

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, JULY 13, 2010 AT 5:30 P.M.
GRAND JURY ROOM AT THE UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chair Dora Martin-Jennings, 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 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, Ms. Ann Canada, Mrs. Anne Brock with Clemson Extension, Mr. James Kollock, Mrs. Anna Brown with the County News, Mr. Mickey Gist, Mr. Frank Hart, Mr. Ray Treadway, Mr. Brooks Carwile, Mr. Howard Gibson, and Mr. Robert Small. A notice of the meeting was also posted on the County's website.

Chairman Tommy Sinclair called the meeting to order. Councilwoman Dora Martin-Jennings 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-Jennings, 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

Tommy Ford: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on June 15, 2010, the special meeting of County Council held on June 18, 2010, and to adopt the minutes as written.

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

Mrs. Andrena Powell-Baker stated there were three applications for reappointment to the Union County Development Board. They are Joe Nichols in the category of public utilities, Doug Wilson in the category of private utilities, and Auvis Cole as the at-large member. She recommended the three applicants be appointed to fill the three vacancies.

Dora Martin-Jennings: Made a motion to appoint Mr. Joe Nichols, Mr. Doug Wilson, and Mr. Auvis Cole to serve on the Union County Development Board.

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

Mrs. Andrena Powell-Baker stated they are holding a reception to welcome two new board members who are Howard Trotter and Kristi Woodall at the Advanced Technology Center at 6:30 p.m. this evening. She invited Council and any other officials to attend.

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Laurie English was next on the agenda to discuss the Disability Awareness Fun Day. Betsy Hudson stated she was an autism advocate involved with Autism Speaks with Team Aruba through which there are now services for children with autism on the islands of Aruba and Curacao. As parents of children with disabilities and special needs they are holding a Disability Awareness Fun Day on Saturday, July 31, 2010 from 10:00 a.m. until 2:00 p.m. at Foster Park. Especially Ours is a support group formed in 2005 by Laurie English and Amy Austin. According to the latest studies available, three percent of the population of Union County has developmental disabilities and special needs. That is approximately 870 people. They want the community to be more aware of what they face every day and decided to host their first event. They asked the County Council to support and sponsor Disability Awareness Fun Day and want to see more opportunities made available to the disabled. They would like to see a Miracle league ball team in the county. She stated there is a need for ball fields and playgrounds for the children with special needs. Councilwoman Kacie Petrie asked what kind of donation they were asking for. Ms. Hudson stated they would take whatever they could get and any donations could be made to Especially Ours.

Chairman Tommy Sinclair stated he had received a letter from the Upstate Workforce Investment Board requesting consideration of Ms. Lisa Morris for reappointment to serve on the Board.

Randall Hanvey: Made a motion to reappoint Lisa Morris to serve another term on the Upstate Workforce Investment Board.

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

Clerk of Court Freddie Gault stated the new sound system had been installed in the main court room and they have held family court twice since it was installed. He said it is a really good system and all the attorneys seem to be impressed with it.

Mr. Perry Haney with the Sheriff's Office told Council Mr. Frank Mitchell had been in contact with their office concerning the County implementing a noise ordinance. Mr. Haney stated he had gotten copies of noise ordinances from some other counties and suggested getting with the county attorney so that something could be drafted to implement such an ordinance for Union County. Mr. Mitchell from Jonesville has a problem on Sunday afternoons with a band that plays near his home.

Chairman Tommy Sinclair stated the State was going to try to give the Election Commission a pay raise but it got vetoed by the Governor. This would probably come up before the Finance Committee.

Chairman Tommy Sinclair stated the big flag displayed at the July 4th event at Foster Park was provided by the Veterans Affairs Office.

Mr. Ron Wade stated the Timken Sports Complex was hosting the girl's softball tournament. There would be thirty teams from around the State playing this weekend starting Friday night. They should be playing all next week. He said the park or ball field for the children with disabilities and special needs is something Becky Cobb as Director of

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the Recreation Department has been interest in for some time. Chairman Tommy Sinclair stated they had a dialogue with the district director to make a permanent relationship to host the tournament every year. There has been some dialogue about hosting the world tournament.

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

Chairman Tommy Sinclair said there was a financial situation he wanted to discuss in executive session as well as a contract issue to discuss.

Tommy Ford: Made a motion to go into executive session to discuss the purposes stated.

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

The County Council went into executive session to discuss contractual matters and a financial situation.

Chairman Tommy Sinclair stated the Council was out of executive session and no votes were taken.

Chairman Tommy Sinclair presented the audits and financial statements for the Fair Association, Carnegie Library, Clemson Extension, Development Board and Veterans Park for Council to review and approve.

Dora Martin-Jennings: Made a motion to accept the audits and financial statements as presented.

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

Chairman Tommy Sinclair provided Council information about the rate increase for the retirement system which was approved on June 30th to take effect on July 1st. The information also shows the rate increases for 2011 and 2012. He said he would ask for an amendment to the budget ordinance to reflect that increase in retirement.

Chairman Tommy Sinclair called for any other business.

Tommy Ford: Made a motion to accept Scarborough Drive into the County's road maintenance system.

Kacie Petrie: Seconded the motion.

Councilman Joey English stated the road was not up to county standards. Councilman Ford stated they had just accepted one that wasn't. Councilwoman Dora Martin-Jennings said she could not vote because she had not seen it and Councilwoman Joan Little said she had not either. Councilman Randall Hanvey suggested they go look at the road. Councilwoman Kacie Petrie asked Councilman Ford to amend his motion to accept Scarborough Drive after Council has looked at it and add Deer Point and Hunters Run. Councilman Joey English asked that all of the Council Members look at these roads.

Tommy Ford agreed to accept the amendment to his motion. Councilwoman Joan Little asked to amend the motion to include Short Drive too. Chairman Tommy Sinclair asked if there was any discussion on the first amendment to the motion. Chairman Tommy Sinclair

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asked Councilman Ford if he would accept the second amendment to include Short Street and he indicated he would. He called for any discussion on the second amendment. Councilman Tommy Ford stated the Road Committee had looked at Scarborough Drive several times. Councilman Joey English stated Scarborough Drive was not up to standards. Councilman Tommy Ford asked if they had not just accepted one that did not meet standards. Councilman Randall Hanvey asked if any work had been done on it since the Road Committee looked at it last. Councilman Tommy Ford said no but it was in perfect shape at one time and Council turned it down. It was a whole lot better than the one they just accepted. If you are going to accept one then you have to accept them all. They broke the rules by accepting the one before so now you have to do them all. There is nothing in the ordinance that allows the road to meet county standards by 50%, 75%, or whatever. It says it has to be up to standards. Councilman Randall Hanvey said the ordinance says you have to maintain it at the standard the County accepts it. He asked if the road that was taken in previously was at the standard they wanted it to stay at. Councilman Ford said they got a call the next day after accepting the road wanting it scraped. Does that say it was up to standards? Chairman Tommy Sinclair said the call the next day was not asking that the road be scraped but was about a sign. A few days later they did want it scraped. Regardless, the road was accepted and there are some issues with it. Chairman Sinclair asked Councilwoman Dora Martin-Jennings about any signed easements. Councilwoman Dora Martin-Jennings stated the easements are required according to the ordinance if you are going to widen the road. If you are not going to widen the road and are taking the road in at the present width then you do not have to have an easement because you are not going to take people's property. You take easements when you are going to take a portion of people's property. Chairman Tommy Sinclair asked the County Attorney if that was his definition of an easement. County Attorney Sammy Diamaduros responded that it is probably more complicated than that. Mr. Diamaduros said the ordinance states the property owners have to be responsible for all the legal requirements and not the county. There is some confusion about how the ordinance reads. He wants to have the McNair Law Firm look at the ordinance. Chairman Tommy Sinclair said he had been with the County since November and the County had not fixed a road. Councilman Joey English said if they are going to start fixing the roads then they need to change the Road Ordinance. Councilman Tommy Ford said he had nothing against fixing the gentleman's road in Jonesville but if they are going to break the rules to fix his then they should fix some of the others. Councilman Randall Hanvey said there were a lot of roads the Road Committee had looked at since he has been on the committee and none of them compared to the road they accepted. Councilman Tommy Ford asked if it was up to standards. The Road Committee agreed when they looked at it that it wasn't. Councilwoman Dora Martin-Jennings said Councilman English said after looking at the road that everything was right on the road except the side ditches. She said the man fixed the ditches. Councilman Joey English said he fixed half of them. Councilwoman Kacie Petrie felt on Hunters Ridge and Deer Run that there is a quality of life issue there since EMS cannot get down the road. If they call 911 they have to meet them at the top of the hill. Councilwoman Dora Martin-Jennings said they need to go and look at the roads. Councilwoman Joan Little said the road she wants taken into the system is in the same shape as the ones Councilwoman Petrie was talking about. Councilman Tommy Ford said they want the entire Council to look at these roads in question but all of the Council

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Members did not look at the other road that was accepted. Councilman Joey English said he was in favor of fixing the roads but he wants it done by the county ordinance or change the ordinance. Chairman Tommy Sinclair said standards can sometimes be a qualitative judgment. He said he had not seen a road fixed and he wants to start fixing them. We need to improve this county and that is what this is about. Councilwoman Dora Martin-Jennings said they all need to go look at the roads and they can make their own decision as to whether the road needs to be taken into the county's system. If they need to change the ordinance, then they need to get busy and change the ordinance. Let's do something so they can move forward. Councilman Tommy Ford said he felt fixing Scarborough Drive would be moving forward. Chairman Tommy Sinclair said they have a motion on the floor with a second that has been amended which was to take in Scarborough Road, Deer Point, Hunters Run and Lite Road (not Short Drive). Councilwoman Dora Martin-Jennings called for the question. There were questions as to whether the motion included that Council look at the roads. Chairman Tommy Sinclair said the motion with the accepted amendments was to take them into the county's system. Councilman Tommy Ford said the motion was his and he would not accept the amendment that would require Council look at the roads first.

Tommy Ford: Made a motion to accept Scarborough Drive into the County's Road Maintenance System.

Kacie Petrie: Seconded the motion. Two Council Members (Tommy Ford and Kacie Petrie) voted in favor of the motion with four Council Members opposing (Joan Little, Dora Martin-Jennings, Joey English and Randall Hanvey).

Kacie Petrie: Made a motion asking the Road Committee look at Scarborough Drive, Hunters Run, Deer Point and Lite Road and include any other Council Members who would be willing to go to observe these roads.

Dora Martin-Jennings: Seconded the motion. The motion carried with five Council Members voting in favor of the motion and one Council Member (Tommy Ford) opposing.

Dora Martin-Jennings: Made a motion that Council gives Republic permission to increase from 730,000 tons per year to 910,000 tons consistent with DHEC approval.

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

Joan Little: Made a motion to adjourn.

The motion died for lack of a second.

Councilman Tommy Ford wanted to discuss requiring a performance bond for someone tearing down structures under the Building Codes Ordinance. County Attorney Sammy Diamaduros said he talked to the McNair Law Firm who did not feel comfortable about getting it done in less than twenty four hours. Chairman Tommy Sinclair felt it was premature to do anything further at tonight's meeting. It was not suggested that second reading be held at this point.

Joan Little: Made a motion to adjourn.

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

The meeting was adjourned at 6:41 p.m.

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Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council