

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, OCTOBER 8, 2013 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, 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, 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 and held 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

Randall Hanvey: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on September 10, 2013, the special meeting of County Council on September 18, 2013, the special meeting of County Council held on September 24, 2013 and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented service awards and gift certificates for Daniel E. Young for 10 years, and for Donna P. Cudd for 40 years of dedicated service to Union County.

Chairman Tommy Sinclair pointed out that Councilman Tommy Ford had made the motion to appoint Charles Whitaker to serve on the Airport Commission but it should have been Councilman Randall Hanvey's recommendation. Councilman Randall Hanvey said that was who he had planned to recommend so it was no problem.

Chairman Tommy Sinclair stated there were two vacancies on the Alcohol and Drug Abuse Commission but there were no applicants. He suggested Council might need to recruit a couple of people to serve on that Commission and they would need to be recommendations from Councilman Tommy Ford and Councilman Randall Hanvey.

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Chairman Tommy Sinclair stated there were two vacancies on the Appeals Board and that he still had not chosen his representative.

Kacie Petrie: Made a motion to appoint Chris Price on Pine Street as her representative on the Appeals Board.

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

Mr. Keith Vanderford and Mr. Roger Gregory appeared before Council to request space for the Election Commission. Chairman Tommy Sinclair stated there had been some discussion in the past about the Election Commission. Council had reviewed theirs and other space needs as well as the need for storage. The Treasurer's Office, Auditor's Office and Clerk of Court's Office have limited space. The Codes Enforcement Officer and Building Inspector share office space. Recycling and Public Works are located in a temporary trailer. All this is being compounded by the security issues. Clerk of Court Freddie Gault stated that because of those security issues they are extending the Child Support Office at the County Annex. Chairman Tommy Sinclair stated the Solicitor's Office wishes to use space in the Law Library. He said he showed Keith Vanderford and Roger Gregory the space at the Old Chrysler Building and there is \$34,000 in the rollover money to help bring the building up to standards. Moving the Election Commission from the Annex Building would free up some space and they could use the upstairs area where the voting machines are now stored. Mr. Vanderford presented a letter stating the obligations of the Election Commission in holding an election. He said they do not have enough space at the Annex Building and the new security issues would need to be addressed especially for absentee voting. They need to be able to use their Unity System, laptops, and voting equipment. He stated that if the County allows them enough space in the Old Chrysler Building then it should meet their needs for a long time. Councilman Ben Ivey asked if either of the two locations is better for them than the other. Roger Gregory said the Old Chrysler Building would be the best location they could expect to have because it provides the office space they need and provides plenty of space for parking. He had previously informed Council there were three members of the Commission who had not been certified because they were not able to get enrolled in the classes. As of September 27, 2013, all the members have been certified. They would have to continue to take classes every year. He provided Council with a handout and went over statistics on the amount of space provided by other counties around the State. He said he was impressed with the space at the Old Chrysler Building although it would need to be renovated. Councilwoman Kacie Petrie asked if they would be moving the Voter Registration Office as well and Chairman Tommy Sinclair responded they would. Councilwoman Kacie Petrie asked if that would mean moving the Building Department and Chairman Tommy Sinclair stated they could but would not have to. Councilman Frank Hart asked what all they saw feasibly fitting in the Old Chrysler Building. Chairman Tommy Sinclair stated he could conceivably see for the long term the Tax Assessor's Office moved to that location along with the Building Inspector, GIS, and the County Engineer but the building would have to meet occupancy requirements. There had been discussion about relocating EMS services there. Part of the building needs some work done on the roof but if it was done it could be used for storage. Councilman Frank Hart asked if the County had considered the old Sims building. Chairman Tommy Sinclair responded they had evaluated it and discussed with the City a consolidated use of that facility but it would be costly to renovate which would have to include a sprinkler system and there were other ties to the building. Councilman Frank Hart suggested looking at a long term plan for County operations. Roger Gregory stated the Old Chrysler Building was a good location because a lot of

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the work has already been done since the offices are laid out with partitions up and it could be moved into very quickly.

Clerk of Court Freddie Gault informed Council the Statement of Economic Interest required to be filed by all elected officials that had been due by April 15th of each year now has to be filed by March 30th of each year.

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

Chairman Tommy Sinclair stated Council had previously authorized a personnel replacement for the Probate Judge's Office. A person was hired but due to situations at home only worked for half a day. Another person was identified and hired but they did not show up. If you look at the ordinance as it is written it should have come back to the Personnel Committee each time and come back before Council each time. Councilman Ben Ivey stated the position had not been fulfilled yet and a person is supposed to start on Monday.

Chairman Tommy Sinclair stated the days at the recycle centers had been changed based on action of Council. He had a lady suggest the County open the smaller sites that are only open two days a week on the days that the larger sites are not open so there is a site somewhere in the County that would be open.

Chairman Tommy Sinclair stated there was an inspection today at the Detention Center with no deficiencies and one at the jail. Sheriff David Taylor stated when he received a written report he would provide him a copy and there were issues that would need to be addressed. Councilman Randall Hanvey asked Sheriff Taylor since the Council had made some changes had he seen any changes in the number of inmates at the jail. Sheriff David Taylor stated they had fifty-three inmates this morning where they had been averaging sixty. He felt it may be a slow process and they should know more by the end of the year and certainly by budget time.

Chairman Tommy Sinclair presented for second reading an ordinance authorizing pursuant to Chapter 44 of Title 12 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of a fee agreement between Union County, South Carolina and BMW Manufacturing Co., LLC; and matters relating thereto.

Ben Ivey: Made a motion to accept second reading of the ordinance authorizing the execution and delivery of a fee agreement with BMW Manufacturing Co., LLC as stated.

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

Chairman Tommy Sinclair presented for second reading an ordinance authorizing the execution and delivery of a deed to City of Union, South Carolina, a body politic, conveying the interest of Union County, South Carolina, in certain parcel of real estate located at 107 East Main Street (Super 10) as shown on Deed Book 234 at Page 185 (tax map #73-20-2-4) (see Exhibit "A" attached hereto).

Randall Hanvey: Made a motion to accept second reading of the ordinance authorizing the execution and delivery of a deed to City of Union conveying the interest of Union County in the old Super 10 building as stated.

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

Chairman Tommy Sinclair presented for second reading an ordinance authorizing and providing for the issuance of Special Source Revenue Bonds of Union County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the pledged revenues received and retained by the County from payments by partner counties representing a percentage of fees in lieu of taxes from certain joint county industrial and business parks received by such partner counties and pledging the pledged revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing.

Ben Ivey: Made a motion to accept second reading of the ordinance pertaining to the issuance of Special Source Revenue Bonds of Union County as stated.

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

Chairman Tommy Sinclair presented for second reading a first supplemental ordinance providing for the issuance and sale of a not exceeding \$2,500,000 Special Source Revenue Bond, Series 2013, of Union County, South Carolina; prescribing the form and details of such bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto.

Randall Hanvey: Made a motion to accept second reading of the first supplemental ordinance as stated.

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

Chairman Tommy Sinclair stated they had held a meeting about the spec building and invited any Councilmembers who wished to become a part of the process in order for Council to have input. Councilman Frank Hart asked if Council would have to approve plans for the spec building and suggested those bond funds be placed in a separate account for the project with no overages being allowed. The County has had some bad experiences with overages on projects in the past. Chairman Tommy Sinclair said the ordinance states the bond would not exceed \$2,500,000 and he said those funds would be placed in a separate account. Councilman Frank Hart asked Development Board Director Andrena Powell-Baker if they would be bringing a plan back to Council and she responded that they could do that. He suggested Council would then vote to approve the project and disperse the funds. Chairman Tommy Sinclair stated that was not how it was typically done. Andrena Powell-Baker stated that by the time they would bring it to Council then they know what the plans are and what they need to be so she was not sure what Council would be approving. Councilman Frank Hart stated on the Timken Sports Complex project there was a budget and a plan but it turned out different from the original plan. He wanted to have a clear view of what they are going to do, what it is going to cost and some explanation as to why they are doing what they are doing. Councilman Ben Ivey did not feel Council needed to approve all the specs on the project. Chairman Tommy Sinclair felt the minutes would reflect Council's approval to build a spec building and the Special Source Revenue Bonds to fund it through a loan from Santee Cooper. Andrena Powell-Baker stated what they would bring back to Council would be based on expertise that she does not have and Council probably would not have either. So what would Council be approving at that point? Councilman Frank Hart stated he wanted to see what it was going to look like and the full plans. Councilman Ben Ivey stated they could look at the plans but Council could not decide they did

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not like the height of the ceilings or nit-pick it to death. Councilman Frank Hart stated it would be a two million dollar plus project that he would want to be able to explain to his constituents what it looks like and why it is needed. Andrena Powell-Baker stated they would be able to provide him that information.

Chairman Tommy Sinclair provided some information from Jake Black that has to do with Courthouse security. Chairman Tommy Sinclair stated he and the bailiffs would like to see a dress code for everyone in the Courthouse whether they are an employee or not. He stated that the Clerk of Court by statute law has Courthouse responsibilities. Clerk of Court Freddie Gault stated some people are not being required to go through the metal detector and unless it is a law enforcement officer in uniform wearing a badge they must have a County ID or go through the metal detector.

Chairman Tommy Sinclair stated he and Councilman Ben Ivey looked at Hard Ranch Road and after some research realized it is part of the County's Road Maintenance System. The County will be putting in some pipe on Hard Ranch Road since it was determined to be a County road.

Chairman Tommy Sinclair stated Sheriff David Taylor needs two new fax machines due to the new security requirements stating they cannot email certain information but rather have to transmit by secure fax. The two fax machines would cost approximately \$4,800 a year which he suggested come out of the contingency fund. Councilman Randall Hanvey stated this was yet another example of unfunded mandates. Sheriff David Taylor stated narrow banding was another example but it is finally complete. All the bugs have not been worked out but it is up and running.

Chairman Tommy Sinclair stated the Buffalo Community Center established a new board of directors, is about to elect officers and validate by-laws. They are ready to go out for bids on the roof for the Center.

Chairman Tommy Sinclair stated Councilman Ben Ivey had talked to Howard Johnson about the Buffalo Mill Site and Mr. Johnson has consented to an environmental study on the property for both phase I and phase II. Councilman Frank Hart asked if the County was citing Mr. Johnson and Chairman Tommy Sinclair stated he was being cited every two weeks. Councilman Frank Hart asked if Mr. Johnson was making any progress on the property and Chairman Tommy Sinclair stated he was not. Councilwoman Joan Little asked if Mr. Johnson was paying the fines and Chairman Tommy Sinclair stated he had not been fined yet. Mr. Johnson has been cited but they have not worked their way through the judicial system.

Chairman Tommy Sinclair stated he, Councilman Frank Hart and Councilwoman Kacie Petrie met with reps from the Hospital Board in regards to hospital alignments and progress is being made. Wallace Thomson Hospital is financially fragile but we need to keep a medical care facility. The process is very involved.

Chairman Tommy Sinclair stated there was a meeting of Connect Our Futures that was well represented. It was an effort aligned with the Catawba COG and the Charlotte COG concerning the area along the I-77 corridor. Ten At the Top as an upstate regional group is trying to come to

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each county to try to do the same type thing. He said he had attempted for some time to establish a countywide planning committee. He plans to use a group of County and City Councilmembers to invite them to an organizational meeting before the end of October. They need to collectively formalize so all would have input to try to be ready for the future.

Chairman Tommy Sinclair stated in conversations with Councilmembers after discussing Timken Sports Complex and the Miracle League landscape in regard to accessible fields one Councilmember wants to be heard. The matter was voted on recently and since this member was on the winning vote he can resurface the issue.

Tommy Ford: Made a motion to reconsider the vote on the Miracle League Field to extend it to 150 feet. He said he had looked at it and it is tore up now and if we wait another year then they would have to tear it up again. He said he had talked to Amy and Tiffany and told them he wanted Miracle League to continue to raise money to put back in this fund and they assured him they would continue to raise money. Anyone coming in such as Wounded Warriors or anybody in the future that wants to use the field would need to do some fundraising before the County allows them to use the field.

Ben Ivey: Seconded the motion.

Councilman Ben Ivey stated when they came before Council as the Miracle League desiring a field and trying to get it ready for their group to play on then Council acknowledged they would let them have one of the Timken fields. It was called the Miracle League Field but it should have been an accessible field for any group that could use it whether it is for people in wheelchairs, Wounded Warriors or whoever. The Miracle League raised the funds to do what they needed to do but this would be an extension so other groups could use it. He thought it would be an advantage to go ahead and complete the field at this time while they are in the process of reworking that field so they won't have to come back and look at it a year from now. Councilwoman Joan Little said she went out and looked at the field with Recreation Director Becky Cobb who let her know all the different things it could be used for. It could be used by older people who want to play for fun who are afraid they would be injured playing on the other fields. Councilman Randall Hanvey stated there are some senior citizen leagues who play softball. He asked if Miracle League is the one that has paid the bulk of the money for this ball field then someone other than the Miracle League uses the field and damages the surface then is it covered by any insurance or would the County be responsible for fixing it. Chairman Tommy Sinclair stated the way it is in other communities it is a collective effort between the league and the county. He said one of the things he was hit with early on from the Tourism Commission was that the County was giving up one of the revenue generating fields. While he understood that perspective he did not absolutely agree with it. If you open it up to national level tournaments, it could be revenue generating. Councilman Randall Hanvey stated he was not aware of any other group that had shown any interest in using that field other than the Miracle League. Councilman Frank Hart stated the County had already made a large investment to do the Miracle League field which he thought was a good endeavor and they have what they need to fulfill that. Before the County commits another \$60,000 they need to show utilization of the field, develop their league, and show how it is contributing to the County. Our budget is balanced assuming the Hospital is going to repay the County a half a million dollars this year but that is not likely. He said he could not vote to spend that amount of money when no group has come forward saying how it would be used and what they would do for it. He said it would be nice if you could do it but you have a jail that is falling apart, roads that need maintenance,

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people that need space, and buildings they cannot take care of. It is a question of priorities and while it is a nice thing to do it does not fit within the priorities. Councilman Randall Hanvey stated some of the Councilmembers have taken a beating over how much money was spent on the Timken Sports Complex and they are asking the County to invest another \$60,000 that everybody seems to be in favor of. It has been brought up from time to time what bad judgment they used in spending that money for the complex. Councilwoman Kacie Petrie agreed with what Councilman Frank Hart said about spending money because the County is going to be in a fix if they do not receive the repayment from the Hospital because our budget will not balance. However, the money they are suggesting be spent is not taxpayers money but rather is Hospitality Tax funds and they are limited on what it can be spent on. She said they could not use Hospitality Tax money to balance the budget. Councilman Frank Hart said he had not had a chance to research that but there is some leeway there. Chairman Tommy Sinclair said you see what Timken Sports Complex has done for the community even though it has not generated the income people thought it might. When you see the kids, parents and grandparents at the complex then how do you determine what that is worth? Councilman Randall Hanvey stated the purpose it was built was for the kids of this community. It did go over budget but our kids are worth every penny that was spent. If they are going to do the expansion of the field then stop beating a dead dog about how bad an idea it was originally. He said he was tired of hearing about the bad investment the County put out there since the kids are happy with it.

The motion carried with four (4) Councilmembers voting in favor of the motion and two (2) Councilmembers (Councilman Randall Hanvey and Councilman Frank Hart) opposing.

Chairman Tommy Sinclair called for any new business.

Councilwoman Kacie Petrie stated she got a letter from the Stadium Commission wanting to set up a meeting with County Council to discuss some long term planning for the stadium. Chairman Tommy Sinclair said he would call a special meeting for week after next to focus primarily on the stadium. Chairman Tommy Sinclair stated Councilman Ben Ivey had expressed a need to provide additional structural support for the wall at the stadium.

Chairman Tommy Sinclair called for any committee reports.

Joan Little: Made a motion to accept the recommendation of the Committee on Law Enforcement, Judiciary and Recreation by approving first reading of the ordinance amending the Animal Control Ordinance including the suggested change in the reclamation fee.

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

Joan Little: Made a motion to accept the recommendation of the Committee on Law Enforcement, Judiciary and Recreation by approving first reading of the ordinance amending the ordinance pertaining to wrecker services including the suggested changes in charges.

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

Joan Little: Made a motion to accept the recommendation of the Committee on Law Enforcement, Judiciary and Recreation to allow Sheriff David Taylor to have a pool of trained part time dispatchers to pull from to fill in to reduce paying overtime to the regular dispatchers.

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

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Sheriff David Taylor stated the money was already in the budget.

Councilman Frank Hart requested Council go into executive session to discuss a matter that was contractual related.

Frank Hart: Made a motion to go into executive session for the purpose stated.

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

Councilman Frank Hart asked Keith Vanderford with the Election Commission to remain during executive session.

The Union County Council went into executive session to discuss a matter that was contractual related.

Chairman Tommy Sinclair announced they had come out of executive session and no votes were taken.

Ben Ivey: Made a motion to pursue the Voters Registration movement to the Old Chrysler Building.

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

Randall Hanvey: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 7:06 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council