

MINUTES
March 18, 2008
Town Council Meeting
7:00 PM
Prosperity, SC 29127

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

Administrative Attendance: Karen Livingston, Clerk Treasurer Administrator;
Fred Sexton, Utility Director, Hank Bufkin, Town
Attorney, Tim Savidge, Bufkin Law Firm, Craig
Nelson, Police Captain

Mayor Spotts called the regular meeting to order and asked Councilman Gallman to open the meeting with prayer.

APPROVAL OF MINUTES:

Mayor Spotts stated that there are two sets of minutes to be approved. He presented the minutes from the February 19, 2008 regular meeting and a special called meeting on February 29, 2008, for approval.

A MOTION by Councilman Gallman to approve the minutes of the February 16, 2008 and February 29, 2008, minutes; seconded by Councilman Hawkins and so approved unanimously.

OPEN SESSION:

No citizens signed up to speak during Open Session.

EXECUTIVE SESSION:

Mayor Spotts stated the need for an executive session to discuss a legal matter.

A MOTION by Councilman Dawkins to go into Executive Session; Seconded by Councilman Underwood and so approved unanimously.

A MOTION by Councilman Dawkins to come out of Executive Session; Seconded by Councilman Hawkins and so approved unanimously.

Mayor Spotts stated that we had a legal update and there is one item that needs to be voted on waiver of attorney-client privilege.

A MOTION by Councilman Underwood to agree that The Town of Prosperity hereby waives its attorney-client privilege with regard to the advice of counsel provided by its Town Attorney, Henry P. Bufkin, with regard to the termination of Marion Scott Wilson as Acting Police Chief and the opinion letter provided by the Town Attorney, dated November 30, 2007. This waiver does not extend to any other subject matters for which the Town Attorney represents the Town of Prosperity or the Town Attorney's defense and representation of the Town, Mayor and Administrator in the action Wilson v. Town of Prosperity et. al, Civil Action No. 2008-CP-36-97.;seconded by Councilman Hawkins and so approved unanimously.

REPORT OF COMMITTEES

Electrical, Fire Dept., Parade Comm. & Rescue Squad: Councilman Hawkins extended a thank you to Fred and his crew for their outstanding job readying Prosperity for wind storms. He also thanked the fire department and rescue squad for their outstanding work assisting with the cleanup from the weekend tornados. Forest Hills project has been completed and looks great. Fred has reported that the line truck is blowing oil out of the exhaust. Mayor Spotts asked Fred to check the air filter before any repairs are made. The budget seems to be in line. The Special Contract with Duke Power is high compared to budget and may need to be tracked for budget preparation for the 08/09 budgets.

Chief Mark Bowers reported that the fire department had answered 165 calls in 2007. These calls consisted of 22 service alarms, 9 false alarms, 32 structure fires, 30 wrecks, 9 car fires 26 grassy fires, 12 landing zone, 7 electrical fires, 2 chimney fires, 14 other, 1 boat fire, and 1 train derailment which equates to 5000 man hours including 670 training hours, The fire department had two fund raisers raising \$3500.00, a blood drive that collected 45 pints of blood, and recycled cans for a \$840.00 to the Carolina Children Home. In 2008 there have been 27 fire calls and hosted a countywide supper. The Red Cross used the new firehouse as a contact station for the tornado relief.

Councilman Hawkins asked to enter into an agreement for the Town to accept the County quarterly allotment of funds from both the fire and rescue departments and use the money to pay both departments phone, electricity, water, sewer, gas. Mayor Spotts asked that Council consider matching the county money monthly \$250.00 to both the fire and rescue and let them keep their County allotment and pay their department bills. Discussion followed.

Sanitation, Streets, & Buildings Departments: Mr. Dawkins complimented the fire department and Fred for their hard work during the storms. Packer truck is fixed and running right. Sidewalks are being cleaned and cleared of debris. Councilman Underwood updated the public on grants for the sidewalk repair and installation throughout town, particularly Miller Street, S. Wheeler, S. Main, Pine Street. Councilman Hawkins asked Mr. Underwood to come up with a priority list for sidewalks and present it to council. Discussion followed.

Water and Sewer: Councilman Underwood thanked everyone for their efforts during the storms. There are no out of the ordinary budget items to report. During the month there has been a few line repairs, however, there are no major problems.

Police Department: Captain Nelson reported 20 warrant arrest with 28 counts. Twenty-Six tickets have been written since February 18, 2008. Captain Nelson reported two street vendors without business licenses, both were charged and fined. Councilman Gallman, Underwood, and Dawkins thanked Captain Nelson for the wonderful job he is doing. Captain Nelson announced that he has hired a new officer who will graduate from the academy in April. He also reported that the Sheriff's office is covering the holes in our schedule and the Town is grateful for the coverage.

Recreation and Parks Department: Councilman Gallman also thanked the fire and rescue departments for their help during the storm. Recreation is gearing up for a full season of t-ball, coaches' pitch, Dixie Youth Baseball and Dixie Boys Baseball. Councilman Hawkins asked about hosting a tennis clinic with all proceeds going to the tennis court matching grants.

Utility Department: Mr. Sexton reported a need to purchase poles and cross arms and get the service transferred. Captain Nelson commented on the new lights that were placed on Wessinger Drive. He would like to see those lights throughout Town.

Town Attorney: Mr. Bufkin stated that the Town is still in negotiations with the Newberry Electric Co Op with no contact since the last meeting. Mr. Bufkin updated Council on two outstanding lawsuits. Dorn v. Town of Prosperity is in Federal Court awaiting a Summary Judgment Hearing and a trip and fall case involving Mr. Stafford, no lawsuit has been filed only a claim that is being investigated.

Town Administrator: Ms. Livingston stated that she had no report.

OLD BUSINESS

Update on Property Ordinance Action Plans: Action Plans were put in each councilman's box. The Boozer House has been sold and will be removed from the list. Off Broad Street Café Beside Leon's Barber Shop letter has been returned to sender for the third time. Captain Nelson will deliver the letter and we will start the clock from there. Council will be updated each month on the action plans and update on compliance with citations.

Prices for Float Shed: Ms Anna Kaye Singley checked the sizes of her sheds and none of them were large enough however, Ms. Anna Kaye will donate the tin to repair the roof on Mr. Jimmy Counts shed. Ms. Livingston thanked the fire department for letting us keep the float in their building.

NEW BUSINESS

Overage on Truck Purchase: Mayor Spotts stated that the utility pickup purchased last month was over budget by four hundred ninety one dollars because it was on a local lot and available for immediate purchase without waiting for an ordered one to come in. He further stated that a ratifying vote was needed to approve the purchase.

A MOTION by Councilman Dawkins to ratify the purchase of the utility truck to include the four hundred ninety one dollars; seconded by Councilman Dawkins, and so approved unanimously.

Town Cemetery Request: The Town Cemetery Committee asked if the Town would be willing to place two Herbie Curbie trash containers at the cemetery and empty them once per month.

A MOTION by Councilman Underwood to put two Herbie Curbie trash containers at the cemetery; seconded by Councilman Hawkins and so approved unanimously.

Schedule Budget Workshop: Mayor Spotts stated a need to schedule a budget workshop. After discussion, the workshop is scheduled for April 2, 2008 at 6 pm.

GENERAL INFORMATION

Mayor Spotts expressed his pride to accept the Silver Palmetto Award from the Department of Special Needs at the MASC Winter Meeting.

Mayor Spotts expressed his thanks to the Community for their outreach during the recent storms and stated that the Town of Prosperity was extremely lucky and fortunate not to have power outages or damage from the storms.

Prosperity is the fourth cheapest city in the SCAMPS system for electricity.

Reverend Fink with the Mid-Carolina Ministerial Association has contacted Mayor Spotts and asked him to announce that a fund has been set up through First Community Bank for the tornado victims. Anyone interested in donating to the tornado victims in our area can do so at First Community Bank.

Remember this is your Town and please do your part to keep Prosperity clean and beautiful.

A MOTION by Councilman Dawkins to adjourn the meeting at 8:20 pm; Seconded by Councilman Underwood and so approved unanimously.

Karen L. Livingston, Town Administrator