

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, JANUARY 14, 2014 AT 5:30 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chairman Tommy Ford, Councilwoman Joan Little, Councilman Frank Hart, Councilman Ben Ivey, 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, Mrs. Anna Brown with the County News, Spartanburg Herald Journal, the Union County Development Board, Mrs. Anne Brock with Clemson Extension, Mr. Mickey Gist, 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. Councilman Ben Ivey 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
Frank Hart, District 2 - Present
Tommy Ford, District 3 - Present
Ben Ivey, 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 December 10, 2013 and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented service award certificates and gift cards to Ernest P. Haney for 5 years of dedicated service, for James P. McNeil, Jr. for 5 years of dedicated service, to Kacie Petrie for 5 years of dedicated service, and to Horace Keith Vanderford for 20 years of dedicated service to Union County.

Chairman Tommy Sinclair stated next on the agenda was Mr. Howard Gibson to discuss taxes and the Buffalo Mill property. Mr. Gibson said it had been in the newspaper that Union County was doing a Brownsfield study on the Buffalo Mill property. He said he did not think the County needed to do anything on the Buffalo Mill property since it was not owned by the County. He did not think we should spend any tax money on the Buffalo Mill property. The County purchased the old Mill Office for a museum and took it off the tax books but nothing has been done with it. It was said that the Brownsfield money was free money but he said federal money is still the taxpayer's money. The person that owns the Buffalo Mill property should sign it over to the County and when it becomes the County's problem then they need to address the issue. Mr. Gibson said he did find out that Tax Assessor Susan Hanvey was right about the taxes and it was based on State laws. He said he buys about five houses a

COUNTY COUNCIL MEETING
JANUARY 14, 2014

year in Union. Some buy the houses as rent to own but he said he did not do that. His were handled by Attorney Bill All and they went through a closing and they were put on the tax books at four percent. They are in the process of getting them changed to regular deeds. He stated property values are down and he wanted to see that changed. He said we have lower taxes compared to some other counties but he thought the Council could be better stewards of the County's money.

Mr. Jake Black as County Risk Manager suggested changing the County's policy beginning February 1st to require all County employees to wear their IDs if they do not want to have to go through the metal detector. Individuals wearing a Sheriff's badge or law enforcement badge would not be required to go through the metal detector. This would help enforce Courthouse security measures and was recommended by Robert Benfield with the South Carolina Association of Counties. There were comments about providing roped off areas to allow room inside the door before going through the metal detector to prevent people from having to stand outside in the weather. There were comments on what would need to be done during court dates and voting days. Sheriff David Taylor said he would like to see the voting precinct moved out of the Courthouse. There was discussion about why the current security measures were implemented. Chairman Tommy Sinclair stated the Council was being asked to support this ID process and streamline the security as much as possible.

Kacie Petrie: Made a motion to support Jake Black's recommendation.

Frank Hart: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated he was going to move the consideration of vacancies on the Appeals Board, Fair Board and Airport Commission to the end of the meeting.

Chairman Tommy Sinclair called for any elected officials or department heads who wished to address Council.

Auditor Brad Valentine stated he would be responsible for making the ID cards for the County employees and anyone who needed one would need to contact him.

Chairman Tommy Sinclair stated there was a water problem in the downstairs basement storage area of the Courthouse due to pipes that had burst during the severely cold weather. Some of the records had gotten wet and were moved to various areas until a more permanent location could be found. The need for storage has been an issue for some time and solutions need to be looked at.

Sheriff David Taylor stated that they hold Family Court in the Courthouse which can be volatile at times. If the metal detectors were removed from the Courthouse and someone was to get killed then the County would have the lawsuits to deal with.

Chairman Tommy Sinclair stated the Animal Control Ordinance has not received third and final reading. There is a movement to give Animal Control Officers custodial arrest authority in this session of the General Assembly. There is also a case that challenges the entire code enforcement ability to prosecute a case in magistrate's court. They want to wait thirty or so days before having that Committee review the ordinance to allow some of these issues to be resolved.

Mr. Keith Vanderford as Chair of the Election Commission stated the Courthouse had been used as a voting precinct for many years and if you moved it out of the Courthouse where would you move it.

COUNTY COUNCIL MEETING
JANUARY 14, 2014

Chairman Tommy Sinclair stated the County is no longer under preclearance requirements if it were decided to move that voting precinct.

Airport Manager Ronnie Wade stated they are still working on the clear zoning process and have had some trees removed but some people have changed their mind about having them removed. They found out there are two trees on the property of the Southside Fire Department that need to be removed. He sent a letter to WK Dickson to try to secure some other grants to resolve some of these issues. Mr. Wade said Jay Ford had called him about wanting to meet with the planning group to discuss the Union County Stadium. They hope to hold a meeting soon at the Annex Building. Chairman Tommy Sinclair stated at the other end of the airport where there was left over wood it was given to people who were determined that needed it. Councilman Ben Ivey expressed his concern that Council has not been notified of the meetings of the Airport Commission and asked how often they meet. Mr. Wade stated the Airport Commission meets as needed and said he would ask that Council be notified of their meetings in the future.

Chairman Tommy Sinclair recognized Wallace Thomson Hospital CEO Paul Newhouse and other representatives from the hospital that were present. Mr. Newhouse said they had a surprise visit from the State today and during the exit conference he was happy to hear that the areas they looked at including the kitchen were very good. He said he was very proud of their staff for what they are doing at the hospital. They completed bringing in outside services that they had previously contracted for including food services, environmental services and the maintenance which is saving money. Chairman Tommy Sinclair asked if the nursing home had been visited. Mr. Newhouse stated that was ongoing and would probably last a week.

Chairman Tommy Sinclair introduced an inducement resolution identifying a project to satisfy the requirements of Title 12, Chapter 44 of the Code of Laws of South Carolina, as amended, so as to allow investment expenditures incurred by Project Midas to qualify as expenditures eligible for a Fee in Lieu of Tax Arrangement with Union County, South Carolina; and committing to enter into such necessary agreements with Project Midas to effectuate the intent of this resolution; and other matters related thereto.

Ben Ivey: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to Project Midas as stated.

Frank Hart: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair introduced a resolution ratifying, authorizing, and acknowledging use of a lowered statutory minimum investment for the Fee In Lieu of Tax Agreement between Union County and Sonoco Plastics, dated as of December 1, 2004; and other matters related thereto.

Ben Ivey: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to Sonoco Plastics as stated.

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

Chairman Tommy Sinclair introduced for first reading an ordinance authorizing an Infrastructure Financing Agreement on behalf of Standard Textile Carolina Inc. ("The Company"); and the development of a jointly owned and operated Industrial /Business Park in conjunction with Spartanburg County, such Industrial/Business Park to be geographically located in Union County and established pursuant to South Carolina Code of Laws of 1976, 4-1-170, et sequitur, as amended; to provide for a

COUNTY COUNCIL MEETING
JANUARY 14, 2014

written agreement with Spartanburg County providing for the expenses of the Park, the percentage of revenue application, and the distribution of Fees In Lieu of Ad Valorem Taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses locating in said Park; and to permit a user fee in lieu of ad valorem taxation within said Park; and other matters relating to the foregoing.

Randall Hanvey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance pertaining to Standard Textile Carolina Inc. as stated.

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

Chairman Tommy Sinclair introduced for first reading in title only an ordinance to amend that certain Union County ordinance enacted October 8, 1997, entitled "An Ordinance to create and establish a special tax district in Union County, South Carolina, to be known as Carlisle Fire District, to define its area and boundaries, to authorize the annual levy and collection of a tax not exceeding ten mils for the operation and maintenance thereof, and other matters relating thereto", and to amend the Code of Ordinances of Union County wherever such Carlisle Fire District Ordinance has been codified, so as, in all cases, to increase the Board of Fire Control for Carlisle Fire District from six members to seven members: and other matters related thereto.

Tommy Ford: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance pertaining to increasing the Board of Fire Control for Carlisle Fire District from six members to seven members.

Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated Council had asked what it would take to finish out the fiscal year using the temporary help in the Probate Judge's Office. Basically, it would cost about \$5,000 until the employee that is on sick leave comes back and about another \$5,000 to take it to June. There is that amount of money left over from the comingling savings. He was also asked to get some data before budget time which he did not have yet. This would come down to a Personnel Committee report but he felt they should be in favor of approving it.

Chairman Tommy Sinclair stated the Senior Citizens Center in Buffalo needs \$5,000 for a new heat pump and the County owns the building.

Tommy Ford: Made a motion to replace the heat pump through the proper bidding process.

Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated they are coming to a closure on the airport issues and said if Council had any questions he would try to answer them.

Councilman Frank Hart stated they had been working on a project with Carlisle Fire District to potentially build a new fire house. They were originally working with USDA on funding because they could get a good interest rate and there was the potential to get a \$50,000 grant. It sounded like a straightforward relatively easy thing to do but then came to realize it was a very complicated process. Just to put the documentation together to apply for the money through the USDA they would need an architect to put together information for that application. If they got the grant it would eat up a large portion of the grant. He asked Catawba Regional Council of Governments if they could help with the USDA application. They told him they were very complicated and asked if the County had checked with local banks on financing options. Councilman Hart said he talked to one or two banks to check the

COUNTY COUNCIL MEETING
JANUARY 14, 2014

rate which was really competitive with what they were talking about getting with USDA. Since this is a smaller project it might be better from a time and cost standpoint to look at conventional financing. It would have to be through bonded indebtedness. Chairman Tommy Sinclair said they started this process several years ago and counties cannot mortgage themselves. You have to issue a bond pledging the full faith of the County against the bonded indebtedness saying that debt would be paid first. He asked how much it would cost and Councilman Frank Hart stated it would cost for budgetary purposes \$250,000.00. Chairman Tommy Sinclair asked if Council wanted to explore and pursue assisting or supporting the Carlisle Fire District in securing a bond for a \$250,000.00 loan for them to build a fire department on an existing piece of land. Councilman Ben Ivey asked if there was any resistance or conflict since the building would be within the town limits. Chairman Tommy Sinclair stated it was a special purpose district so it can exist within a municipality. Councilman Ben Ivey stated that means the Town of Carlisle could not come back on the County for anything. Councilman Frank Hart stated that Council had to decide if they would support this alternative form of financing through a bank or other source. They would still need to hold a public hearing in the Town of Carlisle then Council would have to vote to change the millage for the Carlisle Fire District to support the debt. Councilman Randall Hanvey asked if they had ever determined how much of an increase it would be in taxes. Chairman Tommy Sinclair stated he thought it would double their millage. Councilman Ben Ivey stated every citizen in the County deserves fire protection and he thought they needed to move forward with it. Councilman Frank Hart stated the Carlisle Fire Department has worked very hard to get their ISO rating up from a 10 to a 5/9 rating. They want a place to organize their equipment and properly store it. They are able to function in the area they are in now but it is not well organized. He asked Council to support that and have the Supervisor work with outside legal counsel to figure out the bonding issue to come back with a proposal. Councilwoman Kacie Petrie stated she understood all this was contingent on having the public hearing before the ordinance is enacted.

Chairman Tommy Sinclair said the County needs an updated Solid Waste Plan as the current plan is over twenty years old. He had talked to Catawba Regional Council of Governments who could do that. He said he would need the authority to pay the COG to do the update. He stated he had funds in the ED Contingency/Grant Writing account and it would cost a couple thousand dollars to have the plan updated.

Ben Ivey: Made a motion to authorize payment to Catawba Regional COG to update the County's Solid Waste Plan from the budgeted Grant Writing funds.

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

Chairman Tommy Sinclair stated there was no public transit in Union County but other counties do provide it. He said they had gotten into a discussion with Paul Newhouse about non-emergent ambulatory care, EMS and dealing with DHSS. Chairman Tommy Sinclair said they had asked for a feasibility study from DOT two years ago but it was not funded. They need some data from COG stating our need. He said he was going to pursue that to the next level. Councilwoman Kacie Petrie asked if it had anything to do with medical transport. Chairman Tommy Sinclair stated a person could ride it to get to the doctor. There are two types which are scheduled routes or demand routes. Councilwoman Kacie Petrie thought with the new healthcare reform some of the medical transport has been cut out. Chairman Tommy Sinclair stated he had been told there was a drop in eligibility for funding for Medicare riders. The County's needs would probably increase as a result of that.

COUNTY COUNCIL MEETING
JANUARY 14, 2014

Chairman Tommy Sinclair stated Council needed to consider committee appointments. Council went to some effort to redo the boards and commissions appointment process. Councilwoman Kacie Petrie stated under the Planning Committee it was brought up about restructuring of the Tourism Commission to put it under the Development Board. Because of the recent changes in the Tourism Commission, now would be a good time to get together and discuss it further with the Tourism Commission, the Planning and Development Committee, and the Development Board. Chairman Frank Hart recommended referring that to the Administration and Finance Committee because you would be talking about how to change the structure and function of a commission and that committee involves the full Council. Chairman Tommy Sinclair stated the Tourism Director Will Boyles had resigned and there had been a lot of interaction about him, the Commission and the County Council. The Tourism Commission is a stand-alone commission and any actions they take are theirs and Council cannot stop them from taking any action. Councilwoman Kacie Petrie stated they were formed by County Council. Councilman Randall Hanvey asked if they are not accountable to County Council then how did Council cut their number of commission members. Chairman Tommy Sinclair said Council has the authority to pass ordinances which are legislative in nature but once you create them you cannot tell them what action to take. If the Commission votes tomorrow to replace the director they have the authority to do that. Council could ask them not to, but they could not tell them they could not because they are an independent commission. Councilman Frank Hart stated he thought the County's ordinance stated that activities or functions of a board or commission were subject to review by Council. He thought there was a provision where Council could if they needed to. Chairman Tommy Sinclair stated Council's only intersession would be to dismiss a member. He asked if Council is asking the Tourism Commission not to make any major moves for the next thirty days. Councilman Frank Hart stated he thought Council should talk about it but he did not want to tie their hands in the interim. He suggested they get together and talk about it and let them pursue as they see fit. Graham Williams asked if Council was requesting they not hire an interim director. Chairman Tommy Sinclair asked if the interim position would be advertised. Mr. Williams stated he did not know since they had not met yet but they may appoint someone on the board to be the interim director. He said he did not think they would advertise for an interim. Chairman Tommy Sinclair stated he had been told in the past that using a temporary person gives them an unfair advantage and he did not want anyone to be accused of anything. Councilwoman Kacie Petrie stated she wanted to get a meeting set soon. She said she brought up looking at the structure of the Tourism Commission in the November meeting so it was not related to the Director's current resignation. Chairman Tommy Sinclair stated it was an independent commission and they had to be protected. He said the Council was not the hiring authority for the Tourism Commission.

Chairman Tommy Sinclair stated there were four upcoming vacancies on the Fair Board to be recommended by the Council Chairman, the Councilman from District 2, the Councilman from District 4, and the Councilwoman from District 6. The positions were advertised and people were supposed to apply by the process established in the new ordinance pertaining to boards and commissions. Councilman Frank Hart said Mr. Hunter had contacted him about applying and he had forgotten about the formal application process. Technically speaking he would have to fill out the questionnaire to apply but it was his fault that he did not tell him that was the process. He said he could wait to make his recommendation to allow him to do that since it was his intention to reappoint him since he had only served one term. Councilman Tommy Ford stated that if he had served one term then he should know the process. Chairman Tommy Sinclair stated Council could suspend that requirement if they choose to do so. Councilwoman Kacie Petrie stated he could wait until next month to make his recommendation. Councilman Frank Hart stated the ordinance provides that he serve until his reappointment or his

COUNTY COUNCIL MEETING
JANUARY 14, 2014

replacement is appointed. Councilwoman Kacie Petrie said she would rather wait to make the appointments rather than suspend the ordinance requirement. Councilman Tommy Ford stated you have people who have put in for the positions that made proper application. You could extend it but it would not be fair to the people who had already applied through the proper process. Councilman Frank Hart stated based on the way the ordinance is written District 2 would not be making a recommendation tonight. Councilman Tommy Ford asked if he was telling the applicants theirs were no good. Chairman Tommy Sinclair stated if they have a way to do it tonight then why wait. Councilman Frank Hart asked about the legality of violating or suspending a County ordinance. Councilman Frank Hart stated his intention was to find someone from District 2 to serve in that position and he did not have a candidate from District 2. Chairman Tommy Sinclair said if Mr. Hunter put in his application tomorrow then he could call a special meeting tomorrow to make the appointments. Chairman Tommy Sinclair stated there were some plans he knew of that have to do with Fair Board activities so it is better to validate this as soon as they can. The only difference is filling out the application. He said if that was the only issue then he would call a special meeting. They would meet the ordinance requirements except for the advertising. Councilman Randall Hanvey asked if they were going to do that then why not do away with the application process. If they are going to appoint who they want to, then why advertise? Chairman Tommy Sinclair stated they had discussed this in excruciating detail during the ordinance process. Councilman Randall Hanvey said he thought Councilman Hart's opinion was, at that time, to get someone who had to answer to him. Councilman Frank Hart said his point was that it was important to have a tie-in with that councilmember on each of those boards and commissions. That was part of the reason he pushed for the change in the ordinance. Councilman Ben Ivey stated they had been asked to seek applicants in the past when vacancies had been advertised numerous times without receiving any applicants. He thought that if a councilmember found someone who wanted to serve on a board or commission that they did not have to go through the application process. Councilman Frank Hart said he didn't either. Chairman Tommy Sinclair stated Councilman Hart was the one who insisted on that. Councilman Ben Ivey stated he had someone who had accepted and had gone as far as paying money for the hotel to go to the Fair Board stuff. He wants to be on the Board and would gladly serve. Councilman Ivey stated he did not know he was supposed to come up and fill out an application because they didn't on the Appeals Board. Councilman Frank Hart stated they have, in the past, had people who applied and then said they were going to readvertise. He said if they have to readvertise then they need to do whatever they need to do, but he had already spoken with somebody about serving on the board. Councilman Randall Hanvey said they did not have anyone apply from District 2. Chairman Tommy Ford said they need to do away with advertising and having people apply for these positions if you already know who you are going to pick. Why go to the trouble of having people put in an application? In the past, he had put someone on the Airport Commission that he hardly knew but that person put in for it and other people did too. They took their time to fill out the application and take it to the Supervisor's Office. He could have gone out and found someone else of his choosing. Councilwoman Kacie Petrie stated they only have three applications with the correct questionnaires. Councilman Randall Hanvey stated there was one that made a written application but did not fill out the questionnaire. Chairman Tommy Sinclair said he would entertain a motion to not appoint tonight and call an appointment session as soon as he could which he hoped would be tomorrow.

Frank Hart: Made a motion to not make the appointments tonight to the Fair Board and hold a special meeting as soon as possible to make those appointments.

Kacie Petrie: Seconded the motion. The motion carried.

COUNTY COUNCIL MEETING
JANUARY 14, 2014

Councilwoman Joan Little stated she was talking to Becky Cobb at the Recreation Department and the cars in the parking lot were parked all different ways. She suggested painting the lines for the parking spaces at the Recreation Department to alleviate the problem.

Councilman Frank Hart stated that since the County does line item budgeting they need a formal motion to transfer \$10,000 from the Public Works or Recycling over to support the temporary employee in the Probate Judge's Office. Chairman Tommy Sinclair stated they had hired a temporary person while the employee was out on sick leave. The salary for the temporary person is being paid out of the Probate Judge's salary account. If they continue to do that it will run out of money and then there will need to be a journal entry made to correct it. It can be corrected by transferring funds by journal entry from the recycling account to the Probate Judge's salary account as long as Council knows it and approves it.

Frank Hart: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 6:54 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council