



MINUTES
Spartanburg County
Legislative Delegation
Monday, November 8, 2010
5:30 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, November 8, 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. Senator Shane Martin presided. The following members were present or absent as indicated:

Senator Glenn Reese – Present
Senator Lee Bright – Present
Senator Shane Martin – Present
Senator Harvey Peeler – Absent
Representative Harold Mitchell – Absent
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 – 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 Senator Glenn Reese.

SWEARING-IN CEREMONY

Judge Derham Cole administered the Oath of Office to the Spartanburg County House Delegation members.

1. APPROVAL OF PROPOSED AUGUST 9, 2010 MEETING MINUTES

Senator Reese moved to approve the August 9, 2010 meeting minutes as printed and mailed. Representative Allison seconded the motion. The motion carried.

1B. The Rules committee met to discuss a logical change of the Policy and Procedures with regard to the election of a Chairman and Vice Chairman. A unanimous decision of the committee was made to change the current policy to the following:

Effective February 14, 2011, a new Chairperson and Vice Chairperson of the Spartanburg County Legislative Delegation shall be elected for two (2) year terms which are co-terminus with the General Assembly Legislative Session on a rotating basis between the Senators and House members.

All members present voted unanimously for the change.

Senator Martin called for a motion to adopt the Rules as amended. Representative Parker moved to adopt the Rules. Representative Cole seconded the motion. The motion carried.

2. MR. ROBERT JOHNSON, CHESNEE CITY COUNCIL MEMBER, REQUEST TO NAME A PORTION OF ALABAMA AVENUE IN CHESNEE IN HONOR OF MR. CLIFF EDWARDS

On behalf of Chesnee City Council, Mr. Robert Johnson proposes that a section on Alabama Avenue from Manning Street to Greenwood Street in the City of Chesnee be named in honor of Mr. Cliff Edwards. Mr. Edwards was mayor of Chesnee for thirty-eight years. During Mr. Edwards's tenure, he was instrumental for numerous improvements to the City of Chesnee.

3. MS. MICHELLE DHUNJISHAH, INTERIM DIRECTOR, STATE FOSTER CARE REVIEW BOARD – FOSTER CARE ANNUAL REPORT

Ms. Dhunjishah is the interim director and general counsel for the Children's Foster Care Review Board. In 2009, local review boards from across the state donated over 16,000 hours back to the Child Welfare system. They conducted 8,900 plus reviews of children in foster care, and participated in service projects all across the state giving back more to the Department of Social Services of children who are in Foster Care.

Specifically, Review Board 7A, 7B, and 7C in the Judicial Circuit have done school supply drives collecting tons of school supplies for the children. They host holiday appreciation breakfasts for DSS workers, a positive reinforcement, morale boosting effort, which is hard to do during tough economic times, supplementing the system all out of their own pockets. They are planning a Heart Gallery reception at Spartanburg County Library for February.

The Heart Gallery is a progressive adoptive recruitment campaign for adoptive children.

In 2009, children spent an average of three years in Foster Care. DSS finalized a record number of 536 adoptions.

Of the children reviewed in 2009, 976 are legally free for adoption. Thirty-six percent of the 976 have been in Foster Care for an average of five years.

4. DR. ELIZABETH YORK – RE-INTRODUCE THE MUSIC THERAPY PRACTICE ACT

Dr. York directs the Music Therapy program at Converse College. The academic program is partnered with Spartanburg Regional Healthcare Service and SRHS Foundation. The program joins over 70 nationwide to offer undergraduate and graduate courses in Music Therapy. The curriculum has been approved by the American Music Therapy Association and accredited by the National Association of Schools of Music.

Dr. York is proud to represent the Music Therapy Association of South Carolina. She represents over 60 boards of Certified Music Therapists in private practice as well as those working in medical and psychiatric settings.

Dr. Ann Light coordinates the training program, supervises student training, the pediatric unit, women and children's services, and hospice home at Spartanburg Regional.

Music therapy is about 60 years old. Professionals have met all academic and clinical requirements and have passed the national board certification exam.

Professionals carry a credential called MT-BC representing Music Therapist – Board Certified. A code of ethics is abided by from standards of clinical practice, live music interventions, lyric analysis, meaningful song, and instrumental music to achieve therapeutic outcomes of people with disabilities. For example, providing emotional support for people who are served in hospice programs, and providing memory enhancements for older adults who have been diagnosed with dementia or Alzheimer disease. They are also able to enhance learning outcomes and academic skills for children with developmental language delays and enhance social skills for people with mental illness. Dr. York taught in three areas of practice for children with developmental delays, older adults, and patients who are served in medical and psychiatric facilities.

Over the last year, South Carolina Music Therapists have discussed the means to achieve state recognition in South Carolina. With the guidance of former Representative Richard Chalk from Hilton Head, the language has been agreed on for the licensure bill – It is called the Music Therapy Practice Act. Since Representative Chalk was not re-elected, the bill has been revised and is currently being readied for pre-filing. Representative Allison is the new sponsor and will be introducing the Bill in January.

The Bill does three things: 1. It defines the clinical practice to include education, credentials, and continuing education requirements in the field; 2. It establishes a state licensure board for Music Therapists; 3. It establishes criteria set by the certification board for Music Therapists and the states criteria for attaining and renewal of licensure.

Dr. York hopes that the passage of the Music Therapy Practice Act will: 1. Lead to the listing of the profession in existing health care regulations in special education, facilities for older adults, medical and psychiatric facilities along side the sister professions of occupational therapy, speech therapy and physical therapy. 2. Provide access to a funding stream including third party reimbursement, as well as Medicare and Medicaid funding. 3. Expand employment opportunities to state academic programs at Converse and an older established program at Charleston Southern University. 4. Will establish the profession in South Carolina recognizing the work that is done and educate Health Care administrators, educators, and families about the clinical practice. 5. Increase access to Music Therapy services to children and adults with disabilities throughout the State.

Dr. York strongly feels that all citizens should have access to quality Music Therapy services no matter what their circumstances. It is a feel good deal for access to services and will open the door to job opportunities to young women and men who are training in Music Therapy in South Carolina.

5. CORONER RUSTY CLEVINGER – LEGISLATION DEALING WITH VICTIMS OF CRIME AND THEIR PERSONAL PROPERTY

Coroner Clevenger explained there is one issue that needs to be dealt with on the new Evidence Protection law. Presently, the Coroners Association of South Carolina has an opinion from the Attorney General regarding decedents who are victims of violent crimes. If the decedent's last wishes are to be cremated, presently the way the Evidence Protection Act reads, the Coroner cannot issue a cremation permit as the body is considered evidence. When a forensic investigation is completed, most of the time evidence is removed from the body and preserved for trial. The way the Evidence Protection Act is laid out, it requires Coroners to deny a cremation permit. There is also a question as to whether or not a body can be entered. Coroners are waiting the Attorney General to give that opinion.

Coroner Clevenger is willing to help clean up the language to codify the law whereby an investigation can be completed, give respect to the family and the decedent of their last wishes. If the decedent's last wishes were to be cremation, then the Coroner thinks the permit should be issued. But to arbitrarily say Coroners have to preserve the body for a number of years for the trial, and then after the trial during the appeals process. Body evidence would still be subject to scrutiny by the attorneys that come along with the appeals process. Most of the time the investigation is complete on the front end. Coroner Clevenger, and other Coroners around the state are concerned they are going to have a number of cases, depending on the Attorney General ruling, that it may be the Coroners responsibility to preserve the decedents of violent crime almost indefinitely by someone coming in and say there is evidence on this particular area of the body and they need to collect such evidence. However, there is a complete investigation done by the Coroners office and by law enforcement in Spartanburg County.

6. ENDORSEMENT TO CLOSE LAKE EDWIN JOHNSON FOR RENOVATIONS AND REOPEN FOR FISHING IN THE FALL OF 2012

In the August 2010 meeting, Derrick Meggie, from the Department of Natural Resources explained that Lake Edwin Johnson had some problems and the lake was to be closed for renovations and reopen for fishing in the fall of 2012. A verbal endorsement was given; however, a weighted signature vote endorsement is required.

Senator Martin passed around a weighted vote endorsement form requesting approval from the members.

7. PETITION REGARDING THE HOLLY SPRINGS FIRE DISTRICT COMMISSION

In the August 2010 Delegation meeting, members were handed a petition by a group of concerned citizens from Holly Springs requesting the delegation sign off on a Petition to have the Governor remove the fire commissioners immediately.

Senator Martin passed around the petition for those members wishing to sign. The three members absent will be given the opportunity to sign the petition. Once all members have had an opportunity to sign the petition, it will be forwarded to the Governors office for his consideration.

COMMITTEE REPORTS

8. REPRESENTATIVE ALLISON – SPARTANBURG CHAMBER OF COMMERCE

The Spartanburg Chamber is planning their 2010 Chamber Board Advance. They will be meeting on November 18th "How Spartanburg Stays Ahead." They are busy working on job promotion.

9. SENATOR MARTIN – COUNTY TRANSPORTATION COMMITTEE

The October 21, 2010 proposed County Transportation Committee minutes have been inserted in delegation members notebooks.

10. REPRESENTATIVE FORRESTER – COUNCIL OF GOVERNMENT (COG)

In September, Earl Gohl, who is the Federal Co-Chair of the Appalachian Regional Commission (ACOG) visited the Upstate area projects where the ARC grants were administered, such as, the Cherokee and Union Campuses of Spartanburg Community College. He was impressed at what is happening in the area.

Mr. Gohl also attended the ARC Board workforce conference in Rome, Georgia. Representative Forrester reported that the State of Georgia is doing some interesting things with people who are drawing unemployment. They are actually partnering with business and industry. People can work for twenty hours a week as part of drawing a check. Part of the program trains a person on the job. The trained person receives certification of having completed a training task for that specific job. They have really done a good job of putting people back to work through the process. The company pays workers comp for that employee, provides child care as needed, as well as mileage to and from the plant.

Mr. Sonny Perdue, Governor of Georgia, serves as the Appalachian Regional Commission's states' chair.

ACOG has a new employee, David Shellhorse, who will be working with communities on community block grants development.

11. - SPATS

Representative Forrester reported a meeting was held with SPATS receiving \$2M from SCDOT for Air Quality projects. Spartanburg County is not in containment of air quality standards, which affects economic development. Major issues are yet to be overcome for Spartanburg County to be in compliance.

In addition, SPATS received \$1.5M guide share money which will make an improvement to roadways and infrastructure systems in Spartanburg County.

12. – CHILDREN'S SHELTER OF THE UPSTATE

No report

13. REPRESENTATIVE ALLISON – DEPARTMENT OF NATURAL RESOURCES

No report.

14. REPRESENTATIVE MITCHELL – PARKS AND RECREATION DEPARTMENT

No report, but there was a PARD grant submitted on November 3, which will be considered when future funding becomes available.

15. REPRESENTATIVE PARKER – POLICY AND PROCEDURES

See item 1B.

16. SENATOR MARTIN – UPSTATE CAUCUS

Representative Allison announced an upcoming Summit has been scheduled regarding the layout of a transportation plan. The Caucus will be addressing issues on how important the Port of Charleston is; and, the volume of products that come from the Upstate that are shipped through the Port of Charleston.

17. SENATOR MARTIN - COMMITTEE ASSIGNMENTS

See Exhibit I – Spartanburg County Legislative Delegation Committee Assignments

NOMINATIONS FOR APPOINTMENTS

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

18. 7TH JUDICIAL CIRCUIT TERM - STATE BOARD OF EDUCATION

Application received: Neil Willis

Representative Parker moved to nominate Mr. Neil Willis. Representative Brannon seconded the motion. The motion carried.

19. UPSTATE REGIONAL EDUCATION CENTER ADVISORY BOARD

From Spartanburg County Business and Civic Leader: Mark Koenig and Stuart Smith. Applications received from Spartanburg County: Mark Koenig and Stuart.

Senator Bright moved to nominate Mark Koenig. Representative Forrester seconded the motion. The motion carried.

Representative Cole moved to re-nominate Mr. Stuart L. Smith. Representative Tallon seconded the motion. The motion carried.

From Union County Business and Civic Leader: Roger Bailey, Beth Smith and Charles E. (Buddy)

Smith. Applications received from Union County: Charles E. Smith

Senator Martin will request signatures from the Union County Delegation members for Mr. Charles E. Smith consideration to serve on the Upstate Regional Education Center Advisory Board.

20. SPARTANBURG AREA MENTAL HEALTH BOARD

Union County term of John Anthony. Applications received: None

Representative Allison moved to carry the position over. The motion carried.

21. CHILDREN'S FOSTER CARE REVIEW BOARD

Applications withdrawn by Lizzie Foster and Sheila Seay from Board 7A. Application received: Todd Stephens for Board 7A.

Representative Allison moved to nominate Robert Todd Stephens to serve on Board 7A. Representative Parker seconded the motion. The motion carried.

22. COUNTY TRANSPORTATION COMMITTEE

Term of Hubert Boyd Waldrop (House District 38). Applications received: None

Representative Brannon moved to carry the appointment over to the February meeting. The motion carried.

23. WHITNEY FIRE DISTRICT COMMISSION

Unexpired term of Stephanie Cox. Applications received: Joe Stephens and Claude Cooper.

Representative Cole moved to nominate Joe Stephens. Representative Tallon seconded the motion. The motion carried.

24. HOLLY SPRINGS FIRE-RESCUE DISTRICT COMMISSION

Unexpired term of Clarence Gibbs. Applications received: Marvin E. Naftzger, Terry Ledford, Daniel Liflander, Jimmy Davis, and Wayne K. Malsch.

Mr. Terry Ledford has requested his application be withdrawn.

Representative Allison moved to nominate Marvin E. Naftzger. Representative Parker seconded the motion.

Senator Bright moved to carry the appointment over.

Representative Allison moved to table the motion to carry the appointment over. The motion to table the motion to carry over the appointment is a higher motion. Seven members voted to table the motion to carry over the appointment. Three members voted not to carry over the appointment.

There were no other nominations. Marvin Naftzger received 75.024% of weighted vote with Senator

Bright abstaining.

25. ROEBUCK FIRE DISTRICT COMMISSION

Term of Kelly Banks. Application received Kelly G. Banks

Senator Bright moved to nominate Kelly Banks. Representative Forrester seconded the motion. The motion carried.

26. OLD BUSINESS

There was no old business discussed.

27. NEW BUSINESS

The next Delegation meeting has been scheduled for Monday, February 14, 2011 as the Council Chambers had already been booked for all the other Mondays in February.

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

Shane Martin, Chairman

Attested: Carol Crowe