

DATE: 10/18/22 FILE NO: DATE557
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting of Monday, 10/17/22

There was a Public Hearing & Regular Meeting of County Council Monday, 10/17/22, 5 PM in Council Chambers. Chairman Tim Spencer presided with Elliott Hughes leading in prayer. All council members were present along with Administrator 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. Two news media were present. There was 40+ visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the Public Hearing & Regular Meeting of Monday, 10/17/22 as received and posted in accordance with the SCFOIA. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to approve the minutes of the Regular Meeting of 10/3/22 as received. Mike Fowlkes seconded and council voted in favor.

Councilman Quay Little made the motion to approve the claims for Cherokee County in the amount of \$366,283.03. Lyman Dawkins seconded and council voted in favor.

Administrator Steve Bratton recognized Chappell Hiers who was the winner of the 125th Anniversary Scavenger Hunt. This ran in the local newspaper for 5 months and there were 25 questions about our county and Hiers answered all 25 correctly. Steve presented Hiers with a Yeti Cooler.

Administrator Steve Bratton recognized Courtney Coker who was the winner of the SC APCO & NENA Palmetto Award. Mrs. Coker has been employed with E911 since 3/1/19 and is a great employee. Mrs. Coker received this award on Friday, 10/7/22 at Myrtle Beach.

Chairman Tim Spencer opened the public hearing on 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 (Niagara Pharmaceuticals LLC and NPL Realty Corporation) and the confirmation or ratification of the addition of additional property to the Park (TMS #018-000-00-001-000 (Apian Project); and TMS #018-00-00-001.001 (Dollar Tree Project); and TMS #018-00-00-001.002 (Bericap Project); and authorizing the development of a different jointly owned and operated Industrial/Business Park in conjunction with Spartanburg County, such industrial/business park to be geographically located in Cherokee and Spartanburg Counties and established pursuant to Section 4-1-170 of the Code of Laws of SC, 1976, as amended; to provide for a Written Agreement with Spartanburg County to provide for the expenses of the park, the percentage of revenue application, and the distribution of Fees in Lieu of Ad Valorem Taxation; and other matters related thereto. No one was present to speak and Chairman Spencer closed the public hearing.

Councilman Tracy McDaniel made the motion to adopt Resolution No. 2022-18 approving certain changes to the Fee Agreement by & between Cherokee County, SC and Niagara

Pharmaceuticals LLC and a sponsor affiliate providing for the payment of a Fee in Lieu of Taxes; 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 3rd Reading of Ordinance No. 2022-17 authorizing an amendment to the Agreement for Development of a Joint County Industrial/Business Park between Spartanburg County and Cherokee County to provide for the addition of property to the Park (Niagara Pharmaceuticals, LLC and NPL Realty Corp.) and the confirmation or ratification of the additional property to the park (TMS #018-00-00-001-000 (Appian Project); and TMS #018-00-000-001.001 (Dollar Tree Project); and TMS #108-00-00-001.002 (Bericap Project); and authorizing the development of a different jointly owned and operated Industrial/Business Park in conjunction with Spartanburg County, such Industrial/Business Park to be geographically located in Cherokee and Spartanburg Counties and established pursuant to Section 4-1-170 of the Code of Laws of SC 1976, as amended; to provide for a Written Agreement with Spartanburg County to provide for the expenses of the park, the percentage of revenue application, and the distribution of Fees in Lieu of Valorem Taxation; and other matters related thereto. David Smith seconded and council voted in favor. Administrator Bratton announced that this is a \$9 million investment, will create 45 new jobs and will manufacture eye health & safety products. It is based in Canada and will locate in our spec building at 1290 Mt. Olive Road, Cowpens, SC.

Councilman Quay Little made the motion to adopt the 1st Reading of Ordinance No. 2022-25 authorizing the execution and delivery of a Fee in Lieu of Tax Agreement between Cherokee County, SC and Project Rosewood; and other matters relating thereto including, without limitation, payment of a Fee in Lieu of Taxes; the placement of the project in a Joint County Industrial and Business Park; and related matters. Lyman Dawkins seconded and council voted in favor.

Administrator Steve Bratton presented the bid proposal to go out to qualified contractors for the construction of the new Cherokee County Animal Shelter located on Cherokee Ave. Architect Jared Sang with DP3 Architects was present to answer questions. This shelter will have 74 dog runs and double that for inside & out; it will house 56 cats. Animal Shelter Director Kelly Ellis replied that should be sufficient for us. There will be multi rooms to separate the dogs/cats and also a place to isolate them if they need to be. There will be a family friendly room where you can be with the animal to see how it adapts to you. There are diet prep rooms for dogs/cats; staff restrooms with showers on both side of the facility; laundry room; storage room that opens to the curbside for unloading big quantities of food, etc. Chairman Spencer asked if we will still house the animals that City pickups and are they going to pay? Steve replied we will discuss this with them. There will also be a small farm animal pen; there will be a 40' buffer around the property; there are two retention ponds and we will be able to cut the grass around them; gas at the facility and a building that the citizens will be proud of with the ability for future growth. If council approves this tonight, bids will go out with a pre-bid meeting on Tuesday, 10/25/22 @ 2pm in council chambers; deadline for questions will be Thursday, 11/3/22, 12 Noon; bids will be due back in by Monday, 11/21/22, 5 pm. Once council awards the bid proposal, they will have 9 months to complete construction.

Quay Little asked what if they can't get building supplies? Tracy McDaniel replied that it is usually in the contract that with adequate reason it is understandable to waive delayed damages for that reason. Jared replied with times like today, we have extended the contract to 12 or 15 months based on when they can receive supplies. Tracy replied weather also is an automatic extension and we can address supplies if that becomes an issue. Steve replied all of this will be discussed at the pre-bid meeting and Jared and his team will be at this meeting as well. **Councilman Quay Little made the motion to allow Administration to go out for sealed bids designed by Dp3 Architects for the construction of the new Cherokee County Animal Shelter to be located on Cherokee Ave., Gaffney, subject to the Architect & Administration to come up with the proper wording to make sure the contractor is not punished for delay of the project due to lack of supplies or weather. Tracy McDaniel seconded and council voted in favor.**

Local Accommodations Tax Committee Chair Jim Cook presented the distribution of the State Accommodations Tax Monies: Gaffney Little Theatre - \$5142.28; Broad River Antique Power Assoc. - \$6257.72; Palmetto Christian Academy of Gaffney - \$1392.86; CHAPS - \$12056.43; Cherokee National Golf - \$1857.14; CAVA - \$2178.57; Limestone University - \$ 13923.57; Blacksburg Business Assoc. - \$10571.43; SC Peach Festival - \$15,485 for a total of \$68,965. **Councilman Tracy McDaniel made the motion to adopt the distribution of the State Accommodations Tax Monies as presented by the Local Accommodations Tax Committee for the total amount of \$68,965. Mike Fowlkes seconded and council voted in favor.**

Administrator Bratton reported that COC Brandy McBee is in need of about 3 additional on-call bailiff positions. There will be no money involved in this just allowing her to go ahead and sign these people up for when she needs to call them in to fill in for the bailiff who is out. **[Councilman David Smith made the motion to allow Administration to add three (3) additional bailiff positions to the COC staff with no additional funds needed. Quay Little seconded and council voted in favor.]**

Administrator Bratton presented the American Rescue Plan: funds received - \$11,129,853 and is in our bank today: **already allocated** – Broadband \$1,750,000 for the unserved & underserved areas of the county, Covid Bonus - \$279,221 used to compensate employees who worked through the pandemic, Budget - \$1,013,241 lost income recovery used for balancing general fund and capital budgets for 2022/23. These **ARP funds** have to be allocated by 12/31/24; spent by 12/31/26 and Cherokee County opted to take the “standard allowance” of \$10 million for revenue loss as this give us the greatest flexibility in how the funds can be spent and also allows us to spend up to \$10 million on what is deemed general government services as opposed to the strict guidelines. **Remaining balance** - \$8,087,391. **Administration's proposed uses: # 1 - Hospice Facility in Cherokee Co.** setting aside \$2.5 million estimate. We are working with the Pallidum Group on this and they tell us that Spartanburg Regional is very interested in this. **#2 – Upgrade Radio Communications System throughout the county** - \$1.5 million estimate; there is no inter-county interoperability meaning police, fire & EMS cannot communicate with each other, there is only one county-wide talk channel per emergency service; we have county-wide dead spots, we currently have only one small repair service locally for the existing system; new systems would have 24/7 responses to outages. Steve replied there are several vendors out there such as Palmetto 800,

Fleet Talk, etc. interested in providing their service to us and I have talked with one vendor to get an estimated price so I can go out for RFP. I need your permission to go out and find out who is out there that will give us service for just police and for police, fire & EMS. Brandon Peeler replied that we are the only county that still has UHF and VHF. Sheriff Mueller replied we have officers out in the county that are not able to communicate with each other because of dead zones, etc. This is a very serious safety issue. Brandon Peeler stated when he has a problem with emergency responders not being able to get service, I don't have anybody to call to come fix this. If we go with a vendor, they will have it in their contract to come out and try to fix our problem. Some of the VFD don't want to go with this proposal but it would be great to have all on one system, but we don't have to. This is an aging system with multiple problems. Sheriff Mueller replied we cannot communicate with any law enforcement officer outside our county. Lyman Dawkins asked why doesn't the VFD want to go with this system? Steve replied the cost it would put on their department. Jamie Caggiano stated that they just want a seat at the table so they can discuss their problems. We don't see the need to go with fleet talk, our current system just needs upgrading. Brandon Peeler stated that some counties place a 1 cent sales tax on the tax payers to pay for this service. Administrator Bratton stated that he needs council approval to go out for RFP to see what is out there and I need to know if the fire departments want to be part of the upgrade or just update the system they have now. Asst. Admin. Merv Bishop suggested after long discussions that we call a meeting for each entity, fire departments, law enforcement, EMS and see where everybody stands and what it is they want and report back to council at the next meeting of 11/7/22. Chairman Spencer said that would be fine because we want everyone protected and we want to work with all in trying to get some type of communication that works for our county. **#3 – Fire Department Funding - \$650,000;** to fund all county volunteer fire departments \$50,000/department for a one-time deal; the fire depts. will present to us a list of needs up to \$50,000 and they must meet the requirements of the ARP Act then we will undergo our procurement policy. **#4 – Special Ops Trailer & Equipment - \$500,000** to purchase a Special Ops Trailer & equipment for Emergency Management to have in our county and also train a special team of responders made up of volunteer firemen for this. We have a lot of new industries coming in and this trailer would be greatly needed. **#5 – Hazmat Response Truck - \$100,000;** currently only the City of Gaffney has a Hazmat response truck and again with all the industries in our county we need this truck; there would be a team comprised of specially trained responders from across the county; this truck would also aid with rail traffic and the two very large chemical facilities in our county. Administrator Bratton replied if council choses to fund all these that would leave us with about \$3 million in the ARP Fund. I'm presenting these to you tonight to get your thoughts and we will come back at the next meeting with a report on communications. If council is okay, I can move forward on the Special Ops Trailer & Equipment and Haz Mat Truck. **[David Smith made the motion to allow Administrator Bratton to move forward and send out RFP for the purchase of the Special Ops Trailer & Equipment and a Haz Mat Truck. Quay Little seconded and council voted in favor.]**

Councilman Lyman Dawkins replied he received a phone call regarding the lack of security around the Law Enforcement Center. Sheriff Mueller stated we have put in our budget requests for the past 3 yrs. asking for a fence to be put around the back of the Law Enforcement Office to secure our property

and personnel. We are asking for about \$40,000 for this project. Administrator Bratton replied we would have to bid this out and bring it back to council for action.

Administration Bratton reported on the Project Green Light stating that 200 green light bulbs have been purchased from a local vendor to hand out to those who came by the VA Office and ask for one to participate in “Project Green Light”. We are installing the green lights at our facility now. These lights are to be displayed from October through Veterans Day, 11/11/22.

Asst. Admin. Merv Bishop reported that 32,000 re-assessment notices were sent out; of that we have had 219 appeals with last day to appeal being 10/24/22, 5 PM. The Delinquent Tax Sale is scheduled for 11/14/22 beginning at 9 am here in Council Chambers.

Councilman David Smith made the motion to go into Executive Session at 7:10 PM pursuant to Section 30-4-70(a)(2) for receipt of legal advice related to discussion of proposed contractual arrangements in regards to the EMS contracts. Quay Little seconded and council voted in favor.

Councilman Quay Little made the motion for council to come out of Executive Session at 7:50 PM. Lyman Dawkins seconded and council voted in favor. Attorney Mathis stated that no vote or action was taken by council during Executive Session.

Councilman Quay Little made the motion to appoint Tim Childers to serve a term on the Cherokee County Recreation Board. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins asked Administrator Bratton if he had any report on the gun laws for our county? Steve replied that he, Merv & Attorney Mathis have had discussions and are gathering more information from other surrounding counties regarding their gun ordinances. We will report back to you at your next meeting of Monday, 11/7/22.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 7:52 PM.

APPROVED: _____

Respectfully submitted,

BY ITS CHAIRMAN: _____

Doris F. Pearson, Master Clerk to Council