

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL  
WEDNESDAY, JUNE 11, 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, County Attorney Sammy Diamaduros 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 and Mr. James Kollock.

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

Dora Martin: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on May 14, 2008 and to adopt the minutes as written.

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

Chairman Donnie Betenbaugh stated there were four vacancies on the Union County Tourism Commission. There were only two applicants so he suggested the positions be advertised again.

Randall Hanvey: Made a motion to advertise the positions on the Tourism Commission again.

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

Chairman Donnie Betenbaugh presented a letter from Ann Fesperman with the Upstate Workforce Investment Board nominating Amanda Prince as a replacement for Mr. James Foster on their Board.

Dora Martin: Made a motion to appoint Ms. Amanda Prince to serve on the Upstate Workforce Investment Board.

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

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Chairman Donnie Betenbaugh informed Council there were two positions on the Carnegie Library Board whose term expire the end of June.

Joe Lawson: Made a motion to advertise the two positions on the Library Board.

Dora Martin: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh stated Council needed to consider the vacancies on the Hospital Board. There are three positions with one being a physician and two at-large positions.

Dora Martin: Made a motion to advertise the three positions.

Randall Hanvey: Seconded the motion.

Mr. Betenbaugh said there had been some concern about the doctors being on the payroll at the Hospital District serving on the Board and the conflicts that may arise from that. County Attorney Sammy Diamaduros referred to several opinions from 2002 and 2007 from the law firm of Holcombe Bomar and he also cited a 1996 Attorney General's opinion. Their opinion was that a physician employed by Wallace Thomson Hospital should not simultaneously be appointed as a member of the Hospital Board of Trustees. The Attorney General's opinion indicated that it would be inappropriate. Councilman Joe Lawson stated that based on the opinions Council had gotten that they set some specifications due to this fact that Council could not accept anyone in that position as a valid candidate. When they run for district seats on County Council they have to run for the seat they live in. If that is good enough for elected officials, then he wondered why Council could not make the same requirements for the applicants for the boards and commissions appointed by County Council. He felt they should at least have to live in Union County. Councilwoman Dora Martin asked how someone could represent an area in which you do not live. Mr. Lawson said your heart is not there because you do not live there. Mr. Betenbaugh asked if they were saying that the advertisement would state there were vacancies on the Hospital Board for a practicing physician and two at-large positions who are not employed by Wallace Thomson Hospital or its subsidiaries and who reside in Union County. Council stated that was the case and that it should apply to all boards and commissions appointed by County Council. The vote was unanimous on the amended motion that any applicant for any boards or commissions appointed by County Council would have to be a permanent resident of Union County and could not be an employee of the entity or its subsidiaries represented by that board or commission and be advertised as stipulated.

Chairman Donnie Betenbaugh presented for third and final reading the Ordinance to adopt the Union County Budget for fiscal year 2008-2009.

Dora Martin: Made a motion to adopt the Union County Budget Ordinance for fiscal year 2008-2009.

Joe Lawson: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh presented for third and final reading an ordinance to amend the jointly owned and operated Industrial Business Park in conjunction with Spartanburg County, dated as of July 11, 1994; such Industrial/Business Park being located in Spartanburg County and established pursuant to the South Carolina Code of Laws of 1976 Section 4-1-170, et. sequitur, as amended; to provide for a written agreement with

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Spartanburg County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem tax to the counties and relevant taxing entities; and, to provide that jobs tax credits allowed by law be provided for industries locating in said Park, and to permit a user fee in lieu of ad valorem taxation. This would amend the agreement to include Lubrizol Advanced Materials, Inc. in the Herald-Journal Industrial Park.

Joe Lawson: Made a motion to adopt the ordinance pertaining to inclusion of Lubrizol Advanced Materials, Inc. in the Herald-Journal Industrial Park as stated.

Dora Martin: Seconded the motion. The vote was unanimous.

Chairman Donnie Betenbaugh presented for second reading an ordinance to amend Ordinance No. 142, as previously amended by Ordinance Nos. 212 and 213, relating to the joint county industrial park (Hillside Industrial Park) of Spartanburg and Union Counties so as to enlarge the park to include Adidas Sales, Inc.

Joey English: Made a motion to accept second reading of the ordinance to add Adidas Sales, Inc. to the Hillside Industrial Park.

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

Chairman Donnie Betenbaugh presented for second reading an ordinance authorizing the amendment and restatement of Ordinance No. 229 authorizing the development of a joint county industrial and business park in Spartanburg County in conjunction with Spartanburg County and a written agreement with Spartanburg County to provide for the manner by which expenses and revenues from such park will be allocated pertaining to Centennial American Properties, LLC.

Dora Martin: Made a motion to accept second reading of the ordinance to amend Ordinance No. 229 pertaining to Centennial American Properties, LLC.

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

Chairman Donnie Betenbaugh introduced a resolution to authorize and consent to a mortgage of the project with 3805 Jonesville, LLC. Mr. Tom Martin with the McNair Law Firm stated 3805 Jonesville, LLC is the landlord for what we think of as the Disney property. That is the company that actually owns the land and the buildings. They are refinancing and have a Fee In Lieu of Tax (FILOT) Agreement with Union County and under the old Fee In Lieu of Tax law they transferred their title to the County which is leasing it back to them. The company requested that the County agree to let the mortgage apply to their property and the bank said it should apply not only to the lease holder but to the actual ownership. The county is not mortgaging anything other than the Fee In Lieu of Tax.

Joe Lawson: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining 3805 Jonesville, LLC as stated.

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

Chairman Donnie Betenbaugh called for any committee reports but there were none at this time.

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

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Chairman Donnie Betenbaugh presented for Council to review and approve a financial report from the South Carolina Association of Counties.

Joe Lawson: Made a motion to accept the financial report from South Carolina Association of Counties.

Dora Martin: Seconded the motion. The vote was unanimous.

Dora Martin: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 4:48 p.m.

Donnie R. Betenbaugh, Chairman  
Union County Council

Linda G. Jolly, Clerk to Council