

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL  
TUESDAY, SEPTEMBER 10, 2013 AT 5:35 P.M.  
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chairman Tommy Ford, Councilwoman Joan Little, Councilman Frank Hart, Councilman Ben Ivey, Councilman Randall Hanvey (left the meeting at 6:11 p.m.), 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, 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 and held the Pledge of Allegiance.

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

Tommy Ford: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on August 13, 2013, the special meeting of County Council on July 19, 2013, the special meeting of County Council held on July 31, 2013, the joint meeting of County Council and the Hospital Board on August 8, 2013, the special meeting of County Council held on September 3, 2013 and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented service awards and gift certificates to Debbie M. Foster for 5 years, for Jason A. Neely for 5 years, for Deborah Morris for 5 years and for James D. Brewington for 10 years of dedicated service to Union County.

Mr. Hal Johnson with Upstate Alliance gave a power point presentation updating Council. His presentation included the 2012 upstate announcements, the 2013 upstate announcements to date, the 2012 pipeline, the current pipeline, the total presentations in 2012, the total requests for information in 2012, the total visits in 2012, the pipeline by target, the pipeline by source, the marketing update, and the Union County requests for information and submissions.

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Chairman Tommy Sinclair stated there was one vacancy on the Airport Commission with one applicant who was Charles A. Whitaker.

Tommy Ford: Made a motion to appoint Charles A. Whitaker to serve on the Airport Commission.

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

Chairman Tommy Sinclair stated there were three vacancies on the Alcohol and Drug Abuse Commission but there was only one applicant who was Ronnie Wade.

Kacie Petrie: Made a motion to appoint Ronnie Wade to serve on the Alcohol and Drug Abuse Commission.

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

Chairman Tommy Sinclair stated there were two vacancies on the Appeals Board.

Councilwoman Kacie Petrie and Chairman Tommy Sinclair stated they were still working on their recommendations.

Chairman Tommy Sinclair referred to a letter from the Olde English District stating they would be happy to have Trampas Alderman serve another term on the Olde English District Commission.

Randall Hanvey: Made a motion to appoint Trampas Alderman to serve on the Olde English District Commission.

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

Chairman Tommy Sinclair referred to a letter from Upstate Workforce Investment Board stating that Beth Summer-Strait served on the Board until she passed away this year. Ann Fesperman Angermeier stated in the letter that she had met with Lou Stackhouse who agreed to serve if appointed.

Randall Hanvey: Made a motion to appoint Lou Stackhouse to serve on the Upstate Workforce Investment Board to fill an unexpired term.

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

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

Tax Assessor Susan Hanvey stated they had discussed connecting deeds to their site which has been done. Chairman Tommy Sinclair asked if reassessment would alter property values much. Susan Hanvey stated it would depend on the property. She said some classes of property will increase, some will stay the same and some will decrease. Some classes were not at the right level based on the sales. Councilman Frank Hart stated it would be good to have a presentation from the Tax Assessor on how that works since he is getting lots of questions on reassessment.

Airport Manager Ronnie Wade stated they were doing the clear zoning at the airport. They had to bid out the project because you have to know what it would cost before requesting grant funds. They had bought some clear zoning rights from some of the local landowners and paid them so we could remove the trees from their property for the approaches for the airport. He stated they have a GPS approach and have two listed. The problem is that until they remove the trees they cannot lower those approaches. Those approaches are more or less for commercial aviation. The bid packages came back with Callahan Green being the low bidder at \$179,312. They received eight bids and W.K. Dickson went through the bid process, explained how they did it and recommended Callahan. A portion of what they will be doing

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is an airport layout. He explained the glide slopes and elevations. (Councilman Randall Hanvey left the meeting at 6:11 p.m.) Mr. Wade told Council the County had been awarded a \$387,747 grant from the FAA to complete these projects. In November of 1999, the County purchased some land from Mackie Weeks but the property is under the jurisdiction of the FAA. They would like to take a portion of the property estimated at twenty to twenty five acres out of the airport layout plan as it would never be developed as a part of the airport property. When they purchased the property they had to buy the entire 82 acre parcel and there was a home on the property that was relocated. The property he wants to take out of the airport layout plan is between the Airport Road and the Sardis Road back to where the recycling center is located. The property cannot be used for anything else unless it is removed from the airport layout plan. That was one of the recommendations from the Airport Commission. The second thing they would like to do with clear zoning was to meet again with the landowners as there were some questions at the last meeting he held with them that he had answers to. He wants to ask them what would make them happy so they can still be good neighbors. He said he would try to set up the meeting in the next few weeks and that Council was invited to attend. There were two pieces of property that were purchased as part of the clear zoning which had homes on them. They would like to sell off the homes on those properties and have them removed but they cannot do it by themselves because it was purchased using FAA money. They have to work through the process with FAA supervision. Mr. Wade said he would need to know that Council agreed with the two recommendations from the Airport Commission.

Ben Ivey: Made a motion to remove the non-airport related property requested from the airport layout plan.

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

Ben Ivey: Made a motion to seek FAA approval to sell the two homes purchased as part of the clear zoning project so they can be put up for sale and start the removal process.

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

Chairman Tommy Sinclair asked how close they were to purchasing the final piece of property for the clear zoning project. Mr. Wade stated they have 7.4 acres of property which would sell for \$53,000 plus legal expenses because McNair Law Firm is handling it through an eminent domain process and it would have to go through a court case to be settled.

Chairman Tommy Sinclair informed Council that the Miracle League had the final drawings for the field at the Timken Sports Complex and have proposals from the dirt people. They are working on proposals from companies to handle the concrete work.

Chairman Tommy Sinclair introduced an ordinance authorizing pursuant to Chapter 44 of Title 12; Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of amendments to certain fee and special source revenue credit agreements, and matters relating thereto for Project Modern.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance authorizing amendments to certain fee and special source revenue credit agreements for Project Modern as stated.

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

Chairman Tommy Sinclair introduced an ordinance authorizing pursuant to Chapter 44 of Title 12 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of a fee agreement

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between Union County, South Carolina and BMW Manufacturing Co., LLC; and matters relating thereto.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance authorizing the execution and delivery of a fee agreement with BMW Manufacturing Co., LLC as stated.

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

Chairman Tommy Sinclair introduced an ordinance authorizing the execution and delivery of a deed to City of Union, South Carolina, a body politic, conveying the interest of Union County, South Carolina, in certain parcel of real estate located at 107 East Main Street (Super 10) as shown on Deed Book 234 at Page 185 (tax map #73-20-2-4) (see Exhibit "A" attached hereto).

Frank Hart: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance authorizing the execution and delivery of a deed to City of Union conveying the interest of Union County in the old Super 10 building as stated.

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

Chairman Tommy Sinclair introduced an Inducement Resolution whereby Union County would enter into a FILOT agreement with BMW Manufacturing Co., LLC.

Ben Ivey: Made a motion to dispense with referring the resolution to a committee and to adopt the inducement resolution whereby Union County would enter into a FILOT agreement with BMW Manufacturing Co., LLC.

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

Chairman Tommy Sinclair called for committee reports.

Councilman Ben Ivey as Chair of the Committee on Public Works, Roads, and Bridges and County Property stated the County had recently received information from the State Department of Transportation about our County bridges. The State conducted the annual inspection of the County bridges which revealed a lot of defects in our bridge system. Some problems could be corrected through general maintenance. Some bridges need railings, cleaning, painting, etc. Fincher Road has not been maintained and is impassable and Councilman Ben Ivey recommended it be removed from the County's Road Maintenance System. There was a list of bridges that needed repairs which included Hope Road, Animal Shelter Road, Bob Adams Road, Whitlock Lake Road, Whitney Road, Lula Green Road, Brocks Creek Trail Road, and Goldmine Road. Some of the work can be done by the Road Department and some would need to be contracted out which could be expensive. Councilman Ben Ivey recommended they proceed with the necessary repairs.

Frank Hart: Made a motion to accept the committee report including removal of Fincher Road from the County's Road Maintenance System.

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

Councilman Ben Ivey as Chair of the Committee on Public Works, Roads, and Bridges and County Property reported the Committee had discussed the recycle center schedule. He stated that due to recent public outcry about hours and days of operation at some locations they have asked to revise the hours at each site as well as the days of operation. Currently, all sites open at 10:00 a.m. and close at 7:00 p.m. Mr. John Gibson felt they should be open from 9:00 a.m. until 6:00 p.m. to allow citizens to access the sites earlier and allow them to close at a time of low volume traffic especially during the winter. They

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have four large sites which are Highway 18, the Old Landfill, Jonesville and the Airport operating on Monday, Friday and Saturday causing a mid-week crisis for citizens because they are closed for three consecutive days. They recommend opening those sites on Tuesday, Thursday and Saturday to spread the days of operation which should satisfy more of the citizens who had input. The change would not interfere or cause any budget issues because it does not expand the total number of hours of operation. It does alleviate the void that currently exists in the schedule during mid-week. Councilwoman Joan Little said she did not agree with changing the hours to 9:00 a.m. until 6:00 p.m. because people who work in Spartanburg would still not be able to take their trash to the center in the afternoon. She said people were calling her continuously about that. They had requested the sites be open at least one day from 7:00 a.m. until 3:00 p.m. Chairman Tommy Sinclair stated the hours we currently have were set by Council and it would take action by Council to change them. He asked Councilwoman Joan Little if she was willing to make a motion. Councilwoman Joan Little stated she liked changing the days of operation to Tuesday, Thursday and Saturday but not the change in hours. Chairman Tommy Sinclair stated that if Council did not make a motion to change the hours then they would stay exactly like they are.

Joan Little: Made a motion to leave the hours like they are.

Chairman Tommy Sinclair asked if she was making a motion to change the days to Tuesday, Thursday and Saturday for the four sites and to keep the hours from 10:00 a.m. until 7:00 p.m. He asked if that was her motion. Councilwoman Joan Little said her motion was also to leave the hours of operation from 10:00 a.m. until 7:00 p.m. Chairman Tommy Sinclair said they would not need to make a motion to leave the hours the same since it would require a motion only if they want to change them. Chairman Tommy Sinclair restated that Councilwoman Joan Little's motion was to change the days of operation at the four large sites to Tuesday, Thursday and Saturday.

Kacie Petrie: Seconded the motion. Councilman Frank Hart stated no matter what they do on this everyone would not be happy. He said on the hours if they could get some data, some feedback and some quantitative way to show a change to make an adjustment making the hours for one day different he would be open to do that. He said he did share Councilwoman Little's concerns because there would be another whole segment of folks who were going to fuss about that. Councilwoman Joan Little stated she went to the dumps on Friday and they were almost full at the Jonesville site. When she left there at fifteen minutes before seven o'clock the cars were coming in continuously. She did not observe any problems at the Kelton or Lockhart sites. Councilwoman Kacie Petrie said she was at the committee meeting that made the recommendation to change the hours but she did not think about the people who work out of town. However, the hours would need to be addressed because it would get dark sooner during the winter months. The people that live in the City have a one day pickup so she did not understand the frustration over when the sites were open. You cannot please everybody.

The vote on the motion was unanimous.

Chairman Tommy Sinclair told Councilman Tommy Ford who is Chair of the Committee on County Administration and Finance that the committee had recommended paying Kingsmore Construction Company from the County Contingency Fund but it was not approved during the special meeting.

Tommy Ford: Made a motion to approve the recommendation from the Committee on County Administration and Finance to pay the invoice to Kingsmore Construction Company from the County Contingency Fund.

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

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Chairman Tommy Sinclair stated he had an email from C. W. Garner requesting appointment to the Kelly Kelton Fire Department Board which would complete that year-long effort.

Ben Ivey: Made a motion to appoint C. W. Garner to serve on the Board of Fire Control for the Kelly Kelton Fire Department.

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

Chairman Tommy Sinclair requested a \$1,000 donation for the March of Dimes since the County gave it to them last year. Councilwoman Joan Little asked what account it would come out of and Chairman Tommy Sinclair said in the past it had come from the Councilmember's Special Projects money. Councilman Frank Hart stated, while that is a worthwhile organization, that money was set aside for local district projects. He said they had already done a fair amount of cooperative efforts with the baseball teams so from District 2 he would not contribute from those funds.

Chairman Tommy Sinclair stated they would need to hold a special meeting about the spec building because of having to go through the process of adopting an ordinance and for the meeting with the Budget and Control Board. The special meeting would probably be held on September 24<sup>th</sup>.

Chairman Tommy Sinclair stated the next item of business was to set the tax millage. Councilman Frank Hart asked the latest date that could be done. Chairman Tommy Sinclair responded he thought it had to be sent to QS1 before October 1st in order to get the notices sent out on time. The Council has to decide the level of service they want to provide and what they can afford based on the need. Councilwoman Kacie Petrie asked when reassessment would go into effect and Chairman Tommy Sinclair stated it would be next year. Chairman Tommy Sinclair stated they could reconcile the budget with a 4.8 mil increase based on the value of a mil being \$61,000 and not filling two positions. Revenue has to match the budgeted amount. Councilman Tommy Ford said he understood Chairman Tommy Sinclair to say that the future, as far as jobs and industry, is looking good right now as far as revenue coming in for future plans. If they go with the 4.8 mil increase this year, then they would probably bring in enough money in the following years to go into the asphalt business. Chairman Tommy Sinclair said in his mind that was a true statement. He said he was excited about the future but it would be a risk but everything they do is. Councilman Frank Hart stated it is clear there is room for improvement on the level of service provided on roads. He asked if they would have the resources to adequately provide road and public work services in Union County at a minimal level the people are going to expect. Councilman Ben Ivey stated it would not be any less than they are currently providing. Councilman Frank Hart asked if they would have the resources to improve the level of service currently being provided if they go with the 4.8 mil increase. Chairman Tommy Sinclair stated there were three areas of resources which were money, people and culture. Folks are being held more accountable and things are radically different from when he first came to the County as Supervisor. Councilman Frank Hart asked about the financial assistance made to Wallace Thomson Hospital in addition to the two million dollar bond and where the County stood in the budget perspective because of that. Chairman Tommy Sinclair stated he was okay with that and that he did not think they were going to lose the hospital. Things are improving and they are in this together but it is a risk. There would have to be some affiliation. Councilman Tommy Ford said we have to raise the millage some partially because of the money the County has lost from State funding and the increases in utilities, gas, etc. To keep as much burden off the citizens as they can he recommended going with the 4.8 mil increase.

Tommy Ford: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution setting the total County levy at 137.6 which reflects a 4.8 mil increase.

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

Chairman Tommy Sinclair stated the County agreed to pay Anne Brock to continue with the 4-H services through Clemson Extension by using Title III funds. Council had agreed to continue to do this as long as the funds held out. We have enough money to pay her to continue providing the services for 10 hours a week instead of 20 hours a week for another year. The County would need to supplement \$700 to allow her to do that.

Ben Ivey: Made a motion to provide the approximately \$700 needed to supplement the Title III money for the 4-H program.

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

Chairman Tommy Sinclair entertained a motion to go into executive session to discuss the potential sale of purchased land.

Ben Ivey: Made a motion to go into executive session for the purpose stated.

Tommy Ford: Seconded the motion. The vote was unanimous

The Union County Council went into executive Session.

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

Ben Ivey: Made a motion to authorize the Supervisor to negotiate about the Buffalo property, the Hayes Street property, and the Emsley Allen property.

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

Chairman Tommy Sinclair presented for Council's review and approval the financial statement for the Fair Association.

Kacie Petrie: Made a motion to approve the financial statement for the Fair Association.

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

Tommy Ford: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 6:41 p.m.

Thomas L. Sinclair, Chairman  
Union County Council

Linda G. Jolly, Clerk to Council