



MINUTES
Spartanburg County
Legislative Delegation
Monday, August 1, 2011
5:30 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, August 1, 2011 at 5:30 p.m. in The George Dean Johnson, Jr., College of Business and Economics at USC Upstate, Room 150 (BMW Classroom) located at 160 East St. John Street, Spartanburg, SC. Representative Mike Forrester presided. The following members were present or absent as indicated:

Senator Glenn Reese – Present
Senator Lee Bright – Absent
Senator Shane Martin – Present
Senator Harvey Peeler – Present
Representative Harold Mitchell – Present
Representative J. Derham Cole, Jr. – Present
Representative Edward R. Tallon, Sr. – Present
Representative Mike Forrester – Present
Representative William Chumley – Present
Representative Rita Allison – Present
Representative Steve Parker – Present
Representative Doug Brannon – Present
Representative Mike Anthony – Present

In compliance with the Freedom of Information Act, notices of this meeting were mailed in advance to the local news media and other interested parties.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was rendered and the Pledge of Allegiance was led by Representative Parker.

1. USC UPSTATE, MR. JOHN PERRY, UPDATE AND INTRODUCTION

Mr. John Perry welcomed the members of the Delegation to The George, USC Upstate downtown campus, and made several introductions: Dr. Darrell Parker, Dean of The George Dean Johnson, Jr. College of Business and Economics; Mr. Tommy Young, the new Chairman of the Spartanburg County Commission for Higher Education; and, the new Chancellor of USC-Upstate, Dr. Tom Moore along with his wife Marsha. Dr. Moore looks forward to working with the Spartanburg Delegation.

2. APPROVAL OF PROPOSED MAY 2, 2011 MEETING MINUTES

Representative Cole moved to approve the May 2, 2011 meeting minutes as printed and mailed. Representative Mitchell seconded the motion. The motion carried.

3. MR. CHUCK CLAUNCH, REGIONAL DIRECTOR OF SC STATE GOVERNMENT AFFAIRS – DUKE ENERGY RATE CASE

On Friday, August 5, Duke Energy will be applying to the Public Service Commission for a rate increase. Duke Energy does not know exactly how much the rate increase will be at this time, but it will be announced on Friday. The numbers could change between now and then.

The good news is that Duke Energy still has a rate that is 34% below the national average, and 28% below the southeast state average. Duke Energy is very competitive from an electricity standpoint when it comes to economic development attracting jobs to the state. People come to Duke Energy for the low electric rates to create jobs.

The rates are so low because Duke Energy has coal and nuclear – about 50% coal and 50% nuclear. That is why Duke Energy's rates are so low from their competitors in the southeast. The bad news there is coal.

Duke Energy has spent about \$4.8 billion just in the last two years in North and South Carolina cleaning out the coal system. There are tremendous federal mandates on cleaning out coal plants. Some of Duke's coal plants are 60 to 65 years old. Because of the federal mandates and other environmental pressures at the state level to clean out those coal plants, Duke is switching some of those plants in North Carolina to natural gas, and closing some coal plants permanently in both states. The coal has primarily given Duke low electric rates which makes them competitive for attracting jobs, but is now costing Duke money.

The way electric rates were, for the best run utility in South Carolina, is that Duke spends the money up front, and recovers the money later. There are base rates and fuel rates. Fuel rates have gone up and down over years. Duke Energy does not make a profit on fuel rates. It is a direct pass through. Base rates are fixed cost of paying the mortgage on the power plants and keeping the power lines running.

This is only the second base rate increase that Duke Energy has had in twenty years. Duke Energy had a rate increase of about five percent of base rates in 2009 which was based on money spent prior to 2009. Duke has already spent \$4.8 Billion in North and South Carolina since 2009 addressing scrubbers, coal plants, and rebuilding some hydro facilities – all those plants are giving Duke those low rates tailored to the national average in the southeast.

Duke Energy is prepared to go to the Public Service Commission on Friday to request the rate increase to recover those monies. About two-thirds of Duke Energy's customer base is located in North Carolina while one third of their customers are in South Carolina.

The Public Service Commission will review Duke Energy case, books, and schedule public hearings across the Duke Energy coverage area. The Commission, with public influence, will look at all the Duke Energy numbers and decide how much, if any, of a rate increase will be granted.

It is important to note the liability of the electric utility company. Wall Street watches Duke Energy very closely. They are nervous about Duke Energy spending \$4.8B with no guarantee of getting back that money – no guarantee they will get some of the money back.

4. MR. STEVE STROM, DIRECTOR OF DSS – DSS ADVISORY BOARD

Mr. Strom announced that the Department of Social Services has moved into their new location on Whitney Road in the old refurbished BiLo Building.

Mr. Strom expressed that most counties across the state have done away with their Advisory Boards. At one time the Advisory Boards had a big role in DSS such as hiring the county director. That has changed. In 1997 the federal government passed and adopted the Adoption and Safe Families Act which then put timeframes on children in Foster Care. Now the federal government seems to be driving their views.

DSS is required to pass a federal review every five years as a State. No state has passed those federal reviews as of yet. If federal and state guidelines are not met by the State Department of Social Services, the department is fined by the federal government. This would require the local boards to master the federal and state established guidelines, rules and regulations.

DSS also has oversight from the Foster Care Review Boards, the Guardian Ad Litem, and the federal government as they are under a federal improvement plan.

Spartanburg County is an innovative county, which is one of the four counties in the State working on expediting permanency which means moving children thru foster care sooner.

DSS is working with the federal government through several of the National Resource Centers. They have been in Spartanburg several times. DSS is training with the new administration on good ideas. The National Resource Center has been able to bring in certain case foundations to use in training at no cost to the state of South Carolina.

Mr. Strom is having a hard time keeping up with all the changes, but the Advisory Board is nice in a lot of ways, but doesn't know exactly how DSS can use them in a productive way with all the changes and federal mandates.

DSS also does \$5M a month in SNAP benefits to Spartanburg County recipients. USDA says the program would provide \$25M worth of food to benefactors in Spartanburg County.

The general public does not understand what DSS does or how the work is accomplished. An Advisory Board of the different federal and/or state regulation agencies is providing oversight to the local DSS. Mr. Strom is not quite sure if a local Advisory Board would be the best use of time for anyone, including himself. If Spartanburg is going to have a board, Mr. Strom would rather have a board that is a volunteer board like "Friends of DSS" or something of that nature.

When Mr. Strom first became the Director of the DSS in Spartanburg, the Advisory Board met and discussed what the board could do to help. The Board didn't really have a lot of ideas. Mr. Strom thinks it is hard for an Advisory Board to keep up with all the federal regulations and state laws which are directed within DSS. Mr. Strom is not in favor of having a board just to have a board. If a board could serve its purpose, then he would be more than happy to have a board. Mr. Storm has not been able to think of a way to use a Board.

The State of South Carolina is divided into four (4) different DSS regions. The Spartanburg DSS is located within the Upstate region. However, given the number of the children in Foster Care in Spartanburg County, Spartanburg County could be a 'stand alone' region within the Upstate. These regional directors monitor Mr. Strom's performance very closely.

When delegation members asked Mr. Strom questions relating to board meetings, he admitted he had met, only once, with the Advisory Board since he became the director in Spartanburg. He could not name a single board member nor offer a thorough explanation of the board's duties or responsibilities.

The delegation will take the information presented under advisement to make a decision as to what steps would be necessary for the Advisory Board to become involved – but not dissolve it.

5. MR. RICK MCCALLISTER, VETERAN – VETERANS AFFAIRS OFFICE

Mr. McCallister is a fully disabled marine veteran who served our country for three years during the evacuation of Saigon when he was nineteen years old. Mr. McCallister became very good friends with Jerry Kiehl in 1976 when he came to Spartanburg to run WORD radio as program director. Mr. Kiehl was in Greenville in the Reserves. He and Mr. Kiehl were co-chairmen of the marines Toys for Tots program in the Upstate of Greenville and Spartanburg. He grouped with the Marshall Tucker Band, Charlie Daniels, Leonard Skinner and the list goes on and on, raising hundreds of thousands of dollars. All the money was given to the children in Greenville and Spartanburg Counties. Jerry Kiehl retired with a bad back from the military as a Master Gunnery Sergeant after twenty-eight years of faithful services. Jerry Kiehl is one of the best friends that Mr. McCallister has ever had. As of now, Mr. Kiehl and his wife are adopting their grandson.

Mr. McCallister is representing the veterans of Spartanburg County including the American Legion, Veterans of Foreign Wars, Disabled Veterans Group, PTSD Group (Post Traumatic Stress Disorder).

Mr. McCallister commented that veterans of Spartanburg County did not have a say regarding the replacement of Mr. Kiehl and he was not given a reason for not being re-appointed.

Mr. McCallister stated that he did not have a problem with the current VA Officer; Mr. McCallister is just representing Jerry Kiehl, a man who has had his career wrecked. In all the years Mr. Kiehl was the VA Officer, he has never done anything but help the veterans in Spartanburg.

Mr. McCallister requested a response to his letters as to why Mr. Kiehl was not re-appointed as the Spartanburg County Veterans Affairs officer.

6. MS. MONICA HILL, MEMBER OF FOSTER CARE REVIEW – UPDATE ON THE TREND OF CHILDREN BEING REVIEWED

Ms. Monica Hill was unable to attend the meeting. The information which would have been presented will be e-mailed to the delegation members.

7. MS. MARYLOU STINSON, GIBBS REGIONAL CANCER CENTER – LEGISLATIVE BRIEFING HIGHLIGHTING PARTNERSHIPS COLLABORATIVELY DEVELOPED TO SERVE THE NEEDS OF SOUTH CAROLINA CITIZENS WHO ARE UNINSURED.

Ms. Stinson serves as the statewide Colorectal Cancer Program Manager for the Gibbs Cancer Center. Ms. Stinson reported that colon cancer remains to be the second leading cause of cancer related death in the United States and in South Carolina, yet it is one of the few cancers that can be prevented. Ms. Stinson is happy to report that South Carolina is now being recognized as a national leader in colon cancer prevention efforts. In 2006, the first meeting that brought together physicians, colon cancer survivors, basic science researchers and public health advocates was held in Spartanburg. This meeting was coordinated by the Center for Colon Cancer Research at the University of South Carolina and local colon cancer champions: JoEllen DeLuca (Spartanburg), Anne Brady Moore Carlson (Charlotte) and John Moore (Greer).

Since 2006, the Gibbs Cancer Center has served as a leader in the statewide effort to address the colon cancer burden and to address health disparities that exist in SC related to colon cancer. The Gibbs Cancer Center coordinates the Betty Ann Moore Colonoscopy Program. The program was developed specifically to provide citizens who are uninsured with an opportunity to have a colonoscopy at no cost to

them. Since the inception of the program in 2007, over 97 colonoscopies have been provided. Two people have been diagnosed with colon cancer and all of the subsequent treatment has been provided to those individuals at no cost to them. This is the only colonoscopy program of its kind in South Carolina. The physicians and health care team graciously provide their services and it is generously supported annually by the Moore family, the Center for Colon Cancer Research at USC and individual donations made to the Spartanburg Regional Foundation.

8. MR. JIM HERZOG, CITIZEN – PUBLIC PAYMENT FOR PRIVATE EDUCATION

Mr. Herzog’s thoughts and observations regarding an issue that was before the legislative session – “Educational Opportunity Act.” Specifically H3407 and S414 have been attached. **See Exhibit I**

COMMITTEE REPORTS

9. REPRESENTATIVE ALLISON – SPARTANBURG CHAMBER OF COMMERCE

The Spartanburg Chamber of Commerce Governmental Relations has their PAC called Spartanburg Tomorrow. They are having a fund raiser which is scheduled for August 18. Representative Brian White, who is the new chairman of the Ways and Means, will be the speaker.

On August 15th, the Chamber is hosting Senator Lindsey Graham at a luncheon.

Under the Chamber of Commerce Economic Development, they have seventeen projects committed totaling about \$200M in new investments.

The Chamber also has an Entrepreneurial partnership both with USC Upstate and Spartanburg Community College. The goal is to create a robust support system for emerging enterprises.

The Chamber is putting a committee together on Workforce Development. The goal is to develop a pipeline of work ready candidates with the skills in place today for the jobs of tomorrow.

10. REPRESENTATIVE DERHAM COLE – CHAPMAN CULTURAL CENTER

In the last fiscal year, the Chapman Cultural Center welcomed almost 228,000 visitors from more than 299 zip codes. The David Reid Theatre hosted over 600 events. The Chapman Center of the Arts Partnership continues to partner with school districts playing an integral part in their education. They served over 54,000 students and teachers this year including 13,700 disadvantaged youth from Title I schools.

For the first time in many years, they have met their fund raising goals, raising \$865,760 from 1,560 corporations, foundations and individuals. They have been able to reduce their operating deficit by 94% by doing so well financially. They are on their way to paying down their line of credit to stay on the right fiscal path moving forward.

This shows that not only are the Arts Partnership and the Chapman Center serving the community, the community is responding by supporting them.

Representative Cole commended Jennifer Evins and her staff for what they do and the leadership of the board including Tommy Young. Everybody works as a team. The Arts Partnership and the Chapman Cultural Center seem to be a jewel in the middle of Spartanburg.

11. REPRESENTATIVE FORRESTER – COUNCIL OF GOVERNMENT (COG)

The Appalachian Council of Governments along with the Department of Commerce hosted the Federal Co-Chair from Washington this past week. They visited Spartanburg Community College and met with several community business leaders to talk about what might be available to help businesses in exports and other areas.

12. REPRESENTATIVE FORRESTER – SPATS

No report.

13. REPRESENTATIVE DERHAM COLE – CHILDREN’S SHELTER OF THE UPSTATE

Representative Cole has spoken to Mr. Van Clark, CEO of the Children’s Shelter, several times in the last few months. He is doing a good job, expending a lot of energy. He seems to be running into some misconceptions while out in the community that he would like explained to the public.

The Children’s Shelter is a private organization which contracts with the Department of Social Services which represents 57% of their income although that has been strained somewhat over the past few years with the economy and budget cuts. Their annual budget is \$1.5M which means they raise \$645,000 on top of what they receive from the Department of Social Services. They are licensed to care for forty children from birth to age twenty-one.

14. REPRESENTATIVE ALLISON – DEPARTMENT OF NATURAL RESOURCES

a. Sergeant Ted Beaty, Spartanburg County Sheriff’s Office to request Water Recreation funds for Transport Trailer, Mercury Heavy Duty Rescue Boat, Rescue ONE Special Response 30hp Mercury 4 Stroke Manual Start Tiller Steering – Short Shaft, and Cover at \$18,460.36

At the last Delegation meeting, Sergeant Beaty from the Spartanburg County Sheriff’s Office presented a request for a Transport Trailer, Mercury Heavy Duty Rescue Boat, Rescue ONE Special Response 30hp Mercury 4 Stroke Manual Start Tiller Steering – Short Shaft, and Cover at a total cost of \$18,460.36. As of this date, there are \$15,913.88 funds available. The directory to Sergeant Beaty was to evaluate what was available in the County, then come back to the Delegation to show any need of further rescue boats.

Sergeant Beaty identified seven other boats of this type. Of the seven, three of them are over fifteen years old, and the manufacture recommends a ten year lifespan as far as rescue and emergency services. One boat is not rated as an emergency services boat. Those three are located at the Pelham Fire Department and serve a two county area.

The Sheriff’s office is not primarily charged to do rescues. They are charged to do weapons recovery and support Emergency Services on the ground if a boating accident occurs. There were twenty-three calls in the past year, which included Spartanburg, Cherokee, Greenwood, and into North Carolina, through a mutual aid agreement.

Representative Allison moved to carry this item over until funding becomes available. The motion

was seconded and approved.

15. REPRESENTATIVE MITCHELL – PARKS AND RECREATION DEPARTMENT

No report at this time.

16. REPRESENTATIVE PARKER – POLICY AND PROCEDURES

Representative Parker reported the committee thinks it would be a good policy for all applicants of compensated appointed positions in Spartanburg County to have direct interviews with the Delegation. The committee will establish guidelines for the interview and ask such questions that would be pertinent to the position. The interview will be limited to one hour.

17. SENATOR MARTIN – UPSTATE CAUCUS

No report.

18. SENATOR MARTIN – SPARTANBURG COUNTY TRANSPORTATION COMMITTEE

Senator Martin reported there were no issues with the Transportation Committee. The Committee elected the same Chairman and Vice Chairman at their July meeting. Resolutions from the General Assembly named the intersection of I-85 Business and I-585 “Roger Milliken Interchange.” Highland Avenue in the City of Spartanburg was named to honor Thomas Rice, Jr., and a portion of West Henry Street in the City of Spartanburg was named to honor J. C. Stroble. Honorary roadway signs were erected to honor all three recipients.

19. REPRESENTATIVE HAROLD MITCHELL – UPSTATE ALLIANCE

No report. However, Representative Mitchell reported that moving forward; there will be an announcement later in the fall regarding Housing in the Upstate.

NOMINATIONS FOR APPOINTMENTS

20. CHILDREN’S FOSTER CARE REVIEW BOARD 7A AND 7C

TERMS OF LIZZIE FOSTER AND KIRIN MITCHELL FROM 7A; AND, TERMS OF ALICE C. ARMANTROUT FROM 7C

APPLICATION RECEIVED: ALICE ARMANTROUT FOR 7C

Senator Martin moved to carry over the appointments for Board 7A and nominated Alice C.

Armantrout to serve on Board 7C. Representative Brannon seconded the motion. The motion carried.

21. SPARTANBURG AREA MENTAL HEALTH BOARD

TERM OF PAMELA V. HAGAN, NCC.

APPLICATION RECEIVED: MELISSA MORTON

Representative Doug Brannon moved to carry the appointment over until the next meeting. The motion carried.

At the end of the appointments segment of the agenda, Representative Cole requested to reconsider the Spartanburg Area Mental Health Board appointment.

Representative Brannon withdrew his carry over motion.

Representative Cole moved to nominate Melissa Morton to serve on the Spartanburg Area Mental Health Board. Senator Martin seconded the motion. The motion carried.

22. DEPARTMENT OF SOCIAL SERVICES ADVISORY BOARD

TERMS OF J.C. CALDWELL, II AND JAMES G. TOBIAS

APPLICATION RECEIVED: J. C. CALDWELL, II

Senator Reese moved to nominate J. C. Caldwell, II. Senator Martin seconded the motion. The motion carried.

The appointment of James Tobias will be carried over at the next meeting.

23. SPARTANBURG COUNTY COMMISSION FOR TECHNICAL AND COMMUNITY EDUCATION

TERM OF DELORIS HAM OLIVER (AT-LARGE DISTRICT 7)

APPLICATIONS RECEIVED: GLENDA SIMS (DISTRICT 7) AND MARY L. THOMAS (DISTRICT 6)

Representative Mitchell moved to nominate Glenda Sims. Representative Anthony seconded the motion.

Representative Chumley moved to carry this appointment over as some of the members felt Ms. Sims position with a for-profit hospital might be a conflict of interest for her to serve on this commission.

After further discussion, Representative Mitchell withdrew his motion.

The motion to carry over the appointment was seconded and carried.

Therefore, the appointment will be carried over until a written opinion is received from the Attorney General.

24. BOILING SPRINGS FIRE DISTRICT COMMISSION

TERMS OF JOHN N. OWENS AND PAMELA CONNELLY.

APPLICATIONS RECEIVED: PAMELA M. CONNELLY AND JOHN N. OWENS, JR.

Representative Parker moved to nominate both Pamela Connelly and John Owens. Senator Reese seconded the motion. The motion carried.

25. DRAYTON FIRE DISTRICT COMMISSION

TERMS OF MITCHELL SHOOK AND CATHY ROGERS.

APPLICATION RECEIVED: CATHY ROGERS

Representative Cole moved to nominate Cathy Rogers for reappointment. Senator Martin seconded the motion. The motion carried.

26. SPARTANBURG COUNTY TRANSPORTATION COMMITTEE

TERM OF WILLIAM HAMILTON, HOUSE DISTRICT 31

APPLICATION RECEIVED: ERNESTINE COLLINS ANDERSON (HOUSE DISTRICT 31)

Representative Mitchell moved to nominate Ernestine Collins Anderson as the House District 31 representative on the County Transportation Committee. Senator Reese seconded the motion. The motion carried.

27. STARTEX FIRE DISTRICT COMMISSION

TERM OF WILLIAM M. ALLISON.

APPLICATIONS RECEIVED: KEN EVERHAM AND WILLIAM M. ALLISON

Representative Allison moved to nominate Mr. William M. Allison (no relation). Representative Brannon seconded the motion. The motion carried.

28. OLD BUSINESS

No old business was discussed.

29. NEW BUSINESS

Mr. Chip Smith was recognized as everybody has seen what he and The Blue Ridge Log Cabins have done to 'Extreme Makeover' by donating a home for the veterans and families.

Representative Tallon brought maps of the new Congressional, House, and Senate Districts for those in attendance to view. The maps have been approved by the Governor's office.

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

Paul M. Forrester, Chairman

Attested: Carol Crowe