

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL  
WEDNESDAY, JULY 9, 2008 AT 4:39 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

Joey English: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on June 11, 2008 and to adopt the minutes as written.

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

Chairman Donnie Betenbaugh presented service awards and gift certificates to Patricia Bogan for 5 years of dedicated service and to Russell Roarke for 5 years of dedicated service to Union County.

Chairman Donnie Betenabugh stated that our grants are now at \$4,400,000.00 since January. Today we received a \$750,000.00 RIF Grant from the State to purchase a new 164 acre industrial park in the northern end of the county. It will be the Trakas Tract above Dollar General. Presently we have 30 acres left in the Commerce Park, a 7 acre tract left in the Mac Johnson Park and a 15 acre tract in the Mac Johnson Park. That is all the industrial property left in the county. Mr. Betenbaugh presented for purchase a 164 acre tract plus site certification of \$65,000.00 for a total of \$1,084,477.17. The county would provide \$334,477.17 toward the purchase of the property to come from economic development funds.

## COUNTY COUNCIL MEETING

JULY 9, 2008

Joe Lawson: Made a motion to purchase the Trakas Tract at a total cost of \$1,084,477.17 as stated.

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

Chairman Donnie Betenbaugh informed Council that Dr. Barker had been on the agenda but sent his regrets as something came up and he could not be at the meeting. He asked that Council refer to the letter that he had previously sent to them.

Chairman Donnie Betenbaugh stated the Spartanburg Community College and USC-Union had signed a Memorandum of Understanding and forwarded it to County Council for consideration. Mr. Betenbaugh read the Memorandum of Understanding which stated the goal from the outset had been to develop a robotics and technology training and educational facility based on a model that calls for cooperation among the educational institutions. The County Council, working with the Union City Council and the Union County Economic Development Council, has invited the University of South Carolina Union and Spartanburg Community College to participate in the development of a robotics and technical training center in Union County. Union County would own the robotics and technology center facility and the land on which the center resides. The land has been donated by the City of Union and the building construction would be funded through grants and other sources. Union County would provide adequate annual funding for operation and maintenance of the facility. Spartanburg Community College in cooperation with USC-Union would manage the facility. USC-Union would provide the general education coursework and would not be permitted to offer training and technical coursework. Spartanburg Community College would provide the credit and non-credit training and technical coursework and would not offer general education coursework for the purpose of transfer. Union County Council would reserve the right to withhold the annual operation and maintenance budget or to revoke the agreement if either educational institution contravenes the limits of the agreement with respect to the offering of programs or coursework. The agreement would be reviewed annually.

Dora Martin: Made a motion to approve the Memorandum of Understanding.

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

Chairman Donnie Betenbaugh asked Council to consider a request to rollover funds from the 2007-2008 Budget for Union County of the balances of the Non-Departmental Special Projects account, the Non-Departmental Capital Expenditures account, the Building Superintendent Capital Improvements account, the Recreation Department Capital Improvements account, the County Maintenance Capital Improvements account and the Recycling Capital Improvements account.

Joe Lawson: Made a motion to approve the rollover of funds as requested.

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

Chairman Donnie Betenbaugh asked County Attorney Sammy Diamaduros to address Council about an ongoing matter. Mr. Diamaduros stated this was a continuation of a matter that came up a year or two ago when Mr. Allen asked the County to give him some property back. The property was deeded to the County without their knowledge by Walter Plexico. Mr. Allen claimed that he had purchased the property from Mr. Plexico and the

COUNTY COUNCIL MEETING  
JULY 9, 2008

County asked for documentation to back up his claim as Mr. Plexico was deceased. They provided an agreement for purchase and sale that Mr. Allen signed and Reuben Greene helped to execute. They were not all the original copies. He understood there were some old mobile homes on the property. They provided him with an affidavit signed by the purchaser. The affidavit states that Reuben Greene prepared the agreement or part of it and he knew that \$3,000.00 was the purchase price. One thousand dollars was paid down and two thousand was paid in twelve installments. Mr. Greene stated he had personal knowledge that Emzlie Allen paid the balance and did not know why the deed was never prepared. Based on the affidavit the property was purchased in 1987 and paid for but it was never pursued further. Mr. Diamaduros said he checked with the McNair Law Firm who said the County could do an ordinance to sell the property back to Mr. Allen. It is questionable as to whether the County has a clear title to the property. He did not think the County wanted the property or ever had any interest in it. There was no acceptance of the property by the County. The County would want to recover the back taxes as no taxes had been paid on the property for the past three years. Councilman Joe Lawson asked if the McNair Law Firm said the County can legally do this through an ordinance and would not violate the county's procurement laws or other county procedures by disposing of the property in this particular manner. Mr. Diamaduros said the McNair Law Firm was saying it could be done by ordinance for two reasons. The County did not know it had been deeded the property and has never accepted it as is supposed to happen with any deed especially deeds to public bodies. The grantor also contracted to sell the property to a second party which creates a cloud over the title. If the County chooses to give or sell the property, it was suggested it be done by quitclaim deed. Councilman Joe Lawson stated that what Council wanted was proof that Mr. Allen actually paid what they said was paid and he has an affidavit to that effect now. The other part Council wanted to know was how the Council could legally dispose of the property. He suggested recovering any taxes owed on the property and legal expenses. Mr. Betenbaugh introduced in title only an ordinance to transfer the property to Mr. Emzlie Allen based on the conditions set forth by the attorney.

Joe Lawson: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance to transfer property to Emzlie Allen based on the conditions set forth by the attorney.

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

County Attorney Sammy Diamaduros stated that on the Trakas Tract the title had been searched by him and another law office. The title is clear with some exceptions for right of way easements and possible right of ways. Due to the purchase being for over one million dollars, they recommend the County obtain title insurance for that even though they do not see a problem with the title. The County does not have to purchase the insurance but the attorney has to recommend it. The cost of the insurance is approximately \$1,750.00. It covers the title to the property for any errors that could have been missed by the attorneys or any errors that could be there.

Randall Hanvey: Made a motion to purchase title insurance on the Trakas property.

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

## COUNTY COUNCIL MEETING

JULY 9, 2008

Chairman Donnie Betenbaugh presented for third and final 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 County so as to enlarge the park to include Adidas Sales, Inc.

Dora Martin: Made a motion to adopt 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 third and final 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.

Joe Lawson: Made a motion to adopt the ordinance to amend Ordinance No. 229 pertaining to Centennial American Properties, LLC.

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

Chairman Donnie Betenbaugh introduced for first reading in title only a FILOT agreement for Congaree Bio Energy, LLC.

Dora Martin: Made a motion to dispense with referring the ordinance to a committee and to accept first reading in title only of an ordinance providing for a Fee In Lieu of Tax (FILOT) agreement with Congaree Bio Energy, LLC.

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

Chairman Donnie Betenbaugh introduced for first reading an ordinance to revise and amend all Union County ordinances creating and establishing special tax districts for the purpose of creating fire protection districts, and all other Union County fire district ordinances, including, without limitation, Union County ordinances number 27, 28, and 29 and the Carlisle Fire District Ordinance, and ordinance number FY 81-82-51, so as to authorize all Union County fire districts and fire departments created under Home Rule, by all such ordinances, including, without limitation, Bonham Fire District, Carlisle, Fire District, Cross Keys Fire District, Kelly Kelton Fire District, and Phillipi Fire District, to use both volunteer and paid firefighters; to revise the boundaries of the Carlisle Fire District so as to include certain portions of the former Cone Mills property, to be utilized by and for the Congaree Bio Energy, LLC Project; and other matters related thereto.

Dora Martin: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance pertaining to the fire districts as stated.

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

Chairman Donnie Betenbaugh introduced a resolution authorizing (1) the execution and delivery of an inducement and millage rate agreement between Union County, South Carolina and Congaree Bio Energy, LLC, acting for itself and an affiliate or other project sponsor, whereby, under certain conditions, the County would enter into a Fee In Lieu of Tax and Incentive Agreement in connection with the establishment of certain manufacturing facilities in the county; (2) the County to covenant in such agreement to

COUNTY COUNCIL MEETING

JULY 9, 2008

accept certain negotiated fees in lieu of ad valorem taxes with respect to the project; (3) special source credits to reimburse the company for a portion of the costs of certain infrastructure costs incurred in connection with a manufacturing enterprise serving the economic development of the county; (4) the benefits of a multi-county park to be made available to the company; and (5) other matters relating thereto. Mr. Betenbaugh stated the basic inducement agreement with Congaree Bio Energy, LLC was a negotiated 6% fee in lieu of tax agreement for twenty years at 306.7 mil rate fixed term for the term of the Incentive Agreement. Union County would be allowing a special source credit in the amount of \$250,000.00 against the first annual negotiated FILOT payment with respect to the project. If the company does not meet the requirements and meet the investments they stated they would meet which is a minimum of one hundred ten million dollars, then the County would get that percentage of the \$250,000.00 back. At the request of the County Supervisor, they would give the county bi-annual reports on the number of Union County residents that are employed at that facility. Councilman Joe Lawson asked if there was a time limit as far as the investment. Mr. Betenbaugh said the State stipulates a five year time limit. The agreement guarantees an investment of one hundred ten million dollars and fifty five new full time jobs.

Joe Lawson: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to the Inducement and Millage Rate Agreement for Congaree Bio Energy, 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.

Chairman Donnie Betenbaugh presented for Council to review and approve audits and financial reports from Clemson Extension, Union County Development Board, Olde English District Tourism Commission, Agricultural Fair Association, Veterans Memorial Park, and Southside Fire District.

Dora Martin: Made a motion to accept the audits and financial statements as presented.

Randall Hanvey: 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 5:06 p.m.

Donnie R. Betenbaugh, Chairman  
Union County Council

Linda G. Jolly, Clerk to Council

COUNTY COUNCIL MEETING  
JULY 9, 2008