

DATE: 8/6/24 FILE NO: DATE620
TO: Cherokee County Council
SUBJECT: Minutes of PH & Regular Meeting, 8/5/24

There was a PH & Regular Meeting of County Council Monday, 8/5/24, 5 PM in Council Chambers. Chairman Spencer presided with Tracy McDaniel leading in prayer. All council members were present except Quay Little who was absent. Admin. Merv Bishop, Asst. Admin. Amanda Walker, Attorney Joe Mathis and Master Clerk Doris Pearson were present. The news media was informed by agenda and it was posted in accordance with the SCFOIA. Two news media were present along with 30+ visitors.

Councilman David Smith made the motion to adopt the agenda of the PH & Regular Meeting of 8/5/24 as received and posted in accordance with the SCFOIA. Lyman Dawkins seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to approve the minutes of the PH & Regular Meeting of 7/15/24 as received. Lyman Dawkins seconded and council voted in favor.

Councilman David Smith made the motion to approve to pay the claims for Cherokee County for FYB 23/24 in the amount of \$28,259.47; and FYB 24/25 in the amount of \$923,838.10 for a grand total of \$952,097.57. Lyman Dawkins seconded and council voted in favor.

Administrator Merv Bishop recognized Lieutenant Matt Lawson for his 30 years of service to Cherokee County's Emergency 911 Communications.

Upstate SC Alliance President/CEO John Lummus updated council on the region's economic development activities. Cherokee County is doing well and in perfect location for future growth; economy is doing well in the upstate and Cherokee County is on top for proximity. In 2023, we brought in \$2.1 billion; 2200 new jobs; 29 new companies located in the upstate and 26 existing companies expanded. Gaffney Bakery in Cherokee County invested \$96 million and brought 260 new jobs. We have 225 investors that want to support our progress; we get funding from the state of SC as well. To promote our business we do trade shows, check out all new leads in the upstate & send them information. You will sustain your success if you continue to provide sewer, water, industrial sites and you are in the perfect location for future growth. SCC/CCC is doing a great job in providing training for the workforce. Economy is doing well in the upstate. Cherokee County is on top for proximity to grow & expand.

Spartanburg Community College & Cherokee County Partnership – SPARK Center President Dr. Mikota gave update on the progress in Sptg. & Cherokee Counties. We need to invest in a new academic building for the SCC/CCC SPARK Campus here in Cherokee Co. We are moving forward on acquiring the property where the FATZ Restaurant is located which will allow us to expand & grow. The preliminary plans indicate the new Spark Center in Cherokee Co. will be at least 50,000 sq. feet, with the opportunity to add additional space later. It will be located near Peachoid Road and place on the Cherokee Campus to be seen from the Interstate. The Spark Center will be equipment & space for new

businesses looking for a launching pad to get up and running, or for workforce training sessions with hands-on opportunities. We are here tonight asking council to commit in supporting us with our partnership in the investment of \$5 million for the SCC/CCC Spark Campus Center here in Cherokee County. **[Lyman Dawkins made the motion to commit in funding SCC/CCC Spark Center \$5 million over the next two years toward the construction of the new Spart Center located at the SCC/CCC in Cherokee County. David Smith seconded and council voted in favor.]**

Chairman Tim Spencer opened the public hearing on Ordinance No. 2024-19 to authorize and approve an Agreement for the Development of a Joint Industrial & Business Park (Morgan & Henry JOF ESA II, LLC – Stadium Park) by and between Cherokee County & 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 S. C., 1976, as amended; and other matters related thereto. No one was present to speak and the public hearing was closed.

Councilman Tracy McDaniel made the motion to adopt 3rd Reading of Ordinance No. 2024-19 to authorize & approve an Agreement for the Development of a Joint Industrial & Business Park (Morgan & Henry JOF ESA II, LLC – Stadium Park) by & between Cherokee County & Spartanburg County, such Industrial & Business Park to be geographically located in Cherokee County & 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. Lyman Dawkins seconded and council voted in favor.

Councilman Lyman Dawkins made the motion to adopt 2nd Reading of Ordinance no. 2024-21 (1) repealing Ordinance No. 2023-26; (2) confirming that certain Leas Purchase Agreement dated as of March 1, 2000, between Cherokee County, SC and Broad River Energy LC, including, all amendments and incentive arrangements set forth therein, is in full force ad effect; and (3) other matters relating thereto. David Smith seconded and council voted in favor.

Councilman Tracy McDaniel made the motion to adopt 2nd Reading of Ordinance No. 2024-22 authorizing the execution & delivery of a Fire Service Agreement by & among the Cherokee County, City of Gaffney, and Macedonia Fire District; and other matters related thereto. Billy Blanton seconded and council voted in favor.

Administrator Merv Bishop asked council to approve a motion to ratify minutes regarding action taken on upgrade of the Radio Communications, Alma Renovations, bailer for Recycling, lifts for Vehicle Maintenance, and Special Ops Trailer & Hazmat Truck Project in relations to the American Rescue Funds. These various projects were approved by County Council yet Administration failed to say where the funds were being funded from. It is imperative that we address these discrepancies to ensure compliance with our audit requirements and accurately reflect our county's financial records; therefore,

- (1) Councilman David Smith made the motion to ratify the minutes of 10/17/22 to upgrade radio communications and pay it from the American Rescue Plan Funds; minutes of 6/5/23 for \$2,283,496.56 to Fleetalk Radio and pay from the American Rescue Plan Funds; and**

minutes of 2/5/24 approving additional funds in the amount of \$494,839.36 and pay from American Rescue Plan Funds. Tracy McDaniel seconded and council voted in favor.

- (2) **Councilman Lyman Dawkins made the motion to ratify the minutes of 7/10/23 for the Alma Renovation for \$800,000 to be paid from the American Rescue Plan Funds; and on 10/16/23 to pay an additional \$250,000 to be designated to complete the project and pay from the American Rescue Plan Funds. David Smith seconded and council voted in favor.**
- (3) **Councilman Tracy McDaniel made the motion to ratify the minutes of 1/2/24 to purchase a bailer for the Recycling Dept. for \$250,498.87 and pay it from the American Rescue Plan Fund; and to purchase lifts for Vehicle Maintenance in the amount of \$277,792.56 and pay it from the American Rescue Plan Funds. David Smith seconded and council voted in favor.**
- (4) **Councilman Tracy McDaniel made the motion to pay the total of \$533,432.72 from the American Rescue Plan Funds for the purchase of the Special Ops Trailer & Hazmat Truck approved on 11/7/22 for the Emergency Management Dept. Lyman Dawkins seconded and council voted in favor.**

Administrator Merv Bishop reported on the SC Dept. of Commerce Grant Award Agreement that the county was approved to receive 2 grants for the purpose of the Cherokee Co. Development Board and these 2 grants are 100% reimbursable. These projects will consist of completing due diligence studies for **1)** the Blacksburg Industrial Site not to exceed \$30,975 to be used only for the project & related costs; and **2)** the Henson Road Site in Cherokee County not to exceed \$89,625 to be used only for the project and related costs.

Administrator Merv Bishop did not asked permission to go out for Design-Bid for the construction of the new coroner's office at this time.

Asst. Admin. Amanda Walker asked permission to go out for bid for a Commercial Chain Link Fence for the C&D Landfill. **[Tracy McDaniel made the motion to allow Administration to go out for bid for a Commercial Chain Link Fence for the C&D Landfill. David Smith seconded and council voted in favor.]**

Attorney Mathis reported to council that back in 7/19/22, a Utility Easement Agreement was granted to the grantee now Kingfisher Energy Holdings, LLC and Grantor, Cherokee County. The Grantee desires to forever abandon, release, relinquish & terminate any and all rights to the Easement. In the FILOT Agreement, the title to this property was in Cherokee County's name and therefore they are asking you to grant the abandonment, release & termination of Easement and authorize the Administrator Merv Bishop to sign on behalf of the county. **[Lyman Dawkins made the motion to grant this request to abandonment, release & termination of Easement for Kingfisher Energy Holdings, LLC and authorize**

Administrator Bishop to sign the agreement. Billy Blanton seconded and council voted in favor.] This action will be at no cost to the county.

Councilman Lyman Dawkins made the motion to go into Executive Session at 6:20 PM on two matters: 1) regarding Section 30-4-70(a)(5) discussion of 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 specifically “Project Maple Leaf”; and 2) Section 30-4-70(a)(2) discussion of matters relating to the proposed contractual arrangements for the new Public Works Facility and Coroner’s Office. Billy Blanton seconded and council voted in favor.

Councilman David Smith made the motion for council to come out of Executive Session at 8:40 PM. Lyman Dawkins seconded and council voted in favor. Attorney Joe Mathis reported that no vote or action was taken during executive session.

Administrator Merv Bishop reported back on 5/20/24, County Council made the motion to approve the Administrator & DP3 Architect’s to send out an RFQ for CMAR to be submitted to a selection committee for review. The motion was also to approve the total project cost not to exceed \$4.8 million. The Selection Committee consisted of Amanda Walker, Scott Griffith, Gayland Pennington and me. We received 4 proposals: Sossamon Construction, P&F Construction, Hogan, & Liles Construction. The proposal evaluation criteria were grouped as follows: 1) experience of the firm; 2) experience of key personnel, 3) methodology, 4) project management, quality & safety programs, and 5) local presence. Of the four vendors, we considered two finalists (Sossamon Construction & P&F Construction), they appeared before our Selection Committee for an oral & visual presentation. Tonight, the Selection Committee recommends that council Award the Request for Qualifications for Cherokee County Public Works Facility Project to Sossamon Construction under the Construction Management at Risk at a project cost not to exceed \$4.8 million, to be paid out of the remaining balances of the American Rescue Funds and the 2021 General Obligation Bond. **[Lyman Dawkins made the motion to grant this request from the Selection Committee to award the RFQ for the Cherokee County Public Works Facility Project to Sossamon Construction under the Construction Management at Risk for a project cost not to exceed \$4.8 million to be paid out of the remaining balances of the American Rescue Funds and the 2021 General Obligation Bond. Tracy McDaniel 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 8:43 PM.

APPROVED: **8/19/24**

BY ITS CHAIR: **Tim Spencer**

Respectfully submitted,

Doris F. Pearson, Master Clerk to Council