

Minutes
Town Council Meeting
January 18, 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; Hank Bufkin, Town Attorney; Janet Chastain, Clerk/Treasurer; Chief Benji Sease; Fred Sexton, Public Works Director; Sabrina Manning; Mark Bowers; Andy Ackerman; Daniel Hare; Rick Mercer; Ethan Manning; Laverne Payton; Herbert Payton; Dan Murphy; Leon Kibler; Jonathan Jackson; Heather Hawkins; Jerome Boyd and Paul Gable, Newberry Observer

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

Mayor Connelly welcomed all for attending.

OPEN SESSION

Mayor Connelly stated that three people had signed up to speak under "Open Session" tonight. He went on to explain that information presented during "Open Session" would not be acted on tonight during this meeting. He stated that each person is limited to three minutes to speak.

Lavern Payton introduced herself to Council. She stated that in October it was quoted to her that their insurance premium would be \$383.00 per month. This amount was after the Town paid their portion of \$50.00 and this amount included health, dental and eye care. On January 3rd she was informed that the monthly premium would be \$646.07. She went on to explain differences in the plan versus what was told to her by Ms. Chastain. Ms. Payton also went on to state that during these conversations Ms. Chastain made no mention of this increase in premium. She stated that she did not understand the difference in the premium. Ms. Payton stated that she had spoken with several Council members regarding this and still has no resolution. Mayor Connelly stated that Council members had been contacted regarding this and he would request all Council research Ms. Payton's complaint and report their findings. Ms. Payton questioned if there would be an answer by next month. Mayor Connelly stated that next month this would be discussed.

Town Council Meeting
January 18, 2005

Dan Murphy stated that he did not come tonight to present a formal presentation. He stated that he had come tonight at the request of several Council members. He stated that he is prepared to answer any questions from Council regarding the packets that were mailed to them from NEC this past week. NEC is very interested in the growth and development in Prosperity and would like to continue the good working relationship already in place with the Town. NEC's intent is to provide electric service under a franchise. Mr. Murphy stated that he appreciated being invited to the meeting tonight and being given the chance to discuss these opportunities. Mayor Connelly thanked him for his comments.

Leon Kibler thanked Council for the goals on Langford Street. He stated that he would like to still see movement towards additional sports (football and basketball). He thanked Council again for all their help on this issue.

APPROVAL OF MINUTES:

Mayor Connelly presented the minutes of the December 21, 2004 council meeting to Council for approval. Councilman Underwood stated that he had one issue that he had questioned but everything still seems to be in line with his notes.

A MOTION by Councilman Dawkins to approve the minutes of December 21, 2004; Seconded by Councilman Gallman and so approved unanimously.

Mayor Connelly presented the minutes of the Special Called Meeting on January 7, 2005 to Council for approval. Councilman Spotts stated that he had a correction on the bottom of page two. It states that he said, "Water would break even". He stated that this was incorrect that he stated that water would make a small profit. He also had a correction on the next line where it was stated that he said, "Generated Business License Tax would offset any costs". It should have been stated Business License and Property Taxes both bring in additional money. Mayor Connelly questioned if he said, "would offset costs". Councilman Spotts stated that he did say that also. Ms. Cantrell got some additional clarification from Councilman Spotts. Councilman Underwood stated that according to his notes the minutes are in order.

A MOTION by Councilman Gallman to approve the minutes of January 7, 2005 as corrected; Seconded by Councilman Dawkins and so approved unanimously.

REPORT OF COMMITTEES:

Electrical, Fire Department, & Parade: Councilman Underwood stated that both of his committees would be discussed under "Old Business". He stated that he would hold off on any report until that time.

Sanitation and Street: Councilman Dawkins stated that he had no report at this time. Councilman Spotts asked if Councilman Dawkins would check his budget in the Sanitation Department. Councilman Dawkins stated that he had reviewed it.

Town Council Meeting
January 18, 2005

Councilman Spotts stated that in October new garbage containers were charged as a monthly expense and this should have come out of reserves. He stated that if this expense were changed then the Sanitation budget would not be in the negative. This money (\$3100.00) should be transferred out of reserves. Mayor Connelly questioned if this was ever voted on. Councilman Dawkins stated that it was not voted on but he would make the motion.

A MOTION by Councilman Dawkins that \$3100.00 be taken out of reserves to cover this expense; Seconded by Councilman Gallman and so approved unanimously.

Building, Recreation and Parks: Councilman Gallman stated that Mr. Caldwell has already renovated two of the buildings that he purchased on Wye Street, just off of Pine Street. He already has one of the buildings occupied and has started renovations on the third building.

Councilman Gallman stated that he had met with Mr. Leon Kibler and Mr. Daniel Hare regarding recreation. They all reviewed the park on Langford Street and the park on Highway 76. He stated that they discussed options of expanding the Town recreation program. Councilman Gallman stated that he would like to see some basketball goals go up around February. It will take time to expand the Town's recreation program to include additional sports. Councilman Gallman thanked Mr. Sexton for fixing the potholes that had been pointed out. He stated that Council is working with the recreation and trying to expand the program. He asked for patience and thanked Mr. Hare and Mr. Kibler for their concern. Mr. Bufkin questioned if there had been any significant increase in the recreation funds in the County budget. He stated that in Lexington County it is the County budget that supports the recreation program. He stated that Prosperity seems to be carrying the burden of this program and he questioned if the County would be willing to offer additional funding. Mayor Connelly stated that he did not feel there would be any additional funds and maybe these concerned citizens should be speaking to the County board. The Town of Prosperity can only do so much with funding that is available. Any additions to the Town program will have to come before Council for approval before moving forward. Mayor Connelly stated that it is not in the Town budget to spend funds for additional recreation programs at this time. He stated that he was not aware of any additional funding from the County that the Town would be getting. He also stated that the Town made a proposal to the One-Cent Sales Tax Board for funding for additional facilities but this request was denied. Mr. Bufkin questioned if the Newberry County Recreation Commission has any funds that the Town could request to assist our program. Ms. Cantrell stated that the Town does get some funding from the County each year. She stated that this year their budget was also decreased. A portion of their budget this year is being used for a Countywide study for recreation to determine if a Countywide program would be feasible over each City having their own program. The Town received the same \$10,000.00 that is always received and no additional funds have been requested in addition to this. Mayor Connelly stated that this was about ten percent of the recreation budget.

Town Council Meeting
January 18, 2005

Councilman Gallman stated that it is time for Spring Sports registration. Ms. Manning stated that T-ball, Coaches Pitch and Girl's Softball registration will begin tomorrow. The Dixie boy's sign up will not begin until the first of February. Ms. Manning stated that the Town would also be offering soccer this spring. T-ball and Coaches Pitch is ages four to eight, Girl's Softball is ages eight to fifteen, and Soccer is for ages four to twelve.

Police Department: Chief Sease stated that the full time position closed Friday and interviews will start soon. He stated that he had received several applicants, some certified and some not certified. He also stated that he has one application for the part time position. The offer has been made to the part time applicant and he is waiting to hear back from him.

Water and Sewer Department: Councilman Spotts stated that last month Mr. Bufkin stated that he would take care of billing Southern Bell for tearing up the Town's line behind Jewel Gardner's house. He questioned if this had been done. Mr. Bufkin stated that they had not been billed yet. He stated that it is being looked in to. Southern Bell did not tear up the lines, the damage was done by a contractor working for them. Councilman Spotts stated that it was Condry Construction. Mr. Bufkin stated a work up had been done on the costs. He presented this to Council. Mr. Bufkin went on to explain that it has been difficult to pin point when the incident took place and who specifically would be responsible. He stated that if there is a claim to be made then he will follow up on it.

Councilman Spotts reported that during the Christmas holidays the Town had one sewer stoppage on Circle Drive that required overtime. Additional sewer stoppages this month were on Wye Street, Anderson Drive and McNeary Street. The stoppage on McNeary Street took a lot of time to clear because it ran through several manholes.

Councilman Spotts questioned Ms. Chastain on a change with the electric bill for pumping station on McFall drive. It had normally been around \$70.00 to 75.00 per month and then jumped to \$498.09 per month. He asked that she check into this.

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

Councilman Spotts questioned if Ms. Cantrell had received the Ethic Forms yet. She stated that she had given them to Mr. Bufkin and he would be getting them to everyone that is required to complete one.

Town Attorney: Mr. Bufkin stated that he already reported on the status of the Southern Bell situation. He gave credit to Ms. Cantrell and Mr. Sexton for compiling data for him.

Mr. Bufkin stated that he would like to advise Council on the situation with NEC but this will be done in Executive Session.

Ms. Cantrell instructed Council members to get their Ethic form from Mr. Bufkin at the end of the meeting.

Old School Renovations: Mayor Connelly stated that this would be discussed later in the meeting tonight.

NEW BUSINESS

2003-2004 Audit Preliminary Draft Review: Mayor Connelly stated that he and Ms. Cantrell met with Dean Richardson earlier in the night. Mr. Richardson is not prepared at this time to present Council with a preliminary draft.

Prosperity Garden Club-Bench at Walking Track in Memory of Pat Mills: Ms. Cantrell stated that the Gardening Club had contacted the Town to request permission to place a bench at the Walking Track. She stated that she wanted Council's blessing before giving the Garden Club her okay. The agreement with Wightman Church regarding this property has not been completed yet. Mayor Connelly stated that Wightman Church needs to be aware of it and approve the request also. Ms. Cantrell agreed. Mayor Connelly questioned if Ms. Cantrell wanted Council to act on this tonight. Ms. Cantrell stated that she would like Council to address this tonight. The anticipated location for the bench would be at the lower end near the gazebo but away from the walking track area. At this time it is not certain if some of the walking track area will be used as parking for Wightman Church and if the bench is placed on the other end it will not be a conflict.

A MOTION by Councilman Gallman to approve the placement of a bench at the walking track in memory of Pat Mills; Seconded Councilman Underwood and so approved unanimously.

Discussion of Information Received from Newberry Electric Cooperative: Councilman Spotts stated that he had requested this to be on the agenda and he had also invited Mr. Murphy to the meeting in case Council had any questions for him. He stated that he would like for Mr. Bufkin to explain the Section 58-27-1360 and how it affects everything. Mr. Bufkin explained that this is the statute by which it is determined how property taken from the Coop, in an action such as the one the Town is doing, will be valued. That specific statute says that we can move forward and have an arbitration done to determine the value of the property. The current interpretation in reference to the case with the City of Newberry is that arbitration will be final. It is the procedure short of going to court and going to law suits whereby the value of the property if there were poles, equipment, etc. things that were seeded by the Coop. to the Town and property that was annexed into the Town, how that would be valued. Councilman Spotts questioned if this is just on the arbitration and not the court part. Mr. Bufkin stated that it is the state statute that says that arbitration is a way to go ahead and do that evaluation. In the case with the City of Newberry an agreement was done where three arbitrators were selected in order to determine that value. The statute requires that they hold a hearing and make a determination and finding. This was done and the value was determined and the City of Newberry will be required to pay this amount. Councilman Spotts questioned how Ms. Cantrell came up with an estimate of \$380,000.00 against the engineering study of \$1.2 million. Ms. Cantrell stated that it was actually \$385,000.00 that was presented to

Town Council Meeting
January 18, 2005

Council by Dan Murphy several months ago. Councilman Spotts stated that these were Dan Murphy's figures on the lines to begin with. Ms. Cantrell confirmed this. Councilman Underwood clarified that the \$385,000.00 was for the lines at the shopping center location and the \$1.2 million was to relocate the entire system of NEC lines outside of the Town. Mr. Murphy stated that the one thing that had changed from his original presentation to the Town in June was that he pointed out that NEC would have to address the value of the lines on the property. He stated with this particular line all the compensation costs including "just compensation" according to the statutory formula would come in at around \$382,000.00. The decision to move forward with this process is a Board decision much like the Town is run by Councils decisions. If NEC finds that it is in their best interest to exercise their rights, within the Town limits parts of NEC's electric lines have been annexed and then stranded, NEC will relocate them all at one time. He stated that there is probably ten to fifteen times more line than the footage of line that is on that property today. If NEC exercises their rights and requires the Town to pay just compensation for one hundred percent of the electric lines that are within the city limits, NEC's in house engineers following the statutory formula find just compensation at \$1.2 million. He stated that it is within the NEC's rights to pursue this if they decide it is within their best interest. The decision has not been made to do this yet much like the decision has not been permanently made as to who will provide the electric service at this property. He again clarified that the \$382,000.00 was to relocate just the lines on that property that the development will go into and the \$1.2 million is to relocate all the NEC lines. He stated that he felt NEC would exercise their right to relocate all the line if it got to that point. Councilman Spotts questioned if Mr. Murphy could point out the lines he was referencing. Mr. Murphy shared with Council a drawing of the lines. He pointed out the line in question with the development. Mayor Connelly questioned how long this area was. Mr. Murphy stated around one thousand feet or so. He also pointed out that this line continues into the city limits and then leaves the city for a short period and then reenters the city all the way to Counts Sausage Road. He went on to explain how this line goes through the Town over to Prosperity Rikard School and continues east on Highway 76. He pointed out areas where the line has been annexed in several locations. Mr. Murphy stated that the line where the development is going to go was annexed into the Town in 1998. He stated that NEC's line predates the annexation by several decades. The Town is growing into NEC's territory and annexation is affecting their electric lines but hopefully not adversely. Mr. Murphy stated that the Town has to grow and NEC acknowledges this but NEC does not see an obligation to finance the Town's growth. The law acknowledges the devaluing affect of annexation on NEC. Both NEC and the Town have a responsibility to do what is in their best interest. Mr. Murphy summarized in saying that there is still ten to fifteen times more line that is still in the city limits besides this small section that is affected by the development. Councilman Spotts stated that if all this comes to litigation and the Town ends up paying NEC for their line, basically NEC could relocate that line just outside the city limits. If more property is annexed into the Town then we could be looking at these same issues again. Mr. Murphy stated that one issue that has concerned him is all the talk of going straight to arbitration or litigation. There are several processes by which this can be resolved way short of arbitration or litigation. NEC just went through this with the City of Newberry and would like to avoid both these options. Even though NEC seems like the winner in the

Town Council Meeting
January 18, 2005

arbitration hearing this process is no fun for either side. It was a very stressful process and the community would prefer to see the City and NEC get along and mutually benefit from growth in our area. Short of arbitration and litigation the statute provides that there is a compulsory sixty-day period for negotiations. He stated that hopefully if the city does the numbers and sees that truly it is economically feasible even considering the cost to NEC to serve this development then we could work things out during this sixty-day period. He also stated that six times in the 60's, 70's and 80's the City of Newberry negotiated successfully short of arbitration with NEC on this same type of action. It does not have to go into arbitration or litigation. Councilman Spotts stated to Mr. Murphy that NEC had actually franchised a lot of lines in the City of Newberry. Mr. Murphy stated that recently they have, after going through the arbitration proceeding resulted in NEC's receiving \$3.8 million from the City of Newberry. Recently the City of Newberry annexed in a twenty foot strip all the way to the interstate going up Highway 219 and they ended up giving NEC a franchise to service the development at the interstate rather than dealing with the "1360" proceedings again. They learned that we can mutually benefit from growth rather than go through arbitration proceedings or litigation. It is worth the Town considering a franchise agreement. If not, the Council needs to determine the economics of all of the costs of serving this development. Consider the costs of building the lines and consider the costs to NEC. Councilman Spotts stated that this is why he requested an engineering survey to see how long it would take to recoup the Town's cost. Mr. Murphy stated that it definitely deserves an engineering survey. He stated that NEC had an engineering study completed in regards to the situation with the City of Newberry and it costs NEC \$50,000.00. When NEC did not successfully negotiate with the City of Newberry and entered into litigation then legal costs were over \$150,000.00 and engineering costs were nearly \$100,000.00. Councilman Spotts pointed out that the City of Newberry ended up paying for this. Mr. Murphy stated that luckily it did not end up costing NEC anything in the end. He stated that they have the check in hand but the City of Newberry has appealed some of the aspects of the arbitration award. It is going to the Court of Appeals. It was denied by Circuit Court. Councilman Spotts stated that Council needs to consider this. He stated that he is disappointed that in Mr. Murphy's letter to the Town he pointed out that Administration from the Town did not take the time to respond to Mr. Murphy or notify him of the Town's last Council meeting. Mayor Connelly stated that he initiated the first move when he contacted Mr. Murphy last October. During this meeting it was discussed about a prospective development coming to the Town in conjunction with an existing customer, on existing annexed property and Prosperity had a desire to service it. Mayor Connelly stated that at that time Mr. Murphy stated that he understood the Town's desires and expressed NEC's desire to also service this area. He stated that Mr. Murphy then requested to meet with Council in late October. This is when Mr. Murphy presented the Town with the figure of \$382,000.00. Council agrees to then continue to look into the Town's options in this area. Mayor Connelly stated that the future of the Town of Prosperity is at stake on this. He also stated that at this point it is not just this one instance that we are talking about. Then Council decided to look into other avenues. Mayor Connelly stated that it was discussed amongst himself, Ms. Cantrell, Mr. Bufkin and a consultant. The Consultant looked at all the options and made suggestions to the Town. This took place on Tuesday before the Council met that night at 7:00 p.m. He laid out a program and stated that the first thing is to make sure

Town Council Meeting
January 18, 2005

that the opinion of Council is favorable. A special called meeting was set for that Friday night. Council took a vote that night four to one to continue to pursue servicing this area. During this meeting Councilman Spotts stated that he wanted a study made. The second phase of the Consultant's opinion was to have a study done. As of today we have that study. Mayor Connelly stated that this would be presented to Council later. The study was made and they met with the Consultant and the Developer. The Developer showed a great interest for the Town of Prosperity to service the development. Council is still pursuing the options and that is where we stand now. There was nothing else to be relayed back to Mr. Murphy at this time. Mayor Connelly stated that Mr. Murphy stated the amount of \$382,000.00 but, Council is going to find out what the costs will actually be. He stated that he did not feel there was anything to relay back to Mr. Murphy at this time. Mayor Connelly stated that after the last meeting Mr. Murphy contacted him and stated that he was upset that the Town had a meeting and the press was present. He stated that the press is at all the Town meetings. A major decision has not been made yet. He stated that he had information from the Consultant to present to Council in Executive Session. The Town can not pay bills on garbage collection. If we give away all the services this is where the Town will be. Mayor Connelly stated that when he initially met with Mr. Murphy he stated that NEC had took in approximately \$50,000.00 with two businesses in the Town last year. He stated that he reviewed the Town's profit from these two businesses in this same year and it was \$83.00. NEC was receiving large profits on these two businesses and the Town was receiving very little. Mr. Murphy asked the Mayor to clarify this. Mayor Connelly stated that Mr. Murphy had told him that NEC had taken in \$50,000.00 from Lovelace Family Medicine and Prosperity-Rikard School. Mr. Murphy stated that his records indicate that Prosperity-Rikard School is not within the city limits of Prosperity. Mayor Connelly and Ms. Cantrell responded that Prosperity-Rikard School has been annexed in the city limits. Mr. Murphy questioned when they were annexed. Ms. Cantrell asked if she should look up this date. Mr. Murphy stated that it was immaterial. He stated that the point is that NEC only has a few customers within the city limits that they serve and they pay the applicable business license fees. Mr. Murphy stated that he did not understand the Mayor's comment on the revenue that NEC took in from these two businesses. Mayor Connelly clarified that Mr. Murphy had stated that NEC took in \$50,000.00 gross sales from these businesses and the Town took in \$83.00 in business licenses for the same two businesses. Mayor Connelly stated that this is Council's fault for not pursuing these two service areas. Prosperity has to make a decision to raise taxes, close the doors or pursue these new projects and let the Town grow. He stated that he would fight as a Council member to look out for the Town of Prosperity. Mr. Murphy stated that it is the Town's citizen's money that Council is fighting with. This deserves a great deal of attention. He stated that for Council to make a decision based on a \$30,000.00 estimate of electric service costs and ignore what NEC should be paid in way of just compensation is a decision that is ill advised. Mayor Connelly stated that if it goes to arbitration then NEC will tell the Town what the lines are worth, our contractor are also going to tell the Town what it should be and hopefully it will actually fall in the middle. Mr. Murphy stated that with the City of Newberry case NEC's consultants valued their lines at \$6.2 million and the City of Newberry's study valued the line at \$262,000.00. When the arbitrator ruled NEC got about 65% of what NEC considered just compensation. City of Newberry was off around three million

Town Council Meeting
January 18, 2005

dollars. Mr. Murphy stated that when the law is applied there will be more than \$30,000.00 in costs for this line. Mayor Connelly stated that he agreed and there is no doubt that the Town will probably have to pay NEC for the lines. Council needs to at this point decide if it is worth it. Mr. Murphy stated that NEC would like to help the Town determine this in any way possible. Mayor Connelly stated that the Town would call on NEC when they get to this point. He stated that Council is just starting to get figures back to look at. Mr. Murphy thanked Council for inviting him to the meeting and stated that he was here to answer questions regarding the literature that he forwarded to all of Council. He stated that Councilman Spotts had questioned earlier how far outside the city limits that NEC would relocate their lines. He stated that it probably would not be five miles outside, maybe not even five-foot outside the city limits. NEC will have to provide the arbitrator with the least costly scenario. Mr. Murphy went on to explain that how the Town and NEC could be going through this same process in a couple of years if additional property is annexed into the city limits. Councilman Spotts stated that if the arbitrator decides that Prosperity owes NEC a large amount of money then where will the Town get the funds from. He also disagreed with Mayor Connelly's statement of "this is the future of Prosperity". He stated that the future of Prosperity is growing and the future of Prosperity is increased taxes on new businesses, increase in sales taxes, and the 5% franchise fee that NEC would pay the Town and the Town would not have to invest a penny. Mr. Murphy stated that he agreed with Councilman Spotts. He also stated that tax payers and customers have paid for the line that is already on the property now the Town of Prosperity is wanting to build another line and someone will have to pay for it. He encouraged Council to review the case of the City of Newberry. Councilman Spotts agreed this needed to be reconsidered.

OLD BUSINESS

Business License – Fuel Cost Increase: Mayor Connelly stated this was regarding a request from a local gas station. Ms. Cantrell stated that they have questioned if a special rate could be set up. She stated that Ms. Chastain had presented this question to the Business License Association's website. Ms. Cantrell stated that they had heard back from Danny Crow with the Municipal Association. He had responded that in his opinion any special concessions would be unlawful because it would be showing special treatment. They also felt it would be unconstitutional because of equal protection. Mayor Connelly asked Ms. Cantrell to present Council with a copy of these findings. Councilman Underwood questioned if there had actually been cases where this was applied. Ms. Cantrell stated that he did not cite cases, this was just his opinion. Mayor Connelly stated that at a past Municipal meeting, Council had also attended a class that had stated this same opinion. Councilman Underwood stated that he would like to see what Mr. Crow, MASC Attorney, sent before making a decision.

Business License – Approve Existing Rates: Ms. Cantrell recommended moving forward with the business license rates so the renewals can be sent out. The one license in question will be held until a decision is made. Mayor Connelly questioned if this would be okay with Council. All agreed.

Town Council Meeting
January 18, 2005

A MOTION by Councilman Gallman to send out business license renewals with the exception of the gas station; Seconded by Councilman Underwood and so approved unanimously.

Mayor Connelly requested approval of the 2005 business license rates.

A MOTION by Councilman Underwood to approve 2005 business license rate; Seconded by Councilman Gallman and so approved unanimously.

New Town Hall Time Table : Mayor Connelly stated that he had some figures that will be presented to Council at a later time. Councilman Underwood questioned when the fire department would be ready to move forward. He stated that the One-Cent Sales Tax funds would be available in April. Andy Ackerman, Assistant Chief of the Prosperity Fire Department, stated that they had given the Council a timetable already. He stated that they have continued searching for other pieces of property. They have found another piece of property within the Town of Prosperity that would be a second choice for the new Fire Department. He stated that they came tonight expecting to get some answers on this from Council. He also stated that they had hoped to sit down with Council and discuss this. Mayor Connelly stated that it would be discussed after Executive Session. Mr. Ackerman stated the he as well as Fire Chief, Mark Bowers, will stay around during Executive Session in case Council has any questions. Mr. Bowers questioned if a decision would be made tonight. Mayor Connelly stated that he can not speak for Council but he hoped that a decision could be made tonight.

Warehouse/Office Location: Mayor Connelly stated this was placed on the agenda for open discussion. The possibilities of having the offices and warehouses separate had been discussed. Ms. Cantrell stated that this had been proposed as an option. Mr. Sexton has looked at an alternate location and feels like it would be adequate. It is up to Council as to how they would like to see it laid out. She also stated that they had discussed the fact that many Utility Departments are not affiliated with the Town Hall facilities. With the recreation fields at the Town Center building it may not be appropriate to have the warehouse so close. Mayor Connelly recommended that Council take this as information tonight.

EXECUTIVE SESSION

A MOTION by Councilman Dawkins to go into Executive Session to discuss an employee, pending litigation and other legal matters; Seconded by Councilman Gallman and so approved unanimously.

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

Mayor Connelly stated that during Executive Session Council discussed action regarding an employee. It was decided that no action would be taken on this issue at this time.

Town Council Meeting
January 18, 2005

Mayor Connelly stated that Council also discussed the Fire department. Councilman Underwood stated that the County has requested that Prosperity and Fairview Fire Departments be used as pilot projects to help with architectural designs, the Town feels like we are put in a position where we need to move fast. It was discussed that Council would look toward moving to the Town Center and by doing so the Town would give this property to the Fire Department for the construction of their new Fire Department.

A MOTION by Councilman Underwood to give the Fire Department the property that the present Town Hall is located and start renovation on the new Town Center and approve for financing to begin; Seconded Councilman Gallman and so approved unanimously.

Mayor Connelly stated that during Executive Session Council also discussed the business license request. It was decided to take this as information at this time.

Mayor Connelly stated that Council also discussed the Town's position with REA. All options were discussed and it will be taken as information at this time.

A MOTION by Councilman Dawkins to adjourn the Council Meeting at 9:18 p.m.; Seconded by Councilman Gallman and so approved unanimously.

Janet Chastain
Clerk/Treasurer