

DATE: 6/7/22 FILE NO.: DATE546

TO: Cherokee County Council

SUBJECT: Minutes of Regular Meeting, 6/6/22

There was a Regular Meeting of County Council Monday, 6/6/22, 5 PM in Council Chambers. Chair Tim Spencer presided with David Smith leading in prayer. All council members were present along with Admin. Steve Bratton, Asst. Admin. Merv Bishop, Attorney Joe Mathis and Master Clerk Doris Pearson. The news media was informed by agenda and it was posted in accordance with the SCFOIA. One news media present. There were 11 visitors.

**Councilman Tracy McDaniel made the motion to adopt the agenda for the Regular Meeting of 6/6/22 as posted in accordance with the SCFOIA and with the amendment of deleting under Item No. 7 Ordinance No. 2022-18 for 1<sup>st</sup> Reading at the request of their attorney. David Smith seconded and council voted in favor.**

**Councilman Lyman Dawkins made the motion to approve the minutes of the Public Hearing & Regular Meeting of 5/16/22 and Workshop of 5/23/22 as received. Quay Little seconded and council voted in favor.**

**Councilman Quay Little made the motion to approve the claims for Cherokee County in the amount of \$550,311.01. Mike Fowlkes seconded and council voted in favor.**

**Councilman Quay Little made the motion to adopt Resolution No. 2022-08 under certain conditions, the execution & delivery by Cherokee Co. of a FILOT Agreement with Project Francis with respect to an industrial project in the county whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Project Francis will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. Mike Fowlkes seconded and council voted in favor.**

**Councilman Lyman Dawkins made the motion to adopt Resolution No. 2022-09 authorizing, under certain conditions, the execution & delivery by Cherokee County of a FILOT Agreement with Project Flow with respect to an industrial project in the county whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Project Flow will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. David Smith seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-04 adopting the budget for the County of Cherokee to provide for the levying of taxes & fees for county purposes for the fiscal year 7/1/22 – 6/30/23. Tracy McDaniel seconded. Administrator Bratton passed out a few changes & highlights on the ordinance: 1) due to the increase in fuel to \$4.00/gallon for regular & \$5.00/gallon for diesel, we increased our fuel budget to upward \$450,000 which is double from last year; 2) we added an additional expense for the EMS of \$200,000; 3) as part of our budget ordinance and something that has been discussed by the council in the past, I have included for 2<sup>nd</sup> Reading the fee**

allocation for the Fee in Lieu of Tax which is currently in our budget at 70/30 split; after the 1% comes out – 15% goes to the infrastructure development fund and at that point the county receives 70% of which we fund the Community College, Recreation, Library, any Fire District that may apply and after that the 30% that remains goes to the school district. As a result of council conversations, I have put in the FYB 22/23 for 2<sup>nd</sup> Reading to change the fee allocation split to 50/50 in this current budget. Tim Spencer stated he totally disagree with the 50/50 split. I believe they closed 3 schools to save millions of dollars. I definitely support education whole heartily but I feel we should show our county employees how much we appreciate them. We have volunteer fire departments that will have to turn into paying fire departments; we have county employees that barely get by and here we are going to give half our money away. Look at your county tax receipt and see what the county gets compared to what the school gets. I support education but I feel our county employees deserve more than a 3% raise. If we need equipment to work this county, then why aren't we buying equipment? I voted against accepting the school district giving us Alma Elementary School but I've never seen somebody take something that they did not know how much it would cost them to fix it. We don't know how much it will cost us to turn it into a jail? We don't know if SCDOC will accept this when it is remodeled? Mike Fowlkes replied in coalition of building a new jail with SCDOC standards if you are building a facility to secure high security prisoners, you are talking about 3 times the cost vs securing a facility for minimum security for prisoners which we plan to do with Alma School. Steve replied the asbestos corrections was done when they renovated Alma some 5 to 6 years ago. **Council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-05 for the FYB 22/23 for Antioch Fire District. Mike Fowlkes seconded and council voted in favor.**

**Councilman David Smith made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-06 for the FYB 22/23 for Buffalo Fire District. Tracy McDaniel seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-07 for the FYB 22/23 for Cherokee Creek Fire District. Tracy McDaniel seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-08 for the FYB 22/23 for CKC Fire District. Mike Fowlkes seconded and council voted in favor.**

**Councilman Elliott Hughes made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-09 for the FYB 22/23 for Corinth Fire District. David Smith seconded and council voted in favor.**

**Councilman Lyman Dawkins made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-10 for the FYB 22/23 for the Gaffney Fire Protection Area. Mike Fowlkes seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-11 for the FYB 22/23 for the Grassy Pond Fire District. Quay Little seconded and council voted in favor.**

**Councilman Elliott Hughes made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-12 for the FYB 22/23 for Goucher/White Plain Fire District. Mike Fowlkes seconded and council voted in favor.**

**Councilman David Smith made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-13 for the FYB 22/23 for DMW (Draytonville/McKowns Mtn., & Wilkinsville) Fire District. Elliott Hughes seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-14 for the FYB 22/23 for the Blacksburg Fire District. Mike Fowlkes seconded and council voted in favor.**

**Councilman Quay Little made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-16 authorizing the execution & delivery of a Fee in Lieu of Agreement by & between Cherokee Co., SC and Project Bees providing for a payment of a FILOT; Special Source Revenue Credits and other matters related thereto. Mike Fowlkes seconded and council voted in favor.**

**Councilman Quay Little made the motion to adopt the 2<sup>nd</sup> Reading of Ordinance No. 2022-17 authorizing an amendment to the Agreement for Development of a Joint County Industrial/Business Park between Spartanburg & Cherokee Counties to provide for the addition of property to the Park (Project Bees). David Smith seconded and council voted in favor.**

**Councilman Mike Fowlkes made the motion to adopt 1<sup>st</sup> Reading of Ordinance No. 2022-15 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 Co. as part of the Joint County Industrial Park, and other matters relating thereto. (INGRAM MICRO, INC; DUNCAN, LP; GREER SOUTH CAROLINA NECKNELL INVESTORS, LLC; ABNER CREED INDUSTRIAL OWNER, LLC; BLACK ARROW PROPERTIES, LLC; ATLAS AT IPG, LLC.) Quay Little seconded and council voted in favor.**

**Councilman Lyman Dawkins made the motion to adopt the 1<sup>st</sup> Reading of Ordinance No. 2022-19 authorizing the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC and Project Francis with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and including the creation of a Joint County Industrial & Business Park with an adjacent county and the provision of Certain Special Source Credits; and other matters related thereto. David Smith seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to adopt the 1<sup>st</sup> Reading of Ordinance No. 2022-20 authorizing the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC and Project Flow with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and including the creation of a Joint County Industrial & Business Park with an adjacent county and the provision of Certain Special Source Credits; and other matters related thereto. Lyman Dawkins seconded and council voted in favor.**

Administrator Bratton reported that only one bid was received for Bid 2022-14 Transit Feasibility Study and it was from RLS & Associates in Dayton, Ohio, for the total of \$57,809. Council consented to allow Administrator Bratton & his committee to review the bid and come back to council at the next meeting with a recommendation.

Administrator Bratton reported that only one bid was received for Bid 2022-15 Sand, Gravel & Rock and it was from Reeves Construction, which used to be Sloan. They informed me that they would not be able to honor the prices given last year and that there was an increase in all categories. \$19/ton for sand; crusher run \$14/ton; Class A & B Rip Rap \$28.50/ton; #57 stone is \$21/ton; and #3' surge stone is \$20/ton. Council consented to allow Administrator Bratton & his committee to compare these and bring back to council at the next meeting with a recommendation.

Administrator Bratton reported that no bid was received for Bid 2022-16 Scrap Metal at the Landfill. We will rebid this.

Administrator Steve Bratton reported that he had a meeting with Charter Spectrum last week and things are moving right along. There are so many phases of this that the water can get muddy. They are ready to move on the first 361 addresses and those are properties in areas that are up against existing Charter service that they can actually reach these households with coax; broadband capabilities will be fiber connection. You would still be able to subscribe to Charter but you would have to strengthen it. They can get to these households very easily with coax. The areas affected by this is: one area in the northern part of the county that goes up to the state line up Hwy. 150, there are 58 addresses there; another 8 or so addresses nearby there; over near Webber Road there are another 84 addresses they will be able to reach; Hwy. 29 going toward Cowpens they will be able to reach about 63 addresses; down in the very lower part of the county going down Hwy. 18 toward Asbury are 46 addresses; in the Abington Creek Area are some 80 addresses they are able to reach; then about 22 addresses in other couple of areas. Those they can get to very easily and believe they will get that work done in about 6 months. At the end of June, they will be back in touch with me with the other complete walk out of all the addresses they will be doing. They are currently starting the process of talking with Broad River Electric and other service providers where they will need to process their poles. We are looking at the end of 2023 for completion of the contract. Quay Little asked Admin. Bratton to post that information on the county web page so the public can see when they will be working in their area. I don't want to put this out but we will put out general information to let the public know when & why they will be working in their area. Charter told us they will be doing advertising, door hangers, mailings to the addresses they will be working at and 911 will have this information as well in case the public calls in.

Administrator Steve Bratton updated council on the Splash Pads. The one in Blacksburg on Lime Street will be opening on Sat., 6/11/22 @ 11 am. There will be an informal dedication and it is being advertised in the papers. Broad River Baptist will be doing the grand opening ceremony. It looks really great and they are still finishing up odds & ends, but it will be ready for the grand opening. I want to thank

Councilman McDaniel & Peck Lester for their extended help in getting this project completed and ready to open. The Splash Pad at Midway has been delayed due to SCDHEC and some permits that need to be completed. We do not have sewer in that area so we will have a collection system and will have to treat that water. It is treated like a commercial pool which includes DHEC's involvement. We are probably a few weeks out on getting that project completed. We will do advertising on the splash pads in both areas. The Palladium Group is handling this for us.

Administrator Steve Bratton updated council on the recent weather events that took place here in Cherokee County about two weeks ago. There were two funnel clouds spotted in our county but never resulted in an actual tornado. The incident/fatality that happened on Jefferies St. was a result of a strong straight wind that knocked the tree over. Our new Emergency Preparedness Director Doug Bowers was on board when all this happened and he was out on the job with a chain saw, etc.

Administrator Steve Bratton updated council on the Animal Shelter Project. A while back council acquired the property from Hamrick Mills beside Alma Elementary School and we are now ready to move forward on this project. I have received from DP3 Architect the updated contracts. We have in our existing contract monies for the DPW Facilities the amount of \$230,049. The cost to finish up the Animal Shelter Project including permitting & construction is \$159,350. I am requesting council to continue under the existing contract with DP3 to move forward with the Animal Shelter and be ready to go out for bid. **[David Smith made the motion to allow Administrator Bratton to continue under the existing contract with DP3 to move forward with the Animal Shelter Project to be ready to go out for bid. Mike Fowlkes seconded and council voted in favor.]**

Administrator Steve Bratton updated council on the ACE Hardware Project. ACE Hardware has moved out and we are ready to move forward as soon as the other tenant moves out. They are working on their new location and should be moving out soon. Once he is out, we are ready to begin the renovations needed for the county to occupy.

Asst. Admin. Merv Bishop had no report.

Attorney Joe Mathis had no report.

**Councilman David Smith re-appointed Dean Painter to serve another term on the DMW Fire District Board of Commissioners. Tracy McDaniel seconded and council voted in favor.**

Chairman Tim Spencer referred to the package that was delivered to council right before the meeting by Officer Dorsett. The Sheriff Dept. is asking council to give to the officers the 96 cent/hr. raise that was given several years back to deputies when they completed their training from the academy and are also asking for a 6% raise in this year's budget. We have a few county employees present tonight that also are asking for more than a 3% raise in the FYB. They are saying that the 3% gives the higher pay much more than the lower pay. Steve replied that the minimum that anybody will get under this proposal will be 50 cent/hr.; so, anybody that makes less than \$16.76/hr. will be getting a 50 cent/hr. raise and those

over that will be getting the 3%. Quay Little replied that we are in a bad situation this budget year and there is no way we can keep up with the 9 to 10% inflation. I cannot pass that burden onto the tax payers. We are in a difficult time and it is hard to try and balance the budget with minimum tax increase. I'm not in favor of raising taxes and the fuel cost increase blows away the 3 or 4% raise. We are going into the budget year blind because we don't know how the economy is going. Steve reminded council that in the budget we had a 7.6% increase in employee health insurance that council is absorbing, as well as, the increase in employee retirement. Chairman Spencer said most of the complaints he has received is the spread of the 3% raise, saying it is not fair for all. They are asking to make it equal across the board like we did last year. Quay Little replied we need to ask Steve to come back with us the cost of what it would be if we did 75 cent/hr. for every employee. Steve replied it will probably be around ½ million dollars. Lyman Dawkins replied he wants everyone to know that voting on the 50/50 tax split with the school board is very important and not that we are putting them before the community because any community that wants to strive has to start with schooling; if we are not putting out worthy graduates to work in our county, we want be able to strive. Steve reported we are \$982,000 out of balance this proposed budget. Tracy McDaniel reminded council that even though Steve put in the budget additional funding for EMS, we don't know what that cost will be. Our budget is up \$2.8 million from last year and there are no new services. We cannot continue to spend more than we take in. Chairman Spencer replied we are spending around \$2 million on the Ace Hardware Project; Animal Shelter will cost us around \$4 million; Broad River Electric will be another \$6 to 7 million; how much will Alma Project cost? Steve replied Alma is not in our immediate plans and we have bond money that needs to be spent or we will lose it. We haven't been spending, we have kept within our budget but we can't help these inflationary prices. Quay Little replied it is in our best interest to do one project at a time. Mike Fowlkes said we need to remember and go back and see how we got here. The ACE Hardware bldg. that will become a state building will pay for itself in 10 years saving us in rent. Nobody can put a price on the Alma School building right now but I'm telling you multi-millions vs redoing that building for a minimal security building will save the county taxpayers millions in not having to build a new jail. Our Animal Shelter now is deplorable/terrible; our county shop is terrible. It's an eye sore and moving into the Broad River Electric facility will take care of that. We are saving millions by having the facilities to redo and not having to build. Steve replied the cost of building the Animal Shelter on 5/10/21 was \$2.8 million and today it will cost \$4 million; if we wait another year, it might be \$6 million. That's my fear, where are we going and will we have the money to finish the things we have going. I understand your concern about doing multiple projects at once that's why we have gained property, entered into contracts, and we have a good architect to help oversee our projects. Quay replied everything is going to go back, people can't afford what's going on right now, it's going to come to an end. I don't mind doing one project at a time but when we lock into several projects, we are not going to be able to afford them. Steve replied Buford St. property should be finalized in 6 months; it will be Dec. on the Animal Shelter before we will be able to bid out; my priority when we receive Broad River Electric will be do finish the gym first so the Recreation District will have it available when basketball season kicks off. We are under two years on the bond issue. If we do not spend it by then, we will go into arbitrage and it will go against our credit. Quay replied if we lock into something prior to recession, we will lose our projects. David replied it is just as risky to sit on it as to spend it. Steve replied our local option sales tax

proceeds that increase every month. Steve replied we do have the money available that council authorized us to borrow to do one time project. We can build the buildings, but the recurring cost will be scary. Tim replied if we do one project at a time, we will always have money in the bank to help us cover the cost if we have a catastrophic event. Steve replied we had a small catastrophic back in 2019 when the roof of the Recycling Center collapsed and that is what started this whole conversation. Quay replied and a good move based on time was that we went from a \$13 million building project to have a building donated to us. Lyman replied we have to stop kicking the can; that happened in 2019 and we still haven't done anything. Quay replied I didn't say wait, I said do one project at a time. Let's complete one project at a time and move to the next one. Steve replied the entire project for Broad River Electric building will be 8 to 12 months. Tracy McDaniel stated we probably need to have another workshop on these capital projects. Steve replied we have the funding; the money is in the bank. Purchase of Ace Hardware plus architect fees is \$750,000.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:15 PM.

APPROVED: 6/13/22

BY ITS CHAIR: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council