

**MINUTES
REGULAR COUNCIL MEETING
TUESDAY, NOVEMBER 18, 2008
6:15 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 November 18, 2008 at 6:15 P.M. in the City Municipal building with the following present:

COUNCIL: Mayor Harold Thompson, Councilmembers Tommie L. Hill, Keith Henderson, Ricky Todd Harris, Orangelow Ruff and Andy Bailey.

CITY ATTORNEY: Billy Whitney

DEPARTMENTAL STAFF: Gloria Rogers, Municipal Clerk/Personnel Director; Sam White, - Public Safety Director; Joe Nichols – Utility Director; Walker Gallman – Finance Director; Perry Harmon – Public Service Director and Mike Petrie – Maintenance Shop Director.

NEWS MEDIA: Charles Warner – Union Times and Steve Ramsey - WBCU

PLANNING COMMISSION: Charles Barber, Bobby Jo Gibbs, Oscar Gist, Sr. and Mary Norman.

OTHERS: Robert Small, Nixon Small, Hope Small, Harold Farr, Sr., Elizabeth Farr, David Fant, Mary H. Johnson, Reginald McBeth, Torance Inman, Lawrence Flynn, Laura Hembree, Debbie Woodard, Martha J. Hathcock, Melody Porter and others.

1. Oath of Office: Mayor and Councilmembers

Harold E. Thompson was seated as Mayor in a General Election held on November 4, 2008. Keith Henderson – District 3, Ricky Harris – District 4 and Andy Bailey – District 6 were seated as Councilmembers in a General Election held on November 4, 2008. The oath of office was given by Municipal Clerk Gloria Rogers.

2. 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 Municipal Clerk Gloria Rogers.

3. Minutes

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| A. October 21, 2008 | Public Hearing |
| B. October 21, 2008 | Regular Council Meeting |
| C. October 31, 2008 | Special Council Meeting |

MOTION by Councilmember Henderson to accept minutes as presented.
SECOND by Councilmember Harris.
CARRIED UNANIMOUSLY.

4. Communications

A. Monthly Reports

The monthly reports of all departments were included in the council packages and are on file in the office of the Municipal Clerk.

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

B. Minutes (Provided As Information To City Council)

1. October 21, 2008 Planning Commission Meetings

MOTION by Councilmember Ruff to accept minutes as presented.
SECOND by Councilmember Harris.
CARRIED UNANIMOUSLY.

5. Business

A. ELECTION OF MAYOR PRO TEMPORE

In accordance with state and city code, council must elect a mayor pro tempore to serve for a term of not more than two years. The mayor pro tempore acts as mayor during the mayor's absence or disability. If a vacancy occurs in the office of mayor, the mayor pro tempore serves as mayor until a successor is elected. This should be done at council's first meeting after the new council is seated. City Council voted for a mayor pro tempore by ballot. The following vote(s) were received: Councilmember Tommie Hill – 1 vote, Councilmember Ricky Harris – 1 vote and Councilmember Keith Henderson – 4 votes. Councilmember Henderson will serve as mayor pro tempore for the next two years.

B. ORDINANCE – 2nd **READING** – AUTHORIZING THE EXECUTION OF STATE REVOLVING LOAN FUND DOCUMENTS

On March 18, 2008 City Council passed a resolution authorizing staff to apply to the South Carolina Water Quality Revolving Fund Authority for a loan from the State Water Pollution Control Revolving Fund. This loan will finance projects to close the existing Beltline Wastewater Treatment Plant and add a pump station that will pump wastewater to the City's Tosch Creek Plant. Also, this loan will finance the project that will replace the clarifier at Tosch Creek Wastewater Treatment Plant. On July 31, 2008 the City was offered a loan in the amount of \$2,198,575 at 3.25% for 20 years. The loan amount, as always was an estimate to be adjusted once the projects were bid. The bids received were less than the original estimate, so the total loan will be only \$1,743,139. The ordinance will approve the financing of the above projects through the borrowing of not exceeding \$1,743,139 from South Carolina Waste Quality Revolving Fund Authority. Also, the City will pay closing cost of \$8,716.00 to the office of local Government–SRF and set up a Debit Service Revenue Fund in the amount of \$118,871.68.

MOTION by Councilmember Henderson to pass 2nd reading of the ordinance.
SECOND by Councilmember Harris.
CARRIED UNANIMOUSLY.

C. ORDINANCE – 2ND READING – AUTHORIZING EXECUTION OF BROWNSFIELD REVOLVING LOAN FUND DOCUMENTS.

On August 8, 2008 the City reconfirmed its commitment to the Catawba Regional Development Corporation to borrow funds from the Brownsfield Revolving Loan Fund in the amount of \$370,000. The funds for this loan will be used to finance part of the cleanup at the Old Union Mill Site. Also, a \$500,000 CDBG grant was awarded to the City for this cleanup. The ordinance will authorize the execution and delivery of various documents in order to fund a portion of the costs associated with the Union Mill cleanup. City Council passed 1st reading of the ordinance at its October 21, 2008.

MOTION by Councilmember Henderson authorizing execution of Brownsfield Revolving Loan Fund documents.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

D. AWARD BID – WATER AND SEWER IMPROVEMENTS – LUKESVILLE ROAD, SOUTH DUNCAN BYPASS, INDUSTRIAL PARK ROAD AND BERMUDA RUN

In accordance with S.C. Code Section 8-13-700, Mayor Thompson request to be excused from any votes, deliberations, and other actions on this matter on which the potential conflict of interest exists regarding the Lukesville Road (St. Luke Baptist Church) water and sewer improvements. Mayor Thompson asked Mayor Pro Tem Henderson to conduct the award bid.

Bids were received on November 6, 2008 for water and sewer improvements on Lukesville Road, South Duncan Bypass, Industrial Park Road, and Bermuda Run. A letter of recommendation from the engineers on this project, J.L. Rogers & Callcott Engineers, Inc. and a summary of the bids were presented. The apparent low bidder is Shoreline Enterprises in the amount of \$106,854.35.

MOTION by Councilmember Ruff to award bid to Shoreline Enterprises in the amount of \$106,854.35.

SECOND by Councilmember Hill.

ABSTAIN: Mayor Thompson.

CARRIED UNANIMOUSLY.

E. ORDINANCE – 1ST READING – REZONE 121 RAVENSCROFT STREET FROM A-4 OFFICE, RESIDENTIAL & INSTITUTIONAL TO R-6 RESIDENTIAL

The owners of the property located at 121 Ravenscroft Street are requesting that their property be rezoned from A-4 Office, Residential & Institutional to R-6 Residential. The property is adjacent to properties which are already zoned R-6 Residential and it does comply with regulation requirements for the R-6 Residential Zone.

A public hearing for the rezoning was held prior to meeting. The Planning Commission's recommendation is as follows:

“The Planning Commission for the City of Union does recommend to City Council the rezoning of the property located at 121 Ravenscroft Street from A-4 Office, Residential & Institutional to R-6 Residential.”

Charles L. Barber, Chairman
Oscar Gist, Sr.

Bobby Joe Gibbs
Mary Norman

MOTION by Councilmember Ruff to pass 1st reading of the ordinance.

SECOND by Councilmember Hill.
CARRIED UNANIMOUSLY.

F. AWARD BID – BACKHOE LOADER GAS DEPARTMENT

The backhoe loader used by the Gas Department needs to be replaced. The two quotes received: Linder Industrial Machinery Company - \$66,788.00 and Flint Equipment Company - \$78,805.00. The recommendation is to award bid to Linder Industrial Machinery Company in the amount of \$66,788.00. This amount includes a 3-year/5000-hour power train warranty. Money has been allocated in the current budget for this purchase.

MOTION by Councilmember Henderson to award bid to the Linder Industrial Machinery Company.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

G. AWARD BID – DEMOLITION OF DWELLING AT 409 W. HENRIETTA STREET

Mayor Thompson recommends that this item be tabled because there were only three contractors contacted and there may be other contractors that wants to bid on the demolition of the dwelling. The demolition will be advertised in the newspaper before the bid is awarded. It was the consensus of council to table this item.

H. DISCUSSION/MOTION – BOARD VACANCY – PLANNING COMMISSION BOARD

City Council must fill one (1) vacancy on the Planning Commission Board for an unexpired term. Charles Barber's term expires 6/30/2011, but he will be moving outside of the City in the near future so his position needs to be filled. This board works closely with the City of Union Planning Department. They meet to consider and make recommendations to City Council concerning zoning ordinances or resolutions. The Commission also makes regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction. This position was solicited by public notice in the Union Times. City staff recommends that Council appoint a qualified candidate to fill this most important board vacancy. The name submitted for this position is Hutch Hall.

MOTION by Councilmember Ruff to appoint Mr. Hutch Hall to the Planning Commission Board.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

I. DISCUSSION/MOTION – UTILITY EXTENSION POLICY.

City Attorney William Whitney presented a letter to City Council regarding the ordinance concerning the City of Union Utility Extension Policy. Mayor Thompson read the letter in its entirety to City Council. In the letter the City Attorney gave his opinion concerning the interpretation of the City of Union's Utility Extension Policy.

MOTION by Councilmember Henderson to accept interpretation as read.

SECOND by Councilmember Ruff.

CARRIED UNANIMOUSLY.

6. **ANNOUNCEMENTS BY MAYOR AND COUNCIL:**

None

7. **PUBLIC COMMENT:**

- A. Please address the Mayor and Council from the lectern and state your name and address for the record.

8. **EXECUTIVE SESSION: TO DISCUSS LEGAL, CONTRACTUAL, AND PERSONNEL MATTERS**

MOTION by Councilmember Ruff to go out of regular session into executive session to discuss a contractual matter.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

MOTION by Councilmember Harris to go out of executive session back into regular session.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

No action taken.

9. **ADJOURNMENT:**

MOTION by Councilmember Harris to adjourn.

SECOND by Councilmember Ruff.

CARRIED UNANIMOUSLY.

Council meeting adjourned at 7:10 P.M.

Gloria J. Rogers, Municipal Clerk

Minutes approved _____ 2008