

MINUTES
PUBLIC HEARING ON 2009/2010 BUDGET
June 16, 2009
6:45 PM
Town Council Meeting
June 16, 2009
7:00 PM.

Council Attendance: Mayor Larry Spotts, Councilmen: G.W. Dawkins, Allen Gallman, Chad Hawkins, Derek Underwood
Administrative Attendance: Karen Livingston, Town Administrator; Craig Nelson, Police Chief and Fred Sexton, Utility Director, Henry Bufkin, Town Attorney, and Timothy Savidge, Bufkin Law Firm

PUBLIC HEARING MINUTES:

Mayor Spotts called the Public Hearing to order and stated the purpose of this meeting is to discuss the 2009/2010 budget. Mr. Bufkin stated that he had spoken with Chief Mark Bowers with the Prosperity Fire Department and at this time the Fire Department was not going to pursue the purchase of a ladder truck for the Downtown Apartments on the second story.

With no one signed up to speak the mayor closed the meeting at 6:52 PM.

REGULAR COUNCIL MEETING MINUTES:

Mayor Spotts called the regular meeting to order and asked Councilman Gallman to open with prayer. Mayor Spotts then stated that there is an item to discuss a software purchase needs to be added to the agenda under new business.

A MOTION by Councilman Gallman to add the software purchase item to the agenda under new business; seconded by Councilman Dawkins and so approved unanimously.

APPROVAL OF MINUTES:

Mayor Spotts stated that there are three sets of minutes to be approved. He presented the minutes from the May 19, 2009 Regular Meeting, May 27, 2009 Special Called Meeting and June 8, 2009 Special Called Meeting for approval.

A MOTION by Councilman Underwood to approve the minutes from the May 19, 2009 Regular Meeting, May 27, 2009 Special Called Meeting and June 8, 2009 Special Called Meeting for approval; seconded by Councilman Hawkins and so approved unanimously.

OPEN SESSION:

Pope Johnson, a lawyer from Columbia, spoke on behalf of Lovelace Family Practice and the implementation of a franchise fee and the asked that the Council consider accepting or exempting the practice from the franchise fee. He stated the facts that in 1988 when Lovelace built his practice he was not annexed into the town, and was served by the Co-Op. In 1998, the property was annexed into the town limits and at that time he asked to be served by the town for utilities with a three-phase service. The Town initially welcomed him, however, the Co-Op was unwilling to release Dr. Lovelace from their service and in turn the Town declined service. The council took this for information and will discuss.

Councilman Hawkins asked what the average bill was for Lovelace Family Practice, Mr. Johnson did not have the information available.

REPORTS OF COMMITTEES:

Electrical, Fire & Rescue: Everything is holding true with the budget in both overages in expense and revenue.

Sanitation, Streets, & Buildings: Mr. Dawkins stated that the trash truck has been purchased and ready to go. He further stated that he had met with Councilman Hawkins and Philip Brooks from Greenwood about the ADA ramp at the drycleaners. Mr. Brooks was shown other needs in the downtown area including the rails on the high curb. Mosquito have been sprayed. Councilman Underwood asked if we sprayed for mosquitoes every month and was told that we spray as needed. Ms. Livingston asked if there is a timeline on the grant. Councilman Hawkins stated that this was part of the Stimulus money and should be started on soon. Mayor Spotts asked that the weeds be sprayed around Mr. Billy's old store.

Water and Sewer: Councilman Underwood thanked everyone for their weekly report and has nothing out of the ordinary to report. Keep up the good work.

Police Department: Chief Nelson stated that everything was going smoothly. He is still hoping to get grants and will advise as soon as he knows.

Recreation, Parks and Parade: Councilman Gallman stated that art camp will be starting July 13. He further stated that Joey Long would be conducting a baseball camp and baseball summer league from July 9- August 14. Mr. Gallman contacted Thaddeus Davenport about the float shed and is hopeful that the building will be complete by the end of next month.

Utility Department: Mr. Sexton stated that there were some power outages and we need to do some sectionalizing and fuse coordination. Mayor Spotts asked if Duke could come in and do this. Fred indicated that he has called Thomas and McCol and will contact

Southeastern and Duke to get the best price. Mr. Gallman commended the Utility Department on all the work they do and thanked them for their commitment to the Town.

Town Attorney: Mr. Bufkin spoke about the NEC in relation to Mr. Johnson's comments earlier in the meeting. He stated that the NEC could absorb the franchise fee and not charge it to the individual customers; however, they choose to pass it on to their customers as an additional charge. Mr. Bufkin suggested that they go to the NEC for a variance or exception to the franchise fee rule that is currently in place with the NEC. Discussion followed.

Mr. Savidge stated that Mr. Hare has filed an initial brief of appeal so the case is ongoing.

Town Administrator: Ms. Livingston stated that we have one worker from Gleams and are looking for two more to start tomorrow. She continued that the Gleams workers were going to be used to complete the float shed if we could get them to come to work. We requested ten total and Gleams has fallen short on providing the manpower.

OLD BUSINESS:

Property Update on Buildings and Citations: Ms. Livingston stated that the property checks were not done this month because of the new ordinance to be voted on tonight. She stated that if the new ordinance was put into place the list would be updated and a new report would be given next month. Chief Nelson updated council on the status of the abandoned Chinese Restaurant on Main Street in relation to the unlocked door. Ms. Livingston is to send the owners a letter.

Mayor Spotts called for second reading on the franchise fee ordinance. Councilman Hawkins asked to make a statement. Councilman Hawkins stated that the revenue to the businesses was going to increase twenty five to thirty percent and we are going to tack on an additional seven percent to their bills. He further stated that the amount we would receive from the franchise would not make or break the town in regards to revenue since we have no expense involved in serving the power to these citizens. Councilman Gallman added that we have had meetings concerning the franchise and settlement agreement and we had no one show up to speak and now that it is here to pass people are wanting to have their say.

Councilman Underwood stated that it was in the best interest of the Town not to exempt Lovelace from the ordinance. He further stated that the ordinance was to impose the franchise fee on NEC customers within Prosperity Town Limits and if we wanted at a later date to exempt all customers that could be considered but to single out individual businesses or residences was not an option at this time. He too stated that several meetings, and public hearings were held for discussion and no one showed up to dispute until it was too late.

A MOTION by Councilman Underwood to have Second Reading of Ordinance 154.03 to Impose Franchise Fee on NEC Customers within Prosperity Town Limits; seconded by

Councilman Gallman and so approved with a vote of four to one with Councilman Hawkins opposing.

A MOTION by Councilman Hawkins to have Second Reading of Amended Ordinance Title XI, Chapter 112, Sections 112.03, 112.15, 112.17, 112.18 and 112.30 (Alcoholic Beverages”) and Title Xiii, Chapter 130, Section 130.030 (“Intoxication”); seconded by Councilman Dawkins and so approved unanimously.

A MOTION by Councilman Gallman to have Second Reading of Amended Ordinance Title V, Chapter 51, Sections 51.15, 51.16, 51.17, 51.18 (“Littering and Rubbish”), and 51.99; seconded by Councilman Underwood and so approved unanimously.

A MOTION by Councilman Dawkins to have Second Reading of Amended Ordinance Title XII, Chapter 130, Section 048 (“Failure to Leave Premises When Ordered”); seconded by Councilman Hawkins and so approved unanimously.

A MOTION by Councilman Hawkins to have Second Reading of Amended Ordinances related to utility rate increases on water and electric; seconded by Councilman Gallman and so approved unanimously.

Mayor Spotts presented the second reading of the 2009/2010 budget at \$455,800 for the Town Budget and \$1,689,243.00 as the Utility Budget.

A MOTION by Councilman Dawkins to have Second Reading of the 2009/2010 Budget; seconded by Councilman Underwood and so approved unanimously.

NEW BUSINESS:

Mayor Spotts stated that we needed an approval to serve alcohol at the Business Appreciation Drop-In.

A MOTION by Councilman Gallman to approve the serving of alcohol for the Business Appreciation Drop In; seconded by Councilman Hawkins and so approved unanimously.

Purchase Peachtree Software for Accounting: Ms. Livingston stated that the auditors had made a recommendation for the town to switch to different software for the General Ledger Accounting. Nicholson works well for the billing and will map over to the Peachtree system. The cost for the software including installation and training has been put in your box.

A MOTION by Councilman Underwood to approve the purchase of Peachtree Software for the accounting system; seconded by Councilman Dawkins and so approved unanimously.

Town of Prosperity Council Meeting
June 16, 2009

GENERAL INFORMATION:

Mayor Spotts stated that the Town Council would be attending the Governmental Association Meeting Monday, June 29 in Silverstreet.

Mayor Spotts invited all to the Business Appreciation Drop-In to be held in the Civic Center on June 23, 009 beginning at 6:00 pm.

Mayor Spotts wished all the fathers a Happy Father's Day.

Remember, this is your Town and let's keep it clean.

A MOTION by Councilman Dawkins to adjourn the meeting at 7:44 pm; Seconded by Councilman Underwood and so approved unanimously.

Karen L. Livingston

Karen L. Livingston, Town Administrator