

**MINUTES
REGULAR COUNCIL MEETING
TUESDAY, DECEMBER 17, 2013
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 Tuesday, December 17, 2013 at 6:30 P.M. in the City Municipal Building with the following present:

COUNCIL: Mayor Harold Thompson; Mayor Pro Tem Robert Garner; Councilmembers Tommie L. Hill, Sr., Yates Giles; Ricky Todd Harris and Jim Wilson. Councilmember Orangelow Ruff was absent due to illness.

CITY ATTORNEY: None

DEPARTMENTAL STAFF: Gloria Rogers, Municipal Clerk/Personnel Director; Sam White, - Public Safety Director; Gregg Pickens – Captain; Joe Nichols – Utility Director; Perry Harmon – Public Service Director; Walker Gallman – Finance Director and Laura Hembree – Accounting Supervisor. Mike Petrie – Maintenance Shop Director was absent.

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

OTHERS: Lawrence Flynn; Alice Taylor-Colbert, Torance Inman, Katherine Pendergrass, Brooks Carwile and Howard Gibson

1. CALL TO ORDER

Mayor Thompson called the meeting to order. Councilmember Giles gave the invocation. The Pledge of Allegiance to the flag was given by all present. The roll was called by Municipal Clerk Gloria Rogers.

2. MINUTES

A. Tuesday, November 19, 2013 Public Hearing

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

B. Tuesday, November 19, 2013 Public Hearing

MOTION by Councilmember Giles to approve minutes
SECTION by Councilmember Harris.
CARRIED UNANIMOUSLY.

C. Tuesday, November 19, 2013 Regular Council Meeting

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

3. **COMMUNICATIONS**

A. Monthly Reports

MOTION by Councilmember Wilson to accept monthly reports.
SECOND by Councilmember Hill.
CARRIED UNANIMOUSLY.

4. **BUSINESS**

A. TAKE FROM TABLE – **ORDINANCE – 1st READING – WRECKER SERVICE REGULATION POLICY**

Mayor Thompson states that on November 19, 2013 Item #4-E was tabled by council due to concerns voiced by Wrecker Service Owners during the November 19, 2013 Public Hearing. The recommendation is to take from the table and place back on the December agenda as an ordinance for 1st reading.

MOTION by Mayor Pro Tem Garner to take Wrecker Service Regulation Policy from table.
SECOND by Councilmember Harris.
CARRIED 5 TO 1.
FOR: Thompson, Garner, Hill, Harris and Wilson.
OPPOSE: Giles

B. **ORDINANCE – 2nd READING - AMENDING BOND ORDINANCE**

Finance Director Walker Gallman states that the proposed changes to the Bond Ordinance are a result of discussions with the State Revolving Fund. Changes are being implemented in order to clarify and cure ambiguities in the General Bond Ordinance. One change was a drafter's error, where "net revenues" has been changed to "gross revenues" in order to more properly calculate the City's annual rate covenant. The other changes clarifies that the calculation requirements for how the City's debt service reserve funds get value are not applicable to debt service reserve funds being held by the State Treasurer on behalf of the SRF. Neither of these changes constitutes major changes and we are not requesting consent from outstanding bondholders as the terms of the Bond Ordinance allow for modifications and changes to cure or correct ambiguities without bondholder approval. Please note, all of the City's outstanding bonds are currently held by South Carolina Water Quality Revolving Fund Authority, the South Carolina Infrastructure Facilities and BB&T. City Council passed 1st reading at its December meeting.

MOTION by Councilmember Wilson to pass 2nd reading amending the General Bond Ordinance.
SECOND by Councilmember Giles.
CARRIED UNANIMOUSLY.

C. **ORDINANCE – 2nd READING – 2013A SERIES ORDINANCE (CWSRF)**

Finance Director Walker Gallman presented an ordinance approving the borrowing of not to exceed \$2,024,234, plus capitalized interest, if any, from the Water Pollution Control Revolving Loan Fund. Other funding sources will be from Community Development Block Grant Funds (CDBG)

\$1,202,584 and City Funds, \$389,830. The breakdown of projects and funding sources were also presented. City Council passed 1st reading at its December meeting.

MOTION by Councilmember Wilson to pass 2nd reading of the 2013A Series Ordinance.

SECOND by Mayor Pro Tem Garner.

CARRIED UNANIMOUSLY.

D. ORDINANCE – 2nd **READING** - 2013B SERIES ORDINANCE (DWSRF)

Finance Director Walker Gallman presented an ordinance approving the financing of water system improvements through the borrowing of not exceeding \$1,235,512 plus capitalized interest, if any, from the Drinking Water Revolving Loan Fund. These funds will finance 4 projects. One of the projects, replacing water meters, is considered a “Green” project with an interest rate of 1% for 20 years. The other projects interest rate is 1.9% for the same term. City Council passed 1st reading at its December meeting.

MOTION by Councilmember Giles to pass 2nd reading of the 2013B Series Ordinance.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

E. ORDINANCE – 2nd **READING** - AMENDMENTS TO CITY OF UNION ZONING ORDINANCE SECTION 109.12

Mayor Thompson states that City staff is requesting to amend the City of Union Zoning Ordinance, Section 109.12 table of Permitted Uses of Non-Residential Districts and Section 129, Definitions specifically to address colleges and universities. City Council passed 1st reading at its December meeting.

MOTION by Councilmember Giles to pass 2nd reading amending Zoning Ordinance Section 109.12.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

F. ORDINANCE – 1st **READING** - POLICY FOR REGULATION OF WRECKER SERVICES

Chief White states that the Union Public Safety Department requests council to consider the attached proposed Policy for Regulation of Wrecker Services. This policy does not replace Sections 5-71, 5-72 or 5-73 of the City of Union Code. The proposed policy is comprehensive and covers many areas which include qualifications, responsibilities, a rotation list, and complaints /disciplinary procedures. The Union Public Safety Department proposed policy is tailored after the SC Highway Patrol policy and will have the same major requirements. Also there were concerns about the Union Public Safety Department policy requiring a 30 minute response time and the SC Highway Patrol policy requiring a 45 minute response time. The Union Public Safety Department feels that the 30 minute response time is needed to reduce the amount of time that a highway may be closed or obstructed due to a towing situation. The policy will also incorporate the SC Highway Patrol rate structure and all insurance requirements for towing service. In the event that a wrecker service provider that is currently on the rotation list is not able to meet the new policy requirements the Public Safety Department will ask City Council to consider refunding the unused portion of the business license fee as

determined on a monthly basis. The staff recommends that council adopt the proposed Policy for Regulation of Wrecker Services.

MOTION by Councilmember Wilson to pass 1st reading of ordinance.

SECOND by Councilmember Harris.

CARRIED 5 TO 1.

FOR: Thompson, Garner, Hill, Harris and Wilson

OPPOSE: Giles

G. DISCUSSION/MOTION – APPOINTMENT OF CITY ATTORNEY

Mayor Thompson states that pursuant to Section 2-44 of the City Code, the City Council shall appoint and employ a city attorney, whose duties shall be such as are otherwise described by law and assigned by the City Council. After the resignation and retirement of former City Attorney William E. Whitney, City Council discussed the vacancy of that position at the regular City Council Meeting on August 20, 2013. Council voted to accept the letter of resignation submitted to Mayor Thompson dated August 19, 2013. A committee was formed to seek full time representation. Advertisements were placed in the Union Daily Times, Union County News, MASC Website, City of Union Website, and the S.C. Bar Association. Ten (10) law firms responded and from those 10 the Committee narrowed it down to (3) three. The three applicants are as follows: (1) Boykin & Davis, LLC-Columbia, SC – Charles J. Boykin (2) Pope Zeigler, LLC- Spartanburg, SC-Columbia Based- Lawrence E. Flynn, Jr. (Larry) (3) Spencer & Spencer – Rock Hill, SC- R. Brent Tompkins. Staff recommends that Council appoint Mr. Lawrence E. (Larry) Flynn, Jr. of Pope Ziegler, LLC for the position of City Attorney. Staff took into consideration travel distance and familiarity with the area and with City of Union operations, procedures, existing and ongoing projects.

MOTION by Councilmember Giles to appoint Mr. Larry Flynn of Pope Ziegler, LCC to the position of City Attorney.

SECOND by Mayor Pro Tem Garner.

CARRIED UNANIMOUSLY.

H. DISCUSSION/MOTION - APPOINTMENTS TO BUILDING & ZONING BOARD OF APPEALS

Mayor Thompson states that City Council must fill two (2) vacancies on the Building Board of Appeals and two (2) vacancies on the Zoning Board of appeals for expired terms. The Building Board works closely with the City of Union Planning Department. This Board hears and decides on appeals dealing with zoning code of regulations. The Zoning Board of Appeals works closely with the City of Union Planning Department. The Board hears and decides on variance and special exception request dealing with the City Zoning Ordinance regulations. These positions were solicited by public notice in a local newspaper. Request to serve letters, voting ballots and public notice was presented to Council. City Staff recommends that Council appoint qualified candidates to fill these most important board vacancies. City Council re-appointed Wayne Cooke and A.C. Martin to the Building Board of Appeals. Also Neil Valentine and Quandra Jeter were re-appointed to the Zoning Board of Appeals. All candidates received a unanimous vote by paper ballots.

I. AWARD BID - CONTAINER COLLECTION & WASTE DISPOSAL SERVICES

Public Service Director Perry Harmon states that three (3) proposals for Container Collection & Waste Disposal Services for a total of 60 dumpsters

were received on November 21, 2013 at City Hall of Union. The proposals have been reviewed by Rogers & Calcott Environmental and no errors were noted in the quote section of each proposal. Waste Connections and Waste Management did take exception to portions of the Request for Proposals provided by the City. Staff recommends awarding bid to the Container and Waste Disposal Service bid to the lowest bidder, Republic Service of SC, which will be a three year contract.

MOTION by Councilmember Giles to accept recommendation.
SECOND by Mayor Pro Tem Garner.
CARRIED UNANIMOUSLY.

J. AWARD BID – BUCKET TRUCK

Utility Director Joe Nichols addressed City Council. Bids were received on November 20, 2013 at 2:00 p.m. from qualified vendors for a bucket truck with a 55 foot hydraulic articulating non-overcenter aerial device mounted on a 2014 Ford F-750 4 x 2 or Freightliner 4 x 2 cab/chassis. Optional bids were accepted for aerial device mounted on 2014 Ford F-750 4 x 4 or Freightliner 4 x 4 cab/chassis. Bids were posted on SCBO and specifications were emailed to four vendors. One bid and one optional bid was received. This bucket truck will replace Vehicle #713, a 1997 Chevrolet Bucket Truck. After comparing the bids, City Staff selected the Altec Industries bid, as it met all requirements at the lowest cost. The recommendation is to accept bid from Altec Industries in the amount of \$192,870.00

MOTION by Councilmember Wilson to accept recommendation.
SECOND by Councilmember Hill.
CARRIED UNANIMOUSLY.

5. **ANNOUNCEMENT BY MAYOR & COUNCIL**

None

6. **PUBLIC COMMENT:**

A. Please address the Mayor and Council from the lectern and state your name and address for the record. (Please limit your comment to 3-5 minutes)

None

7. **EXECUTIVE SESSION** – TO DISCUSS PERSONNEL & CONTRACTURAL MATTERS

MOTION by Councilmember Hill to go out of regular session into executive session to discuss a personnel and contractual matter.
SECOND by Councilmember Giles.
CARRIED UNANIMOUSLY.

MOTION by Councilmember Harris to go out of executive session back into regular session.
SECOND by Councilmember Hill.
CARRIED UNANIMOUSLY.

8. **ADJOURNMENT**

MOTION by Councilmember Giles to adjourn.
SECOND by Councilmember Wilson.
CARRIED UNANIMOUSLY.

Council meeting adjourned at 7:20 P.M.

Gloria J. Rogers, CMC
Municipal Clerk

Minutes approved _____ 2014