

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, NOVEMBER 10, 2009 AT 5:33 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.

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

Joey English: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on October 13, 2009 and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented service award certificates and gift cards to Dean Gibson for 10 years of dedicated service, to Brad Valentine for 10 years of dedicated service, and to Sandra Foster for 30 years of dedicated service to Union County.

Mr. Dennis Frost with the Phillipi Fire Department stated that years ago ISO (Insurance Service Office) allowed three mile coverage. Since then they have extended it to five miles. They are a small district and they received \$13,200 this year to operate on. Those funds cover the truck insurance, the insurance on the building, light bill, water bill, and any equipment the fire department needs. They are requesting to extend the three miles 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 might pick up one home and that would be it for the time being but who knows in time to come what might be put down

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there. That would give the fire department extra money to keep it going. To keep the equipment up they have done grants totaling \$370,000 since 2002. They got a new truck and new air packs. Every year this equipment has to be tested and it cost money to have it done. They want the little extra tax money to help them by extending their boundary the other two miles. Most of their land in the fire district is under homestead exemption therefore the property owners do not pay as much in taxes. They are operating on ten mills. Chairman Tommy Sinclair understood this would need to be done by holding a public hearing. It needs to be determined that the people in the area to be included in the fire district want to be covered. Councilman Joey English suggested they talk to Brad Valentine to help get things started. Mr. Frost stated he is the chief for Phillipi Fire Department. Councilwoman Dora Martin felt they needed a petition signed by the people in the area where coverage would be extended to show their support and interest in obtaining coverage. Councilman Randall Hanvey stated he understood they would also need to provide a description of the boundaries of the area as well. Chairman Tommy Sinclair stated they would provide them with information on the process to extend their boundaries.

Mr. Michael Taylor stated he would like to call a point of order. He said Council neglected to have any reports from the last meeting. He had asked for some information and Mrs. Dora Martin as Chair at that time had assigned Councilman Randall Hanvey to check on some questions about who would be in charge of drug testing. There was no report made before starting new business. They had not gotten through any reports or unfinished business. Chairman Tommy Sinclair stated that would come up. Mr. Sinclair said the agenda is set and he accepted Mr. Taylor's contention on a point of order but he would not change the agenda.

Mr. Bruce Inman with the Kelly-Kelton Fire Department stated Council had received a letter from the chief of the fire department dated October 22nd. He wanted to clarify some of that. The chief had stated that due to lack of interest in the department and reduction in the tax millage over the years, the property had not gotten the proper supplies and equipment. The tax millage has decreased one time since its establishment in 1979. It was reduced by three mills in 2004. He presented expenditure lists for the past three fiscal years of 2007, 2008 and 2009. Chief Hill had stated OSHA had charged the department several major fines but he presented a letter from Anthony Wilkes stating that there are no fines. The fire board had no knowledge of the letter before November 2nd. Chief Hill requested an emergency meeting and informed the board of contact by OSHA representative Anthony Wilkes. She read the board a list of fines she had received. Chief Hill was asked at the meeting if she had any formal written correspondence from OSHA and she stated she did not. Chairman Tommy Sinclair stated this is a lot of information and asked Mr. Inman to summarize it. Mr. Inman stated that as Council reviews the information they will find the letter they received is in error on all points and there is information provided to establish that. Chairman Sinclair said he understood there was contention between two interested groups at that fire department and we all need to come to a resolution. Mr. Inman stated they have incurred some OSHA citations. These are not fines but citations. There will be a formal letter written by OSHA representative Tammy

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Hall and they would have twenty days to ask for an informal meeting to plead their case and show the items they have cited are corrected.

Mr. Michael Taylor said he would like to make a motion to extend the talking time to ten minutes. Chairman Tommy Sinclair told Mr. Taylor he was not in a position to make a motion since he was not a council member. Mr. Taylor stated he could make a motion as a citizen. County Attorney Sammy Diamaduros stated Council could receive information from the public but the public cannot make a motion or question the council. Council takes the remarks for information purposes and can move forward if they want to or not. They do not have to respond to it and take it as information. Mr. Taylor asked if he was saying Council does not have to answer anything that is brought up by any citizen in the meetings. Mr. Diamaduros stated it is not a court room and he is only telling him the law. He stated the public is allowed to provide information to Council. Council can answer or move forward. They do not answer it here as it does not turn into a question and answer session. Mr. Taylor said he had been told by Mr. Sinclair that this Council does not operate by the Roberts Rules of Order. Chairman Tommy Sinclair stated he had not told him that. He said Mr. Taylor asked him what governed us and asked if they had by laws at which time he pulled out Roberts Rules of Order. Mr. Sinclair stated the Council does not have by laws and has a form of government approved by statute. Mr. Sinclair said the Council meeting was not an open discussion and he cannot make a motion for this governing body to consider. Run for County Council and if you get elected you can make motions. Mr. Sinclair asked if he could rephrase Mr. Taylor's motion to have the Council consider extending the time for public comment. Mr. Taylor asked that Council consider that immediately. Mr. Taylor said he asked Mr. Sinclair if the Council was regulated by the Roberts Rules of Order and he told him no. Mr. Sinclair stated Council is not regulated but are guided by them. Council is regulated by statute law and by a set of ordinances. Mr. Taylor stated Mr. Sinclair had told him he would share that information with him. He asked if he was expected to read them in the office. Mr. Sinclair stated that he would go with whatever he was more comfortable with. Mr. Taylor said he would be more comfortable with a copy so he could take it home and examine it. Mr. Sinclair stated that if it exceeds basic costs then Mr. Taylor may have to share some of the burden of the cost. Mr. Taylor asked how much he would be charged and Mr. Sinclair responded he could not tell him since he did not know how much it costs to print it. Mr. Taylor stated he was disappointed that Council had not responded to the questions he asked at the last Council meeting pertaining to drug tests, bridges and roads. He had a meeting with the Sheriff who told him the County Supervisor is responsible and determines when they have any drug tests. He felt the County should adopt an ordinance requiring all food handlers, especially since the H1N1 virus is going around, to wear protective clothing including gloves and hair nets. This policy should include all employees at restaurants, grocery stores, and anyone who touches food products for any sale to the public including bag boys and girls and convenience store clerks. Union should adopt policies at recycle centers to separate all trash and garbage. Employees have the time to do it since they are camped out at the little shacks they have out there. All they need is protective clothing and some kind of oversight. This would be an ideal job for any non violent inmates instead of just cleaning the courthouse and cleaning grounds around the courthouse. Union's employment rate is approaching twenty five percent and property tax will increase this year. Council is

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considering bargaining with companies that will not pay the same property tax as he does and he does not like it. He felt there were a lot of other people who don't like it. He did not know what input Council has for the Meansville Water Company but they are either playing favorites with people or else they have lost sight of providing drinking water and fire protection to our residents. Their own engineer could not give him a valid reason for the pipe they are installing on West Springs Highway. They have a three inch line trapped between two six inch lines which has stagnated water in it. They are not going to have enough water flow going down the West Springs Highway. Chairman Tommy Sinclair asked if he could get a copy of his concerns and Mr. Taylor said he would have to charge him for the copy. Mr. Sinclair asked him how much and he responded that it depends on what the County is going to charge. Mr. Sinclair stated he was not negotiating with him and his five minutes were up.

Chairman Tommy Sinclair stated Council needed to consider the upcoming term expirations for the Airport Commission and the Fair Board.

Dora Martin: Made a motion to advertise the positions.

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

Chairman Tommy Sinclair stated he gets calls daily about when the sports complex is going to open. It cannot open until it has been accepted by the County and there are some engineering issues, sprinkler issues, and shrubbery issues that need to be worked out. He had a meeting with all interested parties and established a target date of the last weekend in February contingent on getting things worked out. That is the first time the high school league will allow a tournament for baseball season. If it is accepted before then the lights will be turned on so people can use the walking trail. There are some change orders that have to be completed. He talked to Alliance Engineers and Sossamon Construction to try to resolve some issues.

Chairman Tommy Sinclair stated there were some documents that needed to be signed in early October pertaining to the Trakas Property. Due to the Supervisor's suspension, he asked them to get those documents back up to date to get the industrial site certified meaning providing water, sewage and power.

Chairman Tommy Sinclair stated there are some issues pertaining to the Clerk of Court's Office which will be addressed during the committee reports.

Chairman Tommy Sinclair said he had received calls about pot holes which are real issues for the guy who cannot get into his driveway and for the person who thinks his road should be paved. He understood there were guidelines and minimum requirements that have to be met before the County can take it over to maintain.

Chairman Tommy Sinclair stated the Town of Jonesville has asked to be able to patrol some roads in that area that turned out to be State roads. He is checking into that.

Chairman Tommy Sinclair stated he had talked to Mr. Brown Fant about administrative self analysis of the audit procedures to see if we are doing all that we can internally to

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provide checks and balances. Mr. Fant had provided an extensive check list used to grade the office and grade each other. He said he would be meeting with department heads and elected officials to suggest looking at the self controls.

Clerk of Court Freddie Gault thanked Council for their support and help.

Sheriff David Taylor stated Stephen Jones had made a proposal to Council about replacing the building at the radio tower at a cost of about \$100,000.00. He stated they had contractors come in and evaluate that building and they thought they could get the repairs done for less than \$6,000.00 and felt it was a cost they could cover through the 911 Communications budget. They are in the process of making those repairs.

Chairman Tommy Sinclair stated he talked to Keith Vanderford about the cost of holding a special election to hold a referendum concerning the change of form of government and it would cost around \$20,000.00. Cindy Fore wanted people to be aware that the Veteran's Day Parade was cancelled but the events will be held at the armory.

Mr. Ronnie Wade stated we are working on UCARE which is the County's charity group to help children during Christmas. This year we will be doing the twelve days of Christmas through WBCU Radio Station to give away twelve Wii units through raffle ticket sales. Since there is not a local Salvation Army this year, WBCU will be donating the Truck Full of Toys to UCARE. Anyone who had donations or knows of someone who does was asked to get them to UCARE. We will need help purchasing for the children and selling the raffle tickets.

County Attorney Sammy Diamaduros presented for second 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 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.

Dora Martin: Made a motion to accept second reading of the 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.

Chairman Tommy Sinclair asked if a date had been set for the public hearing and Council responded it would be held before the next regular council meeting in December.

The vote on the motion was unanimous.

Chairman Tommy Sinclair presented for second 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

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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 accept second reading of the ordinance pertaining to a fee in lieu of tax agreement for Sloan Construction Company, Inc. as stated.

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

Dora Martin: Made a motion to accept the recommendation of the Committee on County Administration and Finance to provide approximately \$19,000.00 in matching funds for a PARD grant for the recreation department with the funds to come from Recreation Department rollover funds.

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

Dora Martin: Made a motion to accept the recommendation of the Committee on County Administration and Finance to give \$7,000.00 from the Non-Departmental Capital Expenditures account for the file server for the Clerk of Court's Office and provide \$5,268.90 for part-time help for 26 weeks in the Clerk of Court's Office with the money to come from the Contingency Fund.

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

Tommy Ford: Made a motion to accept the recommendation of the Committee on Planning and Development to lower the building fees to come in line with the surrounding counties and the City of Union and to hold first reading of the amendment in title only.

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

Councilman Randall Hanvey wanted to address one of Mr. Michael Taylor's questions pertaining to public health. Pertaining to Mr. Taylor's question about overweight employees and the cost, that cost is born solely by that employee and not by the County. This is like the increase for those employees who smoke. It is not an additional cost to the County or to him as a taxpayer but is an additional cost to that overweight employee. Mr. Taylor asked if that meant that the employee would be paid for by the county at the same rate as normal weight people and non-smokers and the employee pays a percentage rate above that. Councilman Randall Hanvey stated that was correct. Mr. Taylor asked what the percentage rate was and Mr. Hanvey stated the insurance company sets that up. Mr. Taylor asked if he would be able to provide that cost and Councilman Hanvey stated that may be covered by the Privacy Act. Chairman Tommy Sinclair stated if there was a scale then it would be provided to Mr. Taylor.

Chairman Tommy Sinclair stated Mr. Michael Taylor had asked about the status of the Goldmine Road Bridge replacement. Mr. Sinclair stated the south end was completed on November 4th and would be finished on November 6th on the north end. Caliber Engineering is the engineering firm responsible for the construction of the bridge and the welding. The welding was done by certified welders. Mr. Michael Taylor stated that as a nuclear welder himself that those welds on that bridge are substandard and that there are certain places on that bridge that have not been welded like they should be. Some of the materials used on that bridge are substandard bridge materials. He stated there isn't anything that had been completed. Mr. Sinclair said he understood those were his

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observational comments but we have to depend on our engineer to certify the status of that bridge. Mr. Taylor asked if it had been certified and Mr. Sinclair stated it had not been finished yet. Mr. Sinclair stated he asked for a status report and he is trying to give it to him. The engineer will have to certify the bridge or the county will not accept it. You can see that progress is being made. Mr. Taylor said the only progress on the bridge that he saw was some handrail stanchions and the welding did look better on those. Mr. Taylor said he would hire a welding inspector and if the welding is good he would pay him and if they are not then would the county pay him. Mr. Sinclair told him he was not going to negotiate with him. Mr. Taylor said he had not addressed his concerns and all he had done was say they had been working on it and supposedly whoever worked on it was certified. Mr. Sinclair responded that was by Mr. Taylor's observations.

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

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

Dora Martin: Made a motion to adjourn the meeting.

Mr. Michael Taylor said he asked about the drug testing and if they were not going to address that at all. Chairman Tommy Sinclair stated he did not have an answer for him and it is not in committee. He said he would follow up. Mr. Taylor asked Mr. Sinclair if he would take one and require every Council Member to take one. Mr. Sinclair stated he would not take one off Mr. Taylor's comment nor would he require anyone else.

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

The meeting was adjourned at 6:17 p.m.

Tommy L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council