

DATE: 12/20/22 FILE NO: DATE564

TO: Cherokee County Council

SUBJECT: Minutes of Regular Meeting of Monday, 12/19/22

There was a Regular Meeting of County Council on Monday, 12/19/22, 5 PM in Council Chambers. Chairman Tim Spencer presided with Merv Bishop leading in prayer. All council members were present except Quay Little who was recovering from surgery. Asst. Admin. Merv Bishop, Attorney Joe Mathis & Master Clerk Doris Pearson were present. Admin. Steve Bratton was absent. The news media was informed by agenda and it was posted in accordance with the SCFOIA. There were 2 news media and 30+ visitors.

Councilman David Smith made the motion to adopt the agenda of the Regular Meeting of Monday, 12/19/22 as presented and posted in accordance with the SCFOIA. Tracy McDaniel seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to approve the minutes of the Public Hearing & Regular Meeting of 12/5/22 as received. Mike Fowlkes seconded and council voted in favor.

Councilman David Smith made the motion to approve the claims for Cherokee County in the amount of \$379,039.95. Mike Fowlkes seconded and council voted in favor.

Councilman Mike Fowlkes made the motion to award Bid 2023-08 Cherokee County Comprehensive Land Use Plan & Unified Development Ordinance to include Implementation of Zoning to Benchmark, Charlotte, NC for a total of \$242,725. Tracy McDaniel seconded and council voted in favor with Elliott Hughes voting no. Asst. Admin. Merv Bishop reported that \$250,000 was put in the budget for this project and this bid will be coming under that amount.

Asst. Admin. Merv Bishop reported that JMT Commercial Flooring, Inc., out of Greenville, SC was low bid for Bid 2023-09 Flooring at the Law Enforcement Center but was still over the budget amount for the project of \$8,495. Administration recommends to award the bid to JMT and pay the difference of \$8,495 from the Contingency Account. **Councilman Mike Fowlkes made the motion to award Bid 2023-09 Flooring at the Law Enforcement Center to JMT Commercial Flooring, Inc. for their total amount of \$34,495 paying the difference in the bid price and the budget price of \$ 8,495 from the Contingency Account. Tracy McDaniel seconded and council voted in favor.**

Councilman Tracy McDaniel made the motion to adopt Resolution No. 2022-20 designating & approving J&G of Gaffney, LLC as a sponsor affiliate pursuant to Title 12, Chapter 44 of the Code of Laws of SC, 1976, as amended, so as to extend to such sponsor affiliate the benefits of an existing Fee in Lieu of Tax Agreement with Cherokee County, SC and other matters related thereto. Lyman Dawkins seconded and council voted in favor.

Chairman Tim Spencer asked council to table the 2nd Reading of Ordinance No. 2022-27 to amend & update certain parts of the Cherokee County Code of Ordinance Chapter 13 Land

Development Regulations; and Ordinance No. 2022-28 to amend & update certain parts of the Cherokee County Code of Ordinances Chapter 15 Article V Campgrounds and Recreational Vehicle Parks; and plan a workshop to further discuss this since Councilman Quay Little is absent from the meeting tonight. Council consented and Chairman Spencer asked Merv to set up the workshop for when Quay Little and Billy Blanton will be present. Asst. Admin. Merv Bishop stated he passed out copies that included the changes made at the last council meeting: **1) Page 3 - Section 13-53 Minimum lot frontage changing it from 50' to 75' and adding cul-de-sac lots shall have a minimum of 30' chord length; 2) Page 4 Sec. 13-56 Major Subdivisions added verbiage and changed from 25 to 50 houses; 3) Page 16 Sec. 13-89 Recreational vehicle electrical service – strike out some wording and added wording; Page 29 – Sec. 13-154 Subdivision submittal requirements - (8) traffic study will require for subdivision exceeding 25 lots to 50 lots.**

Councilman Lyman Dawkins made the motion to adopt 1st Reading of Ordinance No. 2022-29 authorizing the execution & delivery of a Fee-in-Lieu of Tax Agreement by & between Cherokee Co., SC and Project Porcupine whereby Cherokee County, SC will enter into a Fee-in-Lieu of Tax Agreement with Project Porcupine and providing for payment by Project Porcupine of Certain Fee-in-Lieu of Ad Valorem Taxes; providing for Special Source Revenue or Infrastructure Improvement Credits; providing for the allocation of Fees-in-Lieu of Taxes payable under the agreement for the establishment of a Multi-County Industrial/Business Park; and other matters relating thereto. Mike Fowlkes seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt 1st Reading of Ordinance No. 2022-30 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. (Greer South Carolina Becknell Investors, LLC; Hunt Midwest Real Estate Development, LLC; DEV Property SC, LLC; ES 404 Centura, LLC; LPA Boxcar, LLC; Crusoe Acquisitions, LLC; Spartanburg Industrial Property Owner III, LP; Blue Ridge Digital Mining, LLC; and Rochling Automotive USA, LLP.) Mike Fowlkes seconded and council voted in favor.

Asst. Admin. Merv Bishop reminded council that Christmas Holidays will be observed and the Admin. Office will be closed on Friday, 12/23 & Monday, 12/26; New Year's Day will be observed Monday, 1/2/23; and that SWC will run on their regular schedule.

Attorney Joe Mathis presented a request from Norfolk Southern Lease at the old ACE Hardware Building that the county purchased. There is a strip of land beside the building that Norfolk Southern leased to the former tenants. They have notified us that under the terms of the lease the rent will be adjusted to \$2,260/yr. effective 3/1/23 and subject to be adjusted in the future based upon the consumer price index. **[David Smith made the motion to authorize Administrator Bratton to sign this lease with Norfolk Southern. Tracy McDaniel seconded and council voted in favor.]**

Councilman David Smith made the motion to re-appoint Darrin Brown to serve another term on the Tax Assessor Board of Appeals. Tracy McDaniel seconded and council voted in favor.

Councilman David Smith made the motion to re-appoint Mike Patterson to serve another term on the Cherokee County Citizen Planning Commission. Mike Fowlkes seconded and council voted in favor.

Councilman David Smith made the motion to re-appoint Lyman Dawkins to serve another term on the Appalachian COG Board. Tracy McDaniel 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 5:45 PM.

Chairman Tim Spencer presented a plaque to Dist. 2 Councilman Mike Fowlkes for his 12 years of serving on council.

There was a Swearing-in Ceremony for Newly Elected Dist. 2 Councilman Billy D. Blanton by Probate Judge Josh Queen; re-elected Dist. 5 Councilman Elliott Hughes by Attorney Joe Mathis and re-elected Dist. 7 Councilman Tracy McDaniel by Attorney Joe Mathis.

After the swearing-in ceremony Chairman Spencer invited Council and guest to move over to the 1st Floor Training Room to enjoy Christmas pick-ups.

APPROVED: **1/3/23**

BY ITS CHAIR: **Tim Spencer**

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council