

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

Council Attendance: Mayor Bruce Connelly, Councilmen Larry Spotts; Derek Underwood; Allen Gallman; G.W. Dawkins

General Attendance: Andrea Cantrell, Town Administrator; Janet Chastain, Clerk/Treasurer; Fred Sexton, Public Works Director; Sabrina Manning, Recreation Director; Mark Bowers; Daniel Hare; Boyd Bedenbaugh; Ruby Lester and Paul Gable, Newberry Observer

Mayor Connelly called the meeting to order. Councilman Gallman opened the meeting with prayer.

APPROVAL OF MINUTES:

Mayor Connelly presented the minutes of the February 15, 2005 council meeting to Council for approval. Councilman Underwood stated that on page four under "Health Insurance Premium for Retired Employee" it should read January 2004. Councilman Underwood then asked that Council disregard this statement, the minutes read correctly by saying January 2005.

A MOTION by Councilman Dawkins to approve the minutes of February 15, 2005; Seconded by Councilman Gallman and so approved unanimously.

WELCOME NOTE – MAYOR CONNELLY:

Mayor Connelly welcomed to the meeting and thanked everyone in attendance. He also thanked Councilman Gallman for filling in last month. He thanked him for his guidance.

OPEN SESSION:

Mayor Connelly stated that no one has signed up to speak tonight.

REPORT OF COMMITTEES:

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

Councilman Underwood stated that during the last Council meeting he had presented a letter from Fire Chief Bowers requesting a study be performed regarding lead and

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asbestos in the current Town Hall building. He stated that he had spoken with Ms. Cantrell and she had stated that someone had come in and looked at the building. He then questioned when the results of this study would be available. Ms. Cantrell stated that they did come by and inspect the building to determine how many samples would have to be taken. They were supposed to return last Friday and take the samples but did not show up. She stated that the contact has been made to determine when this could be rescheduled. Ms. Cantrell stated that it is all in the process of being done.

Councilman Spotts questioned the budget under Councilman Underwood's committees. He stated that this budget went into the red this past month. He stated that on the line item titled "Special Contract Duke Power" the total for this month was \$79439.00 and during the last two months it was only \$4200.00 and \$34000.00. He questioned what caused this jump in costs. Ms. Chastain asked to respond to this. Council told her to proceed. Ms. Chastain stated that Mr. Richardson, that is performing the Town Audit, has changed the way that invoices are being entered and this caused two bills to show up in one month. She stated that next month there will be no charges in this line item. Ms. Cantrell stated that this past month was when Mr. Richardson asked Ms. Chastain to make the change and it made it reflect two bills in one month. In the past the money was applied to the budget when the check was issued but Mr. Richardson has asked that Ms. Chastain reflect on the system the month the bill is actually for. Ms. Chastain had already paid the Duke Power bill for February and then received the next bill that was actually for usage in February. Mr. Richardson asked that the bill be entered to properly reflect the correct month of usage. Councilman Underwood questioned why Mr. Richardson had asked for this change. Ms. Cantrell stated that the money is technically encumbered out of that account when we receive the bill not when the check is cut. Some bills have a thirty-day time period between when the bill is received and when the check is cut but the money is actually spent the day the bill is received. Councilman Dawkins stated that there would be no charge for next month in this line item. Ms. Cantrell stated that according to how Ms. Chastain had explained the procedure that there should be no charge next month. Mayor Connelly asked that Councilman Underwood continue to monitor this. Ms. Chastain stated that this change was also made for the utility bills on the wells. Councilman Spotts stated that he had noticed this also.

Sanitation and Street: Councilman Dawkins stated that he had no report at this time.

Mayor Connelly stated that there have been some problem with the streets being remarked after being repaved. There was an accident as a result of this. Mayor Connelly stated that he was not sure whose responsibility this is but we need to be sure this is corrected.

Building, Recreation and Parks: Councilman Gallman stated he had spoken with the owner of the new Chinese Restaurant and the building is looking great. He stated that they would be opening in about three weeks. The owner had requested that Council come by and eat one night once he is open. Councilman Dawkins stated that he had also been by and they seem to really be working hard.

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Councilman Gallman stated that the recreation season is going well but we still need more land. He stated that the Town has run out of space for the programs that are taking place.

Councilman Gallman thanked Mr. Sexton for filling up some holes at the field and there are a few more in need of repair. The Langford Street field is also in need of some repairs. He asked that Mr. Sexton look into the wash out areas beside the bleachers.

Councilman Gallman stated that Mr. Leon Kibler wants to enlarge his business. He stated that he is about to get this worked out. Councilman Gallman also questioned if maybe the Town could get some gravel put between Mr. Mayer's Café building and the Epting building. Mayor Connelly stated that he felt this was a good suggestion but the Town does not own this property. Councilman Gallman stated that he had spoken with Mr. Epting and he had stated that he would pay half of the costs if Mr. Mayer would pay for the other half of the costs. Mayor Connelly stated that the Town could not be responsible for these improvements because this is not Town property. He also stated that he would like to see Councilman Gallman continue to follow up on this and encourage the property owners to move forward with some improvements.

Councilman Gallman questioned where Council stands with installing some basketball goals. Mayor Connelly stated that there is still a question as to where to put the goals. Councilman Gallman stated that he and Councilman Underwood had looked at some possible areas on Langford Street. Councilman Gallman questioned Mr. Hare regarding funds for this. Mr. Hare stated that he had not said that he had funds for this. He also stated that someone present at a previous Council meeting had stated that they might have funds but he was not part of this. Councilman Gallman stated that they would continue to pursue this. Mr. Hare questioned what where the intentions of Council in regards to upgrading the ballpark on Langford Street to include swings, sandboxes and other items for the younger children. Councilman Gallman stated that there are no funds at this time. Mayor Connelly stated that the Town is probably due for some PARD funds. Ms. Cantrell stated that we are finishing up a PARD Grant now and it will be another three years before the Town will be eligible for funds again. Mr. Hare also questioned when the utility poles at Langford Street Ballpark would be moved. Mayor Connelly stated that they would be moved soon.

Police Department: Ms. Cantrell stated that Chief Sease is at a class this week and will not be present tonight. She stated that Chief Sease had requested that we move forward tonight with swearing in the new officer on staff, Craig Nelson. Craig Nelson introduced himself to Council and stated his background. He stated that he now lives in Pomaria and has plans to move to Prosperity. Mayor Connelly proceeded to swear in Officer Nelson. Officer Nelson read the Policeman's Oath.

Water and Sewer Department: Councilman Spotts stated that on February 18th there was a six-inch water main break on Forest Hills. On February 19th a transformer burned up and cut the power off on lift station # 4. The generator started up but would not put out enough power to run the lift station and Brigman Septic Tank had to come in and

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pump off eight loads of sewer out of the lift station. On February 22nd a two-inch valve broke on Wye Street. On March 2nd there was a sewer stoppage on Eureka Street. On March 4th Mr. Sexton got the generator back in service on lift station # 4. There was one water tap and one sewer tap installed this month. On March 14th the float went out on lift station # 2 and Mr. Sexton had to stay and get it fixed.

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

Town Attorney: Mr. Bufkin was not present.

Old School Renovations: Mayor Connelly stated that on March 30th we would be analyzing the bids. He also stated that the Civic Center Committee is still working on funds. Mr. Hare questioned if there will be a library in the new Town Center. Mayor Connelly stated that there are no plans for that at this time. He stated that the Town had hoped to get some funds from One-Cent Sales Tax but this was not approved.

NEW BUSINESS

Naomi Mayers – Water Bill: Mayor Connelly stated that Ms. Mayers has asked that Council review her water bill. He stated that he had spoken with Ms. Mayers and she has some figures from her water bill that she does not agree with. He stated that he had explained to her the process in which the meters are read each month. If there is a question about the meter working properly it can be sent off and checked. If the meter is defective the Town will pay to have the problem corrected. Mayor Connelly stated that Ms. Mayers did not think the meter was in error and he agreed with this. She requested that Council review the policy on this. Mayor Connelly questioned if Mr. Sexton felt the meter needed to be check. Mr. Sexton stated that he did not. Mayor Connelly stated that this has happened once in the past. Ms. Mayers stated that she had put all her comments to Council in writing and she had nothing further to say. Mayor Connelly explained that the Town is not responsible for any errors that occur past the meter. Beyond the meter is the responsibility of the resident. Councilman Gallman questioned if she had checked for leaks. Ms. Mayers stated that she has no leaks. Ms. Mayers stated that if you look at the daily readings that she takes from her meter, if there was a leak it would show. Mayor Connelly made a suggestion to Ms. Mayers that she get someone to professionally come in and monitor her lines. The Town does not get involved in this type of monitoring unless Council would like to vote otherwise. Ms. Mayers stated that she did not request for the Town to monitor anything beyond the meter. She stated that in her memo to Council she is requesting an adjustment for the reading on February 22nd. Councilman Underwood stated that if the meter were faulty there would be inaccurate readings throughout the month not just on that particular day. Ms. Mayers stated that she could not answer this. She stated that she reads her meter daily and on this day she knew this reading was not correct. She also stated that she immediately checked her lines for leaks and there were none. Councilman Gallman questioned again what would have caused this unusual reading for this particular day. Mayor Connelly stated that something had to use this water but he can not explain what. Council agreed that if the meter were faulty

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there would be incorrect readings throughout the month. Councilman Gallman suggested that Council takes this as information and Council agreed.

Town Hall Funding Authorization: Mayor Connelly stated that Council had discussed during the work session earlier tonight how to proceed with authorization for funding for the new Town Center. Councilman Spotts questioned if Council is talking about giving authorization to get bids from the banks or proceed with the loan. Mayor Connelly stated this would include getting the bids and proceeding with the loan. Councilman Spotts stated that it was his understanding that the Town would not move forward with the loan until bids were obtained from the contractors. Ms. Cantrell stated that we would begin the process with getting the paperwork started with the bank with the lowest rate. The paperwork will have to be completed and all of the Town financial statements submitted to the bank and in order to get pre-qualified. By doing this, when the Council decides on a contractor and an amount, the Town will be ready to move forward. Councilman Spotts clarified again that there would be no money borrowed at this time. Ms. Cantrell stated that this is correct because Council will have to decide on a monetary figure to borrow.

A MOTION by Councilman Underwood to move forward with applying for the loan for the Town Center funding; Seconded by Councilman Gallman. No vote was taken at this time.

Councilman Gallman questioned which bank the Town would be using. Ms. Cantrell stated this had not been decided. She also stated that she also needs approval from Council to go with the bank with the lowest rate. Councilman Underwood amended his motion as follows.

A MOTION by Councilman Underwood to move forward with applying for the loan for the Town Center funding with the bank offering the lowest rate at comparable terms; Seconded by Councilman Gallman and so approved unanimously.

Public Works Office Location: Mayor Connelly stated that this was also discussed during the work session earlier in the night. The Langford Street location was discussed as a potential sight for the Public Works Office. Mayor Connelly stated that Council also discussed including these costs as part of the loan. Councilman Underwood stated that it was his understanding that there would need to be bids obtained for this also. He stated that his earlier motion should cover this. Mayor Connelly stated that this would have to be voted on also. Ms. Cantrell stated that Council needs to approve the advertising of the project and the location. Mayor Connelly suggested that Councilman Underwood amend his earlier motion to include this project. Councilman Underwood agreed to amend his motion as follows.

A MOTION by Councilman Underwood to move forward with applying for the loan for the Town Center funding and Public Works Office funding with the bank offering the lowest rate at comparable terms; Seconded by Councilman Gallman and so approved unanimously.

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Mayor Connelly stated that now Council needs to approve a location. Councilman Gallman stated that he felt it should be put on Langford Street.

A MOTION by Councilman Gallman to construct the new Public Works building on Langford Street; Seconded by Councilman Dawkins and so approved unanimously.

Electric Upgrade to Conifer Drive: Mayor Connelly stated that the upgrade would be going from single-phase to three-phase power from NAPA Parts to Conifer Drive. Mr. Sexton stated that it is already three-phase. He stated that it is already #4 aluminum, we need upgrade to 2/0. Mayor Connelly stated that this has been discussed with Council and it was suggested that Council pass an Ordinance for future situations of this nature that may occur. Councilman Underwood clarified that it would be a blanket Ordinance to cover situations that may come up in the future. Councilman Gallman stated that Mr. Bufkin had given Council an outline to go by. Councilman Underwood stated that Mr. Bufkin had suggested that the blanket ordinance read “if the Town has to enhance or add new services the Town should charge an impact fee”. He also stated that Mr. Bufkin had suggested that some terminology be included for new industries that might benefit the community, for example with jobs. Ms. Cantrell stated that the terminology would be, impact fees will be subject to negotiation when it is determined if there is a Town benefit.

A MOTION by Councilman Underwood to create an Ordinance for enhancing or adding new services whereas the Town would charge an impact fee which is subject to negotiation if it is determined that there is a Town benefit; Second by Councilman Gallman and so approved unanimously.

Ms. Cantrell stated that Council still needs to vote on the electrical upgrade. Mayor Connelly stated that the Town already has a policy in place for this. Ms. Cantrell stated that this project is over the limit so Council will need to approve it.

Mayor Connelly stated that the two companies that presented bids were Lee Electrical and Felder’s Construction. Mayor Connelly asked Mr. Sexton if there was any reason why Council should not take the lowest bid. Mr. Sexton stated no, the company with the lowest bid has worked for the Town before and performed well. Councilman Spotts questioned the availability of this company starting. Mr. Sexton stated that Lee Electrical could start immediately.

A MOTION by Councilman Dawkins to approve moving forward with the lowest bid from Lee Electrical for the electrical upgrade to Conifer Drive; Seconded by Councilman Gallman and so approved unanimously.

Patterson Sewer Refund: Ms. Chastain stated that Amy Patterson had questioned being charged sewer since September 2002. She stated that Ms. Patterson is not on the Town sewer line and Mr. Sexton has investigated the situation and come to the conclusion that she can not be on the Town sewer line because of her location. Ms. Chastain stated that Ms. Patterson has requested a refund for the sewer charged to her from September 2002 to the present time, which totals \$649.43. Ms. Chastain stated that she told Ms. Patterson

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that any situation in which a credit is issued on a utility account normally goes toward future utility bills. Councilman Underwood stated that he had also spoken with Ms. Patterson and told her that if she moves out of Town before using the credit the balance would be refunded to her. Ms. Chastain stated that the current balance on Ms. Patterson's account is \$462.07.

A MOTION by Councilman Underwood to credit Ms. Patterson's utility account \$649.43; Seconded by Councilman Dawkins and so approved unanimously.

Connelly Circle Waterline Repairs: Not discussed.

Councilman Gallman stated that Bradley Gallman is renting Mayer's Café. He questioned if he has a business license. Ms. Cantrell stated that he does. Councilman Gallman stated that he would like to get Council's approval to run a taxi service from this location along with the retail business. He questioned if it would have to be rezoned for this use. Ms. Cantrell stated that this property in question is not zoned for a taxi service. She also stated that she did not think there was enough property with this particular parcel to rezone it for a taxi service. She stated that the parcel would have to be at least two acres to be zoned differently than the surrounding parcels. An amendment would have to be made to the Zoning Ordinance to allow this use. Mayor Connelly asked for suggestions from Council. Councilman Underwood suggested that this is looked into before making a decision in order to see what the ramifications would be by allowing this use. Ms. Cantrell pointed out that once the amendment is made it would apply to every parcel that has that particular zoning. Mayor Connelly suggested that this be taken as information tonight to allow Council to look into all options before making a decision.

A MOTION by Councilman Dawkins to adjourn the Council Meeting at 7:42 p.m.; Seconded by Councilman Gallman and so approved unanimously.

Janet Chastain
Clerk/Treasurer