

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL  
TUESDAY, JANUARY 8, 2013 AT 5:32 P.M.  
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chair Kacie Petrie, Councilwoman Joan Little, Councilman Frank Hart, Councilman Tommy Ford, Councilman Ben Ivey, Councilman Randall Hanvey, 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. Ray Treadway, 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. 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

Chairman Tommy Sinclair stated Clerk of Court Freddie Gault had sworn in the Council Members that were elected or re-elected on Monday prior to the County Council meeting of the Committee on County Administration and Finance.

Kacie Petrie: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on December 11, 2012, and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented a service award and gift certificate for James F. Johnson for 15 years, and for Sarah G. Hopkins for 15 years of dedicated service to Union County.

Chairman Tommy Sinclair stated that on the agenda was approval of the ordinance pertaining to the FILOT Agreement with Lockhart Power Company. Development Board Director Andrena Powell-Baker introduced Bryan Stone who is CEO for Lockhart Power Company and Matt Trent who is the attorney representing Lockhart Power Company. Chairman Tommy Sinclair stated the Fee in Lieu of Tax Agreement stipulated a \$2.5 million dollar five year investment. Chairman Tommy Sinclair read the first paragraph of the ordinance

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authorizing the execution and delivery of a Fee-in-Lieu of Tax Agreement by and between Union County and Lockhart Power Company; and other matters relating thereto.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to adopt the ordinance pertaining to a Fee in Lieu of Tax (FILOT) Agreement between the County and Lockhart Power Company as stated.

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

Bryan Stone thanked Council for approving the agreement and stated it was unique for Lockhart Power Company. The savings would largely go back to their customers and the County would realize an increase in tax revenues.

Chairman Tommy Sinclair stated Council needed to consider a vacancy for an unexpired term on the Library Board due to the resignation of Suzanne Gunter. The position had been advertised but there were no applicants.

Tommy Ford: Made a motion to advertise the vacancy on the Library Board.

Randall Hanvey: Seconded the motion.

Councilman Randall Hanvey stated the position had been advertised four times and no one had applied. Since the person that had been serving on the board had been from Councilman Ben Ivey's district then Mr. Ivey said he would pursue someone to fill that vacancy. Chairman Tommy Sinclair said he saw someone at the Rotary Meeting that may be interested. Councilman Tommy Ford withdrew his motion to advertise the position and Councilman Randall Hanvey withdrew his second.

Randall Hanvey: Made a motion to allow the Council to independently pursue a Library Board applicant.

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

Chairman Tommy Sinclair stated there were three vacancies on the Carlisle Fire Board and there were four applicants who were Robert J. Clark, Willie Gist, Ann Stevens, and Marie Whitener. Chairman Tommy Sinclair stated that currently serving are Ellis Jenkins, Ellen Chambers and Marie Whitener.

Randall Hanvey: Made a motion to appoint Marie Whitener to serve another term.

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

Joan Little: Made a motion to appoint Ann Stevens.

Tommy Ford: Seconded the motion. The motion carried with five (5) Council Members voting in favor and one (1) Council Member (Frank Hart) abstaining.

Frank Hart: Made a motion to appoint Robert Clark.

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

Chairman Tommy Sinclair stated there are vacancies on the Kelly Kelton Fire Board. He stated that three of the most recent appointments were for two year periods and not four years. That is what they are trying to get sequenced out. The last person appointed which was last month was for a four year period that will expire four years from January. This appointment should be a four year term. There are two openings. Council received two applicants who were Kenneth Adams and William Bryan Farr.

Kacie Petrie: Made a motion to appoint Kenneth Adams.

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

Ben Ivey: Made a motion to advertise again.

Randall Hanvey: Seconded the motion.

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Councilwoman Joan Little asked if it was for one position or three. Chairman Tommy Sinclair stated he thought they should seek one and get that fourth in place and then the decision can be whether to continue the remaining two positions for two more years to set the cycle of rotation. The vote on the motion was unanimous.

Chairman Tommy Sinclair stated Council had discussed during the meeting of the Committee on County Administration and Finance the request made by the Historical Society. It was brought up during the last meeting and Council wanted to review the previous minutes to see how it had been addressed.

Kacie Petrie: Made a motion to accept the recommendation of the Committee on County Administration and Finance to award the Historical Society their request for \$65,000.

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

Chairman Tommy Sinclair stated next on the agenda was the transition plan for Union County. When you receive federal money you have to comply with federal regulations. One of those is to comply with the Americans with Disabilities Act. They have to do an assessment and if they find shortcomings you have to develop a transition plan to correct them. He asked Council to adopt a resolution to approve the transition plan to be compliant with federal requirements.

Randall Hanvey: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution to adopt a transition plan in accordance with the Americans with Disabilities Act of 1990.

Ben Ivey: Seconded the motion.

Councilman Frank Hart asked where they were pulling the funds from. Chairman Tommy Sinclair said the larger amounts would come from the Contingency Fund and the smaller amounts would come from the normal maintenance account. Councilman Frank Hart asked if the items we don't do internally would go through the bid process. Chairman Tommy Sinclair stated they would. Councilman Frank Hart asked if there would be any items above \$10,000. Chairman Tommy Sinclair said he did not anticipate any and any amounts above a certain amount would be covered by the Procurement Policy.

The vote was unanimous.

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

Sheriff David Taylor informed Council they were having plumbing issues at the jail. They have two inch pipe which is normally used for residential. The pipe should have been four inches. The inmates are putting wool blankets in the sewer system and flushing them. They are trying to flood the jail but they can't because the water cuts it off. To clear that out is a major ordeal. Some facilities use a grinder in the sewer system to chop up anything put in the system but ours does not have this. This will be a costly project and he wanted to make Council aware of it in case the budget is exceeded. This goes back to poor design which causes higher maintenance costs.

Chairman Tommy Sinclair called for committee reports.

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Councilwoman Kacie Petrie stated the Committee on County Administration and Finance met the previous day and had made some recommendations. She stated they had a report from the Hospital Board Chair. They are going to follow up with a joint meeting for discussion on the business plan within the next 90 days. The committee interviewed Mr. Lynn Lawson as an applicant for the Hospital Board.

Kacie Petrie: Made a motion to accept the recommendation of the Committee on County Administration and Finance to appoint Lynn Lawson to serve on the Hospital Board of Trustees.

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

Chairman Tommy Sinclair stated there is another vacancy on the Hospital Board of Trustees due to the death of I. G. Vanderford.

Tommy Ford: Made a motion to advertise the vacancy on the Hospital Board.

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

Councilwoman Kacie Petrie stated the Committee on County Administration and Finance recommended approval of a commercial lease with Spartanburg County for the Harry From Building.

Randall Hanvey: Made a motion to accept the recommendation of the Committee on County Administration and Finance to approve a commercial lease with Spartanburg County for the Harry From Building.

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

Councilwoman Kacie Petrie stated the Committee on County Administration and Finance recommended allowing some support agencies, such as the Red Cross, to use some of our county buildings where office space is vacant.

Randall Hanvey: Made a motion to accept the recommendation of the Committee on County Administration and Finance to allow some support agencies to use some of our county buildings where office space is vacant.

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

Councilwoman Kacie Petrie stated the Committee on County Administration and Finance recommended holding a joint meeting with the School Board in reference to some facility uses. That was scheduled for February 11<sup>th</sup>.

Ben Ivey: Made a motion to accept the recommendation of the Committee on County Administration and Finance to hold a joint meeting with the School Board on February 11<sup>th</sup>.

Randall Hanvey: Seconded the motion.

Chairman Tommy Sinclair said he had dialogue today through email to set up the logistics of that meeting. The final email was that the Union County Council was the inviting entity and we should host it.

The vote on the motion was unanimous.

Councilwoman Kacie Petrie stated the Committee on County Administration and Finance reviewed the bids for trimming the tree in Buffalo. The Committee decided to reject those bids and to sell the property with the stipulation of the tree removal in the bid process.

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Tommy Ford: Made a motion to reject the bids and to bid the property for sale with the stipulation that the tree be removed within 30 days after closing with a revision clause that it revert back to the County if it is not done.

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

Chairman Tommy Sinclair informed Council he had been in dialogue with a South Carolina Association of Counties attorney. There is an offer on the table that we can close out with Council's approval to allow him to do the final negotiations of the Kelly Kelton lawsuit.

Ben Ivey: Made a motion to allow Chair Tommy Sinclair to do the final negotiations to close out the Kelly Kelton Fire District lawsuit.

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

Chairman Tommy Sinclair stated it had been on the agenda to consider the extension of the Timken FILOT but the documents did not arrive. They are not under a time crunch and we still expect that to happen.

Chairman Tommy Sinclair stated he had asked Council for requests on what Standing Committees they were interested in serving on. He had two members return their requests but had talked to several of the other Council Members. He said he would make those appointments at the next regular monthly meeting of Council.

Chairman Tommy Sinclair stated Council needed to vote for a vice chair of Council.

Frank Hart: Made a motion to nominate Councilman Tommy Ford.

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

Chairman Tommy Sinclair entertained an advisory nomination for chaplain.

Randall Hanvey: Made a motion to nominate Councilman Ben Ivey as chaplain.

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

Chairman Tommy Sinclair stated Council needed to set the date and time for the regular monthly Council meetings.

Kacie Petrie: Made a motion to keep it as set on the second Tuesday of each month at 5:30 p.m.

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

Chairman Tommy Sinclair stated the next monthly meeting would fall the day after the joint meeting tentatively set with the School Board. Council has set a work session for Monday, February 4<sup>th</sup>.

Councilman Frank Hart asked if they had clarification on the Carlisle Fire District in terms of the process since they are talking to the USDA. Chairman Tommy Sinclair said he had shared what he had from McNair Law Firm and that it would not encumber the County's bonded indebtedness. Procedurally, he said he was not in a position to answer his question. Councilman Frank Hart said he wanted something telling him who would execute the agreement and the process. County Attorney Sammy Diamaduros suggested they get guidance from the McNair Law Firm. Chairman Tommy Sinclair said the initial information he provided him showed it was a Carlisle Fire District movement with Council endorsement or approval. But that would have been under a bond issue but now they are talking about a

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loan issue. Who guarantees a loan for Carlisle Fire District? He said he understood the County would not need to do so as they would be considered self-sufficient. Councilman Randall Hanvey said he understood Mr. Glenn to say that they did not need the County to do the loan or that was what he had been told. Chairman Tommy Sinclair told Council that on his own initiative Mike Spencer came into contact with a representative from USDA. The representative came to Union and Union County is low income eligible. There is a guaranteed \$50,000 in hand with a loan for the other \$200,000. Chairman Tommy Sinclair stated there are some other opportunities there for the rest of this county under what used to be FHA but is now USDA. The representative will help them walk through the loan. The question is whether or not the Carlisle Fire District can act on their own or does Council have to approve it. Does approval mean the guarantee of the loan? Councilman Frank Hart said the representative had stated that time was of the essence and he requested an answer on the procedure within the next ten days so they can explain to Carlisle Fire District what they need to do. Councilman Ben Ivey asked if they were created under Home Rule and Chairman Tommy Sinclair stated they were. Councilman Ben Ivey stated that since the property has to be in the County's name then the County would be liable for it. Councilman Frank Hart said similar to a home loan they would use that asset to secure the loan but ultimately it would be a county responsibility. They did some rough numbers as to what is going to happen to their revenue based on the expanded district. It is going to go up approximately \$4,000 a year. As they calculate what they need to service the debt they have to go through the process of the public meeting and there has to be a vote. Councilman Ben Ivey stated the taxpayers in that district have to be willing to support it. Chairman Tommy Sinclair suggested talking to McNair Law Firm to establish the process for the loan for the Carlisle Fire District. There have to be enough funds to cover the debt and operate the fire department. Councilman Frank Hart said that since this is in his district and this is one of his projects he would like to act as a liaison between them and the County Council. He did not want the process to get held up. Chairman Tommy Sinclair stated that the rest of the Council needs to approve this initiative to take this effort to the next level.

Ben Ivey: Made a motion to allow Chairman Tommy Sinclair to proceed with the next step moving forward.

Chairman Tommy Sinclair stated the intent is to assist Carlisle in pursuing the USDA loan with McNair guidance as quickly as possible and hopefully not more than thirty days.

Councilman Frank Hart stated he was okay with him as Supervisor initiating that but he knew he had a lot of other projects and he did not want it to be slowed down. Chairman Tommy Sinclair told Councilman Hart he could come at any time and any day. Councilman Randall Hanvey said Council had told representatives from the Carlisle Fire Department they would come to the meeting or public meeting and had turned it over to them. Councilman Ben Ivey said they had to do their legwork as far as getting the town meeting set up so the Council could attend. That is on them and not on Council. Councilman Frank Hart said they do not know what to do. Councilman Ben Ivey said Council let them understand that they have to take the first step. It is their community and if they want it then they have to start it and give Council a date. Chairman Tommy Sinclair patted Mike Spencer on the back for showing the initiative because it is truly the first hard initiative he saw other than them asking Council to do this for them. They engaged the USDA in the process. Councilman Randall Hanvey stated they have his support to do whatever they need to do to get the ball rolling. He did not think Council would hold them up in any way. Councilman Frank Hart stated that was a priority for him in his district. Chairman Tommy Sinclair stated the motion was to take it to

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the next level trying to get the true end state of securing the loan as quickly as possible certainly having a plan in hand in less than thirty days. Councilman Ben Ivey agreed that was the intent of his motion.

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

Chairman Tommy Sinclair called for any other new business but there was none.

Ben Ivey: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 6:12 p.m.

Thomas L. Sinclair, Chairman  
Union County Council

Linda G. Jolly, Clerk to Council