

DATE: June 4, 2019 FILE NO: DATE339

TO: Cherokee County Council

SUBJECT: Minutes of PH & Regular Meeting, 6/3/19

There was a Public Hearing & Regular Meeting of County Council Monday, 6/3/19, 5 PM in Council Chambers. Chairman Tim Spencer presided with Tracy McDaniel leading 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 6 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the Public Hearing & Regular Meeting of 6/3/19 as received and posted in accordance with the SCFOIA. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to approve the minutes of the PH & Regular Meeting of 5/20/19 as received in the agenda package. Quay Little seconded and council voted in favor.

Dist. 2 Councilman Mike Fowlkes presented a resolution remembering & honoring Retired Air Force Lt. Col. Arthur T. Ballard, Jr. to Chairman Tim Spencer. Chairman Spencer directed Administrator Steve Bratton to get this proclamation to Lt. Ballard's family in Spartanburg.

Chairman Tim Spencer opened the Public Hearing on four items: **1) regarding Ordinance No. 2019-15** for a 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. **No one was present to speak.** **2) Ordinance No. 2019-17** establishing an 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 Section 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 the county with respect to property located in such parks, so as to provide for transfers or deposits from such revenues received & retained by Cherokee County to the Infrastructure Development Fund established hereby; and providing for certain other matters related to the foregoing. **No one was present to speak.** **3) Ordinance No. 2019-19** authorizing the conversion by Cherokee County of certain rights of Cherokee Co. Cogeneration Partners, LLC, f/k/a Cherokee County Cogeneration Partners, LP, 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. **No one was present to speak.** **4) Ordinance No. 2019-20** to amend the Cherokee County Purchasing Policy & Procedures. **No one was present to speak and Chairman Spencer closed the public hearing.**

Councilman Quay Little made the motion to approve the claims for Cherokee County in the amount of \$367,824.02. Lyman Dawkins seconded and council voted in favor.

Judicial Service Committee Chair Mike Fowlkes made the motion coming from the committee to award Bid No. 2019-27 Cherokee Co. Detention Center Inmate Food Service to Trinity Services Group with the maintenance contract. Tracy McDaniel seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the 3rd 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 Co. Industrial Park and other matters relating thereto. Mike Fowlkes seconded and council voted in favor.

Councilman Quay Little made the motion to adopt the 3rd 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 the County with respect to property located in such parks, so as to provide for transfers or deposits from such revenues received and retained by Cherokee County to the Infrastructure Development Fund established hereby; & providing for certain other matters related to the foregoing. Mike Fowlkes seconded. Quay Little asked about the percentage? Administrator Bratton replied he had presented some examples in your package of any current new fee-in-lieu of tax that would come in is on the 70/30 split between the county & the school district. That particular split is not a part of this ordinance. The point of this ordinance is to strictly create the fund & mechanism by which we fund. You will see in the Budget Ordinance the actual fee split at the 15% recommended at the 70/30. This ordinance is just the 15% of the net fee which will be taken off the top. Quay asked will we look at each individual circumstance as they arise on what split we determine; or will we have the overlying principal with percentages. Steve replied I presented to you in your budget ordinance the split for all future fee-in-lieu of tax agreements; but that is subject to change each year or you could change it by each project. This ordinance starts with Project Green that was dated 11/26/18, which no income has come off that yet because they just got started on the project; starting with that project going forward would be the effective date. Quay replied if we do the 15% off the top, the school will lose. Tracy McDaniel replied on the statement “the schools will lose”; we need to understand that this infrastructure development fund will open up opportunities for this county that we do not currently have. Without infrastructure, we will not be able to do that; no one will locate in our county if we do not have at least the water & sewer available. This fund will give more opportunities for Cherokee County thus creating more income, not only for the school district, but for every other entity. We need to look at this fund in a different way than the attitude that we will be taking money from the county; or taking money from the school. This is actually the opposite of that; this will create more money for the schools, more money for the county,

etc. We are not taking money from anybody; but long term this will greatly bring in more revenue for our schools in the county. **Council voted in favor.**

Councilman Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2019-19 authorizing the conversion of Cherokee Co. of certain rights of Cherokee Co. Cogeneration Partners, LLC, F/K/A Cherokee County Cogeneration Partners, LP, 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, as provided in the act; authorizing the execution 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. Lyman Dawkins seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to adopt the 3rd Reading of Ordinance No. 2019-20 to amend the Purchasing Policy & Procedure for Cherokee County. Lyman Dawkins seconded and council voted in favor.

Councilman Quay Little made the motion to adopt the 1st Reading of Ordinance No. 2019-02 Cherokee County Budget adopting a proposed budget by the County Administrator containing estimates of proposed revenues & expenditures and to provide for the levying of taxes and fee for the fiscal year beginning 7/1/19 and ending 6/30/20. David Smith seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the 1st Reading of Ordinance No. 2019-03 adopting a proposed budget containing estimates of proposed revenues & expenditures for Antioch VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. Mike Fowlkes seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 1st Reading of Ordinance No. 2019-04 adopting a proposed budget containing estimates of proposed revenues & expenditures for Buffalo VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. Tracy McDaniel seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to adopt the 1st Reading of Ordinance No. 2019-05 adopting a proposed budget containing estimates of proposed revenues & expenditures for Cherokee Creek VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. Lyman Dawkins seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the 1st Reading of Ordinance No. 2019-06 adopting a proposed budget containing estimates of proposed revenues & expenditures for CKC VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. Mike Fowlkes seconded and council voted in favor.

Councilman Charles Mathis made the motion to adopt the 1st Reading of Ordinance No. 2019-07 adopting a proposed budget containing estimates of proposed revenues & expenditures for Corinth

VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. David Smith seconded and council voted in favor.

Councilman Quay Little made the motion to adopt the 1st Reading of Ordinance No. 2019-08 adopting a proposed budget containing estimates of proposed revenues & expenditures for Gaffney Fire District for the fiscal year beginning 7/1/19 and ending 6/30/20. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to adopt the 1st Reading of Ordinance No. 2019-09 adopting a proposed budget containing estimates of proposed revenues & expenditures for Grassy Pond VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. Tracy McDaniel seconded and council voted in favor.

Councilman Charles Mathis made the motion to adopt the 1st Reading of Ordinance No. 2019-10 adopting a proposed budget containing estimates of proposed revenues & expenditures for Goucher White Plains VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. David Smith seconded and council voted in favor.

Councilman David Smith made the motion to adopt the 1st Reading of Ordinance No. 2019-11 adopting a proposed budget containing estimates of proposed revenues & expenditures for DMW (Draytonville, McKowns Mountain & Wilkinsville) VFD for the fiscal year beginning 7/1/19 and ending 6/30/20. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins made the motion for council to go into Executive Session at 5:30 PM pursuant to SC Code 30-4-70 (a2) to discuss a contractual matter. David Smith seconded and council voted in favor.

Councilman Mike Fowlkes made the motion for council to come out of Executive Session at 5:47 PM and enter back into the Regular Meeting. Quay Little seconded and council voted in favor. Attorney Mathis stated no action was taken during Executive Session.

Councilman Mike Fowlkes made the motion to allow Administrator Bratton to proceed with Peachtree Centre in negotiating renovations there of the old VA Office for extra space for DSS to occupy for a price of \$7200. Quay Little seconded and council voted in favor.

Administrator Steve Bratton informed council of an emergency purchase he had to make for the Detention Center to Painters for \$13,695.98 to purchase a new HVAC for the Delta Unit. Those 6 units have been there since the building was built over 20 years ago and this is the second unit we had to recently replace. I have put in the new FYB \$27,000 to purchase 4 more units.

Administrator Steve Bratton informed council of another emergency purchase for the Detention Center to pay for the rental of a generator from Blanchard in the amount \$3800/mo. until the generator

we have from Carolina Power Solution can be repaired and that will cost \$10,000. They have a big problem with field rats and they ate the wires into. We are addressing that problem as well. A new generator cost \$39,000.

Councilman Tracy McDaniel made the motion to allow Administrator Bratton to transfer any remaining funds that are available from Project Offsides over to Project Clari. Quay Little seconded and council voted in favor.

Councilman Lyman Dawkins asked Administrator Bratton what is the count of inmates at the Detention Center? Steve replied today we have 279 inmates. Chairman Spencer asked how much do we get from the City for housing their inmates? Steve replied I'll have to look that up and let you know. We recalculate that annually which is required in our contract and it specifies when we recalculate. We budgeted about \$130,000/yr. which includes City of Gaffney, Town of Blacksburg and City of Chesnee.

Councilman David Smith made the motion to re-appoint Dean Painter to serve another term on the DMW Fire District Board of Commissioners. Mike Fowlkes seconded and council voted in favor.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:05 PM.

APPROVED: 6/10/19

Respectfully submitted,

BY ITS CHAIR: Tim Spencer

Doris F. Pearson, Clerk to Council