



MINUTES

Spartanburg County Legislative Delegation Meeting
Monday, August 2, 2021
5:30 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, August 2, 2021 at 5:30 p.m. in County Council chambers of the Spartanburg County Administrative Office Building, located at 366 North Church Street, Spartanburg, SC. Chairman Shane Martin presided. The following members were present or absent as indicated:

Senator Tom Corbin – Absent
Senator Josh Kimbrell – Present
Senator Scott Talley – Absent
Senator Shane Martin – Present
Senator Harvey Peeler – Present
Representative Rosalyn Henderson-Myers - Present
Representative Max Hyde, Jr. – Present
Representative Travis Moore – Present
Representative Roger A. Nutt – Absent
Representative William Chumley – Present
Representative Rita Allison – Present
Representative Steven Long – Present
Representative Josiah Magnuson – Present

In compliance with the Freedom of Information Act, notice of this meeting was mailed/emailed in advance to the local news media and other interested parties.

Chairman Shane Martin called the meeting to order.

Invocation was given by Representative Moore
Pledge of Allegiance was given by Representative Magnuson

At this time Chairman Martin recognized the judicial candidates and any other elected officials and visitors that were present at the meeting.

1. Approval of the May 3, 2021 meeting minutes

Motion was made by Senator Kimbrell to approve the May 3, 2021 minutes as written. Second was made by Representative Magnuson. Minutes were approved.

NOMINATIONS FOR APPOINTMENTS

2. Spartanburg County Commission for Higher Education

Term(s) of: John Bernard Travers (deceased) Cherokee County
Application(s) Received: Henry (Hank) Levi Jolly, Jr.

Motion was made by Senator Peeler to nominate Henry (Hank) Levi Jolly, Jr. and move the nominations be closed and he be elected by acclamation. No objections. Motion carried.

3. Spartanburg County Commission for Technical & Community Education

Term(s) of: Katherine L. O'Neill (at Large-District 6)

Application(s) Received: None

Motion made by Representative Allison to carry over. No objections. Motion carried.

4. County Transportation Committee (CTC)

Term(s) of: Margaret "Rosalind" Brown – House District 31

Application(s) Received: Rubye K. Calhoun

Motion was made by Representative Henderson-Myers to nominate Rubye K. Calhoun and move for the nominations to be closed and she be elected by acclamation. No objections. Motion carried.

5. Spartanburg Voter Registration and Elections

Term(s) of: Rosemary Byerly (deceased)

Application(s) Received: James Archie Calhoun; Henry Laye, III

Motion was made by Senator Peeler to move to carry over and open for additional applications. Second made by Senator Kimbrell. No objections. Carried over.

6. Children's Foster Care Review Board 7A

Term(s) of: Nancy B. Dunn; Burnnie Lee Holliday, Jr.

Application(s) Received: Nancy B. Dunn; Burnnie Lee Holliday, Jr.

Motion was made by Representative Long to nominate Nancy B. Dunn and Burnnie Lee Holliday, Jr. and move for the nominations to be closed and they be elected by acclamation. No objections. Motion carried.

7. Spartanburg Area Mental Health

Term(s) of: Janet Dawkins

Application(s) Received: None

Motion was made by Representative Allison to carry over. No objections. Carried over.

7. Drayton Fire District

Term(s) of: Steve Emory

Application(s) Received: Steve Emory

Motion was made by Representative Hyde to nominate Steve Lewis Emory. Second was made by Senator Kimbrell. No objections. Motion carried.

8. Startex Fire District

Term(s) of: Richard T. Gray; Charles Wayne Mason

Application(s) Received: Michael Barry Davis; Dennis Ray Johnson

Motion was made by Representative Allison to nominate Michael Barry Davis and Dennis Ray Johnson and move the nominations be closed and they be elected by acclamation. No objections. Motion carried.

9. Whitney Area Fire District

Term(s) of: James Forbis (deceased); Andrew Roy Wolfe (resigned)

Application(s) Received: Mason Heyward Cantey

Motion was made by Representative Hyde to nominate Mason Heyward Cantey and move the nominations be closed and he be elected by acclamation. No objections. Motion carried.

COMMITTEE REPORTS

9. Representative Hyde – Spartanburg Chamber of Commerce

Representative Hyde acknowledge the presents of Allen Smith. One Spartanburg Inc. just named 2021 United States Chamber of the Year. That is a magnificent achievement and a team effort. The executive board of One Spartanburg would like to thank the Legislative Delegation for one of the most pro-business, pro-economic development sessions ever. The bringing back the burg-business recovery taskforce recently closed it books in June because it was so successful. It met 18 of the 19 recovery based benchmarks. Historic levels of investments and new job creations. 1.2 Billion dollars in new investments and 3, 098 new jobs this year from January 1 through June 30. U.S. News and World Report has named Spartanburg as the best place to live in South Carolina and number 24 in the nation. The One Spartanburg team has been very busy indeed, as they have moved into their newly renovated facility today. We would like to tip our hats to One Spartanburg.

Before going on to next item on Agenda, Delegation Chairman Martin wanted to inform that Representative Nutt had to be out of town and he wanted to give everybody his best. Chairman Martin also got a proxy and email from Senator Talley. Senator Talley is our only Senator from the Upstate who is on the Senate Judiciary Committee Senate Re-districting Subcommittee and they, Spartanburg, Greenville, Abbeville, and Greenwood, there are 6 or 7 counties are meeting in Greenville tonight and he cannot be here. Senator Corbin is going to be at that meeting as well. That is reason they are not here.

10. Senator Talley – Chapman Cultural Center

Chairman Martin skipped report for Chapman Cultural Center since Senator Talley is in Greenville for the Senate re-districting subcommittee meeting tonight.

11. Representative Long – Council of Government (COG)

No report.

12. Representative Henderson-Myers – SPATS

We have a number of projects from the SPATS committee, SC85, I-585, Hearon Circle Improvements. We done the preliminary engineering and it is anticipated to begin in Spring 2022. Then, we also have a few other projects. SC 9 at Shoally Creek Rd., 4th St. construction anticipated Fall 2023, Lyman traffic triangle improvements US 29 at Pine Ridge Rd., SC 358 Holly Springs Rd. at Pine Ridge Rd., and SC129 at SC 358 Holly Springs Rd., US 29, SC 292 and we are schedule for Spring 2022 letting and construction will begin in 2022. Country Club Rd. construction plans are complete. We anticipate construction early 2022 and SC 290 at I-85 diverging diamond interchange construction to begin early 2022.

Projects in construction. SC 85 Bridges over Howard St. and SC 85 North Bound over Lawson Fork Creek and work began June 8, 2021 and anticipate completion summer 2023.

13. Representative Chumley– Department of Natural Resources (DNR)

No report.

14. Senator Peeler- PARD Grant

No report.

15. Representative Allison- Spartanburg County Transportation Committee (CTC)

CTC Quarterly Report as of June 30, 2021:

Total Unobligated Funds as of June 30, 2021:

\$1,680,069.11

(These funds can be applied to new projects)

| | |
|----------------------------------------|-------------------------------------------------------------|
| Funds Available after FY21 Liabilities | \$1,180,069.11 |
| Gas Tax for FY 2020 –\$4,680,300 | \$780,050.00 (estimated amount to receive for May and June) |
| Donor County Funds | - |
| Total Estimated Revenue | \$ 780,050.00 |

Representative Allison wants to point out that the total unobligated funds for CTC as of June 30, 2021 was \$1.6 million dollars and at that time we had received our gas tax through April of 2021. Currently the Spartanburg CTC is scheduled to receive \$2.4 million dollars for the first 6 months of fiscal year 2022. We have not received the donor bonuses nor do we know how much that is going to be at this time. We also did not receive a project from the DOT for the second half of our fiscal year 2022.

A lot of people have asked about the unobligated funds, the current fiscal year 2022 we will have the following liabilities, \$300,000.00 for Administration of the Program, \$500,000.00+ for Delegation set-aside, \$500,000.00 fund balance the CTC aims to keep in case of emergencies or unexpected project opportunities, \$1.7 million dollars restricted to state roads, \$2.3 million dollars scheduled for county paving projects, \$475,000.00 for City of Spartanburg paving projects and \$318,000.00 for Municipal paving projects. All of this total to \$6.1 million dollars in liabilities. Therefore, the CTC is currently saving money in order to cover those noted obligations that we will have in fiscal year 2022.

There are also projects going in Spartanburg with Hwy. 14 East, N. Blackstock Rd. and Robinson Rd. near BMW. Also, \$275,000.00 for Municipal projects, Westmoreland Rd. in Greer, East Church St., Savannah St. and alot of streets that are in Municipal and out through the county.

New Project Approved for this quarter:

No new projects.

New Business

Should receive Donor County Funds around August or September.

The Advisory Committee Meeting is Thursday, August 5, 2021 @ 3:00 p.m.

The next CTC meeting is Thursday, October 21, 2021 @ 5:30 p.m.

SPEAKERS

16. Kenneth R. “John” Bishop, Elected Commissioner with Mayo Fire Department, “Let the voters decide on state appointed or elected”.

Kenneth R. “John” Bishop, Elected Commissioner with Mayo Fire Department, made a presentation on making changes to key appointed positions to elected positions with term limits in several departments such as the Department of Insurance, S.C. Department of Consumer Affairs, S.C. Department of Transportation, SLED, DHEC, Department of Social Services and S.C. Department of Natural Resources. He recommended and outlined position tasks for Directors and/or Administrators, and that projects with an estimated cost of one million dollars or more should have a written two-person majority signature approval. Having appointed positions rather than elected positions has taken the power away from the South Carolina citizens to empower their state. South Carolina citizens should have and deserve to have more say in the governing of our great state.

17. Kirsty Schenkel, Citizen of Spartanburg County, COVID and the Public School System.

Kirsty Schenkel, Citizen of Spartanburg County, made a presentation of her concerns over COVID 19, specifically mask and shot mandates. She informed that as of July 21 the Drug and Food Administration has yet to classify the COVID 19 treatment as a vaccine. Ms. Schenkel states her understanding that schools currently cannot force students to wear mask due to a budget prevised passed by the Legislature. I commend the Legislators for supporting individual atomy and request this support continue. Ms. Schenkel spoke about Governor Mc Masters proposed opt out form to support parents that do not want their students wearing mask while in school settings, Molly Spearman Superintendent of Education recorded endorsing peer pressure campaign, and President Biden's COVID shot mandates for Federal employees. In addition, MUSC recently fired employees that had not received COVID shot and I want to commend the Legislator's letter to MUSC in support of the terminated personnel. School personnel are adults and have the right to choose what they put in their body and parents are the primary educator of their children and is up to them if they want their children to receive a shot. Governor McMaster has recently indicated that South Carolinian's decision to receive a shot is personal and not mandated by the government. My Hope is that the Legislators will continue to support Governor McMaster and keep the wearing of masks by children and the shot optional. South Carolina currently has a teacher shortage, mandating that the teachers receive the shot will not help with recruitment and with retention.

18. Michael Behnke, Citizen of Spartanburg County, Fee In Lieu Of Taxes (FILOT).

Michael Behnke, Citizen of Spartanburg County, made a presentation on Fee In Lieu of Taxes, FILOT relating to county property taxes. Mr. Behnke states that County Council informed him that the requirements to receive a FILOT, lowering the 10.5% manufacturing tax rate and the 6% retail/commercial tax rate are all set by state law. The state and county unfairly allowing a business that invests a set amount of money and/or creates a prospective certain number of jobs get a tax break over a small or existing business that wishes to build or expand. Small industries started in Spartanburg County have never received a tax break or any other dispensation from the government. Every business that is encouraged to move in with FIOT is a flight risk. Some high crime cities, Boston, Seattle, and San Diego highly taxed, highly regulated are collapsing and have driven businesses and citizens out. Just 10 years ago there were at least 4 dairy farms in Spartanburg County. Today there is just one dairy farm being crowded out with industries, housing developments and apartment complexes. The Legislature has done its job by improving and expanding the port and crating the inland port. We have highways and railroads for industries to move their raw materials and finished goods. No more special tax incentives to attract businesses and new residents. The State and Counties cannot properly manage and maintain the roads we have now. Mr. Behnke stated there has been a rapidly developing topic that he feels a need to address. The State passed a law to address part of this and Governor McMaster addressed it yesterday on national T.V. Please do not let South Carolina allow vaccine passports, mandatory vaccines or more lockdowns and mask mandates. We need you all to work side by side with the Governor as our bulwark against our intrusive Federal Government.

19. Louis Nespeca, CRC Metal Recycling, Conditions of the Roads in Spartanburg County.

Louis Nespeca, CRC Metal Recycling, made a presentation concerning conditions of the roads in Spartanburg County. Mr. Nespeca states the gas tax has raised so far 2.4 billion dollars, we are currently getting 17 cents a gallon, which that takes 2.4 billion people, if you use the 2018 figures and add on the growth to years it is about 3.7 billion dollars and 60 % of our roads according SCDOT are subpar. Do we know why our roads are subpar? I will tell you two reasons why our roads are subpar, the standards are inadequate for the number of people moving in or we are not forcing our contractors to make the roads to the standards. It has been five years for collecting the gas tax and now it is going to take 2022, 2023, and 2024 to implement a plan. That is horrible. We passed the gas tax to fix the roads to pave them not give 2.4 billion dollars to throw a coal patch. On my own street the residents are getting together to fix the road because we have no faith in the county. Mr. Nespeca compared and stated the difference between Tennessee who has similar thermal-cycle to South Carolina. They do not have a personal property tax, state tax and they do not have Hugh Leatherman. He states concern about building of expressway 73 from Charlotte down to Myrtle Beach and assumes it will be real close to Florence, the monies to come in from

offshore gambling on the boats, and monies used to building interstate 73 while our roads are not fixed. What has South Carolina been doing with the 17 cents? Wait long enough that the current roads will degrade to a point that the 2.4 billion will not be adequate and in two years, next year it will go up to 12 cents and in 2023 the State of South Carolina is going to come to the tax payers again and say that 12 cents is not enough. It will be for all eternity that we will pay the 12 cents. I do not mind paying the 12 cents. I just wish you would fix the roads.

Chairman Martin recognized Senator Kimbrell. Senator Kimbrell states this problem has been decades in the making. Reality, 30 years of neglect happened and the roads were not properly paved. Senator Kimbrell informed on the process and time of repaving roads, safety, properly bonded and insured contractors, the traffic shoot on I-85, COVID, SCDOT monies, not enough contractors to meet the criteria, road priority, infrastructure problems, gas tax, and SCDOT reform. Spartanburg County fairs a lot better now than it did three years ago and a lot more road projects than ten years ago. This Delegation has worked to make sure Spartanburg is getting help, whether it is I-85, Hwy. 9, 176, 292 or 221 we've done more now than in a decade in Spartanburg. We have the fourth highest number of roads in all states of the United States and the twenty-third largest population. I understand the frustration. It is being addressed and it is going to take a while. It is a serious problem, more needs to be done and things are being done.

Louis Nespeca asked in what major function in South Carolina are going to take place now? I would like to know that there is some consideration of why some 60% of our roads are in subpar. What is being done to address that, so that 2.4 billion dollars does not go into a dead hole. Good money chasing bad. Do we know? What's being done? I hear you say that there is reforms in the SCDOT, do we know what they are? You are my representatives.

Chairman Martin recognized Representative Allison. Representative Allison states that we did have reform in SCDOT. Number one, we have a new director a new commission. They actually took legislators out from under and when you speak of our colleagues that have had pressure before, you spoke of Leatherman and the perception out there. Whether it is a reality or perception that he got everything that he wanted. That was one reason the restructuring came about and was the fact that legislators were taken out of appointing commissioners, to take not only reality and perception out of that doing. Representative Allison states that in 2021 there was a total of \$3.9 million went into paving, \$200 thousand approved for safety and drainage purposes, \$440 thousand for the City of Spartanburg alone for paving projects, \$687 thousand for SCDOT paving projects of Hwy. 14 East and N. Blackstock Road, \$300 thousand for re-paving of Robinson Road. All of those took place in 2021. Along with \$275 thousand for Municipal projects, which are roads within municipalities like Westmoreland Road in Greer, \$2.2 million for county projects, Sloan Road, Shiloh Church Road, and Leonard Road. A \$134 thousand, all that is what came to Spartanburg.

Chairman Martin recognized Senator Peeler. Senator Peeler states he would like to invite our Highway Commissioner to speak before the Delegation to respond to these concerns and questions. Chairman Martin agrees and is going to extend official request for Highway Commissioner to be at the November meeting.

20. Old Business

None.

21. New Business

Delegation Chairman Martin proposed A Resolution in Support of Spartanburg County Council's Consolidation of Croft and Roebuck Fire Districts.

Motion made by Rep. Long to approve the suggested resolution. Second made by Senator Kimbrell.

Chairman Martin ask if there is any discussions, he recognized Representative Magnuson. Rep Magnuson wants to clarify this is not binding on anybody and does not effects any other fire department. It only effects the two mentioned. Chairman Martin states that is correct. This is just showing we are blessing it and approval of what they are doing to try to save money and get better fire protection. Any other questions or discussions. None.

Motion carried.

Chairman Martin states that the Delegation rules do not allow for any proxies. The one thing that came up with the redistricting hearing that is in Greenville tonight is, that is an official Senate Committee meeting. I am going to ask tonight that our Rules Committee to come back to this Delegation with a rule that allows for proxies only in the event that there is an official House or Senate committee or meeting of that body that interferes with our Delegation. Now, if it were a meeting of the House and Senate, I would cancel the Delegation meeting. But, if a committee pops up and it causes one or two of our members to be gone then I am asking Rules committee to come back with a way that does not present a slippery slope whereas you look and there are five people and seven proxies. Nobody wants that when you come to a meeting. I want to challenge our Rules Committee to come back at our next meeting and that will be something presented by our Rules Committee and be discussed. If we like the policy we will adopt it and if not we will go back to the drawing board. I wanted to present that and ask that the Rules committee to meet sometime in the upcoming weeks.

21. Adjourn

Hearing no other business, several motions to adjourn. Delegation Chairman Martin announced we stand adjourned until our next meeting in November.

Shane Martin, Chairman

Attested: Debbie S. Culbreth

Date

Date