

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, APRIL 10, 2012 AT 5:30 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chair Kacie Petrie, Councilwoman Joan Little, Councilwoman Dora Martin-Jennings, 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. Frank Hart, 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. Councilwoman Dora Martin-Jennings 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 Martin-Jennings, District 2 - Present

Tommy Ford, District 3 - Present

Ben Ivey, District 4 - Present

Randall Hanvey, District 5 - Present

Kacie Petrie, District 6 - Present

Mr. Howard Johnson presented pictures of the site at the old Buffalo Mill showing the progress he had made on cleaning up the site. Council reviewed the pictures and receipts and stated they could see a difference.

Chairman Tommy Sinclair stated there were fifteen members on the Tourism Commission and they currently have eight vacancies. There were three applicants who were Buddy Smith, Graham Williams and George Bruce.

Dora Martin-Jennings: Made a motion to appoint Buddy Smith, Graham Williams and George Bruce to serve another term on the Union County Tourism Commission and to advertise for the other five vacancies.

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

Chairman Tommy Sinclair stated there was a vacancy on the Carnegie Library Board due to the resignation of Mike Cassels. There was one applicant who was Sally Palmer.

Dora Martin-Jennings: Made a motion to appoint Sally Palmer to fill the unexpired term on the Library Board.

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

COUNTY COUNCIL MEETING

APRIL 10, 2012

Chairman Tommy Sinclair stated there was a vacancy on the Alcohol and Drug Abuse Commission due to the resignation of David Douglas. There were three applicants who were Charles Barber, Ron Williams and Charles E. Lott, Sr.

Dora Martin-Jennings: Made a motion to nominate Charles Barber.

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

Chairman Tommy Sinclair stated there was a vacancy on the Airport Commission due to Ed Greer being unable to fulfill his term. There was one applicant who was Steve Bogan.

Joan Little: Made a motion to appoint Steve Bogan to the Airport Commission to fill the unexpired term.

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

Chairman Tommy Sinclair stated Wade Stevenson had been on the agenda concerning his property on Old English Road but he decided not to make a presentation.

Tax Assessor Susan Hanvey introduced Mr. Bryan Fawcett with Tax Management Associates and said he is offering a service that the Assessor's Office and Auditor's Office both can use to bring in revenue they do not already know about. Mr. Fawcett said he had been working on two programs with those two offices which are compliant based programs to help bring in additional revenue to the county. One program is the legal residency exemption program that verifies that the people receiving a tax exemption are being treated with uniformity and equity. They work with LexisNexis that has public data information. The other program is the Business Personal Property Tax Compliance Review. They would only look at a portion of the businesses. Both programs are current taxes and not new taxes. They help create compliance in ad valorem taxation. They would work with the Auditor's Office through a training program to allow them to work with their company so they could continue this program on their own in his office once they have been through the reviews. Mr. Fawcett said they thought they could return approximately \$500,000 to the County annually through this program. TMA works on a contingency basis. They would not invoice the County for anything until after money was collected. If they find nothing then they get nothing. On the Legal Residency program they would charge 30% and on the Business Personal Property program they would charge 32%. That is a one-time fee and anything after that is the County's to keep at one hundred percent. This is a one-time program. They do not grant or deny the exemption to anyone but rather they provide the information to the Tax Assessor's Office as to whether they should or should not be receiving the exemption and it would be up to her to make that case. Chairman Tommy Sinclair suggested this be looked at during the upcoming budget sessions. Auditor Brad Valentine said they do not have the technology or the manpower to do what this company does. TMA would be paid a portion of funds that the County is not getting at all.

Chairman Tommy Sinclair stated that next on the agenda was Mike Spencer with Carlisle Fire Department. He said Mr. Spencer was not present but he would try to present the issues with the help of the County Attorney who told him it had been going on for about five years. Carlisle wants to build a fire department and they need a piece of property. They have the money to purchase the property. The question is can they own the property or must the County own it. If the County owns the property then there are further issues about building a

COUNTY COUNCIL MEETING

APRIL 10, 2012

building and the indebtedness, mortgages, or lease to purchase. The County Attorney stated Carlisle Fire District was created by the County under Home Rule. The County ordinance says any property they own should be owned by the County and any borrowing of money should be done by bonds. The fire district would like to have the property deeded to Carlisle Fire District and they would take out a mortgage to build a fire department. The Council could change the ordinance to allow the fire district to own the property. Tom Martin with McNair Law Firm said the fire district is not supposed to mortgage property. Councilman Randall Hanvey asked if the people in Carlisle are aware their taxes could go up if the County does this. County Attorney Sammy Diamaduros said he did not know the details on how they would get the money to pay the mortgage. Chairman Tommy Sinclair said the Council could vote to do this but the County Attorney advised against it. The County Attorney said he advises against giving the property to Carlisle Fire District and letting them mortgage it. If it is going to be done then it needs to be in the name of the County and get McNair Law Firm involved to see what needs to be done to bond it. He did not know if they could generate enough money to pay it back on their own. Councilwoman Dora Martin-Jennings said they have been trying to get land and a fire department built for the past five, six, to ten years. She did not know what they need to do in order to get it done. Whatever it is they think needs to go to the McNair Law Firm to find out the best way for them to do this, needs to be done. Let the people in Carlisle know their taxes will go up in order to pay for this bond indebtedness. County Attorney said according to the McNair Law Firm the only way to do it right now would be to take the property in the County's name and the County would issue the bond to build a fire department. Councilwoman Joan Little stated that when Robert Small gave them property for the fire department it was put in the County's name.

Dora Martin-Jennings: Made a motion to allow Carlisle Fire District to buy the property in the County's name because that is what the County ordinance states.

County Attorney Sammy Diamaduros read Section 7 of the ordinance that created Carlisle Fire District which states to purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of Carlisle Fire District.

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

Mr. Manning Jeter stated it had been discussed previously to change the form of government for Union County. There are only four counties in the State that have the Council/Supervisor form of government. Other counties are growing and flourishing. We need to grow and need revenue. He asked Council to bring it back to the table and reconsider it to move forward to help Union grow. Councilwoman Dora Martin-Jennings said they had gone through the process concerning trying to change the form of government to the Council/Administrator form of government but dropped the ball.

Dora Martin-Jenning: Made a motion that we do the necessary paperwork and resubmit the application to the Department of Justice to change the form of government in Union County from the Council/Supervisor to the Council/Administrator form and to get it done in time for the November Election.

Randall Hanvey: Seconded the motion.

Councilwoman Kacie Petrie stated she would like to move it to the Planning Committee so they could discuss it and possibly vote on it at the next meeting. Chairman Tommy Sinclair asked if she was making a motion to table it.

Kacie Petrie: Made a motion to table it and move it to the Planning Committee.

COUNTY COUNCIL MEETING

APRIL 10, 2012

Councilwoman Kacie Petrie stated it was not that she was against the motion but she wanted to discuss it further. The motion died for lack of a second.

The vote on the original motion was unanimous.

Dora Martin-Jennings: Made a motion that the Planning Committee have a meeting in the next three or four days or the first of next week to discuss whatever it is they want to discuss about it.

Chairman Tommy Sinclair stated the committee chairs call the meetings and a motion was not needed. Councilman Tommy Ford said they are not changing the form of government right now they are only proposing to put it on a referendum to let the voters decide if that is what they want.

Chairman Tommy Sinclair called for any elected officials or department heads who wished to address Council. Clerk of Court Freddie Gault recognized Sheriff David Taylor, his office and the firemen for the work they did responding to the tragic fire yesterday.

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

Chairman Tommy Sinclair passed around some pictures for Council to look at showing the hail damage caused to the dome of the courthouse. They had it patched the next day but will have to do something to fix it.

Chairman Tommy Sinclair stated the Miracle League has invited Council to the Timken Sports Complex on Monday, April 16th for lunch at 12:00 noon. He suggested they hold a budget work session as soon as lunch is over by recessing and reconvening at the County Annex at 1:00 p.m.

Chairman Tommy Sinclair stated they had a request from USC-U to practice ball at Timken Sports Complex.

Joan Little: Made a motion to let them practice at Timken Sports Complex.

Chairman Tommy Sinclair restated the motion to let USC-Union practice on the schedule they presented which basically goes from late August to the end of November.

Dora Martin-Jennings: Seconded the motion.

Councilman Randall Hanvey asked if that was every Tuesday and Wednesday only with Thursdays being batting practice and the response was yes. He asked if it would be batting practice in the cage or on the field and Councilman Ford said he thought it would be in the cage and Chairman Tommy Sinclair stated he did not know. Chairman Tommy Sinclair asked if the motion was to allow them to practice just the days they scheduled. Councilwoman Kacie Petrie asked if Kevin Shropshire and Ronnie Wade had seen the request and Chairman Tommy Sinclair stated he had emailed it to them. Councilman Ben Ivey said if it does not fit in their schedule at Timken Sports Complex then they don't get it. If there are games going on, they would not be able to practice.

The vote was unanimous.

Chairman Tommy Sinclair stated he needed to show Council some legal information in executive session.

Ben Ivey: Made a motion to go into executive session.

COUNTY COUNCIL MEETING
APRIL 10, 2012

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

The Union County Council went into executive session for the purpose requested.

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

Chairman Tommy Sinclair introduced the budget ordinance for fiscal year 2012-2013 for first reading in title only.

Dora Martin-Jennings: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the budget ordinance for fiscal year 2012-2013.

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

Chairman Tommy Sinclair notified the news media that County Council would be meeting on Monday, April 16th at 12:00 noon at Timken Sports Complex and the first Budget Session would be held at 1:00 p.m. at the Annex Building after that.

Dora Martin-Jennings: Made a motion to make the State whole from the Magistrate's Office.

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

Dora Martin-Jennings: Made a motion to approve the previous minutes of the regular monthly meeting of the Union County Council held on March 13, 2012, the special County Council meeting held on March 15, 2012, the special County Council meeting held on March 20, 2012, the special County Council meeting held on April 3, 2012 and to adopt the minutes as written.

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

Dora Martin-Jennings: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 6:32 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council