

DATE: 5/7/19 FILE NO: DATE337
TO: Cherokee County Council
SUBJECT: Minutes of Regular Meeting, 5/6/19

There was a Regular Meeting of County Council Monday, 5/6/19, 5 PM in Council Chambers. Chairman Tim Spencer presided & lead in prayer. All council members were present along with Administrator Steve Bratton, Attorneys Joe Mathis & Jim Thompson and 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 4 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the Regular Meeting of 5/6/19 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 PH & Regular Meeting of 4/15/19 as received in the agenda package. David Smith seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the claims for Cherokee County Council in the amount of \$1,145,014.86. Mike Fowlkes seconded and council voted in favor.

Administrator Steve Bratton received 2 bids for Bid No. 2019-21 Lawn Care/Cherokee Admin. Bldg.: **1) Parker Lawn Maintenance for \$2,175/month; and 2) Brown's Landscaping - \$1200/month.** This is a year round contract and includes mowing of grass and adding mulch, etc. **[Mike Fowlkes made the motion to allow Administrator Bratton to review the bids making sure everything is in order and if so, award the bid to Brown's Landscaping at \$1200/month. David Smith seconded and council voted in favor.]**

Administrator Steve Bratton received 5 bids for Bid No. 2019-22 Pest Control: **1) Orkin \$5,380.20/yr. or \$448.35/month; 2) Bishop Pest Control - \$1,060/month or \$12,720/year; 3) Bell Pest Control - \$400/mo. or \$4,800/yr.; 4) Bug Busters - \$420/mo. or \$5,040/yr.; and 5) Clegg's Termite & Pest Control - \$477/mo. or \$5,724/yr.** **[Quay Little made the motion to allow Administrator Bratton to review the bids making sure everything is in order and award Bid No. 2019-22 to Bell Pest Control for their low bid of \$400/mo. or \$4,800/yr. David Smith seconded and council voted in favor.]**

Councilman Quay Little made the motion to approve Resolution No. 2019-05 ratifying, confirming & approving the addition & recognition of a sponsor affiliate to that Certain Fee in Lieu of Ad Valorem Taxes Agreement by & between Cherokee Co., SC and Steel Creek Galvanizing Co. dated as of July 10, 2017; and other matters related thereto. Lyman Dawkins seconded and council voted in favor. Administrator Bratton stated this resolution will be adding Carolina Creek to their FILOT. Tom Martin has reviewed the documents and states everything is in order to move forward with your approval.

Councilman Tracy McDaniel made the motion to approve the 2nd Reading of Ordinance No. 2019-16 authorizing an amendment to an existing Fee in Lieu of Tax Agreement between Cherokee Co., SC and Milliken & Co. to extend the investment period for an additional five years, in return and expectation for additional investment in the County; and to provide for the provision of certain Special Source Revenue Credits/Infrastructure Improvement Credits. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the 2nd Reading of Ordinance No. 2019-17 establishing Infrastructure Development Fund of the County; authorizing & directing the application of revenues received & retained by the county from Joint-County Industrial & Business Parks established in the County pursuant to Sec. 4-1-170 Code of Laws of SC 1976, as amended, to the funding of the Infrastructure Development Fund; amending ordinances of Cherokee County enacted to establish such Joint-County Industrial & Business Parks, or to make provision for distribution of revenues received & retained by Cherokee County to the Infrastructure Development Fund established hereby; & providing for certain other matters related to the foregoing. Mike Fowlkes seconded. Charles Mathis asked is this sharing of revenues? Steve replied not directly; this is pulling a percentage of the fee off the top before the revenue. It does not impact the split of the revenues as currently exists between the county & schools. I have provided a memo in your package giving you numerous examples of the breakdown of how much the various taxing entities receive using different variations of funding the IDF. Charles asked do we need to establish the percentages before we pass this ordinance? Steve replied you do not. The way I am doing it now as far as the cost sharing, it will be part of your budget ordinance annually as a recommendation coming from Attorney Tom Martin. Right now, it is 70% to the County and 30% to the School District. FYI, I provided a split of 65/35% so you could see that. **Council voted in favor.** Mike Fowlkes asked are we going to have a special meeting to discuss these percentages before the 3rd Reading? Steve replied that is up to council.

Councilman Mike Fowlkes made the motion to approve the 2nd Reading of Ordinance No. 2019-18 authorizing & approving 1) development of a new Joint County Industrial & Business Park (Milliken) pursuant to Section 4-1-170 of the Code of Laws of SC 1976, as amended, in conjunction with Spartanburg County (the "Park") such park to be geographically located in Cherokee Co. and to include the aforementioned project; 2) the execution & delivery of a Written Park Agreement with Spartanburg Co. as to the requirement of payments of Fee in Lieu of Ad Valorem Taxes with respect to park property and the sharing of the revenues & expenses of the Park; 3) the distribution of revenues from the Park to the counties & relevant taxing entities; and 4) other matters related thereto. Tracy McDaniel seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the 1st Reading of Ordinance No. 2019-15 to amend the Agreement for Development for Joint County Industrial Park by & between Spartanburg & Cherokee Counties, SC, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park and other matters relating thereto. Mike Fowlkes seconded and council voted in favor.

Councilman Charles Mathis made the motion to adopt the 1st Reading of Ordinance No. 2019-19 authorizing the conversion by Cherokee County (the “County”) of certain rights of Cherokee County Cogeneration Partners, LLC, F/K/A Cherokee County Cogeneration Partners, L.P. (the “Company”), under an existing Lease Purchase Agreement with the County to a Fee in Lieu of Tax Agreement pursuant to Title 12, Chapter 44, SC Code 1976, as amended (the “Act”), as provided in the Act; authorizing the execution & delivery of a Fee in Lieu of Tax (Conversion) Agreement by & between the County and the Company; authorizing the reconveyance by the County to the Company of the property subject to such Lease Purchase Agreement; and other matters related thereto. David Smith seconded and council voted in favor.

Councilman David Smith made the motion to adopt the 1st Reading of Ordinance No. 2019-20 to amend the Purchasing Policy and Procedure for Cherokee County. Lyman Dawkins seconded. Administrator Bratton provided in your package a memo & new Procurement Policy & Procedure. This is something I have been working on since I came on board. There is a lot of verbiage amended in here. I have highlighted the subsequent changes I have made. He reviewed these with council. I’ve included a section on vendor/manufacture rebates. This new policy allows us to issue a Blanket PO. **Council voted in favor.**

Councilman Mike Fowlkes made the motion to go into Executive Session pursuant to SC Code 30-4-70(a2) 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. Tracy McDaniel seconded and council voted in favor and went into Executive Session at 5:35 PM.

Councilman Lyman Dawkins made the motion for council to come out of Executive Session at 6:05 PM. Tracy McDaniel seconded and council voted in favor. Attorney Joe Mathis stated that no action was taken during executive session.

Administrator Steve Bratton reported to council that he had to do an Emergency Purchase and purchase a new washing machine for the Detention Center from Consolidated Laundry Outlet, Lyman, SC for \$12,812.

Administrator Steve Bratton reported that in council’s agenda package there was information from DSS Director Bonita Dawkins regarding renovating the old Veterans Office at Peachtree Centre to allow them some extra space to house 2 attorneys & 3 paralegal’s. Ms. Dawkins received two quotes one for \$7200 and the other \$7500. Chairman Spencer asked we don’t own the building anymore and we do not collect rent from DSS so why do we have to pay for renovations? Does he charge them rent and will he increase the rent if given this additional space? **Council agreed to allow Administrator Bratton to meet with Anshel Niedersman regarding this and report back to council.**

Councilman Lyman Dawkins voted to give Administrator Bratton permission to go forward in removing the old fence around the adjacent park lot to the County Administration Bldg. David Smith seconded and council voted in favor. Administrator Bratton replied he would have our R&B Crew remove the fence.

Administrator Steve Bratton informed council that he had filled the Chief Building Inspector position by Dale Gibert. He has worked in that office as Deputy Chief, has all required certificates and I am confident in his ability to fulfill the position. I will proceed to fill the Deputy Director position as well as a Building Inspector/Code Enforcer position.

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

APPROVED: 5/20/19

BY ITS CHAIR: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Clerk to Council