

DATE: 9/8/21 FILE NO: DATE521
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, 9/7/21

There was a Public Hearing & Regular Meeting of County Council Tuesday, 9/7/21, 5:12 PM in Council Chambers. Chairman Spencer presided with Lyman Dawkins leading in prayer. All council members were present along with Admin. Steve Bratton, Asst. Admin. Merv Bishop, 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. One news media was present along with 9 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda for the PH & Regular Meeting of 9/7/21 as received and posted in accordance with the SCFOIA. Quay Little seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the minutes of the Regular Meeting of 8/23/21 as received. David Smith seconded and council voted in favor.

Councilman David Smith made the motion to approve the claims for Cherokee County in the amount of \$565,206.43. Lyman Dawkins seconded and council voted in favor.

Chairman Spencer opened the floor for the public hearing regarding Ordinance No. 2021-23 authorizing (1) the execution & delivery of a Fee in Lieu of Tax & Incentive Agreement by & between Cherokee Co., SC (The "County"), and Broad River Electric Cooperative, Inc., acting for itself, one or more affiliates, and/or other project sponsors (collectively, The "Company"), pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem Taxes with respect to the establishment and/or expansion of certain facilities in the county (The "Project"); and (2) other matters relating thereto. No one was present to speak and the public hearing was closed.

Councilman Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2021-23 authorizing (1) the execution & delivery of a Fee in Lieu of Tax & Incentive Agreement by & between Cherokee County, SC (The "County"), and Broad River Electric Cooperative Inc., acting for itself, one or more affiliates, and/or other project sponsors (collectively, The "Company"), pursuant to which the County shall covenant to accept certain negotiated Fees in Lieu of Ad Valorem Taxes with respect to the establishment and/or expansion of certain facilities in the County (The "Project"); and (2) other matters relating thereto. Quay Little seconded and council voted in favor. Administrator Steve Bratton reported that he had talked with President/CEO Terry Mallard and he apologized for not making the meeting. This is a \$19 million project for the county as well as their new building complex being \$14 million investment. We are so glad they chose to remain in Cherokee County because even though they service Cherokee Co., the majority of their clients are in Spartanburg County as well.

Councilman Quay Little made the motion to adopt the 2nd Reading of Ordinance No. 2021-24 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and (Project Peach) 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 Credits; the creation of a Joint County Industrial & Business Park (Project Peach) in conjunction with Spartanburg County; and other matters related thereto. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 2nd Reading of Ordinance No. 2021-25 establishing a Local Hospitality Fee on the Sales of Prepared Meals & Beverages sold in the Unincorporated Area of Cherokee County, South Carolina; and other matters relating thereto. David Smith seconded. Councilman Quay Little asked council again are we all in agreement that this tax money will go toward the Cherokee County Recreation District's capital project? Council consented yes and council voted in favor of the motion.

PWC Chair Tracy McDaniel made the motion coming from the committee to purchase a new 2022 Freightliner Trash Truck from Carolina Environment Services for \$178,985 and pay it from the FYB 21/22 SWC Dept capital project budget. Lyman Dawkins seconded and council voted in favor.

PWC Chair Tracy McDaniel made the motion coming from the committee to allow Administration to change the work hours for the Solid Waste Collections Dept. to a 4-day (Monday through Thursday); 10 hour/day (7:00 AM to 5:30 PM) work schedule; taking holidays off whatever day that may fall on and working on Fridays to cover that pick-up day missed. David Smith seconded and council voted in favor.

Attorney Joe Mathis requested that he be moved down to Item 12 regarding another item being added to the Executive Session. Council consented.

Administrator Steve Bratton updated council on COVID 19 stating this strand is worse than before. Our emergency services and 911 Staff have been hit hard and overwhelmed with calls. The Administration Bldg. has had employees with the symptoms, exposed to and unfortunately one employee lost their daughter to COVID. I'm taking all precautions with our employees requesting them to strongly consider wearing a mask; having them check in every morning with self-checking their temperature. If they have a fever, we asked them to return to their vehicle and call their supervisor before leaving the grounds for instructions on what to do next. We have a local provider that will test our employees for COVID with rapid results at no charge.

Councilman Elliott Hughes appointed Myra McCoy to serve on the DMW Fire District Board. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to re-appoint the following to the serve another term on the Local Accommodations Tax Advisory Committee: Gary Blanton, David Stepp, Janet Tsiknias, Jim Cook, Cline Gore, Brooks Allison & Lisa Butler. David Smith seconded and council voted in favor.

Attorney Joe Mathis requested council to go into Executive Session regarding discussion on two matters regarding Section 30-4-70-(a)(2); (1) discussion of negotiations incident to proposed contractual matter regarding purchase of real estate; (2) receipt of legal advice relating to a pending, threatened or potential claim or other matters covered by the attorney-client privilege. **[Councilman Quay Little made the motion to go into Executive Session regarding these two matters. David Smith seconded and council voted in favor and went into Executive Session at 5:30 PM.]**

Councilman Tracy McDaniel made the motion to come out of Executive Session at 6:30 PM and enter back into the Regular Meeting. David Smith seconded and council voted in favor. Attorney Mathis stated that no action or vote was taken during Executive Session.

Councilman Mike Fowlkes asked would it be more feasible if we went out for bid to contract out our grass cutting on our county roads? Tracy McDaniel replied we have this problem every year and we can't seem to find a solution to fix it. There's got to be a remedy somewhere. Council discussed this more but came to no conclusion.

Councilman Quay Little asked how is the Public Works Dept. doing? Administrator Bratton replied it is doing great at this time.

Councilman Lyman Dawkins invited council to attend a Public Service on the Patio event Sat., 9/11/21, 11:00 am until 1 PM at Wings, Etc. on Floyd Baker Blvd.

Councilman Quay Little brought up a concern he had regarding the Building Code Dept. writing tickets to people who cannot get their property up to code. He was concerned about some being in contempt of court and being sent to jail. Administrator Bratton replied we have no control or input on what the Magistrates order. Once we write the ticket, they go before the Magistrate and then it is between the Magistrate & owner of the property. Our property maintenance procedure is a very lengthy procedure before it has to go to court. I just gave this issue to Asst. Admin. Bishop today for him to work with Building Code and see if they can come up with a better solution. Attorney Mathis replied once the Code Officer writes the ticket and it goes before the Magistrate Judge, it is out of our hands. The only way to enforce your code is to write a ticket which gives you 30 days to address the problem; after that, it goes before the Magistrate and he has he discretion to either give them more time to resolve the problem, or give them a penalty; or send them to jail. Council discussed this more but came to no conclusion.

As there was no other business to come before council at this time, Chairman Tim Spencer adjourned the meeting at 6:55 PM.

APPROVED: 9/20/21

Respectfully submitted,

BY ITS VICE-CHAIR: Quay Little

Doris F. Pearson, Master Clerk to Council