



MINUTES
Spartanburg County
Legislative Delegation
Monday, November 4, 2013
5:30 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, November 4, 2013 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 – 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 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 and the Pledge of Allegiance was led by Representative William Chumley.

1. APPROVAL OF AUGUST 5, 2013 MEETING MINUTES

Representative Brannon moved to approve the August 5, 2013 meeting minutes as printed and mailed. The motion was seconded and approved.

2. MR. TOM KANIA, CITIZEN – SPARTANBURG COUNTY LIBRARY ISSUES

On May 2, Mr. Kania made an appearance at the Woodruff Library to look into a matter regarding his wife's termination from the library last June and the following day was greeted by a police officer at his home to issue him a letter of 'No Trespass'. Prior to receiving the 'No Trespass' letter, he was told "*don't you dare go in any library in the County.*" Mr. Kania then formulated a letter to Governor Haley regarding most of the evidence of what transpired. (See copy of letter in November 4, 2013 meeting folder.) At this point, he is looking for a withdrawal of the trespass notice as he feels he has every right to go into any library in any county as he has not been convicted of a felon or anything else and has come to the delegation to perhaps have something done within delegation authority.

Mr. Kania was asked if he had taken this issue to the Library Board of Trustees. However, Mr. Kania has not taken this issue to the Board of Trustees as his personal attorneys also suggested due to jeopardizing his license and certifications within the State with regard to his employment.

Since the Library Board of Trustees is the ultimate authority with their main purpose to manage the library system through the approval of policy, budgets, contracts, as well as to employ and supervise the county librarian, the delegation voted to send a letter to the Library Board of Trustees requesting a meeting with Mr. Kania to seek a resolution regarding his issue.

3. MS. SANDRA OWENSBY – CONCERNS FOR SENIOR CENTERS

Ms. Owensby addressed concerns of statewide Senior Centers. Senior Centers' funds are not being reimbursed in a timely manner as there have been many policy and procedural changes made without any transition period. A new priority score assessment form has been developed to score seniors being served. The score has thus disallowed 800 meals costing the centers \$3,000. For the month of September, there were 762 meals disallowed which will cost the Centers \$2,500.

Prior to these new policy and procedural changes, reimbursements had been received within 30 days but no more than 40 days; whereas the July reimbursement was not received until October and the August and September reimbursements have not been received.

On numerous occasions, the Lt. Governor's Office on Aging has been informed of complaints and effects these changes have caused which lead their office to limit e-mails to once a day that are initiated by COG. (Senior Centers are not permitted to contact the Lt. Governor's office.)

Centers were informed not to feed volunteers, yet some of the volunteers are seniors that had participated in the programs. And, if meals are provided at the Centers and not all food is eaten, the seniors were not permitted to take it with them. Some of the issues have already been resolved, but Senator Peeler will follow-up and get a response from the Lt. Governor.

4. MR. TONY BELL – UPDATE ON THE SPARTANBURG COUNTY CLEMSON EXTENSION

Mr. Bell requested delegation members keep the Extension and the Public Service Agencies in the forefront of their thought process as they look at developing the budget next year.

Clemson has played a big role in agriculture, which is one of South Carolina's largest industries. There are a number of focus areas within the public service agencies; agribusiness productivity is just one of them. The Clemson Research and Extension personnel help regulatory agents and forestry producers compete in the global economy. Research scientists develop new production techniques; and plants, and are involved in economic and community development.

The Institute for Economic and Community Development and Extension personnel conducts research and share data with public policy makers on issues such as population growth and urban planning.

On the economic side of things, the Clemson Extension agency is involved in best management practices for agriculture in forestry to minimize the use of chemicals to prevent soil erosion and prevent the wildlife habitat from being destroyed.

There is also food safety and nutrition that is provided by Clemson Extension to make sure the foods we cook and the techniques for cooking foods is safe, so that when products leave the farm headed to the table, we have a safe product.

All of us at one time or another were or have been involved in 4-H. 4-H is involved in youth development which is a very important component in the State of South Carolina.

The State of Georgia is referred to as the peach state, but at one point in time; Spartanburg County produced more peaches than the entire State of Georgia. The peach industry has been a dying industry, but we do have some that are surviving.

One of the things that we can be proud of in Spartanburg County is that James Cooley, from Cooley Farms, was recently elected as the State Southeastern Farmer of the Year. Some of his family members have been involved in our local extension Advisory Committee.

Just realizing the importance of the Clemson Extension services, as delegation members' move into another legislative session, and start hearing that things are tough, or, we are going to be facing another tough year - for how many more years to come, we don't know; but asked the delegation members to remember the Clemson Extension and Public Services when developing the budget because again that is one of the industries that makes our state what it is.

5. PERMITTING DUCK HUNTING ON LAKE BLALOCK – PUBLIC COMMENT

No public comments were made; so it is assumed there is no problem with permitting duck hunting on Lake Blalock. Therefore, when the legislative session begins the delegation will add an amendment to include a sunset, pass it to the House and if a mistake had been made, the sunset date will end the duck hunting on Lake Blalock.

6. MS. SARA PARRISH, SC PORTS AUTHORITY – UPDATE

Ms. Parrish reported the container volume in Charleston was up nine percent last year. The market grew at two percent, which means South Carolina is well over market. A lot of ground is needed to be made up as a lot of ground was lost back in 2008. The Inland port helps position South Carolina competitively to make up for lost ground. Another trend that South Carolina is seeing now is big ship traffic. The Ports Authority has already seen seven post Panamax ship calls a week because they are going thru the Suez and not the Panama Canal. When the Panama Canal re-opens, South Carolina expects that to increase.

Ms. Parrish thanked the delegation for the \$300M allocation from 2012. As a brief update on Harbor deepening, the ball is now in the federal government's hands. The House met and passed the Water Resources Reform and Development Act. It has key language that helps support a Georgetown as well as the Charleston port go forward because we have that money. When we get the Chiefs report, we will be able to proceed with construction because we have that money and will not be slowed down. If we can make it through Senate conference with that, the state owes members a debt of gratitude for setting that money aside.

The original rendering of the Inland Port had just a basic flat concrete layout with a host of containers. The Inland Port is not entirely paved, but is operational as of a couple weeks ago. The Port Authority is moving BMW on the cargo now and expects to move non-BMW cargo around the 11th, and feel construction should be completed by the end of December so the crews should be gone by then. Hopefully, by then you will also start to see businesses coming out to see the finished product, which is why they are looking to do an official launch in January. Then the port will be moving 100 % . We are still waiting for Norfolk Southern to sign-off on all the work completed on the rail and the internal roads are needed to be completed.

The Ports Authority has owned the one hundred acres of property since 1982. There has been nearly a \$50M investment from the Ports Authority that was not planned to budget this past year. The Ports Authority broke ground in March and it is phenomenal that some cargo is already being moved in October. The Ports Authority owns and operates no longshoremen, no public railways on the site. Norfolk Southern will come straight on the train; and, it is all Ports Authority employees on the site. The actual line that Norfolk Southern covers is 212 miles, which is an overnight truck trip, which is why we call it short haul. We will have a chassis pull which is good for the truckers and twenty minutes after conception, it is amazing that we have been able to get this accomplished especially with over one hundred days of rain. Another great thing about the site is, - it is sort of a perfect marriage of land, sea, and air. On the land, we have the rail and I-85. On the sea, we have the Port of Charleston; and, Air, we have Greenville Spartanburg Airport.

In closing once the paving is complete; the Inland Port will be open for business. The Inland Port gives South Carolina a good balance of imports and exports which puts South Carolina 212 miles closer inland; 212 miles closer to population centers; and, takes South Carolina into the Midwest. It also puts South Carolina in play for west coast traffic being translated via container. Another key offering that our Inland Port gives us is empty yard. Lines don't make money on empty containers, so if they are positioned 212 miles inland, people who need boxes to load items into ship don't have to pay for that extra transit time. The Inland port can go ahead and take it right from Greer.

Tours of the Inland Port are scheduled for the Greenville delegation and Ms. Sara mentioned a date of December 6 is available for the Spartanburg Delegation to tour the Inland Port.

Tentatively, the Ports Authority is looking at around the third week in January on or around the 24th to schedule an official event with Norfolk Southern. As soon as an official date has been confirmed, members will be informed.

COMMITTEE REPORTS

7. REPRESENTATIVE ALLISON – SPARTANBURG CHAMBER OF COMMERCE

Representative Allison reminded the delegation members of the Spartanburg Chamber Advance scheduled for December 3rd at Milliken and Company to begin at 8:00 a.m. to 3:00 p.m. in the afternoon. Delegation members and County Council have all been invited.

And, on December 6, the Chamber Annual Legislative Delegation Breakfast is scheduled at the Marriott. If the December 6 date is scheduled for members to tour the Inland Port, the Tour can be arranged after the Legislative Breakfast.

8. SENATOR SHANE MARTIN – CHAPMAN CULTURAL CENTER

There is nothing to report, but Senator Martin went to the last board meeting and all their financials seemed good. They have a new person to do all of their fund raising and keeping up with that on the Arts side.

9. REPRESENTATIVE FORRESTER – COUNCIL OF GOVERNMENT (COG)

Representative Forrester reported the Appalachian Council is developing an Entrepreneur Friendly Toolkit that Enoree and maybe Pacolet may be in. The toolkit will lead participants through an interactive process that will help their communities organize themselves around supporting local entrepreneurs and small businesses. The output for the community can be customized analysis of entrepreneur friendliness as well as the plan to enhance the communities' ability to attract and sustain small businesses. It is being piloted in two communities (City of Pickens and Oconee County.) It is an online interactive program for upstate communities to complete with a private login and process with automatic tools for printing customized reports and start-up guides. This will be good for the county. There are a lot of great entrepreneurial things going on at this point in time and this program will enhance.

10. REPRESENTATIVE FORRESTER – SPATS

The last two phases of Highway 9 from Lake Bowen Dam road down by Wal-Mart is under construction and hopefully will be completed by spring of 2016.

SPATS long range transportation plan 2015 to 2040 is under way and will be completed in June.

Representative Allison asked Senator Peeler if there was anything that could be done to get the attention of the State Infrastructure Bank to move forward on the Upstate projects as that money is coming online soon. If something isn't done soon, we will probably lose that money for the Upstate.

Senator Peeler suggested a letter be forwarded to the State Infrastructure Bank. Senator Peeler was assured the issue would be taken up at their next meeting. Any contact from the Upstate delegations (formally or informal) would certainly help.

The Ports Authority supported Charleston with funding for the bridge. Senator Peeler is wondering if the Ports could possibly participate in some of the needed revenues in the Upstate for the I-85 improvements. Any help would be appreciated. The increased truck traffic would add to the volume and add to the challenges we have on the infrastructure for the Upstate with the roads and bridges.

Representative Allison moved for the delegation to write a letter and get it in the mail as soon as possible to Maxson Metcalf, our person on the Infrastructure Bank. The motion was seconded and approved.

11. REPRESENTATIVE WOOD – HOPE CENTER FOR CHILDREN

No report other than the Hope Center for Children did participate in the auction for a cause this past week. The event was well represented and monies were raised for the Hope Center.

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

A list of the projects approved at the October 17th CTC meeting agenda was a set-aside for Representative Cole to improve an intersection at Road 57 and Dewberry Lane in the amount of \$24,000; Project request to replace Cart Drive Bridge in the City of Spartanburg in the amount of \$189,265; Additional funding from Representative Cole to help replace the Cart Drive Bridge in the City of Spartanburg at \$25,735; Project request to repair the Valleydale Drive road to damaged during construction of Avanti Road in the amount of \$9,000; Project request was approved for the Cambridge Drive Hydrology study by FEMA by Representative Forrester’s set-aside in the amount of \$30,000 (\$10,000 of this will be a FEMA charge); Intersection Improvement of North Blackstock Road @ John Dodd Road in the amount of \$480,000 – Total amount of funds approved were \$758,000

As a reminder to House members, January 15 is the deadline to submit any set-aside projects.

16. REPRESENTATIVE MITCHELL – PARKS AND RECREATION DEVELOPMENT

A. Town of Pacolet, Pacolet Trail Phase IV requesting \$33,600

Representative Mitchell reported a PARD grant application has been submitted from the Town of Pacolet requesting \$33,600 for the Pacolet trail. Representative Tallon moved to approve the \$33,600 as requested. Representative Brannon seconded the motion. The motion carried.

NOMINATIONS FOR APPOINTMENTS

17. FOSTER CARE REVIEW 7A

Term of Charles Allen Horton

Application received: Charles Allen Horton

Representative Brannon moved to nominate Mr. Charles Allen Horton. Representative Wood seconded the motion. The motion carried.

18. FOSTER CARE REVIEW BOARD 7C

Term of Mary Ann Riley

Applications received: None

Representative Brannon moved to nominate and re-appoint Mary Ann Riley to this position and close any further nominations.

Ms. Riley appreciates the nomination, but after serving seventeen and one half years, she has decided it is time to give up the position. There is another lady that is planning on submitting her application; and, Ms. Riley will serve until the other person is certified.

Representative Brannon withdrew his nomination to re-appoint Mary Ann Riley.

Representative Wood moved to carry the appointment over until the next meeting. The motion was seconded and approved.

19. STARTEX FIRE DISTRICT COMMISSION

Terms of Leland Harvey, Sr. and Charles Wayne Mason

Applications received: Leland Harvey, Sr., Charles Wayne Mason and Timothy Mark Knighton

Representative Allison announced the fire department is looking to make some additions to their fire house and at this time she nominated Mr. Leland Harvey, Sr. and Charles Wayne Mason. Timothy Knighton is a fine but for right now the fire department needs experience to move forward.

Representative Brannon seconded the motion. The motion carried.

20. FIRST STEPS

Term of Kay Phillips

Applications received: Kay Phillips and Susan Mottshaw

Both applications were received after the deadline (per delegation rules they cannot be addressed at this meeting).

21. CONVERSE FIRE DISTRICT COMMISSION

Term of Richard A. Key

Application received: Richard A. Key

Representative Cole moved to nominate Mr. Richard Key for re-appointment. Representative Tallon seconded the motion. The motion carried.

22. GREENVILLE SPARTANBURG INTERNATIONAL AIRPORT

Term of Bill Barnet

Application received: Bill Barnet

Representative Doug Brannon moved to nominate Mr. Bill Barnet. Representative Forrester seconded the motion. The motion carried.

23. UPSTATE REGIONAL EDUCATION ADVISORY BOARD

Terms of Mark Koenig, Stuart Smith, Gregory A. Scull, and Fred Marsh

Applications received: None

No applications have been received; therefore, Representative Wood moved to carry the appointments over to be addressed at the next meeting.

24. LIBERTY CHESNEE FINGERVILLE WATER COMMISSION

Term of Curtis B. Lancaster, Sr.

Application received: Curtis Lancaster, Sr.

Representative Brannon moved to nominate to re-appoint Mr. Curtis Lancaster, Sr. Senator Reese seconded the motion. The motion carried.

25. Glendale Area Fire District Commission

Term of Elby Glenn Hammett

Application received: Elby Glenn Hammett

Representative Tallon moved to nominate Mr. Hammett. Representative Forrester seconded the motion. The motion carried.

26. 4th Congressional Appellate Panel – High School League

New Seat

Application received: Robert Lee Davis

Senator Corbin moved to nominate Robert Lee Davis. Representative Forrester seconded the motion. The motion carried.

Senator Reese commented on the violations being committed on the High School level which will be cleaned up by this Appellate Panel.

27. Old Business

No old business to discuss.

28. New Business

Rep. Wood welcomed Mr. Jerry Files as the new Chief of the North Spartanburg Area Fire District

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

Shane Martin, Chairman

Attested: Carol Crowe