

**MINUTES**  
**October 21, 2008**  
**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; Henry Bufkin, Town Attorney, Tim Savidge, Bufkin Law Firm, Craig Nelson, Police Chief, Fred Sexton, Utility Director

Mayor Spotts called the regular meeting to order and asked Councilman Gallman to open the meeting with prayer.

Councilman Hawkins asked to add item Mayor Spotts stated the need to add an item to the agenda under new business. Item d. Resolution establishing an identity theft policy in compliance with recent federal and state legislation and regulation was added. Councilman Hawkins stated the need to add an item to the agenda under new business. Item e. Appointment of Town Attorney was added to the agenda. Councilman Underwood asked to add a police department personnel issue to the executive session.

**APPROVAL OF MINUTES:**

Mayor Spotts stated that there is one set of minutes to be approved. He presented the minutes from the September 16, 2008 regular meeting for approval.

**A MOTION** by Councilman Dawkins to approve the minutes of the September 16, 2008 meeting; seconded by Councilman Underwood and so approved unanimously.

**OPEN SESSION:**

Ms. Jenny Rohland, Traffic Committee Chair from Prosperity Rikard Elementary School spoke about the ongoing traffic issues at the school. Ms. Rohland presented a petition she drafted asking for traffic control daily at the school. Ms. Rohland expressed her wishes that the entire Council support her committee in asking that the Newberry County Sheriff's Office help with the traffic control at the school. The Council agreed to take the information discuss when the petition results were in.

H. "Wendy" Steiner, Owner of Gasthaus Zur Elli Restaurant, spoke about the police coverage and rising drug issues in Town. Ms. Steiner offered the solution of paying the officers more money to recruit and retain officers. She stated that she had called the FBI

and they told her that it was up to the Mayor and Police of a municipality. Mayor Spotts stated that Chief Nelson would look into the issues presented by Ms. Steiner.

## **REPORTS OF COMMITTEES**

**Electrical, Fire Dept., Parade Comm. & Rescue Squad:** Councilman Hawkins stated the utility department has been very busy working on cutting limbs, streetlights, and balancing the load on the circuits in the substation. He pointed out that the revenue coming in is not equal to the budget in the Duke Special Contract as well as the poles and cross arms account is over.

Mr. Hawkins passed out a ballot for the Grand Marshall of the parade. The Float Shed has been staked off and the poles should be set next week. Mark Bowers, Fire Chief has committed to painting the fire lane on Pearl Street. Mr. Hawkins asked if the siren downtown could be quieted during the night. The Rescue Squad had one budget issue that has been resolved. Ms. Livingston stated the part of the Duke overage was due to the fuel adjustment percentage increase by 62%. Councilman Underwood stated for the record that the increase in utility bills is not to add to revenue but just to offset the increase that we received from Duke.

**Sanitation, Streets, & Buildings Departments:** Mr. Dawkins stated to add to the November agenda a line item to purchase roll carts. Mr. Bufkin asked if they were being destroyed by abuse or is the workmanship different than the ones we have purchased in the past. Discussion followed. Mr. Dawkins stated that sidewalk work would be done in the next few weeks. Councilman Dawkins then asked Councilman Underwood and Hawkins to report on the CTC meeting. Councilman Underwood stated that after looking at our match potential, we came closer to matching the Wheeler Street Project Phase 1, however, Councilman Hawkins has found a federal grant, "Safety Route to School", that will pay for the Wheeler Street Project without matching funds. Mr. Hawkins stated that the school would be responsible for filling out most of the paperwork and the Town would administer the grant. Ms. Rohland volunteered to help with the grant program when Mr. Hawkins gets the paperwork in shortly after the first of the New Year. Discussion followed about getting a figure that the Town could match on the top priority sidewalk. The matching funds need to be at least 20 per cent. The estimate is \$130,000 for the top priority project.

**Water and Sewer:** Councilman Underwood stated that several sewer items were handled during the month. He thanked the utility department and Mr. West for the continued good job they do and noted that most budget items are in line for the month.

**Police Department:** Mayor Spotts introduced Jerome Caughman, a new police officer who will join the Prosperity Police Department November 1<sup>st</sup>. Chief Nelson reported that there are five cases pending in general session's court. Councilman Underwood questioned Chief Nelson concerning the traffic direction at the school and the directive he received the previous month's council meeting. Chief Nelson responded that he was

asked to direct traffic if he did not have a call. Councilman Underwood asked how many times he had directed traffic at the school since the last meeting and Chief Nelson answered 3 or 4, then he was asked if he felt that was sufficient and answered yes he did. Councilman Underwood then stated that he was not satisfied with the number of times he directed traffic and believed that he should have directed traffic more over a month's period. Underwood and Hawkins then stated that as a council they felt that if there was not a call then he should be at the school; Hawkins then stated that after the meeting council was furnished a schedule and the chief's schedule was 8-4. Hawkins then asked how traffic control could be priority when he had changed his schedule to reflect 8am. Mayor Spotts stated that Chief Nelson comes out more than just scheduled hours. Ms. Livingston spoke up and stated that the schedule that was furnished was for the Newberry County Sherriff's office to know that until 8:00 am they were to cover the Prosperity Area as we did not have an officer on duty; she continued that Chief Nelson comes to work between 7:00 am and 7:30 am and works until 4 pm. The Prosperity Police Department covers the Town between 8am and 4pm with a day shift officer. Discussion followed.

Mayor Spotts thanked Chief Nelson for the job he is doing. Ms. Livingston stated that she would communicate to the council obstacles that keep the traffic control from being done daily and that the traffic would be prioritized and committed to being done at least twice per week.

Mayor Spotts stated that he thought the Chief was doing a great job and he supported him and the department one hundred percent. Councilman Hawkins reiterated what Mayor Spotts stated and added that in light of the two young officers we have do we have the resources we need to handle the open cases on record. He then asked if Chief Nelson and Ms. Livingston could work together and come up with a plan to utilize the resource we have and possibly use our greatest resource, Benji Sease to work on reducing the pending cases. Ms. Livingston stated that she and Nelson would take a look at it and come up with a plan. Chief Nelson stated that he needed an investigator.

**Recreation and Parks Department:** Councilman Gallman stated that there was not much going on in recreation this time of year. Mr. Gallman thanked the Utility Department for cutting the grass for the soccer players. Mr. Gallman brought up the progress we are making to add on to the concession stand and replacing the roof on the dugouts on the Dixie Youth Field. Ms. Livingston responded that Mr. Sexton is checking on the cost to move the transformers from the back of the current building to see if we need to consider renovations to the current concession stand. Mr. Gallman talked about the lights at the tennis court being fixed. Ms. Livingston stated that the park hours do not warrant lights on the tennis court, he also asked that the fence on Langford Street Ball Field be looked at and asked Fred to also look at the washes in the driveway at the Langford Street Field.

**Utility Department:** Mr. Sexton stated that Grace Church is adding on and will need a new pad mounted transformer.

**Town Attorney:** Mr. Bufkin stated that he had one case to update in executive session. Mr. Savidge updated on other cases that are outstanding. Wilson vs. Town Of Prosperity is in the discovery stage; depositions are being taken. Dorn vs. Town of Prosperity, appealed, no update. Stafford vs. Town of Prosperity, no update. Councilman Hawkins asked Mr. Bufkin if the duties of the Town Administrator and Clerk Treasurer had been researched. Mr. Bufkin stated that he would discuss in executive session.

**Town Administrator:** Ms. Livingston stated that a tree grant from Palmetto Pride had been received for 17 trees. The trees will be placed throughout Town including the square, park, and walking track. Mr. Hawkins asked that his cub scout troop be asked to help with the planting.

## **OLD BUSINESS**

**Update on Property Ordinance Action Plans:** We have two active summonses to be heard in November court on the Potato House and McNeary Street properties. Councilman Underwood asked what procedure needed to be followed to have a property added to the list. Ms. Livingston stated to notify her and she would get the letter out.

**Painting of Fire Lane on Pearl Street:** Councilman Hawkins spoke with the Chief Bowers and they are willing to paint the lane. Councilman Hawkins will get the paint for them to use.

**Ordinance on Fine for Rundown Buildings:** Ms. Livingston and Bufkin Law Firm will be using a sample ordinance from Anderson to write a new ordinance for review by council.

**Float Shed Update:** The float shed will be complete by December 5, 2008.

## **NEW BUSINESS**

**Sue Theriot – Lt. Governor’s Office:** Sue Theriot – Outreach Manager with Lt. Governor’s Council on Aging, presented council with literature and a brief message on the programs offered by their office. Council thanked Ms. Theriot for the information and the presentation.

**Barry Hartman – Neighborhood Watch:** Barry Hartman, Town Citizen, brought several concerns to the council. As a citizen he would like to see more police protection. Mr. Hartman stated that he talked with Sheriff Lee Foster two weeks ago and Sheriff Foster stated that he would have to be asked to help the Town Police Department with a Neighborhood Watch Program and extra coverage. Mayor Spotts stated that the Sheriff’s Department was provided a schedule monthly and when we did not have an officer on duty they covered. Mr. Hartman asked about putting a street sign on Elm Street Extension. Mayor Spotts asked Chief Nelson to check into getting a sign from the Highway Department. Mr. Hartman also stated that he would like to see a traffic light at the school. Mr. Hawkins discussed his findings on getting a traffic light there. Mr.

Gallman joined the discussion about traffic devices. Mr. Hartman asked about widening the railroad crossing on his property. Mr. Bufkin stated that the railroad might come and take the crossing if we raise a stink about the crossing. He suggest that we make sure we have done all we can do to make the railroad crossing useful for our purpose and be sure we are ready to accept what the railroad decides to do with the crossing whether it is what we want or not.

Ms. Livingston commented that Ron Abrams, Newberry County Community Officer, would come and host a neighborhood watch program and that she would set it up for November or December.

Ms. Hartman asked if our police could run stationary radar on Hwy 76 at the school. Mayor Spotts responded that he was not the one that stopped the practice and he would like for Prosperity to be known as a “speed trap” if that is what slows people down that come through our Town. Councilman Underwood stated that if we are known as a “speed trap” that we would lose business and all sorts of things.

**Award Bids for Police Cars and Line Truck:** Ms. Livingston reported that for all sold equipment we received Five Thousand Two Hundred and Two Dollars.

**Resolution establishing an identity theft policy in compliance with recent federal and state legislation and regulation:** Ms. Livingston stated that the resolution brings the Town in compliance with the Red Flag Rules effective November 1, 2008. These rules are in place to keep our customers identity safe from theft.

**A MOTION** by Councilman Underwood to adopt the resolution establishing an identity theft policy; seconded by Councilman Dawkins and so approved unanimously.

**Appointment of Town Attorney:** Mayor Spotts asked for a motion to reappoint Mr. Bufkin. Ms. Livingston asked that the appointment date be stated to run in conjunction with the election.

**A MOTION** by Councilman Hawkins to appoint Henry Bufkin, Bufkin Law Firm as Town Attorney until January 31, 2010; seconded by Councilman Underwood and so approved unanimously.

Mayor Spotts stated a need for an executive session for a legal update and personnel issue in the police department and clerk treasurer administrator position.

**A MOTION** by Councilman Hawkins to go into executive session; seconded by Councilman Dawkins and so approved unanimously.

**A MOTION** by Councilman Hawkins to come out of executive session; seconded by Councilman Gallman and so approved unanimously.

**GENERAL INFORMATION**

Mayor Spotts stated that no decision was made in executive session.

Mayor Spotts stated that the competitive grant check had been received for \$35,000.00 to be used to replace the broken windows in Town Hall.

The Literacy Council held their annual banquet in the Civic Center. Mayor Spotts thanked WKDK and the Dutch Fork Chronicle for the good job they did with the Candidate debate.

Remember, this is your Town and please do your part to KEEP PROSPERITY CLEAN.

Councilman Hawkins reminded the council members to turn in their parade Grand Marshal vote. He also stated that he did not want the Prosperity non-smoking ordinance to die and let's keep looking into this.

**A MOTION** by Councilman Dawkins to adjourn the meeting at 9:10 pm; Seconded by Councilman Hawkins and so approved unanimously.

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Karen L. Livingston, Town Administrator