



**MINUTES  
Spartanburg County  
Legislative Delegation  
Monday, August 4, 2014  
5:30 p.m.**

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, August 4, 2014 at 5:30 p.m. in County Council Chambers of the Spartanburg County Administrative Office Building, located at 366 North Church Street, Spartanburg, SC. Senator Shane Martin presided. The following members were present or absent as indicated:

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

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation was rendered by Representative Rita Allison, and the Pledge of Allegiance was led by Representative Doug Brannon.

**INTRODUCTION OF NEW CHAMBER PRESIDENT AND CEO**

Representative Rita Allison introduced the new Spartanburg Chamber of Commerce President and CEO, Mr. Allen Smith.

**1. APPROVAL OF MAY 12, 2014 MEETING MINUTES**

Representative Doug Brannon moved to approve the May 12, 2014 meeting minutes as printed and

mailed. Representatives Wood and Mitchell seconded the motion. The motion carried.

## **2. MR. WOODROW WILLARD, DISTRICT 4 HIGHWAY COMMISSIONER – SCDOT UPDATE**

Mr. Willard has served as the 4<sup>th</sup> Congressional Highway Commissioner since February, 2014. Even though Mr. Willard has had background knowledge about roads, bridges, and highways in South Carolina, it has been an educational challenge at times to try to understand the processes. Mr. Willard is working hard to continue to have the confidence in representing not only the district but also the State of South Carolina.

The commissioners are looking at the needs within the State that have the greatest economic impact. Act 114 defines much of the criteria, but Mr. Willard thinks it is good for all to know that the economic impact these improvements have is one of the foremost concerns of the commission.

The department itself has been through some transition. We are all aware of St. Onge leaving the department and Christy Henderson took over as the interim Secretary of Transportation. She did a wonderful job during some really rough periods. There were ice storms, a snow storm, and a bridge that was hit by a train during the interim; and, in all cases, she performed remarkably well. She kept the department together and worked with FEMA on a plan that was instituted while she was one of the deputy secretaries.

The commission is trying to acquire \$130 to 150M worth of reimbursements from FEMA. Hopefully, the reimbursements will be coming through over the next 24 to 36 months. But, it is important to note there is probably \$35 to 40M that will not be reimbursed. Additional consequences of the storms have caused damage to some roads that is estimated to cost as much as \$50 or \$60M. Before it is all said and done, the SCDOT thinks the damage caused from the winter storms, and assuming reimbursements from FEMA, there will be a shortfall of \$100 to \$180M which will come out of the coffer.

The other challenge has been the federal highway funding. Commissioner Willard is happy Congress passed a short term deal taking them through May. In March, the commission was most concerned with drawn contingency plans as to how the SCDOT would handle loss of revenues to maintain federal highways, and fortunately beginning August 1<sup>st</sup>, the Commission did not have to implement those plans.

The DOT is in good shape (from a cash position) but should be in better shape. In the absence of winter storms, the DOT is solvent and moving forward with all planned projects and none have been cut back as of this date.

Phase one of the I-85 widening from Gossett Road to Hyatt Street and phase two from SC 105 to SC 18 in Cherokee and Spartanburg Counties is going to be a challenge. There are so many slip ramps and improvements that will have to be made as they do not meet current federal guidelines which is going to be a hard, difficult, and an expensive process, but one that is needed for continued growth in the Upstate. These two sections of the I-85 widening will be combined concurrently together. The railroad bridge (going to Hearst Celanese), located at mile marker 80, will be bid as a separate project, as that portion of the project will hold up other processes. This portion of the project should take place over the next year to twenty-four months.

The third phase deals with I-85 and I-385 interchange in Greenville. The selection of the contractor for the I-85 and I-385 interchange will be made in the August commission meeting.

As of June, the monthly state motor fuel revenues are up, with the exception being in the March.

Mr. Willard put together statistics regarding district maintenance pavement condition of Federal Aid and Non-Federal Aid Roads as of January 2014. Spartanburg is located within District 3. There are about 55 to 60% of the Federal Aid Roads (20,153 lane miles) that are considered to be in poor

condition.

Under the Non-Federal Aid roads, there are almost 20,600 lane miles considered in poor condition. However, 93% of the traffic is on federal aid roads. Only 7% is on non-federal aid roads.

One of the things that the commission is discussing is they have to allocate dollars where the most traffic is, and try to take care of some of the exceptional parts of the non-federal aid roads.

Last year, the State Legislature gave money that could be used for non-federal aid roads, and that process is being taken care of. Some bridges are being done. The first bridge was completed in Cherokee County last month with more to come online along with some paving. The DOT officiates those dollars; but - as most understand, this is a drop in the bucket of what the DOT can use and do.

I-85 from Pelham Road all the way to US 29 (where the new 85 goes into Business 85) is scheduled for resurfacing. A contract has been let for \$24M to resurface that portion which should start this fall. Hopefully, it will be finished up this coming spring. (The substandard areas will be milled up about eight inches deep, and then resurfacing with another eight inches of asphalt.)

There have been some failures on the new I-85 with regard to the concrete portion. The Federal Highway Administration recognizes this problem. DOT will be allocating funds for this section of the Interstate to probably start in 2016 or 2017. Apparently the design had a flaw in it where there were wider distances between the joints than should have been which causes failure in the middle of them. This is where we are seeing some cracking; and, if you travel those roads you will see where trucks hit, beat the roadway down and out, then we see some of them collapse. About three months ago, some areas had to be closed down because the asphalt dropped about four inches, which is not safe to drive on.

Representative Allison asked what match the state has for the Federal Aid roads located out in the county as an influx of housing developments and schools are being constructed off these Federal Aid roads; and, if the SCDOT is required to be notified of issued permits to determine if additional turning lanes and/or road widening would be necessary to accommodate the additional traffic; and, who would be responsible for widening the roadways and constructing additional turning lanes if needed?

Mr. Willard informed all that most of the state match is 20%. But, the county planning department handles encroachment permits. The permits are required to meet the ARMS manual, which deals with the proximity to the intersections and flow of traffic.

A lot of those roads may be state eligible, but are really county type roads; and the DOT just does not have the funds to make an impact. Developers are installing the recommended turning lanes. However, they are required to meet certain criteria and standard.

Mr. Willard knows what Rep. Allison is talking about as there are county roads as well as some state maintained roads that are 14 to 15 feet wide and do not meet standards. But, Mr. Willard thinks that is an issue that the county's Planning Departments needs to consider as they are issuing the permits and some construction projects are required to obtain an impact study because there are not dollars (in Columbia) that can resurface or widen roads based on what an individual wants to develop.

Accidents on I-85 divert traffic onto Highway 29 which is in dire shape as well.

All of these issues take money, and things are not getting any better – they are getting worse.

Mr. Willard has also learned the DOT is required to use state dollars to repair potholes on federal highways, such as the interstate system.

Representative Wood asked if contractors were permitted to participate in the bid process once substandard work had been identified, and, who pays for the repair work?

Mr. Willard is not sure how long the warranty is on the work, but he does know there are contractors that are made to go back to repave and correct mistakes. One of the more recent ones was on Connecticut Avenue, which is a State road even though it is in a residential area. The paving was substandard. The contractor (at their expense) had to go back, mill up and totally repaving a section on

Connecticut Avenue.

The bidding and the procurement aspect is an interesting sort of fact, in that, there is a cost estimate completed; all bids are required to be within 10% of the cost estimate to be considered as a fair bid. Then, there must be (depending on the location) two to four active bids in order to qualify for a fair bid. Then the process is that the low bid gets it. However, there is a qualification period to be on the list to bid. Mr. Willard thinks past performance is an issue that is considered.

But Mr. Willard has learned of mergers and consolidations. When big companies come into play, you have a company that may be combined from two companies who previously did DOT work, but these new companies do not have a deal to work. They have some of the people, so to try to understand the qualifications of the people, the SCDOT is looking to procurement for answers. This issue was brought up in the last two Commissioner's meetings and felt the procurement process really needs to deal with the availability of the on the job people. One company can't get all of the contracts because they don't physically have the people on the team for the process. The weighted average qualifies these groups. As some may know, engineers don't bid on projects, they bid by their qualifications. It is not like appraisers, carpenters, or builders that go in and have to bid with a number.

The awarded contract is based on qualifications and not on the bid of the project itself. The commission is continuing to look at that because they think this needs some strengthening. The September meeting will put forth suggestions on how to improve the procurement process.

Representative Mitchell congratulated Mr. Willard on looking at procurement as that has been a problem that goes back to what others have stated with regard to strings attached. The system has been abused of the MWBE process in this state.

One of the things Mr. Willard has learned that is important to know, is that you may have company A to merge with company B making company C. The talented people in companies A and B don't want to be subjected to being transferred to Mississippi or Texas or Minnesota. Therefore, they leave those companies to form two smaller companies with lost talent. What the commission is concerned about is some of these smaller companies that do have talent was providing good engineering and paving services, but need to have as much a fair share of being able to take on projects for the State - more so than what the big guys have from outside the state. Even though they have an office and personnel in the state, they may not necessarily be state people, which is a major concern of the Commission.

### **3. MS. MICHELLE DHUNJISHAH, CHILDREN'S FOSTER CARE REVIEW BOARD**

Ms. Dhunjishah honored Mary Ann Riley as their 2013 Review Board Member of the Year. Mary Ann has used her gifts to serve children for the last eighteen years. Her dedication of children far exceeds her excellent attendance record at review board meetings. She and her husband, Wayne, sponsored countless children and vulnerable adults at the holidays to make sure they had gifts and other needs met. Mary Ann supported the South Carolina Heart Gallery since inception in 2005. In fact, she and Zora Massing drove around the state of South Carolina and brought snacks to photo shoots because the board is not permitted to use state money for food. She attends partners meetings, legislative delegation meetings, as well as meetings and events of DSS. She advocated for Case managers and expressed concerns for the challenges they face in working with families and children. It is an honor and pleasure to have worked with her over the years and thanked Mary Ann for her eighteen years of service. She has been a constant in Spartanburg County and across the state. Her service will endure as a shining example of volunteerism for all review board members and other volunteers.

### **4. MS HOPE BLACKLEY, CLERK OF COURT – UPDATE ON COUNTY**

## COURTHOUSE

Spartanburg County Council asked Ms. Blackley to present the following information regarding the deplorable state of the County Courthouse.

The issue at the Spartanburg County Courthouse is the structure itself as it is not sound. Ms. Blackley has had many folks who work and visit the building to inform her of numerous building complaints. She has been asked, over time, what is the number one priority. However, she can't say there is one priority, but two of them which are health concerns and safety issues surrounding the facility itself.

The courthouse was built in 1957, almost sixty years old. It is good to have old buildings, but this is probably not a historical building based on fact. There was an article done a couple months ago with a picture of Judge Couch in regards to the drainage and leakage of the windows. Some leakage issues were suffered just last week in Judge Caldwell's office. To Ms. Blackley, this is a very big concern as the office is located on the first level. There are also possible issues with walls caving in due to drainage.

On the third floor, about two weeks ago during a rain storm, Ms. Blackley was called to the Solicitors office where leakage was coming in around the light fixture - a major concern for a shortage or a fire. There have been some studies as to where the water is coming in.

Capital improvement initiatives have been completed every year for the last twelve years. Based on Ms. Blackley's review and research, it will cost the County about \$3M just to replace the windows in the Court House. The leakage/flooding thru the windows is a major issue as it is flowing over outlets.

There are two major issues in the building; one is the mold in the ventilation. The mold has been tested, as non toxic mold. The water has also been tested. Some water issues that were able to be worked out by adding filters to the areas where brown water was coming out. Basically, the courthouse is an unfixable problem. There is money going into the facility while not really dealing with the problems at hand.

The one thing that keeps Ms. Blackley up at night (more so outside the mold) is the security concerns. There is much to be done with the inmates issue, as crossing the street on Daniel Morgan Avenue is a liability issue.

Ms. Blackley's goals are being presented to address the health issues and securing hallways for judges, jurors and inmates. This issue is a hazard waiting to happen.

The County has beefed up security and just last week approved a surveillance system that will be implemented to upgrade the system. Security cameras will be available in the reserve parking lot where the judges park. As of now, there is no security for anyone who works or visits the courthouse as they are all coming in and out to the same parking lot.

Ms. Blackley has had an assessment completed by Stevenson and Wilkinson in regards to what an upgrade would cost.

There is a scope of services being done and the County has just completed a deep cleaning of the Courthouse which consisted of polishing the floors, cleaning the windows; and, cleaning is now a five day a week process instead of just three days.

Ms. Blackley is hoping to hear something soon in regards to cleaning the ventilation and replacement of the fixtures; and, she is waiting on getting an assessment regarding the envelope of the windows and areas around the roofing to see what would be the best way to approach the leakage problem - whether to replace the windows, but the county is in the mist of resealing the windows to stop any leakage. Some resealing has worked, some of it has not.

To do everything, if a structure were replaced in the same location with the same entities housed in the Courthouse now, to include fees, furniture, audio, everything to have a brand new courthouse,

with all the upgrades, a rough estimate is \$79M. Decisions would have to be made as to whether or not to keep all the entities in the courthouse as is or add others. There have been conversations of doing a complex for City and County offices together. The cost could rise or it could be reduced. This figure would go into 2040 (a thirty year plan) with additional courtrooms as spacing is a major issue. There have been three resident judges and a fourth resident out of Gaffney, who holds most of his cases in the Courthouse. There are times when there are not enough court rooms available. Judge Caldwell has offered her courtroom because of the 4<sup>th</sup> family court judge.

An estimate was sought to replace the entire building. (Suggestions have been made to possibly relocate from the current location to utilize more space like Greenville did when they moved to the square.) There are plenty of big boxes that could be used to structure a deal using the tax credits that are available to help cut cost. Currently, there have been a number of suggestions made, but all decisions will ultimately be made by County Administration.

## **5. MS. GAIL KINARD, MARCH OF DIMES**

Ms. Carolyn McIntosh presented instead of Ms. Kinard. Ms. McIntosh is a volunteer for the March of Dimes; serves as Chairman of the Board for the Spartanburg Chapter, and as a State Board member.

Ms. McIntosh thanked the delegation for all they have done to help the Mission for the March of Dimes. Their mission is to prevent infant mortality, birth defects and help moms, babies and infant children in all terms of preterm birth and prematurity.

One of the great successes the March of Dimes had in the last year was to pass the critical congenital heart disease screening test that saves babies earlier than sooner because it is now being done at the hospital level rather than waiting or not having it done until a pediatrician actually recommends it.

The work the March of Dimes has done for babies and Moms in our state is never done. Approximately, 6500 babies are born prematurely every year in the State of South Carolina, which represents about thirteen percent of all live births. Not only is pre-term birth a health issue, but it represents a significant cost to the state. According to the Institute of Medicine, the average first year medical cost for a pre-term infant is ten times the amount than it is for a full term birth baby due to medical and other related cost.

In South Carolina, not a lot of great work is going on that helps tell what causes premature births and birth defects as some measures are preventable. The biggest one of these focused on now is smoking among pregnant women. In South Carolina, one out of four women of reproductive age smoke. Smoking leads to low birth rates and prematurity, which has long term health effects on the family and economic impact on the State.

The March of Dimes is working toward and asking for support with regard to smoking cessation and prevention programs. One such program was implemented in 2006 called the 'quit line.' Pregnant moms, who were told to utilize the quit line, had a success rate of 30%. Of that number, about 58,000 people served came from the Upstate. The quit line is just one way of doing that. Obviously there are additional resources to make other programs available to more women to stop the outcomes of low birth weight and prematurity.

Sixteen years ago, the tobacco master settlement agreement was passed. The attempt was for that money to go to states to invest towards tobacco prevention and associated programs, but currently South Carolina has not used those funds for that purpose. As the delegation prepares for the upcoming session, the March of Dimes is asking members to consider expanding and allocating those dollars into programs such as the quit line, by allocating monies from the settlement agreement as it was originally intended.

## COMMITTEE REPORTS

### **6. SENATOR SHANE MARTIN - LOCAL GOVERNMENT FUND COMMITTEE**

There is no report from the committee, but will continue efforts to fight for local government funding in 2015.

### **7. REPRESENTATIVE ALLISON – SPARTANBURG CHAMBER OF COMMERCE**

There is nothing from the Chamber with the exception of the introduction of Allen Smith earlier. He is a very young visionary and will be a motivator and mover for the Spartanburg Chamber.

### **8. SENATOR SHANE MARTIN – CHAPMAN CULTURAL CENTER**

No report

### **9. REPRESENTATIVE FORRESTER – COUNCIL OF GOVERNMENT (COG)**

Representative Forrester reported as recalled back in February, the Senior Center talking about funding issues. Representative Forrester has been assured that all of the issues have been taken care of, and things are running smoothly.

### **10. REPRESENTATIVE FORRESTER – SPATS**

No report at this time.

### **11. REPRESENTATIVE WOOD – HOPE CENTER FOR CHILDREN**

Representative Wood reported the Hope Center has served about 2,500 children this year. Their annual fiscal year report is available on their website. They have a fund raiser coming up on August 15. It is a tailgate trot. Everyone is invited to attend. The information is also posted on their website. Ms. Losciuto will be attending the November meeting to give a report on the Hope Center for Children partnering with Safe alternatives for Youth programs.

### **12. REPRESENTATIVE CHUMLEY - DEPARTMENT OF NATURAL RESOURCES**

No report.

### **13. REPRESENTATIVE BRANNON - POLICY AND PROCEDURES**

No report.

### **14. REPRESENTATIVE MITCHELL – UPSTATE ALLIANCE**

No report

### **15. REPRESENTATIVE TALLON – SPARTANBURG COUNTY TRANSPORTATION**

## **COMMITTEE**

In the absence of Representative Tallon, Senator Martin presented the CTC report.

The Proposed Minutes of the July 17 CTC meeting have been included in members notebooks. Representative Cole's set-aside for installation of a traffic signal at Fernwood Drive in the City of Spartanburg, which has been worked on for a while, and is very much needed, has been approved.

As a reminder, House members set-aside fund requests are to be in the Delegation office no later than January 15, 2015.

### **16. REPRESENTATIVE MITCHELL – PARKS AND RECREATION DEVELOPMENT**

Representative Mitchell reported there is approximately \$10,000 left for this year PARD funds. If any members have projects in the districts, an application should be submitted for consideration.

## **NOMINATIONS FOR APPOINTMENTS**

### **17. DEPARTMENT OF SOCIAL SERVICE**

Term of Lisa White

Applications received: None

Representative Cole moved to carry the appointment over. The motion was seconded and approved.

### **18. FIRST STEPS**

Terms of Kelly Pope and Susan Ridings

Applications received: None

Representative Allison moved to carry the appointment over. The motion was seconded and approved.

### **19. SPARTANBURG COUNTY TRANSPORTATION COMMITTEE**

Terms of Bill Painter, House District 32; Sam Evatt, House District 34; and John Throckmorton, House District 37

Applications received: Bill Painter, House District 32; Warren Dean Anderson, House District 34; and, John Throckmorton, House District 37

Representative Forrester moved to nominate Mr. Warren Dean Anderson. Senator Martin seconded the motion.

Representative Wood moved to nominate Mr. John Throckmorton. Senator Martin seconded the motion.

Representative Cole moved to nominate Mr. Bill Painter for re-appointment. Representative Allison seconded the motion.

There were no other discussions and all the motions carried.



**20. WHITNEY AREA FIRE DISTRICT COMMISSION**

Terms of Linda Cox, James R. Forbis, and William Claude Thomason

Applications received: Linda Cox, James R. Forbis and William Claude Thomason

Representative Derham Cole moved to recommend re-appointments of Linda Cox, James R. Forbis and William Thomason. Representative Doug Brannon seconded the motion. The motion carried.

**21. UPSTATE EDUCATIONAL CENTER ADVISORY BOARD**

Terms of Mark Koenig, Gregory Scull and Fred Marsh

Applications received: None

A motion was made to carry over the appointments.

The motion was seconded and carried.

**22. OLD BUSINESS**

No old business was discussed.

**23. NEW BUSINESS**

Representative Tallon left a letter to Mr. Henry Laye for delegation endorsement regarding a change in a Cowpens Polling Place to be moved to the Timken Community Center.

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

\_\_\_\_\_  
Shane Martin, Chairman

\_\_\_\_\_  
Attested: Carol Crowe