

MINUTES
December 18, 2007
Town Council Meeting
7:00 PM
Prosperity, SC 29127

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

Administrative Attendance: Karen Livingston, Town Administrator; Fred
Sexton, Utility Director, Hank Bufkin, Town
Attorney

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

APPROVAL OF MINUTES:

Mayor Spotts stated that there are two sets of minutes to be approved. He presented the minutes from the November 20, 2007 regular meeting and December 5, 2007 special called meeting for approval.

A MOTION by Councilman Gallman to approve the minutes of the November 20, 2007 regular meeting and December 5, 2007 special called meeting as written; seconded by Councilman Hawkins and so approved unanimously.

OPEN SESSION

No one signed up to speak during open session

REPORT OF COMMITTEES

Electrical, Fire Dept., Parade Comm. & Rescue Squad: Councilman Hawkins thanked Fred for the way the Town looked for the parade. Mr. Hawkins stated that he appreciated the work Fred and the Utility Department did cleaning the streets and decorating. Mr. Hawkins reported that the Forest Hills Project is scheduled for the first part of next year. Supplies are being ordered and costs have been properly budgeted. There is only one pole that will need some extra help to set for AT&T. Mr. Hawkins expressed his gratitude to the fire department for the delicious meal provided at their Christmas Party. The parade committee will meet next week to go over the plans for next year. Ms. Livingston noted that the Santa Float is being stored in the Stoney Hill Fire Department and she thanked Chief Bowers for their help in storing the float. She also indicated that a lean to shed would be built to house the float. Mr. Bufkin suggested putting chain link fence around the shed to secure it. Mr. Hawkins also suggested cow gates. Ms.

Livingston thanked the fire department for letting us park the float until our shed gets built.

Sanitation, Streets, & Buildings Departments: Mr. Dawkins asked Mr. Hawkins to follow-up on the Post Office traffic issue. Mr. Hawkins said he would check and see where the project stands. Mr. Dawkins stated that he had asked Mayor Spotts about making the railing to go on the sidewalk outside of Mann Law Firm. Mr. Spotts stated that the railing would cost approximately \$100.00 per section and five sections would be needed.

A MOTION by Councilman Dawkins to have Spotts Tractor Company to make five sets of handrails for Grace Street at a cost not to exceed \$500.00; seconded by Councilman Underwood and so approved unanimously with four voting and Mayor Spotts abstaining from the vote.

Councilman Hawkins asked where the money to pay for the railing would come from. Ms. Livingston stated that it would come from account 10-463-00-265 building repair. Discussion followed about the railing in the basement that used to be on Main Street. Councilman Hawkins was asked to check on an encroachment permit for the railing to be put back on the sidewalk. Mr. Dawkins reported that the packer truck would need to go back into the shop for repairs to the hydraulic telescoping cylinder. The truck is losing five gallons of oil per week at thirty dollars per week.

Councilman Hawkins asked about setting up a recycling program so Prosperity could “Go Green”. Councilman Hawkins asked that we research grant programs to set up a recycling program. Councilman Underwood asked Fred to have some extra trash pickups for the WARM PROJECT at Wightman Church.

Water and Sewer: Councilman Underwood reported that the budget is running good and he has nothing else to report

Police Department: Officer Nelson was called away and no statistics were available.

Recreation and Parks Department: Councilman Gallman stated that a winter baseball meeting was being planned no date available. Mr. Bufkin asked if there were any plans to host a basketball program. Discussion followed with no decisions being made.

Utility Department: Mr. Sexton had no report at this time.

Town Attorney: Mr. Bufkin advised Council of a jury trial for Daniel Hare who was found guilty on one charge and is now on the “lamb” so to speak. Mr. Bufkin and Tim Savidge attended the Municipal Attorneys Association continuing education class on December 7 and thanked council for funding this worthwhile training.

Town Administrator: Ms. Livingston reported that the customer appreciation week was a success. Handheld implementation has been successful however we did have a kink

that needed to be worked out. There were approximately a dozen or so folks who were not charged for electricity on their bill. The problem has been addressed and corrected. Nicholson Business Systems and Hersey Meters are both on standby for the December billing to ensure errors are corrected before the bills are released. Ms. Livingston advised Council of the increase in Worker's Compensation Insurance Premiums due to our experience rating. Administration budgeted for an increase however; it was under budgeted by \$2000.00, which will be reflected as an overage on department worker's comp line items.

OLD BUSINESS

Old South Partners Bill: Mayor Spotts asked for an update on the Old South Partners Bill. Mr. Bufkin stated that he and Ms. Livingston had talked about this bill and are unsure of what to do with the bill and discussed the history of this bill with Council. Mr. Bufkin stated that the evidence is that there was a meeting held at his office with the former Mayor, Connelly and Town Administrator, Cantrell with Mr. Brodie from Old South and he present. The Old South representative, Mr. Brodie it was agreed to that the Town would pay the connection fees for the utilities to be brought to the building. This is the source of the 30K + bill that is in question. Mr. Bufkin admitted that he has a recollection of the meeting but no recollection of the agreement, however, after speaking with the previous Mayor and Administrator both of them stated that they have no recollection of an agreement either and the problem is that although they have no recollection of an agreement having been made, Mr. Bufkin recalls that if the subject had been approached to us, my position would have been to pay them. Number one because the Town was pretty hot to have them come in and develop there. Secondly, The Town had just come off of an agreement with Martijn to pay for the services to be run into Mr. Billy's building he sold to Martijn. Thirdly, at the time the services were brought to the new shopping center and pipes were run, the Town did that; the Town hired the people, did the contracts, billed it out and paid them. If it had been agreed that it was a contractor expense then they would have hired the contractor, billed, and paid and the electricity was paid by the Town to be brought to the shopping center. Mr. Bufkin stated that although he does not specifically remember an agreement in the meeting, all the indicia he has found as much as it hurts, we should stop chasing the money and suck it up.

Mayor Spotts stated that he hates to see the Town lose that amount of money however, going back to the comments about Martijn's building, the Town did not pay for utilities to his building, Mr. Bufkin stated that there was an agreement and the cost ended up being more than anticipated. Martijn did pay for the services to come to his building stated Mayor Spotts. Mr. Billy stated that he thought it was one half of the charges. Mr. Bufkin stated that there was no backroom dealings what people were trying to do was to get them to commit to putting the shopping center there the Town provide utilities. Mayor Spotts stated that it was something that should have been voted on by Council to decide if it was to be paid by the Town. Councilman Hawkins asked if there needed to be a motion made, Mayor Spotts stated that a motion could be made if he wants to absorb the bill and drop it. Councilman Underwood stated that even if they did not make a motion to pay the bill the council did sign the bill to pay for it. Mr. Gallman stated that

there should be a motion made. Councilman Underwood stated that the bill was presented in the form of our monthly statements and we obviously signed it for the bill to be paid. Ms. Livingston stated that the bid was sent out before she came to work and Mr. Brodie is adamant about the agreement. Mayor Spotts interjected that there was nothing in writing, Ms. Livingston agreed and continued, however, the Town solicited the bids and the contractor was hired by the Town and paid by the Town. Mayor Spotts stated that he knows for a fact that if this item had come before council he would have never voted to eat that bill. I would have voted against it I think the contractor should have paid for that.

Mr. Gallman added shouldn't we take it to a vote. Mayor Spotts stated that you could make a motion.

A MOTION by Councilman Hawkins to assume the Old South Bill has been paid and off of recommendation of our attorney the item is dropped from old business. Seconded by Councilman Gallman.

Councilman Underwood stated that all signs point that we would have agreed to this. Councilman Hawkins states we may or may not have leaned toward paying the bill but it is in the past and we need to leave it in the past. Mr. Bufkin added that he wishes he could remember more about the meeting and I don't have any recollection that we were trying to do anything outside of the guidelines and I am not trying to put anything on them I just cant tell you what the agreement was or was not.

The vote on the above motion was taken, Councilman Hawkins and Gallman voted affirmative and Mayor Spotts voted no. Mayor Spotts stated that council knows that according to the ordinance that all must vote on an issue. Mr. Dawkins stated that a yes vote might hurt us in the long run and Councilman Underwood did not vote in the affirmative to the motion because he did not like the way it was worded and suggested the motion be reworded as what was stated in the first motion. Councilman Hawkins stated that his motion was to put an end to the subject not to pay the bill my motion was to take off the agenda until further information is received; which there is no further information so table the bill. We don't need to keep bring this subject up when there is no further information. Ms. Livingston stated that we need to take something away from this so when Old South Partners begins their new construction, there are no surprises over who pays for what. Mr. Bufkin talked about the impact ordinance and the steps we have taken to ensure we have information to make good decisions.

Mr. Dawkins stated that if we were going to do something with the bill it should have been done before we paid it. Mr. Hawkins asked if he could restate his motion and was told by Mr. Bufkin to amend his motion.

A MOTION by Councilman Hawkins to absorb the \$30,000+ that has already been paid as a learning curb and table the Old South Bill agenda item; seconded by Councilman Gallman and so approved with 4 affirmative votes and one negative vote by Mayor Spotts because it was never brought to council and I feel it should have been eaten by the developer.

NOTE: The total bill for Old South Partners was \$36,890.00.

Bids on Forest Hills Upgrade: Forest Hills project is on track to begin the first part of 2008.

Fines for Property Ordinance Violators: Ms. Livingston made an action plan update for each house that was sent a letter. The action plan will be updated monthly during the council meeting.

NEW BUSINESS

2008 Committee Assignments: Mayor Spotts left the committee assignments as they are for the 1-1-2008- 12-31-2009 terms.

2008 Mayor Pro Tem Appointment: Mayor Spotts stated that it was time to appoint the mayor pro tem. Mr. Hawkins pointed out to Mayor Spotts that our ordinance states that the Town Council shall elect a mayor pro tem. Mayor Spotts responded that the council shall elect but he could nominate a person. Mayor Spotts stated that one council member has more experience than all of them put together and he wanted to nominate Mr. Billy Dawkins as mayor pro tem.

A MOTION by Mayor Spotts to appoint Councilman Dawkins, as Mayor Pro Tem was not seconded.

Councilman Gallman stated that he felt Mr. Dawkins has more experience, he is a good man, good councilman, and I appreciate what he do but at his age he cannot attend all the meetings like a younger man can. Mr. Dawkins stated that he would rather not be mayor pro tem. Mayor Spotts stated that Mr. Billy had been mayor pro tem before and he felt he would be a good one. Councilman Hawkins made the below motion.

A MOTION by Councilman Hawkins to reappoint Councilman Underwood as mayor pro tem since his work schedule would allow him to attend meetings and the fine job he has done as mayor pro tem for the past two years, he feels he would be an excellent candidate too; seconded by Councilman Gallman and so approved with 3 affirmative votes and one negative vote by Mayor Spotts and Councilman Underwood abstained from voting. Mayor Spotts said he felt Mr. Dawkins would make a better mayor pro tem and that is why he voted no.

Introduction of Police Captain – Sean Smith: Mayor Spotts introduced Sean Smith and welcomed him to the Prosperity Team. Mr. Smith thanked the council for the opportunity to serve the citizens of Prosperity.

GENERAL INFORMATION

Mayor Spotts thanked Fred and the Utility Crew for the wonderful job they did with cleaning the streets and hanging the decorations for the shopper's walk and parade. He has heard many good things about the looks of the Town.

South Carolina is still in extreme drought conditions and Mayor Spotts asked that all citizens please conserve as much water as possible during this drought season.

The Town of Prosperity is the third cheapest SCAMP city in South Carolina. Mayor Spotts stated that the Duke Energy 10-A Contract ended 12-31-2008 and as a result of the renegotiations most likely there will be a utility rate increase based on the new formula rates.

Mayor Spotts reminded everyone to remember that this is your Town and please do your part to KEEP PROSPERITY CLEAN and BEAUTIFUL.

Mayor Spotts took the opportunity to wish all citizens a Merry Christmas and Happy New Year.

Executive Session: Mayor Spotts stated the need for an executive session to discuss two issues, a legal update and contract discussion.

A MOTION by Councilman Underwood to go into Executive Session; Seconded by Councilman Hawkins 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 no decisions were made in executive session.

A MOTION by Councilman Dawkins to adjourn the meeting at 9:05 pm; Seconded by Councilman Underwood and so approved unanimously.

Karen L. Livingston, Town Administrator