

DATE: 11/21/23 FILE NO: DATE593
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, Monday, 11/20/23

There was a Public Hearing & Regular Meeting of County Council Monday, 11/20/23, 5 PM in Council Chambers. Chairman Tim Spencer presided with David Smith leading in prayer. All council members were present except Elliott Hughes, who was out sick. Attorney Joe Mathis and Master Clerk Doris Pearson were present; Admin. Bishop was on vacation. The news media was informed by agenda and it was posted in accordance with the SCFOIA. Two news media were present along with 12 visitors.

Councilman Tracy McDaniel made the motion to adopt the agenda of the PH & Regular Meeting of 11/20/23 as received and posted in accordance with the SCFOIA. David Smith seconded and council voted in favor.

Councilman Quay Little made the motion to approve the minutes of the Regular Meeting of 11/6/23 as received. Lyman Dawkins seconded and council voted in favor.

Councilman David Smith made the motion to approve the claims for Cherokee County in the amount of \$615,663.75. Quay Little seconded and council voted in favor.

Presenter Stephen Amadon spoke to council regarding traffic/speeding/trash on Cherokee Creek Road. They are building up to 75 to 100 homes along this road and the road cannot handle this much traffic, it is too narrow. You need to install some type of impact fee on these builders so the roads can be fixed to handle this much traffic. Some type of traffic control needs to be done and this road is not suitable for speed bumps. I understand they are looking at widening the road because the water company has come out and marked where to lay new lines for the widening of the road which would be a tremendous help but we still will need traffic control. A deer was hit in front of my house and I called state highway which said it was a county road, so I contacted the county's R&B Dept. and they said they could not come out to remove the deer because of COVID. I attended the first public hearing regarding zoning and I was told that they are only looking at 3 miles out from I-85 corridor to consider zoning. We need something in our County. Quay Little replied that there will be more public hearings and that's so the citizens in Cherokee County can let us know what they want. Also, I will check into the deer issue.

Chairman Tim Spencer opened the public hearings on 3 matters: **1) Ordinance No. 2023-21** to amend the Agreement for Development for Joint County Industrial Park by & between Spartanburg & Cherokee Counties, SC, so as to remove certain property from the park, and other matters relating thereto. (Holroyd Precision Rotors, Inc.) **2) Ordinance No. 2023-22** 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. (Spartanburg 100, LLC; Cowford Land Company, Inc.; NP BGO Spartanburg Commerce Center, LLC; Flatwood Farms, LLC; John Dodd Phase II Property Owner, LLC; John Dodd Phase I

Page 2 – Minutes of PH & Regular Meeting, 11/20/23

Property Owner, LLC; Tyger Ridge Industrial Owner, LLC). **3) Ordinance No. 2023-23** 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, to remove certain property from the park, and other matters relating thereto (RG Spartanburg 221, LLC and NP BGO Spartanburg Commerce Center, LLC). As there was no one available to speak, Chairman Spencer closed the public hearings.

Councilman Tracy McDaniel made the motion to adopt Resolution No. 2023-07 authorizing the execution & delivery of a Passthrough Appropriations Agreement by & between the County, and RHP Holdings 1, LLC; and providing for other related matters. Quay Little seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt 3rd Reading of Ordinance No. 2023-21 to amend the Agreement for Development for Joint County Industrial Park by & between Spartanburg & Cherokee Counties, SC, so as to remove certain property from the park, and other matters relating thereto. (Holroyd Precision Rotors, Inc). Quay Little seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt 3rd Reading of Ordinance No. 2023-22 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. (Spartanburg 100, LLC; Cowford Land Company, Inc.; NP BGO Spartanburg Commerce Center, LLC; Flatwood Farms, LLC; John Dodd Phase II Property Owner, John Dodd Phase I Property Owner, LLC; Tyger Ridge Industrial Owner, LLC.). Quay Little seconded and council voted in favor.

Councilman Quay Little made the motion to adopt 3rd Reading of Ordinance No. 2023-23 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, to remove certain property from the park, and other matters relating thereto. (RG Spartanburg 221, LLC and NP BGO Spartanburg Commerce Center, LLC.). Lyman Dawkins seconded and council voted in favor.

Councilman Quay Little made the motion to adopt 2nd Reading of Ordinance No. 2023-24 to amend Chapter 2, Article 1, Section 2-2 of the Cherokee County Code of Ordinances – General. Lyman Dawkins seconded and council voted in favor.

Councilman Quay Little made the motion to adopt 2nd Reading of Ordinance No. 2023-25 authorizing an amendment to the Agreement for Development of Joint County Industrial/Business Park (City of Spartanburg Economic Development Partnership) by & between Cherokee County and Spartanburg County, SC, dated as of December 31, 2018, as amended, to enlarge the boundaries of the Joint County Industrial & Business Park to include certain real property located in Spartanburg County

(Bottle Works South, LLC); and other related matters. Lyman Dawkins seconded and council voted in favor.

Attorney Joe Mathis stated that the next Ordinance No. 2023-26 will be approved by title only at this time. **[Councilman Lyman Dawkins made the motion to adopt the 1st Reading of Ordinance No. 2023-26 authorizing (1) the conversion and re-documentation of that Certain Lease Purchase Agreement dated as of March 1, 2000, between Cherokee County, SC (The “County”) and Broad River OL-1, LLC, Broad River OL-2, LLC, Broad River OL-3, LLC, and Broad River OL-4, LLC and formerly known as Broad River Energy LLC (the “Company”), including all amendments and incentive arrangements set forth therein, pertaining to certain existing facilities located within the county; (2) the ten-year extension of the term of the incentive arrangement set for therein; (3) the execution and delivery of one or more agreements, instruments, and other documents in connection with such conversion and re-documentation; and (4) other matters relating thereto. Quay Little seconded and council voted in favor.]**

Attorney Joe Mathis reported for Administrator Bishop that the SWC Dept. will observe Thursday, 11/23/23 as a holiday and they will be off; but they will work Friday, 11/24/23 to pick up Thursday’s routes.

Councilman Quay Little made the motion to go into Executive Session at 5:24 PM regarding two matters: 1) pursuant to Section 30-4-70(a)(2) for the receipt of legal advice where the legal advice relates to pending claims or other matters covered by the attorney-client privilege; (2) pursuant to Section 30-4-70(a)(5) for discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location of industries or other businesses in the area served by the public body specifically Project Onward. David Smith seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to come out of Executive Session at 6:27 PM. David Smith seconded and council voted in favor. Attorney Mathis stated that no vote or action was taken during executive session.

Councilman Quay Little made the motion to appoint Johnny (Jay) Huffstetler to serve a term on the Cherokee Co. Citizen Planning Commission. David Smith 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 6: 28 PM.

APPROVED: 12/4/23

Respectfully submitted,

BY ITS CHAIRMAN: Tim Spencer

Doris F. Pearson, Master Clerk to Council