

DATE: 9/12/23 FILE NO: DATE586  
TO: Cherokee County Council  
SUBJECT: Minutes of PH & Regular Meeting, Monday, 9/11/23, 5 PM.

There was a PH & Regular Meeting of County Council Monday, 9/11/23, 5 PM in Council Chambers. Chairman Tim Spencer presided with Tracy McDaniel leading in prayer. All council members were present along with Interim 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. There were two news media present along with 20 visitors.

**Councilman Tracy McDaniel made the motion to adopt the agenda for the PH & Regular Meeting of 9/11/23 as received and posted in accordance with the SCFOIA. Quay Little seconded and council voted in favor.**

**Councilman Lyman Dawkins made the motion to approve the minutes of the PH & Regular Meeting of 8/21/23 & Zoning Workshop of 8/24/23 as received. David Smith seconded and council voted in favor.**

**Councilman Quay Little made the motion to pay the claims for Cherokee County in the amount of \$723,826.66. Lyman Dawkins seconded and council voted in favor.**

**Owner of Your Best Body KrishnaMurthy Rao**, Robin Littlejohn & Caleb Patterson spoke regarding the plans for the BRE. He stated that according to our population the county should not build a recreation basketball court with so many others in the county furnishing the same service. This is YBB's main source of revenue and if the county builds those courts, it will cause us to close our doors. I have four basketball courts, racket ball, boxing, batting cage, cheerleading practices, table tennis, etc. to offer the citizens. I provide top-of-the-line equipment. My membership fee is \$31/month for adults & \$19/month/kids. I use all local vendors and therefore the money we make stays in the county. YBB hours are 3 am to 1 am and since we stay open those hours, the law enforcement tells me that crimes have gone down. Handicapped people come here to train and it helps them tremendously. According to the plans and the building you have, you will have to raise the roof because your basketball courts are not high enough. You would be better off just building from scratch somewhere else. We have land available for 2 or 3 more courts and we could work out a deal with the county if you are interested in purchasing it. **Caleb Patterson** stated he has been the manager at YBB for 3 yrs. He stated he understands the concerns for recreation in our county but I don't understand the logic behind your proposal. We did an informal poll that consisted of about 100 people and they agree with me. It doesn't make sense how you are proposing to spend the taxpayer's money. You are also taking away the only big enough meeting/gathering place in this county. You told how much it would cost to renovate the BRE for a recreation center but you didn't mention how much it would cost to upkeep & run it. **Robin Littlejohn** stated she is an employee of YBB and if you build this center, it will take away from my job. There are better things in this county where you can spend the taxpayer's money. We have lots of homeless people that need a place to sleep. Robin also read a letter from **Brandi** who is also employed by YBB.

Another basketball court will be useless in Gaffney. We need to see something more family oriented where families can gather and have fun. Please reconsider other plans for the BRE facility instead of basketball courts. Council took this as information.

Chairman Spencer opened the public hearing on Ordinance No. 2023-19 to adopt, charge & collect a User Fee for Disposal of Solid Waste for Cherokee County, SC, and other matters related thereto. **Ken Childers** spoke against the ordinance. He first asked questions regarding the county's budget & finances and why they did not take the \$9 million that had in reserves to balance the FYB 23/24? Lyman Dawkins proposed to forgive the loan to the Cherokee Recreation District of a balance of \$260,000. Councilman Tracy McDaniel stated that trash was a burden to the county. Does it make sense to take that burden from the County Administration and put it on the taxpayers? Councilman Bill Blanton was the one who made the motion to pass this ordinance for the actual trash pickup and he proposed the \$10/month fee that would generate \$1.5 million over the needed cost for this project. It is council's position to tell the taxpayers the facts and since they could not, I searched and here they are according to the 2022 County Audit: the fund balance increased over \$9 million; the same audit showed \$19 million in discretionary dollars available to spend on anything. At this point I am beginning to see that there is something wrong. There is an attempt to put this tax on the taxpayers of Cherokee Co. Our county already has in place a one cent sales tax, of which 75% of that goes to property relief; 25% goes to the budget loss fund; that fund from what I can find out has over \$11 million. We are facing so many difficulties ahead of us and we cannot afford another tax increase. What is being presented in the budget is not a true picture. In my opinion, our state officials should require an audit to reveal the total amount of reserve funds available to us. **Billy Short** talked about how it would put a burden on him and others in the county to implement this fee. **As there was no one else to speak, Chairman Spencer closed the public hearing.**

**Councilman Lyman Dawkins made the motion to adopt, charge & collect a User Fee for Disposal of Solid Waste for Cherokee County, SC, and other matters related thereto. David Smith seconded.** Attorney Mathis stated for the record that the ordinance as presented needs a couple of amendments. Under the SC State Statute, the County may impose a service for a user fee. The service for user fee means a charge required to be paid in terms of a particular government service or program. The service for user fee also includes a uniform service charge. Revenue generated from the fee must be used to benefit the payers, even if the general public also benefits; only be used for the specific improvement contemplated; not exceed the costs of the improvement; and, to be uniformly imposed by all payers. As you have just done at the public hearing, the governing local body must provide public notice of any due service of the user fee being considered. The governing body is required to hold a public hearing of the service prior to the adoption of the fee. The revenue derived from a service or user fee imposed to finance the provision of public services must be used to pay costs related to the provision of the service or program for which the fee was paid. If the revenue generated by a fee is five percent or more of the imposing entity's prior fiscal year's total budget, the proceeds of the fee must be kept in a separate & segregated fund from the general fund of the imposing governmental entity. The local governing body that imposes a user of service fees pursuant to Section 6-1-300 must publish the amount

of dollars annually collected on each fee on the county's website. For 1<sup>st</sup> & 2<sup>nd</sup> Reading initially there was the word residential; before the public notice & 3<sup>rd</sup> reading change it was changed to a user fee. If you pass the ordinance with the wording user fee, the user fee implies to all who receive the service fee. Quay stated at first, we said this would be on residents' property and we have some churches in the area that use this service. Will the services still be allowed for the churches based on the user fee status and they have to pay now? Joe replied yes. Anyone who owns a commercial business can become a user? Is that what you are saying? Joe replied that would be up to council. Quay stated we have been opposed to picking up businesses trash but what I am hearing tonight is the door is open for businesses as well to have their trash picked up for \$10/month. Joe replied I did not say that what I did say was that all people/or entities with trash to pick up pays a fee. Whether or not this council votes to pick up business trash, that's your decision. Quay asked is it clearly defined in the ordinance? Joe replied the ordinance defines it as trash pickup pay. Council will need to determine what your policies are. The ordinance is drawn on your current policies; and your current policies state to pick up residential trash & churches. If you choose to further expand that, that's your choice. Quay asked if you choose not to have your trash picked up at a residential home, can you turn in your trashcan and not pay the fee? Joe stated that is not addressed in this ordinance. Tracy McDaniel stated he understood where Quay was coming from and I am not in favor of charging our churches; and if you have more than one trash can, you should only have to pay the user fee for one; and if you don't have any trash pickup, I'm open to a provision that would exclude those property owners from paying the user fee. Our intent is that if you use the service, you get a bill. I'm not in favor of picking up business trash for the \$10/month user fee. Merv replied if that is the way council wants to go, we will need to find a way on how to police that. They would need to come in and sign a document. Quay stated there should be a way if you don't use the service, you shouldn't have to pay. David replied we don't need to pass this ordinance and then try and figure out how we are going to enforce it. **[Lyman Dawkins withdrew his motion to pass 3<sup>rd</sup> Reading of Ordinance No. 2023-19 until our Attorney & Administration can investigate this further and bring the ordinance back before council at our next meeting of 9/18/23. David Smith withdrew his second as well.]**

Interim Admin. Merv Bishop reported on Bid 2024-01 C-Funds Paving Project. Only one bid was received and it was from Cherokee Landscaping & Grading Co., Inc. Interim Administrator Bishop replied that he would get with Kevin Thornton of KCI to review this bid and report back to council.

Interim Admin. Merv Bishop informed council of the Federal Grant Award given to our Emergency Management Agency of the Local Emergency Management Performance Grant in the amount of \$61,081.

**Councilman Tracy McDaniel made the motion to allow Administration to purchase for the Emergency Management Agency one trailer package and one board package that will be used in water rescue in the amount of \$49,524.85 and to pay this from the \$61,081 EMP Grant. Quay Little seconded and council voted in favor.**

Interim Admin. Merv Bishop asked council to approve the KCI Technologies Oversight & On Call Inspection Agreement. **[Quay Little made the motion to allow Administration to sign the Oversight & On Call Inspection Agreement with KCI Technologies not to exceed \$50,000. Tracy McDaniel seconded and council voted in favor.]**

Interim Admin. Merv Bishop updated council on Covid. We have had a few cases of the new COVID strain among our county employees and we are following the recommendations according to the CDC.

Interim Admin. Merv Bishop presented 3 change orders for the State Agency for DSS, Probation & Parole and DJJ: **1)** 5 additional doors fitted for access control panels for a total amount of \$3,420.08; **2)** this is a deduction of price for gypsum board for replacing high impact gypsum with standard gypsum board for a credit of (\$10,051); and **3)** furring out four existing CMU walls for a total of \$2,531.32; leaving a credit balance of (\$4,099.60). **[Councilman Tracy McDaniel made the motion to approve these 3 change orders for the State Agency Building. Quay Little seconded and council voted in favor.]**

Interim Admin. Merv Bishop presented a request to purchase furniture for the State Agency Facility for the three lobbies: 2 conference rooms; 1 breakroom & 1 large training room for a total amount of \$61,877.96. We would like to purchase these from Young Office Supplies (who are under state contract) and who we do business with. **[Quay Little made the motion to allow Administration to purchase this furniture from Young Office Supplies for a total of \$61,877.96. David Smith seconded and council voted in favor.]** Quay asked Merv to meet with Karen Floyd and see if her agency could find a grant to help pay for this.

Attorney Joe Mathis requested County Council to go into Executive Session regarding two matters: **1)** Section 30-4-70(a)(1) for a personnel matter relating to the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee specifically in the administration department; and **2)** Section 30-4-70(a)(2) the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege. **[Councilman Quay Little made the motion for council to go into Executive Session at 6:10 pm for these two matters. Lyman Dawkins seconded and council voted in favor.]**

**Councilman Tracy McDaniel made the motion for council to come out of Executive Session at 7:35 pm and enter back into the Regular Meeting. David Smith seconded and council voted in favor.** Attorney Joe Mathis reported that no vote or action was taken during Executive Session.

**Councilman Quay Little made the motion to remove the Interim Administrator status from Merv Bishop and promote him to County Administrator effective 9/11/23. David Smith seconded and council voted in favor.**

**Councilman Tracy McDaniel made the motion to appoint Jim Cook to serve a term on the Upstate Alliance Board of Directors. Quay Little seconded and council voted in favor.**

**Chairman Tim Spencer re-appointed Richard (Dick) Lavender to serve another term on the Cherokee Co. Citizen Planning Commission. Quay Little 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 7:37 PM.

APPROVED: 9/18/23

Respectfully submitted,

BY ITS CHAIR: Tim Spencer

Doris F. Pearson, Master Clerk to Council