

DATE: 9/20/22 FILE NO: DATE555
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting of Monday, 9/19/22

There was a PH & Regular Meeting Monday, 9/19/22, 5 PM in Council Chambers. Chairman Tim Spencer presided with Mike Fowlkes leading in prayer. All councilmembers were present except Quay Little. Administrator Steve Bratton, Asst. Admin. Merv Bishop, Attorney Joe Mathis and Master Clerk Doris F. Pearson were present. The news media was informed by the agenda and it was posted in accordance with the SCFOIA. Two news media were present. There were 15 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the Public Hearings & Regular Meeting of 9/19/22 as received and posted in accordance with the SCFOIA. Mike Fowlkes seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to approve the minutes of the Regular Meeting of 9/6/22 as received. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to pay the claims for Cherokee County as listed in the amount of \$334,688.70. Mike Fowlkes seconded and council voted in favor.

Petitioner Kathy Littlejohn handed out to council research material she had gather from surrounding counties regarding gun control throughout the county. She asked council to please do research on gun ordinances and come up with something to protect the citizens in Cherokee County. Administrator Bratton reported to council that he had already done some research and he too had contacted other counties to see what they have in place. **[Council directed Administrator Bratton & Attorney Mathis to gather information from other counties and draw up an ordinance to address gun safety to fit our county and bring it back to council for discussion.]**

Petitioner Anthony Wilson did not show.

Chairman Tim Spencer opened the public hearing on two matters: **1) Ordinance No. 2022-19** authorizing the delivery by Cherokee Co., SC of a FILOT & Special Source Credit Agreement between the County and Sticker Mule South Carolina, LLC, a SC limited liability company, with respect to the acquisition, installation and construction of certain land, improvements, fixtures, machinery, equipment, furnishings and/or tangible personal property to a new manufacturing/distribution facility in the County. Pursuant to the agreement, the Company will pay an annual fee in lieu of ad valorem taxes to the County. The Agreement will be delivered by the County pursuant to Title 12, Chapter 4, Code of Laws of SC 1976, as amended, and the Ordinance. No one was present to speak. **2) Ordinance No. 2022-23** authorizing the execution & delivery of a FILOT Agreement by & between Cherokee Co., SC and Hyatt Street Owner, 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 of Certain Special Source Credits and will be designated as being in a Multi-County Industrial & Business Park; authorizing the execution & delivery of a Multi-County Industrial & Business Park Agreement with

Spartanburg County; and other matters related thereto. **No one was present to speak and Chairman Spencer closed the public hearings.**

Councilman Lyman Dawkins made the motion to adopt Resolution No. 2022-16 authorizing under certain conditions, the execution & delivery by Cherokee County, SC of a Fee in Lieu of Tax Agreement with Project Nova 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 Nova 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 Tracy McDaniel made the motion to adopt the 3rd Reading of Ordinance No. 2022-19 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and Sticker Mule SC, 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 of Certain Special Source Credits and will be designated as being in a Multi-County Industrial & Business Park; 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. Mike Fowlkes seconded and council voted in favor. Administrator Bratton stated that Sticker Mule located her about two years ago on Huntington Drive and now they are looking to expand and will build a 100,000 square foot building over at Meadowcreek Industrial Park; spend around \$20 million and create about 50 new jobs. This is a very big announcement for our county and we are grateful to them for choosing our county to expand.

Councilman David Smith made the motion to adopt the 3rd Reading of Ordinance No. 2022-23 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee County, SC and Hyatt Street Owner 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 of Certain Special Source Credits and will be designated as being in a Multi-County Industrial & Business Park, 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. Administrator Bratton announced that his will be a \$415 million investment of building several industrial spec buildings on the property located behind Hamrick, Inc. off Hyatt Street. This will be a zero-job announcement for now because these will be spec buildings. Glenn Star will work with Jim Cook & Ken Moon and provide them the product to show as companies come in. They will build at least 4 spec buildings on that property. This is the largest investment we have had in Cherokee County. There are plans to build a huge subdivision across the road from this property so that area will be booming.

Councilman Lyman Dawkins made the motion to adopt 1st Reading of Ordinance No. 2022-24 to amend Section 6-1, et seq., of the Cherokee County Code of Ordinances regarding the adoption of Technical Codes. David Smith seconded and council voted in favor. Administrator Bratton reported

that every 3 years we are required by state law to update our SC Building Code in accordance with the SC Building Code Regulations for the International Codes. We adopted them back in 2019 and the 3 yrs. is up again. State just adopted the 2021 Codes and we need to adopt them now to begin for 2023.

Councilman Tracy McDaniel made the motion to allow Administration to enter into an agreement with Retail Strategy for a 3 yr. plan for a cost of \$60,000 to be paid from the Contingency Account as a Retail/Commercial Marketing Consultant to market Cherokee County for retails to locate here. David Smith seconded and council voted in favor. Administrator Bratton replied they will come in and gather information that will tell them what we need in our county such as grocery stores, restaurants, etc.

Administrator Steve Bratton stated that the growth in our county is unreal and as a result of that we are experiencing growing pains. We have a Comprehensive Plan that is laid out in State Law in Title 6 Chapter 29 and has to be reviewed/updated every 10 years and reviewed every 5 years. The purpose is to examine current growth & development trends in order to provide the county with critical planning data necessary to shape the county's future. This document provides the county with a foundation as required by state law for future land use. The plan is also intended to act as a guide for future growth & development. Our Citizen Planning Committee is working on that now, and our Comprehensive Plan was last updated in May 17, 2004. Mr. Dick Lavender on the Cherokee Co. Citizens Planning Commission is here tonight for input. We do not employ a planner for our county. This will be a big undertaking especially with what is going on in our county now. The next step we need to do with the Comprehensive Plan to guide us will be to implement some sort of zoning in Cherokee Co. A while back Appalachian COG Chip Bentley talked with you regarding this step. With the number of subdivisions and new residential units growing in our county, and at the same time we are getting large numbers of industries & businesses coming into our county, there is bound to be conflict between the two of those. I reached out to the SCAC regarding how we can address this matter and they have recommended several firms to us that we could utilize to help us address this. I've also looked at what is happening in the Upstate and right now Union, Laurens & Cherokee Co. do not have zoning. Administration and our Building Safety Staff have met with the Citizen Planning Committee to discuss updating our residential building standards. Issues that zoning addresses is not just what comes here but where it goes. I'm asking council to authorize me to go out for RFP to hire a consultant who will include the process of updating our Comprehensive Plan and initiating the process of implementing zoning in Cherokee County. We need a consultant to come in here do a workshop with council, talk with the public and figure out what suits us. Both of those processes will require extensive county council input and more importantly the input of the community. By law, we have to include the community in this process. The price will probably be around \$200,000 to \$250,000 for a 2 to 3-year implementation period. We have this in the budget. This will be a long process; every piece of property in this county will need to be looked at; look at where your growth areas are; look into where your projected growth areas will be; and to help guide us to make sure what we are bringing in is compatible. **[Lyman Dawkins made the motion to authorize Administration to send out RFPs to update the county's Comprehensive Plan and to study zoning in our county at a cost for around \$200,000 to \$250,000 for a 2 to 3-year**

implementation period and to pay it from the Contingency Account. Mike Fowlkes seconded and council voted in favor.] Administrator Bratton replied a while back Chip Bentley spoke to council regarding Performance Area Zoning. I feel this is a bit much for us. I've looked at Greenville County and they zone their high growth areas and places where they don't have growth, they leave them as unzone; or, you can zone it as rural and have the least restrictions possible on that. Chairman Spencer asked in other counties when they had community input, have the citizens shot it down? Steve replied, I cannot answer that. I don't know. Not everybody is going to like this idea, people don't like us telling them what they can do with their property. We are not trying to do that, but the general consensus that we have been hearing from your constituents is they want protection. Tracy McDaniel stated he would look toward leaving the rural areas along and work on these corridors along I-85 that will have the major growth. Lyman Dawkins stated he wants us to make sure our message is very clear & detailed for our citizens to know what is going on & expected. We don't want to get the wrong message out there.

Councilman Lyman Dawkins made the motion to go into Executive Session at 5:55 PM pursuant to Section 30-4-70(a)(2) discussion of negotiations incident to a proposed contractual matter regarding emergency response in Cherokee County. David Smith seconded and council voted in favor.

Councilman David Smith made the motion for council to come out of Executive Session at 7:33 PM and enter back into the Regular Meeting. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel re-appointed Samuel Benton to serve a 3-year term on the Blacksburg Fire District Board. Mike Fowlkes seconded and council voted in favor.

Councilman Lyman Dawkins re-appointed Hermenia Dawkins to serve another term on the Cherokee County Development Board. David Smith seconded and council voted in favor.

As there was no other business to come before council at this time, Chairman Tim Spencer adjourned the meeting at 7:34 pm.

APPROVED: 9/30/22

BY ITS CHAIR: Tim Spencer

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council