

MINUTES
UNION COUNTY COUNCIL MEETING
TUESDAY, NOVEMBER 12, 2024 AT 5:30 P.M
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Phillip Russell, II, Councilman Danny Bright, Councilman John Glenn, Councilwoman Annie Smith, Councilwoman Carolyn Rutherford, Councilman John Flood, Clerk to Council Kindra Horne, and County Attorney Jennifer Williams.

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, WBCU Radio Station, The County News, 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 Russell opened the meeting at 5:30 PM. Councilman Danny Bright gave the invocation and Chairman Russell led the Pledge of Allegiance. The Clerk performed the roll call with the following results:

District 1 Danny Bright was present.
District 2 John Glenn was present.
District 3 David Sinclair was absent.
District 4 Annie Smith was present.
District 5 Carolyn Rutherford was present.
District 6 John Flood was present.

Chairman Russell requested approval of the minutes for the October 8, 2024 council meeting. Chairman Russell asked if there were any additions or changes to the minutes and there were none. Chairman Russell requested a motion to accept the minutes as written, Councilman Flood made a motion, Councilwoman Rutherford seconded. Chairman Russell called for a vote and the motion carried unanimously. Chairman Russell requested approval of the minutes for February 29, 2024 special meeting. Chairman Russell apologized that it was not brought to Council earlier. Chairman Russell asked if there were any additions or changes to the minutes and there were none. Councilman Bright made a motion to accept the minutes as written, Councilwoman Smith seconded. Chairman Russell called for a vote which carried unanimously.

Chairman Russell presented the following service awards:

Anthony Fowler – UCSO (5 years)
Curtiss Hunter – Tourism (10 years)
Brad Valentine – Auditor (25 years)

There were no applications for Board Appointments, and no appointments were made.

Chairman Russell moved on to the next item on the agenda which was to consider allowing accepting a SC PARD Grant offered to Union County Parks and Recreation in the amount of \$25,000 for the development of fencing around multipurpose fields at South Hills Complex. Chairman Russell stated

that there would not be an out-of-pocket match for this grant. Councilman Glenn made a motion to accept, Councilman Flood seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote, which carried unanimously.

Chairman Russell moved on to the next grant on the agenda which was a SC Department of Public Safety Body Worn Camera Grant to cover annual storage and maintenance cost for Union County Sheriff's Office in the amount of \$29,144.53. Chairman Russell stated that there would be no match of County funds. Councilman Glenn made a motion to accept, Councilwoman Rutherford seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote, which carried unanimously.

Chairman Russell requested that council consider approving BDA System installation at the Union County Detention Center from the Capital Fund in the amount of \$30,121.00. Chairman Russell stated that the Jail addition will have this system installed, however it will need to be installed in the existing building for safety reasons. Due to the concrete walls and steel roof, without this system, Law Enforcement, EMS, and fire personnel cannot communicate inside the building via radio. Chairman Russell stated that this is not part of the new construction, but an update to the existing jail. Councilman Bright made a motion to accept, Councilman Glenn seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote which carried unanimously.

The next item on the agenda was to consider approving a contract with KCI to consult on FEMA financial recovery. Chairman Russell stated that storm cleanup is still taking place within Union County. Due to County wide damages, Union County is eligible for 100% reimbursement from FEMA tentative upon meeting all deadlines. Chairman Russell stated that he is seeking Council to allow him to enter into a contract with KCI not to exceed \$50,000 for the purpose of their assistance in documenting all storm related expenses. This will include county operations, fire department operations, and any other quasi government operations that operate under the County. Councilman Flood made a motion to dispense with referring to committee and accept, Councilwoman Smith seconded. Chairman Russell asked if there were any questions or discussions. Councilman Glenn asked if the reimbursements were guaranteed. Chairman Russell responded that the amount of FEMA reimbursement is not guaranteed. However, currently it is being communicated that 100% reimbursement is likely. Councilman Glenn stated that it was not guaranteed. Chairman Russell replied that it is an allowable expense, but that he cannot guarantee full reimbursement. Councilman Flood stated that we are already spending money. Chairman Russell agreed that we have and will continue to expend funds. In regards to the contract, it would be a reimbursable receipt that we are hoping to get full reimbursement for, however there is not guaranteed. Chairman Russell stated that there have been complaints to the State contractor regarding how quickly they should be moving towards cleaning the debris up, and they are working towards completing this project at a faster rate. He stated that from what he has seen, the crews have been responsive towards getting the debris out of roads/ditches. Chairman Russell asked if there were any more questions, there were none. He called for a vote, which carried unanimously.

Chairman Russell moved on to a Resolution Declaring the results of a referendum held on November 5, 2024, on the question of whether the Santuc Fire District in Union County shall be authorized to issue General Obligation Bonds not exceeding \$500,000.00. Chairman Russell stated that the vote has been taken and certified, and it did win. With the GO Bond, Santuc Fire Department would begin construction of the new Administrative wing at the fire station. Councilwoman Rutherford made a motion to dispense with referring to committee and adopt the Resolution, Councilman Glenn seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote, which carried unanimously. Chairman Russell announced that the next item on the agenda was an Inducement Resolution providing for a Fee in Lieu of Tax Agreement between Union County and Buffalo PVI, LLC. Chairman Russell stated that there was a similar agreement around a year ago, Project Tyger, to put a solar farm on Hwy 49 near Fairforest Church located around the Milliken Plant. After 1st, 2nd, and 3rd reading, the project did not

materialize. Buffalo PV1, LLC is here to do the same thing. Dolton Williams, Development Board Director stated that it is the same agreement that was brought to Council last year, just different parties involved. Councilman Flood asked if this would take place in the same location as the previous agreement. Chairman Russell replied yes. Councilman Flood made a motion to dispense with referring to committee and accept the Resolution, Councilwoman Smith seconded. Chairman Russell asked if there were any questions, there were none. He called for a vote which carried unanimously.

Chairman Russell moved on to the Ordinances listed on the Agenda. The first being an Ordinance, first reading in title only authorizing the termination of that certain written agreement with Union County for the Development of a jointly owned and operated Industrial Business Park, such park geographically located in Spartanburg County and the City of Spartanburg and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et. seq., as amended and other matters related thereto. Chairman Russell stated that this property was the Hillcrest Mall. The 25-year multi-park agreement has ended and is no longer in affect. Chairman Russell called for a motion to accept first reading of the Ordinance. Councilman Bright made a motion to dispense with referring to committee and adopt 2nd reading of the ordinance, Councilman Glenn seconded. Chairman Russell asked if there were any questions, there were none. He called for a vote which carried unanimously.

The second Ordinance, first reading in title only, was to authorize the execution and delivery of an amendment to agreement governing the Union-Spartanburg Industrial and Business Park to include additional property in the park (Buffalo PV1 Properties). Chairman Russell requested a motion to accept first reading of the Ordinance. Councilwoman Smith made a motion to dispense with referring to committee and adopt first reading, Councilman Flood seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote, which carried unanimously.

Chairman Russell moved on to the third ordinance, first reading authorizing (1) the execution and delivery of a Fee in Lieu of Tax and Incentive Agreement by and between Union County SC and Buffalo PV1, LLC, acting for itself, one or more affiliates, and/or other project sponsors, pursuant to which the county shall covenant to accept certain negotiated fees in lieu of Ad Valorem Taxes with respect to the establishment and/or expansion of certain facilities in the county. (2) The benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; (3) Certain special source revenue credits in connection with the project; and (4) other matters related thereto. Chairman Russell requested a motion to accept first reading. Councilman Flood made a motion to dispense with referring to committee and to accept first s reading, Councilwoman Smith seconded. Chairman Russell asked if there were any questions, there were none. He called for a vote, which carried unanimously.

Chairman Russell stated that he would be turning the meeting over to Adam Artigliere, the County's Attorney at Burr & Foreman. Adam would be available for council questions concerning first draft of Boards & Commissions Ordinance. Chairman Russell stated that no actions would be made by Council regarding this draft tonight, but that it would be referred to committee for further discussion. Mr. Artigliere gave a brief history of the current Ordinance, stating that it was drafted in the 1980s and some changes had been made and that it need to be cleaned up. Council did not ask Adam any questions. However, Councilman Bright stated that he would have some changes to propose to Committee when that meeting is held. Chairman Russell thanked Adam for efforts on this draft. He stated that the draft will be dispensed to the Finance and Administration Committee for further review.

Chairman Russell moved on to recognize the elected officials present. Treasurer Debbie Robertson stated that everything was going well. Clerk of Court – elect, Stephanie Kitchens, stated that she was looking forward to getting started in January. Auditor Brad Valentine thanked the Supervisor, Council and the County for the service recognition and for allowing him to continue to represent Union County as the Auditor. Sheriff Bailey announced that December 12th is the Union County Sheriff's Office "Shop with a

Cop” program. He stated that they are taking applications through December 2nd, and challenge coins are for sale at the Sheriff’s Office. All proceeds from coin sales will go towards the event.

Chairman Russell moved on to the Supervisor’s Report which had been emailed to council.

Chairman Russell announced that there was a committee report from the Committee on Public Works, Road, Bridges & County Property. Committee Chair Sinclair was not present, so Chairman Russell requested approval to read committee recommendations on retention or disposition of certain county owned property and the potential acquisition of new property. Approval was granted. Chairman Russell announced that the Committee agreed to sell the property at 501 Flat Drive and 193 Lovers Lane Road, pending FAA approval to sell. The Committee recommended that the County donate 322 E Main Street in the City of Union to USC Union. The Committee also agreed to bring to Council a request to purchase 46 acres of property across from the Timken Corporation Plant. The cost of the property is \$552,000 (\$12,000/acre). Funds to purchase this property will come from the Union County Hospitality Fund. The purpose of this purchase is for a Timken Park expansion. Chairman Russell requested a motion to sell the property at 501 Flat Drive. Councilman Glenn made a motion, Councilman Bright seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote, which carried unanimously. Chairman Russell requested a motion to sell the property at 193 Lovers Lane Road pending FAA approval. Councilman Glenn made a motion, Councilperson Smith seconded. Chairman Russell asked if there were any questions, there were none. Chairman Russell called for a vote, which carried unanimously. Chairman Russell requested a motion to allow Union County to donate 322 E Main Street to USC Union. Chairman Russell stated that Councilperson Smith would be recusing herself from voting in any nature, as it deals with her place of employment. Councilman Flood made a motion to donate, Councilman Glenn seconded. Chairman Russell asked if there were any questions, there were none. He called for a vote, which carried with all members voting in favor and Councilmember Smith abstaining. Chairman Russell called for a motion to allow the purchase of 46 acres of property across from the Timken Corporation Plant to expand Timken Park in the amount of \$552,000 (\$12,000/acre). Councilman Flood made a motion, Councilperson Rutherford seconded. Chairman Russell asked if there were any questions, there were none. He called for a vote, which carried unanimously. Chairman Russell stated that to disperse the property there will need to be three readings and a public hearing. To purchase the property there will need to be a Resolution brought before Council and Adam Artigliere will get to work on preparing the documents necessary.

Councilman Flood asked what the protocol would be in the event of a medical emergency or other circumstance where Supervisor Russell would not be able to perform his duties. Chairman Russell stated that legally, the Vice Chair would act in place of the Supervisor.

Councilwoman Rutherford made a motion to adjourn, Councilwoman Smith seconded and the vote was unanimous. The meeting adjourned at 6:21 P.M.

Phillip G. Russell, II, Chair, Union County Council

Kindra W. Horne, Clerk to Council