

DATE: 1/22/2020 FILE NO: DATE465  
TO: Cherokee County Council  
SUBJECT: Minutes of PH & Regular Meeting, 1/21/2020

There was a Public Hearing & Regular Meeting of County Council Tuesday, 1/21/2020, 5 PM in Council Chambers. Chairman Tim Spencer presided with Jack Phillips of Northpoint Church leading in prayer. All councilmembers were present along with Administrator Steve Bratton, Attorney Joe Mathis and Master Clerk to Council Doris Pearson. The news media was informed by agenda and it was posted in accordance with the SCFOIA. Two news media were present along with 75+ visitors.

Councilman Tracy McDaniel recognized Boy Scout Troop 320 from Blacksburg and their Scout Master Ben McCall & Cub Master Tommy Bridges.

**Councilman Tracy McDaniel made the motion to adopt the agenda of the PH & Regular Meeting of 1/21/2020 as received in the agenda package and posted in accordance with the SCFOIA. Lyman Dawkins seconded and council voted in favor.**

Clemson Ext. Agent Chris Lemaster introduced the new 4-H Agent Laura Haddon. Ms. Haddon reported 4-H is a youth development organization that offers programs in 6 different areas: animal/agricultural, natural resources, healthy lifestyles, personal development, leadership and citizenship. This is for young people ages 5 to 18. We offer core enrichment programs in our local schools, organize clubs that meet around the community and special interest projects that meet the needs of individuals for small groups. Last year in Cherokee County we reached a total of 270 young people with our programs; 250 of those were in five of our public schools and others met monthly in afternoon clubs. My goal as a fulltime agent is to increase the opportunities to the youth in our county. Our motto as a 4-H Member is "To Make the Best Better".

**Councilman Lyman Dawkins made the motion to approve the minutes of the PH & Regular Meeting of 1/6/2020 as received. 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 \$414,506.69. Mike Fowlkes seconded and council voted in favor.**

Chairman Spencer recognized Councilman Mike Fowlkes. Mike stated that tonight council will be presenting a resolution supporting the second amendment rights. I have received several calls on this matter. Over the past couple of years and weeks the 2<sup>nd</sup> Amendment Rights has been under attack the most. By reading & passing this resolution tonight for the 2<sup>nd</sup> Amendment Rights, we don't want to say that we are only trying to protect this right but we want all our rights provided to us in the constitution to be protected. Other counties and states are doing this but Virginia is the one being highlighted. It is down in Columbia, SC as well. You will hear a lot in SC about the "Red Flag Law" and the problem with this law is you will see how easy it is to control this. We need to be careful as to how we look at gun control. Mike then asked everyone to stand and join in the Pledge of Allegiance to our flag.

Administrator Steve Bratton read Resolution No. 2020-01 expressing Cherokee County Council's support of the Second Amendment Rights. **[Tracy McDaniel made the motion to adopt Resolution No. 2020-01 as presented. David Smith seconded and council voted in favor.]**

**Councilman Mike Fowlkes made the motion to send a copy of this Resolution 2020-01 expressing Cherokee County Council's support of the Second Amendment Rights to the Governor of SC and our local delegation. Quay Little seconded and council voted in favor.**

Attorney Joe Mathis requested council to go into Executive Session pursuant to SC Code 30-4-70(a)(2) regarding two matters: 1) to discuss & receive legal advice pertaining to a contractual matter; and 2) to discuss matters 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 specifically Project Hyper. **[Quay Little made the motion to go into Executive Session regarding these two matters. Lyman Dawkins seconded and council voted in favor and went into Executive Session at 5:12 PM.]**

**Councilman Tracy McDaniel made the motion for council to come out of Executive Session and enter back into the PH & Regular Meeting at 5:37 PM. Mike Fowlkes seconded and council voted in favor.** Attorney Mathis stated that no action or vote was taken during Executive Session.

Councilman Quay Little ask Attorney Mathis to comment on the Granard Project that is between us and the School District. Attorney Mathis replied that several weeks ago council authorized the Administrator to enter into negotiations with the Superintendent of the School District for a contract. Those negotiations have been completed. There is a contract now in place and although you have already authorized him to enter into the contract; tonight he has on the agenda to ratify those actions and for council to authorize him to sign the contract that allows the terms agreed upon including the clause that was talked about in executive session. **[Quay Little made the motion to allow Administrator Bratton to enter into negotiations with the School District regarding this revised contract. David Smith seconded and council voted in favor.]**

Chairman Tim Spencer opened the public hearing on Ordinance No. 2019-31 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and Old Castle APG South, Inc. with respect to certain Economic Development Property in the county, whereby such property will be subject to certain Special Source Revenue Credits; and other matters related thereto. No one was present to speak and the public hearing was closed.

**Councilman Quay Little made the motion to adopt the 3<sup>rd</sup> Reading of Ordinance No. 2019-31 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and Project Fortress (Old Castle APG South, Inc.) with respect to certain Economic Development**

**Property in the county, whereby such property will be subject to certain Special Source Revenue Credits; and other matters related thereto. Lyman Dawkins seconded and council voted in favor.**

**Councilman Lyman Dawkins made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2020-01 to amend the Cherokee Code of Ordinance, Article III, Solid Waste Disposal Section 8.58.1. Quay Little seconded and council voted in favor.**

**Councilman Quay Little made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2019-30 authorizing (1) the execution & delivery of a Special Source Revenue Credit Agreement by & between Cherokee County, SC and a Company identified for the time being as Project Hyper; (2) the benefits of a Multi-County Industrial or Business Park designation to be made available to the company and such property; and (3) other matters relating thereto. Mike Fowlkes seconded and council voted in favor.**

Administrator Steve Bratton requested council to appoint Ms. Jen Reese, Chief Operator for the Lifeguard EMS to serve a term on the Upstate EMS Council Board. **[Councilman Tracy McDaniel appointed Ms. Jen Reese to serve on the Upstate EMS Council Board. Charles Mathis seconded and council voted in favor.]**

Administrator Steve Bratton reminded council of their discussion at the last meeting that they had with Mike Pry of DP3 Architects regarding the project delivery method for council to move forward on regarding the Public Works Facility that is currently under the design phase. I would like for you to make a decision tonight on which option to move forward: Traditional/Design-Bid Build Option or the Construction Manager-at-Risk Option. **[Councilman Tracy McDaniel made the motion to move forward with the Public Works Facility design phase and to go with the Traditional/Design-Bid Build Option. Charles Mathis seconded and council voted in favor.]**

Administrator Steve Bratton reported to council that as of today I have sent out budget packets for the Fiscal Year Budget 2020/2021 to all our Dept. Heads, Elected Officials, Fire Depts. and other county agencies that receive county allocation. I requested the budget packets back by 2/17/2020 and for the VFD 2/20/2020.

Chairman Tim Spencer opened the meeting for public comment. Visitor Mickey Medley stated he feels the citizens of Cherokee County would like to know why Sheriff Mueller's request has not been addressed. I have called a number of you over the past few days and you haven't returned my call. How else can the citizens communicate with you, our elected officials, to make sure you understand what we want to happen.

Councilman Mike Fowlkes replied I did receive your phone call. I'm speaking mainly to the Sheriff, not so much the deputies. There is a budget process that we have; our budget runs from July 1 to July 1. The request when the Sheriff talked with us was at the 1<sup>st</sup> meeting in Dec., 2019, he asked for around ¾ of a million dollars and he set the deadline to be in place by Jan, 2020. I don't know what budget can handle a 3/4 of a million-dollar request in the middle of a budget year for any business. The Sheriff has

no more of an advocate on the council than he does right now. I served in the Sheriff Office for 20 years and retired from there. He didn't choose to use the budget process but instead he chose to use the political process. I have not had a phone call, email or anything from Sheriff Mueller regarding this until he shows up at our Dec. meeting. Back in May, 2017, the county adopted a new pay scale and invested \$900,000 in the pay scale structure. When this took place, Sheriff Mueller stated this would increase the morale of his department and some of his senior deputies would roughly receive \$6000 increase, which they did. Going into the 2018 budget year, there was no budget request from the Sheriff for salary adjustments or increases. Sheriff stated he made those request to former Administrator Holland Belue. I don't know about that; but, I do know he did not have a salary increase in his budget package request for 2019/2020. April, 2019, budget request has no salary adjustments or increases for deputies/officers. They asked for vehicles and capital but no salary increases. It seems to me that your deputies are now being used as political pawns; he does not want to use budget process but political process. July 14, 2017, the number of county employees paid \$50,000 or more was published in the Gaffney Ledger; the Sheriff Dept. had the most employees that cracked the \$50,000 limit. Dec. 2, 2019, the Gaffney Ledger reports that Cherokee Co. Sheriff pushes for higher pay for deputies and correction officers. In that article you were quoted to say "out of 46 Sheriff Offices throughout the state, we are at the bottom 5" this is not true. There are 46 counties and he picked them out of the 9 counties that the SCAC lumped together as being the bottom 5 not the 46 counties. Dec. 4, 2019 – the Gaffney Ledger states – Sheriff Mueller raise concerns about low pay and what he called failure to address the pressing needs of his department, including replacing equipment and fleet. He pointed a finger at former Administrator Holland Belue for not keeping council informed of what the Sheriff Dept. needs. Holland Belue has been gone for 1½ years. Administrator Steve Bratton has been here for 1½ years and I ask you Administrator Bratton, have you heard from the Sheriff regarding any salary increases for his deputies. Bratton replied "No specific increase, no sir." Mike asked Bratton, is there anything in his budget packets about salary increases? Bratton replied, "No sir, there was a request for equipment and personnel".

Sheriff Mueller replied: the reply from Mr. Fowlkes was a calculated & orchestrated response by several of the councilmen tonight for him to come and read off what he said, which is not true. These are the guys & girls in the audience that make the \$16.54/hr. Every single budget year for 9 years, we have come and asked for more. We've always been told that we work through the Administrator and I have never come to you individually and asked for something. Fowlkes asked Mueller, who did you ask? Sheriff replied I have talk with this Administrator numerous times during our budget process and it was made very clear that "this ain't gona happen this year guys". There are numerous documented instances that councils' have chosen to up salaries mid-stream. Gaffney City just did it. So, it is not something that never happens. It is the will of this council. I'll tell you Mike, this is not political. Council has sold themselves short on taking care of all the county employees. Yes, some things were done and implemented but it did not keep up with the pay of what is going on around us. Mike replied you use the base salary of \$16.53/hr. because it suits your point. Sheriff Mueller stated at the end of the day Mike, the accusations that you made are wrong.

Councilman Quay Little stated this council fully understands the needs that you have expressed. We have an obligation to be stewards of the money. We understand where you are; we understand that the private sector and economic impact have been greater with this current President than it has been in a long time. It is very difficult for the public sector to keep up with the private sector. I know you have lost some people because of this, but we have always tried to accommodate and maintain the work force that we have. We appreciate everything that you and your officers do. We know the pay is not where it needs to be but we have an obligation to the taxpayers in the community. We have 17 departments. We have always tried to do a cost of living, 2% raise to try and keep up with inflation. We have always tried to maintain and absorb all the insurance cost. We have a good retirement system. I can assure you that this council will address your needs and work with you through the Administrator when the budget process begins. We will do what we need to do to ensure the protection of our citizens. Our millage rate is 2.6% increase this year that will cover only half what you are requesting in raises. We have a 25 to 26 million-dollar budget and I wish we could give you everything you want; but we have to consider all departments. Sheriff Mueller replied we have had to use Restricted Money to accomplish all the things we have accomplished in our department.

Councilman David Smith replied I appreciate all you do for Gaffney High School and the county; but when I got here that night on 12/2/2019 there were 3 TV stations. I didn't know why they were here and I don't know who called them to be here. That is where I see why Mike is saying it was a political move. I was blindsided because I didn't have a clue. I've been here for 3 years and in that amount of time we did \$900,000 increase for the entire county employees. You made the statement that this council has always been frugal and basically have not taken care of the employees over the years. That is disappointing to me because we have taken care of the employees. Council put SRO's in every school. We are here for the betterment of this community. We all come from families that work in public government and we all feel we should get paid more. Give us a chance. Don't walk out of here tonight thinking that it will never happen because this council is going to be here for this county and we are here for you. We will go to the table come budget time and do the best we can do. Sheriff Mueller replied that after tonight, I will send council everything I am asking for and not just communicate with the Administrator. You will see all the issues we are facing every single day. I'll keep you informed of my department and their needs.

Councilman Quay Little stated this council has spoken with Administrator Bratton and we do have a plan in place to address the needs at budget time. We are not pitted against any department in this county. We are one whole county and we try to serve the needs for everyone in this county. We thought your request was for us to increase the salaries for your office personnel by this Jan. and that was unrealistic to us because of the amount. We have 17 different departments and we have to meet all the services, not just the sheriff department.

Councilman Lyman Dawkins stated that I support you and your department. The way this was brought to council, the manner and the time line was unfair. I support this but we have to figure out how we can do it. We are not against you; we are for you but we just need to figure out how we can do this.

We can't continue to take this from savings; it is not just a one-time deal; it will be from now on and we have to figure out what & how we can do it.

Chair Tim Spencer replied to Sheriff Mueller that when you stood up to speak. You stated that Councilman Fowlkes had orchestrated what he said with all of council. I just want to let you know that he did not orchestrate it with me.

Councilman Tracy McDaniel stated that what you are asking us to do will cost about \$750,000 recurring expenses. That would be 4.3 mill increase on our budget and we are only allowed to raise 2.5 mills. We can't even cover this even if we raise our maximum this year. On top of that \$750,000 increase just for your two departments, we have 17 other departments. We just absorb \$1.2 million in ambulance service, not by our choice. Our Public Works Dept. is completely falling apart and our estimate on replacing that is \$12 million. We haven't touched yet, but we are very aware of the Detention Center expansion. What is your estimate on that Sheriff? Sheriff replied if you had to build or add on, you are looking at about \$8 to 12 million. We have a lot of our plate and at the top of our chart is our county employees. We know there is a need to increase pay but we can't do it overnight. I appreciate you, your department and all county departments and I vow to work with this council in addressing pay issues for all our county employees. Sheriff Muller replied we appreciate council but we just want to know what are you going to do to fix all this? We have ignored so many things in this county for so many years; in order to just hold the line and everything is crumbling around us. But the most crucial thing, in my opinion, is public safety. Most of the county employees are depending on you to make those decisions and say we are going to invest in our people first. If you take care of your people, they will take care of their mission in Cherokee County whether in public works, law enforcement, etc. It's not just the law enforcement in our county that has turn over; it is in every department. That can has been kicked down the road for so long that we are at a breaking point. I applaud your efforts for what you have done in the past with pay increases but we need more.

Administrator Steve Bratton replied to Sheriff: you have stated several times that you have talked with me. There have always been general conversations about we wish our people were paid more. Conversations you have had with me have been revolving around how much we spend as a county on salaries. 65% of our \$26 million budget is for salaries & fringe which is in line and the norm for counties our size. Up until this point, there has never been a proposal brought to me that said we need raises for these people in these areas. In your budget request this past year, that was not related. What was related was a request for 7 additional people and vehicles. You asked for some additional monies that was granted. What was relayed to you when I said "that would not happen" was that I replied I know I can't give you 7 additional people this year. We don't have those type of funds available to do that. Sheriff Mueller came to me and mentioned to me concerns he had about vehicle maintenance and those concerns were relayed to council and effective 2/1/2020 we will be outsourcing that entire department.

Sheriff Mueller replied, when I & Chief Deputy sat in your office and discussed our budget, you said, tell me what you absolutely have to have this budget year. I gave you that list, we talked and you

replied “the rest of this list probably want happened”. In conclusion, we will walk out of here tonight to agree to disagree. I encourage you to reach out to the county employees and ask them how they feel.

Chairman Spencer replied every night I thank God for our troops fighting for our freedom and for you guys who protect my family & business. Why someone in here thinks that this council doesn’t support you is wrong. We do support you and we will try to address this request come budget time.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:30 PM.

APPROVED: 2/3/2020

BY ITS CHAIR: Tim Spencer

Respectfully submitted,

Master Clerk to Council Doris F. Pearson