

MINUTES
Town Council Meeting
October 19, 2004
PROSPERITY, SC 29127
7:00 p.m.

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

General Attendance: Hank Bufkin, Town Attorney; Janet Chastain, Clerk/Treasurer; Fred Sexton, Public Works Director; Chief Benji Sease; Sabrina Manning, Recreation Director; Mark Bowers; Andy Ackerman; Leon Kibler & Richard Mercer

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

APPROVAL OF MINUTES

Mayor Connelly presented the minutes of the September 21, 2004 council meeting to Council for approval.

A MOTION by Councilman Underwood to approve the minutes of September 21, 2004; Seconded by Councilman Gallman and so approved unanimously.

OPEN SESSION

Mayor Connelly thanked all for attending the meeting. There were no comments from the public at this time.

REPORT OF COMMITTEES

Electrical, Fire Department, & Parade: Councilman Underwood stated that he had no report for the Fire Department at this time.

Councilman Underwood reviewed the items regarding electrical service that Council had discussed in the workshop earlier in the evening. He stated that they discussed the Town policy for hook up fees for commercial businesses. They also discussed whether the existing policy allowed for the price difference between overhead and underground hookups. It was the understanding of all Council that if someone requested an underground hookup that the individual or the business owner would be responsible for the price difference between the overhead and underground hookup. He stated that the last two situations where this has been an issue have been Wightman Church and the Dollar General. Mayor Connelly confirmed that this is what they discussed. Mayor Connelly stated that in the past this has basically been an understanding of how this

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would be handled rather than a policy. He stated that what Council needs to do is make it a policy.

A MOTION by Councilman Underwood that the Town uphold the existing policy of charging businesses and residences the difference between overhead and underground electrical hookup unless circumstances prohibit or hinder an overhead line.

Mr. Bufkin stated that Council may want to review how this is worded. One of the two situations discussed earlier, Wightman Church, is neither residential or a business. Councilman Underwood stated that he was concerned regarding making a policy that Dollar General or Wightman Church were not aware of up front. He also stated that it had been told that Wightman Church was aware that these costs would be passed on to the Church. Mayor Connelly questioned if Councilman Underwood would like to amend his motion at this time.

AMENDED MOTION by Councilman Underwood that the Town charge the customer for the difference between overhead and underground electrical hookup unless circumstances prohibit or hinder an overhead line; Seconded by Councilman Gallman and so approved unanimously.

Councilman Underwood stated that the parade committee has already started designating member roles regarding the upcoming Christmas parade. He stated that he was very excited about the possibilities in the parade this year and would inform Council when he heard more.

Sanitation and Street: Councilman Dawkins stated Fred and his crews have been edging the sidewalks in Town and they are really looking good. They have also been working on getting the sidewalks and streets repaired.

Building, Recreation and Parks: Councilman Gallman stated that the General Dollar is open now. He stated that he had stop and spoke with management of the store and they are doing really well and are happy to be in Prosperity.

Councilman Gallman stated that the buildings that Mr. Caldwell had bought on Wye Street are really looking good. He already has a tenant in one and the other unit is now ready to rent out. Councilman Gallman stated that is was his understanding that he would tear down the other two buildings but he has not got word that they are going to renovate them also.

Councilman Gallman commended Mr. Sexton for the work done on the Langford Street ballpark. He stated that the fall recreation program is going well.

Police Department: Chief Sease stated Mr. Bufkin would be having the legals class for the reserve officers at his office tomorrow night.

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Chief Sease wanted to make Council aware of the article in the paper stating that Newberry County had the highest clearance rate in the State. This was not just the County law enforcement it also included our Police Department. This shows that we have some good officers on staff that are doing a great job. Councilman Underwood questioned what a clearance rate was based on. Chief Sease stated that the FBI has an index crime rate for larcenies and assaults. The State average is around 20%. Prosperity has an average of 50% and the County average is 60%, which is the highest in the State. Mayor Connelly stated that he is very proud of Prosperity's Police Department. Businesses and citizens both have good things to say about our Police Department and in the Town's history this has not always been the case. Mark Bowers also commended the officers for their hard work. Chief Sease stated that a lot of the praise should go to his officers. Mayor Connelly stated that this also reflects how well the Department is run by Chief Sease.

Water and Sewer Department: Councilman Spotts stated that all sewer right of ways have been cleaned and cleared of trees. The motor on lift station #5 had to be rebuilt this month. This cost the Town around \$1200.00. The sewer service at Wightman Church is okay. It will not have to be changed. After a camera was put in it we realized it had some grease built up. This has now been taken care of. He stated that they would do this one more time to make sure it is cleared up. A new water tap will have to be put in for the addition to Wightman and this will have to be bored under the street. Mayor Connelly questioned the cost to get the camera put in the sewer line. Councilman Spotts stated that there was no cost for the first time but the second will cost around a couple hundred dollars. Mayor Connelly questioned the status of the water hydrant on Langford Street. Mr. Sexton stated that he is having a hard time getting someone to test it and sterilize it. He stated that he had made a contact to Blake Brigman and he will be passing on the name of someone that can take care of this. Mr. Sexton stated that this would have to be done before it could be operational. Mr. Bufkin questioned if the hydrant is painted black. Mayor Connelly stated that it was. He stated that there was also one on Elm Street painted black. Councilman Underwood questioned if the contract that the Town has for the fire hydrants would cover getting the hydrant on Elm Street checked. Mr. Sexton stated that there is nothing mechanically wrong with the hydrant. The problem is with the pressure. Councilman Spotts stated that it is not a big enough line to have flow on it. He stated that it was a four-inch line. Mr. Bufkin questioned where the six-inch line stopped. Councilman Underwood questioned if there were enough hydrants on Elm street for good coverage of that area. Councilman Spotts stated that it was.

Town Administrator: Mayor Connelly stated that Ms. Cantrell is not present tonight.

Town Attorney: Mr. Bufkin stated that the training that he would be doing with the reserve officers is very extensive. It will be around eighteen hours of classroom discussion. This will be a lot invested in the reserve officer program. This will be another benefit to our citizens.

Mr. Bufkin apologized to Council for giving them some bad legal advice. The Town had a lawsuit filed against them by Bell South Utilities. He stated that the Town needs to pay

this. Mr. Bufkin stated that while doing preparation to answer the lawsuit he realized that all the facts that came up indicated that the Town does owe the money. He stated that the Town did cause this initial problem and he would not recommend pursuing a lawsuit on this issue. Mr. Bufkin stated that the Town also has other issues with Bell South that should be handled separately. Mayor Connelly questioned the situation where Bell South damaged the Town's property. Mr. Bufkin stated that he would recommend pursuing this. That is a separate issue. Mr. Bufkin stated that he would recommend the Town paying for the damage to the fiber optic line. Councilman Spotts questioned if the Town's insurance would pay a portion of this. Mayor Connelly stated that it should pay some but we do not know how much. Mr. Bufkin stated that he did not get the full picture until he actually went to location of the damage. Councilman Spotts stated that it initially started when Newberry County's road crew cut the Town's water line and then Fred and his crew were trying to repair the water line when they hit the fiber optic line. Discussion followed regarding how the initial damage to the line occurred.

A MOTION by Councilman Dawkins to pay for the damage to the Bell South line, with recouping as much as possible from the Town's insurance; Seconded by Councilman Underwood and so approved unanimously.

Old School Renovations: Mayor Connelly stated that earlier tonight the Town held a financial workshop. He stated that one area discussed was whether the Town wants to pursue the Town Center renovations. Councilman Gallman stated that his recommendation was to move forward on these renovations.

A MOTION by Councilman Gallman to move forward with reviewing all options for the Town Center renovations.

Councilman Dawkins questioned the motion and its intentions. Councilman Gallman stated that his motion was intended to mean for the Town to pursue what would be involved in getting the Town Center renovated. Mayor Connelly asked if Councilman Gallman would like to reword his motion.

AMENDED MOTION by Councilman Gallman to pursue all avenues to move forward with the Town Center renovations; Seconded by Councilman Dawkins.

Councilman Spotts questioned if this would be before or after the vote on the One-Cent Sales Tax. Mayor Connelly stated that even if the One-Cent Sales Tax funds are approved they would not benefit the front portion of the Town Center renovations. Mayor Connelly clarified that this motion is just to pursue how much it would cost to get the renovations done. The Town would not make any commitments to anyone at this time. Mayor Connelly asked for a vote for the motion on the floor.

The vote was approved unanimously.

NEW BUSINESS

Lease Agreement Between the Town and Norfolk Railway: Mayor Connelly stated that Council is in agreement to continue to pursue this. He stated that Ms. Cantrell has been speaking with Gary Coleman with the Municipal Association to see what the Town's legal options are.

First Reading of the Business License Ordinance Provisions for Insurance Companies and For Brokers for Non-Admitted Fire and Casualty Insurers: Ms. Chastain reviewed the ordinance. Mayor Connelly stated that the Town had received a letter requesting that the Town support this ordinance. Councilman Dawkins stated that he was under the understanding that the Town was already a part of this. Mayor Connelly stated that Town is but there have been a few changes. It is basically the same ordinance. Ms. Chastain reviewed the changes (copy attached).

A **MOTION** by Councilman Dawkins to approve the first reading of the Business License Ordinance with the changes; Seconded by Councilman Gallman and so approved unanimously.

One Cent Capital Sales Tax Resolution: Mayor Connelly stated that it was his recommendation that Council go on the record endorsing the One Cent Sales Tax continuation. This will not increase our sales tax. It will remain six cents sales tax just as it is now. This is just a continuation for possibly another seven years. It offers many benefits for the citizens of Newberry County. Mayor Connelly stated that if this continuation of One-Cent Sales Tax is not approved some of these projects will most likely be paid for through an increase in property taxes. He also stated that most parts of the County would benefit in some way from the One-Cent Sales Tax funds. Mr. Bufkin pointed at that the One-Cent Sales Tax funds one time projects not ongoing government. He also stated that Prosperity has greatly benefited from these funds over the past five years. Councilman Gallman stated that the One-Cent Sales Tax funds allow everyone to help pay for these projects not just taxpayers in our area. Mayor Connelly stated that one of the proposed projects that would benefit Prosperity citizens is the new Prosperity Fire Department and the renovation for the Town Center auditorium. These are both projects that otherwise would be difficult to fund locally. Mayor Connelly also stated that this auditorium would give lower Newberry County a 350-seat auditorium, indoor basketball courts, a stage and a banquet facility. Mayor Connelly read the proposed resolution (see attached). All Council raised their hands in support of this resolution.

First Reading of Zoning Map Amendment for Boyd Street Property – Anna K. Singley: Ms. Chastain reviewed the request for zoning (see attached).

A **MOTION** by Councilman Underwood to approve the first reading of the rezoning of the property owned by Anna K. Singley, adjacent to Boyd Street, from R-7 to GC; Seconded by Councilman Dawkins and so approved unanimous.

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Mr. Bufkin informed Council that recently an issue has been raised as to whether there was any remaining Cousin's property at this location. There was an entry on the survey that might have indicated that the Cousin's might be retaining some of that property. Mr. Bufkin stated that this is false and the deed has been redone and recorded properly now.

GENERAL INFORMATION

Mayor Connelly stated that the Porsche Auto Club would be having a car show in Prosperity on Saturday, October 23rd. They had requested permission to have this show in Prosperity. Mayor Connelly stated that he had given them his approval. He stated that he felt this would benefit the merchants of Prosperity. It will be around forty cars and the hours will be from 4:00 p.m. to 9:00 p.m.

Mayor Connelly stated that last month he had mentioned to Council regarding a request received from Country Music television. He stated that they had been calling local citizens and doing interviews. He also stated that he did not feel like this would materialize at this time.

Mayor Connelly stated that he had gotten confirmation from ESPN that they will be coming to Prosperity on June 19, 2005. There will be approximately four hundred fisherman involved in this tournament. He stated that they had given him an estimate of \$50,000 dollars a day that will be spent at local merchants during this time. This will be a minimum of one day and a maximum of four days.

Mayor Connelly stated that the representatives of Trading Spaces had also been through Prosperity. They spent approximately two hours interviewing local citizens. They also visited Whitmire and Newberry. The representatives have visited our area twice. They were extremely interested in the Town Center auditorium. They were also very interested in the property of Anna K. Singley that was discussed earlier in the meeting. They visited businesses along Main Street as well as the old Depot. He also stated that if Prosperity were chosen for these renovations there would be no cost to Prosperity. Mayor Connelly stated that he was extremely excited about the possibilities this could bring Prosperity.

Mayor Connelly stated that Prosperity has the potential for new businesses. He stated that Prosperity could be getting a new food store, bank, video store and laundry mat. He questioned if it was Council wishes that the Town pursue this or would Council rather turn it over to REA. Councilman Gallman stated that he would like to see the Town pursue it and encourage this growth in Prosperity. Councilman Underwood pointed out that the businesses that will be relocating to this area will be coming from downtown Prosperity. If the Town does not pursue it they will be losing these revenues all together. Mayor Connelly questioned Mr. Sexton if he had gotten together any figures on what it would costs to run the electric to this area. Mr. Sexton stated that he had estimated around \$26,000.00 to run electric to the property, however these are rough figures. The estimates to run sewer would be from \$18,000.00 to \$20,000.00. And the estimates for water would be slightly higher than sewer. Councilman Underwood reviewed these

figures. Mayor Connelly stated that it had been mentioned that the Town allow REA to service the electrical. He questioned how much the Town took in this year from REA for Lovelace Medical and Prosperity Rikard. Ms. Chastain stated that the Town collected \$84.00 through business licenses and REA's profits were \$52,240.85. Mr. Bufkin stated that the Town is at a point of making a major decision that we either enable the Town to grow or keep it same and be satisfied with that. Councilman Underwood stated based on the above figures given REA is paying the Town .15%. Mayor Connelly stated that they had committed to giving the Town a franchise fee of 5% but as shown they are not paying the Town at this rate. Mayor Connelly pointed out the difference in profit between a franchise fee and the Town actually getting the revenue from the electrical. Councilman Gallman stated that the Town should not settle for 5%. Mayor Connelly also pointed out that if the Town allows REA to service this shopping center, the Town would lose the revenue from the merchants that will be relocating to this area. He stated that the Town would lose approximately \$66,000.00 in ten years just on these accounts. Mr. Bufkin pointed at that the vacant stores would eventually be filled with other merchants but you can not guarantee the same profits if the store use changes. Mayor Connelly stated that the Town loses in the sanitation and sewer departments, the electrical department is the only one that generates good revenues. He asked for direction from Council. Councilman Dawkins questioned REA's initial presentation for the costs of electrical service for this proposed area. Mayor Connelly also stated that they are two developers in this area, one with thirteen acres and one with ten acres that are planning on developing these tracts of land. Mayor Connelly stated that an individual with a forty acres tract of land, half of which is in the city limits already that would like to develop, had also contacted him. He stated that if Council chooses to give up servicing this new shopping center then there would be no possibility of servicing future growth. Councilman Dawkins agreed with this. Councilman Underwood asked for the figures again. Mayor Connelly restated the numbers presented earlier. Councilman Underwood pointed at that based on these figures it would take the Town three years to recoup installation costs. Mr. Bufkin stated that this is an investment for the future of Prosperity. Mayor Connelly stated that the Municipal Association has contacted the Town and offered their legal services with the situation with REA. Mr. Bufkin stated that the final decision in the lawsuit between REA and the City of Newberry would definitely have an affect on any litigation the Town gets into with REA. REA is very aggressive in pursuing new business.

A MOTION by Councilman Underwood to pursue supplying services to the new shopping center; Seconded by Councilman Gallman.

Councilman Spotts stated that he would like to see an engineering study performed on this project. He stated that the project estimates have changed from \$250,000.00 to \$26,000.00. Councilman Underwood stated money was budgeted for an engineering study but questioned whether this study was for a line upgrade for the whole electrical system or just the shopping center project. Mayor Connelly stated that this motion has nothing to do with upgrade for the Town. Mr. Sexton concurred. Councilman Spotts stated that he wanted an engineering study done to determine how long it would take the Town to recoup expenditures on the shopping center project. Mayor Connelly stated that

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an engineering study could be done once Council agreed to pursue servicing this property. Councilman Underwood stated that he wanted the developers to know that the Council was in support of this project. Discussion followed.

The motion carried with four in favor and Councilman Spotts opposed.

A MOTION by Councilman Dawkins to adjourn the Council Meeting at 8:05 p.m.;
Seconded by Councilman Gallman and so approved unanimously.

Janet Chastain
Clerk/Treasurer