charles Mathis made the motion for council to come out of Executive Session at 5:40 PM and return to Regular Session. Tracy McDaniel seconded and council voted in favor. Attorney Mathis stated that no action was taken in executive session.

Acting Admin. Holland Belue reported that Cherokee County was selected under the National Association of Counties to participate in their 2016 Video Program. They will have a category of 6 to 8 videos focused on “Welcome to Cherokee County”, education, healthy living, and any other good news we may choose to enhance our quality of life & economic development in Cherokee Co. These videos will be at no cost to the county. NACO has worked with vendor CGI Communications. They sell sponsorship opportunities to advertise on these videos. **[Steven Blanton made the motion to allow Administration to sign this agreement with CGI Communications pending review of Attorney Mathis and at no cost to the county. Tracy McDaniel seconded and council voted in favor.]**

Acting Admin. Holland Belue reported on the C-Funds. I encourage you to turn your roads in both for the 2016 paving year and the bonus money. We need to get this contract out to bid and it takes about 50 to 60 days to bid out which would put it around the 1st of August before we could do any paving. We will be partnering with SCDOT to do your reclaim work. They will work up an estimate and we will actually issue them a check. They will run the entire bid process on that project from start to finish. If the project comes in over budget, they absorb the risk; and if it comes in under budget, we get a refund check coming back to us. We really need to get this out to bid by the middle of this month; if you are not able to turn anything in, you won't be on the contract this time, but can maybe do another contract a couple of weeks later.

Acting Admin. Holland Belue reported on the standpoint of the budget how the Labor Standards Act will apply. This is a federal law and has changed the salary threshold to \$47,476/yr. Any of our employees that made less than that number that were salaried will no longer be salaried. We will meet with each of those employees, telling them what that means which will put them at hourly with a cap of 40 hrs. and they want earn comp time or anything until they hit 40 and then we will have to pay overtime or comp time. I don't see this doing any major impact to your overall fiscal budget if we are able to manage it appropriately from day one. It goes into effect in Dec. but I would like to see us go ahead and handle this July 1 and get it behind us.

Acting Admin. Holland Belue reported in the operating budget was part of the position to increase the county fire depts. from \$36,500 to \$46,500. They will have to complete an audit by a CPA for the 2017/18 FY which will be next year, not this year. Of the 5 Depts. that have turned in their information, to-date none of those depts. actually completed an audit. They presented a compilation or tax return with their budget request. This will be a change for them since they will have to complete an audit.

Acting Admin. Holland Belue reported on the holidays that are observed by the Cherokee County Solid Waste Collections Dept. At the end of the summer last year, you voted to accept the SWC from the City of Gaffney & Town of Blacksburg. With that, Cherokee County SWC has always observed

July 4th, Labor Day, Thanksgiving Day & the Day after, Christmas Eve, Christmas Day and Memorial Day. When they observed Memorial Day last week, we received a very high volume of calls from city residents complaining about the lack of collection on the trash. In an effort to try and clear this up, I would like to establish this in the ordinance so everyone will know. July 4 falls on Monday, Labor Day falls on Monday, Thanksgiving Day and Day after falls on Thursday & Friday, Christmas Eve & Christmas Day this year falls on Sat. & Sun. so we will observe Fri. & Mon. They always work NYD so no one will be skipped two weeks in a roll for trash pickup. Memorial Day falls on Monday. These will only effect the City of Gaffney; not the Town of Blacksburg because they have a Wed. pickup. The biggest question I have is in regards to Friday, 12/23 and Monday, 12/26, Christmas Eve & Christmas Day. If you want the SWC to work on those days, I need to know by next Monday so I can remove those days from the ordinance. Next year, Christmas will fall on Sun. & Mon. so you will have to address that. All county employees will be off those holidays plus a few more but this is just about SWC. I'm just trying to clarify the days so everyone will know the days they are entitled off come 7/1/16. Mike Fowlkes stated that Christmas time is different than other holidays because you have much more trash and if it doesn't get picked up then it leads to a litter problem. You told me some of the SWC employees did not mind working those days; and you do have other employees that work those holidays such as deputies, 911, etc. **[Charles Mathis made the motion that we honor the holidays that are suggested by Admin. Hoke Parris seconded. Voting in favor: Charles Mathis, Hoke Parris & Rufus Foster. Opposed: Steven Blanton, Mike Fowlkes & Tracy McDaniel. It was a tie vote and Chairman Spencer stated that council needs to discuss this matter further.]** Tracy replied if we do this, it has to be county wide. Mike replied we are talking about Christmas which is your biggest trash collection days. We have to do something even if it means we open the landfill on Sat. for them to bring their trash in. You will need to talk with Republic about the transfer station as well. Holland replied I don't think we will have a problem with Friday or Monday this year but going forward next year you will need to address this. I'll call Republic and report back by your 3rd Reading. The City asked us to consider them renting a truck from us or letting them pay us to collect during these holidays. I need to hear from you on this.

Councilman Tracy McDaniel made the motion to approve the claims for Cherokee County in the amount of \$247,888.21. Mike Fowlkes seconded and council voted in favor.

Acting Admin. Holland Belue reported on the Procurement Ordinance. It is included for the 2nd Reading and we will have the final document ready for council before 3rd Reading. There have been several questions as to what it is and what it does? Basically, the Procurement Document is the same 3 pieces that you had for many years with no changes to that. Steven Blanton asked will this being implemented make every entity that is funded by the county follow this document? Holland replied only the entity you have requested to follow it is the Recreational District. Steven asked can we write in this ordinance that if any other entity gets funding from the county, they be required to follow this? Holland replied you can write in whatever you so choose in this ordinance on any entity; or entities that receive funding from the county. Many of the local fire districts don't have procurement policies internally. Audits being required will come with the procurement policy as being a part of that requirement. They can adopt the Cherokee County policy or any other policy but they will be required

to have one. I feel your policy is sound; there are some restraints in it that are lower than a lot of standards in the state as far as thresholds but I feel it is a good procurement policy and has good price options and it forces people to be accountable.

Councilman Rufus Foster asked was there any appropriation put in the budget for the City Fire District? Holland replied in the operating budget there is no funding allocation currently for the City of Gaffney Fire District. They receive a Special Purpose District tax but no allocation funds currently are in the budget.

Councilman Steven Blanton asked Holland should we write in our procurement policy the bidding process where we don't get in conflict with local vendors? Holland replied Steven is talking about the design build concept vs the design bid to build concept. Design bid to build concept has been around for several years now and it allows an architect, contractor, engineer, etc. to team up and meet the common objective. They will come back with a concept and you start it off with the 3 vendors based on qualifications. You take their information and determine that the architect you selected was the most qualified. He designed the project and you publicly bid it. So the vendors you sent the bid to all bid on the exact same document. Under design build concept that is a little different. That's where you tell them perimeters of what you want and then you do it under qualified basis. A design build does not give you all the details but a design bid to build gives you all the information. Design build does save you some money and can expedite the process. Both concepts might give you the same finished product but how they get there might not be exactly what you wanted. To date we have never done a design build contract. **Steven replied so I am asking that you put that in our ordinance. Holland replied if you want that in there you can make a motion to amendment the procurement policy to include this or if no one opposes, I can write it in for the 3rd Reading next week.**

Acting Admin. Holland Belue reported that we are still waiting on the Policy & Personnel Manual from Kathy Edwards and we should have it ready for a Resolution hopefully for the 13th; if not, for the meeting of the 27th.

Councilman Charles Mathis made the motion to approve the 3rd Reading of Ordinance No. 2016-13 to establish & create a Special Tax District to be known as the Goucher-White Plains Fire District, Cherokee Co., SC; to define its areas and boundaries; to define the nature of the services to be rendered therein; to fix the maximum level of taxes which may be levied to provide for the operation & maintenance of the Goucher-White Plains Fire District; and to provide for other matters relating thereto. Tracy McDaniel seconded and council voted in favor.

Councilman Steven Blanton made the motion to approve the 3rd Reading of Ordinance No. 2016-14 to establish & create a Special Tax District to be known as the DMW (Draytonville, McKowens Mtn., & Wilkinsville) Fire District, Cherokee Co., SC; to define its areas & boundaries; to define the nature of the services to be rendered therein; to fix the maximum level of taxes which may be levied to provide for the operation & maintenance of the DMW Fire Dist.; and to provide for other matters relating thereto. Mike Fowlkes seconded and council voted in favor.

Councilman Charles Mathis made the motion to approve the 3rd Reading of Ordinance No. 2016-12 authorizing the execution & delivery of a Fee-in-Lieu of Tax Agreement between Cherokee Co., SC and Tribal Mfg., Inc.; and other matters relating thereto including, without limitation, payment of a Fee-in-Lieu of taxes; the placement of the Project in a Joint County Industrial & Business Park; and related matters. Tracy McDaniel seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to approve the 2nd 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 fiscal year 7/1/16-6/30/17. Charles Mathis seconded and council voted in favor. Holland stated that the holidays for Christmas Eve, Friday & Christmas Day, Monday will be determined by the next meeting.

Councilman Tracy McDaniel made the motion to approve the 2nd Reading of Ordinance No. 2016-05 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee & to provide for the proposal of the Antioch VFD for the fiscal year 7/1/16-6/30/17. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the 2nd Reading of Ordinance No. 2016-06 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee & to provide for the proposal of the Buffalo VFD for the fiscal year 7/1/16-6/30/17. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to approve the 2nd Reading of Ordinance No. 2016-07 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee & to provide for the proposal of the Cherokee Creek VFD for the fiscal year 7/1/16-6/30/17. Steven Blanton seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the 2nd Reading of Ordinance No. 2016-08 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee to provide for the proposal of the CKC VFD for the fiscal year 7/1/16-6/30/17. Mike Fowlkes seconded and council voted in favor.

Councilman Charles Mathis made the motion to approve the 2nd Reading of Ordinance No. 2016-09 adopting a proposed budget containing estimates of proposed revenues & expenditures by the County of Cherokee & to provide for the proposal of the Corinth VFD for the fiscal year /1/16-6/30/17. Tracy McDaniel seconded and council voted in favor.

Councilman Steven Blanton made the motion to approve the 2nd Reading of Ordinance No. 2016-10 levying an ad valorem tax for the operation & maintenance of the Gaffney Fire Protection Area for the fiscal year 7/1/16-6/30/17. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to approve the 2nd 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 7/1/16-6/30/17. Rufus Foster seconded and council voted in favor.

Councilman Steven Blanton made the motion to approve the 2nd 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 (Draytonville, McKnown's Mtn., Wilkinsville) Fire District for the fiscal year of 7/1/16-6/30/17. Charles Mathis seconded and council voted in favor.

Councilman Charles Mathis made the motion to approve the 2nd 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 Plains Fire District for the fiscal year 7/1/16 – 6/30/17. Tracy McDaniel seconded and council voted in favor.

Councilman Steven Blanton made the motion to approve the 2nd Reading of Ordinance No. 2016-17 to adopt the General Records Retention Schedule for County Records (2002). Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the 2nd Reading of Ordinance No. 2016-18 to amend the Purchasing Policy & Procedures for Cherokee County with the understand that a statement to exclude the design build contracts will be added. Mike Fowlkes seconded and council voted in favor.

Councilman Steven Blanton made the motion to approve the 2nd Reading of Ordinance No. 2016-19 to establish certain fees to be charged by Cherokee County for Records Requests made pursuant to the SC Freedom of Information Act. Tracy McDaniel seconded and council voted in favor.

Councilman Rufus Foster passed out copies regarding roads in his Dist. that need repairs/paving. All the Districts except Dist. 1 have received funds to help patch or pave roads. I have state & county roads in my District as well as the city roads, yet I don't get any money. I am asking for each of you to give me some consideration and give me some money to help out with the roads in my Dist. Steven Blanton replied the City of Gaffney got money this year and you need to talk with James Taylor about that.

Councilman Hoke Parris appointed the following to serve on the DMW Fire District/Board of Commissions: Dean Painter – 3 yrs.; Nickolas Federico – 2 yrs.; Bryon Cheek – 2 yrs.; Mike Patterson – 1 yr.; and Billy Benton – 1 yr. At the end of each term, all terms will convert to a 3 yr. term. Charles Mathis seconded and council voted in favor.

Councilman Charles Mathis appointed the following to serve on the Goucher/White-Plains Fire District/Board of Commissioners: Chad Phillips - 3 yrs; Josh Rogers - 2 yrs.; Brice Cook - 2 yrs.; Eddie Baker - 1 yr.; and Baxter Addis - 1 yr. At the end of each term, all terms will convert to a 3 yr. term. Steven Blanton seconded and council voted in favor.

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Chairman Spencer reminded council of the Legislative Session Review Breakfast Monday, 6/13/16, 7:30 – 9 am @ Limestone College/Stephenson Dining Hall.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:20 PM.

APPROVED: ___ 6/13/16 _____

Respectfully submitted,

BY ITS: __Chairman Tim Spencer_____

Doris F. Pearson, Clerk to Council