

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, NOVEMBER 12, 2013 AT 5:30 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Vice Chairman Tommy Ford, Councilwoman Joan Little, Councilman Frank Hart, Councilman Ben Ivey, Councilman Randall Hanvey, Councilwoman Kacie Petrie, County Attorney Sammy Diamaduros and Acting Clerk to Council Kindra Horne
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, Ms. Ann Canada, Mrs. Anne Brock with Clemson Extension, Mr. James Kollock, Mrs. Anna Brown with the County News, Mr. Mickey Gist, Mr. Ray Treadway, and Mr. Robert Small. A notice of the meeting was also posted on the County's website.

Chairman Tommy Sinclair called the meeting to order. Councilman Ben Ivey gave the invocation followed by the Pledge of Allegiance.

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

Joan Little, District 1 - Present
Frank Hart, District 2 - Present
Tommy Ford, District 3 - Present
Ben Ivey, District 4 - Present
Randall Hanvey, District 5 - Present
Kacie Petrie, District 6 – Present

Tommy Ford: Made a motion to dispense with reading of the minutes of the regular monthly meeting of the Union County Council held on October 8, 2013 and to adopt the minutes as written.

Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair presented a service award and gift certificate for Michael S. Lowe for 10 years of dedicated service to Union County.

Chairman Tommy Sinclair recognized Mr. Paul Newhouse as CEO of Wallace Thomson Hospital, Mr. Bob Love with Milliken & Company and Mr. Max Metcalf with BMW.

Chairman Tommy Sinclair introduced a resolution authorizing the execution and delivery of a Second Amendment to a 1998 Lease Purchase Agreement and First Amendment to a 1998 Inducement and Millage Rate Agreement, each between Union County and Milliken & Company.

Ben Ivey: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to the Second Amendment to a 1998 Lease Purchase Agreement and

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First Amendment to a 1998 Inducement and Millage Rate Agreement, each between Union County and Milliken & Company.

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

Chairman Tommy Sinclair introduced a resolution authorizing the execution and delivery of a First Amendment to a 2008 Fee Agreement between Union County and Milliken & Company.

Ben Ivey: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to the First Amendment to a 2008 Fee Agreement between Union County and Milliken & Company as stated.

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

Chairman Tommy Sinclair introduced a resolution authorizing the execution and delivery of an Inducement Agreement by and between Union County, South Carolina and Sonoco Plastics, Inc. whereby, under certain conditions, Union County will execute a Fee In Lieu of Tax Agreement with Sonoco Plastics, Inc. with respect to investment in industrial facilities in the county, whereby the facilities would be subject to certain fees in lieu of taxes; and providing for related matters.

Randall Hanvey: Made a motion to dispense with referring the resolution to a committee and to adopt the resolution pertaining to an Inducement Agreement with Sonoco Plastics for a Fee In Lieu of Tax Agreement as stated.

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

Chairman Tommy Sinclair presented for third and final reading an ordinance authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a Fee Agreement between Union County, South Carolina and BMW Manufacturing Co., LLC; and matters relating thereto.

Randall Hanvey: Made a motion to adopt the ordinance pertaining to a Fee Agreement with BMW Manufacturing Co., LLC as stated.

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

Economic Development Director Andrena Powell-Baker introduced Mr. Bob Love who is the Local and State Tax Analyst with Milliken & Company and Mr. Max Metcalf with BMW. Mr. Love thanked the County for allowing the agreements with Milliken & Company and Mr. Metcalf thanked the County for their support of BMW.

Chairman Tommy Sinclair presented for third and final reading an ordinance authorizing the execution and delivery of a deed to City of Union, South Carolina, a body politic, conveying the interest of Union, South Carolina, in a certain parcel of real estate located at 107 East Main Street (Super 10) as shown on Deed Book 234 at Page 185 (tax map #73-20-2-4) (see Exhibit "A" attached).

Ben Ivey: Made a motion to adopt the ordinance pertaining to the execution and delivery of a deed to the City of Union conveying the County's interest in the Super 10 building.

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

Chairman Tommy Sinclair presented for third and final reading an ordinance authorizing and providing for the issuance of Special Source Revenue Bonds of Union County, South Carolina;

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prescribing the form of bonds; limiting the payment of the bonds solely to the pledged revenues received and retained by the County from payments of partner counties representing a percentage of fees in lieu of taxes received by such partner counties from property within certain joint county industrial and business parks, and pledging the pledged revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing

Randall Hanvey: Made a motion to adopt the ordinance pertaining to the issuance of Special Source Revenue Bonds of Union County as stated.

Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair presented for third and final reading a first supplemental ordinance providing for the issuance and sale of a not exceeding \$2,500,000 Special Source Revenue Bond, Series 2013, of Union County, South Carolina; prescribing the form and details of such bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto.

Ben Ivey: Made a motion to adopt the first supplemental ordinance as stated.

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

Chairman Tommy Sinclair stated that Haemonetics was planning to add fifty to seventy jobs at their facility.

Chairman Tommy Sinclair presented for second reading an ordinance authorizing pursuant to Title 12, Chapter 44; Title 4, Chapter 12; Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of amendments to certain Fee-In-Lieu of Taxes and Special Source Revenue Credit Agreements; and matters relating thereto.

Randall Hanvey: Made a motion to accept second reading of the ordinance pertaining to amendments to certain Fee-In-Lieu of Taxes and Special Source Revenue Credit Agreements for Project Modern.

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

Chairman Tommy Sinclair presented for second reading an ordinance to repeal, revoke, rescind, and replace all of the current provisions of Chapter Twenty Nine of the Union County Code of Ordinances entitled Vehicles for Hire; and other matters related thereto.

Tommy Ford: Made a motion to accept second reading of the ordinance pertaining to Vehicles for Hire as stated.

Randall Hanvey: Seconded the motion.

Councilman Frank Hart stated local wrecker guys wanted to know how that would impact what the Highway Patrol are doing and suggested looking at that prior to third reading. The vote on the motion was unanimous.

Chairman Tommy Sinclair presented for second reading an ordinance repealing, and replacing all current provisions of Chapter Five of the Union County Code of Ordinances entitled Animals and Fowl; and other matters related thereto.

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Randall Hanvey: Made a motion to accept second reading of an ordinance repealing, and replacing all current provisions of Chapter Five of the Union County Code of Ordinances entitled Animals and Fowl as stated.

Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair introduced an ordinance authorizing the execution and delivery of a Fee In Lieu of Tax Agreement between Union County and Sonoco Plastics Inc. with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and other matters relating thereto.

Ben Ivey: Made a motion to dispense with referring the ordinance to a committee and to accept first reading of the ordinance pertaining to a Fee In Lieu of Tax Agreement with Sonoco Plastics Inc. as stated.

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

Chairman Tommy Sinclair stated there were two vacancies on the Alcohol and Drug Abuse Commission and there were two applicants who were Crystal West Coffey and Jill Phipps.

Tommy Ford: Made a motion to appoint Crystal West Coffey and Jill Phipps to serve on the Alcohol and Drug Abuse Commission.

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

The two appointments were to be made by Councilman Tommy Ford and Councilman Randall Hanvey.

Chairman Tommy Sinclair stated there was one vacancy on the Appeals Board and that he still had not chosen his representative.

Chairman Tommy Sinclair stated next on the agenda was a presentation from Will Boyles as Tourism Director to discuss two items. Mr. Boyles had requested deferring part of his presentation to someone else but Chairman Tommy Sinclair stated he could not do that since we have to follow an agenda process and procedure. Mr. Will Boyles addressed Council about the number of members of the Tourism Commission. The Commission originally had fifteen members who came from various sectors of the community. They would be reduced down to seven members as the result of a new ordinance that had been passed. The Tourism Commission asked that ordinance be amended to allow them to go back to fifteen members. Councilman Ben Ivey stated the seven member board would rotate out based on the recommendation of each Council member which would make it more convenient for Council. He asked why the people from all sectors would not be willing to participate even if they are not serving on the commission. Councilman Randall Hanvey asked why there could not be a committee formed by the Tourism Commission for input. Mr. Boyles stated that could be a suggestion he could take back to the Tourism Commission. Tourism Commission Chairman Curtis Hunter stated she was not sure they would be as active or attend the meetings if they were not members of the Commission. There was discussion about whether the Commission should come under the Development Board. Chairman Tommy Sinclair stated this could be referred to the Planning and Development Committee for consideration.

Don Shetley as Chair of the "C" Fund Committee informed Council that Bruce Procter is a new member of the Committee. He stated they have to work on the traffic light problem in

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Jonesville. The latest report they received from the South Carolina Department of Transportation stated they were not going to approve a traffic light but they would not have a final determination until March or April. He asked Council for an endorsement of the traffic light. Mr. Shetley stated the County had been good about helping them out with equipment and office space. He also said it was important to work together to keep the allocations in Union County.

Mr. Ben Loftis with the Union Carnegie Library stated they were included in the State budget this year for one and a quarter million dollars to go toward maintenance, repairs and renovations for the library. It should cover about half of the total project. He informed Council they would be hosting a reception recognizing the Union County Legislative Delegation which would be open to the public. He extended an invitation to Council to attend.

Chairman Tommy Sinclair stated next on the agenda was John Welch but he was not present.

Steven Broadbent addressed Council and stated the County's policy requires a forty eight hour notice to be placed on the agenda but that would have been Sunday night and the Courthouse is not open on Saturday or Sunday. He suggested having a sign-up sheet before the meeting for citizen comments. He stated he had been assured the problem at the County jail had been resolved almost immediately. Regarding Code Enforcement, Council unanimously rejected the appeal to his complain which he said was valid. Regarding Ashley Acres Drive, he contacted the South Carolina Department of Transportation who sent an engineer out and evaluated it. The road is locally owned and maintained by Union County. He stated he had been to the Tax Assessor's Office about the land next to him. The proprietor of the towing business next to him and the proprietor of the salvage yard next to him do not own the land or the structures there. He said he had contacted the Governor who responded in a letter dated September 4th that the County Supervisor would repair the potholes and remove any scrap vehicles from view. On October 29th the County Supervisor and Public Works Officer visited him at his property and observed fifty or sixty abandoned wrecked vehicles on the south side of his property. On the south east side of his property they observed another thirty dumped vehicles. They observed an unmarked tow truck dropping off another wreck. He referred to a section of the Building Code that requires a fence. They observed three wrecks in the middle of a field on the north side of his property. He asked when that property would be compliant. Chairman Tommy Sinclair read a letter he had sent to Jimmy Greer about erecting an evergreen barrier between his property and his neighbors. The letter referred to Mr. Greer's appeal which was denied by County Council. It also made reference to a loan Mr. Broadbent made to him some years back which Mr. Greer did not repay which could be the driving force behind the intensity of his complaint but that did not impact his assessment of the situation. It stated that a fence was required between his and Mr. Broadbent's property and he was given until November 25th to comply. The letter served as a courtesy notice and a citation would follow for non-compliance from the Code Enforcement Officer if he did not comply with this notice. He told Mr. Broadbent he would provide him with a copy.

Chairman Tommy Sinclair called for any elected officials or department heads who wished to address Council.

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Tax Assessor Susan Hanvey made a presentation explaining the 2015 Reassessment Program for Union County. She explained the Reassessment Program Act 208, the purpose of reassessment, mass appraisal, market value, true sale value, Act 388 for the Real Property Tax Reform Bill, whether taxes increase due to reassessment, millage rates, how taxes are calculated, the reassessment timeline, and the taxpayers rights to appeal their assessed value. Auditor Brad Valentine stated that reassessment could not be a revenue generating process. There was discussion about what could cause property taxes to increase, decrease or stay the same.

Airport Manager Ron Wade stated there are two houses that were purchased by the County as part of the clear zoning process at the Airport which they want to sell and have moved. He said he had a letter from the Federal Aviation Administration allowing the County to do so and they need to advertise them for sale and removal. He stated they had deposited \$53,000 with the Clerk of Court to purchase the last piece of property.

Chairman Tommy Sinclair stated this year's focus for UCARE is on helping out Meals on Wheels and Wallace Thomson Hospital Foundation. They hold fundraisers to help those in need. The City of Union has committed to donating \$3,000 to Meals on Wheels. Chairman Tommy Sinclair asked if the County Council would match funds raised by UCARE up to a limit or commit to donating \$3,000. Council was receptive to considering the matching funds.

Chairman Tommy Sinclair invited Council to look at the updates at the old Chrysler building. Councilman Ben Ivey asked who would be occupying the space and Chairman Tommy Sinclair stated it was for Voters Registration right now. Councilman Ben Ivey asked what portion of the building was being heated and Chairman Tommy Sinclair stated it was just the space for Voters Registration. Chairman Tommy Sinclair stated he had plans to show Council at a later date on possible use for the rest of the building. He stated it was costing more and more for the security requirements which they had been able to cover out of the IT Upgrade account but there may come a time when they will not have enough funds.

Chairman Tommy Sinclair stated Neal Keisler has four tractor trailer loads of food that he needs to store for about thirty days. He said he could find a place if Council had no objections.

Chairman Tommy Sinclair said he had talked to the Mayor of Lockhart and stated that with Council's approval there is a process whereby the County can give the Town of Lockhart code enforcement coverage and the County magistrate would hear their cases. The Mayor wants the money to come to the Town of Lockhart but Chairman Tommy Sinclair stated it could not be selective enforcement. There would be some implementation strategies to be worked out. Councilman Frank Hart asked if they could hear their own appeals and Chairman Tommy Sinclair stated they would have to look into that. Councilman Frank Hart stated he would rather it was heard at the Town of Lockhart since it was a local issue. Councilman Ben Ivey stated if the Town of Lockhart was going to handle it then they need to have an inspector and take care of it but if the County is going to provide code enforcement then we have to be accountable for it. Chairman Tommy Sinclair reminded Council the Code Enforcement Officer only works two days a week. Councilman Ben Ivey suggested having the various officials meet to see if they were interested in working something out.

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Chairman Tommy Sinclair stated the County has phase II authority on Buffalo Mill thanks to Councilman Ben Ivey and some others.

Chairman Tommy Sinclair stated they had all gotten some feedback about the changes in days and hours of operations at the convenience centers. He stated he was prepared to take \$34,000 from the budget allocation for his salary in order to keep the convenience centers open one more day a week. There was some discussion about negotiations on the landfill when it was opened and any follow through. Councilman Frank Hart offered to use funds from his Special Projects money. Councilman Randall Hanvey stated that when the full salary for the Supervisor's position was needed again then it would not be there. There was discussion about requests to change the days and hours at the Cross Keys convenience center. Councilman Randall Hanvey said if they could find a way to fund it other than using that salary then he would consider it as long as it benefited all the centers. He would like to see it go back to being open six days a week like it used to be.

Chairman Tommy Sinclair called for any new business.

Councilman Tommy Ford said he had a call from Jimmy Burton who lives in Newberry but owns three homes in Buffalo. One house is located on South Street and two houses are on Church Street. The three houses have been condemned by the County. He and his wife have health issues and he wants to deed one house to the Methodist Church and the other two to the County of Union. The County would have to vote to accept the properties. County Attorney Sammy Diamaduros stated if the County accepts them then they accept any liability that comes with it. Councilman Ben Ivey stated the County would need to do a title search on the property in case there are any liens on it.

Tommy Ford: Made a motion to accept the two houses on South Street in Buffalo belonging to Jimmy Burton pending a title search on the properties.

Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair called for a motion to work with the Union County Transportation Committee to develop a letter of support as requested.

Ben Ivey: Made a motion to develop a letter of support.

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

Councilman Frank Hart stated they had a meeting in Cross Keys. They gave an update on the County initiatives for the hospital, the budget, the Development Board in terms of the plans for the spec building, and what was happening in Buffalo. There was a request for some type of flashing sign or warning light for the turn onto Wildcat Road that goes to the landfill. Councilman Ben Ivey stated that would be a State matter since it is on State Highway 49. Councilman Frank Hart suggested Council or the County Supervisor make a request to SCDOT on that issue. Councilman Frank Hart stated there was a need for an outside light at the JRM Recreation Center in Cross Keys. Councilman Ben Ivey asked if he had set up any Board members there to justify the money they take in at that Recreation Center and Councilman Frank Hart stated they had not gone through that process yet. Councilman Ben Ivey stated they need to take care of finding out how the money comes in and goes out so they can determine who would pay for the cost of adding an outside light at that facility. It would be simpler to put a motion

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light on the building so you are not paying for the utility costs when it is not being used. Councilman Frank Hart stated it was a safety issue and it is County property. Chairman Tommy Sinclair asked at the meeting who was in charge of the building with no definitive answer. He stated it was good to have a community building but there had to be some standardization of utilization. Councilman Frank Hart stated Council had a petition signed by about 107 folks who want their convenience center open three days instead of two. If they could not get the third day then they wanted it opened on Tuesday from 12:00 Noon until 7:00 p.m. and on Saturday from 8:00 a.m. until 7:00 p.m. It would be the same total number of hours they are currently open just different hours on different days. They are currently open on Thursday and Saturday from 10:00 a.m. until 7:00 p.m.

Frank Hart: Made a motion to open the Cross Keys convenience center on Tuesdays from 12:00 Noon until 7:00 p.m. and on Saturdays from 8:00 a.m. until 7:00 p.m. based on the petition and feedback from the people at the meeting.

Councilman Randall Hanvey stated he had no problem as long as the hours remain the same. It was not a problem for him as far as the days. Councilman Ben Ivey stated then you have to deal with Lockhart and Kelly Kelton sites. They tried to do them all at one time to get it started. Councilman Randall Hanvey asked if the changes would affect pick up at that site and Chairman Tommy Sinclair said he did not think it was an issue.

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

Chairman Tommy Sinclair stated he would write a letter to SCDOT about the safety concerns at the intersection of Wildcat Road.

Mr. Steven Stone made some public comments about the landfill situation and convenience center in Cross Keys.

Chairman Tommy Sinclair stated the Carlisle Fire Department has six Board Members and they want seven. Councilman Frank Hart stated Council had a copy of a letter from the Fire Board requesting the Council amend the ordinance. They recently improved their ISO rating from a 10 to a 5/9. They are looking forward to building the fire station so they can maintain that rating.

Frank Hart: Made a motion to start the process to amend the ordinance by having first reading in title only to increase the members of the Carlisle Fire Board from six to seven members.

Ben Ivey: Seconded the motion.

Councilwoman Kacie Petrie suggested checking the ordinance to make sure the Chair does not vote in case of a tie vote. The vote on the motion was unanimous.

Chairman Tommy Sinclair entertained a motion that Council go into executive session for contractual and legal matters in respect to the airport operations and healthcare/hospital initiatives.

Ben Ivey: Made a motion to go into executive session for the purpose stated.

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

The Union County Council went into executive session for contractual and legal matters in respect to the airport operations and healthcare/hospital initiatives.

Chairman Tommy Sinclair announced they had come out of executive session and no votes were taken.

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Kacie Petrie: Made a motion that County Council continues to support Wallace Thomson Hospital District in their consultation efforts for affiliation.

Ben Ivey: Seconded the motion. The motion carried with five (5) Council Members voting in favor of the motion and one (1) Council Member (Councilman Tommy Ford) opposing.

Kacie Petrie: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 9:07 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council