

DATE: January 19, 2022 FILE NO: DATE534
TO: Cherokee County Council
SUBJECT: Minutes of the Rescheduled PH & Regular Meeting, 1/20/22

There were a Rescheduled PH & Regular Meeting of County Council Thursday, 1/20/22, 4 PM in Council Chambers. Vice-Chairman Quay Little presided with Tracy McDaniel leading in prayer. Present: Mike Fowlkes, Tracy McDaniel, Quay Little, Lyman Dawkins, David Smith, Elliott Hughes, Asst. Admin. Bishop and Attorney Joe Mathis. Administrator Steve Bratton was present via webcam. Renee Crocker filled in for 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 12 visitors.

Councilman David Smith made the motion to adopt the agenda of the Rescheduled Public Hearings & Regular Meeting of 1/20/22 as received and posted in accordance with the SCFOIA. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the minutes of the PH & Regular Meeting of 1/3/22 as received. Lyman Dawkins seconded and council voted in favor.

Councilman Elliott Hughes made the motion to pay the claims for Cherokee County in the amount of \$277,417.78. Lyman Dawkins seconded and council voted in favor.

Petitioner Jermain Smith presented the 1st time Home Buyers Down Payment Assistance Program asking council to adopt this. Council took this as a matter of information.

CPA Ben Kochneower presented his Independent Audit for Cherokee County ending 6/30/21. Council took this as a matter of information and thanked Ben Kochenower and his staff for getting this audit to them on a timely manner.

Vice-Chairman Quay Little opened the public hearings on several ordinances: **1) Ordinance No. 2021-30** 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 Co. 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); **2) Ordinance No. 2021-31** to amend the Agreement for Development for Joint Co. 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. (Eastgroup Properties, LP; SCP Acquisitions, LLC; Big Acquisitions, LLC; ILJIN America Corporation; Greer South Carolina Becknell Onvestors, LLC; Walmart Stores Est, LP.); **3) 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; **4)** Ordinance No. 2021-33 authorizing the execution & delivery of a FILOT Agreement by & between Cherokee County, SC and Bericap, LLC 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 to certain Special Source Credits; and other matters related thereto; **5)** Ordinance No. 2021-35 authorizing the purchase of real property; and, **6)** Ordinance No. 2021-37 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement 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. No one was present to speak and the public hearings were closed.

Attorney Joe Mathis reminded council that some time back the SC Dept. of Revenue & Fiscal Affairs Office made a presentation to council that provided the data for preparing the maps that are on display tonight and the determination of districts. Council realized that they have been required and have set forth the resolution following the redistricting criteria as outlined in the attached Resolution No. 2022-01. Those are the criteria that this council has utilized in processing the maps that are displayed here tonight. **[Councilman David Smith made the motion to adopt Resolution No. 2022-01 approving the criteria by which to redistrict the Cherokee County Council Districts. Elliott Hughes seconded and council voted in favor.]**

Councilman Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2021-30 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. (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). Elliott Hughes seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 3rd Reading of Ordinance No. 2021-31 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. (Eastgroup Properties, LP; SCP Acquisitions, LLC; Big Acquisitions, LLC; ILJIN American Corporation; Greer South Carolina Becknell Onvestors, LLC; Walmart Stores East, LP). Tracy McDaniel seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt the 3rd 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. David Smith seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2021-33 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee County, SC and Bericap, LLC 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 to certain Special Source Credits; and other matters related thereto. Elliott Hughes seconded and council voted in favor.

Councilman Elliott Hughes made the motion to adopt the 3rd Reading of Ordinance No. 2021-35 authorizing the purchase of real property. Tracy McDaniel seconded and council voted in favor with Councilman Quay Little abstaining from voting due to conflict of interest. Motion carried.

Councilman Tracy McDaniel made the motion to adopt the 3rd 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. Lyman Dawkins seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt the 1st Reading of Ordinance No. 2022-01 adopting a Redistricting Plan for Cherokee County Council redefining the Seven Single-Member Council Districts reapportioned as to population in accordance with the 2020 Federal Decennial Census and applicable laws and requirements. Lyman Dawkins seconded and council voted in favor.

Asst. Administrator Merv Bishop opened RFP 2022-08 Roll Out Carts for Solid Waste Collections. Six bids were received: 1) Carolina Environmental, Greenville; 2) IPL, Canada; 3) Rehrig Pacific Co.; Lawrenceville, Ga.; 4) Toter, LLC, Statesville, NC; 5) Cascade Engineering, Inc., Grand Rapids, MI; and 6) Otto Environmental Systems, Charlotte, NC. [Mike Fowlkes made the motion to place these bids in the PWC for review and to report back to council at the next meeting. Lyman Dawkins seconded and council voted in favor.]

Councilman Tracy McDaniel made the motion to go into Executive Session pursuant to Section 30-4-70(a)(2) discussion of negotiations incident to proposed contractual arrangements, as well as, receipt of legal advice concerning a pending legal matter. Mike Fowlkes seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to come out of Execution Session after about 45 minutes. Mike Fowlkes seconded and council voted in favor.

Attorney Joe Mathis stated after receiving & reviewing information, advice and a qualified recommendation from litigation counsel, I asked that Cherokee County Council vote to accept the national settlements with the Distributor Defendants McKesson, AmerisourceBergen, and Cardinal Health and with Manufacturer Defendant Janssen Pharmaceuticals and its affiliates, and that Cherokee County Council also vote to accept the proposed South Carolina Allocation Agreement, which provides for an intra-state division of funds obtained in South Carolina as a result of such settlements. Details of this are still developing & we will rely upon a litigation counsel to provide us with an update at some point. **[David Smith made the motion to accept the motion as presented by Attorney Mathis. Mike Fowlkes seconded and council voted in favor.]**

Administrator Steve Bratton via webcam presented council with a quote from Hills Machinery to replace & install the engine for the dump truck for a total cost of \$48,630.49. There is \$66,000 in the budget. I am asking you to approve for this expenditure from the capital contingency fund which has around \$78,000. **[Tracy McDaniel made the motion to allow Hills Machinery to replace & install the new engine in the dump truck and also pay for the hauling to & from Hills Machinery in Greenville, SC for a total price of \$48,630.49 to be paid from the capital contingency fund. Mike Fowlkes seconded and council voted in favor.]**

Asst. Administrator Merv Bishop had no report.

As there was no other business to come before council at this time, Vice-Chairman Little adjourned the meeting.

APPROVED: 2/7/22

BY ITS CHAIR: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council