

Minutes
Town Council Meeting
September 20, 2005
PROSPERITY, SC 29127
7:00 PM

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

Absent: Mayor Bruce Connelly

Administrative Attendance: Andrea Cantrell, Town Administrator; Missy Grubbs, Clerk Treasurer; Fred Sexton, Public Works Director; Hank Bufkin, Town Attorney; Benji Sease, Chief of Police; Sabrina Manning, Recreation Director

Councilman Gallman called the meeting to order. Councilman Underwood opened the meeting with prayer.

APPROVAL OF MINUTES:

Councilman Gallman presented the minutes of the August 16, 2005 council meeting to Council for approval.

Councilman Spotts stated that last month it was mentioned that the Town had received a petition. He stated that Council never received it. He requested a copy from Ms. Cantrell. He also requested copies of Mr. Daniel Hare's request to appear before Council.

A MOTION by Councilman Underwood to approve the minutes of August 16, 2005; Seconded by Councilman Dawkins and so approved unanimously.

WELCOME NOTE:

Councilman Gallman welcomed everyone to the meeting. He stated that Mayor Connelly is out of Town and will not be present tonight

OPEN SESSION:

Councilman Gallman recognized Ms. Garner who had signed up to speak to Council.

Ms. Jewel Garner introduced herself to Council. She stated that she is a concerned citizen of the Town and appreciates the opportunity to speak. She stated that everyone is aware that REA is going to sue the Town and they will win, just like they won against the

City of Newberry. She questioned where the Town is going to get this money. She stated that the City of Newberry thought they could win but ended up paying REA four million dollars. It seems that they have learned their lesson. Recently they annexed property and they have already given REA three franchises. She stated that the Town needs to learn from the City of Newberry's mistakes. She questioned where the money would come from without raising taxes. There are people living in Prosperity on fixed incomes. She stated that she would sale her property and move out of Town if taxes are increased. She went on to further explain her concern regarding running line to the new shopping center as well as potential lawsuit costs. The Town could get a five percent franchise for nothing. She also questioned how many years it would take to recoup these costs. She also stated that the Town had just signed a contract to Weathers Contracting for \$900,000.00. This entire burden cannot be put on the taxpayers. She stated that she had read the City of Newberry's case as well as all articles in the paper regarding these situations. She asked Council to show her how the Town can pay these bills without raising taxes. She thanked Council for allowing her to speak.

Councilman Gallman thanked her for her comments. Councilman Spotts stated that Ms. Garner deserved an answer. He stated that Council had voted to do this and told them to give her some answers. Councilman Gallman stated that they would not respond at this time. Councilman Spotts stated that he had questioned interacting with people speaking during open session and nothing in Robert's Rules stated that they could not interact. Councilman Gallman again stated that Council would not respond at this time. Councilman Spotts ordered Council to give her an answer. Ms. Grubbs stated that it could be put on the agenda for next month. Ms. Garner stated that this would be fine and it would give Council a chance to review it. Councilman Spotts stated that he had figures tonight for Ms. Garner. Councilman Gallman called Councilman Spotts out of order. Mr. Bufkin stated that as Mayor Pro-Tem over the meeting Councilman Gallman could call who is in and out of order. Councilman Spotts again attempted to address this. Councilman Gallman again stated that Councilman Spotts was out of order. Councilman Spotts stated that he was not out of order. Councilman Spotts asked Mr. Bufkin for something in writing stating that he could interact with Ms. Garner. Mr. Bufkin stated that the ruling of the Chairman has been in the past that there is no interaction with the public during Open Session otherwise the meeting would go on forever. He stated that the Chairman of the meeting could rule people in and out of order. Councilman Spotts stated that there is no written rule saying that Council cannot interact with the public. Mr. Bufkin stated that there have been months to debate this issue and his advice to the Chairman of the meeting would be that the ruling has been that there is no interaction during Open Session. Councilman Spotts stated he had roughly come up with some figures and he would give them to Ms. Garner later. Councilman Underwood stated that Ms. Garner had charged all of Council to come up with some figures. He stated that he did not have any figures prepared for tonight but he would be glad to get some together and get back to her. Ms. Garner stated that this would be fine. Councilman Underwood stated that if Ms. Garner wanted to be added to the agenda she could request this from any Council and they would take care of it. Councilman Spotts stated that any Council member that voted for this should have the figures in front of them. Councilman

Underwood stated that he had some figures but he did not bring them with him tonight because he was not aware that this would need to be addressed.

Councilman Gallman recognized Herbert Payton who had signed up to speak.

Mr. Herbert Payton thanked Council for giving him the opportunity to speak. He stated that Ms. Garner had already covered everything that he had wanted to bring before Council. He stated that everyone has read the case between the City of Newberry and REA. He stated that the amount the Town could have to pay REA is approximately \$382,000.00 if the Town does not allow REA to service the new shopping center with power. Mr. Payton questioned does Council know that the Town will not have to pay REA this amount of money. He stated that the City of Newberry did have to pay. If the Town has to pay where are the funds coming from. He stated that the new building that REA just built was funded by the City of Newberry.

Councilman Gallman recognized Bennett Garner to speak. Mr. Garner stated that he did not care to speak at this time.

Councilman Gallman recognized Daniel Hare who had signed up to speak.

Mr. Daniel Hare stated that he had received phone calls from concerned citizens that had signed a petition to stop the construction of the Public Works building on Langford Street. He stated that he had come to council meetings and asked these questions and the Mayor was unwilling to answer what happened to the petition. He stated that everybody in the community uses the park on Langford Street. This new building is taking up valuable space in this park. One citizen had asked him why Council had voted to put the building out there when it costs \$9000.00 more to move it then to leave it at the current location. Mr. Hare stated that he had reviewed SC Code of Laws under notice to filing a petition. He read the law to Council. He stated that the people that signed the petition are concerned as to why the petition was not published, why there was not a hearing regarding it and why the Mayor did not answer the questions. Councilman Spotts stated that he would like to know the answer to this himself.

Mr. Bennett Garner asked if he could now speak. Councilman Gallman recognized him to speak. Mr. Garner stated that were some lines installed on Langford Street a couple of years back. He asked if Mr. Sexton was familiar with this. Mr. Sexton asked what kind of lines he was talking about. Mr. Garner stated that there were water lines and hydrants. He questioned if the Town was reimbursed for this. Councilman Spotts stated that the Town is still out of pocket. Ms. Cantrell stated that the Town did receive this money. Councilman Underwood stated that this could be addressed under the water and sewer report. Mr. Garner questioned how much the Town was out of pocket regarding this, who ordered the work to be done and was it done during the week or on the weekend.

REPORT OF COMMITTEES:

Electrical and Fire Department: Councilman Underwood stated that the Parade Committee had a meeting last month. Several volunteers showed up. He stated at the next meeting they would start assigning duties. Council needs to start thinking about a Grand Marshall for the parade.

Councilman Underwood stated that in the electrical department they have started cutting right of ways to prepare for the winter. They have already removed several trees that would have been a risk to the power lines. The Utility department should be commended for this work.

Councilman Underwood reported on the Fire department that Chief Bowers had informed him that the county had increased funding for their utilities. Chief Bowers stated that it would now be \$750.00 a quarter that the Town should be receiving. Councilman Underwood stated that this should help to offset some of the costs that the Town pays for the Fire Departments utilities. He also stated that he wanted Council to start thinking about the fire tax rebate that the Town receives annually from the County. He would like to see the Town reallocate some of these funds to go more towards the Fire Department as opposed to other portions of fire protection.

Sanitation and Streets: Councilman Dawkins stated that in the street department they have started repairing the sidewalks. They will be working on this every Thursday until the repairs are completed. He stated that Utility department would be cleaning the Town next Sunday morning. This is usually done about twice a year.

Councilman Dawkins stated that in the sanitation department Mr. Sexton had the trash truck out getting some repairs completed on the back loading portion. Mr. Sexton stated that there is one more piece in need of repair but it will not be as expensive as the other repairs. He stated that the area in question is rusted out. Councilman Dawkins stated that Mr. Sexton should move forward with this repair also.

Building, Recreation and Parks: Councilman Gallman stated that the building on Langford Street and the Town Center renovations are going great. He stated that they are ahead of schedule.

Councilman Gallman stated that soccer season is going well and he recognized Ms. Manning to speak on this. Ms. Manning stated that the Town has 150 children signed up this season to play soccer from ages 4 to 18. The season is going great.

Councilman Gallman questioned if Mr. Bufkin had been in touch with the owner of the building beside Romas. Mr. Bufkin stated that Ms. Cantrell had spoken with Mr. Argoe. Ms. Cantrell stated that he had visited the location and informed her that he planned to start working on the front and back. She stated that he had plans to use the building as a satellite office in the future.

Councilman Underwood stated that he would like to speak on something mentioned earlier. Councilman Gallman recognized Councilman Underwood to speak. Councilman Underwood stated that the \$9000.00 questioned earlier by Mr. Hare was actually the amount to enclose the shed on Langford Street. This would be done to keep equipment from being visible from the ballfield. He also stated that he had reviewed the petition that had been received prior to the August meeting. He stated there were only eight signatures on the petition out of over one hundred that were actually citizens of the Town of Prosperity. He also stated that Council voted to put the Public Works building on Langford Street in the March 2005 meeting, which was many months prior to even receiving the petition. Councilman Underwood stated that he would get Mr. Hare a copy of this if he wanted. Mr. Hare asked if he could get a response to how many citizens were on the petition. Councilman Underwood stated that the petition was reviewed and very few names could actually be verified as citizens of the Town. Mr. Hare stated that everybody that signed the petition lives on Langford Street. Councilman Underwood stated that there were no names or addresses on the petition. He stated that he would be reviewing what is needed to make a petition legal. He stated that a copy would be given to all Council members to review again. Councilman Spotts stated that the petition should have been shown to everybody. Mr. Hare stated that everybody uses that park. Councilman Underwood stated that his comments were just to address what was brought up earlier.

Police Department: Chief Sease stated that there had been a rash of cars broken in to. He wanted to make Council aware of this so they could spread the word for the citizens of the Town to keep their cars locked to help avoid this. He stated that the Police Department is currently working to get this under control and get the people responsible arrested.

Councilman Underwood questioned if the Town had ever looked into purchasing or renting one of the mobile speed signs. Chief Sease stated that a used one is around \$10,000.00. Ms. Cantrell stated that she thought the Town had borrowed one from the City in the past. Councilman Underwood asked Chief Sease to check into this. He stated that he had received some concerned phone calls regarding speeders on Main Street. Chief Sease stated that he would speak with the City's Traffic Safety Officer. Councilman Underwood questioned the possibility of leasing one. Chief Sease stated that he was not sure that leasing was available.

Water and Sewer Department: Councilman Spotts stated that all of the lift stations have been cleaned and degreased. He stated that the exposed water line on Langford Street has now been replaced and buried. This line went from behind Ms. Foster's house to Cathleen Denise's house.

He stated that there was a problem with the motor on lift station # 4. Work will have to be done on this.

He stated that Monday there was a sewer stoppage on Langford Street.

Mr. Sexton stated that there is a problem behind the Post Office also. He stated that he was not sure if it is the Post Office's responsibility or the Town's but they are looking into it. Councilman Spotts stated that they had checked and there was not a line stopped up. Mr. Sexton stated that it was not a stopped up line but there is definitely a problem.

Town Administrator: Ms. Cantrell stated that she did not have a report at this time.

Town Attorney: Mr. Bufkin stated that he had no report at this time.

Old School Renovations: Mayor Connelly was not present tonight.

NEW BUSINESS

First Reading of the Commercial Tap Ordinances: Ms. Cantrell stated that she had distributed copies of these two ordinances to Council earlier. She stated that the ordinances address commercial taps for water and sewer.

The commercial water tap ordinance was drafted for the Town of Prosperity based on the City of Newberry's ordinance. The water tap ordinance simply puts in writing how Council has chose to handle this in the past on a case by case basis. It applies the regular water tap fee of \$600.00 plus costs on installation if it falls above the costs of installation of a standard residential tap.

The second ordinance is the sewer commercial tap ordinance. She stated that Newberry County Water & Sewer uses an equivalent unit for their sewer taps based on what a residential sewer tap would use and comparing it to a commercial tap and then increasing the tap fee proportionately. This commercial sewer tap ordinance before Council tonight was drafted from the same standards that NCW&S uses. It would give the Town the ability to increase the tap fee for commercial businesses to cover the actual costs of installation. She stated that Council needs to have first readings on both of these ordinances tonight.

Ms. Cantrell read the commercial water tap ordinance to Council (see attached copy). She stated that this would cover any tap over $\frac{3}{4}$ inch. Mr. Sexton stated that they have had a couple one-inch taps but this ordinance would also cover them. Councilman Spotts stated that the tap fee is the same as it has always been.

A MOTION by Councilman Underwood to approve the first reading of the Commercial Water Tap Ordinance; Seconded by Councilman Dawkins and so approved unanimously.

Ms. Cantrell stated that the second ordinance would be to amend the sewer tap ordinance for commercial taps. It sets up a REU (residential equivalency unit) as the standard. This will be based on what the DHEC standards are for the State. Then the sewer tap fee will be \$600.00 per each REU. According to DHEC standards the tap fee would be increased based on the amount of water a business would use proportionately. Councilman Spotts

questioned if these were the same rates that the City of Newberry uses. Ms. Cantrell stated that this is the same standard that Newberry County Water & Sewer uses. She stated that their actual tap fee is much higher than the Town's. Councilman Dawkins questioned if everything was the same but the increase of the cost for usage. Ms. Cantrell stated that the actual tap fee is the same then the Town would refer to the DHEC chart to determine how to proportionately increase the tap fee. Ms. Cantrell stated that she would be glad to give Council a copy of the DHEC chart for their review.

A MOTION by Councilman Dawkins to approve the first reading of the Commercial Sewer Tap Ordinance; Seconded by Councilman Underwood and so approved unanimously.

Councilman Spotts stated that he wanted a copy of the DHEC chart.

Councilman Gallman stated that item "b" under New Business "Cut-Off Procedures" would be postponed until the next meeting. Mr. Bufkin asked if he could speak regarding this. Councilman Gallman recognized Mr. Bufkin to speak. Mr. Bufkin stated that he had been to a meeting and received information regarding statewide cut-off procedures that the Town was not aware of. Even after reviewing this statute it is not certain that it applies to the Town. It applies to Public Service Commission regulated industries and the Town does not fall under this regulation. This reading will be postponed until it can be determined what statutes the Town has to comply with. Councilman Gallman thanked Mr. Bufkin for this information.

OLD BUSINESS

Status of 04/05 Audit: Ms. Grubbs stated that good financial reports were finally obtained from our system the first of September for the 04/05 fiscal year. C.C. McGregor has those in hand and has begun the 04/05 audits. This delayed the audit process about two months later than planned and will also delay getting the preliminary audits back.

Councilman Gallman asked if there was anything else to be brought before Council tonight. Councilman Underwood stated that he had been contacted by the owner of the German Restaurant regarding borrowing the Town's picnic tables during her Octoberfest. He stated that he wanted to bring this before Council tonight. Councilman Underwood recommended that Council approve this in order to help this local merchant. He questioned Mr. Bufkin regarding the Town's position. Mr. Bufkin stated that he did not see a problem as long as the tables are in good working order as to not cause a liability situation for the Town. Councilman Gallman stated that Council should support the local merchants but this should be a one-time use. He stated that it should be clear that the merchant is responsible for any damage to the tables. He also stated that Council needs to be aware that the Utility employees will have to transport the tables. Mr. Bufkin recommended that if Council chooses to approve this that they do so for this time only and if a request comes up again Council will have to review it on a case by case basis.

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Councilman Gallman agreed and asked if a vote was needed. Mr. Bufkin stated that a vote is not needed as long as Council is in agreement. All Council members agreed.

A MOTION by Councilman Underwood to adjourn the meeting at 7:40 pm; seconded by Councilman Dawkins and so approved unanimously.

Toni Melissa Grubbs
Clerk/Treasurer