

DATE: 3/8/22 **FILE NO:** DATE538
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, 3/7/22

There were several Public Hearings & Regular Meeting of County Council Monday, 3/7/22, 5 PM in Council Chambers. Chairman Tim Spencer presided with Merv Bishop leading in prayer. Council members present were Tim Spencer, Tracy McDaniel, Quay Little coming in late at 5:15 PM, Lyman Dawkins, David Smith and Elliott Hughes. Mike Fowlkes was absent. Administrator Bratton, Asst. Admin. Merv Bishop, Attorney Joe Mathis and Master Clerk Doris Pearson were present. The news media was informed by agenda and one was present. There were at least 17 visitors.

Councilman David Smith made the motion to adopt the agenda of the PH & Regular Meeting of 3/7/22 as received and posted in accordance with the SCFOIA. Lyman Dawkins seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the minutes of the PH & Regular Meeting of 2/22/22 as received. David Smith seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to approve the claims for Cherokee County in the amount of \$435,064.01. David Smith seconded and council voted in favor.

Cherokee Co. Chamber of Commerce Executive Director Frannie Stockwell spoke to council regarding a Public Transportation Feasibility Study. She introduced Keith Scott with Upstate Mobility Allowance and Johnny Mannuik with SCDOT. I got two quotes on this study: one from Dennis Corp. and the other from RLS & Asso., Inc. We can apply for a grant from SCDOT and they will pay up to \$150,000, 20% of local funds. I am asking council to pay ½ of the 20% (10%) contingent upon the City of Gaffney committing to 10% as well. Frannie stated based on these quotes they are around \$60,000 and we would be asking the county & the city to fund \$6000/each. I will be presenting this tonight after I leave here to the City of Gaffney so I'm not sure what they will agree upon. Administrator Bratton replied since we will be working with SCDOT, they require us to follow our procurement policy. Quay Little asked have you asked the Town of Blacksburg if they will contribute to this project as well? Frannie replied she has not met with them but she will. **[Quay Little made the motion to allow Administrator Bratton to go out for RFP for a Public Transportation Feasibility Study for Cherokee County, City of Gaffney and Town of Blacksburg. Tracy McDaniel seconded and council voted in favor.]**

Public Solicitor Kristine Schaffer spoke to council asking the progress on the Broadband Project? The Governor was here back in Dec., 2021 for the announcement of Broadband, but I want to know what has been done and what is the time table? We have a lot of needs in our county and is there something that can be done to get the people back to working? I can't get internet service and when I go to the Library, there is no wi-fi there either? Councilman Little asked Administrator Bratton to check with the Library and see what is going on there. She asked council if they were aware that we have no long-

term care beds available for the people in Cherokee County? The Veterans Nursing Home has not opened yet either. Councilman Little replied they are in the process of taking applications and it will happen soon. She asked if there were funds to assist with residents to help update their homes to provide for an amputee veteran? Administrator Bratton replied that needs to be addressed to the VA Office.

Administrator Bratton reported to council that he had just talked with Ben Breazele and his entire team. As far as the Funding that Charter Spectrum received, they will be touching 2600 homes approximately 280 miles. They will be running the cable down Highway 176 and lower part of Spartanburg County for our western part of our county. The Blacksburg & lower southern portion of the county on the eastern side is coming out of York and is already in place. They are in the middle of engineering filter rays & walkouts that will be ongoing through 6/1/22. When it comes to the money that the county committed, we will follow the RDOF Funding and after the RDOF funding portion is installed it is estimated for another 1,466 homes. We will not have the exact addresses on those until 6/1/22. They are anticipating the RDOF portion to be billed out the first quarter of 2023 and then the remainder of the county portion will go into place hopefully by the later part of 2023. This is a long process and I have shared that with Ms. Shaffer several times.

Administrator Bratton presented a request from the City of Gaffney which was presented to them from a developer for a Petition for Annexation to the City of Gaffney. He referred to the map (attachment) and the area in green is Cherokee County property which is located there and is the property where we will be constructing the splash pad. Hyleman's Humble Playground & Midway Complex located there are currently inside the City of Gaffney limits. The property on the lower side of the map is owned by the developer and is a subdivision that is being developed and they are requesting to be annexed into the City of Gaffney because they need to access the BOPW power but in order to do that the City can only annex continuing property so they need to add a 100' strip that includes a 66' right-of-way on Twin Lake Road and will be 34' onto the county's property. It is a strip annexation. **[Tracy McDaniel made the motion to approve the Petition for Annexation to the City of Gaffney for the area described. Lyman Dawkins seconded and council voted in favor.]**

Chairman Tim Spencer opened the floor on 3 public hearings: **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 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 For Prince, LLC; Fort Prince Logistics, LLC; and SC Global Logistics, LLC.); **2) 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; and Walmart Stores East, LP.); and **3) Ordinance No. 2021-37** authorizing the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC, Baker Street Acquisitions, LLC and Apollo Acquisitions, LLC, previously known to the County 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 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. As there was no one present to speak, the public hearings were closed.

Attorney Joe Mathis stated that back in January 18, 2022, there was a Council meeting & several public hearings scheduled but due to increment weather the meeting was postponed to meet that Thursday, 1/20/22. As a result of that meeting, a motion was made by Quay Little & seconded by Mike Fowlkes to table the motion to adopt the 3rd Reading of Ordinance No. 2021-37 authorizing the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC, Baker Street Acquisitions, LLC and Apollo Acquisitions LLC previously known to the county as “Project Paint”, etc. At this time, I will ask for a motion & second to un-table that motion. **[Tracy McDaniel made the motion to un-table the motion made stated above. Quay Little seconded and council voted in favor.]**

Attorney Joe Mathis stated that council now needs to vote on the motion made by **[Councilman Quay Little made a motion on 2/7/22 and it was seconded by Mike Fowlkes to adopt 3rd Reading of Ordinance No. 2021-37 authorizing the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC, Baker Street Acquisitions, LLC and Apollo Acquisitions LLC, previously known to the county 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 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. Council voted in favor.]**

Attorney Joe Mathis stated that council needs to do likewise for Ordinance No. 2021-30 and make a motion to un-table the motion made on 2/7/22. **[Lyman Dawkins made the motion to un-table the motion for 3rd Reading for Ordinance No. 2021-30. David Smith seconded and council voted in favor.]**

Attorney Joe Mathis stated that council now needs to vote on the motion made by **[Councilman Quay Little and seconded by David Smith to adopt the 3rd Reading of Ordinance No. 2021-30 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 Co. Industrial Park and other matters relating thereto. (AGA Tag Solar II, RC Frontage, LLC; JSD Flatwood PV-1, LLC; The Cubes of Fort Prince, LLC; Fort Prince Logistics, LLC; and SC Global Logistics, LLC.). Council voted in favor.]**

Attorney Joe Mathis stated that council needs to do this again for Ordinance No. 2021-31 and make a motion to un-table the motion made on 2/7/22 for Ordinance No. 2021-31. **[Tracy McDaniel made the motion to un-table the motion made 2/7/22 to adopt 3rd Reading of Ordinance No. 2021-31. Lyman Dawkins seconded and council voted in favor.]**

Attorney Joe Mathis stated that council now needs to vote on the motion made by **[Councilman Lyman Dawkins and seconded by Quay Little 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 Corporations; Greer South Carolina Becknell Onvestors, LLC; and Walmart Stores East, LP.) Council voted in favor.]**

Attorney Joe Mathis stated that council needs to do this again for Ordinance No. 2021-35 and make a motion to un-table the motion made on 2/7/22 for Ordinance No. 2021-35. **[Tracy McDaniel made the motion to un-table the motion made 2/7/22 to adopt 3rd Reading of Ordinance No. 2021-35. David Smith seconded. Quay Little abstained from voting due to conflict of interest. Motion carried.]**

Attorney Joe Mathis stated council now needs to vote on the motion made by **[Lyman Dawkins to adopt 3rd Reading of Ordinance No. 2021-35 authorizing the purchase of real property. David Smith seconded and council voted in favor with Quay Little abstaining from voting due to conflict of interest. Motion carried.]**

Attorney Joe Mathis presented a Fiber Easement request from Duke Energy Carolinas, LLC. **[Quay Little made the motion to authorize Administrator Steve Bratton to sign the Fiber Easement to Duke Energy Carolinas, LLC as shown on Exhibit A of the agreement. David Smith seconded and council voted in favor.]**

Councilman Quay Little made the motion to adopt 2nd Reading of Ordinance No. 2022-02 transfer of Real Property. Lyman Dawkins seconded and council voted in favor.

Administrator Steve Bratton received 3 bids for Bid 2022-09 for removal of old generator and purchase/installation of new generator at the Cherokee County Detention Center: 1) Krydon Group - \$89,900; 2) General Services Inc. (GSI) - \$70,385.40; and 3) Winters Electric, Inc. - \$88,618.00. **[Tracy McDaniel made the motion to allow Administrator Bratton to award Bid No. 2022-09 to GSI for their low bid of \$70,385.40 contingent upon meeting all the required specs. David Smith seconded and council voted in favor.]**

Councilman Quay Little made the motion for council to go into Executive Session at 5:55 PM pursuant to Section 30-4-70(a)(2) discussion of negotiations incident to proposed contractual arrangements and for Section 30-4-70(a)(1) on a personnel matter arising in the Solid Waste Dept. David Smith seconded and council voted in favor.

Councilman David Smith made the motion for council to come out of Executive Session at 7:10 PM and enter back into the Regular Meeting. Quay Little seconded and council voted in favor. Attorney Joe Mathis reported that no vote or action was taken during executive session.

Attorney Joe Mathis stated that Master Clerk Pearson brought to my attention that we did not take action on Item 13 – 3rd Reading of Ordinance No. 2021-32 and I would ask council to take that matter up now. **[Councilman Tracy McDaniel made the motion to adopt 3rd Reading of Ordinance No. 2021-32 authorizing (a) the execution & delivery of a FILOT Agreement by & between Cherokee Co., 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.]**

Administrator Steve Bratton reported that we have had significant problems in the Public Works Dept./Solid Waste Collections Dept. finding employees. A lot of this has to do with our pay structure. The SWC has 9 routes/day with 1 driver & 2 collectors (18 employees) on each truck. We pay \$11.25/hour for each fulltime employee and \$11.50/hour for temp employees. I am asking council to adopt a pay raise for DPW & SWC full time & temp employees to \$13/hour effective immediately. **[Councilman Lyman Dawkins made the motion to accept Admin. Bratton proposal and adopt the pay raise of \$13/hour for DPW & SWC full time & temp employees to begin immediately. David Smith seconded and council voted in favor.]** Councilman Quay Little ask Administrator Bratton to look at other staffing agencies as well.

Asst. Admin. Merv Bishop reported to council on IWorQ. The Dept. of Public Works have gone live with this program and there has been an account set up for each council person. If you can come by my office some time next week, I’ll should you how to tie into the system and log-in so you can see what is going on in your district.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 7:15 PM.

APPROVED: 3/21/22

BY ITS CHAIR: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council