

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
WEDNESDAY, NOVEMBER 12, 2008 AT 4:30 P.M.
GRAND JURY ROOM AT THE UNION COUNTY COURTHOUSE

Present: Chairman Donnie Betenbaugh, Vice Chairperson Dora Martin, Councilwoman Joan Little, Councilman Tommy Ford, Councilman Joey English, Councilman Randall Hanvey, Councilman Joe Lawson, Attorney Tom White and Clerk to Council Linda G. Jolly

Absent: None

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 to the members of the Union County Council, the County Attorney, WBCU Radio Station, the Union Daily Times, Spartanburg Herald Journal, the Union County Development Board, Mr. Darrell Wade, Ms. Ann Canada, Mrs. Anne Brock with Clemson Extension, Mr. James Kollock and Mrs. Kacie Petrie.

Chairman Donnie Betenbaugh called the meeting to order. Chaplain Dora Martin gave the invocation followed by the Pledge of Allegiance.

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

Joan Little, District 1 – Present

Dora T. Martin, District 2 – Present

Tommy E. Ford, District 3 – Present

Joey D. English, District 4 – Present

Randall Hanvey, District 5 – Present

Joe G. Lawson, District 6 – Present

Joey English: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on October 8, 2008, the special meeting of County Council held on October 22, 2008 and to adopt the minutes as written.

Tommy Ford: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh presented a service award and gift certificate for Mike Lowe for 5 years of dedicated service to Union County.

Chairman Donnie Betenbaugh stated he had a letter from Langley & Associates stating that after reviewing the grading bids for the Quick Jobs Development Center they recommended awarding the bid to McMillan Carter in the amount of \$147,192.00 as they were the low bidder.

Dora Martin: Made a motion to award the bid for grading for the Quick Jobs Development Center to McMillan Carter as recommended.

Joey English: Seconded the motion. The vote was unanimous.

Mr. James Lancaster stated he was representing the residents of Woodhaven Drive, Camelot Drive and on Highway 18 to express their concerns about the proposed asphalt

COUNTY COUNCIL MEETING
NOVEMBER 12, 2008

facility to be located on Highway 18 by Sloan Construction. He said he had checked with the members of County Council with the exception of Councilman Hanvey and Council did not know about the facility until it was announced in the local newspaper. Development Board Director Stanley Vanderford told them it was not considered a safety hazard even though it would house six one million gallon tanks of liquid asphalt. Spartanburg County had rejected the facility. Mr. Lancaster stated they would be putting out sixteen train cars per day. Trucks would be in and out of the facility which would create a traffic hazard. There would be fumes and all this would create a safety hazard. The facility would be located only a few miles from the high school. It would be located near a nursing home. Mr. Lancaster asked who would provide fire protection. He asked if DHEC needed an environmental study or if DHEC was involved. He suggested if the company comes to Council requesting a tax break that it be denied and the facility should be located somewhere other than a residential area. He felt the facility would cause a decrease in his property value.

Councilman Joe Lawson waived the requirement that anyone who wished to address this matter be placed on the agenda.

Mr. Paul Sanders who lives on Royal Oak Drive stated the facility would join his property. He was concerned that no one with Sloan Construction Company had come to let the people in the neighborhood know this would be located in their backyard. They felt the company should have let the residents in the area know what was going on.

Mr. Lancaster said he did not know that he was in favor of zoning but would favor a planning commission to keep this from happening again in the future. Chairman Donnie Betenbaugh stated the Council had held two readings on a zoning ordinance about six or seven years ago but it had not passed because of opposition at the time. It is possible that it could still be considered a live ordinance. Councilman Joe Lawson said the only time you hear about this is when it affects certain people. Dozens of people showed up against zoning but no one showed up to support it.

Mr. Terry Davis who lives on Woodhaven Drive stated he is the School Resource Officer at the Union High School. There are fifteen hundred students at the high school and many of the kids travel that route. He expressed his concern for their safety because of the traffic and fumes.

Mr. Paul Sanders asked if there was anything that could be done to halt the facility from locating in that area or to slow it down. Councilman Joe Lawson stated the County had no control over it since there is no zoning ordinance in place and even if you start putting one in place there would not be time to stop the facility. He suggested they try DHEC (Department of Health and Environmental Control) or the EPA (Environmental Protection Agency).

Mr. Robert Small stated the County would be liable if people got sick from emissions from the facility. He reminded Council that Spartanburg had turned down their request to locate this facility in their county. He said Donnie Betenbaugh, Carlisle and Stanley voted for

COUNTY COUNCIL MEETING
NOVEMBER 12, 2008

this thing. They were the only three that knew it was coming and the company should be denied any tax breaks. Chairman Donnie Betenbaugh stated there are two laws in place. A company can come to Union and take a five year abatement which means they pay no county taxes for the first five years and the property depreciates for those five years. Or the company can get a Fee In Lieu of Tax from the county and school district. For the abatement, they do not even have to deal with County Council. He had suggested they call DHEC to see if there was anything that could be done on the State level since the County does not have any ordinances in place to prohibit the facility from locating in Union County. Mr. Small asked why more had not been done to put something in place on zoning. Councilman Joe Lawson responded that when County Council had tried to put something in place the people had not supported it. Mr. Betenbaugh asked Mr. Small if he was recommending Council look at countywide zoning and Mr. Small responded that it should have been here thirty years ago. Chairman Donnie Betenbaugh referred to the Committee on County Administration and Finance that based on Mr. Small's recommendation that the Council look at countywide zoning. Mr. Small said he did not say zoning but did say planning like Spartanburg County has. Mr. Betenbaugh asked that the Committee look at planning and zoning and how they interact and report back to Council. There was further discussion about how this facility would affect people with health problems, the traffic and fire hazards, emergency access and why the company did not approach the neighborhood to let them know what was going on. It was suggested the Council look at the planning commissions in both Spartanburg County and Newberry County. Chairman Donnie Betenbaugh stated they would see what they could find out and explore the possibility of having Sloan Construction hold a public meeting with the people that would be affected by this facility.

Chairman Donnie Betenbaugh called for any elected officials or department heads who wished to address Council.

Councilman Tommy Ford stated Mr. Johnson had stopped any work on the clean up of the Buffalo Mill site for the past three to four months. He suggested this be referred to the County Attorney to see if something could be done to have Mr. Johnson finish cleaning up the site.

Chairman Donnie Betenbaugh gave third and final reading of an ordinance to amend Ordinance No. 142, as previously amended by Ordinance Nos. 212, 213 and 236, relating to the joint County Industrial Park (Hillside Industrial Park) of Spartanburg and Union County so as to enlarge the park to include Epsilon Plastics, Inc. and Lear Operations Corporation/ACPS, LLC.

Dora Martin: Made a motion to adopt the ordinance to amend the ordinance relating to the Hillside Industrial Park to enlarge the park as stated.

Randall Hanvey: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh presented for second reading an ordinance authorizing the execution and delivery of a fee in lieu of tax and incentive agreement by and between Union County, South Carolina ("Union County") and Timken Industrial Services, LLC

COUNTY COUNCIL MEETING
NOVEMBER 12, 2008

(the "Company"), pursuant to which Union County shall covenant to accept certain fees in lieu of ad valorem taxes and other matters relating thereto.

Randall Hanvey: Made a motion to accept second reading of the ordinance pertaining to Timken Industrial Services, LLC as stated.

Joan Little: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh presented for second reading an ordinance authorizing the execution and delivery of a fee agreement by and between Union County, South Carolina and Milliken & Company, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

Dora Martin: Made a motion to accept second reading of the ordinance pertaining to Milliken & Company as stated.

Randall Hanvey: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh called for any other business but there was none.

Joe Lawson: Made a motion to adjourn the meeting.

Joan Little: Seconded the motion. The vote was unanimous.

The meeting was adjourned at 5:28 p.m.

Donnie R. Betenbaugh, Chairman
Union County Council

Linda G. Jolly, Clerk to Council