

DATE: 7/11/23 FILE NO: DATE579  
TO: Cherokee County Council  
SUBJECT: Minutes of PH & Regular Meeting Monday, 7/10/23

There was a PH & Regular Meeting Monday, 7/10/23, 5 PM in Council Chambers. Chairman Spencer presided with Bill Blanton leading in prayer. All Council members were present except David Smith who was on vacation. Interim Admin. Merv Bishop, Attorney Joe Mathis and Master Clerk Doris Pearson were present. The news media was informed by an agenda, and it was posted in accordance with the SCFOIA. There were 2 news media and 25+ visitors.

**Councilman Lyman Dawkins made the motion to adopt the agenda for the PH & Regular Meetings of 7/10/23 as posted in accordance with the SCFOIA and amended by Attorney Mathis by adding an Executive Session before Item 07-Ordinances. Tracy McDaniel seconded, and the council voted in favor.**

**Councilman Tracy McDaniel made the motion to approve the minutes of the PH & Regular Meetings of 6/12/23 as received. Quay Little seconded and the council voted in favor.**

**Councilman Quay Little made the motion to approve the claims for Cherokee County for FYB 22/23 \$659,583.74 and FYB 23/24 \$303,024.60 for the total amount of \$962,608.34. Lyman Dawkins seconded, and the council voted in favor.**

Chairman Tim Spencer opened the public hearing relating to the proposed enactment of two ordinances and one resolution: **1) Ordinance No. 2023-15** authorizing the delivery by the Cherokee Co., SC of an amended & restated Fee in Lieu of Tax & Special Source Credit Agreement between the County and CC-852A Owner, LLC, a Delaware limited liability company with respect to the acquisition, installation and construction of certain land, improvements, fixtures, machinery, equipment, furnishings and/or other real and/or tangible personal property to a new manufacturing/distribution facility in the County. No one was present to speak. **2) Ordinance No. 2023-14** authorizing the delivery by Cherokee Co., SC of an amended & restated Fee in Lieu of Tax & Special Source Credit Agreement between the County and CCC-85 LandCo. Owner, LLC, a Delaware limited liability company, with respect to the acquisition, installation and construction of certain land, improvements, fixtures, machinery, equipment, furnishings and/or other real 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 in the County. No one was present to speak. **3) Resolution No. 2023-05** on proposed issuance of Public Finance Authority First Mortgage Revenue Bond (Regenesis Health Care, Inc. Projects), Series 2023. Vice-President of United Community Bank Steve Fenlon was present to answer any questions. Interim Admin. Merv Bishop stated that Attorney Lawrence Flynn reviewed these documents and reported everything was in order. **Chairman Spencer closed the public hearing.**

**Councilman Quay Little made the motion for council to go into Executive Session upon the request of Attorney Mathis pursuant to Section 30-4-70(a)(5) to discuss matters relating to the**

**proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body regarding Project Submarine. Lyman Dawkins seconded, and the council voted in favor and went into Executive Session at 5:11 PM.**

**Councilman Quay Little made the motion for council to come out of Executive Session at 5:40 PM. Lyman Dawkins seconded, and the council voted in favor.** Attorney Mathis stated no vote or action was taken during the Executive Session.

**Councilman Lyman Dawkins made the motion to adopt 3<sup>rd</sup> Reading of Ordinance No. 2023-14 authorizing the execution & delivery of an amended and restated Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and CCC-85 Landco 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; and other matters related thereto. Quay Little seconded and council voted in favor.**

**Councilman Quay Little made the motion to adopt 3<sup>rd</sup> Reading of Ordinance No. 2023-15 authorizing the execution & delivery of an Amended & Restated Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and CCC-852A 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; and other matters related thereto. Lyman Dawkins seconded, and the council voted in favor.**

**Councilman Quay Little made the motion to adopt 1<sup>st</sup> Reading of Ordinance No. 2023-16 to amend & update certain parts of the Cherokee County Code of Ordinances, Chapter 15 Article V Campgrounds & Recreational Vehicle Parks. Tracy McDaniel seconded.** Interim Administrator Merv Bishop stated this will be making changes to Article 5 - Campgrounds & Recreational Vehicle Parks. Page 4 – the change was that all campgrounds & recreational parks will have indoor laundry facilities; shall have building design & constructed by currently adopted building codes for showering & toilet facilities. Quay Little asked will these proposals be effective for campgrounds & recreational vehicle parks already in the county or will those campground & parks be grandfathered in. Will these changes be in effect for all parks new & already existing? Dale Gibert replied this will be for the new parks coming in. Dick Lavender reported that we did not address this to be retroactive because we have not done so in the past. Quay Little stated the committee needs to look at this & see about doing it retroactively. I would like for the committee to discuss this and let the council know what your thoughts are on going retroactive. Chairman Spencer stated that he feels if we are going to pass this, we need to do so retroactive and make all campgrounds & recreational vehicle parks go by this. Merv stated that he would get with Dale and bring this back to council at the next meeting. Tracy McDaniel asked if there is a time limit once you approve an RV Park to be completed once you issue the permit? Merv replied that on Page 7 of this article is stated that it will expire in one year if construction permits are not issued.

Chairman Tim Spencer asked Attorney Mathis to check into the legality of retroacting the ordinance rather than grandfathering the current campgrounds in and report back to council at our next meeting? **The council voted in favor of the motion.**

**Councilman Tracy McDaniel made the motion to adopt the 1<sup>st</sup> Reading of Ordinance No. 2023-17 to authorize and approve an agreement for the development of a Joint Industrial & Business Park (Project Submarine) by & between Cherokee County and Spartanburg County, such Industrial & Business Park to be geographically located in Cherokee County and Spartanburg County and established pursuant to section 4-1-170 of the Code of Laws of SC 1976, as amended; and other matters related thereto. Quay Little seconded and the council voted in favor.**

**Council Tracy McDaniel made the motion to adopt the 1<sup>st</sup> Reading of Ordinance No. 2023-18 authorizing the execution & delivery of a Fee in Lieu of Tax Agreement by & between Cherokee Co., SC and a company or companies known to the county at this time as Project Submarine 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 other matters related thereto. Quay Little seconded and the council voted in favor.**

**Councilman Quay Little made the motion to adopt Resolution No. 2023-05 approving (1) Public Finance Authority First Mortgage Revenue Bond (Regenesis Health Care, Inc. Projects), Series 2023; and (2) the financing by the Public Finance Authority of a Capital Improvement Project to be located within Cherokee Co., SC. Lyman Dawkins seconded, and the council voted in favor.**

**Councilman Quay Little made the motion to adopt Resolution No. 2023-06 authorizing the execution & delivery of an Inducement Agreement & Millage Rate Agreement by & between Cherokee Co., SC and Project Submarine, whereby, under certain conditions, Cherokee Co. will execute a Fee in Lieu of Tax & Special Source Credit Agreement with respect to a project in the county whereby the Project would be subject to payment of certain fees in lieu of taxes, and Cherokee Co. will make available certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. Lyman Dawkins seconded, and the council voted in favor.**

Interim Administrator Merv Bishop presented three change orders for the Animal Shelter. Daniel Lee with Sossamon Construction is here to answer any questions. **Change Order #1:** for the sewer at the Animal Shelter is to jack & bore under Hwy. 29 and add 2 manholes & pipe up to size 8" for a cost of \$70,090.46. This is to connect the sewer on Cherokee Ave. to the Animal Shelter. **[Quay Little made the motion to approve this change order. Bill Blanton seconded.]** Bill asked can you go forward without this? Daniel replied no. Quay Little replied I don't understand because we paid to have this building hooked up to the sewer? What collapsed? There is no sewer to hook this bldg. up. This collapse is on the Board of Public Works, how can we be responsible for this? Tracy replied I assume this is to go under Hwy. 29 to get to the other side to hook up. Merv replied yes, it is on the other side. Tracy asked, so is

the existing sewer sufficiently sized to handle the volume of the animal shelter, or is the line so badly deteriorated that it collapsed? Quay replied since it is not on our right of way, I can't approve to pay for that. **Quay & Bill withdrew their motion.** Merv Bishop reported to council that he will check further on this and report back to council at their next meeting.

**Change Order #2** - to add the sewer line from the Animal Shelter to the Intersection of Alma & Progressive Roads which will cost \$143,684.41. Quay Little stated that he had talked with Peck, and he told me there is plenty of septic tank capacity (about an 8,000 gallon) at the old school to handle the new animal shelter. Bill Blanton asked if we decided later that we wanted to build on would the septic tank be sufficient? Tracy replied at that time you would need to add on. **The council agreed to table this until they get more information.**

**Change Order #3** – dog kennel at the Animal Shelter. When we revised the plans for the Animal Shelter for the building size reduction, we provided revisions for the dog kennel to keep the kennel width with building size reduction; swap from a 6" concrete block wall divider to match the interior; and use steel bollard required due to electrical transformer relocation for a cost of \$16,973.11. **[Quay Little made the motion to approve this change order for the total amount of \$16,973.11. Lyman Dawkins seconded, and council voted in favor.]**

Chairman Tim Spencer stated that someone told him that the front of the Animal Shelter building is setting on 4" of stone & 4" of concrete; and where the dogs will be is 8" of stone & 8" of concrete. What is the purpose of that? Daniel explained it and Tracy McDaniel confirmed that was correct.

Interim Admin. Merv Bishop reported back in May, Steve Bratton reached out to Ansel at Peachtree Centre that we would be vacating Peachtree Centre in 6 months according to the contract. Since we must vacate our Emergency Management Dept. from there, I am asking permission to move our Emergency Management Dept. to Alma beginning 7/11/23. We need to get moved in there by Dec., 2023. I'm asking the council to allow us to move forward with this move and to appropriate funds in the amount of \$800,000; we also plan to move our back-up 911 Emergency Equipment there as well. The equipment, tower, generator & electrical for 911 is the biggest cost but we can use the Tariff Money for this. We will follow county procurement and will get reimbursed from the Tariff Fund. **[Quay Little made the motion to allow Admin. to proceed with moving the Emergency Management Dept. & back-up 911 Emergency equipment to Alma beginning 7/11/23 for the estimated amount of \$800,000 and getting reimbursed for some from the Tariff Funds. Elliott Hughes seconded, and council voted in favor.]**

Interim Administrator Merv Bishop reported that SWC Director Brian Estes has found a 2024 Freightliner M2 SWC Truck at NuLife Municipal Truck Center, Easley, SC, for the amount of \$214,400 + sales tax and we can get it by the end of Nov., 2023. If we were to go out for bid on this, we would be looking at 15 months out. We are in dire need of one now. Merv stated we budgeted \$225,000 so this is

under budget. **[Quay Little made the motion to allow Admin. to move forward and purchase this Freightliner SWC Truck from NuLife Municipal Truck Center, Easley, SC, for \$214,000 + tax. Lyman Dawkins seconded, and council voted in favor.]**

Interim Admin. Merv Bishop reported the SWC tax fee began on 7/1/23 and will be collected through 6/30/24. Chairman Spencer asked Brian Estes to encourage his employees to put the trash cans back in their place when they pick up the trash cans. Have them try to do a better job. Brian stated I now have someone in the office to answer the phones so I can get out on the road and check after these guys, and I'll make sure they are trying to do a better job.

Attorney Joe Mathis had no report.

Interim Administrator Merv Bishop reported that at the next council meeting, he along with Attorney Mathis & Tax Assessor Director Julia Thomas will be bringing the ordinance for the Solid Waste Collection Fee.

**Councilman Tracy McDaniel stated with much regret I make the motion to accept the resignation from James Moss as the Chairman of the Cherokee Co. Development Board effective 7/31/23.** He has served on this board for 43 years and has done an outstanding job. I have truly appreciated & enjoyed working with him. James decided to retire, and I hated to see him go but I wish him well. **Quay Little seconded and the council voted in favor.**

**Councilman Tracy McDaniel made the motion to appoint Jim Cook on the Cherokee Co. Development Board effective 8/1/23.** Quay Little seconded and the council voted in favor.

**Councilman Elliott Hughes made the motion to reappoint Eddie Baker to serve another term on the Goucher/White-Plains Fire District.** Quay Little seconded and the council voted in favor.

**Councilman Elliott Hughes made the motion to re-appoint Jim Cudd to serve another term on the Cherokee Co. Development Board.** Quay Little seconded and the council voted in favor.

Councilman Bill Blanton asked Interim Admin. Merv Bishop if there was a way to put information out to the public when our trash trucks are down or when they will not be picking up trash on a route that day due to holidays, etc. Merv said we do put their days off on the web page and sometimes we use the face book page to get info out there, but right now our face book account is down and has been for about a week. They are working on getting it back up asap.

As there was no other business to come before council at this time, Chairman Spencer adjourned the meeting at 6:37 PM.

APPROVED: 7/24/23

Respectfully submitted,

BY ITS CHAIR: Tim Spencer

Doris F. Pearson, Master Clerk to Council