



**MINUTES**  
**Spartanburg County**  
**Legislative Delegation**  
**Monday, May 7, 2007**  
**5:00 p.m.**

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, May 7, 2007 at 5:00 p.m. in County Council Chambers of the Spartanburg County Administrative Office Building. Representative Doug Smith presided. The following members were present or absent as indicated:

Senator Glenn Reese – Present  
Senator John Hawkins – Present  
Senator Jim Ritchie – Present  
Senator Harvey Peeler – Absent  
Representative Harold Mitchell – Present  
Representative Doug Smith – Present  
Representative Lanny Littlejohn – Present  
Representative Scott Talley – Present  
Representative Keith Kelly – Present  
Representative Joe Mahaffey – Present  
Representative Ralph Davenport – Present  
Representative Bob Walker – 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 was rendered and the Pledge of Allegiance was led by Representative Lanny Littlejohn.

**1. APPROVAL OF FEBRUARY 5, 2007 MEETING MINUTES**

Representative Joe Mahaffey moved to approve the February 5, 2007 meeting minutes as printed and mailed. The motion was seconded and carried.

## **2. PROPOSAL FROM CITY OF SPARTANBURG TO REVISE THE CTC ADVISORY COMMITTEE MEMBERSHIP**

As stated in a letter to the Delegation, the City of Spartanburg no longer has a City Traffic Engineer and has requested the City Traffic Engineer on the CTC Advisory Committee be replaced with the City Manager or his designee.

However, Representative Walker made a motion to replace the City of Spartanburg Traffic Engineer with the SC Department of Transportation District Traffic Engineer. The SC Department of Transportation District Traffic Engineer has, on various occasions, been called into the meetings to give advice on a number of traffic flow problems. At this time, this particular person is Eric Dillon. Senator Ritchie seconded the motion. The motion carried.

## **3. MR. JOE BURGESS – OBSCENITY LAW - § 16-15-305: SOCIAL AND COMMUNITY STANDARDS**

Mr. Burgess has spoken to Representative Davenport about the South Carolina Obscenity Law. Joe questioned as to how, when, and why the law is to be enforced. On December 9, 2006, the *Spartanburg Herald Journal* published an article entitled “Judge waits to rule on ‘Borat’ case,” The article went on to read: A judge weighing whether to halt the DVD release of “Borat” viewed a scene from the hit film in which a group of South Carolina fraternity brothers converse with the raucous Kazakh journalist played by British comedian Sacha Baron Cohen. . Los Angeles Superior Court Judge Joseph Biderman, after reviewing the scene Thursday, said he would review the case but did not indicate when he might issue a ruling concerning the release of the DVD.

However, the DVD has been released. Mr. Burgess purchased the DVD for \$29.99 at the Hillcrest BiLo in Spartanburg in 1999. The judge in California did not prevent the release of “Borat.” This DVD is also available at the Spartanburg County Library. In reading about “Borat” there are over thirty minutes of outrageous deleted scenes in the DVD that is obscene and boarding on pornography.

The State of South Carolina has a State Grand Jury – reading from the *SC Legislative Manual* – In addition to representing the state, and its departments and agencies, the attorney general, which is Henry McMaster, represents certain county officials in litigation against them and supervises the statewide grand jury. While the 16 Solicitors of the State generally conduct prosecutions in criminal matters, the Attorney General has general supervisory responsibility in the prosecutorial area.

Mr. Burgess is under the impression that the state grand jury deals only in drug cases. Mr. Burgess suggested to Representative Davenport that the state grand jury be authorized to

deal with obscenity cases. Further discussions with Representative Davenport included the Priscilla case which was written in the *Spartanburg Herald Journal* last year. Mr. Burgess has researched and reviewed the Priscilla case thoroughly. Mr. Burgess commended Representative Davenport for trying to get a law passed through the General Assembly related to the sex toys. Alabama, Mississippi, and Texas have a state law concerning this issue that is being upheld in the state courts. Mr. Burgess would like for the Delegation to support the bill relating to obscenity cases.

Mr. Burgess has been following the news regarding grand juries for quite some time, however, has not read much lately relating to grand juries. Mr. Burgess doesn't understand why?

Mr. Burgess has a copy of the charge to Grand Juries. There is a grand jury in each county as well as the state grand jury. Reading: Grand Jurors may call attention to the proper authorities conditions of which are a menace to good morals.

#### **4. MS. LAURIE MUGAVERO, HEALING GROUND, LLC – HOUSING FOR VETERANS**

Ms. Mugavero was raised on a farm in Oregon. Her father was a veteran from World War II. Ms. Mugavero married a sailor and settled in the Upstate with her children. Laurie joined in with local groups that responded to disasters. She spent ten years with Outreach and finally decided to create an environment of service one for another. Laurie met with town Veterans Affairs officers, Upstate homeless coalition, and Spartanburg County Mental Health and found two needs that she could fill. Ms. Mugavero can provide long term housing with limits and could become the adhesive to services that are already in place.

First Ms. Mugavero needs to renovate the existing facilities on her property to provide stable employment while partnering with the local businesses already in place. The property will support gardening for market, pasture for grazing, auto repair shop, metal fabrication, and a woodworking shop that could be turned into frame work, and office space that she would like for the veterans to inhabit.

Healing Ground opened in October, 2006 and has a goal to offer transitional housing with stable employment. She has done the first part, but needs assistance and advice to finance the second part. The financing will support employment opportunities needed for the homeless veterans.

Laurie read over an article "Outreach Pharmacy" Three cows and a dream. He met with the Georgetown food kitchen. Now he is feeding 100,000. Just by chance he published his phone number and she called him. He is not only going to help her with this venture, but they are going to partner in other adventures. This is just one of her five business options already producing more than enough.

Ms. Mugavero has purchased the Don White property off Neighborhood Road in Wellford at exit 68. She has a total of 10 acres at the facility and 5 acres a quarter mile down the road. Laurie has already partnered with Spartanburg Nutritional Council and has started community gardening.

Ms. Mugavera is working through the Veterans Affairs office and working with Ms. Pat

Radford at the hospital in Columbia. Ms. Radford is encouraging Laurie to put packages encouraging her to discuss her venture with hospice to prepare for other things as they arise.

Transitional Housing is a long term effort. Basically, Laurie not only needs to provide housing, but also employment. Much work has been completed on her houses, but employment opportunities are needed.

## **5. SENATOR GLENN REESE – NAMING OF STREETS IN CHESNEE**

The City of Chesnee Council has made a request to name several city state streets in honor of several people.

Senator Reese felt that the Spartanburg delegation needed a policy before introducing bills naming public state highways, streets, roads, and bridges in honor of any particular person.

This request will be taken into consideration.

In the past, this type of request was left up to the delegation member of the district, but this is something that the policy committee should consider.

With the war going on there is more of a tendency to name roads, etc after service men.

A decision was made for the policy committee to meet and discuss the language to use to present to the delegation for adoption of a policy for Naming of State streets, highways, roads and bridges as honorariums to specific people.

## **6. THE ARTS PARTNERSHIP OF GREATER SPARTANBURG**

There has never been a more important time for the delegation. Since Representative Smith has become Chairman of the delegation he has tried to have a consensus on items requested to be submitted for budget purposes. In the past, the delegation has taken flack for not doing enough for the community with regard to bringing home state money. The delegation members are generally conservative in nature and have always been very reluctant to do a lot, particularly in times when there wasn't enough money, or tremendously growing revenue as this year and last year.

Chairman Smith feels that the delegation tries to prioritize budgetary items. But the delegation has, over the years, done a good job in bringing back and doing better, while keeping in mind our conservative nature. Chairman Smith particularly appreciates Representatives Lanny Littlejohn and Ralph Davenport's efforts on Ways and Means, in trying to see that Spartanburg does get its fair share of projects. The House members certainly start the budget process, which is important. However, in the future, Chairman Smith would prefer the delegation agree and have a consensus on projects that affect Spartanburg.

Last week, the delegation had a discussion with those who are advocates for the Arts Center. There is not a group that has worked harder and visited Columbia as much as the Arts folks. The delegation certainly appreciates that. They put their best foot forward, and obviously this year, the house delegation was successful in getting \$3M in the house budget bill for the Arts Center.

Chairman Smith does appreciate those that really made it happen even though there were other priorities in the budget process. It is never easy in a delegation when you represent rural areas of the county where things need to be done. Last week the delegation had discussions with the Arts group. It was actually suggested to Chairman Smith that maybe this was because of what happened in the senate - the Arts money was put in the budget at \$500,000. This was going to be something that Senator Leatherman would have to go along with, and hopefully we would be able to get his attention. Chairman Smith knows that Senator Ritchie has gotten Senator Leatherman to agree. If Chairman Smith understands correctly, the \$500,000 will hold in the senate side of the budget. The approved funding is going to take the House and the House conferees to concur.

Chairman Smith thinks it is time for the delegation to start coming up with priorities as to how the delegation approaches projects like this so that the delegation doesn't lose valuable projects.

Chairman Smith is loosing a significant project he had a commitment on so that we can fulfill the Arts obligation because of the way it is being done. This is a classic example of the differences in the budget between the house and the senate in which other priorities lose, yet other things are put in the senate budget. So it just tells Chairman Smith that it is time for the delegation to try to put our best feet forward as a group.

Last week, as Chairman Smith understands it, Mr. Chapman had already discussed with Chairman Cooper, on our behalf, the need to keep it in the budget and to hold strong on the outside. There is nobody that Chairman Smith has any better respect for that would deserve their name on the Arts Center than the Chapmans. And if Chairman Cooper doesn't sense that we want to support it, then Chairman Smith thinks - 1) the delegation needs to start to prioritize projects and sticking together on them; and, 2) the delegation needs to have an understanding of what we want to do with this. After Ways and Means finished the budget, the House doesn't have any input on the Senate or anyone outside.

Representative Littlejohn questioned if it was needed to meet with Senators and set priorities with the subcommittee? Representative Littlejohn thinks the delegation works well on a lot of projects when there is common interest.

The delegation is here to try to work together to figure out ways to better our community. There is absolutely no doubt that the Cultural Arts people have paid their dues over the years of coming to Columbia and asking the delegation to support them.

Rep. Walker asked if the delegation was in order to have a letter drafted stating House members' feelings to present to the Chairman of the Ways and Means Committee in answer to the senate problem. The House member's feels like this project should stay in the budget as was in the House. Rep. Walker move to draft a letter regarding the issue.

Senator Hawkins shared his prospective on this issue with regard to local projects as worthy as the Chapman Cultural Center. Senator Hawkins wholeheartedly supported that effort, and the promotion of the arts in the area. He also tries to be fiscally conservative to return as

much money as possible back to the taxpayers every year. Senator Hawkins has been frustrated in the senate by what he perceives is a lack of fiscal responsibility and avoided a lot of budget projects. Of course, the senate has the worst example of it which is the Green Bean Museum. That is an argument that can be made for any of these things. Senator Hawkins voted against the budget on the grounds of fiscal responsibility. Senator Hawkins votes against the so called pet projects when they came up. As they say "Everything is pork, unless it's yours." Then that's different.

To not denigrate the Chapman Cultural Center or any of these projects at all, but Senator Hawkins finds that your voice does not speak with the same resonance when you propose a budget in terms of advocating for specific projects because you appear to be hypocritical. So to be consistent and to be ideologically consistent and hold the line to control spending, Senator Hawkins voted against the budget with about eight or nine other people. He votes consistently to return more money back to the taxpayer.

Having said that, Senator Hawkins loves his county and wants the delegation to be strong and get our fair share of state dollars. But it is a struggle that he wrestles with.

Senator Ritchie supported the motion from Vice Chairman Walker. Senator Ritchie thinks this year's budget regarding the Chapman Cultural Center is, although the numbers are different; the rhythm is not much different. Last year the House submitted the Chapman Cultural Center with a half million dollars, of which, the senate doubled that to a little over \$4M that is part of how the rhythm went. Senator Ritchie knows that the House got as far as they could go and the senate was able to do more last year. This year the House members believe very strongly, and Senator Ritchie appreciates all the work that has been done.

The Chairman of the Committee made the decisions, although Senator Ritchie doesn't serve on the committee, and, when the budget came out of committee it had full assurances that it would be restored in conference. A member of our delegation will be on that conference committee from the Senate giving his full support to it. So he appreciates the House taking the lead this year, and Senator Ritchie is confident at the end of the day that one budget item as well as others will be taken care of. So, he is happy for Representative Walker's motion to go forward and have a consensus opinion so that when the conference goes to the table that the delegation speaks with one voice.

Chairman Smith remembers last year. The House did put \$500,000 in the budget. Chairman Smith understands that \$500,000 was separately done in another way, with unclaimed lottery funds. Our offer last year was to put \$500,000 and see if more money could be added on. This year, the House put \$3M in the budget, and the Senate returns it at \$500,000. At the same time, the House forgoes other projects that they would like to work on because we all agreed in the House to prioritize the Arts this year. We all agreed and all of us signed a letter of commitment to Dan Cooper.

When Chairman Smith spoke to Dan Cooper, he said: "Doug, as much as I would like to help you with the project that you have going on in Spartanburg that requires about \$1.5M, I can't do it. But again, you know how the rules work in conference; it is going to take the three house members to insist on the \$3M for the Chapman Cultural Center. But, of course, they are

insisting on any efforts to try to put any other funds in or to hold strong any of the other things that the House put in is going to lose priority. Not to mention that you have another whole host of other projects that the Senate put in for the community.”

The question is that, do we hold strong on the House with the Chapman Center? Chairman Smith appreciates Rep. Walker’s proposing that motion, or do we give so that we can get the projects that the Senate prioritized and the other facilities like Mr. Mahaffey’s Lyman Center at \$1.5M that is now gone, and Mr. Littlejohn’s bridge that is badly in need of being repaired at \$250,000. It is pretty sensitive in many ways because we have an opportunity as a group to get things done if we prioritize. I think we can hold. We certainly can’t guarantee it, but as a group collectively, on the House side, ask our conferees to insist on the \$3M, and hopefully the Senate conferees will go along with it. I don’t know what we will have to give up. That is my frustration with it.

Hopefully, in the future, the delegation can collectively agree to prioritize projects, on both sides, like the Chapman Cultural Center, and get it done before putting anything else in the budget.

Senator Ritchie felt it was a good idea to try to draw a consensus next year. I’m sure the senate would be happy to set down with the house members and see if we can get together a list so there is no confusion from year to year on priorities.

No need for a motion, we will just talk to Dan and that is it.

## **COMMITTEE REPORTS**

### **7. REPRESENTATIVE RALPH DAVENPORT, COUNCIL OF GOVERNMENTS (COG)**

No report

### **8. REPRESENTATIVE SCOTT TALLEY, COUNTY TRANSPORTATION COMMITTEE (CTC)**

Representative Talley reported of a request made for additional funds for the Mary Black Skylyn Drive project. The CTC Advisory Committee needs an updated report on the status of the project. Last year, the CTC’s decision was to commit up to \$250,000 for the preliminary engineering on the condition that funding for the construction portion be secured for the project elsewhere. The state did contribute \$2M, but the project management insisted on changing the scope of the project to include sidewalks and bike paths which has doubled the cost of the project. Therefore, another \$2M is needed to complete the project. The project management has verbally stated that the additional \$2M has not been secured.

As it stands now, if the additional monies for the project are not secured, the CTC appropriated funds of \$250,000 will revert back to the general funds.

**9. REPRESENTATIVE LANNY LITTLEJOHN, SPARTANBURG AREA CHAMBER OF COMMERCE**

No report

**10. REPRESENTATIVE KEITH KELLY, SPARTANBURG CHILDREN'S SHELTER**

No report

**11. SENATOR JOHN HAWKINS, SPATS**

No report

**12. REPRESENTATIVE JOE MAHAFFEY, DEPARTMENT OF NATURAL RESOURCES**

No report.

**13. REPESENTATIVE HAROLD MITCHELL, PARD**

No report

**APPOINTMENTS**

**14. SPARTANBURG COUNTY TRANSPORTATION COMMITTEE**

Terms of Dorothy T. Moss (House District 31); Hal Murphy (House District 33 & 42); and Steve McAbee (House District 36). Applications received: William A. Hamilton (House District 31); Steve McAbee (House District 36); and, Harold Murphy (House District 33).

Representative Littlejohn moved to nominate all three applicants, collectively, to serve on the County Transportation Committee as representatives from each of their districts. The motion was seconded and approved.

**15. NORTH SPARTANBURG FIRE AND RESCUE COMMISSION**

Terms of Danny E. Bridgeman Sr., Joy S. Fought, James W. Fowler, Jr. and Carroll Fred Wolfe, Sr. Applications received: George Rush, David A. Shafto, Carroll F. Wolfe, Sr., and James

W. Fowler, Jr. Applications received: George Rush, David A. Shafto, Carroll F. Wolfe, Sr., and James W. Fowler, Jr.

Representative Ralph Davenport moved to nominate Mr. George Rush, Mr. David A. Shafto, Mr. Carroll Wolfe, Sr. and Mr. James W. Fowler, Jr. Senator Glenn Reese seconded the motion. The motion carried.

#### **16. SPARTANBURG COUNTY COMMISSION FOR TECHNICAL AND COMMUNITY EDUCATION**

Terms of Tammy Devine (District 2); At-Large member Hubert Dobson (District 5); and At-Large member Deloris H. Oliver (District 7). Applications received: DeLoris H. Oliver (District 7) and Tammy Devine (District 2).

Representative Bob Walker moved to adjourn debate while new legislation is being considered. The motion carried.

#### **17. GLENN SPRINGS FIRE DISTRICT COMMISSION**

Terms of Jeff W. Chandler and Peter T. Reich. Application received: Peter T. Reich.

Representative Keith Kelly moved to nominate Peter Reich. Senator Ritchie seconded the motion. The motion carried.

Mr. Jeff Chandler's term will be addressed at the next meeting.

#### **18. VETERAN'S AFFAIRS**

Term of Jerry Kiehl. Applications received: Gerald (Jerry) Anthony Kiehl, and Jerry H. Blanton.

Representative Bob Walker moved to nominate Jerry Kiehl. Senator John Hawkins seconded the motion. Representative Ralph Davenport moved to nominate Mr. Jerry Blanton. A vote was taken with Jerry Kiehl receiving 85.978 % of the vote, and Mr. Jerry Blanton received 13.016 % of the vote. Therefore, Mr. Kiehl's name will be forwarded to Columbia for confirmation of re-appointment as the Spartanburg County Veteran's Affairs officer.

#### **19. MAYO FIRE DISTRICT COMMISSION**

Terms of David H. Blanton and Ben Horton. Application received: Benjamin J. Horton.

Representative Doug Smith moved to nominate Mr. Ben Horton. The motion was seconded and carried.

The term of David H. Blanton will be held over until the next meeting.

**20. REIDVILLE FIRE DISTRICT COMMISSION**

Terms of Bill J. Godfrey and James L. Gossett. Applications received: Bill J. Godfrey and James L. Gossett.

Representative Keith Kelly moved to nominate Mr. Bill Godfrey and James Gossett. There were no other nominations. The motion carried.

**21. CHILDREN'S FOSTER CARE REVIEW BOARD 7-C**

Term of Zora Massing. Application received: Zora Massing and Jean Littlejohn.

Representative Littlejohn requested Jean Littlejohn's application be withdrawn until the later part of the year.

Senator John Hawkins moved to nominate Zora Massing. The motion was seconded and carried.

**22. FORESTRY BOARD**

Term of Ron D. Nordenbrock. Applications received: Ron D. Nordenbrock and Jane C. Tucker.

Representative Joe Mahaffey moved to nominate Jane C. Tucker. Senator Hawkins seconded the motion. There were no other nominations. The motion carried.

**23. NEW PROSPECT FIRE DISTRICT COMMISSION**

Term of Russell W. Young. Application received: Russell W. Young.

Representative Bob Walker moved to nominate Russell W. Young. The motion was seconded and carried.

**24. ARKWRIGHT FIRE DISTRICT COMMISSION**

Resignation of E. R. Thomas. Application received: None

This appointment will be carried over until the next meeting.

**25. OLD BUSINESS**

Chairman Doug Smith has asked Chairman Jeff Horton, once again, to consider putting a group of the fire commissioners and fire chiefs together to review the proposed legislative recommendations.

**26. NEW BUSINESS**

No report

**WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.**

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Doug Smith, Delegation Chairman

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Attested:  
Carol Crowe