

**MINUTES
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 19, 2017
6:30 P.M.**

{Summary minutes of City Council meeting. Audio tapes of the meeting are on file and are included by reference as part of this meeting. An agenda of this meeting has been either mailed or made available to persons, organizations and local news media as per their request. The agenda gives the date, time and place of the meeting as well as the order of business. This disclosure is in compliance with the South Carolina Code of Laws of 1976, Section 30-4-80 (e).}

The regular meeting of City Council was held on September 19, 2017 at 6:30 P.M. in the City Municipal Building with the following present:

COUNCIL: Mayor Harold Thompson, Mayor Pro Tem Robert Garner, Councilmembers Tommy Anthony, Vicki C. Morgan, Ricky Todd Harris, Pamela Sloss and Sonja J. Craig.

CITY ATTORNEY: Larry Flynn

DEPARTMENTAL STAFF: Debbie Woodard, Acting Municipal Clerk; Walker Gallman - Finance Director; Joe Nichols – Utility Director; Adam Harris – Assistant Utility Director; Perry Harmon – Public Service Director - Leroy Edwards – Maintenance Shop Director; Sam White – Public Safety Director; Laura Hembree – Finance Director and Rebecca Lance – Accounting Supervisor.

NEWS MEDIA: Michael Stevens – WBCU Radio and Graham Williams – Union County News.

OTHERS: Tammy Gregg, Linda Casey-Clark, Libby Oliver, Elise Ashby, Jean Harris, Curtiss Hunter, Matt Burdine, Modest Keenan, Rev. Wayne Cooke, Ted Trantham, Lois Moorman, Barbara Crayne, Patricia Bogan, David Kitchens, Greg Weaver, Frank Hart, Allyson Wentz, Barbara H. Rippey, Kathy Teague, Rebecca Rochester, Dick Carr, David Lance, Heather Nix and others.

1. CALL TO ORDER

Mayor Thompson called the meeting to order. He gave the invocation. The Pledge of Allegiance to the flag was given by all present. The roll was called by Acting Municipal Clerk Debbie Woodard.

2. MINUTES

A. August 9, 2017 Council Workshop

MOTION by Councilmember Harris to approve minutes
SECOND by Mayor Pro Tem Garner.
CARRIED UNANIMOUSLY.

B. August 15, 2017 Regular Council Meeting

MOTION by Councilmember Harris to approve minutes.
SECOND by Councilmember Sloss.
CARRIED UNANIMOUSLY.

3. **COMMUNICATIONS**

A. Monthly Reports

MOTION by Councilmember Sloss to accept monthly reports.
SECOND by Councilmember Harris.
CARRIED UNANIMOUSLY.

B. Old Sims High School

Modest Keenan

Modest Keenan addressed City Council regarding the old Sims High School located at 200 Sims Drive. He presented a map of the property and a commercial building record of the value of the property and the building. The building is approximately 70,000 square feet and is situated on 20.8 acres of land with a combined value of 2.2 million dollars. Some of the assets of the building is that it has a practically new metal roof. It has numerous classrooms which can be used for office space. It has a very nice ready to go gymnasium which can be used for athletic competition, dances and banquets. The auditorium is in good shape. There is excellent seating in there; it seats around 600 which can be used for talent shows, dance recitals, political debates. Mr. Keenan states that these are things we lack here in Union. There is an amphitheater in the back; inside there is music and a band room. An auto mechanic shop is there which is asset to the community. The school has an excellent library which could be used for child development or computer labs and a cafeteria that can be utilized. His proposal is that the building be turned into a community center that can be of service to the whole county; right now everything is so scattered around for services in the community. He briefly discussed a previous trip to Holly Hill to see an old junior high school that was renovated for a community center. Holly Hill used "Penny for Progress" in order to make improvements to the building. Mr. Keenan asked Council to get with the County and try to get this on the ballot "Penny for Progress". He states that in order to get big returns you must invest something whether it is time, energy or money to make this county move forward. Mayor Thompson thanked Mr. Keenan for his comments.

C. Upstate Forever

Heather Nix

Heather Nix, Clean Water Director Upstate Forever addressed Council. They are a local non-profit organization who focuses on conservation issues throughout the 10 county upstate regions and their work focus is on four main areas. Their land conservation staff works with landowners who wishes to voluntarily protect their property and this helps preserve water quality, important farm land, recreation spaces and critical habitat. Their land planning staff focuses on policies that will protect their quality of life while accommodating the rapid growth projected for the upstate region. Their community driven advocacy work helps improve projects that threaten water quality, critical lands or quality of life. She states that an example is her work with Duke Energy to find an agreeable voluntary solution to cleaning up the cohlah ponds that threaten the Saluda River in Anderson County just a couple of years ago. Their clean water staff works closely with drinking water utilities to protect and improve the quality of drinking water supplies. They work to improve policies and create incentives for better development and in areas with approved funding, they partner with agricultural land owners to implement best management practices and assist home owners in septic tank repairs. Ms. Nix states that a few years ago they realized that many people, even local residents were unaware of the upstate's tremendous water resources and their recreational potential so their reconnecting people initiative is focused on helping people get to know the rivers of the upstate

through maps and water quality testing. They are grateful to their many sponsors especially the Callie and John Rainey Foundation. His initial commitment allowed this work. They are focusing on 10 rivers throughout the upstate. Many of them are near the City of Union so there is a lot of potential for the community to capture some of the economic benefits of the increase in eco-tourism. As they can easily see from the number of people visiting river parks such as Clifton Beach which is on the Pacolet River just upstream from Union County. Rivers and natural resources are huge attraction for tourist. A 2001 study by North Carolina State University, found that 43,000 from outside areas traveled to paddle the Chattooga River. They contributed 2.6 million to the overall economy. A 2016 study by the Outdoor Industry Association found that paddling sports are some of the fastest growing outdoor recreation activities which includes paddle boarding, kayak fishing, white water and flat water kayaking and there are places for each of these activities on upstate rivers. Upstate Forever work is highlighting access and recreation opportunity by product blue way maps which will provide basic information about each river; where and how to access it; what to expect; rapid and paddling skills level need; all the information that you need to plan a fun day on the river. Since the project launched, they have printed 6 blue-way maps; the Pacolet River, Lawson-Ford Creek; Tiger River; two maps that capture the Saluda from north part of Pickens County all the way down to Lake Greenwood and Laurens County. They recently released maps to the board. They plan to print the Reedy and the Enoree maps next and also the Chauga and the Little River over in Oconee County by the end of the year. They are printed on water-proof paper and they are available free of charge from Upstate Forever offices and additional locations through the upstate. The maps have been so popular; they are actually having trouble keeping them in stock. You can also review the information on their website, www.gopaddlesc.com. They have two main partners on this project; the S.C. Department of Natural Resources and the S.C. National Heritage Corridor which has helped them achieve tremendous success. Governor McMaster proclaimed July 2017 as S.C. Paddle Month. Ms. Nix thanked Council for allowing her to give update on the project.

4. **BUSINESS**

A. **ORDINANCE – 1ST READING – REZONING OF PROPERTY
LOCATED AT THE CORNER OF LAKESIDE DRIVE AND SEIGLER
ROAD FROM R-15 TO R-10**

Robby Moody, Senior Planner for CRPC states that property owner, OVA Properties, LLC requests the rezoning of tax parcel #065-13-02-006 located at the corner of Lakeside Drive and Seigler Road from R-15 to R10 in order to subdivide the property and develop a number of multifamily duplexes on individual lots. A public hearing was held prior to the regular meeting. Mr. Moody read the Planning Commission recommendation – “The Planning Commission for the City of Union recommends that City Council approve the proposed request to rezone the property located at the intersection of Seigler Road and Lakeside Drive (tax map parcel #065-13-02-006) from R-15 (Residential) to R-10 (Residential). A motion is needed from Council to approve 1st reading of the ordinance to rezone tax parcel #065-13-02-006 from R-15 to R-10.

MOTION by Mayor Pro Tem Garner to pass 1st reading.
SECOND by Councilmember Anthony.
CARRIED UNANIMOUSLY.

B. RESOLUTION – FIRE PUMP TRUCK – CDBG LOCAL MATCH

Public Safety Director Sam White addressed Council. He states that the City of Union has identified the need for a Class A, Fire Pump Truck in order to provide adequate fire service to benefit the 8,100 residents in the community and also a necessity to maintain the City's ISO rating of 3 inside the city limits. The estimated cost to place this new truck and equipment in service is \$404,393. The CDBG grant application will be for \$390,500 through the Community Infrastructure Program. This program requires local matching funds of at least 10 percent of the grant amount. City Council must agree to provide the local match of \$39,050 and any additional funds required for the completion of the project (estimated at \$49,393). The recommendation is for City Council to agree, through resolution, to provide a local match of \$39,050 and any additional funds required for the completion of the project (estimated at \$49,393.)

MOTION by Mayor Pro Tem Garner to pass resolution.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

C. RESOLUTION – MASC HOMETOWN ECONOMIC DEVELOPMENT GRANT MATCH

Mayor Thompson states that MASC offers Hometown Economic Development Grants to cities and town across the state to implement economic development projects that will make a positive impact on the quality of life in their communities. The grant program also promotes and recognizes innovation in economic development practices. The grants fund projects that can be replicated in other cities, will produce measure results and can be maintained over time. The maximum grant award is \$25,000 and requires a match of \$2,500. These grant and local matching funds will be used for capitalizing the Main Street Awning Replacement Program which replace damaged, faded and unsafe awnings on Main Street. The completed grant application will be filed with MASC by September 29, 2017. The recommendation is to adopt the resolution and authorize the Mayor to file a completed grant application with the Municipal Association of South Carolina.

MOTION by Councilmember Anthony to pass resolution.

SECOND by Councilmember Sloss.

CARRIED UNANIMOUSLY.

D. DISCUSSION/MOTION – UNION COUNTY CARNEGIE LIBRARY

Rieta Drinkwine, Director of the Union County Carnegie Library gave a presentation on the library's renovation. They are on schedule to break ground this year with a completion date of spring of 2018. She states that she came before Council on behalf of the library during the budget worksession and did request funding to support the renovation. She is requesting that the City of Union funds the renovation in the amount of \$25,000 this year. The recommendation is to support the Union County Carnegie Library renovation in the amount of \$25,000 out of the Hospitality & Accommodations Tax.

MOTION by Councilmember Sloss to accept recommendation.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

E. DISCUSSION/MOTION – PROPOSED CHANGES TO THE CITY OF UNION ZONING ORDINANCE REGARDING BARS, TAVERNS AND NIGHTCLUBS

Robby Moody, Senior Planner of CRPC addressed Council. He states that in Council's package, there is a staff report that he prepared in light of a request to look at the current zoning ordinance and the definition of bars within the zoning ordinance, where bars are allowed within the City of Union. The current designation of bars, sometime there are questions between bars and restaurant, bars and nightclub. The general rule of thumb is a restaurant can serve alcohol if it is permitted by the state; it has an ABC license. Restaurants are permitted within the downtown area within the A-1 district. Bars are permitted with a special exception which would go through the Zoning Board and that's not just within the A-1 District but according to the chart; bars, taverns, non-sexually orientated, within the A-1, the A-2 and the A-5 there are special exception within A-3, A-4 and industrial, they are not permitted at all. So special exception is an additional layer of review that the Zoning Board of Appeals provides to ensure that any use that's listed as a special exception meets certain criteria such as neighborhood character - will fit in to the community, it will not be a nuisance, will not cause disruption, so that is the existing rules within the Zoning Ordinance for bars. Again restaurants are permitted in those districts outright. Mr. Moody states that the information that he has provided in the draft language would be to change bars within the A-1 district which is just the downtown, the Main Street area. The permitted use for a bar would be just in the A-1 District. In doing so, there was some question about just allowing just any bars of any size or any level of activity so through some research and looking at other communities within S.C., the definition for a nightclub seemed like a good fit and the nightclub definition basically is an establishment that sells alcoholic beverages but also provides entrainment and a dance floor. So a bar would not have either of those opportunities there by limiting the amount of activity. It is not a perfect definition or a perfect situation but he was asked to look at allowing bars within the A-1 downtown district. Mr. Moody further states that information that he did not go into a lot of detail on but just touched on would be the hours of operation. Currently state law dictates when alcohol can be served and of course the City of Union can't expand those hours or those days of use but could restrict them even further within the ordinance if they chose to do that. Mayor Thompson asked Council if there were any questions. Councilmember Anthony asked if this would be a bar only; not a restaurant whatsoever. Mr. Moody states that it would be just an establishment that serves alcoholic beverage, food is not a requirement. Councilmember Morgan asked if you make this change, are there any restrictions as far as who can open a bar, or how large or how much they can charge for the alcohol. Once a change like this is made, can anybody open a bar in A-1 regardless of who they are and what type of operation they are going to open. Mr. Moody states that this is a two-step process so the first step would be under the zoning ordinance, is it an allowed use and that goes for any use. This is a change to the zoning ordinance; to serve alcoholic beverages requires a State ABC permit and their additional requirement which the City wouldn't get involved with at all. There might be a back ground check or questions such as is it too close to a school or a playground or a church. Those are things the ABC Board regulates and administers. Councilmember Morgan states that she would like to see an upscale bar on Main Street but she would not like to see a low class bar downtown and on the special exceptions, is there not anything that could be changed to allow City Council to have a decision in whether to approve a bar or not. Mr. Moody states that not on a case by case basis. Council has the authority by state law to amend the zoning ordinance which sets the rules in place that staff has to administer and that the zoning board would use to review. You could add to additional criteria, but the cost of the drink or defining what a high class bar is would be difficult to do. The zoning ordinance typically sticks to the use. Councilmember Harris asked if what he is hearing is that staff is requesting Council to amend the ordinance to allow bars to come on Main Street in the A-1 district. He asked if other towns that have bars on Main Street have any problems. Mr. Moody states that he has not researched this. Councilmember

Anthony asked if this would go before the zoning board of appeals and Mr. Moody states that it would go before the zoning board of appeals as a special exception and not come back to Council. Mayor Pro Tem Garner states that his understanding is that on the state level where the ABC Commission Hearing would be, you could protest issues of a license if you so desire as the City could do. Mr. Moody states it is a public process just like the City's rezoning. Chief White explained the process. Councilmember Craig asked if the Council would have a say so in a low class bar or a high class bar. Mr. Moody states that Council may want to consult with the City Attorney on this. Mayor Thompson asked for a motion to move forward with the rezoning process or not to move forward with the rezoning process.

MOTION by Councilmember Harris to not move forward with the rezoning request.

SECOND by Councilmember Anthony.

Mayor Thompson asked all that are not in favor of moving forward with the rezoning process to raise their hands; he asked all in favor of the moving forward with the rezoning process raise their hands.

CARRIED 5 to 2 to move forward with the rezoning process.

FOR: Thompson, Garner, Morgan, Sloss and Craig.

OPPOSE: Harris and Anthony

F. DISCUSSION/MOTION – MARCH OF DIMES PARTNERSHIP COMMITMENT

Tammy Gregg, Senior Development Manager for the March of Dimes addressed Council. She states that it is March for Babies season. Mr. Gregg states that the mission of the March of Dimes is to prevent infant mortality birth defects and premature birth. In S.C. on the State level, there are about 1,100 babies born every week. Across the State, 11.2% babies are born pre-term. They have partnered with DHEC in Union, Cherokee and Laurens County to provide a Baby and Me Tobacco Free Program. The March of Dimes Walk is October 21, 2017 at Veterans Park. They are requesting funding in the amount of \$1,000 for sponsorship. The sponsor's name would be placed on a table on a Wishing Tree with Butterflies. Butterflies will be provided to all walkers who can write their well wishes for the babies in the NICU at Spartanburg Regional.

MOTION by Councilmember Sloss to fund March of Dimes in the amount of \$1,000.

SECOND by Councilmember Craig.

CARRIED UNANIMOUSLY

G. DISCUSSION – PROPOSAL TO CONTRACT WITH UNION COUNTY TO PROVIDE CODE ENFORCEMENT & BUILDING INSPECTION SERVICES

Frank Hart, County Supervisor addressed City Council. He states that he did a presentation in 2016 regarding relating elimination of duplication of services. He talked about low cost in how they could provide services at a lower cost because the cost of business is going up every year. Some of the items discussed at that meeting were animal control, code enforcement, fleet maintenance, procurement, public works, recreation and law enforcement. Mr. Hart feels that the City and the County needs to take a hard look at each one of those areas and see if there is a way by doing things together can they provide the same service but do it at a lower cost. Council voted last year to contract with Union County to provide animal control services within the corporate limits of the City. That was done at a cost of \$31,000 which saved the City roughly half of what they were paying to provide those same services. He has not gotten any complaints on animal control which is good. The \$31,000 was used to add part-time staff at the shelter, a Rescue or Adoption Coordinator and part-time help to set traps. Mr. Hart states that when the code enforcement for the City of Union decided to pursue another

opportunity, he felt this was a good opportunity to discuss. He presented a proposal during a workshop which he made a proposal that the City contract with the County for these services. The reason for that is when you contract for services; it is very flexible because it's not really a full-time employee. The contract can be terminated at any time. He states that currently they have three code enforcement officers. All are Class 3 certified which is very important this day and time if you are going to be out doing code enforcement, you need to be certified law enforcement. They basically can carry a weapon, they can write state tickets related to litter as well as uniform ordinance summons for County or Municipal violations. Code Enforcement sent out 500 letters year to date for property not in compliance. He presented an Option 1 or Option 2 proposal to contract with the City for Union County to provide Code Enforcement & Building Inspection Services. It is a proposed contract price in the amount of \$50,000 and under this scenario they would hire a building inspector who work Monday – Friday, 8-5 like any other full time employee. They would be on call for emergency response. The desired candidate would already have the certified building designation which is not easy to get. Under the option they would also provide code enforcement services. This would be using their existing staff and basically they would handle code enforcement Monday – Friday, 8-5 and then they would be on call for emergency response 24/7. This option would provide the City with an approximate \$50,000 savings. Option 2 would be \$80,000; again it's the same as Option 1 in the sense that they would hire the full-time building inspector but on the code enforcement side, they would add one additional code enforcement officer who would have to become certified but their primary responsibility would be related to clean-up properties which are not compliant. Option 2 would provide the City with an approximate \$20,000 savings. The City Planning Department would still issue building permits for the City of Union and schedules inspections using County web based software program called "City Force". Inspector completes inspection and documents outcome with photos in "City Force". Under the Code Enforcement, County code officers will enforce IPMC, City property related nuisance regulations, and zoning ordinances through use of the City of Union Municipal Uniform Ordinance Summons. All cases will be heard in the City of Union Municipal Court. Demolition of condemned properties will be coordinated by County with prior agreement of City to assist in funding for demolition. The intent of the County is to utilize County forces and inmate labor when possible to complete demolitions.

Mayor Thompson asked for a motion to participate under one of the agreements on the proposed contract – Option 1 or Option 2.

City Council briefly discussed the contract proposals for Union County to provide code enforcement & building inspections services.

Mayor Thompson recommends going ahead and put the code enforcement staff in place and on the building inspector personnel, lay the foundation and put in place the first of the year.

County Supervisor Frank Hart states that the City would be billed quarterly.

MOTION by Councilmember Anthony to accept Option #2

SECOND by Councilmember Morgan.

CARRIED UNANIMOUSLY

RECUSE: Councilmember Harris.

H. DISCUSSION/MOTION – CHANGE FORM OF GOVERNMENT

Mayor Thompson states that at the August 9, 2017 workshop, Council discussed changing the form of government from the strong mayor form to either the council form or the council manager form. A motion from Council to move forward is needed.

MOTION by Councilmember Morgan to go forward with a referendum to vote for the council form of government.

SECOND by Councilmember Anthony.

CARRIED 6 to 1

FOR: Thompson, Anthony, Garner, Morgan, Harris, Sloss

OPPOSE: Craig

I. ORDINANCE – 1ST **READING** – CHANGE FORM OF GOVERNMENT

Mayor Thompson states that Council discussed setting a referendum on the question of a change in the form of government. The recommendation is to pass 1st reading to set referendum of the question to change the form of government.

MOTION by Councilmember Morgan to accept recommendation.

SECOND by Councilmember Anthony.

CARRIED UNANIMOUSLY.

5. **PUBLIC COMMENT**

None

6. **ANNOUNCEMENT BY MAYOR & COUNCIL**

None

7. **ADJOURNMENT**

MOTION by Councilmember Sloss to adjourn.

SECOND by Councilmember Anthony.

CARRIED UNANIMOUSLY.

Meeting adjourned at 8:09 P.M.

Gloria J. Rogers, Municipal Clerk

Minutes approved _____ 2017