

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, DECEMBER 8, 2009 AT 5:38 P.M.
GRAND JURY ROOM AT THE UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chair Dora Martin, Councilwoman Joan Little, Councilman Tommy Ford, Councilman Joey English, Councilman Randall Hanvey, Councilwoman Kacie Petrie, County Attorney Sammy Diamaduros and Clerk to Council Linda G. Jolly
Absent: None

Notice of the meeting and a copy of the agenda giving the date, time and place of the meeting was posted on the bulletin board in the hall of the Union County Courthouse and a copy was mailed or emailed to the members of the Union County Council, the County Attorney, WBCU Radio Station, the Union Daily Times, Spartanburg Herald Journal, the Union County Development Board, Mr. Darrell Wade, Ms. Ann Canada, Mrs. Anne Brock with Clemson Extension, Mr. James Kollock, Mrs. Anna Brown with the County News, and Logan Stewart. A notice of the meeting was also posted on the County's website.

Chairman Tommy Sinclair called the meeting to order. Councilwoman Dora Martin gave the invocation followed by the Pledge of Allegiance.

The Clerk to Council gave the Roll Call with the following results:

Joan Little, District 1 – Present
Dora T. Martin, District 2 – Present
Tommy E. Ford, District 3 – Present
Joey D. English, District 4 – Present
Randall Hanvey, District 5 – Present
Kacie Petrie, District 6 – Present

Chairman Tommy Sinclair presented service award certificates and gift cards to Lonny Anders for 5 years of dedicated service and to Carrie Smith for 10 years of dedicated service to Union County.

Heather Daum with the Union County Recreation Department presented the winners of the Christmas Lighting Contest. There were twelve entrants with seven in the creative category and five in the elegant category. In the elegant category third place went to Rufus Walton, second place went to Dustin Blanton, and first place went to Paul Burgess. In the creative category third place went to Wanda Garner, second place went to Sandy Wade and first place went to Clyde Seymore.

Dora Martin: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on November 10, 2009, the special meetings of County Council held on October 27, 2009, October 30, 2009, and November 5, 2009 and to adopt the minutes as written.

Tommy Ford: Seconded the motion. The vote was unanimous.

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Chairman Tommy Sinclair stated there were four vacancies on the Fair Board which needed to be considered by Council. Councilwoman Dora Martin from Council District 2 recommended the appointment of Mr. James Hunter. Councilman Joey English from Council District 4 recommended the appointment of Harry Helms. Councilwoman Kacie Petrie from Council District 6 recommended the appointment of David Owens. Chairman Tommy Sinclair recommended the appointment of Randy George.

Dora Martin: Made a motion to approve the appointment of James Hunter, Harry Helms, David Owens, and Randy George to serve of the Fair Board.

Joey English: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated there were two vacancies on the Airport Commission. There had been three applicants but Mrs. Curtiss Hunter withdrew her application. The two remaining applicants were Mr. Charles Whitaker and Dr. Mike Mahan.

Dora Martin: Made a motion to approve the appointment of Dr. Mike Mahan and Mr. Charles Whitaker to serve on the Airport Commission.

Tommy Ford: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated Union County is named in a lawsuit along with the Board of Kelly-Kelton Fire Department for failure to respond to a Freedom of Information request. He stated the Council would need to discuss this in executive session because it does have legal implications.

Mr. Dennis Frost with the Phillipi Fire Department stated they are requesting to extend their boundaries out to the full five miles down the River Road which will go out to the John Little Road and about six tenths of a mile up the Sinclair dirt road. They want the little extra tax money to help them by extending their boundary the other two miles and provide fire protection to the people in that area. Councilman Randall Hanvey asked if they got a list of signatures. Chairman Tommy Sinclair asked Mr. Frost if they had a petition and he responded that they do not. Mr. Sinclair stated the law does not require a petition. He said he had met with representatives of Phillipi Fire Department and Monarch Fire Department. He spoke with the chief ISO guy in the state. Monarch Fire Department wants to expand into an area known as no mans land. Phillipi Fire Department wants to expand into the same area. If they petition with the right numbers then Council has to address the matter but it is not a required petition. Council has the authority to enlarge, diminish or do away with a fire district if they choose to. They cannot do it without holding a public hearing. He asked Council if he could continue to work with both Phillipi Fire Department and Monarch Fire Department to see if he can bring the two together. Monarch Fire Department has a long term plan that was somewhat contingent on obtaining a grant. There had been some discussion about Southside Fire Department getting some land from the County to build a building. They had sought an 85% grant with a 15% loan but were approved for a 15% grant with an 85% loan. The presumption of a grant approval for Monarch Fire Department therefore has diminished. For Monarch Fire Department to expand and get ISO benefits they have to build a substation at the two and a half mile limit. Chairman Tommy Sinclair asked to be allowed to continue working with Phillipi Fire Department and Monarch Fire Department to come back with a proposal to Council.

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Dora Martin: Made a motion to give County Supervisor Tommy Sinclair time to deconflict the boundary interests at Monarch Fire Department and Phillipi Fire Department.

Tommy Ford: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated Council needed to consider an appointment to the Catawba Regional Council of Governments. Councilman Tommy Ford suggested the position be advertised. Councilwoman Dora Martin stated that seat is usually held by the County Supervisor.

Dora Martin: Made a motion to appoint County Supervisor Tommy Sinclair to serve on the Catawba Regional Council of Governments.

Randall Hanvey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair called for any elected officials who wished to address Council but there were none. Chairman Tommy Sinclair called for any department heads who wished to address Council.

Chairman Tommy Sinclair stated he had asked Mr. Ronnie Wade to give a status report on the Timken Sports Complex. He informed Council he had made him Coordinator of Recreation Activities so that any negotiations on use of the sports complex would go through him. Mr. Wade has been negotiating with the High School who has some interest in practicing at the complex. Mr. Ronnie Wade stated there are two people working at the complex full time and they have been working on some tournaments. This is a tournament level field and they want to keep it that way so there will be very little practice on those fields. They have twenty three tournaments already booked for next year. They talked to the Dixie Boys and Dixie Girls about playing some of their games there. Their intent is to have as many local teams playing at the facility to get their bang for their buck. They are looking at holding a gala event for the grand opening the third week in February. There are still some issues to be worked out on the lay out of the regulation field, the sprinklers, and fencing around the holding pond. They are looking into putting a marquee board out front to show the events at the facility. Mr. Ralph Tucker asked why there were no basketball goals at the facility and Mr. Sinclair stated that even though it is called a sports complex it is actually a baseball complex.

County Attorney Sammy Diamaduros presented for third and final reading an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Union County, South Carolina and Sloan Construction Company, Inc. with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

Dora Martin: Made a motion to adopt the ordinance pertaining to a fee in lieu of tax agreement for Sloan Construction Company, Inc. as stated.

Kacie Petrie: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair presented for third and final reading an ordinance to provide for an election in Union County, South Carolina to determine the wishes of the qualified electors of the county with reference to whether the county should keep its present form of

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county government (Council-Supervisor with six (6) council members elected from single member districts for four (4) year terms and the Supervisor elected from the county at large for a four (4) year term) or whether the county should adopt the Council-Administrator form of government with six (6) Council Members elected from single member districts for four (4) year terms and the chairman elected from the county at large for a four (4) year term, the referendum to be called in accord with S. C. Code 4-9-10, 1976 as amended. County Attorney Sammy Diamaduros stated he had received an amended ordinance from McNair Law Firm just prior to the meeting changing some minor details. Chairman Tommy Sinclair asked if Council wanted to hold any additional public hearings prior to adoption of the ordinance with no response from Council.

Joey English: Made a motion to adopt the ordinance.

Chairman Tommy Sinclair asked County Attorney Sammy Diamaduros to read the title of the amended ordinance which reflected the change in wording from holding an election to holding a referendum.

Councilman Joey English withdrew his original motion.

Joey English: Made a motion to adopt the amended ordinance pertaining to holding a referendum on whether or not to change the form of government to the Council-Administrator form.

Randall Hanvey: Seconded the motion. The vote on the motion was unanimous.

Chairman Tommy Ford called for any committee reports.

Tommy Ford: Made a motion to accept the recommendation of the Committee on Planning and Development that any questions or concerns about the Building Code Ordinance would be brought before the Planning and Development Committee.

Dora Martin: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair called for any other committee reports but there were none.

Chairman Tommy Sinclair stated that the completion date for the Goldmine Road Bridge replacement project was set for December 1st. They had to go back and get an additional \$30,000 from "C" Funds to complete the project. Recent rain has caused the asphalt work to be postponed. The projected date for completion has been moved to January 1st. He stated he had instructed that lighting be added at the two recycling centers located at John Hart Road and Highway 18. He stated that June Miller had completed four months of reports for the Clerk of Court's Office. The Development Board had received \$75,000 from Lockhart Power and \$50,000 from AT&T for infrastructure improvements at the Trakas property. There will be some documents signed on Friday pertaining to that project which had some dates that needed to be changed. Mr. Sinclair informed Council the PARD funds were approved for the improvements at the South Hills Complex. He informed Council that Detention Center Director Neil McKeown had hired Bradley Palmer and he has another opening to be filled. Mr. Sinclair stated that Dr. Flood would be leaving his practice as of December 31st and he had handled the workers compensation cases for the County in the past. He had called the hospital and established a relationship with Carolina Healthcare Family Practice who includes Dr. David Keith and Dr. Chris McWhorter. They will be handling the County's workers compensation claims beginning in January. Council had approved upgrades of the water and sewer services in Buffalo.

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There were some easement issues which the City worked out as of Wednesday so that upgrade can proceed. He informed Council that he worked with Brown Fant to establish some internal audit measures and he would be asking the elected officials to do the same. EMS is on notice that their services will end as referenced in the twelve month notice. He has talked to the people at the hospital and told them he would be talking to Council to try to reestablish EMS under new terms or Council decides that we do not have an EMS service. Because the grant for the Southside Fire Department was not approved as they had anticipated, the County will not be swapping out the land with them at this time. The Airport Commission suggested trading the property at a later date if Southside Fire Department receives funding. Chairman Tommy Sinclair stated he was negotiating with Mayor Harold Thompson on the new Animal Control Agreement but they have not made a lot of progress.

Chairman Tommy Sinclair requested Council go into executive session to discuss legal matters.

Dora Martin: Made a motion to go into executive session as requested.

Tommy Ford: Seconded the motion. The vote was unanimous.

The Union County Council went into executive session to discuss legal matters

Chairman Tommy Sinclair announced that Council was out of executive session and no votes were taken.

Dora Martin: Made a motion to adjourn the meeting.

Joan Little: Seconded the motion. The vote was unanimous.

The meeting was adjourned at 7:24 p.m.

Tommy L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council