

REGULAR MONTHLY MEETING OF THE UNION COUNTY COUNCIL
TUESDAY, NOVEMBER 13, 2012 AT 5:30 P.M.
GRAND JURY ROOM AT UNION COUNTY COURTHOUSE

Present: Chairman Tommy Sinclair, Councilwoman Joan Little, Councilman Tommy Ford, Councilman Ben Ivey, Councilman Randall Hanvey, County Attorney Sammy Diamaduros and Clerk to Council Linda G. Jolly

Absent: Councilwoman Kacie Petrie

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. Frank Hart, Mr. Ray Treadway, Mr. Howard Gibson, 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.

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

Joan Little, District 1 - Present

District 2 - Vacant

Tommy Ford, District 3 - Present

Ben Ivey, District 4 - Present

Randall Hanvey, District 5 - Present

Kacie Petrie, District 6 - Absent

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 9, 2012, the special meeting of the Union County Council held on October 29, 2012, and to adopt the minutes as written.

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

Chairman Tommy Sinclair presented service awards and gift certificates for John Fallaw for 5 years, for Sheila Hunnicutt for 15 years, and for Kenneth Riddle for 25 years of dedicated service to Union County.

Chairman Tommy Sinclair stated next on the agenda was Howard Johnson to make a report on the cleanup at the old Buffalo Mill Site. Mr. Johnson said he had taken eight loads across the road and one load to the landfill. He said he had not gotten much done this month since he had to pay nearly \$5,000 in property taxes. He told Council it was embarrassing to have to come before Council to make monthly reports, tell them he does not have money and tell them about his finances. Chairman Tommy Sinclair reminded Council that Mr. Johnson had made an appeal to Council which had been granted.

Tommy Ford: Made a motion to rescind Mr. Johnson's appeal and return him directly accountable to all codes, ordinances and State laws effective immediately.

COUNTY COUNCIL MEETING
NOVEMBER 13, 2012

Ben Ivey: Seconded the motion.

Councilman Randall Hanvey said he understood he had some financial restraints and said he understood there had been some activity in taking materials to the site and not from the site. Mr. Johnson said he had a permit from DHEC to put a pit across the road and states he can put any solid waste there. The people that disposed of the materials from tearing down the old Piggly Wiggly dumped it there. Councilman Randall Hanvey said he thought they were led to believe the pit was put there to be used for the debris from the mill site and not another project that he was working on. Mr. Johnson said they paid him a little bit of money to dispose of it there which helped him. Nothing has been put in there that was illegal and they came and inspected it. Councilman Randall Hanvey said he thought they had been misled on what was going to be done with the pit. Mr. Johnson said he did not try to mislead anybody. Councilman Randall Hanvey said it was his fault for assuming. Councilman Ben Ivey asked if Lancaster's was closed now and covered up and Mr. Johnson stated it was. Councilman Tommy Ford asked if asphalt could be disposed of in the pit he has a permit for. Mr. Johnson said it was not approved for asphalt and he told the guy that dumped it that it was not a place for asphalt. He stated it would be taken out of the pit. Mr. Howard Johnson asked Council what it would mean to him if Council approves to rescind his appeal. Chairman Tommy Sinclair stated it means that things would go back to where it was before his appeal. He said Mr. Johnson has been cited and Mr. Johnson appealed to Council. Council embraced his appeal and Council agreed to give him some more time but let the Code Enforcement Officer check the progress. He had already been checked under the Code Enforcement Officer, so it was suggested that Mr. Johnson come before Council to prove to them every month that there was some degree of progress. They talked about it being done by producing tickets and visual observations. He felt Council reached out to Mr. Johnson, understood his conditions and they gave him time to make adequate progress. Progress was made for two or three months but has deteriorated in the last months. Chairman Tommy Sinclair said Mr. Johnson expressed that it was embarrassing to come before Council each month but he stated it was embarrassing and frustrating to him to go to Buffalo and have people ask him why something isn't being done. He stated he thought Council had been very tolerant and the community had been very tolerant. He asked Mr. Johnson when he started the cleanup process on that property. Mr. Johnson stated it started in 2008 and they pulled off in 2010 when he worked out of town for two years. He said he was sorry he had made a mess there and he does not have the money to clean it up. He said he could start hauling back to the landfill. He said he had cleaned up the first phase and cleaned up the second. He said he was at the mercy of Council. Chairman Tommy Sinclair stated that would now be determined by the magistrate and not by Council. He stated Council does what they think they have to do as it represents the people. Mr. Howard Johnson asked what he needed to do. Chairman Tommy Sinclair told him he needs to clean up the Buffalo Mill site and that if he is in violation of that ordinance then he would be cited again. He told him his citation is still valid and was appealed to allow him more time but he did not think Council negated that citation. He said he would discuss that with the magistrate and the county attorney. If it was negated or made invalid then another citation would have to be issued. If he is cited he would be expected to show up at the Magistrate's Office. He told Mr. Johnson he was back under the Code and the Code had not changed. Councilman Randall Hanvey stated Mr. Johnson would no longer be coming before Council to give his progress report. He would show his progress or he would be cited for not showing that progress to the Code Enforcement Officer. That citation goes before the magistrate.

COUNTY COUNCIL MEETING
NOVEMBER 13, 2012

The motion passed with three (3) Council Members (Councilman Tommy Ford, Councilman Ben Ivey and Councilman Randall Hanvey) voting in favor of the motion and one (1) Council Member (Councilwoman Joan Little) opposing.

Chairman Tommy Sinclair presented for third and final reading an ordinance authorizing a Fee-In-Lieu-of-Tax arrangement on behalf of Gestamp South Carolina, LLC, a South Carolina limited liability company, pursuant to a Fee-in-Lieu-of-Tax Agreement between Union County, South Carolina and the Company; and other matters relating to the foregoing.
Ben Ivey: Made a motion to adopt the ordinance pertaining to a Fee-in-Lieu-of-Tax Agreement with Gestamp South Carolina, LLC as stated.
Randall Hanvey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair presented for second reading an ordinance authorizing the execution and delivery of a Fee-In-Lieu-of-Tax Agreement by and between Union County and Lockhart Power Company; and other matters relating thereto.
Randall Hanvey: Made a motion to accept second reading of the Ordinance pertaining to a Fee-In-Lieu-of-Tax Agreement with Lockhart Power Company.
Ben Ivey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated Council needed to consider a vacancy for an unexpired term on the Library Board. The position had been advertised but there were no applicants.
Randall Hanvey: Made a motion to advertise the vacancy on the Library Board.
Tommy Ford: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated there was a vacancy on the Hospital Board due to the resignation of Dr. Stan James who was resigning due to health reasons.
Tommy Ford: Made a motion to advertise the vacancy on the Hospital Board.
Randall Hanvey: Seconded the motion. The vote was unanimous.

Chairman Tommy Sinclair stated Council needed to consider positions on the Appeals Board since they were appointed for two year terms. There was some discussion as to whether the appointees had served for two years.
Randall Hanvey: Made a motion to advertise the positions on the Appeals Board.
Tommy Ford: Seconded the motion. The vote was unanimous.

Sheriff David Taylor stated there would be a meeting concerning narrow banding on November 15th at 10:00 a.m. at the 911 Office. This would be a kickoff meeting to discuss the timetable and meeting the January 1st deadline. He stated the equipment had been ordered.

Chairman Tommy Sinclair informed Council they had a meeting today with QPublic to try to get the information on land parcels online. He stated it is a user friendly system and they would host it for \$6,500 a year. They will be entertaining two other proposals. Getting this information online would catch us up with most other counties. Councilman Ben Ivey asked Tax Assessor Susan Hanvey if there were any parcels that would be excluded and she stated there would not.

COUNTY COUNCIL MEETING
NOVEMBER 13, 2012

Chairman Tommy Sinclair reminded Council there would be a Cornerstone Foundation Ceremony on Wednesday at 11:00 a.m. in the lobby of the Courthouse.

Chairman Tommy Sinclair said he had given a deposition on the Kelly-Kelton Fire District lawsuit which he needed to discuss with Council in executive session and asked Frank Hart to remain during executive session.

Tommy Ford: 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.

Chairman Tommy Sinclair stated they had come out of executive session and that no action was taken.

The Union County Council returned to regular session.

Tommy Ford: Made a motion to adjourn the meeting.

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

The meeting was adjourned at 7:10 p.m.

Thomas L. Sinclair, Chairman
Union County Council

Linda G. Jolly, Clerk to Council