

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, JUNE 26, 2012 AT 5:47 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chair Kacie Petrie, Councilwoman Joan Little, Councilman Tommy Ford, Councilman Ben Ivey, Councilman Randall Hanvey, County Attorney Sammy Diamaduros and Clerk to Council Linda G. Jolly
Absent: Councilwoman Dora Martin-Jennings

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. 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
Dora Martin-Jennings, District 2 - Absent
Tommy Ford, District 3 - Present
Ben Ivey, District 4 - Present
Randall Hanvey, District 5 - Present
Kacie Petrie, District 6 - Present

Tommy Ford: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on May 8, 2012 and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented service award certificates and gift certificates for Tracy Wade for 5 years and for Tommy Sanders for 5 years of dedicated service to Union County.

Chairman Tommy Sinclair stated there were four vacancies on the Tourism Commission. There was one applicant who was La Ruchala A. Murphy.

Randall Hanvey: Made a motion to appoint La Ruchala A. Murphy to serve on the Union County Tourism Commission.

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

Chairman Tommy Sinclair read for the record that Reverend George Sims of 733 Bailey Town Road in Jonesville has been appointed by Councilwoman Joan Little to replace Mr. Aurenious Stewart on the Tax Appeals Board.

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

Chairman Tommy Sinclair asked Tax Assessor Susan Hanvey how they were doing on the fire districts and she responded they were coming along.

Mr. Howard Johnson gave his monthly update on the old Buffalo Mill site. He said he had hauled about ten loads to where he takes his bricks and stuff. He had pictures of where he said he had bushhogged all around the mill. Council reviewed the receipts and looked at the pictures. Councilman Randall Hanvey said it showed some progress and asked if there was a way to verify the loads he is taking to Mark Lancaster's. Mr. Johnson said he had a record and had them written down. Councilman Hanvey asked that Council be provided with that information as well. Mr. Johnson said he had been asked when he was going to get the money to help clean up the site and wanted to clarify if there would be any funds available. Chairman Tommy Sinclair said the County did seek and receive a Brownfield grant for \$400,000. That Brownfield grant is an assessment grant. Before you can ask the federal government for clean up money you first have to prove that you have a problem. They will provide the money, under their guidance, to prove it. This Brownfield grant is half for petroleum type contamination and then for hazardous chemicals contamination which could be associated with textile plants and could be somewhere else too but is chemicals typically. We are in the process of getting their approval for what the County is going to assess to see if it is truly a contaminated site. His initial dialogue with them was to disportion this money and look disproportionately at hazardous waste former textile sites and less at petroleum sites but it did not work. It was surprising to him how many truly petroleum sites in this county meet the criteria of an old service station that is still a site in numbers. This money is not for cleanup but is to validate the need. He did not think they would have a problem validating the need. Once that is done you can seek cleanup money. If the money comes for cleanup it would not exactly be coming to Mr. Johnson but rather to the County. It would be allocated to governmental bodies to cleanup former hazardous sites. It is a heavily regulated process. Mr. Johnson said he would continue to do what he has been doing and is not asking for any help. Chairman Tommy Sinclair stated there was some evidence tonight that generally Council is satisfied with the progress.

Chairman Tommy Sinclair referred to County Ordinance Number 248 which is the general ordinance under which we operate for building codes, property maintenance, etc. It has been amended several times to include an appeal process and Council became the appeal body. McNair Law Firm told the County through County Attorney Sammy Diamaduros that more modifications need to take place. County Attorney Sammy Diamaduros said he talked to Brad Jolly who is our Building Inspector who came up with the procedures to move forward to demolish unfit and unsafe houses. They were going through it to make sure they were doing everything properly. Mr. Jolly did not think some of it was in perfect order so they had the McNair Law Firm look at it. McNair Law Firm says they have a lot of small issues and some bigger issues with it. It appeared there were some conflicts between the County ordinance and the State Codes and International Property Maintenance Codes. It is the Council's choice if they want to be under the International Property Maintenance Code or the State Code. The Building Inspector leans toward being under the International Property

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Maintenance Code. McNair Law Firm needs to know which one the County wants to be under in order to proceed with updating the County's ordinance. They noticed some structural issues that are wrong with our ordinance which can be fixed very easily. They also saw some substantive issues which they think are larger such as salvage yards and other things that should be separated and put in different areas which would be a large or major endeavor. This could involve possibly codification of all of our ordinances which is a massive endeavor but should have been done over a period of fifty years but never was. That would be something that would take some time, effort and commitment to funds to do it. The main issue is to go ahead and amend the ordinance to where it would work for now. The larger issues they would have to work on over time. Building Inspector Brad Jolly said the State Code was derived in 1972 and was created to give the counties the power to get something cleaned up. That was before building codes were created in the State. It is a code section you can adopt but you do not have to adopt. The International Property Maintenance Code is State adopted and allowed by the County to adopt. This allows the inspectors to do all the condemnation and bring it before Council when it needs something done with it such as demolition. Under the International Property Maintenance Code you have to take and pass a test and be certified. There is a level of accreditation. County Attorney Sammy Diamduros said in conversations with McNair Law Firm there was a lot of discussion about the appeals procedure. Right now it just comes to the Council and what they want is to go to the International Property Maintenance Code where the building inspector would determine if a house is unfit or unsafe and needs to be condemned. The building inspector would hold the first hearing. If the property owner objects to his determination then it would go to an appeals board. It was also discussed having it go to the Supervisor before going to an appeals board. Then if there is still a complaint it could go to County Council. McNair Law Firm has made it clear that it does not ever have to come to Council. It can be an independent appeals board. Mr. Brad Jolly said the International Property Maintenance Code and the building code requires that you have an appeals board made up of citizens that are trained and have knowledge such as people in building construction, engineers, architects, etc. It would be a way of ensuring that he is not overreaching his authority. Chairman Tommy Sinclair said the ordinance had said there was no appeal for the building inspector and that cannot be. Everyone should have the right to appeal. Otherwise, the building inspector could come in and not like you and say your house does not measure up so tear it down and there is no appeal. Right now the only appeal that can be made is to the County Council. Chairman Tommy Sinclair stated if someone comes to him and says the building inspector has been unfair to him then he would look at it and make a judgment. If they do not like that answer then they would go to an appeals board independent of elected officials who would be people in the community who hopefully would have some degree of understanding. Mr. Jolly said McNair Law Firm has said even after that point anyone has the authority to be put on the agenda to come before County Council. They still have that option. Councilman Ben Ivey said it should be handled through the building department because Council does not know enough about the building codes. Councilman Randall Hanvey said the action needed now is for Council to decide if they want to use the State Code or the International Property Maintenance Code. Chairman Tommy Sinclair said he thought the consensus of Council was to go with the International Property Maintenance Code and to get McNair Law Firm to amend the ordinance as needed.

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Chairman Tommy Sinclair presented for third and final reading an ordinance ordering a referendum in Union County, South Carolina, to submit to the electors of the county the question of whether the County should retain its existing form of government (Council-Supervisor with a County Council comprised of six (6) Council Members elected for four (4) year terms from single member districts and a Supervisor elected for a four (4) year term from the County at large) or should adopt the Council-Administrator form of government with a County Council comprised of six (6) Council Members elected for four (4) year terms from single member districts and a Chairman of County Council elected for a four (4) year term from the County at large; providing for the form of ballot to be used; providing for a notice of the referendum; and providing all other things necessary to submit the aforesaid question.

Randall Hanvey: Made a motion to adopt the ordinance pertaining to an election to determine whether the County should adopt the Council-Administrator form of government or retain the Council-Supervisor form of government.

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

Chairman Tommy Sinclair stated he had provided Council with a modification of the last proposal for the budget for fiscal year 2012-2013. The revision includes consideration for corrections officers. Some situations at Timken Sports Complex and having an employee at the Detention Center one night alone made him say they had to figure out a way to give more help. Since then he had some one on one contact with different members reflected in the letter about Cross Keys House and the Library. Councilman Randall Hanvey asked about a top dresser and Chairman Tommy Sinclair said it was included as part of the recreation proposal. Mr. Buddy Smith as the president of the Historical Society stated the Cross Keys House needs new restroom facilities at a cost of approximately \$60,000 to \$75,000. Chairman Tommy Sinclair allowed Ben Loftis with Carnegie Library to speak. Mr. Loftis stated they appreciate any support from Council and stated they would not be buying any new books. Any new books are coming from donations. There are repairs needed at the Library especially on the air conditioner system. Chairman Tommy Sinclair said he had received his email about the air conditioner. He said he thought Mr. Loftis was relieved to hear that the County was going to keep paying the employer's portion of the employee insurance. Chairman Tommy Sinclair stated the proposed budget does include funds for a part-time person at the Cross Keys House. One member of Council had suggested rather than seeing how much to take from the fund balance a more appropriate way to look at it is how much to leave. Our fund balance is four plus million dollars. If we attempted to leave it at four million dollars, then we have \$139,000 to spare. The proposed budget is twelve million plus dollars. If you had a thirty percent fund balance then you would maintain a fund balance of three point six million dollars. The County floated a bond for the Hospital of two million dollars. Once they reach the federal standard of what is called meaningful use of employee patient records then the federal government will reimburse that money. There is some comfort in knowing that money will be coming back to the County. If you take the fund balance down to three point six million dollars, you need to put those funds in a futures account that says as the situation presents itself you can decide to spend it. We received notice that the State Local Government Funds were being reduced by another \$54,000 with the potential of going down another \$54,000 from what we had projected. In 2008, Union County received one point seven million dollars from Local Government Funds from the State. Last year, we got \$934,000. The funds coming in from the State each year has decreased which is part of the reason why you have to spend out of the fund balance.

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Chairman Tommy Sinclair said if he modified his proposal one more time it would be to take the fund balance down to three point six million dollars and put those funds in a futures account. You do not disregard the requests but you do not honor them tonight. You let the picture clear up and let that be the compromise knowing the Hospital bond money is predicted to come back. The first payment of one point two million dollars is scheduled to come back in December of 2012 and then about half way through 2013 they expect the remainder to be due. They have just gone live with the new computer system and are having some transition issues. Councilman Randall Hanvey asked how much would be set aside and Chairman Tommy Sinclair stated it would be \$135,089 in a futures fund in a non-departmental account. This would be budgeted but retained by Council. Councilman Randall Hanvey asked if the letter from Councilwoman Dora Martin-Jennings is a motion. Chairman Tommy Sinclair said she could not make a motion but someone could make it to reflect her request.

Randall Hanvey: Made a motion to allocate the equivalent of one mil for the Cross Keys House from the futures fund.

Councilman Ben Ivey asked how long it would be before they made a decision to do something about the restrooms at the Cross Keys House. If they could do it partially as you go along then it would be easier to allocate or approve.

Tommy Ford: Made a motion to put the \$135,089 in a futures account and use it as we go for the Cross Keys House or the Library to help them out if we can.

Chairman Tommy Sinclair restated the motion to reduce the fund balance down to three point six million dollars to cover those commitments already earmarked for cars and airport grant match and to put the remaining \$135,089 into a futures non-departmental fund for needs as Council sees fit but at this point leaning towards the Cross Keys House and potentially the Library.

Kacie Petrie: Seconded the motion.

Councilwoman Joan Little asked if they were going on to the budget to discuss some other things that they all have not approved. The vote on the motion was unanimous.

Chairman Tommy Sinclair asked if there were any other budget issues. He said he had a revenue issue related to the Stadium that becomes contractual in nature he would like to discuss in executive session.

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

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

The Union County Council went into executive session to discuss contractual matters.

Chairman Tommy Sinclair announced that Council had come out of executive session and stated no action was taken in executive session.

Tommy Ford: Made a motion to adopt the budget ordinance that fixes salary adjustments at 3% for full time employees and 4% for correctional officers and requests in the contents of responsibilities for individuals will be considered later and raises do not apply for people who have had pay raises in the last 12 months.

Kacie Petrie: Seconded the motion. The vote was unanimous

Chairman Tommy Sinclair presented for Council review and approval audits and financial statements from the Rescue Squad, Carnegie Library and the Department of Social Services.

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Randall Hanvey: Made a motion to approve the audits and financial statements for the agencies stated.

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

Ben Ivey: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 7:48 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council