

Minutes
Town Council Meeting
April 19, 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; Hank Bufkin, Town Attorney; Sabrina Manning, Recreation Director; Mark Bowers; Andy Ackerman; Daniel Hare; Arthur Guy; Herbert Payton; Veronica Swittenburg; and Theresa Rikard

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

APPROVAL OF MINUTES:

Mayor Connelly presented the minutes of the March 15, 2005 council meeting to Council for approval.

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

Mayor Connelly presented the minutes of the special called meeting on April 12, 2005 to Council for approval. Councilman Spotts stated that something was left out of the minutes. He said that he stated during the meeting that he thought it was a conflict of interest for Weathers Construction Company to submit a bid because Ms. Cantrell's husband is a superintendent with them. He stated that he had asked Mr. Bufkin to check with the Ethics Commission on this. He stated that he wanted this recorded in the minutes. Mr. Bufkin stated that if this was left out it was just an oversight.

A MOTION by Councilman Dawkins to approve the minutes of April 12, 2005 with the correction; Seconded by Councilman Underwood and so approved unanimously.

Mayor Connelly asked that Mr. Bufkin report to Council on the findings from the Ethics Commissions. Mr. Bufkin stated that he was asked by members of Council to get an official opinion from the Ethics Commission regarding whether the bid by Weathers Construction Company should be disqualified because one of there superintendents is the spouse of a Town employee, specifically Ms. Cantrell. He stated that initially he had asked that Ms. Cantrell be removed from the evaluation process of the proposals. He stated that he was asked by Councilman Spotts to get an official reading from the Ethics

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Commission. Mr. Bufkin stated that he submitted the request to the Ethics Commission and received the information back today around 4:30 p.m. He reviewed his letter to the Ethics Commission with Council. The formal written opinion from the Ethics Commission states that Weathers Construction Company should not be disqualified. It also stated that Ms. Cantrell had taken all necessary measures to remove herself from any dealings with the proposals. Councilman Spotts stated that all he wanted was an official report and this satisfies that request.

WELCOME NOTE – MAYOR CONNELLY:

Mayor Connelly welcomed everyone to the meeting and thanked all in attendance for coming tonight.

OPEN SESSION:

Mayor Connelly stated that Daniel Hare had signed up to speak tonight. Mr. Hare questioned Council on the three-minute time limit that he had to speak. He stated that he had issues that would take longer than three minutes to explain. He also stated that he had requested to be on the agenda tonight. Mayor Connelly stated that you must be a citizen of the Town to automatically be placed on the agenda and to his knowledge Mr. Hare was not a citizen of Prosperity. Mr. Hare clarified that he was not a citizen of Prosperity but he did live in the surrounding area. Mr. Hare questioned Councilman Gallman on a statement he had made at previous meeting that he would not leave the citizens hanging regarding putting basketball goals up. Councilman Gallman stated that his intention by this comment was that he was trying to get basketball for the children in Prosperity. He also stated that when the Town Center renovations are complete then there would be facilities for basketball. Mayor Connelly stated that Council has a schedule and responsibilities that have to be addressed. He stated that by Mr. Hare coming to the Council meeting every month and requesting the same things over and over does not mean that his request will automatically be met. Mr. Hare stated that during a recent meeting Council addressed putting a building on Langford Street but no one addressed installing sidewalks. Councilman Gallman stated that when the utility building is built on Langford Street Council would address any needs that might arise from this. He suggested that Mr. Hare speak with Newberry County if he is concerned about the streets. Mayor Connelly reiterated that the Town of Prosperity does not maintain the streets. Councilman Gallman stated that the Town has made several requests regarding streets and sidewalks but received no help. He recommended that Mr. Hare go speak with County Council regarding issues on funding for recreation. Councilman Gallman stated that he felt that the Town was doing a great job in offering recreation not only to Prosperity but also to the surrounding areas. He also stated that until Prosperity receives additional funding our program would not be able to grow.

REPORT OF COMMITTEES:

Electrical, Fire Department, & Parade: Councilman Underwood stated during the last council meeting Mr. Sexton presented Council with figures for the Conifer Drive project.

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Mr. Sexton stated that Line Equipment shipped the Town underground wire instead of overhead wire. When this was corrected it brought the price down considerably. The original quote was \$17040.00 but with the exchange it was now only \$6800.00. He also pointed out that in his memo to Council it shows the remainder of the quotes regarding this project.

Councilman Underwood stated that in the expense portion of the electrical budget there are a few line items in the red. He stated that he had spoken with Mr. Sexton regarding this and he had explained that the Dollar General project and the Wightman Church project caused a few of these expenditures to run higher than expected.

Councilman Underwood stated that last month Ms. Cantrell reported that she was still waiting on the report regarding the asbestos in the current Town Hall facility. The report has come back and there was lead and asbestos in certain portions of the building. The estimated cost for removal was \$7500.00. He also stated that instead of the Fire Department and the Town using budgeted funds, others funds would be obtained for this purpose. This removal will have to be completed prior to the demolition of the building.

Councilman Underwood stated that the Rescue Squad has requested a liaison be appointed on Town Council for them. He stated that he had expressed concern to them regarding funding being cut if they become recognized as part of the Town. Representatives of the Rescue Squad are supposed to be checking into this and reporting back to Council.

Sanitation and Street: Councilman Dawkins stated that he had talked to Mr. Sexton regarding cleaning the streets and repairing some tiles on the sidewalks. He stated that some of the utility workers might work on Saturday morning to get this done within the next two weeks.

Building, Recreation and Parks: Councilman Gallman stated that there have been some issues with the lights at the backfield at the railroad track. There was an incident where a child got hit in the mouth with a ball and he said that the lights had blinded him. Councilman Gallman stated that Mr. Sexton made some adjustments to the lights and it seems to have corrected this problem. He also stated that the Town has went many years without any injuries at the ballfields and the Town will do whatever is necessary to continue this. In the future the Town would like to see these lights replaced. Mayor Connelly agreed that the lights needed to be replaced.

Councilman Gallman reported that recreation is going great. All the parks are full of children. The Town is accommodating what programs we can with hopes of expanding in the future. Councilman Gallman recognized Ms. Manning for any comments on the program. Ms. Manning stated that she had given a written report to all of Council. She stated that all programs have had opening games and there are lots of children participating. She stated that there is a great need for additional fields.

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Ms. Manning stated that that skills clinic offered by the Town during spring break was a huge success as it has been in the past.

Ms. Manning stated that the rain on the fields has made drainage a major issue this year. She thanked Ms. Sexton and his crews for helping with these problems. The Langford Street ballfield has the most drainage issues. She stated that they are working on some things that will hopefully make this easier to deal with in the future.

Ms. Manning stated that the spring soccer program is going great. These games are being played in Chapin and Irmo due to lack of field space but this seems to be working well.

Councilman Spotts asked that Ms. Manning compile a list showing how many Town of Prosperity children were participating in the Town recreation program and how many out of town children were participating. Ms. Manning stated that she would work on this.

Police Department: Chief Sease stated that Mr. Bufkin had asked Ms. Cantrell to check into the railroad crossing at Grace Street. He stated that the railroad would be taking care of this as well as the crossing at highway 391 and highway 76. Mayor Connelly questioned what repairs were being done. Chief Sease stated that the old railroad ties would be taken out and it will be smoothed off. He stated that these repairs were planned for earlier in the winter but the weather delayed the project. The railroad has stated that it will be taken care of soon. Chief Sease stated that he has offered to help with traffic while they are doing these repairs.

Mr. Bufkin stated that he had heard that the railroad may be abandoning the railway that goes through Town across Grace Street. Chief Sease stated that he had heard that they only used it for backing up. Mayor Connelly stated that to many railroad ties are in need of repair in order to really use this particular railway.

Water and Sewer Department: Councilman Spotts stated that on April 6th there was a sewer stoppage on Langford Street. Also on April 6th the work on Liftstation #3 was completed by getting new pick up pipes put on both motors.

Town Administrator: Ms. Cantrell stated that she has drafted an election schedule for the 2005 election. She presented these out to all Council members. She also stated that she had given a copy to Ms. Shirley Lester the election Chairman.

Councilman Spotts questioned when the final audit would be complete for the year of 2003/2004. Ms. Cantrell stated that she had spoken with Mr. Richardson and he had the final audit completed but they were not bound yet. He had told her that it would be soon. Councilman Spotts questioned if a letter should be written to the main office. He expressed his concern regarding the delay in getting this audit. Ms. Cantrell agreed and stated that the Town is working on a budget for the next fiscal year and these figures are needed to refer to during this budgeting process. Councilman Spotts stated that he felt that the contract was up with the current auditing firm and we should be looking for another auditing firm. Ms. Cantrell stated that she had spoken with Ms. Chastain about

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looking at the current contract dates to see when the Town could move forward with putting it out for bid. Councilman Spotts stated that the ordinances state that the contract is for four years. Mayor Connelly stated that the Municipal Association recommends four-year contracts. He also stated that in the past the Town has not changed auditors very frequently. Mr. Bufkin stated that basically when you get a new auditor you get a fresh audit. He stated that our current auditor has done a good job in the past other than this delay in getting the Town our final audit copies.

Ms. Cantrell stated that Ms. Chastain wanted to address Council. Ms. Chastain stated that she had submitted a letter of resignation to all Council members. She wanted to extend a thank you for allowing her to work with everyone. She stated that everyone at the Town had been wonderful and the Town has some great assets. The employees here are loyal to Council and to the Town and this should be recognized.

Ms. Chastain stated that she is very upset that the final audit has not been given to the Town yet. She stated that she wanted a chance to view it and make corrections if needed before leaving but it does not seem that this will be the case.

Ms. Chastain again stated how much she had enjoyed working for the Town and invited anyone visiting Alabama to come see her.

Councilman Spotts stated that Ms. Chastain would be missed. Mayor Connelly and Council thanked her for her hard work and stated that they enjoyed working with her.

Town Attorney: Mr. Bufkin stated that he had no report at this time.

Old School Renovations: Mayor Connelly stated that most everyone is aware of everything taking place at the present. Council will address issues regarding the Town Center later tonight. He stated that it was approved by Council to move forward with Town Center renovations. Discussion followed regarding several problems with the current Town Hall facility. Mayor Connelly stated that he hoped to see us moving to a new facility soon.

A MOTION by Councilman Underwood to go into Executive Session to discuss personal issues; Seconded by Councilman Gallman and so approved unanimously.

A MOTION by Councilman Gallman to come out of Executive Session; Seconded by Councilman Underwood and so approved unanimously.

NEW BUSINESS

Award of Town Center Contract: Mayor Connelly stated that previously the Council voted unanimously to give the Fire Department the current Town Hall facility. Council then later voted unanimously to move forward with the Town Center renovations. In order to do this Ms. Cantrell was asked to submit applications for bids on the Civic Center and the Town Center. He stated that fifteen people were at the pre-proposal

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meeting but only two returned bids. Both of the companies that submitted bids are very well qualified. He stated that one issue that has been addressed was one of the companies having an employee that was a direct relation to the Town Manager. The other company submitting a bid was W.E. Baker & Son. Mayor Connelly stated that the Town appointed a committee which consisted of Hank Bufkin, Councilman Underwood, Ms. Cantrell (which recluses herself from it because of her husband being an employee of Weathers Construction), Mr. Rodney Epting (representative of the Civic Center Committee) and a member of the planning commission. Ms. Cantrell and Mr. Bufkin corrected the Mayor in stating that it was not a member of the planning commission he was a Technical Advisor. Mayor Connelly thanked this committee for their hard work. He stated that this was a very capable committee that evaluated the bids and reported back to Council.

The committee judged the two proposals based on several factors and made recommendations to the Council based on this. Twenty percent of judgement criteria was based on pricing, ten percent was details of the report, five percent completion of both projects together. Mr. Bufkin stated that in the bid proposal that was sent out there was a bid evaluation sheet that was part of the proposal which informed the contractors how the bids would be evaluated. He stated that it was twenty percent for the Town Hall pricing and twenty percent based on proposed solutions and how they might advise us about saving money from the general plan that we have. Then there was a likewise evaluation for the Civic Center, with twenty percent based on price and twenty percent based on design proposal and reductions of costs. This totals eighty percent and the last twenty percent was based on how the projects would be executed together, which was broken down into ten percent for company experience, five percent for the schedule of work and five percent based on the ability to administer both projects together. Mayor Connelly stated that based on this evaluation the committee made a recommendation to Council.

Mr. Bufkin stated that the proposals were went through in detail using an evaluation sheet that used the previously mentioned criteria. He stated that he then took the evaluation sheets and summarized the process and highlighted good and bad points in each of the bids. These were meant to be helpful tools to Town Council in making a decision. This was the bid evaluation process that was presented in the bid proposals that would be followed. Last week at the special called meeting the two contractors who made proposals were invited in to make presentations to Town Council to highlight the strengths in there proposals. Mayor Connelly stated that at last weeks meeting these presentations were made and it was asked by Council that they be given a week to review this information. Also at the special called meeting Councilman Spotts requested that the Town get an opinion from the Ethics Commission.

Mr. Bufkin stated that the bids were submitted at the end of March and then the evaluation session took place. He stated that he was to take this information and compile a report to be given to Council. He stated that it was the day before the special called meeting before he got this information to Council. During the special called meeting one of the issues brought up was that short period of time that they had been given to review the information. The request for an delay in voting was based on the evaluation of the ethics question and the extra week to review the bids and evaluation from the committee.

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Mayor Connelly stated that both of these issues have now been taken care of now that Council has had a week to review the information and the opinion was obtained from the Ethics Commission.

A MOTION by Councilman Gallman to award the contract for the Town Center to Weathers based on the report from the committee; Seconded by Councilman Underwood.

Mayor Connelly asked for questions on the motion. Councilman Spotts stated that he would not vote for this because W.E. Bakers proposal on the Town Center was \$435,000.00 with Weathers proposal being \$448,936.00. He stated that he thought W.E. Baker should get the job because they had the lowest bid. Mayor Connelly stated that the request for bid included the Town Center and the Civic Center. Councilman Spotts stated that on the Civic Center W.E. Bakers bid came in at \$486,000.00 and Weathers bid came in at \$482,000.00, however W.E. Baker would still be the overall lowest bid. Mr. Bufkin stated that the reason that the Town asked for proposals was because the Town wanted the contractors to be able to use their expertise in giving the Town advice. He stated that Councilman Spotts is correct in that there is a differentiation between the two bids but their work specifications are not the same. The evaluation included the price factor as well as other criteria listed in the proposals. Mayor Connelly stated that the Town's ordinances stated that all these things are taken into consideration when judging these contractors. He stated that pricing was a factor but also considered was completion date and detail of the proposal. When making a decision all these things should be considered not just price. Mr. Bufkin stated that Council should be voting on who can give the most for the price of the proposal. He stated that it is an overall evaluation not just based on price. Councilman Underwood stated that both proposals were over by around \$180,000.00 on the Civic Center but Weathers presented phases in which the work could be done. They broke it into three phases, the gymnasium, the banquet center and the auditorium. He stated that there is a set amount of money that can be spent on the Civic Center area. Mayor Connelly stated that both contractors gave alternate opportunities. He also reminded Council that this is the time to voice an opinion not after the vote is taken. Councilman Underwood stated that during the meeting he drilled everyone about line items that he had questions on. He stated that he feels very comfortable with the second that he gave on this vote for Weathers. Mayor Connelly asked for further questions. There were no questions.

Mayor Connelly asked for a vote. The carried with four in favor and Councilman Spotts opposed.

Award of the Town Utility Complex Contract: Mayor Connelly asked Mr. Bufkin to speak regarding this. Mr. Bufkin stated that a notice was put in the paper regarding bids for the Utility Complex. He stated that during the planning process for the new Town Center it became evident that the Utility Department would be left at the current Town Hall location. By doing this it would be in the way of the Fire Departments plans for this building. The decision was made to also move the Utility Department. Mr. Bufkin stated that several locations were discussed but it was decided that Langford Street would be the

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best location for this use. The proposal was put together and this project was put out for bid.

The Town only received one bid in for this project. Several contractors saw the notice in the paper requesting bids but only one contractor submitted a bid. In order to submit a bid the contractor had to do an onsite review and submit a bid by the deadline. Weathers Construction was the only contractor that met this criteria and submitted a bid for this project.

Mayor Connelly questioned if there is anything in the Town ordinances stating that we have to receive more than one bid. Mr. Bufkin stated no, that there is nothing in the ordinances that states that the Town has to receive more than one bid. He also stated that the award criteria would be if the Town Council did not think that the only bidder was responsive or if they had reason to believe that the bid was out of line. He stated that the procurement procedures of the Town were followed and it is not within the Council's authority to demand more bidders.

Councilman Spotts questioned why the request for bids on the Utility Complex was not advertised like the Town Center was. He stated that Mr. Baker of W.E. Baker & Sons told him last Tuesday that the Town Center project was on the internet but the Utility Complex project was only in the paper. Mr. Bufkin stated that he could not answer this. Councilman Spotts stated that Mr. Baker told him that he wanted to bid on the Utility Complex also but he did not see it in time. Mr. Bufkin stated that it was his understanding that Mr. Baker found out about the Utility Complex from another contractor and he could not meet all the deadlines to submit the bid. Councilman Spotts stated that both the bids should have been advertised the same way. Mr. Bufkin referred this to Ms. Cantrell. Ms. Cantrell stated that the larger project was advertised on SCBO (South Carolina Business Opportunities), which is a State procurement magazine. She stated that typically when the Town has advertised for bids in the past, like the picnic shelter and concession stand, they are put in the local paper. The Town procurement code states that the project has to be advertised in local circulation.

Councilman Dawkins stated that last Tuesday Mr. Sexton was questionable about the material that was proposed for the utility department shed. He stated that Mr. Sexton thought metal would be just as cheap as wood. Councilman Underwood stated that Mr. Sexton questioned the difference between an all-steel building instead of a pole building. Ms. Cantrell stated that if Council chooses a contractor then they could negotiate on items such as materials, which could lower the costs. Councilman Dawkins stated that he thought this should be considered because if the metal were about the same price it would definitely last longer. Mayor Connelly stated that metal is in big demand right now. He stated that he had spoken with a representative that deals with metal and he said that the metal would be much higher.

Councilman Underwood questioned Mr. Sexton on the quotes he had gotten in the past for an equipment shed. He questioned if he had asked for quotes on a building or just the equipment shed. Mr. Sexton stated that he had only pursued quotes for the equipment

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shed. Councilman Underwood stated that it is hard because there is nothing to compare this quote to. Councilman Dawkins stated that the most expensive part of the bid is the building not the shed. Mayor Connelly stated that Council has the right to rebid this project but if any bids are received the costs could increase. Mr. Bufkin stated that he felt that the reason that this project was put in the paper was to try and encourage local bidders. He stated that this meets the criteria of the Town's procurement policy. Councilman Underwood pointed out that if Council chooses to rebid this project then this will also hold up the Fire Department. Councilman Gallman stated that he felt like Council should move forward. He also stated that others had a chance to bid but chose not to do so. He stated that he could see no reason for Council to hold up this project or hold up the Fire Department. Councilman Underwood stated that he did have doubts in voting with just one bid to choose from but he did feel like the Town should not hold up the Fire Department. He also stated that if it is rebid the prices could increase. Mayor Connelly stated that each week the interest rates for the loan are increasing also. He stated that each week that it is delayed is costing the taxpayers money. Mr. Bufkin stated that the decision is whether or not the bid should be awarded to sole contractor. He stated that to the best of his knowledge during his review the criteria of the Town procurement regulations and ordinances were followed in requesting the bids. Councilman Underwood stated that the contractor with the bid, Weathers Construction, was also flexible about cost saving measures. The quote was a top price that could be scaled down at Council's discretion.

A MOTION by Councilman Dawkins to award the contract for the Utility Complex project to Weathers Construction; Seconded by Councilman Gallman.

Councilman Spotts stated that he would not vote to spend this much money with only one bid received.

The vote carried with four in favor and Councilman Spotts opposed.

Appointment of Clerk/Treasurer: Mayor Connelly stated that Council is aware that Ms. Chastain is leaving. He stated that Council has the opportunity to utilize the services of a former Clerk/Treasurer of the Town, Missy Grubbs. He stated that the proposal has been made to her and based on what Council decides, she has agreed to take the position under the terms offered to her. Councilman Spotts stated that he did not feel it should be a thirty-hour per week job. He stated that he was concerned regarding the Utility Clerk being left in the office by herself. Councilman Underwood stated that he wanted a six-month review of the position.

A MOTION by Councilman Underwood to offer the Clerk/Treasurer position to Missy Grubbs under the terms offered and to include a six month provision to allow Council to review it at that time; Seconded by Councilman Gallman.

Councilman Spotts stated that he was not voting against Ms. Grubbs but he was voting against the thirty-hour work week. He stated that he feels that there are too many part time positions in the office at this time.

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The vote carried four in favor and Councilman Spotts opposed.

A MOTION by Councilman Underwood to adjourn the Council Meeting at 8:45 p.m.;
Seconded by Councilman Gallman and so approved unanimously.

Janet Chastain
Clerk/Treasurer