

MINUTES
UNION COUNTY COUNCIL MEETING
TUESDAY, JULY 12, 2022 AT 5:30 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE
STREAMED TO FRANK HART UNION COUNTY
SUPERVISOR FACEBOOK PAGE

Present: Chairman Frank Hart, Vice-Chairman Ben Ivey, Councilwoman Tracie Campbell (via telephone), Councilman David Sinclair, Councilwoman Carolyn Rutherford, Acting Clerk to Council Kindra Horne and County Attorney Sammy Diamaduros.

Absent: Councilman Ralph Tucker and Councilman John Flood

Notice of the meeting and a copy of the agenda giving the date, time and place of the meeting was posted on the bulletin board in the hall of the Union County Courthouse and a copy was mailed or emailed to the members of the Union County Council, the County Attorney, Jeff Fellers with Clemson Extension, Mr. Mickey Gist, Mr. Robert Small, Mr. James Kollock, Mrs. Casie Jolly, Daniel Prince at WBCU Radio Station, Graham Williams at the County News, the News Room at the Spartanburg Herald Journal, Shell Suber at MHISC, and Michael Lee with MHISC as well as to elected officials and heads of various county departments and offices. A notice of the meeting and a copy of the agenda were also posted on the County's website.

Chairman Frank Hart called the meeting to order. Council Chaplin David Sinclair gave the invocation followed by the Pledge of Allegiance.

The Acting Clerk to Council gave the Roll Call with the following results:

Tracie Campbell, District 1 – Present via telephone

Ralph Tucker, District 2 – Absent

David Sinclair, District 3 - Present

Ben Ivey, District 4 - Present

Carolyn Rutherford, District 5 - Present

John Flood, District 6 – Absent

David Sinclair: Made a motion to approve the minutes as written of the regular monthly meeting of the Union County Council held on June 21, 2022, and the special meeting of County Council held on June 27, 2022.

Carolyn Rutherford: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart stated Roger Gregory was supposed to receive a service award but had passed away after serving many years in law enforcement and then serving five years on the Election Commission. He asked everyone to join him in a moment of silence for the Gregory family.

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Mr. Robert Williams addressed Council about the danger and risk on speeding problems in the area of the school, residential and business areas along the Whitmire Highway 176. He said he conducted a risk assessment on Highway 176 just outside the city limits and located in the county near where the school bus repair shop is located. That is a 35 mile per hour speed zone. He said where the School Zone starts coming from the direction of Whitmire should be changed from a 45 mile per hour speed zone down to a 35 mile per hour speed zone and dropped to 25 miles per hour when school is in session. He said there has already been one death in that area as well as another recent traffic accident. The County needs to petition the State to try to make areas safer by lowering the speed limit in all areas that have school zones. Chairman Frank Hart referred the matter to Councilman David Sinclair as Chairman of the Council Road Committee to work with the County Engineer and the Sheriff to evaluate the matter then come back to Council with a recommendation.

Chairman Frank Hart stated next on the agenda was to consider any requests to fill vacant budgeted positions. Clerk of Court Melanie Lawson said she has an employee working a two-week notice who works with General Sessions Court.

Ben Ivey: Made a motion to fill the vacant budgeted position in the Clerk of Court's Office.

David Sinclair: Seconded the motion. Councilwoman Carolyn Rutherford asked if she has someone for that position and Clerk of Court Melanie Lawson said she always advertises her vacant positions.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart stated next on the agenda was to consider any requests for capital expenditures. He said parking has been an issue at the Detention Center and Neil McKeown had been working with Public Works about additional parking. This would require relocating some of the fencing and Neil McKeown had provided a quote from A1Fencing Company in the amount of \$4,015.00. Chairman Frank Hart recommended that be approved from the Non-Departmental Contingency Fund following the procurement code.

David Sinclair: Made a motion to approve \$4,015.00 for relocating some fencing at the Detention Center due to parking issues following the County procurement code.

Ben Ivey: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart asked if Council had any recommendations for any vacant positions on any boards and commissions. Chairman Frank Hart recommended Nancy Mahan to serve on the Airport Commission to fill Jeffery Reynolds unexpired term.

Ben Ivey: Made a motion to appoint Nancy Mahan to serve on the Airport Commission to fill Jeffery Reynolds unexpired term.

David Sinclair: Seconded the motion. Councilwoman Carolyn Rutherford asked about his appointment and Chairman Frank Hart explained that she was the widow of Dr. Mahan who was a chiropractor in Union and was also a pilot. He had owned an airplane that he housed at the airport and was on the

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Airport Commission. When he passed away, she continued to be involved even though she was not a member of the Commission.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart called for any other appointments to boards and commissions but there were none.

Chairman Frank Hart stated next on the agenda was to discuss moving the balance of the Non-Departmental Contingency account to the Non-Departmental Operational Contingency account for fiscal year 2021-2022. He said we are working in period 13 in accounts payable paying committed invoices from the prior fiscal year. The current balance in the Contingency account is \$58,274 and he requested it be moved to the Operational Contingency account to pay these outstanding invoices.

David Sinclair: Made a motion to move the balance of the Contingency account to the Operational Contingency account for fiscal year 2021-2022 as requested.

Ben Ivey: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart called for any comments from elected officials but there were none.

Chairman Frank Hart presented for third and final reading an ordinance authorizing the execution and delivery of a Fee-In-Lieu of Ad Valorem Tax and Incentive Agreement by and between Union County, South Carolina and Project George Washington to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain Special Source Revenue Credits; authorizing the inclusion of the project site in a Multi-County Business Park; and other related matters.

David Sinclair: Made a motion to adopt the ordinance authorizing the execution and delivery of a Fee-In-Lieu of Ad Valorem Tax and Incentive Agreement by and between Union County, South Carolina and Project George Washington to provide for payment of a Fee-In-Lieu of Taxes; authorizing certain Special Source Revenue Credits; authorizing the inclusion of the project site in a Multi-County Business Park; and other related matters.

Ben Ivey: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart presented for second reading an ordinance to disclaim any alleged interest in a certain right-of-way; to transfer any such interest in and to such right-of-way to the City of Union; to authorize the execution and delivery of a Quit Claim Deed to the City of Union; to authorize future similar transfers to be done by resolution of County Council; and other matters related thereto.

Ben Ivey: Made a motion to accept second reading of the ordinance to disclaim any alleged interest in a certain right-of-way; to transfer any such interest in and to such right-of-way to the City of Union; to

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authorize the execution and delivery of a Quit Claim Deed to the City of Union; to authorize future similar transfers to be done by resolution of County Council; and other matters related thereto.

David Sinclair: Seconded the motion. Councilwoman Carolyn Rutherford asked for clarification and Chairman Frank Hart stated Carlisle Finishing closed and they had handled the wastewater treatment for Carlisle. As a solution to that problem, the County partnered with the Town of Carlisle and the City of Union for grant funding to pump that waste back to the Town of Union. Some pump stations have to be added and this is a piece of property the City of Union needs to be able to get that infrastructure in place. It will benefit the Town of Carlisle but will also benefit the County as it will provide a corridor for future development.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart introduced for first reading an ordinance in title only to develop, pursuant to Sec. 4-1-170 of the South Carolina Code of Laws, 1976, as amended, a joint county industrial and business park, to be known as the Dolgencorp, LLC Multi-County Park, in conjunction with Spartanburg County, South Carolina, such Industrial/Business Park to be geographically located in Union County, South Carolina; to provide for a written agreement with Spartanburg County as to the sharing of the revenues and expenses of the Park; to provide for the distribution of revenues from the Park among the taxing entities having jurisdiction over the Park; to provide for a User Fee in Lieu of Ad Valorem Taxation; and other matters related thereto.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance to develop, pursuant to Sec. 4-1-170 of the South Carolina Code of Laws, 1976, as amended, a joint county industrial and business park, to be known as the Dolgencorp, LLC Multi-County Park, in conjunction with Spartanburg County, South Carolina, such Industrial/Business Park to be geographically located in Union County, South Carolina; to provide for a written agreement with Spartanburg County as to the sharing of the revenues and expenses of the Park; to provide for the distribution of revenues from the Park among the taxing entities having jurisdiction over the Park; to provide for a User Fee in Lieu of Ad Valorem Taxation; and other matters related thereto.

Carolyn Rutherford: Seconded the motion. Development Board Director Dolton Williams stated Project George Washington is an expansion of Dollar General to expand approximately 300,000 square feet to their existing 1.2 million square foot facility. It is \$42 million of new capital investment and will create 80 new fulltime jobs. They have acquired another company and will be running the operations out of the Jonesville facility.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart introduced an ordinance in title only authorizing the leasing of certain Union County Airport real property, space, improvements, and facilities; the granting of certain privileges to limited fixed-base operators; the sale of aviation fuel at bulk rates; the approval and ratification of certain other leases and grants of rights at the Union County Airport; and other matters related thereto.

David Sinclair: Made a motion to table this ordinance until they clarify the information on it.

Carolyn Rutherford: Seconded the motion.

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Councilman David Sinclair stated there was some concern from some of the Airport Commissioners as to what this means and whether it would still be a public airport or a private airport. Chairman Frank Hart said it was conveyed to the attorney that the Airport Commission found a new fixed-base operator and they wanted to recommend to the County that we lease the airport to the FBO operator and it requires an ordinance to do that. This will be based on the terms of the agreement between the Airport Commission and the Operator and this is the legal process to get it done. Councilman Ben Ivey asked if they were leasing certain parts of the facility and not the land. Chairman Frank Hart said it would include the hangar and the operation of the fuel. Airport Manager Ronnie Wade stated they have a person who is interested in commercial flying and they want to build two more hangars. They are working on a contract where they can build two more hangars. If the question is whether the County would own this or Phoenix Air, then the County will always own it and be responsible. The County will own the airport no matter what but you would have businesses that would operate from there. Mr. Wade stated we are getting ready to do \$1.5 million worth of work to the tarmac. Councilman David Sinclair said he thought if other counties are doing this and it is such a good idea to have someone else running the airport then why do we need him to do it. Mr. Wade said he does not fly passengers and these people have eleven pilots and have airplanes that are working commercial. Chairman Frank Hart stated the Airport Commission has negotiated what they believe is a deal with this company and have asked to move forward. This is the legal way to do it. Chairman Frank Hart recommended holding first reading in title only of the ordinance which will require three readings. Full text of the ordinance must be provided to County Council prior to holding second reading with a public hearing being held before third and final reading. This provides plenty of time to adjust and change course and make sure everybody understands prior to adoption. There was some discussion about the current aviation fuel price.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting no on the motion and Councilwoman Carolyn Rutherford voting no on the motion resulting in a tie vote. Chairman Frank Hart voted no on the motion to break the tie vote.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance in title only authorizing the leasing of certain Union County Airport real property, space, improvements, and facilities; the granting of certain privileges to limited fixed-base operators; the sale of aviation fuel at bulk rates; the approval and ratification of certain other leases and grants of rights at the Union County Airport; and other matters related thereto.

Carolyn Rutherford: Seconded the motion. Councilwoman Tracie Campbell asked the amount of the lease and Chairman Frank Hart said that had not been determined yet.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting no on the motion, Councilman David Sinclair voting no on the motion, Councilman Ben Ivey voting yes on the motion and Councilwoman Carolyn Rutherford voting yes on the motion resulting in a tie vote. Chairman Frank Hart broke the tie vote by voting yes on the motion which resulted in approval of first reading of the ordinance.

Chairman Frank Hart introduced for first reading in title only an ordinance authorizing the conveyance of certain interest in and to Union County-owned real property to Savvy Builders LLC; and other matters related thereto.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance authorizing the conveyance of certain interest in and to Union County-owned real property to Savvy Builders LLC; and other matters related thereto.

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Carolyn Rutherford: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart introduces an ordinance in title only an ordinance authorizing (1) the execution and delivery of an Infrastructure Credit Agreement by and among Union County, South Carolina and a company known to the County as Project Pluto, including any related entities or sponsor affiliates; (2) the enlargement of the boundaries of that certain multi-county industrial or business park previously created by Union County and Spartanburg County, as amended, to include certain property located in Union County, South Carolina now or to be hereafter owned or operated by Project Pluto, including any related entities or sponsor affiliates; and (3) other matters related thereto.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance authorizing (1) the execution and delivery of an Infrastructure Credit Agreement by and among Union County, South Carolina and a company known to the County as Project Pluto, including any related entities or sponsor affiliates; (2) the enlargement of the boundaries of that certain multi-county industrial or business park previously created by Union County and Spartanburg County, as amended, to include certain property located in Union County, South Carolina now or to be hereafter owned or operated by Project Pluto, including any related entities or sponsor affiliates; and (3) other matters related thereto.

David Sinclair: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

Chairman Frank Hart gave his Supervisor's Report. The efforts on the Events Technology Center are currently stalled due to some operational funding questions to be worked out between Spartanburg Community College and Union County School District. They are still working with the housing developer as there are delays in getting plans completed related to DHEC permits. He has asked the developer for an update on the project. He said we were not awarded the requested amounts from EDA for the sewer infrastructure project from the City of Union to Jonesville. They are looking at breaking the project down into phases which allows utilizing grant funds and applying for Rural Infrastructure Authority funds to complete the project. The phase one environmental analysis on the Sims Redevelopment Project was completed and we notified the School District we wanted to extend the option which will expire in November. They have had discussions with the developer to let them know they need to get moving on that or the option will expire and they would have to start over. He said they signed the contract on the Lockhart Boat Ramp Project. They held a Ribbon Cutting Ceremony on the new Sheriff's Office facility. He recapped some of the things they had accomplished during his terms as County Supervisor. They resurfaced over 200 county roads and obtained over \$12 million in Federal funding to allow them to resurface Highway 49, Highway 176 and portions of Highway 72. They constructed new fire stations at Bonham and Carlisle and renovated the EMS headquarters. They renovated the Timken Sports Complex. In partnering with the City of Union and the School District, they renovated the stadium and built a new field house. They renovated and opened the new Sheriff's Office. They appropriated funds to renovate and open the new County Government Complex which will

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hopefully happen before the end of the year. They approved and appropriated funds to expand capacity and improve officer and inmate safety at the Union County Detention Center. They revamped our recreation sports leagues, upgraded equipment, partnered with Dixie Youth on our programs, and constructed walking trails and parks in Lockhart. They are in the process of constructing the boat ramp in Lockhart. In Economic Development in the last seven and a half years, they have recruited over half a billion dollars in investments and almost a thousand new jobs. They created the Union County Community Scholarship Program which has allowed hundreds of students to continue their education in Union and hopefully to stay in Union to help build our community. They opened the SCC Union Campus with the mechatronics program. They partnered with USC-Union and the Delegation to bring a nursing school to Union. The Animal Shelter is now a no-kill shelter with full service and they provide response. They have made major improvements and a lot of progress at the Animal Shelter. We have managed to retain our hospital and healthcare system. We implemented a wage and compensation plan to retain and attract valuable county employees. We put between \$1.5 million to \$2 million in county salaries over the last year and a half. That was preceded by a decade of almost no increases which put us out of whack with the market and made it hard to retain talent. We put the County back on solid financial footing. When he first started they had about \$2 million in our reserve balance and we now have over \$8 million in reserve which gives us almost six months of operations. All it would take is a couple of large industries leaving and that \$8 million can disappear very quickly. They passed a one cent sales tax which created a big property tax relief which also reduced property taxes for municipalities. In the works is a new housing development which could drive commercial development, bring businesses and improve quality of life type operations. We have industrial grade sewer in the works from the City of Union to Jonesville which would open up the entire 176 corridor. He understood the former ARPA funds are now called SCIP funds. There will be commercial and residential development. We have sold every spec building we constructed. The first spec building he was involved with quadrupled in size and brought in about \$275 million in investment. They are looking at building our third spec building to attract new industry. We have gotten back a return on our investment through the company investment, the new jobs and the tax base. There are multiple new economic development projects in the process that we have not closed on yet such as Project Pluto. We will bring in over a \$100 million in pending projects. He said none of this would have been possible without the support of County Council, the South Carolina Delegation and our Federal Delegation. He gave a special shout-out to Lindsey Graham and Ralph Norman in helping get Union County in the Appalachian Regional Commission which provides a special pot of funding that goes to member counties. This literally took an act of congress to get us added and it is already opening up grant opportunities. He thanked the County employees for their hard work. The commitment of our industrial partners such as Lockhart Power and Timken has been tremendous. None of this would have been possible without the support of the citizens of Union County. He thanked everyone for the honor and privilege to have served as County Supervisor and said he appreciated the support.

Chairman Frank Hart called for any committee reports but there were none.

Chairman Frank Hart called for any other business but there was none.

Kindra Horne and Curtiss Hunter made a presentation to Chairman Frank Hart who had resigned as County Supervisor to take a County position as a part-time magistrate. They thanked him for all he had done and wished him well in his future endeavors.

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Chairman Frank Hart called for a motion to amend the agenda to add the discussion of an economic development matter to executive session.

Ben Ivey: Made a motion to amend the agenda to add the discussion of an economic development matter to executive session.

David Sinclair: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

David Sinclair: Made a motion to go into executive session to discuss a contractual matter, a personnel matter, a legal matter and an economic development matter.

Tracie Campbell: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

The Union County Council went into executive session to discuss a contractual matter, a personnel matter, a legal matter and an economic development matter.

Chairman Frank Hart stated they were ready to close executive session and no votes were taken during executive session.

David Sinclair: Made a motion to close executive session.

Carolyn Rutherford: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

The Union County Council returned to regular session.

David Sinclair: Made a motion to adjourn the meeting.

Carolyn Rutherford: Seconded the motion.

Chairman Frank Hart did a call for votes with Councilwoman Tracie Campbell via telephone voting in favor of the motion, Councilman David Sinclair voting in favor of the motion, Councilman Ben Ivey voting in favor of the motion and Councilwoman Carolyn Rutherford voting in favor of the motion resulting in a unanimous vote.

The meeting was adjourned at 7:05 p.m.

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Frank Hart, Chairman
Union County Council

Kindra Horne, Acting Clerk to Council