

MINUTES
Public Hearing- A. Clean Air Ordinance
B. Sanitation Rate Increase

Regular Town Council Meeting
December 19, 2017

Council Attendance: Mayor Derek Underwood, Councilmen: Allen Gallman, Chad Hawkins, Mike Hawkins and Robert Martin

Administrative Attendance: Karen Livingston, Town Administrator; Michelle Bundrick, Clerk Treasurer; Ed West, Utility Director; David Beddingfield, Police Chief and Lisa Senn, Town Attorney.

Mayor Underwood opened the Public Hearing and called the Regular Meeting to order and welcomed everyone. He asked Councilman Gallman to open with prayer. The Pledge of Allegiance was recited.

PUBLIC HEARING/OPEN SESSION:

Mayor Underwood stated our public hearing has two items; the first being the Clean Air Ordinance. He stated this ordinance is to prohibit smoking in businesses and places that are open to the public and will not reflect any residential areas. He stated fifty one counties and municipalities in South Carolina have adopted similar language for no smoking ordinances. Councilman Chad Hawkins stated these fifty one counties were from 2013 and it is probably more added to this list. He stated there is no safe level of second hand smoke and it is not just the places you go in everyday but some places you only go in once or twice a year. Councilman Chad Hawkins stated he wanted us to add E cigarettes and vapes to the ordinance and he wanted the distance to be changed from twenty to twenty five feet. Mayor Underwood stated he would like to increase the fees. Discussion followed.

Mayor Underwood stated our second item in the public hearing is the rate increase with our sanitation contract. Mrs. Livingston stated the residential garbage fee would increase to \$12.00 and outside residential customers would be \$18.00. She stated the commercial customers increase would be \$13.15 and dumpster rates would be passed along to the customers. She stated the recycling rate would increase to \$4.00 with the total fee for garbage being \$16.00. She stated this increase would be charged on the January 31st billing.

Mayor Underwood asked the Lions Club members to come forward for open session. Mr. Douglas Fulmer, president of the Lions Club introduced himself, Michelle Baker and

Laura Sharpe Waites to Council. Mr. Fulmer shared with Council what their organization does, the times and places they meet during the month. The group asked permission from Council about putting a way finding sign up across from BI-LO. Discussion followed.

A MOTION by Councilman Mike Hawkins to give permission to the Lions Club to post a way finding sign at the ballfield; seconded by Councilman Robert Martin, and so approved unanimously.

APPROVAL OF MINUTES:

Mayor Underwood presented the Minutes from November 21, 2017 Regular Council Meeting for approval.

A MOTION by Councilman Allen Gallman to approve the minutes from November 21, 2017 Regular Council Meeting; seconded by Councilman Robert Martin, and so approved unanimously.

A MOTION by Councilman Allen Gallman to close the Public Hearing; seconded by Councilman Chad Hawkins, and so approved unanimously.

NEW BUSINESS:

Revocation of Business License Hearing:

Mrs. Tiffany Gibson co-owner of Frog Level South Performing Art Center addressed Council with her letter of Revocation of her Business License. She stated she was not aware of what was going on with the business because she had been out of the Country. Chief Beddingfield stated they had several complaints on the Business and in their investigation they found alcohol on the premises, underage drinking, consuming hard liquor and open container within the business which is a direct violation of State law. Mrs. Gibson stated that Mr. Jamie Brown had decided he was not interested in the business and that she would like to continue the business with her original plans as a performing art center. Discussion followed.

A MOTION by Mayor Underwood to reinstate Frog Level South Performing Art Center's business license based on the information from Mrs. Gibson; seconded by Councilman Allen Gallman, and so approved unanimously.

1st reading of Clean Air Ordinance: Mayor Underwood stated under the definition of smoking they wanted to include E cigarettes and vapes and change the distance for the outdoor area from twenty to twenty five feet. Councilman Mike Hawkins stated he would like for us to grandfather in the existing businesses. Discussion followed. Councilman Allen Gallman asked Mrs. Senn her expertise on the matter. Mrs. Senn stated if all the businesses stay in their current place for the next fifteen to fifty years, you are a smoking

community. She stated you as a Council have to decide what you want and make the decision.

A MOTION by Councilman Chad Hawkins to accept the first reading of the clean air ordinance with amendments to include E cigarettes and vapes under definition of smoking and change the distance from twenty to twenty five feet on the outdoor area; seconded by Councilman Allen Gallman, and so approved unanimously.

A MOTION by Councilman Mike Hawkins to add an amendment to the clean air ordinance to grandfather in existing businesses; with no second vote. The motion dies and the amendment is not included.

A MOTION by Councilman Allen Gallman to accept the original first reading of the clean air ordinance with the amendments included; seconded by Councilman Robert Martin, with Councilman Mike Hawkins opposing the vote.

1st Reading of Sanitation Collection Fee Ordinance:

A MOTION by Councilman Mike Hawkins to accept the first reading of the Sanitation Collection Fee Ordinance; seconded by Councilman Chad Hawkins, and so approved unanimously.

REPORT OF COMMITTEES:

Electrical & Economic Development: Councilman Mike Hawkins stated the State Farm office has not opened but it is going to be a great addition to the Town.

Public Safety, Streets & Sanitation: Councilman Chad Hawkins appreciated the Council members who attended the Fire and Rescue Christmas dinners. He stated he missed the pre-construction meeting at the Depot for the sidewalk project. Councilman Mike Hawkins stated they were starting the project the first week in January and they did ask about Hoppin' week to see if they could maybe go to another job and work that week. They stated it could be a possibility to extend the contract a week.

Public Works, Buildings & Properties: Councilman Robert Martin stated someone is moving into the building beside the Auction place. He stated there are several buildings that need to be addressed in town. Discussion followed. Mrs. Senn stated the Town of Due West works hand in hand with the County building inspector and they back each other up. Mayor Underwood stated we need to come up with some type of solution with the County inspector. Mayor Underwood stated he would like for us to work with the Fire Department and the County dispatch to remove the siren in town and just have it to go off for inclement weather and the test on Saturday at noon.

Parks, Recreation & Events: Councilman Allen Gallman thanked everyone for making it a successful year in recreation. He wished everyone a Merry Christmas and a Prosperous New Year.

Police Department: Chief Beddingfield briefed Council on the calls for the month and stated they are currently focusing on mandates they need to be compliant with starting in January on collision reporting. He stated the equipment for the body cameras have been set up and are being used. He stated our Officer was extremely lucky in the accident last week in which another vehicle hit him while he was out of the vehicle on a traffic stop. He stated there were no incidents at the Christmas parade or the Shopper's Walk. He thanked the community for a successful toy drive and stated we partnered with the Business Association and the Rescue Squad this year. He stated this is the season for what you can do for others and wished everyone a safe and Merry Christmas.

Utility Department: Mr. West stated his department had put some additional lighting in the business area and had done some utility work on Main and McNeary Street. He stated our substation connects in with a sewer easement and we are having some erosion problems that need to be corrected. He stated he has called McCall Thomas to monitor our situation. He stated we need some kind of structure to prevent this and has been in contact with a contractor who is working with us to give us some material to extend the drain. He stated there are steps to follow; applying for permits through soil and water and DHEC to approve. He stated we had the best parade and Shopper's walk this year. He appreciated our staff and the community.

Town Attorney: Mrs. Senn stated she is grateful and thankful for being a part of the employment family. She stated it is amazing the level of interest our Council shows for this town.

Town Administrator: Mrs. Livingston asked Mr. West about the Town clock. He stated it works but after talking with the sidewalk contractor we are going to wait to put back up. She stated her report would be covered in old business.

OLD BUSINESS:

One Way Traffic in Town Square: Mrs. Livingston stated Mr. West had come up with a new design and shared the design with Council. She stated we could discuss next month after they reviewed the design.

Update on CPST Project: Mrs. Livingston stated Newberry County is requesting a letter of commitment on the funds not covered in the project. Mrs. Livingston stated the difference of funds is coming from grants and pledged monies to secure the funding and that it would not come out of our General Fund account.

A MOTION by Councilman Robert Martin for the Town of Prosperity to pledge \$120,000 additional funding for the One Cent Project to be funded through non

appropriated funds through the General Fund and to be used for outside funding and grants; seconded by Councilman Chad Hawkins, and so approved unanimously.

Update on Washington Street Water System Improvements Project: Discuss next month.

GENERAL COMMENTS:

Mayor Underwood stated we would have a Special Called meeting on January 2, 2018 to swear in the Mayor, Councilman Allen Gallman and Councilman Mike Hawkins and to appoint new committees for the New Year. Mayor Underwood wished everyone a safe and Merry Christmas. Councilman Mike Hawkins commented that our Christmas tree was the best ever. Mrs. Livingston stated it was donated to the Town from Chuck and Rose Meadows and they are pruning one for next year for us.

EXECUTIVE SESSION: Downtown Zoning

A MOTION by Councilman Robert Martin to move into Executive Session; seconded by Councilman Chad Hawkins, and so approved unanimously.

A MOTION by Councilman Robert Martin to move out of Executive Session; seconded by Councilman Chad Hawkins, and so approved unanimously.

Upon returning to open session, Council may take action on matters discussed in Executive Session.

Mayor Underwood stated there was nothing to be brought before Council for a vote.

Mayor Underwood adjourned the meeting at 8:55p.m.

Michelle Bundrick Michelle Bundrick, Clerk/Treasurer