

**Minutes  
Town Council Meeting  
February 15, 2005  
PROSPERITY, SC 29127  
7:00 pm**

Council Attendance: Councilmen Larry Spotts; Derek Underwood; Allen Gallman; G.W. Dawkins

General Attendance: Andrea Cantrell, Town Administrator; Hank Bufkin, Town Attorney; Janet Chastain, Clerk/Treasurer; Fred Sexton, Public Works Director; Sabrina Manning; Andy Ackerman; Laverne Payton; Herbert Payton; and Casey McCarty

Councilman Gallman stated that Mayor Connelly would not be present tonight because of a death in his family. Councilman Gallman called the meeting to order. Councilman Underwood opened the meeting with prayer.

**APPROVAL OF MINUTES:**

Councilman Gallman presented the minutes of the January 18, 2005 council meeting to Council for approval.

**A MOTION** by Councilman Underwood to approve the minutes of January 18, 2005; Seconded by Councilman Dawkins and so approved unanimously.

**OPEN SESSION**

Councilman Gallman welcomed the public to the Town meeting. He stated that the meeting is held the third Tuesday of each month at 7:00 p.m. and everyone is welcome to attend.

Councilman Gallman asked if anyone would like to speak. Ms. Chastain stated that no one signed up to speak to Council.

**REPORT OF COMMITTEES:**

**Electrical, Fire Department, & Parade:** Councilman Underwood stated that he had no report for the electrical department.

Councilman Underwood stated that Fire Chief Bowers had asked him to look into a letter sent to the Town requesting testing of the current Town Hall for lead and asbestos. He stated that Ms. Cantrell is still reviewing this. Councilman Underwood stated that another issue that needs to be reviewed is if the Utility's building is protected under any

Town Council Meeting  
February 15, 2005

historical guidelines. Ms. Cantrell stated that the Town has a historical survey that can be reviewed. Councilman Underwood questioned if this is by the County or done by the Town. Ms. Cantrell stated that if it is on the National Register then it is Federally protected. She also stated that she did not think that this building was on the National Register. Mr. Ackerman stated that it is not on the National Register but it is on the survey that the Town had done in 1973. Ms. Cantrell stated that another survey has been done since then and it is listed but all buildings that would qualify are listed but this does not mean that they are on the National Register. She stated that just being listed does not mean that it is protected. Councilman Underwood stated that Mr. Ackerman was just concerned because it was listed and wanted to check into this before going forward.

**Sanitation and Street:** Councilman Dawkins stated that the road by the ballpark Shiloh Street had washed out and he contacted the County and they will fix this. He stated that they have already started working.

Councilman Dawkins stated that he would like to have another study done on the sidewalks down Main Street. Councilman Gallman questioned if he was referencing South Main (to Miller Street Apartments). Councilman Dawkins stated that he would like to see if any other grants were available. He stated that he would like to see the Town contact George Harvey Caldwell in regards to donating or selling some land. Councilman Gallman agreed that the traffic is getting worse and he is concerned that someone walking may get hurt. Councilman Dawkins stated that the bids received in that past were higher for the work to be done on the right side because a lot more will have to be done on that side. Mr. Bufkin questioned if there is enough room between the fence and the road. Councilman Dawkins stated that the fence would probably need to be moved. He stated that even with moving the fence on the left (west side) there would still be more cost to the right hand side. He went on to discuss that some citizens were against it, but most citizens in that area would like to see the sidewalks installed.

**Building, Recreation and Parks:** Councilman Gallman stated that he had not report on buildings.

Councilman Gallman stated that the Town is off to a good start with Spring Sports. Ms. Manning stated that the programs in the Town that are administered by volunteers in the Dixie Youth, which play on the front field at the railroad tracks, are taking registrations on Saturday. Another program administered by volunteers is the Dixie Boys, which play on the back field at the railroad tracks. Their registration is complete and they held evaluations on Saturday and have expanded to four teams. Regarding the programs administered by the Town, the skills clinics held February 5<sup>th</sup> and 12<sup>th</sup> were a huge success. Registration is in progress now for Soccer ages four to twelve, Dixie Softball for girls ages eight to fifteen, T-ball for ages four and five and Coaches Pitch for ages six to eight. The deadline for registration is February 17<sup>th</sup>. All forms affiliated with the Town administered programs are available on the Town website or by contacting the Town Hall. The Town, with the help of the High School Softball team, will be hosting a softball camp for girls age five to fourteen on March 12<sup>th</sup>. Councilman Gallman stated

Town Council Meeting  
February 15, 2005

that if anyone wishes to donate the Town property for additional recreational facilities please contact Town Hall.

**Police Department:** Councilman Gallman stated that Chief Sease is not present tonight. Ms. Cantrell stated that she would speak in his absence. She stated that Chief Sease apologized for not being present tonight and wanted to let Council know that he had filled the full-time position in the Police Department with Craig Nelson. Chief Sease hoped that he would be able to swear in Mr. Nelson at the next Council meeting. Councilman Gallman questioned where Mr. Nelson was from. Ms. Cantrell stated the he was from Pomaria and is a former Sheriff's Deputy.

**Water and Sewer Department:** Councilman Spotts stated there was one meter box leak on Forest Hills. A valve had to be replaced on Shealy Drive. A new water and sewer tap was installed on Brookside Drive.

Councilman Spotts questioned if Mr. Bufkin had pursued billing for the line torn up behind Jewel Garner's house. Mr. Bufkin stated that he had not done this yet. He would look into it and report back. Councilman Spotts stated that he wanted this on the agenda for next month.

**Town Administrator:** Ms. Cantrell stated that she had no report at this time.

**Town Attorney:** Mr. Bufkin stated that he is working with Ms. Cantrell to put together a chronology of all the annexations of the Town. He stated that they have been working through the archives. There seem to be some gaps in the dates, but we will continue to work through this. For historical purposes it will be good to have this listing and see how the Town came to be over the years. This listing will be made available to Council when it is completed.

**Old School Renovations:** Councilman Gallman stated that Mayor Connelly is not present tonight to report. Ms. Cantrell stated that she would like to report that she put a copy of the competitive sealed proposal process in each Council member's box. This is the process in which the Town will receive bids from contractors on this project. Basically, the way the ordinance reads now is by sealed bids but Ms. Cantrell recommended changing this to sealed proposals. This will give the Town more room to negotiate with contractors. Ms. Cantrell stated that she would need Council's approval to go outside the scope of the ordinance. Mr. Bufkin clarified that bids would be a defined scope of work stating exactly what is wanted but a proposal will be a layout of work showing the easiest way using new material to get the Town to their goal. A proposal will not just be price but a layout of work to be done. Councilman Spotts questioned if there would be a bottom line price and not a flexible amount. Mr. Bufkin stated that there would be a proposal for a specification and then a dollar to go with it. What it allows the Town to do is not be locked into a specific proposal for renovations that the Town had from six years ago. It also allows who is bidding the project to make recommended updated changes that will save the Town some money. By doing it this way we do not have a specific scope of work. The Town will be allowing the contractor

Town Council Meeting  
February 15, 2005

to make a proposal on how these renovations can be done smarter not necessarily cheaper. Councilman Spotts stated that he wanted to see a firm bottom line figure. Councilman Dawkins stated that the contractors would present the Town with recommendations. Mr. Bufkin stated that it would be called a bid if they were bidding on a specific scope of work but we are allowing the contractors to give recommendations on the specifications and then present a firm dollar amount. Councilman Gallman asked Ms. Cantrell if she would like a vote on this. Ms. Cantrell stated that Council can either vote now or under "New Business" but it does need to be voted on tonight.

**A MOTION** by Councilman Dawkins to make an exception to the ordinance and allow sealed proposals to be presented for the renovations to the Town Center; Seconded by Councilman Underwood and so approved unanimously.

### **NEW BUSINESS**

**Duke Power Amendment No. 2 to Settlement Agreement:** Ms. Cantrell stated that each member of Council should have received a copy of the Duke Power amendment. Basically what this does is extend the Schedule 10A contract through 2008. Councilman Spotts clarified that this is the contract with the ten cities. Ms. Cantrell stated that it was. Mr. Bufkin pointed out the page where the cities are listed.

**A MOTION** by Councilman Underwood to extend the contract to 2008; Seconded by Councilman Dawkins and so approved unanimously.

### **OLD BUSINESS**

**Health Insurance Premium for Retired Employee:** Councilman Underwood stated that during the last meeting Ms. Payton came to Council and discussed the price for health insurance that she was verbally quoted. He stated that Mayor Connelly had asked him to look into this and report back. The amount that she said was verbally quoted was \$383.00 and the price that she is paying is \$643.09 per month, with the difference being \$260.09. He stated that the agreement has been reached that the Town will pay half of this difference, which is \$130.05. The Town will pay this amount from January 2005 to December 2005. Ms. Payton questioned if this includes the \$50.00 per month that the Town already pays towards this premium. Councilman Underwood stated that the \$130.05 would be in addition to the \$50.00. Ms. Chastain questioned what would happen at the end of this twelve month period. Councilman Underwood stated that at that time the Town will go back to paying \$50.00 per month toward this premium.

**A MOTION** by Councilman Underwood for the Town to pay an additional \$130.05 towards the health premium for the Paytons; Seconded by Councilman Spotts and so approved unanimously.

Ms. Payton stated that she would like to thank Council. She also stated that she was not trying to cause trouble and cause anyone to lose their job.

Town Council Meeting  
February 15, 2005

Councilman Underwood stated that for future situations he would like to request that Ms. Cantrell develop a policy for the Town to bring someone in from the State Retirement or State Insurance to come in and advise employees. This will take the burden off of the Town in regards to quoting these premiums.

**Business License – Fuel Cost Increase:** Ms. Cantrell stated that this was taken as information last month. The remainder of the business licenses were sent out last week. She stated that a decision needs to be made regarding Bowers BP so that we can send out their business license as soon as possible. Councilman Underwood stated that what he had received from the Municipal Attorney, Mr. Crow, was if the Town makes an exception in this one case it would be a violation of equal protection. This could be potential for a lawsuit against the Town for giving preferential treatment to one business. He also stated that he understands Mr. Bowers's situation but at the same time Council can not put the Town at risk of a lawsuit. He asked for Mr. Bufkin's opinion. Mr. Bufkin stated that his suggestion was that the Town treat everyone in the same class equally. Councilman Gallman questioned if a vote would be needed on this. Ms. Cantrell stated if the decision is to keep the rate the same then no vote is needed.

#### **EXECUTIVE SESSION**

Councilman Gallman stated that the Executive Session would be omitted because Mayor Connelly is not present.

Councilman Gallman asked if anyone else wished to speak. Mr. Ackerman stated that the Fire Department project will involve a lot of highs and lows but he extended his appreciation to the Town for their support. Councilman Gallman agreed that this will be a slow process but the Town will continue to support them.

**A MOTION** by Councilman Dawkins to adjourn the Council Meeting at 7:28 p.m.; Seconded by Councilman Underwood and so approved unanimously.

---

Janet Chastain  
Clerk/Treasurer