

**MINUTES  
REGULAR COUNCIL MEETING  
TUESDAY, MAY 19, 2009  
6:30 P.M.**

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{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 May 19, 2009 at 6:30 P.M. in the City Municipal building with the following present:

**COUNCIL:** Mayor Harold Thompson, Mayor Pro Tem Keith Henderson, Councilmembers Tommie L. Hill, Robert Garner, 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 , Mike Petrie – Maintenance Shop Director; Laura Hembree – Accounting Supervisor and Melissa Youngblood - Media Information Technology Coordinator.

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

**OTHERS:** Tim McFalls, Captain Jason Smith, Jyl Guessregen, Robert Moody, Debbie Woodard, David Fant, Mamie Gore, Debbie Young, Dennis Russell, Robbie Littlejohn, Torance Inman, Hal Johnson, Melvin Young, Jr., Robert Small, Glenn Sparks, Charles A. Henderson, Katherine Pendergrass, Olivia Henderson, Alexander Hray and Chet Morris.

**1. CALL TO ORDER**

Mayor Thompson called the meeting to order. Mayor Pro Tem Henderson 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. April 21, 2009 | Regular Council Meeting |
| B. April 27, 2009 | Special Meeting         |

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

**3. COMMUNICATIONS**

- A. Monthly Reports

**MOTION** by Councilmember Henderson to accept monthly reports.

**SECOND** by Councilmember Harris.  
**CARRIED UNANIMOUSLY.**

B. Retirement Award - Charles A. Henderson

Chief Sam White presented Charles A. Henderson a retirement award for 8-1/2 years of service in the Public Safety Department.

C. Updates

1. SC Upstate Alliance - Hal Johnson

Mr. Hal Johnson gave an update on SC Upstate Alliance. He reviewed the marketing objectives for this year. The Upstate Alliance market the 10-county Upstate region to the world. The Alliance is fully staffed with state-of-the-art infrastructure to aggressively implement an effective regional economic development strategy. He also discussed the "I Was Blown Away" video. Mr. Johnson is President and CEO of Upstate Alliance.

2. Salvation Army - Captain Jason Smith

Captain Smith gave an update on the Salvation Army. He is speaking on behalf of the Salvation Army Divisional Headquarters which is located in Charlotte, N.C. Captain Smith states that the Salvation Army received a letter from the City stating that the shelter funding proceeds will have to be re-visited and adjusted accordingly. The Salvation Army is currently receiving \$1,750 from the City of Union Community Change. The participation in Community Change funds has decreased. Captain Smith states that the Union Salvation Army is being downgraded to a service center. Captain Jason & Melissa Smith will be leaving the Salvation Army on June 21, 2009 to move to Salisbury, NC. There will not be another officer appointed because of the financial situation. Captain Smith states that there will still be a need for the shelter. He states that over the past months the shelter has provided over 823 nights of lodging in the shelter. He also states that the shelter will provide housing for woman and children of domestic violence and people who have had a natural disaster (tornado or fire). Captain Smith is requesting that the City continue to assist the Salvation Army with the mortgage. The mortgage on the shelter is \$1,263.43 a month.

3. Catawba Regional – Grant Application Robert Moody

Mr. Robert Moody of Catawba Regional Council discussed a grant application for the City of Union Public Safety Department. The grant is called JAG (Justice Assistance Grant). Chief Sam White is working with Mr. Moody on the grant. The total amount of grant is \$53,197 with local matching funds of \$899. The department is applying for funds to purchase equipment for the City's Special Response Team, a video security system for headquarters, night vision binoculars and supplies for the elementary school gun safety program.

4. Update on Animal Control Issue - Attorney William Whitney

City Attorney Whitney addressed the animal control issue on animal cruelty (not allowing owner to re-claim animal if they have been charged with animal cruelty and any person that has previously been charged with animal cruelty) that was discussed at previous meeting. State Law will not permit City Council to enact an ordinance which carries penalties greater

than provided for in Municipal Court which will be a \$500 fine and/or 30 days. The second and third offense cannot be handled in Municipal Court. State Law provides the penalty for second and third offense which has to go to general session court. City Attorney Whitney states that it will be at the discretion of the Judge as provided by state law as to whether a person charged with animal cruelty can ever re-claim animal or own an animal.

Mayor Thompson recognized the new Union Housing Authority Executive Director in attendance, Mr. Robbie Littlejohn.

**4. PUBLIC COMMENT**

Please address the Mayor and City Council from the lectern and state your name and address for the record. (Please keep your comments to 3-5 minutes)

David Fant, 1686 Berry Farm Road, addressed City Council regarding a request he made under the Freedom of Information Act. His request was regarding information on demolition permits from 1994 to present for the City of Union Building Department. He states that he received an invoice in the amount of \$243.44. Mr. Fant feels that this amount is excessive and did not accept the information. Mr. Fant states that he paid \$24 for animal control records recently.

Mayor Thompson states that Mr. Fant has been requesting information often and the City has to charge a fee for information requests that are time consuming for staff to research. It took a staff person approximately eleven hours to research. Mayor Thompson also states that the City has honored all other requests, with the exception of the above mention by Mr. Fant, under the Freedom of Information Act without a charge. The Mayor states that under the Freedom of Information Act a fee can be charged for research and copies.

**5. BUSINESS**

**A. ORDINANCE – 2<sup>ND</sup> READING – UNION MILL PROPERTY RESTRICTIVE COVENANTS**

D.H.E.C requires that restrictive covenants be added to the title of the Union Mill Property and recorded at the Union County Court House. This property has been divided into 3 separate parcels with each having their own restrictions. City Council passed 1<sup>st</sup> reading at its April 21, 2009 regular council meeting.

**MOTION** by Councilmember Garner to pass 2<sup>nd</sup> reading of the ordinance.  
**SECOND** by Councilmember Ruff.  
**CARRIED UNANIMOUSLY.**

**B. ORDINANCE – 2<sup>ND</sup> READING – REPEAL OF PRIOR ANNEXATION ORDINANCE**

On 08/21/2007 City Council passed 2<sup>nd</sup> reading of an ordinance to annex the property at 1262 S. Duncan By-Pass, Union, and S.C. This property was never changed out of the Southside Fire District by Union County. They were waiting on an agreement to be reached between the City and the Fire District. During a recent City Council meeting, the City attorney clarified the ordinance to require a Utility Extension Agreement, as amended on November 21, 2006. One of the requirements was for the property to have changed ownership after that date. Also, the property owner did not want her property annexed. Staff's recommendation is to repeal the ordinance. City

Council passed 1<sup>st</sup> reading to repeal the ordinance at its April 21, 2009 meeting.

**MOTION** by Councilmember Henderson to pass 2<sup>nd</sup> reading of the ordinance repealing prior ordinance dated August 21, 2007.

**SECOND** by Councilmember Bailey.

**CARRIED UNANIMOUSLY.**

C. ORDINANCE – 1<sup>ST</sup> READING – ADOPT BUDGET FY 2009-2010

The FY 2009-2010 proposed balanced budget totals \$42,830,490. The general fund budget of \$5,418,320 does not include a tax rate or fee increase. The Solid Waste Management proposed budget of \$870,490 will be funded by a \$12 per month fee that remains unchanged, and a transfer of \$130,000 from the general fund. The combined utility fund's proposed budget totals \$36,286,680. Electric and water remain unchanged. Wastewater rates will increase 10 to 11%. Natural gas base rates will increase approximately 18% for residential and commercial customers and 37% for industrial customers. Tap fees for water and natural gas, as well as security lights monthly fee will increase. Funding is also provided to give employees a 1% cost of living adjustment. The recommendation is to pass 1<sup>st</sup> reading of ordinance to adopt budget for FY 2009-2010.

**MOTION** by Councilmember Ruff to pass 1<sup>st</sup> reading of the budget ordinance.

**SECOND** by Councilmember Harris.

**CARRIED UNANIMOUSLY.**

D. ORDINANCE – 1<sup>ST</sup> READING – ADOPT TAX LEVY FY2009-2010

The proposed tax rate levy will remain unchanged at 74.3 mills for FY 2009-2010. The recommendation is to pass 1<sup>st</sup> reading of the Tax Levy Ordinance.

**MOTION** by Councilmember Hill to pass 1<sup>st</sup> reading of the Tax Levy Ordinance.

**SECOND** by Councilmember Garner.

**CARRIED UNANIMOUSLY.**

E. ORDINANCE – 1<sup>ST</sup> READING – ORDINANCE AUTHORIZING AN ENCROACHMENT AGREEMENT

City Council was presented with an ordinance authorizing an encroachment agreement between the City of Union and Patton Development Company, Inc. Mr. Alexander Hray, a representative for Patton Development Company addressed City Council. He states that the City property and Patton Development Company properties are contiguous and Patton Development Company desires to construct a commercial retail building and have paved access to the City property. The property is vacant right now and it would improve the City's property. Also Mr. Chet Morris with Patton Development Company addressed Council stating that they would maintain the pavement. The retail building will be a Dollar General. This will provide some jobs for the Union.

**MOTION** by Councilmember Henderson to pass 1<sup>st</sup> reading of the ordinance.

**SECOND** by Councilmember Bailey.

**CARRIED UNANIMOUSLY.**

F. AWARD BID – DEMOLITION ON 409 W. HENRIETTA STREET

Bids were opened on May 13, 2009 for demolition of 409 W. Henrietta Street. The award contract was to Ferguson Grading of Union, SC in the amount of \$2,009. Ferguson Grading was the lowest bidder.

**MOTION** by Councilmember Garner to award bid to Ferguson Grading.  
**SECOND** by Councilmember Ruff.  
**CARRIED UNANIMOUSLY.**

G. AWARD BID – DEMOLITION ON 101 EDGE STREET

Bids were opened on May 13, 2009 for demolition of 101 Edge Street. The award contract was to Smith Backhoe of Union, SC in the amount of \$1,550. Smith Backhoe was the lowest bidder.

**MOTION** by Councilmember Henderson to award bid to Smith Backhoe.  
**SECOND** by Councilmember Harris.  
**CARRIED UNANIMOUSLY.**

H. AWARD BID – ROAD SYSTEM IMPROVEMENTS: TOSCH CREEK  
WWTP DRIVE, MAIN STREET AND OLD BUFFALO ROAD

Bids for Road System Improvements at locations listed above were received on May 12, 2009 at City Hall. Three (3) bids were received. Mr. Bruce Richards of J.L. Rogers & Callcott, Inc., letter of recommendation was presented. The recommendation is to award contract to Sailors Asphalt Paving of Union, SC in the amount of \$120,766.35.

**MOTION** by Councilmember Harris to award bid to Sailors Asphalt Paving.  
**SECOND** by Councilmember Henderson.  
**CARRIED UNANIMOUSLY.**

I. APPOINTMENT – HOUSING AUTHORITY BOARD

There is a vacancy on the City of Union Housing Authority's Board to fill an expired term ending April 6, 2014. A public notice was run in the Union Times soliciting candidates. A request letter was submitted by the following candidates: Mr. Howard Free and Ms. Mae K. Jeter. A letter of recommendation for Mr. Howard Free was submitted by Dennis C. Russell, Executive Director of the Union Housing Authority. City Staff recommends that Council appoint a qualified candidate to fill this most important board vacancy. City Council voted unanimously to re-appoint Mr. Howard Free to the Union Housing Authority's Board.

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

None

7. **ADJOURNMENT:**

**MOTION** by Councilmember Hill to adjourn.  
**SECOND** by Councilmember Garner.  
**CARRIED UNANIMOUSLY.**

Council meeting adjourned at 7:49 P.M.

Regular Council Meeting  
Tuesday, May 19, 2009

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Gloria J. Rogers, Municipal Clerk

Minutes approved \_\_\_\_\_ 2009