

DATE: 6/14/16 FILE NO: DATE199  
TO: Cherokee County Council  
SUBJECT: Minutes of PH & Regular Meeting, 6/13/16

There was a Public Hearing & Regular Meeting of County Council Monday, 6/13/16 @ 5 PM in Council Chambers. Chairman Tim Spencer presided with Mike Fowlkes leading in prayer. All council members were present along with Holland Belue, Attorneys Jim Thompson & Joe Mathis, Ann Boggs and Clerk Doris Pearson. The news media was informed by agenda and none were present. There were 10 visitors.

**Councilman Tracy McDaniel made the motion to adopt the agenda for the Public Hearing & Regular Meeting of 6/13/16 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. Mike Fowlkes seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the minutes of the Regular Meeting & Public Hearing of 6/6/16 as received. Rufus Foster seconded and council voted in favor.**

Petitioner Karen Dixon with the SC Peach Festival updated council on the upcoming 39th Peach Festival which will kick-off on Friday, 7/8/16 Downtown City Hall with the Coach Line Band playing beach music; other events will begin Sat., 7/9/16 with a tractor pull at Lake Whelchel; Fri. 7/15/16 will be the downtown events and events here at the Admin. Bldg. We will be closing off Railroad Ave. on 7/15/16 @ 12 Noon and are asking you to close the Admin. Bldg. at that time. We will have arts & craft vendors, rides, food vendors, etc.; barbeque vendors and cook-off contest will be held in the same location as last year with us closing off the block from Limestone to Frederick St.; Sat., 7/23/16 will be the mud bog at Lake Whelchel. **Karen again asked council to close the Admin. Bldg. for this event on Friday, 7/15/16 @ 12 Noon.** Holland replied that the City has not approached me about this. We've never shut down our county operations because of the Peach Festival events. This is a public building and people will be coming in to pay taxes; as well as other departments. Mike asked if you close the entrance to Railroad Ave. will that mean the public will have to go down to Oak Street to get to this building? This will create a problem with traffic. Holland stated the city needs to let us know of this; as well as the Peach Festival Staff has not gotten us the insurance information. Also, last year there was a problem with them getting their equipment off our premises and they need to do that faster this year. They had water lines out there until middle of August. If they shut down Railroad Ave., then they need to have someone out there directing traffic; and making sure the public is informed of this detour. **[Mike Fowlkes made the motion not to close the Admin. Bldg. but to stay open with the same daily hours; ask county employees to park in back of the building; allow Admin. & City to work on logistics regarding the detour & parking; inform the public of the detour; and allow Admin. to execute the contract with the SC Peach Festival. Rufus Foster seconded and council voted in favor.]**

Chairman Tim Spencer opened the public hearing on 4 matters: **1) on the proposed Ordinances adopting operating budgets for the period of 7/1/16-6/30/17** for the Cherokee County

General Fund, Grassy Pond Fire District, Cherokee Creek Fire District, Corinth Fire Dist., Buffalo Fire Dist., CKC Fire District, Antioch Fire Dist., The Gaffney Fire Protection District, Goucher/White Plains Fire District and the DMW Fire District. No one was present to speak. **2) on Ordinance No. 2016-17** to adopt the General Records Retention Schedule for County Records (2002); no one was present to speak. **3) on Ordinance No. 2016-18** to amend the Purchasing Policy & Procedure Manual for Cherokee County; no one was present to speak. **4) on 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. No one was present to speak; therefore, Chairman Spencer closed the Public Hearing.

Attorney Joe Mathis asked council to go into executive session to receive legal advice regarding a contractual matter; and a personnel matter arising from the Probate Court Office. **[Mike Fowlkes made the motion to go into Executive Session regarding these two matters. Hoke Parris seconded and council voted in favor and went into executive session at 5:18 PM.]**

**Councilman Charles Mathis made the motion for council to come out of Executive Session at 5:55 PM and return to Regular Session. Tracy McDaniel seconded and council voted in favor.** Attorney Mathis stated that no action was taken during executive session.

Acting Admin. Holland Belue updated council on the 2016/17 operating budget before 3<sup>rd</sup> Reading. The paper work you received on Friday had the operating budget balanced at \$23,254,180.29; since that time we made some adjustments due to a vacancy of a position and now your operating budget is balanced at \$23,251,270.33. Charles Mathis asked what is our revenue projection from taxes & fees not including any savings we have? Holland replied your anticipated transfer in is about the only way I can identify that for you from the standpoint of savings; only savings account we will be transferring is from the local options sales tax; we are anticipating the transfer in that account of \$2,351,657.98. The anticipated revenue stream for that account for this year will be \$1,025,000. From the standpoint of savings you are transferring in \$1,301,657.98 more than your projection of revenue; so that is a direct transfer from savings in the event you actually utilize that. No other accounts are savings based, they are all fund base as a transfer in such as recycling revenues, DSS rollover account from the COC Office; capital building fund; capital project fund; special revenue for emergency preparation; emergency preparedness; salary reimbursements; 911 surcharges; telephone; Recreation & Library reimbursements and hospital funding of the GASBY 45. We budgeted \$280,000 for that and shown as a negative revenue. Charles replied we will be spending \$1.5 million to a \$1.7 million more than we will be taking in. Holland replied if you add local options sales tax you will be at \$1,580,000. That is a recap of your revenue stream in terms of your balances. The budget updates, since your budget workshop, consists of: **1)** we updated the health insurance charge backs/health insurance rates are going up; **2)** we incurred our employer related expenses; **3)** the Chief Building Official is a fulltime rather than 30 hrs./week; **4)** we allocated and additional \$10,000 to each of the 12 VFD; **5)** we made adjustments in R&B from some vacant positions; **6)** we budgeted 8 CDL & 4 skilled employees for SWC; **7)** SWD one operator position; **8)** Recycling – one operator & one CDL permanent; **9)** we had some

miscellaneous updates due to personnel changes; **10)** we prepared for vehicle maintenance insurance adjustment that we had under projected for \$21,522 to the local gov. fund; **11)** we made an adjustment in the SWD of a temporary employee going permanent; **12)** miscellaneous adjustments in Probate Court Office due to a vacancy created through transfer. All these changes came up to \$22,690.53 added to the original budget that we presented at the workshop. **Operating Budget Ordinance we amended Section 14** which was an addition of employees who do not receive proper authorization for their accrual overtime or compensatory time prior to approval may face disciplinary action which is a direct result of the FLSA (Federal Labor Standards Act) on requirements of salaried employees who make above \$47,400. So we put that statement in there to ensure that any employees that abuses overtime approval process that we can document the fact that we need them to follow the proper process and have any overtime or compensatory approved prior to approval. **Section 15** – County Council has a list of the holidays that all county employees will observe for the FYB 2016/17. Due to the fact that the SWC is not collecting the City of Gaffney & Town of Blacksburg we have had a substantial amount of calls on our holiday observances. I would like to outline this in our budget so we will have a clear picture of what days we will and will not operate. We discussed the Christmas Eve & Christmas Day holidays being Friday, 12/23 & Monday, 12/26 and noted that the SWC, SWD & Recycling will not operate and be open to the public. I was asked to contact Republic Services to see if they would be operating those days, and they will operate both days but on the 23<sup>rd</sup> they will close early but would make sure all our trucks would be able to load in their transfer trucks before they close. **[Mike Fowlkes made the motion to allow the SWC, SWD, Landfill & Recycling Depts. to operate & remain open county wide on Friday, 12/23/16 and Monday, 12/26/15. Steven Blanton seconded and council voted in favor with Charles Mathis opposing. ]**

**SECTION 28** – we omitted the removal of Peachtree Centre name.

**SECTION 30** - we issued a clarification in regards to the audit requirement of the VFD for 2016/17 FYB. All fire departments that receive funding allocation from the County Council shall submit a copy of an audit that is made completed for the 2016/17 budget year by a CPA to the County Administrator before funding will be released from the operating budget of 2017/18 FYB and thereafter. Under normal circumstances the distribution of these funds will take place with the first disbursement in Nov., which is 50% of that allocation and the other 50% disbursed in Jan.

**SECTION 31:** this was a result of what was discussed at your 2<sup>nd</sup> Reading. The Cherokee Co. Recreation Dist. & Cherokee Co. Library and all Cherokee Co. Fire Districts that receive funds from direct appropriations from Cherokee Co. Council through the annual operating budget must comply with your recently adopted Cherokee Co. Purchasing Policy & Procedures Manual. In your copy of this policy, anything in yellow (4 areas) is something that was added to the current budget; anything highlighted in green (3 areas) are from the purchasing amendments that you have passed. One is for the local bidder preference; one is accepting state federal procurement; and one is allowing the local vendor to match state contract pricing if they operate out of Cherokee Co.

**CHANGE IN ORDINANCES: PART 7 – IN GENERAL:** this was an addition highlighted in red that you received in your budget pkg. This states that Cherokee Co. Purchasing Agent shall insure that all contracts are bid with product specifications clearly detailing the product of service the county is seeking to obtain. Cherokee Co. will not accept “Design build” packages as an acceptable mechanism to deliver an end product or service the county is seeking to obtain. Project plans and specifications shall be drafted by an individual or firm deemed appropriate by the Purchasing Agent, and all bidders will have an opportunity to submit bids or quotes based on the plans & specifications that are provided. This process will ensure that all bidders are clearly informed on the intent and expectation of the bid package and that the bids or quotes accurately represent Cherokee County’s expectation for the product or service being requested. This is the only change we made in the procurement ordinance since you saw it at your first reading.

**Councilman Steven Blanton made the motion that all volunteer fire departments which currently receive an allocation of funding from the county will be funded in this next budget year 2016/17 \$46,500. Mike Fowlkes seconded and council voted in favor.**

**Councilman Steven Blanton made the motion to add \$15,000 funding for the Gaffney Fire Protection and they should also adhere to the same audit requirements as set forth in the budget. Rufus Foster seconded. Voting in favor: Steven Blanton, Mike Fowlkes, Tracy McDaniel, Tim Spencer & Rufus Foster. Opposed: Hoke Parris & Charles Mathis. Motion carried.**

**Councilman Charles Mathis made the motion to allow for the purchase of (2) T-128-DC Sirens for the Cherokee Co. Emergency Management Dept. under state & federal procurement for a total cost of \$25,984 from American Signal Corp. Mike Fowlkes seconded and council voted in favor. These will be placed in the Goucher & Buffalo Communities and will be paid for by a grant.**

**Councilman Mike Fowlkes made the motion to pay \$10,000 to McMillian Pazdan & Smith for the creation of the design layout for the Lake Whelchel site for 4 baseball fields, 2-3 soccer fields, concessions, restrooms & parking pending the approval of the Recreation District Board in a meeting scheduled for next week for them to support this project and if approved to go forward with the bond referendum for the General Election in Nov., 2016. Steven Blanton seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the 3<sup>rd</sup> 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. Tracy McDaniel seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 3<sup>rd</sup> 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 adopt the 3<sup>rd</sup> 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 adopt the 3<sup>rd</sup> 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 adopt the 3<sup>rd</sup> 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 adopt the 3<sup>rd</sup> 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 7/1/16-6/30/17. Tracy McDaniel seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 3<sup>rd</sup> 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. Steven Blanton seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the 3<sup>rd</sup> 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. Tracy McDaniel seconded and council voted in favor.**

**Councilman Charles Mathis made the motion to adopt the 3<sup>rd</sup> 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, McKown's Mtn., Wilkinsville) Fire District for the fiscal year 7/1/16-6/30/17. Hoke Parris seconded and council voted in favor.**

**Councilman Charles Mathis made the motion to adopt the 3<sup>rd</sup> 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. Mike Fowlkes seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the 3<sup>rd</sup> 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 Rufus Foster made the motion to adopt the 3<sup>rd</sup> Reading of Ordinance No. 2016-18 to amend the Purchasing Policy & Procedures for Cherokee County. Steven Blanton seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 3<sup>rd</sup> Reading of Ordinance No. 2016-19 to establish certain fees to be charged by Cherokee County for Records Requests made pursuant to the South Carolina Freedom of Information Act. Mike Fowlkes seconded and council voted in favor.**

**Council/Chair Tim Spencer made the motion to appoint Shannon Phillips on the Cherokee County Alcohol & Drug Abuse Board in place of his father, David Phillips who passed away. Mike Fowlkes seconded and council voted in favor.**

Councilman Rufus Foster reported he went to the Appalachian COG board meeting last Friday and we went over the budget for 6 counties for a total \$11,968,000. There are 14 members on that board and 3 of us that serve are from Cherokee County. Our mission is to help our senior citizens, take food to their homes, fund senior centers, help with home repairs, and to provide transportation & education for our young people to help train them for jobs. We have helped with the water systems in Blacksburg as well. Council expressed their appreciation to Rufus for serving on this board.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:25 PM.

APPROVED: \_\_\_\_\_

Respectfully submitted,

BY ITS: \_\_\_\_\_

Doris F. Pearson, Clerk to Council