

**\*\*AMENDED\*\***

**MINUTES  
TOWN COUNCIL SPECIAL CALLED MEETING  
PROSPERITY, SC 29127  
January 7, 2005  
6:00 PM**

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

General Attendance: Andrea Cantrell, Town Administrator; Attorney Henry Bufkin; Janet Chastain, Clerk/Treasurer; Fred Sexton, Public Works Director; Paul Gable, Newberry Observer; Andy Ackerman and Mark Bowers

Councilman Allen Gallman opened with prayer.

Mayor Connelly stated that this special called meeting is for addressing the items on the agenda only.

Mayor Connelly stated that Ms. Cantrell, Mr. Bufkin and himself met with Jim Brailsford, Attorney on retainer by SCAMPS, to discuss the Town's legal ability to service electricity at the proposed shopping center location and how the Town should proceed.

Attorney Bufkin advised Council that he had obtained plats, deeds and accompanying documents for the development of the Piggly Wiggly and other stores. Mr. Bufkin stated that the issue was that the Town had primary rights to provide electrical service for the development in question and whether the Town wanted to relinquish these rights and allow Newberry Electric Cooperative (NEC) to provide the power. He also stated that according to NEC representative, Dan Murphy, the NEC has electrical lines at this property, which the Town utilizes to supply electrical to the Sease house. The NEC still wants to provide electrical service to the new shopping center. The Developer informally stated in the past that they wanted the Town to provide electrical service. Just recently the Developer has formally stated that they would like the NEC to provide the electrical.

Mayor Connelly stated that Mr. Brailsford felt that the Town's position was strong. Town Council must consider how this decision could impact future growth in the Town. If the Town does not furnish electrical services then the Town would not be able to furnish other services (i.e., water, sewer) without raising fees. The NEC has offered the Developer incentives because they know it will be a profitable situation.

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Mr. Bufkin stated that even if the Town does not supply the electrical service, the property is still in the city limits and the Town will be required to provide water, sewer, garbage and police service. The current Piggly Wiggly building will not stay vacant but anyone who occupies it will probably not generate revenue like the grocery store does. There is potential for even more growth at the new shopping center. The Eptings have another fifty acres to sell next to this location. If the Town chooses to provide this electrical service the Town will incur costs to provide the service and possibly litigation fees.

Mayor Connelly stated that it would cost the Town approximately \$20,000.00 to install water, \$20,000.00 to install sewer and \$30,000.00 to install electrical.

Councilman Underwood asked if SCAMPS would be willing to help with the litigation.

Mr. Bufkin stated that if the litigation moves forward the Town would bear the burden of fees. Long-term projections would be the return of future services provided.

Mayor Connelly stated that giving up the right to provide services would set a precedent for the future.

Mr. Bufkin stated that the Town has had a good relationship with the NEC in the past.

Councilman Gallman stated that as elected officials, Council needs to look at the welfare of the citizens and also at Town growth. Discussion continued.

Councilman Spotts stated that garbage fees would be paid to cover garbage expenses and that the NEC would pay a franchise fee if the NEC serviced the development.

Mr. Bufkin stated that a franchise fee must be reasonable and it has been determined that a reasonable range would be 3-5%. The Town's return on electric service would be significantly greater. Mr. Bufkin continued by reiterating that in a previous discussion of this issue before Council, Councilman Spotts requested an engineering study. This study has not been done at this time. The NEC has their own engineers, but we will have to contract this study.

Councilman Spotts stated that he could not invest the citizens' money without a professional study.

Councilman Gallman questioned whether the NEC owned their right-of-way. Mr. Bufkin advised he could not answer that question. However, the current NEC lines run adjacent to and across the Town's limits. No previous permission has been given to the NEC for crossing Town's rights of ways.

Councilman Spotts stated that we could move forward with no investment at all. Garbage would break even. Sewer would cost the Town. Water would make a small

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profit. Generated Business License and Property Taxes both bring in additional money and would offset any costs.

Discussion continued regarding the engineering study. The Mayor stated that Public Works Director Fred Sexton had obtained quotes from reputable contractors for the anticipated work.

Councilman Underwood stated that he would hate to let the Town's electric competitor come into Town and take our customers.

**A MOTION** by Councilman Underwood that the Town proceeds with providing electrical service to the shopping center on U.S. 76; Seconded by Councilman Gallman and the vote carried four to one with Councilman Spotts opposing.

Mayor Connelly asked Council how they wanted to provide services to this development.

Councilman Underwood stated that it should be handled as we have previously.

Mayor Connelly stated that correspondence to the NEC would be sent to all Newberry Electric Cooperative Board Members.

The second issue on the agenda was a timetable for the new Fire Department. Councilman Underwood advised Council that Newberry County would be assisting the Prosperity Fire Department with their construction project. This assistance would allow the Fire Department to begin their project around April 2005. Therefore, the Fire Department needs an estimated time for Town Administrative offices to be moved to the Town Center so that they can proceed with having the existing Town Hall demolished and cleared.

Councilman Underwood requested that Ms. Cantrell get estimates on Town Center renovations and available interest rates by the January 18<sup>th</sup> meeting.

Councilman Underwood reminded Council that they had voted to give the existing Town Hall property to the Fire Department for construction of the new Station or to purchase property at an alternate location.

**A MOTION** by Councilman Underwood to table this issue until January 18, 2005; Seconded by Councilman Gallman and so approved unanimously.

**A MOTION** by Councilman Dawkins to adjourn the meeting at about 7:00p.m.; Seconded by Councilman Underwood and so approved unanimously.

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Andrea F. Cantrell  
Town Administrator

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