

MINUTES
Spartanburg County
Legislative Delegation
Monday, August 1, 2005
5:00 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, August 1, 2005, at 5:00 p.m. in the 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 – Absent
Senator Harvey Peeler – Present
Representative Brenda Lee – Resigned
Representative Doug Smith – Present
Representative Lanny Littlejohn – Absent
Representative Scott Talley – Present
Representative Phil Sinclair – 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 Mike Anthony.

1. APPROVAL OF MAY 2, 2005 MEETING MINUTES

Representative Bob Walker moved to approve the May 2, 2005 meeting minutes as printed. Representative Mike Anthony seconded the motion. The motion carried.

2. DON WOODWARD AND JOHN POOLE - AIR QUALITY ISSUE

On January 7 of this year, the US Environmental Protection Agency designated Spartanburg, Anderson and Greenville counties as being “unclassifiable” under a federal air standard – commonly referred to as PM_{2.5}. PM_{2.5} is an abbreviation for particulate matter that measures 2.5 microns in diameter or less. The small size is approximately 1/30th of the diameter of a human hair. Common sources of this type of matter in the environment include vehicle exhaust systems, wood burning sources which include fire places and the likes. Humans have experienced respiratory issues from vehicle exhaust, fireplaces that do not draw well, or from being too close to a camp fire. It is very important to regulate these materials because the very young and old have bronchial and other respiratory issues where that other folks have asthmatic conditions such as bronchitis that can be irritated by this matter as well.

What makes this significant to the area is that the consequences of being in this designation and in the next level of designation which is “nonattainment” have the potential of having some major consequences in Spartanburg County. They include at least three things if not four. Number one – when Spartanburg County is declared “nonattainment,” which is the next greater classification by the EPA, the ability to receive federal highway funding becomes greatly restricted and the process changes from its current methodology. Number two – businesses from out-of-state or elsewhere in the state that may be considering locating a manufacturing or manufacturing service organization in any of the three counties may think twice because of the environmental issues that it would face to establish its business. Number three – an existing manufacturing operation that desires to expand its facilities will face more strict, more stringent air permitting requirements and air permitting timetables as it makes such applications through the SC Department of Environmental Control. The fourth issue is Mr. Woodward’s own – due to the nature of the current situation, if Spartanburg is declared “nonattainment” and EPA decides we need to implement a corrective action plan for the three counties regardless of what is done, the issue cannot be corrected.

The issue centers around a monitor that is located on the property of the Greenville County Health Department. There are three monitors in the Upstate. One is located in Spartanburg County at Westview Elementary School. A second monitor is located at the intersection of Brushy Creek Road and US 29 at the Taylors Fire Department # 1, but the third monitor, located in a parking lot at the Greenville County Health Department is the issue. Our position is that the placement of the monitor at the Greenville County Health Department was done as a backup plan. EPA and DHEC were in a hurry-up mode to place the monitor and the data that the monitor records shows spikes on certain days which reads above the appropriate level. Interestingly enough, matching the data with what was going on, you will see that it was adversely affected by very cold weather, by winds

blowing in a southwesterly direction at ten miles per hour, but most notably, if you know that area around the Greenville County Health Department you know that the location of this monitor is approximately 80 meters from a large neighborhood referred to as the Hanging Serrine neighborhood in the downtown Greenville area. The Hanging Serrine neighborhood has a large number of residents who rely on wood as a primary heating source and many of them use wood to cook with. As we go back and look at the data recorded by this monitor, and examine the dates on which the readings were above the acceptable level, there is an absolute match to wood burning activity from that neighborhood.

EPA decided to go forth in this matter shortly after the designation was made. In early January, Spartanburg was faced with a 60 day time-limit in which to take any action. Unfortunately, that only action to be taken was to file legal action. To that end, the Spartanburg Development Association, the Spartanburg Area Chamber of Commerce, Greenville Chamber of Commerce, Anderson Chamber of Commerce, County of Spartanburg, County of Greenville, County of Anderson and the City of Greenville – all eight parties have all joined together as the eight petitioners in this legal action to represent the interest of the Upstate.

In addition to what the Upstate is doing through the legal system, we are being assisted with the help of Congressman Inglis, Senators DeMint, Graham, and Barrett. They and their staff are keenly aware of this matter and are trying to help resolve this issue in a manner that doesn't result in negative consequences for the three Upstate counties.

3. DR. DAIVD GOOLSBY – MERGING OF LOCAL DHEC DISTRICTS

The Department of Health and Environmental Control has gone from thirteen districts to the current eight regions. In every situation where districts were combined with adjacent districts, it was a complete unified re-combining without segregating one county or another, while maintaining the integrity of staff and the family approach that DHEC services are about.

The old Appalachia II (Union, Cherokee and Spartanburg) and III (Greenville and Pickens) districts are now combined into the new Region 2. Dr. David Goolsby serves as the Public Health Director for Region 2. The Region will maintain the recognition of two headquarters and will keep a foot in the door with the Greenville County headquarters while maintaining the headquarters here in Spartanburg.

In combining the districts, there is about \$8.5M state appropriations for operations, about \$12.5M earned funds, and about \$6.5M federal funds. DHEC employs about 600 throughout the area for various services and programs to maintain the health and well being of the public at-large. Because of policy changes at the federal level and some at the state level, DHEC faces a projected deficit of about \$2M.

Public health has been increasingly challenged with the recent under funding and fragile structures, but DHEC will do the best to enhance deficiencies and prioritize customer services.

4. DARRYL A. MAST – USC-UPSTATE

USC-Upstate has grown tremendously. The infrastructure is incredible. There is plenty of room for new buildings. It has been relayed to Darryl Mast that there is a 50% increase in the number of students in the last two years. Mr. Mast feels that a re-distribution of funds is needed since the school is rising somewhere in number to USC-Columbia and Clemson. Mr. Mast feels that a census is needed to be completed and maybe more funding for USC-Upstate as compared to the other two schools.

USC-Upstate is finding it hard to keep up with a Commission of Higher Education reporting system which causes larger staff in turn causes higher tuition, so that students have to work longer hours, and the students get lower grades, which causes more stress on the school.

Mr. Mast suggests scaling back, keep full accountability of the funding, but revisit the paperwork submitted for the money that is funded.

Mr. Mast stated that \$107M has been awarded to students at USC-Upstate in the form of LIFE scholarships. Some of the students have lost their scholarships because they made over \$5,000, but \$22,000 is poverty level. Mr. Mast has heard of students' parents dying and they have lost the LIFE and HOPE scholarship and couldn't go back to school. Students shouldn't have to stay out a whole year before returning to USC-Upstate, just maybe for one semester.

Mr. Mast suggests changing the required 3.0 grade point average to keep scholarships so that all \$107M would be used.

With the \$80M state surplus the state should consider funding more money to USC-Upstate for buildings.

5. JANET B. AGNEW – CONCERNS ABOUT THE PUBLIC SCHOOL, PUBLIC SCHOOL EDUCATORS, RETIREES FROM THE PUBLIC SCHOOLS

Janet Agnew is from Spartanburg County and was educated in Spartanburg County School District 7. Ms. Agnew taught most of her 38 years in Spartanburg County from Roebuck High School, Campobello Junior High School, Evans Junior High School, Pacolet Junior High School, and Broome High School. Ms. Agnew has seen many changes to the public schools system. Some of the changes have been good. Ms. Agnew does not fault all change – for to stop improving would be to stop learning.

There are three parts to students learning. The first part is the parents as they are the first teacher that children need. Parents must be responsible for their students learning for they teach their students listening and behavior skills. Children just don't come naturally by these skills.

Students are the second part of the equation. They are a rare breed. They mature at different levels, at different times, therefore, the idea that one size or one model just simply doesn't work. Some students are more successful at school than others because of this maturity. To give every student the opportunity to learn, the public schools of South Carolina will have to be strong – stronger than ever before.

Ms. Agnew suggests that each of the delegation members take the time to go to the public schools of today and spend three to five days teaching with children of today. Ms. Agnew doesn't

mean guest appearances, or as an honored guest speaker who comes to speak in a classroom. Ms. Agnew is talking about really teaching a class – from calling the roll, to making the lesson plans, to teaching the lesson and then during spare time at school, ask the teachers what they need to help students learn. For the teacher is the third part of the equation.

Ms. Agnew hears from teachers that schools need students who want to learn and realize that learning is a process that takes time at school, and at home, to master most subjects. Schools need parents who put an education before the need of a car to drive to school, for then the student must work to help pay for the insurance and make the payments on the car. Schools need educators and legislators who have been in the classrooms of today who experience what it is like to be a teacher today. Teachers would like to be asked what you could do to help them to do a better job in the classroom. Ms. Agnew feels that public schools in this county have come a long way and do not need to take a huge step backwards by adopting any part or any form of the “Put Parents in Charge” Bill.

As President of the South Carolina Education Association-Retired, Ms. Agnew thanked the Delegation for their efforts to keep the state insurance premiums and benefits the same as they were last year for both active and retired state employees. The members hope to be able to keep this level of coverage or improve it during the next legislative session. There are many state employees who receive a very small amount in their retirement checks and are concerned about their health insurance.

Members are concerned about the S 618 Bill that plans to invest up to 75% of retirement system money in the market. They have concerns about the low yield that money is currently making in the market, and don't exactly know how the new system will work. The one page explanation that the retirement system sent out raises more questions than it answered. Ms. Agnew suggest the delegation to take time and fix the retirement system as these decisions are huge and affect many people, (over 300,000 active and retired state employees).

Ms. Agnew received a phone call yesterday asking why substitute teacher must pay into the retirement system. In Spartanburg County, they will be taking home less than \$45.00 a day. Most of these people are certified and doing a thankless job because they love teaching and want to stay in the schools. All state retirees really need is a 3.5% COLA for this year. Retirees had to dig deep into their pockets to pay state premiums last year, and to pay for the drugs that help some of these retirees live a productive life.

6. DR. VIRGINIA ULDRICK – SC GOVERNOR’S SCHOOL FOR ARTS AND HUMANITIES

In “No Child Left Behind” the SC Governor’s School for Arts and Humanities is required to

have teachers certified, highly qualified and have their degrees in the subject they are teaching. The SC Governor's School for Arts and Humanities academic teachers are all certified, qualified and have advanced degrees. The students are one of the top three schools in the state that have the highest SAT scores. In an arts school with an academic program that is moving that fast and that well it is very accomodational to the teachers and administration.

The Arts teachers are quite different. Although they are highly qualified, they have advanced degrees, doctorates and masters. The teachers are not always certified in the arts. They are not generalists, they are specific artist who work with the students to develop their talents in particular areas: creative writing, dance, music, theatre, and visual arts.

The School remains by *Newsweek* magazine the number one school in the state with student achievement and recognition for the advancement of SAT scores.

It is highly important that the Governor's School of South Carolina, State Department of Education, and the legislator showcase this school in its natural state model.

The Governor's School is accredited by two organizations – The Arts are accredited by the accrediting Commission for College and Pre-collegiate Arts Schools in America. The school is the first in America to be accredited by the organization. The academic program is accredited by the Southern Association of Colleges and Schools.

It's exciting to know that the school has 497 students who have graduated in the five graduating classes. They have amassed \$43.6M in scholarship offers. The school started in 1981 when former Governor Dick Riley established a test summer honor's program.

The students are already successful as graduates in the metropolitan opera singers, San Francisco opera, New York City ballet, American ballet theatre, San Francisco ballet, as well as actors and singers on Broadway.

7. DAVID JONES – FIRE SERVICE TASK FORCE

Earlier this year, David Jones was asked by the Delegation Chairman, Representative Doug Smith and County Council Chairman, Jeff Horton to facilitate and organize a task force to consider the fire protection issues facing all fire services. This task force was organized in less than 30 days and held its first meeting on June 21.

The membership roster is a very balanced task force, i.e., geographically from departments and entities around the county. It is balanced in its governance structure by Fire Service Areas (FSAs), as well as Special Purpose Districts (SPDs), as are municipalities. It is balanced between the different types of roles that persons may have. Approximately half of the participants are chief officers and the other half are commission members or commission chairmen from their respective districts. The balanced roster will ensure a full perspective of the Task Force. Specifically, the Task Force has been asked to focus on three concepts throughout the fire service: accountability, efficiency and governance.

The first is accountability: How can the Task Force ensure the accountability of the chief officers? Boards and commissions? Fiscal accountability of each component of the fire service?

The second item is efficiency: How can the Task Force ensure the fiscal, management, and operational efficiency of each component of the fire service? Of each chief officer? Of each board and commission?

The third is governance: What is the most appropriate governance model to use for the various components of the county's fire service? Is any one model better than others? How should the fire service be governed?

Each member of the Task Force is committed to a set of ground rules. Two of those ground rules are very important. Number one – each are committed to leaving their “logos” at the door. Each are not representing a specific entity, but to try to improve the Fire Service as a whole to the citizens of Spartanburg County. Number two – nothing is off the table. Nothing is too controversial! Nothing is too off the wall for it to be a part of the discussions. The group may decide the topic just isn't workable and may not be a part of the recommendation that will be provided to the Delegation, but nothing is off the table.

Ground rules have been established and the participants have committed to such.

Several of the concepts that are currently being reviewed and have envisioned will be a part of the final report submitted to the Delegation in December will be governance models; – Is it feasible to have one body that oversees the provisions of the fire service in the County. Preliminary discussions thus far seems to indicate that such a body perhaps is needed that will ensure accountability and efficiency. The Task Force is trying to work through as to how to incorporate the work of the ongoing boards/commissions.

Funding Models – The Task Force is reviewing the current funding models that are used to fund the fire service. There is a wide variety of funding models for fire services throughout the county.

Perhaps there is a need for a standard uniform by-law for each of the respective boards and commissions. This relates back toward the accountability of commissioners and their respective boards.

Training for each of the appointed members takes requirements and reports. There are currently a number of requirements. The Task Force is reviewing those to see their applicability to what the Task Force is trying to do to determine if they are feasible or simply a bureaucratic tool.

The Task Force is also reviewing the county's current and existing Fire Prevention and Protection Advisory Committee. There are several members of the committee that is on the Task Force. The Task Force is reviewing its relevance as to how to incorporate their work into what may be a final set of recommendations to the Delegation and Council.

The Task Force is also reviewing commonly accepted and recognized accountable and efficient benchmarks.

The intent is to render a final report to the Delegation sometime near the end of the year.

The Task Force is meeting every other week. The nineteen members of the Task Force are committed to producing some workable and feasible recommendations at the end of this calendar year.

8. REP. BOB WAKER – PRESENTATION OF RESOLUTION

Representative Bob Walker presented Mrs. Betsy Burrell with a House Resolution remembering her husband, Dr. Timothy Burrell, who passed away suddenly on May 20. Dr. Burrell was an active optometrist not only in Spartanburg but also in Columbia. He kept Legislators apprised of the optometrist issues discussed in Columbia.

COMITTEE REPORTS

9. SENATOR GLENN REESE, DEPARTMENT OF NATURAL RESOURCES (DNR)

a) Discover Upcountry South Carolina

The DNR committee met and recommended approving the \$5,000 grant request from Discover Upcountry South Carolina to advertise in publications such as *Bassmasters* and *Field and Stream* magazines about the many outdoor opportunities available in the Upstate. All members who endorse this request were asked to sign the required endorsement form.

This request is a one-time allotment. Representative Walker suggested a letter be written to Discover Upcountry requesting where the allocation is being spent.

10. PRESENTATIVE BOB WALKER, COUNTY TRANSPORTATION COMMITTEE (CTC)

The Herald-Journal announced that the transportation federal bill has been passed in Congress and awaiting the Presidents signature. Money for widening Highway 9 from Wal-Mart to SC 292 has been included in the funding.

The Appalachian Council of Governments approved two projects for funding intersection improvements at Highway 11 at SC 9 and SC 146 at SC 417 during a five-year period covering the years 2007 through 2011.

The House Delegation set-aside project requests are due in the Delegation office by November 15.

11. PRESENTATIVE SCOTT TALLEY, PARD

a) **W. R. McKinney Park – City of Woodruff**

The PARD committee met and agreed to fund a \$20,000 request for updating

equipment at W. R. McKinney Park located in the City of Woodruff.

Delegation members endorsing the \$20,000 PARD grant request were asked to sign the required endorsement form.

12. REPRESENTATIVE PHIL SINCLAIR, SPARTANBURG COUNTY HEALTH PLANNING

No report.

13. REPRESENTATIVE DOUG SMITH, SPATS

SPATS will meet on Monday, August 8 at 10:00 a.m. in conference Room 6, Spartanburg County Administrative Office Building.

14. SENATOR JIM RITCHIE, SPARTANBURG AREA CHAMBER OF COMMERCE

No report.

15. REPRESENTATIVE BRENDA LEE, SPARTANBURG CHILDREN'S SHELTER

Representative Brenda Lee has resigned her position. Therefore, a new member will be chosen to serve on the Spartanburg Children's Shelter board.

16. REPRESENTATIVE LANNY LITTLEJOHN, COUNCIL OF GOVERNMENTS (COG)

No report.

17. REPRESENTATIVE DOUG SMITH - SPARTANBURG COUNTY ECONOMIC DEVELOPMENT CORPORATION

No report.

APPOINTMENTS

18. SPARTANBURG AREA MENTAL HEALTH BOARD

Unexpired term of Les Howard. Application received: Jack A. Evans, MD

Representative Sinclair moved to nominate Jack A. Evans by acclamation. The motion carried.

19. STARTEX-JACKSON-WELLFORD-DUNCAN WATER DISTRICT COMMISSION

Resignation of William Cox and two new seats made available by Act 209 of 2005. Applications received: Wanda L. Fowler, Alfred Shealy Boland, Roger Allen Nutt, Jim Craig, Sanford Carlton, Winston E. "Bo" Cantrell and George Floyd, Sr.

Representative Mahaffey made a motion to nominate for Mr. Cox's seat Mr. Sanford Carlton. Representative Sinclair seconded the nomination.

It was discussed to handle the "out-of-the-taxing district" seat first, therefore, Representative Mahaffey withdrew his motion.

Representative Phil Sinclair made a motion to nominate Mr. George Floyd for the *service district* seat made available by Act 209 of 2005. There were no other nominations. Representative Davenport made a motion to close the nominations and Mr. Floyd be elected by acclamation. The motion carried. Mr. George Floyd's name will be recommended to the Governor's Office for confirmation as commissioner on the SJWD Commission.

Representative Mahaffey made a motion to nominate Sanford Carlton. Representative Sinclair made a motion to nominate Roger Nutt. Representative Bob Walker made a motion to nominate Wanda Fowler. Senator Hawkins made a motion to nominate A. S. Boland and Jim Craig. A vote was taken with Wanda Fowler receiving two votes; Alfred Boland did not receive any votes; Roger Nutt received nine votes; Jim Craig received five votes; Sanford Carlton received four votes. All votes were withdrawn as there was a question as to which candidates reside within the taxing

district versus residing in the service district of SJWD. Maps declared that Mr. Jim Craig did not reside in the taxing district. Therefore, all votes were withdrawn.

A revote was taken with the remaining nominees. Wanda Fowler received two votes; Alfred Boland received one vote; Roger Nutt received eight votes; Sanford Carlton received six votes. Therefore, the two top nominees were Roger Nutt and Sanford Carlton. Their names will be recommended to the Governor for confirmation as a commissioner on the SJWD Commission.

The delegation was questioned as to which appointee would replace Mr. Cox. The delegation determined that the person with the lowest number of votes would replace Mr. Cox as his term would expire before the two new seats would expire. Therefore, Mr. Sanford Carlton would fill the unexpired term of Mr. William Cox.

20. FORESTRY BOARD

Term of Jim Sexton. Applications received: Angela J. Howe and Sanford N. Smith

Representative Phil Sinclair moved to nominate Sanford Smith. Representative Davenport moved to close the nomination and Mr. Sanford Smith be elected by acclamation. The motion carried.

21. DRAYTON AREA FIRE DISTRICT COMMISSION

Term of A. Leon Tennyson. Application received: A Leon Tennyson

Representative Smith moved to accept Mr. Tennyson's application by acclamation. The motion carried.

22. STARTEX AREA FIRE DISTRICT COMMISSION

Terms of William C. Ezell and Charles Wayne Mason. Applications received: Charles Wayne Mason and William C. Ezell.

Representative Smith moved to accept Mr. Ezell and Mr. Mason's applications by acclamation. The motion carried.

23. SPARTANBURG COUNTY COMMISSION FOR TECHNICAL

EDUCATION

Terms of William Dewell Gwinn, at-large seat, District 1; James Folk, at-large seat, District 6. Applications received: James M. Folk, William D. Gwinn, and Mary Ann Washington Deka.

Representative Walker made a motion to nominate Mr. Dewell Gwinn for the District 1 at-large seat. Representative Davenport seconded the motion. The motion carried.

Representative Talley made a motion to nominate Mr. James Folk for the District 6 at-large seat. Senator Reese made a motion to nominate Ms. Deke for the District 6 at-large seat. A vote was taken with Mr. Folk receiving seven votes and Ms. Deke receiving two votes. Therefore, Mr. Folk's name will be submitted to the Governor's office for confirmation for the District 6 at-large seat on the Commission for Technical Education.

24. FIRST STEPS

Terms of Kay Phillips, Sue G. Schneider, and Elizabeth F. McInnis. Applications received: Sue G. Schneider and Kay Phillips.

Representative Smith made a motion to re-appoint Ms. Phillips and Ms. Schneider by acclamation. The motion carried.

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

Doug Smith, Delegation Chairman

Attested:
Carol Crowe