

DATE: 8/16/22 FILE NO: DATE552
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, 8/15/22

There was a PH & Regular Meeting Monday, 8/15/22, 5 PM in Council Chambers. Chairman Tim Spencer presided with Tracy McDaniel leading in prayer. All members of council were present along with Administrator Bratton, Asst. Admin. Bishop, Attorney 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 was present. There were 15 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the PH & Regular Meeting of 8/15/22 as received and posted in accordance with the SCFOIA. Mike Fowlkes seconded and council voted in favor.

Councilman David Smith made the motion to approve the minutes of the Amended Agenda for the Regular Meeting of Monday, 7/18/22 as received. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to approve the claims for Cherokee County in the amount of \$942,289.65. Quay Little seconded and council voted in favor.

Chairman Spencer opened the public hearing on 4 matters: **1)** Cherokee Co. Multi-Jurisdictional Hazard Mitigation Plan; **2)** Ordinance No. 2022-16 authorizing the execution & delivery of a Fee Agreement by & between Cherokee Co., SC and Niagara Pharmaceuticals, Inc. providing for a payment of a FILOT; Special Source Revenue Credits and other matters related thereto; **3)** Ordinance No. 2022-21 authorizing pursuant to Title 12, Chapter 44, of the Code of Laws of SC 1976, as amended, the execution & delivery of a Fee in Lieu of Taxes Agreement, by & between Cherokee Co. and Gaffney Industrial I Owner LLC (formerly known to the County as Project Treeline), its affiliates and related entities, to provide for a FILOT Incentive and certain Special Source Revenue Credits; and other matters related thereto; and **4)** Ordinance No. 2022-22 authorizing & approving 1) development of a Joint County Industrial/Business Park to be, at the time of its initial development, geographically located in Cherokee County and to include certain property owned or operated by Gaffney Industrial I Owner LLC (formerly known to Cherokee County as Project Treeline), including one or more of its affiliates or other related entities; 2) the execution & delivery of a Written Park Agreement with Spartanburg County as to the requirement of payments of Fee-in-Lieu of Ad Valorem Taxes with respect to park property and the sharing of the revenues and expenses of the park; 3) the distribution of revenues from the park within Cherokee County; and 4) other matters related thereto. As there was no one to speak, the public hearing was closed.

Councilman Quay Little made the motion to adopt Resolution No. 2022-13 adopting the Cherokee County Multi-Jurisdictional Hazard Mitigation Plan. David Smith seconded and council voted in favor. EMP Director Doug Bowers was present to answer any questions.

Councilman Tracy McDaniel made the motion to adopt 2nd Reading of Ordinance No. 2022-23 authorizing the execution & delivery of a Fee Agreement by & between Cherokee Co., SC and Project Nova 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. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to adopt the 3rd Reading of Ordinance No. 2022-16 authorizing the execution & delivery of a Fee Agreement by & between Cherokee Co., SC and Project Bees providing for a payment of a Fee in Lieu of Taxes; Special Source Revenue Credits and other matters related thereto. Tracy McDaniel seconded and council voted in favor. Administrator Bratton stated we normally announce the name of the Project after 3rd Reading; however, there are a couple more steps that need to take place before we will be able to give further details.

Councilman Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2022-21 authorizing pursuant to Title 12, Chapter 44 of the Code of Laws of SC 1976, as amended, the execution & delivery of a Fee in Lieu of Taxes Agreement, by & between Cherokee County and Gaffney Industrial I Owner LLC (formerly known to the County as Project Treeline), its affiliates and related entities, to provide for a FILOT Incentive and certain Special Source Revenue Credits; and other matters related thereto. Quay Little seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to adopt the 3rd Reading of Ordinance No. 2022-22 authorizing & approving 1) development of a Joint County Industrial/Business Park to be, at the time of its initial development, geographically located in Cherokee County and to include certain property owned or operated by Gaffney Industrial I Owner LLC (formerly known to Cherokee County as Project Treeline), including one or more of its affiliates or other related entities; 2) the execution & delivery of a Written Park Agreement with Spartanburg County as to the requirement of payments of FILOT with respect to park property and the sharing of the revenues & expenses of the park; 3) the distribution of revenues from the park within Cherokee County; and 4) other matters related thereto. Tracy McDaniel seconded and council voted in favor. Administrator Bratton recognized two representatives present tonight with Project Treeline. We are very pleased to welcome Project Treeline to Cherokee County. This project is a \$28 million spec building off Hwy. 329 which will be part of Meadowcreek Industrial Park. It will be 300,000 square foot spec building which will be a great opportunity for us to attract other projects to locate here in Cherokee County.

Councilman David Smith made the motion to award Bid No. 2022-14 Transit Feasibility Study to RLS Asso., Inc. for their bid of \$57,809. Quay Little seconded and council voted in favor. Administrator Bratton reported this is a DOT Grant with DOT covering 80% with 20% being a local match of \$11,562. Council has already agreed to pay \$5000; City of Gaffney has agreed to pay \$5000 and Town of Blacksburg will pay up to \$2000. Since the bid came in a little less our match portion will be from the County \$4,418; City - \$4,418 and Town of Blacksburg - \$1,926.

Councilman Tracy McDaniel made the motion to allow Administration to submit a purchase order to purchase a new garbage truck from Carolina Environmental for a total amount of \$181,700 + tax. Mike Fowlkes seconded and council voted in favor.

Administrator Bratton opened bids for Bid No. 2023-02 Paving. Only one bid was received and it was from Cherokee Landscaping & Grading. Prices that he submitted are good until 12/1/22 and after that prices will be on a monthly basis. KCI assisted us in writing this bid and reviewed it. They meet all our required criteria. **[David Smith made the motion to award Bid No. 2023-02 Paving to Cherokee Landscaping & Grading for their bid presented. Elliott Hughes seconded and council voted in favor.]**

Administrator Bratton reported that the agreement we have with KCI has expired. They presented another agreement with us to oversee our paving projects and make sure we are getting what we pay for. This new agreement will allow them to go out and look at the roads before we bid them out. The new agreement with KCI will be based on hourly rates for each project from \$80/hr. to \$130/hour. **[Mike Fowlkes made the motion to allow Administrator Bratton to sign the new agreement with KCI for paving project oversight and other projects at the rates provided. David Smith seconded.]** There was a lot of discussion & concerns. Quay Little asked Steve is Administrative cost is built in the cost of the paving project? Tracy McDaniel asked couldn't we put a cap on this agreement and does DOT absorb some of this cost? I think a certain amount of their invoice is labeled as Administrative Cost. If we sign this agreement with KCI, we could build that into the cost of road construction. **[[Mike Fowlkes made the motion to table his original motion until the next meeting of Monday, 8/22/22. Tracy McDaniel seconded and council voted in favor to table the motion.]]**

Administrator Bratton announced the winner of the 150th Anniversary Scavenger Hunt was Chappell Hiers. He answered 50 of the 50 questions right. He won a YETI Cooler valued at \$300.

Administrator Bratton recognized DPW Supervisor Scott Griffith who introduced his Diesel Mechanic Barry Haley. He has been with us since 3/1/22; he retired for NCDOT and moved here about 2 yrs. ago. In order for Barry to perform his job he needs the Diesel Laptop for online access to diagnostics & troubleshooting for our equipment. **[Councilman Tracy McDaniel made the motion to allow Administration of purchase for the Vehicle Main. Dept. an Equipment Vehicle Software from Diesel Laptops for a price of \$11,802.72 plus yearly upgrade for \$3,875.18 and pay it from the capital contingency account. Mike Fowlkes seconded and council voted in favor.]**

Councilman Elliott Hughes asked Administrator Bratton to give an update on the Broadband Project. Administrator Bratton reported he will get an update and report back to council at the next meeting of 8/22/22.

Asst. Admin. Merv Bishop updated council on the Hospitality Tax stating that 27 vendors have been contacted and for the first 6 months a total of \$161,352.86 was received.

Attorney Joe Mathis reported back in the fall of 2021, Freightliner applied for the FILOT Agreement made back in 2001 and at that time they requested we sign a deed over to them for the FILOT Agreement property that listed the county's name. They are asking for a limited Bill of Sale to be executed related to that. In the original lease document in 2001 it states that personal & real property will be held by the county. The deed effectively transferred the real estate back and for bookkeeping purposes they just want to have a signed Bill of Sale on file. **[Quay Little made the motion to allow Chairman Spencer to sign the Limited Bill of Sale for Freightliner to be in compliance with the FILOT Agreement made with them back in 2001. David Smith seconded and council voted in favor.]**

Councilman Tracy McDaniel made the motion to reappoint Danny Millwood to serve another term on the Blacksburg Fire Tax Board. David Smith seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to reappoint Kevin Tessner to serve another 3 year term on the Cherokee Co. Recreation District Board. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to reappoint Bobby Westmoreland to serve another 3-year term on the CKC Fire District Board. Mike Fowlkes seconded and council voted in favor.

Councilman David Smith made the motion to reappoint Hal Howington, Jr. to serve another term on the Buffalo Fire District Board. Tracy McDaniel seconded and council voted in favor..

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:06 PM.

ADOPTED: **8/22/22**

BY ITS CHAIRMAN: **Tim Spencer**

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council