

**MINUTES
REGULAR COUNCIL MEETING
TUESDAY, MARCH 17, 2009
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 March 17, 2009 at 6:30 P.M. in the City Municipal building with the following present:

COUNCIL: Mayor Pro Tem Keith Henderson, Councilmembers Tommie L. Hill, Robert Garner, Ricky Todd Harris and Orangelow Ruff. Mayor Harold Thompson was absent due to attending a National League of Cities Conference and Councilmember Andy Bailey was absent due to illness.

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; Mike Petrie – Maintenance Shop Director and Laura Hembree – Accounting Supervisor.

NEWS MEDIA: Charles Warner – Union Times and Mike Stevens – WBCU.

OTHERS: Connie Sinclair, Ben Ivey, David Fant, Debra Scott, D. Simmons, Detric Means, Scott McClellan, Mickey Gist, Nicole McClellan, Amber Yarbrough, Michelle Yarbrough, Jason Yarbrough, Shannon Yarbrough, Nova Yarbrough, Everett Leigh, Glenn Ivey, Olivia Henderson, Donna Rodgers, Connie Smith, Cheri Deese, Wayne Harris, Glenn Sparks, Carlisle Oxner, Debbie Woodard, Hope Small, Robert Small, Nixon Small, Tabitha Owen, Jennifer Roark, Karl Pendergrass Katherine Pendergrass and others.

1. Call To Order

Mayor Pro Tem Henderson 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.

Mayor Pro Tem Henderson recognized the Boy Scout and Leader in attendance.

2. Minutes

A. February 17, 2009 Regular Council Meeting

MOTION by Councilmember Ruff to accept minutes as presented.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

3. Communications

A. Monthly Reports

MOTION by Councilmember Garner to accept monthly reports.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

B. Minutes (Provided As Information To City Council)

1. March 5, 2009 - Zoning Board of Appeals
2. March 5, 2009 - Planning Commission Meeting

C. US Census Bureau - Bill Whitney

Mr. Bill Whitney gave an update on the 2010 Census. A census is held every 10 years.

4. **Public Comment:**

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

David Fant, 1686 Berry Farm Road addressed Council. He presented Council with a handout regarding the Animal Shelter, giving property to private citizens and the Union Connection Channel 14. (Handout on file in the Clerk's Office)

Sara Fant Jones of East Main Street addressed Council regarding authorizing the transfer of property of Aetna Street in Monarch to J.C.O. Real Estate. Ms. Jones does not agree with passing 1st reading of the ordinance.

Everett Leigh also addressed Council regarding the transfer of property. He does not agree with passing 1st reading of the ordinance.

5. **Business**

- A. **ORDINANCE – 2ND READING – AUTHORIZING TRANSFER OF PROPERTY UN-OPENED AETNA STREET MONARCH**

Aetna Street was deeded to the City of Union by deed of John A. Fant Estate Company dated March 24, 1908 and recorded in Deed Book X-41, page 502. The street designated as Aetna Street contains 0.33 acres and was never opened. The recommendation is to authorize the transfer of property (Aetna Street in Monarch) to J.C.O. Real Estate, LLC. City Council passed 1st reading at its February 17, 2009 meeting.

MOTION by Councilmember Harris to table item.

SECOND by Councilmember Ruff.

CARRIED UNANIMOUSLY.

- B. **ORDINANCE – 2ND READING – AMENDMENT OF CITY CODE CHAPTER 16.2-1 THROUGH 16.2-6 ENTITLED PARKS AND RECREATION**

An ordinance amending Chapter 16.2-1 through 16.2-6 entitled "Parks and Recreation" passed 1st reading at City Council meeting on February 17, 2009.

MOTION by Councilmember Garner to pass 2nd reading of the ordinance.

SECOND by Councilmember Hill.

CARRIED UNANIMOUSLY.

C. ORDINANCE – 2ND READING – PMPA NERC COMPLIANCE AGREEMENT

An ordinance adopting the North American Electric Reliability Corporation (NERC) Standards Agreement and authorizing the Mayor to sign the agreement on behalf of the City was presented to council. Council passed 1st reading of the ordinance at its February 17, 2009 meeting.

MOTION by Councilmember Ruff to pass 2nd reading of the ordinance.

SECOND by Councilmember Garner.

CARRIED UNANIMOUSLY.

D. ORDINANCE – 2ND READING – LEASE PURCHASE AGREEMENT

At the January 2009 council meeting, City Council authorized the purchase of a garbage truck from Amick Equipment Company. At our budget work session for FY 2008-09, council authorized staff to determine the best way to purchase the garbage truck, either purchase outright or enter into a lease purchase agreement. The ordinance authorizes the execution, delivery and performance of a Lease Purchase Agreement by the City not to exceed \$250,000. This ordinance gives the Mayor the authority to negotiate and determine the form, terms and provision of the lease. Council passed 1st reading at its February 17, 2009 meeting.

MOTION by Councilmember Garner to pass 2nd reading of the ordinance.

SECOND by Councilmember Ruff.

CARRIED UNANIMOUSLY.

E. AWARD BID/RESOLUTION – LEASE PURCHASE AGREEMENT

City Council, during the 2008-2009 Budget Process, authorized staff to purchase a garbage truck. To pay for this truck, staff was instructed to either purchase outright or lease based on a competitive bid process to determine an interest rate. Bids were received from (3) financial institutions. The quotes are based on a lease purchase in the amount of \$25,000 for 5 years. Staff's recommendation is to lease purchase the garbage truck through BB&T at an interest rate of 3.04% for 5 years and to authorize Mayor to sign a resolution detailing the terms of the lease.

MOTION by Councilmember Harris to accept staff's recommendation.

SECOND by Councilmember Garner.

CARRIED UNANIMOUSLY.

F. AWARD BID – LIQUID SLUDGE MANAGEMENT CONTRACT

Bids were received on March 5, 2009 at City Hall for the Liquid Sludge Management Contract. Four (4) bids were received for this project. A summary of the bids and recommendation from our consultants were presented to City Council. The recommendation is to accept bid from EMA Resources, Inc. of Mocksville, North Carolina to land apply the liquid sludge at a cost of \$0.0349 per gallon and \$129.79 per ton to transport and dispose @landfill.

MOTION by Councilmember Hill to accept recommendation.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

G. AWARD BID - POWER LINE CLEARING CONTRACT

Bids were received on March 12, 2009 at City Hall for the Power Line Clearing Contract. Of the thirteen bid packets that were mailed out, five submitted bids. Bids were based on a 40-hour week that included labor, equipment, overhead and profit. A bid summary list was presented to Council. City staff have reviewed bids and contacted references. The recommendation is to accept bid from Caldwell's Landscaping & Clearing, Inc. in the amount of \$2,713.20.

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

H. DISCUSSION/MOTION – AUTHORIZE MAYOR TO ENTER INTO CONTRACTUAL AGREEMENT – TERRY FANT, CPA

All municipalities are required by the state to have an annual audit of all financial records and transactions of the municipality. Terry Fant, CPA presented an audit services proposal for 3 years. The recommendation is to authorize Mayor to enter into a 3 year agreement with Terry Fant, CPA for audit services.

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

I. DISCUSSION/MOTION – APPROVE \$750 FUNDING (PMPA) FOR WBCU'S ANNUAL SPRING FLING – APRIL 16, 2009

MOTION by Councilmember Ruff to approve annual Spring Fling funding from PMPA funds in the amount of \$750.
SECOND by Councilmember Garner.
CARRIED UNANIMOUSLY.

J. DISCUSSION/MOTION – PMPA LAWSUIT SETTLEMENT

The City of Union and Piedmont Municipal Power Agency have been in litigation for three (3) years. The City had alleged in its complaint to the court that PMPA was unfairly interpreting the Billing Agreement that exists between the two parties. As a result of recent changes in the electric industry, a settlement agreement was reached. The recommendation is to authorize Mayor to sign Settlement Agreement between City of Union and Piedmont Municipal Power Agency "PMPA" as written.

MOTION by Councilmember Ruff to accept recommendation.
SECOND by Councilmember Harris.
CARRIED UNANIMOUSLY.

K. DISCUSSION/MOTION – MOTION TO AUTHORIZE MAYOR TO SIGN CONTRACTUAL AGREEMENT WITH LOCAL GOVERNMENT SERVICES TO NEGOTIATE POLE ATTACHMENT INCREASE WITH AT&T AND CHARTER COMMUNICATION

The recommendation is to authorize the Mayor to sign contractual agreement with Local Government Services to negotiate pole attachment increase with AT&T and Charter Communications.

MOTION by Councilmember Hill to accept recommendation.

SECOND by Councilmember Garner.

CARRIED UNANIMOUSLY.

L. **DISCUSSION/MOTION – BUDGET SESSION DATE CHANGE:**
APRIL 2 & 3, 2009

The City of Union Budget Worksession has been changed to Thursday and Friday, April 2 & 3, 2009.

MOTION by Councilmember Hill to accept date change of budget worksession.

SECOND by Councilmember Harris.

CARRIED UNANIMOUSLY.

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

None

7. **ADJOURNMENT:**

MOTION by Councilmember Hill to adjourn.

SECOND by Councilmember Garner.

CARRIED UNANIMOUSLY.

Council meeting adjourned at 8:10 P.M.

Gloria J. Rogers, Municipal Clerk

Minutes approved _____ 2009