

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL  
TUESDAY, JUNE 9, 2015 AT 5:30 P.M.  
GRAND JURY ROOM AT THE UNION COUNTY COURTHOUSE

Present: Chairman Frank Hart, Vice-Chairman Tommy Ford, Councilwoman Joan Little, Councilman Ralph Tucker, 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, the Union Daily Times, Spartanburg Herald Journal, the Union County Development Board, Mrs. Anne Brock with Clemson Extension, Mr. Mickey Gist, Mr. Robert Small and emailed to Mike Stevens at WBCU Radio Station and to Graham Williams at the County News. A notice of the meeting was also posted on the County's website.

Chairman Frank Hart called the meeting to order. Council Chaplin 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  
Ralph Tucker, District 2 – Present  
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 12, 2015, the special meeting of County Council held on April 30, 2015, the special meeting of County Council held on May 21, 2015 and to adopt the minutes as written.

Ralph Tucker: Seconded the motion. The vote was unanimous.

Chairman Frank Hart stated Council needed to consider vacancies on the Stadium Commission. There are two vacancies but no applicants.

Ben Ivey: Made a motion to advertise the remaining vacancies on the Stadium Commission.

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

Chairman Frank Hart stated Council needed to consider vacancies on the Tourism Commission. There are two vacancies and two applicants who were Melody Porter and Elizabeth Libby Oliver.

Tommy Ford: Made a motion to appoint Melody Porter to serve on the Tourism Commission.

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

Randall Hanvey: Made a motion to appoint Elizabeth Libby Oliver to serve on the Tourism Commission.

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

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Chairman Frank Hart stated Council needed to consider a vacancy on the Library Board. There was one vacancy and one applicant who was Anita Hart Maness.

Chairman Frank Hart recommended the appointment of Anita Hart Maness.

Ben Ivey: Made a motion to appoint Anita Hart Maness to serve on the Library Board.

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

Chairman Frank Hart stated Council needed to consider five vacancies on the Union County Development board and there were four applicants. The applicants were Stephen Lowe representing Higher Education, Kathy Jo Lancaster representing Higher Education, Dale Wendel representing Industry and Bryan D. Stone representing Private Utilities.

Tommy Ford: Made a motion to appoint Stephen Lowe, Kathy Jo Lancaster, Dale Wendel and Bryan D. Stone to serve on the Development Board.

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

Chairman Frank Hart stated they have a recommendation from the Development Board to allow the Director to recruit an applicant as well as any member of Council could recruit an applicant for the remaining vacancy.

Ben Ivey: Made a motion to try to recruit an applicant to be brought back before Council.

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

Chairman Frank Hart stated next on the agenda was Donald Lyles to discuss roads, recycling and recreation but he was not present.

Mr. Cole McKinney with Catawba Regional Council of Governments appeared before Council to discuss the Neighborhood Initiative Program. They received \$5.6 million from the South Carolina Housing Finance and Development Authority for this program. Funds would be used to acquire, demolish, and green blighted residential properties in Union, Chester, Lancaster, and York counties. The COG would acquire targeted properties through the demolition and greening process for 40 properties per county at \$35,000 each. They would hold them for three years and they would have to be residential properties that are unoccupied. He went over the criteria for the program. The County would enter into a Memorandum of Understanding with Catawba Regional Council of Governments to allow them to acquire program eligible properties from owners who volunteer to participate in the program. They would demolish blighted and derelict structures on acquired properties, including the mitigation of asbestos and necessary removal of underground tanks. They would re-green acquired properties through grading and re-seeding and following the mandatory three year holding period, market the property for sale for a period of at least 6 months. In exchange, Union County would maintain the greened property within accordance of local ordinance and code for a period of three years. Following the mandatory three year holding period, should the property not conform to local ordinances and code for redevelopment, Union County would agree to acquire the property from the Catawba Regional Development Corporation for the sum of \$1. There was some discussion about the process.

Ben Ivey: Made a motion to approve the Memorandum of Understanding with Catawba Regional Council of Governments in regards to the Neighborhood Initiative Program in Union County.

Randall Hanvey: Seconded the motion.

Councilwoman Kacie Petrie asked if they come off the tax roll for the three years they are on the holding period. Mr. McKinney stated they do and they would not be paying taxes during that time.

Councilwoman Kacie Petrie noted the agreement runs from June 9, 2015 through July 30, 2021. Mr.

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McKinney stated that was to accommodate the three years plus the time to market it because they would be given two years to execute the program so there would be some houses that would not be finished until the very end of the program.

The vote on the motion was unanimous.

Chairman Frank Hart called for any elected officials or department heads who wished to address Council.

Clerk of Court Freddie Gault wanted to thank Building Superintendent Kenny West and his guys for fixing the roof in the courtroom that had water damage.

Detention Center Director Neil McKeown stated they had lost about a quarter of their staff due to retirement and transfers so they are working on getting their workforce back in place.

Tax Assessor Susan Hanvey reminded everyone they have until July 30<sup>th</sup> to make an informal appeal in writing on their property assessments. She stated everything was going well with reassessment.

Airport Manager Ronnie Wade stated they had the grant which was signed and sent back to get reimbursement in this fiscal year. The Clerk of Court holds a public sale the first Monday in August and he suggested holding the County's public auction right after that on the same date. They plan to schedule time for the homes at the airport to be viewed and he has a list of people who could move them. He asked Jerry Brannon to work with him on getting a signed agreement on moving of the houses so the County would be in no way responsible. Chairman Frank Hart stated Ronnie Wade was coordinating the Light Up the Lake festivities for July 4<sup>th</sup>. Mr. Wade stated they have fireworks set up and are working on entertainment and vendors. Councilman Ben Ivey asked if the public auction would include the property on Poplar Road as well as the airport properties and he was told it would. The Clerk of Court will hold his auction beginning at 11:00 a.m.

Chairman Frank Hart presented for third and final reading an ordinance authorizing the execution and delivery of a Title to Real Estate to the Town of Lockhart, South Carolina conveying the interest of Union County, South Carolina, in a certain parcel of real estate located at 112 North 1<sup>st</sup> Street, Lockhart, South Carolina and as shown on map 50-8-17-5.

Ben Ivey: Made a motion to adopt the ordinance as stated.

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

Chairman Frank Hart presented for third and final reading an ordinance authorizing the imposition of an annual Public Safety Fee on commercial and residential properties, and an annual Road User Fee on commercial and personal motorized vehicles; to provide for the fee's assessment and collection and to provide for the use of the proceeds collected; and other matters related thereto.

Ben Ivey: Made a motion to adopt the ordinance pertaining to the Public Safety Fee and the Road User Fee.

Tommy Ford said he would like to make a motion to vote on these one at a time. Chairman Frank Hart stated they were combined in one ordinance.

Councilman Ben Ivey withdrew his motion to adopt the ordinance. Councilman Tommy Ford asked that the fees be voted on separately. Chairman Frank Hart told him he could make a motion to eliminate or change one or the other of the fees but they are in one document as an enabling ordinance. Councilman

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Tommy Ford stated he wanted to change it so they would vote on the fees separately. Councilman Randall Hanvey said they could not change the document. It would have to be rewritten into two ordinances.

Ben Ivey: Made a motion to adopt the ordinance pertaining to the Public Safety Fee and the Road User Fee.

Randall Hanvey: Seconded the motion.

Councilman Tommy Ford stated putting both fees on would be too much of a burden for the people of Union County. That is the feedback he is getting from the people he represents. Councilman Ralph Tucker stated it was too much at one time. Chairman Frank Hart stated we are required by State law to pass a balanced budget and right now it is balanced. He asked if they had a recommendation on what function would be cut to balance the budget if they eliminate the \$400,000 being generated from the separate fees. Councilman Tommy Ford said it had been discussed to make cuts to EMS. He said he would go along with one of the fees. Chairman Frank Hart said they could do just one of the fees but you would have to find \$400,000 to eliminate from the budget. Councilman Tommy Ford said they wanted to eliminate the Public Safety Fee. Councilman Randall Hanvey said if they take that out then they have to revise the budget to find \$400,000. Chairman Frank Hart said the Local Government Fund was not fully funded by the State and it was already shorted by \$400,000. If you eliminate one of the fees then you have to look at what employees you want to cut out of the budget to make up the difference. You would probably be looking at cutting another 13 or more employees. Councilwoman Kacie Petrie stated they could raise the Road User Fee to \$25 then it would generate \$725,000. Chairman Frank Hart said the Road User Fee has to supplement funds in the budget for roads and maintenance to free up those funds to support EMS. Councilman Randall Hanvey said he did not see how you could do without EMS. Councilman Tommy Ford said he agreed that we need EMS but he thought their budget could be cut. He thought the figures were inflated. Chairman Frank Hart stated if they don't budget for what they think it will cost and there is a shortfall then that will reduce the fund balance even further. Councilman Randall Hanvey said we would know the cost of running EMS next year. Councilman Tommy Ford said he had the figures from the Hospital on what it cost to operate EMS that he provided at the last budget session. There was a lot of difference. Kindra Horne asked if they had looked at a copy of the audit which reflected a loss. Councilman Tommy Ford said he had not seen the audit but he had talked to the Board of Directors at the Hospital who furnished him with the information. Kindra Horne said the audit showed a large loss very close to what the County has projected. She said she got her numbers from the Finance Director at the Hospital. There are a lot of unknowns with running the EMS. Councilman Tommy Ford stated the taxpayers are already paying 9 mils of tax and if the ambulance takes you to the hospital then they charge you. He said he realized that not everybody pays. Now everybody would have to pay this additional fee. He said we need the ambulance service and we have good people who work there but the people are calling him about the fees. He said he wants to do the right thing for the ambulance service and the right thing for the people. Chairman Frank Hart said nobody wants to impose the fees but you cannot say eliminate the revenue without cutting expenses. He asked if Council was prepared to cut County jobs. Councilman Ralph Tucker suggested they might need to look at the budget again. Councilman Randall Hanvey said they are talking about two pennies a day to implement the fees. It would cost two pennies on the dollar or something like ten cents. (Amended at County Council meeting held on July 14, 2015.) Councilman Tommy Ford asked about the people who own more than one house or vehicle. Councilman Randall Hanvey said it was better than cutting employees and there is not \$400,000 that can be cut from the budget. Chairman Frank Hart said you could cut the fees but then you are looking at lowering the fund balance even further and having to take out Tax Anticipation Notes to operate the County until tax

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money comes in each year. Councilwoman Joan Little asked about changing the Road User Fee to \$40. Councilman Randall Hanvey said the Road User Fee goes to road maintenance and not EMS. Chairman Frank Hart said they could still have a deficit next year and the tax base is not growing to keep up. We have to work on growing Union County.

Councilman Ben Ivey, Councilman Randall Hanvey and Councilwoman Kacie Petrie voted in favor of the motion. Councilwoman Joan Little, Councilman Ralph Tucker and Councilman Tommy Ford opposed the motion. Chairman Frank Hart broke the tie vote by voting in favor of the motion to adopt the ordinance.

Chairman Frank Hart presented for third and final reading an ordinance adopting the Union County annual budget for fiscal year 2015-2016.

Ben Ivey: Made a motion to adopt the ordinance adopting the Union County annual budget as stated.

Randall Hanvey: Seconded the motion.

Councilman Ben Ivey, Councilman Randall Hanvey and Councilwoman Kacie Petrie voted in favor of the motion. Councilwoman Joan Little, Councilman Ralph Tucker and Councilman Tommy Ford opposed the motion. Chairman Frank Hart broke the tie vote by voting in favor of the motion to adopt the ordinance.

Chairman Frank Hart introduced a resolution authorizing and directing the Supervisor to enter into the Victim Assistance Agreement with the City of Union.

Tommy Ford: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to the Victim Assistance Agreement as stated.

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

Chairman Frank Hart introduced a resolution authorizing the Supervisor to execute a Memorandum of Understanding in regards to the Advanced Technology Center and determine the terms thereof.

Tommy Ford: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to a Memorandum of Understanding in regards to the Advanced Technology Center as stated.

Ralph Tucker: Seconded the motion. The vote was unanimous.

Chairman Frank Hart introduced a resolution allowing the Supervisor to negotiate with Republic Services on all issues pertaining to the landfill in Union County and to grant the Supervisor the authority to abandon the right of way of Wildcat Road on the expanded landfill property.

Tommy Ford: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to negotiations with Republic Services and the authority to abandon the right of way of Wildcat Road as stated

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

Chairman Frank Hart called for any committee reports.

Councilman Tommy Ford stated the Committee on County Administration and Finance recommends purchasing a used truck for Public Works with the funds to come from the Recycle Fund in an amount not to exceed \$30,000.00.

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Ben Ivey: Made a motion to accept the recommendation of the Committee on County Administration and Finance to purchase a used truck for Public Works with the funds to come from the Recycle Fund in an amount not to exceed \$30,000.00.

Ralph Tucker: Seconded the motion. The vote was unanimous.

Councilman Tommy Ford stated there was hail damage to the roof of some of the buildings at the fairgrounds. The County received an insurance settlement check in the amount of \$12,000.00. The Committee on County Administration and Finance recommends giving the \$12,000.00 to the Fair Board to repair the roofs and if they have any money left over then they can use it for a handicapped ramp at the fairgrounds.

Ben Ivey: Made a motion to accept the recommendation of the Committee on County Administration and Finance to give the Fair Board the \$12,000.00 collected from insurance to repair the roofs and if they have any money left over then they can use it for a handicapped ramp at the fairgrounds.

Ralph Tucker: Seconded the motion. The vote was unanimous.

Chairman Frank Hart stated the affiliation and bankruptcy settlement agreement for Wallace Thomson Hospital is progressing. He went to the mediation hearing in Federal court between the Creditor's Committee, Wallace Thomson Hospital and Spartanburg Regional Hospital. The Creditor's Committee agreed to endorse the bankruptcy deal based in part on County Council's commitment to abandon the monies owed to the County by the Hospital District. Representative Mike Anthony assisted us at the State level with the Department of Health and Human Services Director to get the State to agree to reclassify some of the debt that was owed to the State by the Hospital District from primary which means it has to get paid first to secondary. The net effect of that was that it increased the percentage of dollars that would be recovered by the creditors to the point that the committee understood that they needed to endorse the plan. Otherwise, Union County would get back in line as a creditor as well as the State would not agree with the reclassifications. The Federal Court hearing is scheduled for July 8<sup>th</sup> which he expected to be approved which would mean we would maintain a hospital in Union County.

Chairman Frank Hart said he has a meeting scheduled with the YMCA board on Thursday. There are still discussions on the YMCA using the recreation center. He stated Ronnie Wade as well as the personnel at Timken Sports Complex will be assisting with recreation functions.

Chairman Frank Hart stated the repairs at the jail are progressing and the goal is to have it completed through the summer months because they will be replacing heating and air conditioning units.

Chairman Frank Hart stated the EMS integration is continuing as they will come under the County on June 30<sup>th</sup> to allow them to have insurance in July.

Chairman Frank Hart stated he had contractual matters that needed to be discussed in executive session.

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

Ralph Tucker: Seconded the motion. The vote was unanimous.

County Council took a brief recess before entering into executive session.

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

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Ben Ivey: Made a motion to come out of executive session

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

Chairman Frank Hart stated they had come out of executive session and no votes were taken.

The Union County Council returned to regular session.

Chairman Frank Hart called for any other business but there was none.

Kacie Petrie: Made a motion to adjourn the meeting

Ralph Tucker: Seconded the motion. The vote was unanimous.

The meeting was adjourned at 6:56 p.m.

Frank Hart, Chairman  
Union County Council

Linda G. Jolly, Clerk to Council