

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, DECEMBER 11, 2012 AT 5:30 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Councilwoman Joan Little, Councilman Frank Hart, Councilman Tommy Ford, 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, 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.

Chairman Tommy Sinclair stated Clerk of Court Freddie Gault had sworn in Mr. Frank Hart as a Councilmember as he was appointed by Governor Nicki Haley to fill the unexpired term for County Council District 2. Chairman Tommy Sinclair welcomed Mr. Hart as a new Councilmember.

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 had Mr. Clay Andrews introduce himself. Mr. Andrews stated he was with the Upstate Alliance as the new director of investor and public relations. He said he looked forward to working with Union County to bring more jobs and more investment to the county.

Tommy Ford: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on November 13, 2012, and to adopt the minutes as written.

Ben Ivey: Seconded the motion. The motion carried with five (5) Councilmembers voting in favor of the motion and one (1) Councilmember (Frank Hart) abstaining.

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Chairman Tommy Sinclair presented a service award and gift certificate for Rick Mallett for 15 years of dedicated service to Union County.

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.

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

Chairman Tommy Sinclair stated there was a vacancy on the Hospital Board due to the resignation of Dr. Stan James who was resigning due to health reasons. The position had been advertised and there was one applicant who was Lynn M. Lawson.

Randall Hanvey: Made a motion to interview the applicant.

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

Chairman Tommy Sinclair asked if anyone had an update on Iverson G. Vanderford. Charles Warner stated that the family had been called to the hospital.

Chairman Tommy Sinclair presented a letter from Catawba Regional Council of Governments stating there was a membership vacancy for a position formerly held by Mrs. Dora Martin-Jennings. Joan Little nominated Councilman Frank Hart and he agreed to serve if no one else was interested.

Joan Little: Made a motion to appoint Councilman Frank Hart to serve on the board for Catawba Regional Council of Governments.

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

Chairman Tommy Sinclair stated the Historical Society had requested \$65,000.00 from the County reserve fund for the needs at the historic Cross Keys House & Plantation. The Timken Foundation issued a \$60,000 matching challenge if the Historical Society could supply matching monies by August, 2013. After some discussion, Councilman Randall Hanvey asked that Council have time to review the minutes from June where this was discussed to see what Council actually specified. Councilman Ben Ivey suggested Council review it at the next monthly meeting.

Chairman Tommy Sinclair stated he and Councilman Frank Hart had attended an event center meeting recently. The group wants to make a presentation to the Administration and Finance Committee.

Chairman Tommy Sinclair stated that part of the discussion related to the Kelly-Kelton Fire Department lawsuit has to do with the composition of the board and how they came about. Under a sworn deposition, he had to make some comments on behalf of the County Council. A solution has to be enacted that sets the term of the Kelly-Kelton Fire District and the rotation of members. He sought advice from Tom Martin with McNair Law Firm about the resolution passed by County Council trying to get people to use the General Election process to become members of the Kelly-Kelton Fire Board and no one signed up. He was told it was because of the lawsuit. He has talked to people in that community who have expressed an interest and he has a written request from Tommy Haney requesting appointment to the Fire

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Board. In his deposition he stated the purpose of the Kelly-Kelton Fire Department was to provide fire support and they have. The purpose of the Kelly-Kelton Fire Board was to regulate the fire district and they have. Councilman Randall Hanvey asked if the position Tommy Haney is applying for is for an existing term. Chairman Tommy Sinclair stated after each General Election you start the next January so you start Tommy Haney out for a four year term and he would be the first of getting the board and terms straightened out. The next appointment would be for four years until you get all the four-year terms established and then you get the two-year terms set up to allow for staggered terms.

Ben Ivey: Made a motion to appoint Tommy Haney to serve on the Kelly-Kelton Fire Board for a four-year term.

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

Mr. Donald Lyles provided Council with a copy of a letter from March of 2011 trying to get a fire department, recreation area, recycling center, and roads paved in the Maybinton area. He said he had talked to Ms. Lemaster with the Forestry Division who told him they give land for schools and fire departments so they are working on that. The three roads in their area now are Candice Circle, Hodges Road, and Gilliam Road that need to be fixed. He thanked the County for paving his driveway coming in. Councilman Tommy Sinclair stated the Road Department had been down in that area more than one time and the Road Committee had looked at it and made an assessment. There has been discussion about fire protection being provided for that area. Councilman Frank Hart stated that in January Mike Spencer with the Carlisle Fire Department would be meeting with ISO concerning construction of a building. He invited Mr. Lyles to attend that meeting. The meeting will include Carlisle Fire Department and Santuc Fire Department. Councilman Ben Ivey stated the Carlisle Fire Department still needs to hold a public hearing to see if the people would support the cost of constructing a building. Councilwoman Kacie Petrie said they had discussed in the Planning Committee to have an ISO meeting with all the fire departments when they talked about a county wide fire system. Chairman Tommy Sinclair said it all comes back to ISO ratings and insurance reductions. A homeowner probably would not mind as much having his taxes increased if the net result is that he gets the fire protection and his insurance rate is decreased.

Chairman Tommy Sinclair referred to a letter concerning mail delivery in Carlisle being a problem for residents on Henrietta Street. He stated Linda Mitchell had responded stating it is already on County maps and already in the global system to a degree. Some of the conflict exists due to zip codes. Chairman Tommy Sinclair stated you could go to the Carlisle Post Office and request a specific delivery to that address as opposed to a post office box and they would respond to it.

Chairman Tommy Sinclair stated next on the agenda was to discuss narrow banding and the volunteer fire department issues. The coverage reduction from narrow banding would be resolved by the tower expansions. Some fire departments had radios that could be reconfigured to comply with narrow banding and some were not. He had Jimmy Wilkins to do a matrix of what the real needs were. To make the radios functional in those that could be reconfigured or to purchase radios for those fire departments that had radios that would need to be replaced and have the narrow banding installed would cost approximately \$12,000. Jimmy Wilkins stated that Jonesville Fire Department, Southside Fire Department, Bonham Fire Department and Phillipi Fire Department had already updated their equipment using their

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own funds. He figured 18 new radios would be needed for the rest of the fire departments at a cost of \$375.00 each plus the programming. Councilman Ben Ivey stated he thought this had all been addressed and they were at a bottom line when recently they were told it would cost an additional \$60,000 for an extra channel for the fire departments. Now they are asking for more money for radios when Council had asked to make sure everything was being included. They are not even at the bottom of the beginning. Chairman Tommy Sinclair said it was about how many different fire departments there are with different management and different standards. Councilwoman Kacie Petrie stated it also comes down to which fire departments can afford to purchase them and which ones can't. This only reinforces the need for a county wide fire system. Sheriff David Taylor said it was not anything they wanted to do but rather it was a federal mandate which was unfunded. Councilman Ben Ivey said he understood this had all been addressed when Council agreed to the coverage expansion. It looks like they did not have all their information. Sheriff David Taylor said you had to look at all the volunteer fire departments there are in the county and they still cannot get an up to date list of their equipment. Councilman Randall Hanvey stated they could settle a lot of these problems by consolidating the fire departments. Councilwoman Kacie Petrie said you would have to have a coordinator to coordinate equipment and ISO issues. Chairman Tommy Sinclair asked Scott Austin if Bonham Fire Department has volunteer firemen that go to a scene that are under 18 years of age. Mr. Austin responded that they do but they are not allowed to do anything other than staying with the truck. Chairman Tommy Sinclair asked if that met workers comp standards. Mr. Austin responded that it meets standards as far as OSHO is concerned for fire fighting. Chairman Tommy Sinclair asked if they dispatch anybody that is not on their roster. If someone shows up that says they are with one of the other fire departments would he know if they were or not. Mr. Austin stated he would because of being with the fire district as long as he has. Chairman Tommy Sinclair said they are trying to get some standardization of information collection for workers compensation and insurance purposes.

Kacie Petrie: Made a motion to spend up to \$15,000 to get the fire departments operable. Sheriff Taylor clarified this would be for truck radios and not for portable radios. Councilman Frank Hart asked how the hand held radios would be handled and he was told the fire departments or fire fighters purchase their own portable radios. Councilman Ben Ivey asked if the \$15,000 would cover all the operable trucks and the response was yes.

Ben Ivey: Seconded the motion.

Councilman Frank Hart asked if they were confident with the allocation of these funds that the problem would be covered. Councilwoman Kacie Petrie stated that was the reason her motion said to spend up to \$15,000 in case there were any further.

The vote on the motion was unanimous.

Chairman Tommy Sinclair stated there were some issues involving property owned by the County on Spring Street in Buffalo. Councilman Tommy Ford said the County owns some property in Buffalo near the old railroad bed close to the Mill Pond. The County's property has a tree on it that a neighbor with adjacent property has concerns about some of the limbs falling on her trailer. Councilman Tommy Ford said he had considered using some of his funds to have it cut down but found there was no one in Union County to do the work that has workers compensation coverage. He was going to contact someone in Spartanburg to cut the tree down but Mack Ochiltree owns the property that adjoins it. He wants to buy the property. If the County sells the property to Mr. Ochiltree then he has to cut the tree down. Councilman Tommy Sinclair said you would have to take bids for the sale of the property. Councilman

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Ben Ivey stated the property is of no real use to the County and if you sell it you would at least bring in property taxes on it. Councilman Frank Hart said the only issue with putting it out for bid to sell the property, then if the goal is to take care of the tree for the neighbor the person who buys the property is not obligated to do anything with the tree. Then you would have sold the property but you would not have helped the neighbor. He said if we have a tree on County property that is a potential hazard for the neighbor then the County should take care of it. Councilwoman Kacie Petrie asked if the County could just trim the limbs. Chairman Tommy Sinclair said the County could not trim the limbs with current County assets. Some professional has to do it and they must have workers compensation coverage.

Frank Hart: Made a motion to go through the proper bid procedure to trim the tree to mitigate the risk to the adjacent property holder.

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

There was further discussion about selling the property once the limbs have been cut on the tree since the property is of no real value to the County.

Ben Ivey: Made a motion to accept bids for the sale of the property.

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

Chairman Tommy Sinclair stated Bonham Fire Department wants to purchase some land for future possibilities. Mr. Scott Austin who is the Fire Chief for Bonham Fire Department said the property is on Highway 18 before you get to Oak Grove Road. Mary Sprouse that lives in California owns the property which is located beside Ann and Don Henderson's home place. They want to purchase that piece of property from Mary Sprouse. Ann and Don Henderson have a lot of seven acres on the corner of Oak Grove and Highway 18 they want to swap with them for the Sprouse property. The Henderson's are willing to transfer that property to Bonham Fire Department and chip in extra money. The property they want to purchase is on Highway 18 beside the big power line beside Richard Renna's house. Councilman Randall Hanvey asked if it was the land between them and Oak Grove Road and Mr. Austin said it was. Mr. Scott Austin said the property that was vacated was purchased by the County from Scotty Willard. Mr. Willard has approached the fire department and said if they can make all this happen then he is willing to purchase two acres of the property that they would end up with at the corner of Oak Grove and Highway 18 to put his radio business back on. Mr. Chris Scott who is Chairman of the Board for Bonham Fire District stated the deal with the Rennas and with Scotty would offset some of the cost of the fire department. The Board approved them to spend a certain amount of money to purchase some land. Mr. Renna agreed to the swap for acreage on the corner plus giving them \$2,000. Chris Scott said Scotty Willard agreed to pay the fire department \$4,200 for the two acres he wants to purchase. The \$4,200 and the \$2,000 would help to offset the \$33,000 Bonham Fire Board agreed to pay for the land from Ms. Sprouse. They are looking at purchasing property to use to build a fire house on in the future. Mr. Scott Austin said their attorney Gary Frost told them the land has to be put in the County's name for future use by the fire department. Councilman Ben Ivey asked if the property where the Bonham Fire Department is currently situated belongs to the County now and Mr. Austin stated it is. Chairman Tommy Sinclair stated that saying the property is in the County's name and saying the County owns it are two different statements. Councilman Ben Ivey asked if the property could not be sold without Council's understanding and County Attorney Sammy Diamaduros stated that was correct. County Attorney Sammy Diamaduros said the fire department's attorney Gary Frost wanted to do a deed to the County with the provision that the property is for the exclusive use for the benefit of Bonham Fire

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Department. With the property being in the County's name, when the time comes to swap property and sell the 2 acres to Scotty Willard, would there be any type of bidding or any type of problem with them doing that so the Bonham Fire Department can recoup some of the money they are spending. Chairman Tommy Sinclair stated he understood that was what they are trying to address in the wording of the deed. County Attorney Sammy Diamaduros said with the property being in the County's name then the County would control it and the fire department wants something stipulating that it is being purchased for their benefit and use so that it ties it up. They want to protect their investment. County Attorney Sammy Diamaduros said they may need to get McNair Law Firm involved to be sure it is done correctly and if that is the case then Bonham Fire Department had agreed to pay for their legal services. Chairman Tommy Sinclair stated he understood Bonham Fire Department would be paying any legal fees to have the deed scripted to protect their interests. Chris Austin said the lawyer's concern was what the Council was or was not willing to do at a later date and if Council was okay with them selling off part of that property and swapping that property and there were no stipulations that would cause Bonham Fire Department to be stuck with 15 acres. County Attorney Sammy Diamaduros stated it needs to be addressed as to who controls it. There was further conversation about the fire department building they currently occupy. Councilman Ben Ivey stated they need to check to see what usable property they would have if there are restrictions associated to the right of way of the large power lines.

Tommy Ford: Made a motion to allow Bonham Fire Department to purchase the land and script the deed to protect their future needs.

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

Chairman Tommy Sinclair informed Council the recycling work hours are being changed effective January 1st. The hours of operation will not change only the work hours will change. He stated the group that is associated with the events center wants to make a presentation to County Council sometime after January 1st. He provided Council with forms requesting information on any standing committees they might want to serve on.

Chairman Tommy Sinclair called for any elected officials or department heads who wished to address Council but there were none.

Chairman Tommy Sinclair said the Building Inspector had sent Howard Johnson a letter giving him a deadline of December 7th to show his plan. He is either going to live up to it or he is not. If he does not then he will have to appear before the magistrate. The County does not have to recite him and he would go straight back to court. Councilman Tommy Ford said he wanted DHEC notified that there is asphalt dumped at the permitted site.

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

Councilman Randall Hanvey recommended the Chairman set up a joint meeting with the Hospital Board. Chairman Tommy Sinclair said he had talked to the Chair of the Hospital Board about making a presentation to Council tonight but it was not the best time. They need to provide Council with a financial update. Council also needs to hold a separate joint meeting with the School District.

Chairman Tommy Sinclair called for any other business.

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Councilman Frank Hart asked to go into executive session to discuss a potential purchase agreement for some property.

Tommy Ford: Made a motion to go into executive session.

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

The Union County Council went into executive session for purpose stated.

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

The Union County Council returned to regular session.

Kacie Petrie: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 7:02 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council