

DATE: 11/5/19 FILE NO: DATE458

TO: Cherokee County Council

SUBJECT: Minutes of Regular Meeting, 11/4/19

There was a Regular Meeting of County Council Monday, 11/4/19, 5 PM in Council Chambers. Chairman Tim Spencer presided with Lyman Dawkins leading in prayer. All council members were present along with Administrator Steve Bratton, Attorneys Joe Mathis & Jim Thompson and Master Clerk Doris Pearson. The news media was informed by agenda and it was posted in accordance with the SCFOIA. One news media was present along with 6 visitors.

Councilman David Smith made the motion to adopt the agenda of the Regular Meeting of 11/4/19 as received and posted in accordance with the SCFOIA. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to approve the minutes of the Regular Meeting of 10/21/19 as received in the agenda package. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the claims for Cherokee County in the amount of \$405,264.50. Mike Fowlkes seconded and council voted in favor.

Public Works Committee Chair Tracy McDaniel made the motion coming from the committee to award Bid No. 2020-07 to purchase a 2020 Freightliner truck with Heil compactor from Carolina Environmental Systems for \$163,830. Mike Fowlkes seconded and council voted in favor.

Public Works Committee Chair Tracy McDaniel made the motion coming from the committee to award Bid No. 2020-09 to A-Plus Asphalt for the asphalt, sealing, striping & crack sealing at the main Administration Complex parking lot for \$49,647. Quay Little seconded and council voted in favor.

Administrator Steve Bratton proceeded with the bid opening for Bid 2020-15 Vehicle Maintenance fleet management & maintenance services. 3 bids were received: **1)** Vector Land Management, Charlotte NC - \$476,551.93/1st year + 5% for parts @ \$149.00/1st year; **2)** 1st Vehicle Services, Ohio - \$801,367.03/1st year including parts; **3)** Shenandoah Fleet Maintenance, Warrenton, W. Va. - \$765,231/1st year including parts. **[Mike Fowlkes made the motion to place these bids in the Public Works Committee for review and to report back to full council on 11/18/19. David Smith seconded and council voted in favor.]** Quay Little asked what is their time line to get started? Steve replied they can start up in 30 days which I am not please with. I rather it took 90 days. Chair Spencer asked how much did it cost the county to operate the vehicle maintenance dept. last year? Steve replied \$595,000/yr. I did ask in the quotes sent out to have a staff of 5 which is what I have now. Chair Spencer asked will our employees have the opportunity to work for them? Steve replied they will have the opportunity to fill out an application; and we will try to place them elsewhere in the county if we have an opening. I have another employee in the DPW that will be leaving us this Friday. My plans are not to fill that position at this time.

Councilman Quay Little made the motion to go into Executive Session pursuant to Section 30-4-70(a)(2) & (a)(5) for the following matters: 1) for discussion of an economic matter relating to future proposed locations, expansions or provision of services including locations & expansions of industries or other businesses in the area served by a public body; and 2) receipt of legal advice concerning a pending legal matter. Lyman Dawkins seconded and council voted in favor and went into Executive Session at 5:20 PM.

Councilman Tracy McDaniel made the motion for council to come out of Executive Session and enter back into the Regular Meeting at 6:04 PM. Mike Fowlkes seconded and council voted in favor. Attorney Mathis stated that no action was taken during Executive Session.

Attorney Mathis stated a motion would be in order based upon the pending of the order litigation that the county is involved in with representation from John White Firm in Spartanburg that council authorize Administrator Bratton to execute the exclusion request form/resolution opting out of Federal Opioid Litigation MDL 2834. **[Councilman Quay Little made the motion to authorize Administrator Bratton to execute the exclusion request form/resolution opting out of Federal Opioid Litigation MDL 2834. David Smith seconded and council voted in favor.]** Attorney Mathis replied this is the federal only, the county will still remain pending in state courts with Mr. White's firm to continue to represent you in your standing in the opioid litigation.

Councilman Quay Little made the motion to adopt the 1st Reading of Ordinance No. 2019-26 authorizing the execution & delivery of a fee in lieu of tax agreement by & between Cherokee County, SC and a company known to the county at this time as Project Gremlin 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 revenue credits; and the extension of the term of an existing fee in lieu of tax agreement by & between the County and the Company; and other matters related thereto. Tracy McDaniel seconded and council voted in favor.

Administrator Steve Bratton presented a request for council to approve the final plat accepting Mason Road off Pacolet Highway into the county road system. **[Councilman Quay Little made the motion to accept Mason Road off Pacolet Highway into the county road system. Mike Fowlkes seconded and council voted in favor.]**

Councilman David Smith made the motion to authorize Administrator Bratton to engage Cline Brandt & Kochenower as the County's Independent Auditor for the 2018/19 FY Audit. Lyman Dawkins seconded and council voted in favor. Administrator Bratton stated the services he proposes will be between \$50,000 – \$55,000 and also for financial statement preparations between \$10,000 - \$15,000 so we are looking at between \$60,000 to \$70,000. Anything beyond that would be charged at their hourly rate; there will also be some out-of-pocket expenses for copying & producing the report. We paid over \$100,000 last year for the audit.

Administrator Steve Bratton asked council to allow him to enter into a contract with the Cherokee County School District for a deed swap regarding two fields at the Midway property for the Granard Middle School property. We would sign a deed to the School District for the field known as “Jug Wallace Field” where the high school plays baseball & the field beside it called “Wayne Fuller Field” where the high school practices & plays softball. In return, we would receive the deed to the former Granard Middle School and the property it sits on which is about 28 acres. We would include a reversion clause on the deed for the field that states that if the fields are not used by the school district as baseball & softball fields that they would revert back to Cherokee County. They are agreed to that. Once we enter into the contract I would ask that you authorize me to do a due diligence that would trigger a 90 day due diligence period wherein we would go in and do all our homework such as a Phase I Environmental study; engage the services of an engineer & architecture firm to come in look at the building and access the lifespan of the roof, the HVAC system and any other portions of that structure that we need to look at. If we find something that is very alarming then we can opt out within those 90 days. Quay asked again that they are under the understanding that if they do not use those fields for these purposes, then they can be utilized for the Little League to use? Steve replied this is not part of the contract but I have talked with Dr. Falls and we will draw up a memorandum of understanding in place prior to us formalizing these deed so that we know American Legion can still play their games there and also that the Recreation Dept. can continue to utilize those fields when the high school is not. We do not have that written up at this point. Quay asked do we need to have that before you move forward with the contract? Attorney Mathis replied the purpose of the contract is for you to start your due diligence and the memorandum of understanding will address those matters but perhaps other matters might surface when you are doing your due diligence. Also be mindful that the contract will be worded so that as a government body when you are dealing with real estate you have to by ordinance dispose of real estate. So, if you sign the contract after the 90 days; it can fail during the ordinance phase. Tracy McDaniel asked are you doing ground assessment on contamination or anything like that? Is there any concern on this site that you are aware of? Asbestos, lead pain, anything that would back fire if we go in there and renovate for various agencies; or if we decide to demolish part of that building? Steve replied they gave a disclaimer that there may be lead paint or asbestos there. It is my understanding they did an asbestos abatement back in the 80’s; however, that is something we would have to look at. During the Phase I Environmental, we can have things tested. The Engineering Firm I talked with can address it however we need to do so. As far as the ground, I am mindful that there was an underground storage tank there at one time that is still being monitored by DHEC. We are speaking with DHEC and the School District on how the liability would work and that would be part of our due diligence also. Phase I Environmental Study will cost \$2500. I don’t know what the rest would cost. I would like for council to authorize me to engage with a company. Quay asked shouldn’t the School District help out with the cost? Steve replied this contract if for the building as is. We need to determine if it is suitable for what we want to use it for. Chair Spencer asked if DHEC is monitoring the underground tanks now and we purchase this, will that become our liability or the school’s? Attorney Mathis replied as is, you will be accepting it. Steve replied the underground storage tanks to my knowledge have been removed but DHEC still comes out every year and monitor/test them and that would be at our cost. Charles Mathis asked if the county would own the property? Steve replied

yes, under this contract. Charles replied, I heard that this would save the Recreation Dist. some money and they would have enough money to keep the fields up. What about the Gaffney Little Theater? Steve replied what I have talked about is that the Recreation District would manage part of that facility and we would authorize the Gaffney Little Theater to utilize the auditorium. We are exploring the possibility of raising a portion of the building for parking; and discussion of other ways we can utilize that facility. Board of Public Works has easements across the backside of the property. Tracy McDaniel stated what concerns me is the age of the HVAC and those components that will cost us in the future; but you can't build this building for what we can get it for even with renovations. Just know that there will be some expense on our part in receiving it. **[Lyman Dawkins made the motion to allow Administrator Bratton to enter into a contract with the Cherokee County School District to begin the due diligence for a deed swap regarding two fields at the Midway property for the Granard Middle School property. Mike Fowlkes seconded and council voted in favor with Charles Mathis opposing it. Motion carried.]**

Administrator Bratton opened the discussion for the Public Works Facility Master Plan. It was presented last week for a total price tag of \$12.2 million to build the entire facility.

Councilman Charles Mathis asked Administrator Bratton to present to council a list of the projects that we have going on so that we can prioritize. I feel we have too much going on right now; we can't hardly keep up with everything. We're talking about the jail, the DPW Master Plan, the deed swap, etc. We need a priority list to see how we are going to attack these and council needs to decide how we do that. Steve replied I possibly can get that list to council at the next meeting. We do have a lot of multi-capital projects going. Chair Spencer replied I feel we need the DPW Master Plan first. Quay replied the DPW shop, recycling & animal shelter should be No. 1. Steve replied that whatever work our DPW Crew can do will help reduce that price. We also have some timber that needs to be dealt with that would help us recoup some of our money by selling some of the timber. David replied we don't need to do the DPW in phases. We need to do them all at one time. If you wait, construction cost will just increase. Charles replied the state will be pushing us to build more space for our jail very soon. Mike replied the crime rate will never let us get back to the occupancy of what our jail was built for. Steve replied head count at the jail this morning was 257. I've seen it up to 300. I feel the DPW is priority because all those facilities are bad and the liability is getting worse. You have gotten your dollar worth out of them, the shop has been there for 50 years. The City owns the Animal Shelter and it is overcrowded. Tim asked with the City owning the previous animal shelter now, if we build a new one will the city or us be responsible for their dogs? Steve replied that will be a decision that council will need to make but I have already thrown the idea out to them of having to pay just like they pay us for inmates housed at our detention center. Quay replied based on what I am hearing are you saying that we need to go out for bids to see exactly what this project will cost? You have estimates? Steve replied for an architect who got quotes from 3 contractors, their cost estimates priced these facilities on a square foot basis and they took the average of those 3 cost estimates. Quay replied so you are saying that if we were to take this \$12.2 million it would cost us \$70,000 to get this drawn. Do we need to get drawings to get a formal quote? Steve replied they don't have drawings; it hasn't been fully designed. Our next step would be to go out for either an RFQ for

professional services for an architect; or under our procurement, you can treat this as professional services and not have to go out for RFQ. DP3 who did our master plan has a good track record of building these facilities but that it up to council. Next step would be to put it out for bid for a contractor. If you were to authorize me to do that today, it would probably be a year before we put a shovel in the ground. Also, I like to idea of a jail annex. If we could find a place to house 50 – 75 people, non-violent where ever that might be. I have look at one facility; I'm trying to get contact information on another one. Spartanburg Co. has gone this route. The operational side of that would be expensive. We can look at adding onto our current facility which is designed to be added onto. I looked at it this weekend and there is some room there but I don't know how much we could get but it will be very expensive. Quay, what is the time frame for that? Let's say Dept. of Corrections comes in and says we are overcrowded. Steve replied they will be here in two weeks to say. They are already saying that; but we are no different position than any other jail in this state. Mike Fowlkes replied DOC is overcrowded themselves. They will hit us for it but at the same time they understand why you have the problem; but they want to see you have a plan going forward on how to deal with the over crowdedness. Steve replied I have an appointment with DOC in two weeks and they will walk with me through the facility and give me their opinion as to whether or not it will serve as a good jail annex. This is just something I am exploring right now but of course council will have to be involved in this. I agree with Mr. Mathis, we do have a lot of balls in the air at the time. As far as my priorities go and if I had to lay them out, this public works facility is critical. Quay asked do we need to proceed with the timber management? Steve replied I have the last timber bid we did and will take at look at it. If we are going to proceed with the PW Facility Master Plan, I can clear cut some areas; otherwise, we will be doing some thinning. We don't need to clear cut yet but we do need to thin. Charles asked how many acres are you talking about? Steve replied we have 180 acres on the right-hand side of Mill Road going toward Concord but not all that will be harvestable. I don't know what the timber market is right now. If council wants to build, then we will clear cut those areas. I'll get both prices either way. David asked how much time are we talking about? Steve replied about 2 more months from now before we can get it back.

Councilman David Smith made the motion to sign a contract with DP3 to do plans for the full Public Works Facility drawing for all 3 departments involved. Mike Fowlkes seconded. Voting in favor: Mike Fowlkes, Tim Spencer, Quay Little, Lyman Dawkins & David Smith. Opposed: Charles Mathis. Tracy McDaniel signed a recusal form due to conflict of interest involving his construction firm. Motion carried.

Councilman Lyman Dawkins asked which plan are you going to have DP3 to proceed with for the drawings? Steve replied I will go with DP3 recommendation Plan A where you have the Animal Shelter on the left-hand side; directly across from it was the Recycling Center and the shop would be in the rear.

Councilman Charles Mathis asked Steve are we going to hire an architect and he will design it and then we contract out for a builder? Steve replied yes, it will be done in that manner according to Mr. Smith's motion, we will hire DP3 Architect to design the facility and council will have to sign off on that and then we will go out for bid for a contractor. I do not recommend a design-build.

Councilman David Smith commented about the parking lot. The adjacent parking lot is county property and we can't just act like it is not there. Are we going to tear it up and make a green field out of it? He asked Administrator Bratton to please look into how we may deal with it. Steve replied we can utilize our DPW Dept. to dig it up and reseed it in grass and make a green space. I'll check on this and bring it back to the council. Quay replied why would we do anything to it. It has been there 40 to 50 years and it looks the same. If you want to prioritize, that is at the very bottom of my list. David replied it is a hazard out there and we need to deal with it now.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:50 PM.

APPROVED: 11/18/19

BY ITS CHAIRMAN: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council