

Minutes
Town Council Meeting
October 18, 2005
PROSPERITY, SC 29127
5:00 PM

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

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

Special Attendance: Attorney Jim Brailsford, SCAMPS and A.J. Molnar, Southeastern Consulting

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

Mayor Connelly stated that the meeting was set up at 5:00 p.m. specifically to meet with A.J. Molnar and Attorney Brailsford.

A MOTION by Mayor Connelly to go into Executive Session to accept attorney information regarding potential action between the Town and Newberry Electric Coop.; Seconded by Councilman Dawkins and so approved unanimously.

Mayor Connelly excused Ms. Manning from the Executive Session.

A MOTION by Councilman Dawkins to come out of Executive Session; Seconded by Councilman Gallman and so approved with Councilman Underwood being absent.

A MOTION by Councilman Gallman to recess the meeting until 7:00 p.m.; Seconded by Councilman Dawkins and so approved with Councilman Underwood being absent.

Mayor Connelly reconvened the meeting at 7:00 p.m.

All Council and Administrative Staff were still present. Attorney Brailsford and Mr. Molnar excused themselves from the remainder of the meeting.

Mayor Connelly stated that earlier in the night at 5:00 p.m. the meeting was called to order and immediately went into Executive Session. The meeting then recessed at 6:15 p.m.

APPROVAL OF MINUTES:

Mayor Connelly presented the minutes of the September 20, 2005 meeting to Council for approval.

A MOTION by Councilman Gallman to approve the minutes of September 20, 2005; Seconded by Councilman Dawkins and so approved unanimously.

Mayor Connelly welcomed everyone to the meeting and invited everyone to come back.

Mayor Connelly stated that he had two amendments to the agenda tonight. First he would like to add under Old Business discussion for billing Newberry County Water & Sewer for a portion of the costs incurred for the Lagoon Upgrades.

A MOTION by Councilman Gallman to add "Lagoon Upgrade Costs" under Old Business; Seconded by Councilman Underwood and so approved unanimously.

Mayor Connelly stated that the second amendment to the agenda would be to move Open Session after Old Business. He stated that some of the items that would be discussed during the meeting would answer some of these questions.

A MOTION by Councilman Gallman to move Open Session after Old Business; Seconded by Councilman Dawkins and so approved unanimously.

REPORT OF COMMITTEES:

Electrical and Fire Department: Councilman Underwood stated that SCE&G had passed a policy regarding cutting off utility services to residential customers during inclement weather. The elderly and sick customers are particularly at risk during this time. The policy also addressed having some type of third party notification. He stated that he would like Council to consider adopting a similar policy. Mayor Connelly appointed Councilman Underwood, as Electrical Chairman, to research this and make recommendations to Council at the next meeting.

Mr. Bufkin asked if he could address Council on this issue. Mayor Connelly recognized him to speak. Mr. Bufkin stated that during the SCAMPS meeting that he attended in the summer this issue was discussed. There was concern for residents that were unable to pay their bills during winter months. Some municipalities and electric service providers decided that there would be no cut off of utilities during the colder months. Others had implemented a process in which there was a visit to the home of people who could not pay their utility bill in colder months and additional assistance was offered to contact agencies and/or relatives to get assistance with paying the bill. Most of this discussion originated from a case in Greenville in which an elderly lady died as result of cutting off her utilities during a colder month. Most utility companies are trying to make provisions

as to avoid this happening. Mayor Connelly thanked Mr. Bufkin for this information and stated that Council definitely needs to address this.

Councilman Underwood that he had no further reports for the electrical department. He stated that regarding the Parade Committee he would like to bring up to Council the \$500.00 donation that the Town gives each year. These funds will be used to fix up the float, make mail outs, etc.

A MOTION by Councilman Underwood for the Town to donate \$500.00 to the Christmas Parade Committee; Seconded by Councilman Gallman.

Ms. Cantrell stated that the Parade Committee no longer has a checking account. It was decided earlier that these expenditures would run through the Town. Mayor Connelly confirmed this. Ms. Cantrell stated that the expenditures that are submitted for payment by the Parade Committee would be paid out of this budgetary line item.

Mayor Connelly asked for a vote on the motion. It was approved unanimously.

Councilman Underwood stated that he felt the motion was not needed because the bills will go to the Town for payment.

Councilman Underwood stated that the decision of the Grand Marshall for this year's parade would have to be made soon. He asked that each Council member submit three names for consideration before Thursday.

Councilman Underwood stated that he had asked Mr. Sexton to get the Christmas parade float moved under the shed in order to get repairs completed. He stated that he would have more information next month.

Councilman Underwood stated the Fire Departments haunted woods annual Halloween fundraiser would be October 21, 22, 28 & 29. Also on the 29th from 7:30 p.m. to 11:00 p.m. they will be having a hot dog dinner and games for the children. Councilman Spotts questioned if the Town would be donating hot dogs to the Fire Department for this fundraiser. Councilman Underwood stated that this was done two years ago. He stated that if Council wants to donate them this year that he would make the arrangements to get them. Councilman Spotts and Mayor Connelly stated that they felt we should make this donation again this year. All Council was in agreement. It was agreed that no motion was needed on this item. Councilman Underwood stated that he would take care of getting the hot dogs to the Fire Department.

Sanitation and Streets: Councilman Dawkins stated that he had no report at this time.

Building, Recreation and Parks: Councilman Gallman stated that soccer is going well and will be over on October 24th. This program has had a great participation.

Councilman Gallman stated that the building on Langford Street is almost complete. He also stated that buildings above Napa that were the old Ford Motor Company are being turned into six apartments. They are looking great. He encouraged everyone to go by and look at the renovations. He stated that the Town Center renovations are going great.

He stated that he had also spoken with someone that owned property in Prosperity that has an old building on it. They are planning on tearing down the current building and put a trailer on the property.

Police Department: Chief Sease stated that he had no report at this time.

Councilman Spotts questioned what was done about a complaint letter received from Scott Tollison. Chief Sease stated that he had spoken with him and he seemed to be okay with the actions that were taken as a result of the letter. Mayor Connelly stated that he had also spoken with Mr. Tollison and a response letter will also be sent to the Senator.

Councilman Spotts questioned how many shifts last weekend did our department not cover. Chief Sease stated that it was his shift because he was out of Town. Councilman Spotts again questioned how many shifts this was. Chief Sease stated that it was Friday, Saturday and Sunday on day shift. Officer Wilson stated that Officer Nelson was also off on Friday night. Chief Sease clarified that Saturday night and Sunday night the Town did have an officer on duty.

Water and Sewer Department: Councilman Spotts stated that on September 23rd there was a six-inch water break beside the Foster's house. He stated that all of the sewer right of ways have been cut and overhead trimmed. The suction pipes on lift station #2 have been replaced on both motors.

Town Administrator: Ms. Cantrell stated that the Town has taken bids for a new copy machine. It will also take the place of all the printers and the fax machine. It has the ability to scan documents. She stated that the Town has many boxes of old documents that there are plans to scan and then store them away.

Mayor Connelly stated that he had spoken with several Towns that were affected by the recent hurricanes. During this they lost many years of paper documents that cannot be replaced. It has been recommended that the Town find some way to keep a copy of these documents that would be safe in this type of situation. The Town would like to scan these old documents onto to a disc and store it where water or fire would not damage it. He stated that the vault at the new Town Center will be fire proof for three to four hours only. The Town needs to find a way to secure these documents once they are scanned. He stated that it was also recommended that an additional copy of the records be kept in a different location.

Ms. Cantrell stated that she has received two bids and they will be available in the Town Hall for Council to review. Councilman Underwood questioned if this multi function machine would be replacing any equipment that we are currently having problems with.

Ms. Cantrell stated that it would replace the existing copier. She stated that Ms. Grubbs is currently having problems with her printer and is not able to print checks at all. This new machine would also replace all of the printers in the office.

Mr. Bufkin stated that if the Town is going to archive, consideration needs to be given to how quickly technology changes. The archiving needs to take place on the most current technology available and verify that the Town will have the means of retrieving it.

Ms. Cantrell stated that Archives and History has a policy on moving historical documents to this type of format. She stated that this policy is currently being reviewed by Town Administration to make sure the Town complies with it. Mayor Connelly stated that we want to make sure to preserve the older records of the Town for the citizens.

Councilman Spotts questioned if Prosperity-Rikard School is in Town. Ms. Cantrell stated that the Town does have minutes that state it is. Councilman Spotts questioned if the Town had an annexation ordinance on file for this property. Ms. Cantrell stated that this document cannot be found but we do have the recorded minutes where the Council voted to approve the annexation of this property. Councilman Spotts questioned if the County has it listed as being out of the city limits. Ms. Cantrell stated that she was not sure how the County had it listed. She referred this question to Mr. Bufkin. Mr. Bufkin stated that the zoning map shows that it is in Town but the actual ordinance cannot be located. Councilman Spotts questioned if having it in the minutes makes it official. Mr. Bufkin stated until something else is proved the Town will go by their written records which show it is in Town. Councilman Spotts questioned again if legally the property is in Town. Mr. Bufkin read the set of minutes from April 16, 1996, which stated that Mike Bedenbaugh made a motion to approve the second reading annexing the new Prosperity Rikard Elementary School; the motion was seconded by Larry Spotts and so approved unanimously. Mr. Bufkin stated that this Council is bound by these minutes as they are recorded and approved. Councilman Spotts confirmed then that it is legally in Town. Mr. Bufkin stated that the second reading that was just reviewed makes it legal with the Town. Until it is proved otherwise the Town is bound by this record where Council voted for the property to be annexed into the Town limits.

Town Attorney: Mr. Bufkin stated that he had several issues to address tonight. He stated that there have been implications against the Town in the last week that need to be addressed. He stated that he was present at what was alleged to be an illegal meeting. He stated that he had researched the Freedom of Information Act. The language of this act specifically defines a meeting as the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power. He stated that the meeting in question took place a week ago Tuesday. He stated that the general facts regarding this meeting are as follows. After discussions between members of the Newberry Electric Coop Board and the Mayor, the Mayor was invited to make a presentation to the NEC Board. Mayor Connelly prepared his presentation but there was no called meeting of Council. The head of the NEC sent out invitations to each of the Town Council.

Mr. Bufkin stated that he had been having discussions with the Mayor regarding his presentation but had no intentions of attending the meeting. He stated that Mayor Connelly requested that he attend. He stated that he met the Mayor at NEC to support him during his presentation to the Board. Mr. Bufkin stated that he was surprised to see the rest of the Town Council present at this meeting. They had been invited by the head of the NEC and had all rights to attend the meeting. All Town Council members are very concerned about the situation between the Town and NEC regarding servicing the new Piggly Wiggly.

At the meeting the Mayor made his presentation and then the President of NEC made his presentation. After the presentations all representatives from the Town left. Mr. Bufkin stated that this was not a meeting of the Town Council. The Town Council was invited by NEC to attend their meeting. He also stated that he does not feel that this was a violation of the Freedom of Information Act and he does not feel that this was an unauthorized meeting. There was no gathering by Town Council to discuss any issues or make any decisions. The representative from the Newberry Observer was asked to leave by the NEC Board not by Town Council. Mayor Connelly had informed the representative from the paper that there would be a meeting and also gave him a copy of his presentation. There was no intent by the Mayor or Council to deceive or hide anything. He stated that the Town has gotten wrongfully accused of something that they did not do. The Town Council members individually made decisions to attend the NEC meeting. There was no meeting of the Town Council and there were no discussions amongst themselves. He stated that it was just a coincidence that they rode in the same car and he did not feel that this constituted as a meeting. Mr. Bufkin stated that he does not feel that this violates having a meeting without proper announcement. Everything that took place was in the open.

Mr. Bufkin stated that at the last Council meeting several issues were brought up. He stated that he was not prepared to answer these issues at that time but is prepared to address them tonight. He stated that Ms. Jewel Garner is on the agenda for later but he requested to address this issue now. Mayor Connelly recognized Mr. Bufkin to address this issue now.

Mr. Bufkin addressed Ms. Garner and presented her with a report regarding the Town's position in providing electrical service to the new Piggly Wiggly shopping center. He stated that Mayor Connelly had reviewed this report and agreed with the figures. He stated that he felt he should respond to this because it is a legal issue but the Town hopes it will be resolved in a friendly manor.

Mr. Bufkin stated that the next issue is the legality of providing water service to a development on Langford Street. This was regarding a claim that resulted from work between the Town and T&G Properties. Mr. Bufkin questioned who had brought up this issue last month. Council and other Town administration responded that Bennett Garner had asked these questions. Mr. Bufkin stated that there was an issue about two years ago about whether the Town had properly authorized the installation of water service under

the road on Langford Street. There was a dispute between the Town and the owner of the property, T&G Properties, as to who would be responsible for paying for the installation of the line under the road. He stated that at the time Councilman Spotts voiced that T&G Properties should pay for this installation. Councilman Spotts confirmed this. Mr. Bufkin stated that at that time there was a fire hydrant painted black in this area which meant that it was not usable. This issue came before Council several times and it was finally decided that T&G Properties should pay \$5400.00 for this water line installation. T&G Properties was not happy with this decision and there a dispute between them and the Town. T&G Properties had property that needed water service and the Town would not provide it because there was an outstanding bill. Finally on November 8, 2004 T&G Properties paid the Town \$5400.00 for this water line installation. Mr. Bufkin presented a copy of the bill from the Town and a copy of the check from T&G Properties. Mr. Bufkin stated that this claim has been resolved.

Mr. Bufkin stated that the next issue that he would like to address was regarding a petition that was submitted by Daniel Hare. Last month Mr. Hare questioned if the petition had been handled properly by Council. Mr. Bufkin stated that he had researched this and the State statute says that if there is a good and honest provable petition of fifteen percent of the registered voters of the Town then it can be brought before Council. He stated that Mr. Hare questioned why the petition did not qualify and why it was not brought before Council. The petition was in regards to the sight for the new utility building on Langford Street. Mr. Bufkin stated that he had reviewed the petition. There were a lot of signatures but there was no identifying information. There were no addresses or social security numbers, which would have been the means of identifying them as registered voters within the Town limits. It seemed to be many names on the list that were identified as minors who would definitely not be registered voters. Mr. Bufkin stated it was determined that this petition in question did not qualify to be presented to Council because it did not give a sufficient number of qualified voters. He stated that the petition was not ignored. Several members of Town Council and Town administration reviewed it. He stated that the only flaw was that Mr. Hare did not properly get an answer back from his petition and his questions. Mr. Bufkin stated that as a citizen of the Town of Prosperity Mr. Hare did have the right to petition Town Council for them to do the things that he felt was reasonable however it does not mean the Council has to do it. He stated that if Mr. Hare had a petition of fifteen percent of registered voters in the Town limits then Council would be obligated to follow up on it. The petition submitted did not qualify but Mr. Hare should have been responded to. Mr. Bufkin apologized for not responding to Mr. Hare at the last meeting. He also stated that he did not feel that it was the Town staff's job to interact with the members of the Town regarding these issues. This is why the Town has elected officials. Town staff can consult with Council and make recommendation but it is the Councils job to make these decisions.

Mayor Connelly stated that he did review the petition in question when it was submitted to the Town. He stated that over fifty percent did not have residences in the Town limits. Out of the other signatures left, the majority were under age. He stated that he narrowed it down to four citizens in the Town limits that were registered voters and actually spoke with Robert McFall. Mayor Connelly stated that Mr. McFall told him that the only

reason he had objected to the utility building on Langford Street was because he had been told that it would be an eyesore. He stated that Mr. McFall had told him that after seeing the building he thinks it is an asset to the community. He stated that Mr. McFall was not aware of supporting a football program under the Town recreation.

Mr. Bufkin stated that during his conversations with Mr. Hare he had told him that getting involved is the way to express your concerns and know what is happening in the Town.

Old School Renovations: Mayor Connelly stated that he was at the Town Center today and it is coming along well. He stated that he is pleased with the workmanship and they are ahead of schedule. They are currently working on lighting and ceilings. He stated that anyone interested in viewing the Town Center during renovations should contact a Council member to escort them through the building.

Councilman Underwood questioned what the proposed completion date was for the Town Center. Ms. Cantrell stated that they are estimating completion to be the end of November. Councilman Underwood questioned when the Town would begin moving to the new building. He stated that he was questioning this to try and give the Fire Department a time frame that they would have access to the current Town Hall building. Ms. Cantrell stated that if the building were complete at the end of November then moving would probably take place shortly thereafter.

Mayor Connelly stated that the Civic Center is slightly behind because the funds were not available when originally told they would be. Mr. Bufkin asked if he could address the financial status of this project. Mayor Connelly recognized Mr. Bufkin to speak. Mr. Bufkin stated that the source of the funds to build the new Fire Department and Civic Center are One Cent Sales Tax funds. He stated that the Town was lead to believe that these funds would be available early in the year and this was not so. These funds became available to the Town in early October. The Town had already began renovations on the Town Center and Civic Center with hopes to be able to give the current Town Hall facility to the Fire Department. The Fire Departments project and the Civic Center projects have not been pushed because the funds were not available until just recently. The Town was able to fund the beginning of the Civic Center renovations with the understanding that these funds expended would be reimbursed by One Cent Sales Tax funds.

NEW BUSINESS

Health Insurance for Retired Employee: Mayor Connelly stated that this has already been taken care of. Ms. Grubbs has already given all the appropriate paperwork to the Paytons. Ms. Payton stated that she had received the paperwork by mail. She stated that her only concern now was figuring what the premium would be and how much they owed the Town. Ms. Grubbs stated that she did not know how to address this because Council told the individual that was the Clerk/Treasurer earlier in the year that she could no

longer quote premiums to retirees. She encouraged the Paytons to attend the insurance meeting at Town Hall on October 24th at 9:30 a.m.

Mr. Payton stated that he had spoken with an insurance representative in Columbia and they had informed him that the Town could charge him whatever premium they wished to. Ms. Grubbs informed Mr. Payton that his premiums were issued by Office of Insurance services and the Town could not change this premium in any way. Mayor Connelly stated that this seems to be issue of concern and Council will address it in November. Ms. Grubbs stated that the premiums are clearly outlined in the Insurance Advantage booklet, which was given out. The only thing that changes this premium is the load factor, which is issued by the Office of Insurance Services. She stated that she had outlined all this information in the letter that had been sent to the Paytons. Office of Insurance services can raise the load factor at there discretion. The Town has no control over this. Mr. Payton stated that the previous Clerk/Treasurer had misquoted the premiums and because of this Council told her she could no longer help them with their premiums. Mayor Connelly stated that Council informed her to no longer quote rates because she could not seem to quote the right rates. Ms. Grubbs stated that an insurance representative would be present at the meeting on October 24th to explain all of the plan changes. Councilman Underwood stated that he works for the Department of Agriculture and he just received his insurance booklet yesterday. He pointed out that Town administration actually distributed the insurance information in a timelier manner than this State agency.

Resolution for Shiloh AME Church: Mayor Connelly stated that on October 16, 2005 Shiloh AME Church celebrated their 175th anniversary. He stated that he was present at this celebration. He stated that this was a moving service and he appreciated the opportunity to present a certificate to the church from the Town. He stated that he had told the church that the Town would pass a resolution recognizing this event. Mayor Connelly read the resolution (see attached). Mayor Connelly signed the resolution and passed it down to Council for their signatures. He stated that at the celebration was a retired Bishop James that is a resident of Prosperity.

Authorization to Purchase Furniture on State Contract: Mayor Connelly stated that the Town would need some new equipment and furnishings for the new Town Hall. He stated that the original One Cent Sales Tax funds actually collected more than anticipated and has sent the Town a check for our portion of these funds to do with as the Town sees fit. He stated that at this time it has been earmarked for furniture and blinds for the new Town Hall. He stated that Council needs to authorize Town administration to purchase furniture on State contract. It will be around a fifty percent discount to purchase these items under the State contract. Ms. Cantrell stated that State contract on furniture is fifty-five percent off of retail.

Councilman Underwood clarified that if the Council authorizes these purchases there will be not money coming from the Town budget or reserves. Ms. Cantrell stated that the only funds used to pay for these expenditures would be the check that Mayor Connelly had mentioned from the One Cent Sales Tax funds. Councilman Underwood questioned

if there is any money leftover what will be done with it. Ms. Cantrell stated that it would be held in the reserve funds. Mr. Bufkin what the amount of the checks was. Mayor Connelly stated that it was \$44,000.00. Councilman Spotts questioned if the purchases were over \$44,000.00. Ms. Cantrell stated that she would see that the purchases did not exceed this amount. Mr. Bufkin stated that the Town has a procurement regulation that states that purchases of this amount must be approved by Town Council. Ms. Cantrell pointed out that because these items will be purchased under State contract there will not be bids taken. Mayor Connelly stated it would be a huge savings for the Town.

A MOTION by Councilman Underwood that the Town purchase furniture off of the State contract.

Mr. Bufkin interjected and stated that he recommended that the motion included that the purchases should not exceed the amount of the One Cent Sales Tax Funds. Councilman Underwood restated his motion.

A MOTION by Councilman Underwood to authorize the purchase of furniture under State contract not to exceed \$44,089.44; Seconded by Councilman Gallman and so approved unanimously.

OLD BUSINESS

Second Reading of Cut-Off Procedures Ordinance: Mayor Connelly stated that Council had already approved the first reading of this ordinance. Ms. Grubbs presented the ordinance (see attached) to Council. Ms. Cantrell read the heading of the ordinance to Council. Mr. Bufkin stated that this new cut-off ordinance was prompted from the SCAMPS meeting that was attended earlier in the year. There is a State statute controlling cut-off procedures and this ordinance brings the Town in compliance. Ms. Cantrell read the remainder of the ordinance to Council.

A MOTION by Councilman Dawkins to approve the Second Reading of the Cut-Off Procedures Ordinance; Seconded by Councilman Gallman and so approved unanimously.

Mayor Connelly stated that Mr. Bufkin addressed the last two items under Old Business earlier in the meeting. Mr. Bufkin stated that he did not mean to take up Ms. Garner's time and stated that he would be glad to answer any questions that she had at this time. Ms. Garner stated that she did not wish to speak at this time. She stated that she would review the report that Mr. Bufkin had presented to her and if she had any questions she would get back to him.

Reimbursement of Funds for Langford Street Water Line: Discussed earlier in the night by Mr. Bufkin

Response to Jewel Garner's Concerns: Addressed earlier in the night by Mr. Bufkin.

Mayor Connelly stated that this is why he had requested to move Open Session to after Old Business. He felt that some of the discussions during the meeting might answer some of the questions of individuals signed up to speak.

Ms. Cantrell reminded the Mayor that he had added an item under Old Business that has not been addressed yet. Mayor Connelly apologized for overlooking this.

Lagoon Upgrade Costs: Mayor Connelly stated that Council discussed this originally in March of this year. A percentage needs to be established to bill Newberry County Water & Sewer for the costs to completing the lagoon upgrade. This will need to be voted on by Council.

Ms. Cantrell stated that it was discussed in March by Council and Councilman Underwood made the motion that an ordinance be formed to deal with these type of situations. This ordinance has not been created at this time nor has the situation with NCW&S been dealt with. Mayor Connelly stated that he thought this had already been dealt with. Council agreed. Mayor Connelly stated that Council discussed it but no decisions were made. Ms. Cantrell stated that there is still no ordinance drafted but tonight Council needs to vote on what to bill NCW&S for the upgrades to the lagoon. Ms. Grubbs stated that the costs on the lagoon upgrades to date are \$25,000.00. She stated that the final costs would be slightly higher than this, between \$25,000.00 and \$30,000.00. Councilman Underwood questioned what this figure included. Ms. Cantrell stated that this included poles, transformer, wire and costs for Lee Electrical's services. Mr. Sexton stated that the wire originally received was underground and he had to send it back because this was not what was needed. Councilman Underwood stated that this was the difference that he remembered. Mr. Sexton stated that this cost has been corrected and the figure presented was correct. Mayor Connelly stated that he thought that this mistake in wire was where the discussions left off. Ms. Grubbs stated that there has been a definite \$25,000.00 been spent to date. Mayor Connelly agreed that Council needed to make a decision on this tonight. Mr. Sexton stated that the project would be complete within thirty days. Councilman Underwood asked for Council's opinion on this. Mayor Connelly stated that the only case that would come close to this one that Council has dealt with recently were the apartments on the square renovated by Martijn Van Zadelhoff.

Mayor Connelly stated that Mr. Sexton had advised that some of the upgrades on the lagoon would have been done by the Town regardless. However, NCW&S did request additional upgrade work that increased the cost of the project. He questioned Mr. Sexton on what percentage of the costs were above what the Town would have done. Mr. Sexton stated that the poles were in need of replacement and the Town was already prepared to complete this work as routine maintenance. The upgrades on the wire and transformer were at the request of NCW&S. Ms. Grubbs stated that the costs of the poles was \$2,000.00, this would take the project costs to date down to \$23,000.00. Ms. Cantrell stated that for the transformer and Lee Electrical bill was a cost of \$21,000.00. Councilman Underwood questioned if in the past the Town tried to recoup the entire costs or not. Mr. Sexton stated that he felt the Town should absorb the costs of the

transformer as they would do for any other customer but NCW&S should pay the costs of Lee Electrical's services. Ms. Cantrell stated that the Lee Electrical bill is \$17,081.16.

A MOTION by Councilman Underwood to bill NCW&S in the amount of \$17,081.16 for costs incurred for the Lagoon upgrades; Seconded by Councilman Gallman and so approved unanimously.

Ms. Cantrell stated that she had looked at the wrong number. She stated that the Lee Electrical bill was \$17850.00. She apologized to Council.

Councilman Underwood stated that he would like to make another motion on this issue to reflect the correct amount.

A CORRECTED MOTION by Councilman Underwood to bill NCW&S in the amount of \$17850.00 for costs incurred for the lagoon upgrade; Seconded by Councilman Gallman and so approved unanimously.

OPEN SESSION

Mayor Connelly recognized Herbert Payton who had signed up to speak under Open Session. Mr. Payton stated that he would like to withdraw his request to speak.

Mayor Connelly recognized Daniel Hare who had signed up to speak under Open Session. Mr. Hare stated that he wanted to address Mr. Bufkin regarding the petition. He questioned why there was such a delay. He also questioned why Councilman Gallman failed to answer his questions about why it was in the best interest of the Town people. Mr. Hare questioned Mr. Bufkin's statement earlier about the petition needing to be seventeen percent of the population. Mr. Bufkin stated that it was fifteen percent of the registered voters of the Town. Mr. Hare questioned how many registered voters were in the Town. Ms. Cantrell and Mayor Connelly responded that there were around 680. Mr. Hare again questioned why the petition was not addressed in the beginning. Councilman Gallman stated that this was explained earlier. Mr. Bufkin stated that this issue was presented during the last meeting. He stated that he was not prepared to respond to it at that time because he did not know about it before the meeting. He stated that he took the information from the last meeting and was prepared to respond to it tonight. He stated that his intention was not to slow the process down but research needed to be done before an answer could be given. Mr. Hare stated that at the meeting after the ground was broken on this project he spoke with Councilman Underwood and he was not aware of the petition at that time. Councilman Spotts was not aware of it either. He stated that he was not sure about Councilman Dawkins and Gallman. Mayor Connelly stated that he had seen the petition at that time. He also stated that Council could not respond to Mr. Hare during Open Session. He stated that this was a Town ruling and it was his ruling as Chair of the meeting. Mayor Connelly stated that he did review the petition and it was obvious that there were very few citizens of the Town on the petition. He stated that there was no reason to debate the petition any further. Mr. Hare stated that he had originally thought that by getting the community to sign the petition it would be valid.

Mayor Connelly stated that there were less than two percent of signatures on the petition that were registered voters of the Town. Mr. Hare again stated that the whole community signed it. Mr. Bufkin asked to respond to Mr. Hare. Mayor Connelly recognized him to speak. Mr. Bufkin stated that there is a specific provision under State statute that outlines how a citizen can bring something before Town Council. He stated that Mr. Hare attempted to go through this procedure but went through it in a flawed way. Because of this the petition did not get the attention that Mr. Hare felt it deserved. Mr. Bufkin stated that now Mr. Hare knows the proper procedure to follow. For a petition to be given consideration by Town Council it must contain signatures of fifteen percent of the registered voters of the Town. Mr. Bufkin also stated that the signatures must be able to be identified. These are the requirements given by State statute. Mr. Hare stated that he wanted Council to know that he did not force anyone to sign the petition. Councilman Gallman stated that no one accused Mr. Hare of forcing anyone to sign it.

A MOTION by Councilman Dawkins to adjourn the meeting at 8:04 pm; seconded by Councilman Underwood and so approved unanimously.

Toni Melissa Grubbs
Clerk/Treasurer