

**Minutes**  
**Town Council Meeting**  
**January 17, 2006**  
**PROSPERITY, SC 29127**  
**7:00 PM**

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

Administrative Attendance: Missy Grubbs, Clerk Treasurer; Hank Bufkin, Town Attorney; Benji Sease, Chief of Police; Sabrina Manning, Recreation Director; & Becky Paul, Administrative Assistant

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

**APPROVAL OF MINUTES:**

Mayor Spotts stated that there are two sets of minutes that need to be approved. He presented the minutes from the December 20, 2005 meeting for approval.

**A MOTION** by Councilman Gallman to approve the minutes of the December 20, 2005 meeting; Seconded by Councilman Underwood and so approved unanimously.

Mayor Spotts presented the minutes from the January 3, 2006 special called meeting to Council for approval.

**A MOTION** by Councilman Dawkins to approve the minutes of the January 3, 2006 meeting; Seconded by Councilman Underwood and so approved unanimously.

**OPEN SESSION**

Mayor Spotts asked if anyone was signed up to speak. Chief Sease presented the sign in sheet to Mayor Spotts and stated that there is no one signed up to speak.

**REPORT OF COMMITTEES**

**Electrical, Fire Dept., Parade Comm. & Rescue Squad:** Councilman Underwood stated that on January 1, 2006 the electrical addition to the new Piggly Wiggly shopping center was completed.

Councilman Underwood stated that he would like to readdress electrical demand charges for commercial rates. This has been previously discussed by Council and now needs to be addressed again. He stated that the Town is being charged this rate by Duke Power

and at this time the Town is absorbing this cost. He stated that he felt that action needed to be taken soon because Duke Power has increased the Town's electrical rates as well as demand charges. Councilman Underwood questioned if the Town's present utility billing software would handle the demand charges. Ms. Grubbs stated that the software would handle the charges but it may take some time to get it set up and implement the charges. She stated that Council needed to give the approval before administration could move forward with making these changes.

Mayor Spotts asked Mr. Bufkin if an ordinance would be needed on this. Mr. Bufkin stated that if Council wishes to change the rate then an ordinance would have to be done. Mayor Spotts stated that it would not change the rate it would only pass on the demand charges to the commercial customers. Mr. Bufkin stated that the electrical rates are set by ordinance and if the demand charge is to be implemented it would have to be done by ordinance. Mayor Spotts stated that this would have to be put off until next month. He asked that Mr. Bufkin draft this ordinance. Councilman Underwood stated that this would also allow time to find out what changes would be needed to the software program.

Councilman Underwood stated that for the Fire Department, he would like to report after many discussions regarding alternate locations for the new Fire Department it has been decided unanimously by there building committee to use the current Fire Department location along with the old Town Hall facility for the new Fire Department. He stated that Council needs to move forward with securing the bid for the asbestos removal. The bid previously obtained for asbestos removal has been copied for Council to review. The date on the bid is April 2005 and it was stated that it would take three to four working days to complete the job. Councilman Underwood stated that this will probably have to be reopened for bids again unless this individual will still honor this bid. Councilman Underwood asked for Mr. Bufkin's opinion. Mr. Bufkin agreed that this would be an appropriate way to handle this. Mayor Spotts stated there is an individual on the lake that is now doing asbestos removal and if the project is put out for bid he would like to see him contacted.

Councilman Gallman questioned what the original bid was. Councilman Underwood stated that for planning, removal and disposal of the asbestos the bid was \$7,500.00. This bid was around \$3,000.00 less than Council originally anticipated. Discussion followed regarding whether this project should be opened back up for bids.

Mr. Bufkin stated that contractors that abate asbestos are licensed by DHEC and he recommended that Council make sure that anyone bidding on this project have the proper certifications as well as be insured. Mayor Spotts stated that the individual that he is speaking of has already completed some large jobs and would most definitely be licensed. Mayor Spotts asked for Councilman Underwood's recommendation on this project. Councilman Underwood stated that he felt Council should get back in touch with the original bidder and see if he is willing to honor the bid. If he is then move forward with the project, if he is not then it should be put back out for bids.

**A MOTION** by Councilman Underwood to contact the original bidder on this project, Diversified Environmental Consulting Company, to see if they are willing to honor the original bid received in April 2005, if not then the project will be put out for bids; Seconded by Councilman Dawkins and so approved unanimously.

Councilman Underwood stated that Council also needed to start getting bids for the demolition of the building.

**A MOTION** by Councilman Underwood to move forward with getting bids for the demolition of the old Town Hall building; Seconded by Councilman Gallman and so approved unanimously.

Councilman Underwood stated that he had no report for the Rescue Squad at this time.

Councilman Underwood stated that for the Parade Committee, he would like to give the financial report. For last year revenues received were \$2,060.00 and the expenses were \$1,419.91. This will result in a balance of \$640.09 to carryover. He stated that since a separate account is not being setup for these funds this amount would need to be recognized as a carryover during the budget for next fiscal year.

**Sanitation, Streets, Water & Sewer Departments:** Councilman Gallman asked for patience as he is getting use to these new committee assignments. He stated that on Langford Street there is a pump station down. He questioned Mr. Sexton regarding this. Mr. Sexton stated that it was a well not the pump station. Councilman Gallman stated that on Wheeler Avenue there was a ¾ inch water line break that has been repaired. This month there was also a sewer stoppage on South Main and Church Street, which have both been corrected. Mr. Sexton confirmed this.

Councilman Gallman stated that he had nothing to report on Streets.

**Police Department:** Chief Sease stated that he had left reports for Council to review.

Chief Sease stated that one of the used cars purchased from North Carolina is now on the road. Grant funds covered the costs of this vehicle as well as the striping and radios.

Chief Sease stated that several months ago the Town took sealed bids on the two patrol cars that are being sold. The high bid received was around \$2,600.00 for both cars. The second car that the Town purchased from North Carolina is not on the road because there have not been funds to get it painted, striped or get the radios changed. The costs to complete this will be around \$1,100.00. Chief Sease stated that he would like to request from Council approval to use some of the funds from the sale of the old police cars to get the new car in use. Mayor Spotts asked for discussion on the issue. Councilman Gallman stated that he felt the money should be used to get the new car operational. Chief Sease stated that there would also be funds left over. Mayor Spotts questioned Mr. Bufkin if a motion would be needed to spend these funds. Mr. Bufkin stated that he would recommend a motion on this.

**A MOTION** by Councilman Gallman to allow the Police Department to utilize funds from the sale of the old patrol cars towards getting the new car operational, Seconded by Councilman Dawkins.

Councilman Underwood stated that the old cars would bring in around \$2,600.00 and the costs to get the new car operational will be \$1,100.00. Chief Sease stated that it would be approximately \$300.00 for painting, approximately \$900.00 to get the radios transferred and then several hundred for striping. Councilman Underwood stated that the sale amount of \$2,600.00 would more than cover these costs. Chief Sease stated that he had spoken with Ms. Grubbs earlier in the day regarding how the funds would be handled. Ms. Grubbs stated that the revenue would be put under "Sale of Assets" however that revenue could most definitely offset the costs of the expenditures for the new car.

Discussion followed regarding the bid amount on the old cars and the condition of the old cars. Mayor Spotts questioned if the same person would be getting both cars. Chief Sease stated that the same person would get both police cars as well as a utility truck that is being sold.

Mayor Spotts asked for a vote on the motion. **The motion was approved unanimously.**

**Building, Recreation and Parks:** Councilman Dawkins stated that he would first like to report that he had spoken with Councilman Gallman regarding following up on the streets. He stated that some more representatives from Greenwood had come down to look at the problems with the ditches. He stated that they discussed removing some of the terracottas in order to get the proper slope. He stated that they had also looked at the ditch next to Gina Mays and would be willing to address this also.

Councilman Dawkins stated that he had spoken with Chad Hawkins regarding the railroad cross arms. He stated that Mr. Hawkins would be offering assistance with this issue. The railroad had promised to send representatives to review this in December but they were unable to do so and they have rescheduled for February. If there is approval to get cross arms it can take from eighteen to thirty-six months to get it completed because of budgetary reasons.

Mayor Spotts stated that he had been having some discussion with Chief Sease regarding the cross arms. He stated that Chief Sease had stated that on many occasions the lightning is setting off the lights presently at the railroad crossings and he is concerned that if cross arms are installed lighting will also set them off. This would block traffic on two major roads in the Town. Mayor Spotts stated that his needs to be considered. Chief Sease stated that this has happened on Brown Street several times. He stated that this would be a decision that Council would need to make; he just wanted to point out a potential problem. He stated that if lighting set off the cross arms, legally they cannot be tampered with until the railroad resets them. Councilman Underwood pointed out that if this occurs with the lights only flashing, with proper judgment you could still proceed across the railway. Councilman Gallman asked if Chief Sease could check into the

potential problems that this may cause and report back to Council next month. Check and see if he could get approval to override the cross arms if this occurs. Chief Sease stated that he would check into it.

Councilman Dawkins stated that he had no report on the buildings and recreation. He recognized Ms. Manning for an update on recreation. Ms. Manning stated that the Prosperity Dixie Youth will be having their regular organizational meeting soon. The Mid-Carolina Dixie Boys will be having their organizational meeting tomorrow night. Registration for the programs that are administered by the Town will begin end of this week. This season the Town will be offering T-ball for 4-5 year olds, Coaches Pitch for 6-8 year olds, Soccer for 4-11 year olds and Dixie Softball for 8-15 year olds. The age guideline for all of the Dixie sports has changed. It will now allow for the kids to stay at a lower group for a longer period of time. All of the Dixie sports will now have the same date as a guide. All of these programs will be based on the child's age as of April 30<sup>th</sup>. All registration forms will be available online again this year. This should be available by next week. Councilman Gallman asked if the sponsorship amount would remain the same as last year. Ms. Manning stated that she thought it would.

Councilman Gallman stated that he would be happy to help Councilman Dawkins with the recreation department if needed.

Councilman Dawkins questioned when was the last time the letters went out regarding buildings in need of repair. Mr. Bufkin stated that last time this was addressed was last fall. He stated that the last contact that was made was to Mr. Argoe. Mr. Argoe had contacted Ms. Cantrell regarding the letter that he received and made some commitments for improvements to his building. Mr. Bufkin stated that he does not feel that Mr. Argoe has followed through with any of commitments at this time. Mr. Bufkin stated that no additional letters have been sent since that time.

Mr. Bufkin stated that there are a lot of vacant buildings in Town right now and this needs to be handled very carefully. He stated that the Towns intention is for these buildings to be reoccupied.

Councilman Underwood asked for the procedure to be followed when a citizen points out a building that needs to be addressed. He questioned if this has to be brought before Council or can a letter be done immediately. Mr. Bufkin stated that he felt Council should review the situation; he would then draft a letter for Councils review before it was sent out.

**Utility Department:** Mr. Sexton stated that he had no report at this time.

**Town Attorney:** Mr. Bufkin stated that the Town had received a letter from the US Environmental Protection Agency regarding some transformers that were prepared at a sight in Fayetteville, North Carolina. There have been PCB spills at this location and the EPA has been contacting companies that may have purchased products from this sight.

He stated that there are no Town records indicating that any purchases were made from this sight. He stated that he had responded to this letter.

Mr. Bufkin stated that pursuant to the special election that the Town is having, this process began in January after the new Mayor was sworn in. This is when the Council seat became vacant. One requirement of the Town is to notify the US Department of Justice that there will be a special election. He stated that he drafted this letter end of last week. He presented copies of both of the correspondences mentioned to Council to be filed at Town Hall.

**Clerk/Treasurer:** Ms. Grubbs stated that she had no report at this time.

## **NEW BUSINESS**

**Appointment of Member to the Zoning Board of Appeals:** Mayor Spotts stated that Council needed to appoint new members to the Zoning Board of Appeals. He stated that there have been six names that were suggested and have agreed to serve if appointed. They are as follows: Renee Joiner for a three year term, Sonny Edwards for a two year term, Wayne Bannister for a two year term, Rick Mercer for a one year term, Debra Cook for a one year term and Gina Mays as an alternate.

**A MOTION** by Councilman Underwood to approve the following individuals for the assigned term to the Zoning Board of Appeals: Renee Joiner for a three year term, Sonny Edwards for a two year term, Wayne Bannister for a two year term, Rick Mercer for a one year term, Debra Cook for a one year term and Gina Mays as an alternate; Seconded by Councilman Gallman and so approved unanimously.

Mayor Spotts thanked these individuals for volunteering to serve on this Board.

Mayor Spotts stated that Council would now be going into Executive Session to discuss the Clerk/Treasurer position and a meal for the employees. Councilman Underwood added that they will also be discussing one contractual matter.

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

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

Mayor Spotts stated that Council discussed the Clerk/Treasurer position and the applications received to date. He stated that there would be a called meeting on January 26, 2006 to interview individuals for this position.

Mayor Spotts stated that Council also discussed having a catered meal for the employees because there was no Christmas meal. A date has not been decided but it will be later in the month.

## **OLD BUSINESS**

**Charges to NCW&S for Lagoon Upgrades:** Mayor Spotts stated that this would be put back on the agenda for next month. He stated that he had spoken with Arnold Lingle at NCW&S and he will appear before Council regarding this issue at the February meeting.

## **GENERAL INFORMATION**

Mayor Spotts stated that the Town Hall is in full operation now. The phones were finally in operation this morning.

Mayor Spotts again stated that there would be a called meeting for job interviews for the Clerk/Treasurer position.

Mayor Spotts stated on February 22<sup>nd</sup> the Municipal Association will be holding there winter meeting. All Council members interested in going will need to get their applications to Ms. Paul. This will be an all day meeting at the Municipal Association and at the State House. Ms. Paul asked that they let her know by Friday if they will be attending.

Mayor Spotts stated that there have been a few bumps so far but things are working out and hopefully will be running smoothly soon. He stated that Council would start hosting quarterly open sessions and the first one will be in March. This will be for the public to attend and informally ask Council questions. These meetings will be in the training room. Councilman Underwood clarified that during these meetings no decisions or votes will be taken. Mr. Bufkin stated that these meetings will still have to be noticed under the Freedom of Information Act. Mayor Spotts stated that when the date is set then public notice would be put out.

**A MOTION** by Councilman Dawkins to adjourn the meeting at 8:10 pm; Seconded by Councilman Gallman and so approved unanimously.

*Toni Melissa Grubbs*

Toni Melissa Grubbs  
Clerk/Treasurer