

**MINUTES**  
**November 20, 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 congratulated Councilman Dawkins and Councilman Hawkins for their reelection to Town Council. Mayor Spotts stated that there is one set of minutes to be approved. He presented the minutes from the October 16, 2007 meeting for approval.

**A MOTION** by Councilman Dawkins to approve the minutes of the October 16, 2007 meeting as written; seconded by Councilman Gallman and so approved unanimously.

**OPEN SESSION**

Mr. Fred McDowell expressed his concern for the speeding traffic in front of his house on Hwy 76. Mr. McDowell stated that in the last 8-10 weeks our officers have not been running radar on Highway 76 and he feels that speeding traffic has gotten out of hand. Mr. McDowell stated he would rather us be known as a speed trap instead of a death trap. Mayor Spotts asked Ms. Livingston to have officers take a special look at the Hwy 76 location for running stationary radar.

**REPORT OF COMMITTEES**

**Electrical, Fire Dept., Parade Comm. & Rescue Squad:** Councilman Hawkins thanked the Town citizens for reelecting him. Mr. Hawkins stated that Bellsouth will be replacing poles throughout Town he further stated that the Town Utility Department may need to contract help to hook the power back to the poles. Mr. Sexton will try to borrow equipment instead of paying contractors to do the work and all work will be bid on before it is done. Power line clearing is underway. The fire department is happy in their new home and will host their Christmas Party on December 11, 2007 in their new home. The Santa Float is being stored in the rescue squad until the parade on December 2, at 3 p.m.

**Sanitation, Streets, & Buildings Departments:** Mr. Dawkins also thanked his supporters for reelection and is looking forward to serving four more years on the council. Mr. Dawkins reported that the trash truck had some needed repairs. Mr. Dawkins asked Mr. Hawkins to follow-up on the Post Office traffic issue. Fred and his crew will clean the sidewalks after Christmas. The streets will be cleaned before and after the parade. Mayor Spotts asked about the railing outside of Mann Law Firm.

**Water and Sewer:** Councilman Underwood reported that the budget is running a little over due to motor repairs. Broken 6" main on the corner of Main and Elm and water leak at 121 Wessinger Drive and replaced broken relays on lift stations one and two.

**Police Department:** Officer Nelson reported 49 calls for the month of October -27 moving violations, 22 non-moving. Sixteen arrest warrants were served. Ms. Livingston reported that interviews had been conducted for the chief of police job, however there is no candidate being considered for the job at this time.

**Recreation and Parks Department:** Councilman Gallman stated that a winter meeting was being planned for a baseball meeting.

**Utility Department:** Mr. Sexton reported that clearing had started beside the new Piggly Wiggly for three more buildings. Fred asked for help with two or three poles that are being set by AT&T. Fred plans on asking the City of Newberry for help with providing equipment and manpower. Hopefully we will not have to hire a contractor for the job but will advise council should we need too.

**Town Attorney:** Mr. Bufkin introduced Tim Savidge to the Council. Mr. Savidge has joined the Bufkin Law Firm and will be working with the Town.

**Town Administrator:** Stanley Dominick has completed week three of lineman training and has five more to go. Ms. Livingston thanked Fred and his crew for their hard work on the holiday lights and complimented how good the lights look. The fuel adjustment rate passed on to us from Duke Energy has increased to .0034 from .0032 and will be reflected on the November billing.

## **OLD BUSINESS**

**Old South Partners Bill:** Ms. Livingston and Mr. Bufkin have yet to get together on this bill.

**Bids on Forest Hills Upgrade:** There are two bids that have been received for this work both have been clarified as labor only. Two additional companies have been contacted to get bids, however neither of them have showed any interest in bidding. At this time, Mayor Spotts asked for a motion to accept the lowest bid for work on the Forest Hills Upgrade.

**A MOTION** by Councilman Underwood to accept the lowest bid for the Forest Hills Upgrade Project; seconded by Councilman Hawkins and so approved unanimously.

**Fines for Property Ordinance Violators:** Ms. Livingston reported that 13 first offender letters were mailed and no feedback was received on six of them. Letters were sent to the six property owners and we have received action plans for four of them. One letter was returned to sender and the other has not been received back nor have we received the delivery receipt. Council decided that the two letters that we have not heard from should be delivered by our officers and owners should be given two weeks to notify the Town of their action plan or face fines.

## **NEW BUSINESS**

**2006-2007 Audit Report:** Toni McKinley with McKinley Cooper introduced herself and reported that our audit is rated “unqualified” which is the highest rating a financial report can be given. Ms. McKinley reviewed financial statements with Council and thanked them for the opportunity to serve the Town of Prosperity.

Mayor Spotts asked for a final synopsis of the Town’s finances and Ms. McKinley stated that the Town was in good financial shape.

## **GENERAL INFORMATION**

Mayor Spotts thanked all the boy scouts and citizens that helped with the Pride in Prosperity trash pick up. 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.

Mayor Spotts invited everyone to the Shopper’s Walk December 1<sup>st</sup> at 5:30pm and to the Christmas Parade on December 2 at 3:00 pm.

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

**Executive Session:** Mayor Spotts stated the need for an executive session to discuss two issues, a legal update and a personnel matter in the police department.

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

Before the session began, Scott Wilson requested his item be addressed in open session. Mayor Spotts granted his request.

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

Mayor Spotts stated that no decisions were made in executive session.

**Personnel Issue – Police Department – Scott Wilson Appeal:** Mr. Bufkin moderated the appeal made by Mr. Wilson. Mr. Wilson stated that he was fired on October 19, 2007 for insubordination based on violation of the grievance policy. Mr. Wilson then presented his reasons why he felt he should not have been terminated. Mr. Wilson stated that his credibility is tested once a month in the courtroom at Prosperity Town Center. Mr. Wilson ended his presentation by stating he was wrongfully terminated since he did not violate the personnel policy, or police grievance policy and wishes to be reinstated to his former position and report directly to the council or council member. He seeks compensation for the time he was away from work as well as insurance premiums he has paid out of pocket and that his sick leave is reinstated. He also asks that no record of this incident be placed in his personnel file or be mentioned in the future. Mr. Wilson thanked council for their time.

Mr. Bufkin asked Mr. Wilson for the documentation he presented and then opened the floor for comments from citizens.

Comments were heard from two citizens and one business owner in support of Mr. Wilson being reinstated.

Mr. Bufkin stated that Ms. Karen would be excused from the courtroom while the council went back into executive session to discuss the information presented.

**A MOTION** by Councilman Gallman to return to executive session; Seconded by Councilman Underwood and so approved unanimously.

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

Mayor Spotts stated that council has taken Mr. Wilson's appeal for information and has asked Mr. Bufkin to review the information and prepare an opinion for council within two weeks when a special called meeting will be held. Mr. Bufkin stated that there was a lot of information to digest and he will write an opinion as well as give Town Council copies of all documentation for review along with his opinion.

**A MOTION** by Councilman Dawkins to adjourn the meeting at 9:15 pm; Seconded by Councilman Underwood and so approved unanimously.

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Karen L. Livingston, Town Administrator