

MINUTES
November 16, 2004
PROSPERITY, SC 29127

Public Hearing
6:30 pm

(Public Hearing for the rezoning of TMS 462-2-1-1, property of Anna K. Singley)

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

General Attendance: Andrea Cantrell, Town Administrator; Janet
Chastain, Clerk/Treasurer; Hank Bufkin, Town
Attorney; Sabrina Manning; and Paul Gable,
Newberry Observer

Mayor Connelly called the Public Hearing to order at 6:30 p.m. He asked for any public input. Ms. Cantrell stated that the Joint Planning Commission had made a recommendation that was different than what was originally requested. Ms. Singley had requested GC (General Commercial) however the Joint Planning Commission was recommending NC (Neighborhood Commercial). Mayor Connelly stated that Council can override the Joint Planning Commission and vote for the property to be GC. Ms. Cantrell stated that Ms. Singley is planning on putting an Art Center and warehouses on this property and GC would be the only category that would allow for both of these uses. Councilman Underwood clarified that the only reason for zoning the property to GC instead of NC would be to allow for the warehouses. Ms. Cantrell stated that she would not recommend NC in this area because it would allow for R7 residential uses. GC does not allow for any residential use. Mayor Connelly stated that the Joint Planning Commission has made a recommendation and if Council chooses to vary from this recommendation they need to vote accordingly. Ms. Cantrell stated that Ms. Singley's intention is to rent out the warehouses to fund the nonprofit activity at the Art Center. Mayor Connelly stated that if the property is not zoned where Ms. Singley can make use of it then the property will remain vacant. Councilman Underwood questioned if the property was zoned NC could Council vote to allow an exception for her additional needed use. Ms. Cantrell stated that this is not allowed even as a special exception for NC. Mr. Bufkin stated that this is a piece of property that has not been used for quite some time and if Ms. Singley is willing to clean it up and make use of it then he recommended that Council approve Ms. Singley's request. It could only benefit the Town. Mr. Bufkin stated that the Planning Commission can only make recommendations, the final decision is up to Council. Discussion followed regarding public input given. No complaints had been heard from the public. Discussion followed regarding past use of this land. Mayor Connelly closed the hearing at 6:40 p.m.

Town Council Meeting
November 16, 2004

**Town Council Meeting
November 16, 2004
PROSPERITY, SC 29127
7:00 pm**

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

General Attendance: Andrea Cantrell, Town Administrator; Hank
Bufkin, Town Attorney; Janet Chastain,
Clerk/Treasurer; Chief Benji Sease; Sabrina
Manning; Mark Bowers; Andy Ackerman; Daniel
Hare; Rick Mercer and Paul Gable, Newberry
Observer

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

APPROVAL OF MINUTES:

Mayor Connelly presented the minutes of the October 19, 2004 council meeting to Council for approval.

A MOTION by Councilman Dawkins to approve the minutes of October 19, 2004; Seconded by Councilman Gallman and so approved unanimously.

Mayor Connelly welcomed all for attending.

OPEN SESSION

Mayor Connelly asked for any public input at this time. Daniel Hare requested to speak to Council. Mr. Hare stated that he would like to speak regarding recreation in the Town. He stated that he wanted Council to be aware that he had started a petition to request basketball facilities in the Town. This has been discussed with Ms. Manning and she was very positive regarding this. He stated that Prosperity is growing and he would like to see the recreational facilities expand. The petition is just to make Council aware of the communities desires. He also stated that people in the community would even be willing to raise money to go towards this. Mayor Connelly thanked Mr. Hare for his comments and stated that Council would take it into consideration. Councilman Gallman also thanked Mr. Hare for his input.

REPORT OF COMMITTEES:

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

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Councilman Underwood reported the applications for the Christmas Parade are out and they are expecting a large turnout. He also announced that Council had agreed to ask Glenn Hamm to be Grand Marshal of the parade this year. An invitation had been extended to Mr. Hamm and he had accepted.

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

Building, Recreation and Parks: Councilman Gallman stated that he had no report on the Buildings at this time.

Councilman Gallman advised Council that at the requests of parents spring soccer will be added to the Town of Prosperity Spring Sports brochure. The advancement and success of this program will depend on the number of participants that register. Registration for Spring Soccer, Dixie Softball, Coaches Pitch and T-Ball will begin January 20, 2005. Mayor Connelly requested that Ms. Manning continue to advise Council of how many participants are signed for each sport. Ms. Manning stated that she would do so.

Councilman Gallman commended the Police Department for a well job done.

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

Water and Sewer Department: Councilman Spotts stated that there was a water leak at the fire hydrant at Grace Church. He stated that Bishop Hydrant Service was called in to fix this problem.

Town Administrator: Ms. Cantrell stated that she had no report at this time.

Town Attorney: Mr. Bufkin stated that he had previously advised Council of issues regarding Legislative Prayer. The case against Great Falls regarding this went to the South Carolina Court of Appeals and was turned down. He advised Council to review their policy on Legislative Prayer. Someone in the Town of Great Falls was offended by the prayer and sued the Town to stop the prayer. Great Falls did not feel that the praying was wrong but it was determined to be in violation of the First Amendment. They lost at the Court of Appeals and the Supreme Court refused to hear the case. Councilman Gallman stated that he did not feel that anyone would be offended by this Council saying a prayer before the meeting. Councilman Underwood agreed. Mr. Bufkin stated that there is nothing wrong with Legislative Prayer the issue was with the calling out of the name "Jesus Christ". He stated that he was simply advising Council of this ruling.

Mr. Bufkin stated the Police Department is conducting reserve police training. There will be an eighteen-hour legal session. This will be held Wednesday nights from 7:00 p.m. to 9:00 p.m. Mr. Bufkin stated that this training will be held at his office and he invited Council to attend if they so chose. There are three reserve officers, two from our department and one from Whitmire that are taking this training.

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Old School Renovations: Mayor Connelly stated that the One-Cent Capital Sales Tax did pass. Council has questioned how this will affect the Town Center. He stated that the County Council has requested that funds be handled by the Town Manager. He stated that bids are currently being obtained and he will advise Council as soon as he gets the figures.

NEW BUSINESS

Electrical Lines to Lagoon: Mayor Connelly stated that the Council had been approached by NCW&S to furnish three-phase power at the lagoon. Ms. Cantrell stated that the line would have to be upgraded from the Napa store and down. Mayor Connelly stated that we have no figures at this time. Councilman Underwood questioned if this upgrade would be a part of the upgrade discussed previously by Council or in addition to. Ms. Cantrell stated that it was part of the upgrade that had been discussed. She stated that the lines should be a part of the upgrade but the transformers would be in addition to it. Mayor Connelly stated that NCW&S would soon be preparing the sewer line down Cy Shumpert Road. When they do this all the sewer will be pumped in that direction and better capacity is needed to handle it. He stated that he wanted to make Council aware of their need.

OLD BUSINESS

Second Reading of the Business License Ordinance Provisions for Insurance Companies and for Brokers for Non-Admitted Fire and Casualty Insurers: Mayor Connelly stated that the Municipal Association recommended this Ordinance. Ms. Cantrell read the proposed Ordinance (see attached). She stated that the purpose of this Ordinance is to change the percentages of the gross premiums.

A MOTION by Councilman Underwood to approve the second reading of the Business License Ordinance; Seconded by Councilman Gallman and So approved unanimously.

Second Reading of Zoning Map Amendment for Boyd Street Property – Anna K. Singley: Mayor Connelly stated that this was discussed during the Public Hearing earlier. He stated that Ms. Singley had requested zoning of GC. Councilman Dawkins stated that since Ms. Singley had purchased the property and was willing to make use of it he felt that Council should grant her request. Ms. Cantrell stated that the first reading was for the property to be rezoned to GC.

A MOTION by Councilman Dawkins to approved the second reading to rezone the proposed property of Ms. Anna K. Singley to General Commercial; Seconded by Councilman Gallman and so approved unanimously.

A MOTION by Councilman Dawkins to adjourn the Council Meeting at 7:21 p.m.; Seconded by Councilman Underwood and so approved unanimously.

Andrea Cantrell
Town Administrator