

DATE: 12/21/21 FILE NO: DATE532
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, 12/20/21

There was a Public Hearing & Regular Meeting of County Council Monday, 12/20/21, 5 PM in Council Chambers. Chairman Tim Spencer presided and lead in prayer. All council members were present along with Administrator Bratton, Asst. Admin. Merv Bishop, Attorney Joe Mathis & 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. There were 5 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the PH & Regular Meeting of 12/20/21 as received and posted in accordance with the SCFOIA. Mike Fowlkes seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the minutes of the PH & Regular Meeting of 12/6/21 as received. David Smith seconded and council voted in favor.

Councilman Quay Little made the motion to pay the claims for Cherokee County in the amount of \$416,472.61. Lyman Dawkins seconded and council voted in favor.

Chairman Spencer opened the Public Hearing on two matters: **1)** Ordinance No. 2021-28 to amend Chapter 17, Article II of the Cherokee County Code of Ordinances-Uniform Road Naming & Property Numbering System; and **2)** in regards to the Natural Hazard Mitigation Plan for Cherokee County. No one was present to speak and the public hearing was closed.

Councilman Tracy McDaniel made the motion for council to go into Executive Session regarding two matters: 1) pursuant to Section 30-4-70(a)(2) the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim; and 2) pursuant to Section 30-4-70(a)(5) discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body. Mike Fowlkes seconded and council voted in favor and went into Executive Session at 5:07 PM.

Councilman Tracy McDaniel made the motion for council to come out of Executive Session at 6:30 PM. David Smith seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to designate Administrator Bratton to sign documents necessary for the Opioid Litigation. Tracy McDaniel seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to authorize Administrator Steve Bratton to sign the buy/sell contract with Hamrick Mills for the purchase of real property located at the corner of Cherokee Avenue & Ross Street, Gaffney, for 20.58 acres for a purchase price of \$308,700. Mike

Fowlkes seconded and council voted in favor with Quay Little abstaining due to conflict of interest. Motion carried.

Councilman Quay Little made the motion to accept the deed from the Cherokee County School District for the transfer of the Alma School property to Cherokee County with the understanding that council allow them to remove their personal property inside the building giving them until 1/31/22 to do so. Lyman Dawkins seconded and council voted in favor.

Councilman David Smith made the motion to adopt Resolution 2021-14 authorizing 1) the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee Co., SC (The “County”) and a Company identified for the time being as Project Eclipse, 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 (collectively, (the “Project”); 2) the benefits of a Multi-County Industrial or Business Park to be made available to the Company and the Project; 3) certain Special Source Revenue Credits in connection with the Project; and 4) other matters relating thereto. Lyman Dawkins seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt Resolution 2021-15 to express the intention of Cherokee County, SC to cause the county to be reimbursed with the proceeds of Tax-Exempt Obligations. David Smith seconded and council voted in favor. Administrator Bratton stated that we will reimburse ourselves annually until we are fully paid for expenses.

Councilman Lyman Dawkins made the motion to adopt Resolution 2021-16 whereas, Cherokee County, SC acting by & through its County Council is authorized and empowered under & pursuant to the provisions of Title 12, Chapter 44 Code of Laws of SC, 1976, as amended (the “FILOT Statue”), to enter into an agreement with any Project Gold Rush, whereby the industry will pay fees-in-lieu-of taxes with respect to qualified project; through which powers the development of the State of SC (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and other matters relating thereto. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt Resolution 2021-17 authorizing under certain conditions, the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC and Baker Street Acquisitions LLC, and Apollo Acquisitions LLC, also known as “Project Paint” with respect to certain Economic Development Property in the County, whereby such property will be subject to certain payments in Lieu of Taxes, will be designated as being in a Multi-County Industrial & Business Park, and will be eligible to receive certain tax credits; authorizing the execution & delivery of a Multi-County Industrial & Business Park Agreement with Spartanburg County to include such Economic

Development Property; and other matters related thereto. Lyman Dawkins seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to accept into the Cherokee County Road System the Double Creek Subdivision as presented. Quay Little seconded and council voted in favor. Admin. Bratton stated this includes about 50 homes and is located on the corner of Natures Trail & Grassy Pond Road.

Councilman Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2021-28 to amend Chapter 17, Article II of the Cherokee County Code of Ordinances-Uniform Road Naming & Property Numbering System. Mike Fowlkes seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 2nd Reading of Ordinance No. 2021-30 to amend the Agreement for Development for Joint County Industrial Park by & between Spartanburg County and Cherokee County, SC, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating thereto. (AGA Tag Solar II, LLC; RG Frontage, LLC; JSD Flatwood PV-1, LLC; The Cubes at Fort Prince, LLC; Fort Prince Logistics, LLC; & SC Global Logistics, LLC.) Mike Fowlkes seconded and council voted in favor.

Councilman David Smith made the motion to adopt the 2nd Reading of Ordinance No. 2021-31 to amend the Agreement for Development for Joint County Industrial Park by & between Spartanburg & Cherokee County, SC, so as to include additional property in Spartanburg County as part of the Joint County Industrial Park, and other matters relating thereto. (Eastgroup Properties, LP; SCP Acquisitions, LLC; Big Acquisitions, LLC; ILJIN American Corporation; Greer South Carolina Becknell Onvestors, LLC; Walmart Stores East, LP.) Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the 2nd Reading of Ordinance No. 2021-32 authorizing (a) the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee County, SC (“County”), and Project Herbie 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; (b) the County to create a Multi-County Industrial/Business Park with Spartanburg County, SC, and designate the property to be owned by Project Herbie as Multi-County Park Property; and (c) other related matters. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 2nd Reading of Ordinance No. 2021-33 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee County, SC and (Project Alpha1) with respect to Certain Economic Development Property in the County, whereby such property will be subject to certain special source credits; 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. 2021-34 authorizing a Fee in Lieu of Tax & Infrastructure Credit Arrangement pursuant to a Fee in Lieu of Tax Agreement between Cherokee Co., SC and Project Eclipse, a company code name for a Delaware Corporation; and other matters relating to the foregoing. Lyman Dawkins seconded and council voted in favor.

Councilman David Smith made the motion to adopt the 1st Reading of Ordinance No. 2021-35 authorizing the purchase of real property. Mike Fowlkes seconded and council voted in favor. Quay Little abstained from voting due to conflict of interest.

Councilman Lyman Dawkins made the motion to adopt the 1st Reading of Ordinance No. 2021-36 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement between Cherokee County, SC and Project Gold Rush; and other matters relating thereto including, without limitation, payment of a Fee in Lieu of Taxes; the authorization of a Special Source Revenue Credit; the placement of the Project in a Joint County Industrial & Business Park; and related matters. David Smith seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 1st Reading of Ordinance No. 2021-37 authorizing the Execution & Delivery of a Fee in Lieu of Tax Agreement between Cherokee County, SC and Baker Street Acquisitions LLC, and Apollo Acquisitions LLC, also known as “Project Paint” with respect to certain Economic Development Property in the county, whereby such property will be subject to certain payments in Lieu of Taxes, will be designated as being in a Multi-County Industrial & Business Park, and will be eligible to receive certain Tax Credits; authorizing the execution & delivery of a Multi-County Industrial & Business Park Agreement with Spartanburg County to include such Economic Development Property; and other matters related thereto. David Smith seconded and council voted in favor.

Administrator Steve Bratton requested council to purchase 486 solid waste roll carts from Rehig Pacific Co. for the total amount of \$35,423.12. He reported that the we were able to get these off the old bid price back in 2017 but the price has increased significant. SWD has \$18,000 in their capital equipment budget and we will need to pay the remainder out of the capital equipment contingency fund. We cannot find parts to repair the old ones. Tracy asked Steve to check on the warranty. We have 100 carts in stock now; it will take about 3 to 4 months to get these if we are order now. **Councilman Quay Little made the motion to allow Administration to purchase 486 solid waste roll carts from Rehig Pacific Co. for the amount of \$35,423.12 to be paid from the SWC capital equipment budget and capital equipment contingency fund. David Smith seconded and council voted in favor.**

Administrator Steve Bratton asked permission to increase the price of citizens purchasing carts from us from \$75 to \$90. This would be the first time we have increased this since 2017. If the manufacturer is going up on us, we need to go up on our price as well. Quay replied go out for bid first and see what price they charge us; then we will decide. Council agreed.

Administrator Steve Bratton recommended from the committee to sign the contract with Great Southern Recreation, Shelby, NC, to install two splash pads: one at the Midway Recreation Dist. and the other at Lime St. in Blacksburg going with Option 2 for a total cost of \$700,000. **[Councilman Quay Little made the motion to allow Administrator to enter into an agreement with Great Southern Recreation, Shelby, NC, to install two splash pads: one at the Recreation District Complex and the other at Lime St., Blacksburg, going with Option 2 for a price of \$700,000. Mike Fowlkes seconded and council voted in favor.]** Quay Little recommended that surveillance cameras be installed around the pads. Steve replied these parks are not intended to be opened at night and I feel our IT Dept. can put up cameras. There will be no age limit to play on the pads.

Asst. Administrator Merv Bishop reported that the parts for the new trash truck have come in and are being installed and we should receive the truck in about 2 weeks.

Councilman Elliott Hughes appointed Evelyn Millwood to serve a term on the Corinth Fire District Board of Commissioners. David Smith seconded and council voted in favor.

Councilman Elliott Hughes re-appointed Suzanne Turner to serve another term on the Corinth Fire District Board of Commissioners. David Smith seconded and council voted in favor.

Councilman Quay Little ask Administration to begin conversations with Spartanburg Regional Healthcare to partner with Cherokee County Council in providing a hospice house to be located here in Cherokee County for our residents.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 7:12 PM.

APPROVED: 1/3/22

BY ITS CHAIRMAN: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council