



MINUTES
Spartanburg County
Legislative Delegation
Monday, August 9, 2010
5:30 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, August 9, 2010 at 5:30 p.m. in the Spartanburg County Council Chambers of the Spartanburg County Administrative Office Building, 366 North Church Street, Spartanburg, SC. The following members were present or absent as indicated:

Senator Glenn Reese – Present
Senator Lee Bright – Present
Senator Shane Martin – Present
Senator Harvey Peeler – Present
Representative Harold Mitchell – Present
Representative J. Derham Cole, Jr. – Present
Representative Lanny Littlejohn – Present
Representative Mike Forrester – Present
Representative Keith Kelly – Present
Representative Rita Allison – Present
Representative Steve Parker – Present
Representative Joey Millwood – Present
Representative Mike Anthony – Absent

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 Mike Forrester.

1. APPROVAL OF PROPOSED MAY 3, 2010 MEETING MINUTES

Senator Martin moved to approve the May 3, 2010 meeting minutes as printed and mailed. The motion carried without opposition.

2. APPROVAL OF PROPOSED FEBRUARY 23, 2009 MEETING MINUTES

For all those present at the February 23, 2009 meeting, Senator Martin called for approval of the February 23, 2009 minutes. Senators Martin and Bright approved the minutes as printed and mailed. Representatives Kelly and Littlejohn abstained. Only delegation members present at the February 23 meeting voted to approve the minutes. Sen. Reese & Rep. Millwood had not arrived yet. Senator Martin explained the delay in approving the minutes.

3. MS. NICOLE CABRERA, SPARTANBURG HIGH SCHOOL STUDENT – PROPOSE A BILL TO “SAVE OUR TEACHERS”

Ms. Cabrera presented a proposal for a “Save Our Teachers” Bill to charge commercial vehicles an annual \$25 fee to raise \$7.5M to sustain teachers across the state.

There are 369,305 vehicles registered to active business customers. 54,392 are over 10,000 pounds. It takes \$20M a day to fund teachers in South Carolina.

4. REPRESENTATIVE RITA ALLISON – PRESENTATION

On behalf of the Delegation, Representative Allison presented Sebastiaan Vonk with a resolution expressing deepest thanks and gratitude to him for his compassionate perpetual service on the adoption of the Charles G. Brinkley grave sight in the Henri-Chapelle United States Military Cemetery in Henri-Chapelle, Belgium. He adopted graves of those American soldiers who gave their life to help others. He is so grateful for what the Americans did to free his country.

He not only was honored by the American Legion in Boiling Springs, but also presented a flag that was flown over the Nation’s Capital and a flag flown over the South Carolina Statehouse. He will be leaving Spartanburg to travel to Washington, D.C. to be the keynote speaker for the eightieth division of World War II veterans.

5. RELOCATION OF VOTER REGISTRATION AND ELECTION OFFICE

The Spartanburg County Delegation is required to approve the relocation of the Voter Registration and Election office. There will be no changes in precinct lines or the demographics of the voting public. A letter, which will be sent to the Department of Justice, was distributed to secure the signatures of those delegation members who approved the relocation.

6. BRENDA LEDFORD, CITIZEN – HOLLY SPRINGS FIRE DISTRICT COMMISSIONERS

Ms. Ledford is a resident of the Holly Springs Fire District and also a former 2009 applicant for the Holly Springs Fire District Board of Commissioner.

Ms. Ledford's expressed her concerns as to why she and other applicants were not chosen to serve on the Holly Springs Fire District commission.

Senator Martin explained the delegation appoints no one. The Governor appoints the people. The delegation merely nominates people to be appointed by weighted votes. Once weighted votes are prepared for a nominated individual, the paperwork is submitted to the Governor's office. The Governor and his staff sends the individual his paperwork to be filled out and returned to his office. Once the Governor's office receives the paperwork, the Governor and his staff request a background check on the individual before the individual is confirmed to serve on the board and/or commission.

Senator Bright expressed his opinion regarding the Holly Springs Fire Commission issues.

Representative Allison is working with Phil Jolley, President of the Special Purpose District (SPD) Association, to construct legislation mandating training for nominated commissioners appointed by the Governor to learn information that is required regarding FOIA laws. Senator Martin will support the legislation on the senate side to help pass the bill.

Representative Mitchell arrived late to the delegation meeting and began to question the approval of the February 23 meeting minutes. This had been covered in detail prior to Representative Mitchell's arrival and was redressed by Senator Martin (The delegation has openness and transparency, and that is why the minutes were kept, that is why the minutes were approved, and there won't be any more meetings without seven members present. But there were nominations made and they were done in an open public format. At any given time, these documents can be signed, a meeting is not required, but members are for openness and transparency and the members are going to have meetings before the signing off on anything.)

7. MARY-LU ELIAS, CITIZEN – QUESTIONS FOR THE DELEGATION REGARDING THE HOLLY SPRINGS FIRE DISTRICT BOARD OF COMMISSIONEERS

Mary-Lu Elias has been a twelve year resident of the Holly Springs Fire District of Spartanburg County. Mary Lu is not now, nor in the future, a candidate or applicant for the current opening of the fire district board of commissioners.

Ms. Elias presented her concerns as to how the Holly Springs Fire District commissioners were appointed, as well as submitting a petition requesting delegation members sign and forward on to the Governor's office for immediate termination of the Holly Springs Fire District Board of Commissioners based on South Carolina Code of Laws 1-3-240.

She, as well as other concerned citizens completed a successful drive by submitting a petition referendum for the November 2, General Election for the commissioners of the Holly Springs Fire District to be elected by popular vote of the qualified electors residing in the District.

Ms. Elias also requested the interim/new chief/firemen be permitted to work in a non hostile environment, while giving their full attention to public safety as they are willing to sacrifice their lives to protect the citizens.

Senator Martin stated that the submitted petition would be taken under consideration and put on the agenda at the next scheduled meeting.

Representative Mitchell again questioned the February 23rd meeting in regards to its legality.

Senator Martin explained there were no rules established by the Delegation in November. The delegation is not a continuing body and new rules will be established again in November.

Representative Littlejohn spoke in regards to the fracture of the delegation at that time and recommended Senator Martin see if the Governor's office can provide a solution.

Senator Martin explained that to the Governor's office, everybody has been nominated correctly. Just because one doesn't like the outcome – it doesn't change the fact.

Senator Bright responded to Representative Littlejohn. Senator Bright explained that the four delegation members met and did do the FOIA. Folks were informed of the meeting. The four delegation members had the weighted majority to make the appointments. Had the nominations been made with everybody sitting at the table, the outcome would not have changed because the four delegation members had the weighted majority on the appointments.

Representative Allison asked Ms. Elias if she had received any word back from the Governor's office regarding the things that was turned over to Governor Sanford when they met.

Response from a lady in attendance: Someone from his office contacted this lady and said they would like to see the political process carried out. She did ask them if there were any checks and balances. He said that unfortunately there weren't any in this situation.

The Holly Springs community wants their fire department to live within their budget. Senator Bright knows that the commissioners have made some mistakes and he knows that people from this state have made mistakes.

COMMITTEE REPORTS

8. REPRESENTATIVE ALLISON – SPARTANBURG CHAMBER OF COMMERCE

Representative Allison reported that the South Carolina Chamber is having a regional meeting in order to receive information to set agendas for the year. The meeting is scheduled for August 12 at the BMW Zentrum. It is a good time for Delegation members to be present to listen to various communities as to what is going on.

Locally, the economic futures group has closed on fourteen (14) projects to date for 2010. They expect this will result in some 1,000 jobs and about \$93M in new investments. The prospect level is very high for the Upstate.

The general inquiry level of the Chamber is solid with outside inquiries tracking nearly twenty per day, which means people are asking and requesting things. Visitor count is down slightly to six per day. Interestingly, the newcomer kits are way up from the past few years. This should indicate an upward bump in home sales. In October, the Chamber is bringing in executive people from Southwest Airlines to address the business community, at which time the Chamber is going to hear from Southwest about possible routes

and their business.

9. REPRESENTATIVE KELLY – COUNTY TRANSPORTATION COMMITTEE

The proposed July 15, 2010 CTC meeting minutes are included in the binder under tab 9.

10. REPRESENTATIVE FORRESTER – COUNCIL OF GOVERNMENT (COG)

Representative Forrester reported the Community Development Block Grant program fall funding opportunities are here. They have two programs: Community Enrichment which is a designed and build facility services and activities that strengthen existing communities and restore high quality of life. That program application deadline is August 20 at 5:00 p.m. Along with that is another grant program called Village Renaissance. It is a program category designed to assist in the sustainable community revitalizations. Communities might be interested in applying for the grant.

11. REPRESENTATIVE LITTLEJOHN – SPATS

The minutes of the SPATS June meeting has been included in the Delegation binders. A meeting was held this morning. There were several local projects approved to include a walking trail, signage in the Inman area, and the Cowpens Depot receiving a new facelift. Also, the SC 9 widening to Lake Bowen is on schedule. The first phase, to include about three miles, is being approved now. The project should be let soon and take about five years to complete all the way to Lake Bowen.

John Edwards was in attendance of the SPATS meeting. Mr. Edwards is the new District Highway Commissioner.

12. REPRESENTATIVE MILLWOOD – CHILDREN’S SHELTER OF THE UPSTATE

No report.

13. REPRESENTATIVE ALLISON – DEPARTMENT OF NATURAL RESOURCES

No report.

14. REPRESENTATIVE MITCHELL – PARKS AND RECREATION DEPARTMENT
A) TOWN OF WELLFORD – GRADE AND SURVEY THE WELLFORD SPORTS AND RECREATION PARK
B) CITY OF SPARTANBURG PLAY SPACE AND EQUIPMENT AT THE SOUTH CONVERSE STREET PARK

Two PARD grant applications have been received. The Town of Wellford is requesting \$20,000 to

grade and survey the Wellford Sports and Recreation Park, and the City of Spartanburg is requesting \$50,000 for play space and equipment for a park on South Converse Street. Representative Mitchell made a motion of a committee recommendation to approve \$15,000 for the Town of Wellford and \$50,000 for the City of Spartanburg. The motion was seconded by Representative Parker. The motion carried.

15. REPRESENTATIVE PARKER – POLICY AND PROCEDURES

No report at this time.

16. SENATOR MARTIN – UPSTATE CAUCUS

No new actions taken recently.

NOMINATIONS FOR APPOINTMENTS

Signatories combined weight factor must be greater than 50% for endorsement of nominated applicants.

17. ARKWRIGHT FIRE DISTRICT COMMISSION

Terms of E. R. Thomas, Philip “Greg” Turner, Charles Nichols, and Mary Lynn Melton.
Applications received: None

There were no applications received, therefore, Representative Cole moved to carry this nomination for appointment over by acclamation. The motion carried.

18. UPSTATE REGIONAL EDUCATION CENTER ADVISORY BOARD

Union County terms of Roger Bailey and Joe Walker. Cherokee County term of Steven C. Blanton, Jr. Applications received: None

Senator Peeler moved to carry this appointment over until the next meeting. The motion carried.

19. SPARTANBURG AREA MENTAL HEALTH BOARD

Spartanburg County term of George Wideman. Union County term of John Anthony (previously nominated) does not qualify to serve. Applications received: From Spartanburg County: Sarah W. Gadus; from Union County: None

Representative Cole moved to nominate Sarah Gadus. Representative Parker seconded the motion. The motion carried.

20. CHILDREN’S FOSTER CARE REVIEW BOARD

Terms of Todd Stephens and application withdrawal of Anna Jenkins, and resignation of Paul Manly from Board 7A and term of Monica Hill from Board 7C. Applications received: Sheila Seay and Lizzie Foster for Board 7A, and Monica Hill for Board 7C. Kirin Mitchell (either board).

Representative Millwood moved to nominate Monica Hill to Board 7C. Senator Reese seconded the motion. The motion carried.

Representative Allison moved to nominate Sheila Seay, Lizzie Foster and Kirin Mitchell to Board 7A. Representative Cole seconded the motion. The motion carried.

21. COUNTY TRANSPORTATION COMMITTEE

Terms of John Throckmorton (House District 37), and Hubert Boyd Waldrop (House District 38). Applications received: John Throckmorton (House District 37).

Representative Forrester moved to nominate John Throckmorton. Representative Parker seconded the motion. The motion carried.

22. FORESTRY BOARD

Term of Sanford Smith. Application received: Ryan Brent Peeler

Representative Parker moved to nominate Ryan Brent Peeler. Representative Forrester seconded the motion. The motion carried.

23. WHITNEY FIRE DISTRICT COMMISSION

Terms of William Brashears and Ron Sienkiewicz. Applications received: William Brashears and Ron Sienkiewicz.

Representative Cole moved to nominate William Brashears and Ron Sienkiewicz. Representative Littlejohn seconded the motion. The motion carried.

Representative Mitchell presented Mr. Mike Garrett a South Carolina House Resolution. Mr. Garrett is retired from Spartanburg County and was employed with the City of Spartanburg for quite some time.

The resolution was presented to congratulate Mr. Garrett, Public Works Director for Spartanburg County on the occasion of his retirement, for his many years of dedicated service, to wish him much happiness and fulfillment in his future endeavors. It is with great pleasure that the South Carolina House of Representatives honors this individual to give tirelessly and selfishly and time to the welfare of this great

state citizenry.

Whereas, Mike Garrett, Public Works Director, stands among the number of the outstanding public servant, one most admired for his valuable contributions to the improvement of Spartanburg County infrastructure quality of life.

Whereas, incorporation for his life work, Mr. Garrett graduated from the University of Kentucky with a Masters degree in civil engineering, University of Rhode Island with a Masters degree in environmental engineering and since December of 2003 became Public Works Director of Spartanburg County. He has been responsible for the administration of the Roads and Bridges, Solid Waste, and the engineering division. His leadership, fiscal management, and infrastructural improvements enable the County to raise satisfactory service levels to customers and citizens in a very efficient manner.

24. OLD BUSINESS

Senator Peeler announced the Cherokee County Delegation sent a letter on May 25 to the Governor nominating Mr. Gregory Tate to serve as the Cherokee County representative on the Spartanburg County Commission for Technical and Community Education.

25. NEW BUSINESS

Mr. Derrick McGee announced that DNR would be renovating Lake Edwin Johnson at the Croft State Park. This lake is leased from Croft to DNR. Sampling uncovered a reproducing population of blue back herring which is an undesirable competitive species. DNR has seen systemic growth and the only way to correct and balance is to drain, fill and restock. That renovation process will quiet the lake. It will actually be closed starting in the fall. There are biological concerns about the timing of the draining, cleaning and the restocking. DNR will look to stock with blue gill and later some fish in the fall, and follow up with large mouth bass in the Spring and reopen Lake Johnson in the Spring of 2012. DNR will use Lake Craig, located down stream until Lake Johnson is complete.

A resignation from Clarence Gibbs, Holly Springs Fire Department, has been received, effectively immediately. He has been appointed by County Council to serve on the Board of Assessment Appeals.

A resignation has also been received from Stephanie Cox from the Whitney Fire District Commission, effective August 31, 2010.

Both of these resignations will be considered at the November 8, 2010 delegation meeting.

Senator Martin also serves on the Greenville Delegation. A couple of things came up concerning the Renewable Water Resources Commission and some of their procurement methods used. They are violating state code. This is something the delegation may have to take up next year. One thing that was pointed out is that Spartanburg County is represented by this Commission board, but there is no Spartanburg representative. The bill was amended in 2009 to include Laurens and Anderson County. Senator Martin has Senator Peeler's staff to draft a bill which will put one more Greenville commissioner and one Spartanburg commissioner, which will be nominated here for appointment to give Spartanburg citizens a voice that is served by this Commission.

Senate Bill 1051, Dwight Loftis, who is a representative from Greenville, made a bill that covers the coastal zone advisory committee and it needs to be completed by the 4th Congressional District Senators and Representatives.

The 7th Judicial Circuit seat for the State Board of Education, which rotates between Spartanburg and Cherokee Counties, will be on the November delegation meeting agenda.

As all know, Representative Kelly will not be joining the delegation in the fall. It has been an honor and pleasure for him to serve the House District 35 citizens.

Senator Bright thanked Representative Millwood for serving in House District 38 during the past several years.

Representative Mitchell announced there is a legislative breakfast scheduled for 7:30 a.m. Tuesday, August 10 at 325 S. Church Street. He would appreciate delegation attendance, if possible.

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

Shane Martin, Chairman

Attested: Carol Crowe