

Aiken City Council Minutes

March 9, 1992

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Perry, Price and Radford.

Others Present: Steve Thompson, Jim Holly and Frances Thomas.

EXECUTIVE SESSION

Mayor Cavanaugh called the meeting to order at 6:00 P.M., and stated that Council needed to consider going into executive session for a legal briefing by the City Attorney on election districts.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that Council go into executive session.

At 6:30 P.M. Mayor Cavanaugh reconvened the meeting of City Council and stated no decisions and no action was taken in the executive session. Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, to adjourn the executive session and go into a pre-Council worksession.

REGULAR MEETING

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Terry Rhinehart, Roger LeDuc, Anita Lilly, Carrol Busbee, Ed Evans, Brunson Cromer, Stanley Quarles, 10 citizens and 3 news media.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the regular meeting of February 24, 1992, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

ZONING ORDINANCE - ORDINANCE 030992Storage Buildings  
Trailers

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding storage facilities in the Neighborhood Business, Planned Shopping Center and Central Business District zones.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO REGULATE THE USE OF STORAGE FACILITIES IN THE NEIGHBORHOOD BUSINESS, PLANNED SHOPPING CENTER, AND CENTRAL BUSINESS ZONING DISTRICTS AND CLARIFYING THE GENERAL TYPES OF USES ALLOWED IN NEIGHBORHOOD BUSINESS ZONING DISTRICTS.

Mr. Thompson stated the Building Inspections Division of Public Safety has asked the Planning Commission to consider changes in the Zoning Ordinance, prohibiting the use of temporary trailers for storage. There has been a problem over the past few years with the use of trailers, with or without wheels, for overflow storage. These trailers do pose fire hazards based on the density of buildings and lot lines, and do detract from the appearance of neighboring businesses and neighborhoods.

The Planning Commission reviewed the recommendation of Building Inspection and agrees that the use of trailers, storage containers or temporary or portable structures should not be allowed for more than three days in the NB, PSC, and CBD zones.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Perry and unanimously approved, that the ordinance regulating the use of storage facilities in the NB, PSC and CBD zones be passed on second and final reading to become effective immediately.

Councilman Perry asked if the ordinance covered trailers which are located at schools inside the city.

Chief Busbee stated the ordinance covered storage trailers and not trailers for classrooms.

SEWER ORDINANCE - ORDINANCE 030992A

Commercial Users  
Sewer, Sanitary  
Metered Usage  
Average Usage

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance concerning computation of average water usage for select commercial establishments for purposes of computing the sanitary sewer charge.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 041381 ADOPTED BY THE COUNCIL OF THE CITY OF AIKEN ON APRIL 13, 1981, REGARDING HOSPITALS, APARTMENT COMPLEXES, LAUNDRY HOUSES, RESTAURANTS, CAR WASHES, GAS STATIONS, AND SIMILAR COMMERCIAL ESTABLISHMENTS SO THAT THE MONTHLY QUANTITY SEWER CHARGES FOR THOSE CUSTOMERS IS BASED UPON ACTUAL METERED WATER USAGE AND ALLOWING BUSINESS ESTABLISHMENTS AN OPTION RELATING TO SUCH BILLINGS.

Mr. Thompson stated to compute the sewer charges for homes and businesses the city uses the average water usage for the months of December, January, and February. City Council approved the averaging schedule to help homeowners avoid paying a sewer charge on water that is used as the homeowner waters lawns, washes cars, or fills pools during the summer months. This system has worked very well for the city and does assist the property owners. However, the staff is suggesting an amendment to the ordinance to exempt certain business customers from the averaging system. Several of the smaller businesses, including laundries, restaurants, car washes, gas stations and other commercial establishments should realistically not be under the averaging system. Some of these businesses may be seasonal in nature and have very low water usage during the winter months but high usage in the summer months. It is felt it may not be fair to use the averaging system with these businesses.

The proposed ordinance exempts industrial sewer customers, schools, laundry houses, restaurants, car washes, gas stations and similar commercial establishments from the averaging computation.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance amending the sewer ordinance concerning computation of average water usage for figuring charges for sewer service for laundry houses, restaurants, car washes, gas stations, and similar commercial establishments be passed on second and final reading to become effective immediately.

WATER - ORDINANCE

Late Payment  
Sewer Service

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to increase the charge for late payment of water and sewer service. He said in discussion in the pre-Council meeting it was the consensus of Council to continue action on the matter until the next meeting.

The public hearing was held.

Mr. William Salley III stated he felt the proposed ordinance would cause a hardship on those who already cannot pay their bills. He felt that most people who pay their bills late are at or below the poverty level. He felt the ordinance would make matters worse for them by adding a 10% penalty to the bill.

Councilman Anaclerio pointed out the proposed ordinance would extend the payment period to the 24th of the month rather than the 15th. He asked if this extension of time would help customers pay the bill on time and avoid the penalty.

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Mr. Salley did not feel that the extension of time would help as far as avoiding paying the penalty.

Councilwoman Clyburn stated she shared the concerns of Mr. Salley and felt Council needed to look further at the proposed ordinance. She pointed out some people do have a very difficult time paying their bill and the proposed 10% penalty might be a hardship. However, there are customers who can afford to pay but are not paying their water bills on time.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the proposed ordinance to increase the late charge for water bills be continued to the next regular meeting of Council.

HOUSING

- Group Homes
- Disabled
- Developmentally Disabled
- Housing and Urban Development
- Linden Street
- Durham Street
- Mentally Handicapped
- Tri-Development Center

Mayor Cavanaugh stated a request had been received for approval of group homes for the developmentally disabled.

Mr. Thompson stated that in November the city received a notice from the U.S. Department of Housing and Urban Development (HUD) that they were considering two sites for development of two group homes for the developmentally disabled. The City asked for more information concerning the request. HUD through the Tri-Development Center is requesting approval for an 8-resident group home at 136 Linden Street, located behind the Baird & Company offices on Hayne Avenue. The second location is Durham Street, a side street that runs parallel to Laurens Street. The site is located between the Aiken School District offices and the new church at the intersection of Gayle and Laurens. Both sites are zoned Neighborhood Business. Under the city's definitions, 8 residents would constitute a single family home. State law requires that the local government have an opportunity to comment on the proposed locations. If Council objects to the sites, the request would go to an arbitration committee. Because of the length of time allowed for review and comment there is not time to send the request through the Planning Commission. The request is that the city approve the locations for group homes for the developmentally disabled. The Tri-Development Center is sponsoring the location of these homes. Bill Tucker, Hank Moormann and Bob Pollard were present representing the request.

Mr. Tucker pointed out that the buildings on the lots would be razed and new buildings constructed for the group homes. He stated that Hank Moormann, architect, was present and had plans of the proposed units if Council wished to see the plans. Mr. Tucker pointed out that these homes would not be additional homes but would replace a home on Laurens Street near Hahn Village and one on Richland Avenue across from Hardees.

There was concern by some Councilmembers about the location on Laurens Street and Durham Street as it was felt there was a crime problem in that area. It was felt the proposed housing would improve the area, but there was concern about housing disabled people in this area. Mr. Tucker pointed out a group home has been in the area just across the street for many years.

Mr. Tucker stated he is asking for approval by the City giving endorsement to the project in order to obtain the HUD grant for the project.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that Council approve the request for location of a group home at 136 Linden Street and on Laurens Street and Durham Street between the new church and the school district offices as requested by the Tri-Development Center.

BUILDING CODES - ORDINANCEAmendmentsStandard Building Codes1991 EditionsBuilding CodeFire Prevention CodeHousing CodePlumbing CodeMechanical CodeSwimming Pool CodeGas CodeCABO One and Two Family Dwelling CodeNational Electrical Code

Mayor Cavanaugh stated an ordinance had been prepared for first reading to adopt amendments to the Building Codes.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE TO AMEND SECTION 6-2 OF THE AIKEN CITY CODE SO AS TO INCORPORATE THEREIN, WITH CERTAIN EXCEPTIONS, THE 1991 EDITIONS, INCLUDING APPENDICES, OF THE STANDARD BUILDING CODE, STANDARD PLUMBING CODE, STANDARD MECHANICAL CODE, STANDARD GAS CODE, STANDARD HOUSING CODE, STANDARD SWIMMING POOL CODE, STANDARD FIRE PREVENTION CODE, AND THE 1989 EDITION OF THE CABO ONE AND TWO FAMILY DWELLING CODE, TOGETHER WITH THE APPENDICES IN THE 1990 AND 1991 AMENDMENTS THERETO, AND TO AMEND SECTION 6-3 OF THE AIKEN CITY CODE SO AS TO INCORPORATE THEREIN, WITH CERTAIN EXCEPTIONS, THE 1990 EDITION OF THE NATIONAL ELECTRICAL CODE.

Mr. Thompson stated that periodically the Building Code Appeals Committee reviews the building codes and amendments and updated editions. After review of the codes the Building Code Appeals Committee recommends whether or not the city should adopt all or a portion of these codes.

The Building Code Appeals Committee met on February 28 and after extensive discussion has recommended adopting the updates, additions, and appendices to the building codes. For many years however, the city has adopted a much stronger procedure for restricting sub-standard housing and this is noted in the proposed ordinance.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance be passed on first reading to update the Building Codes and that the second reading and public hearing be set for the next regular meeting of Council.

BIDSWater Treatment ChemicalsSodium Fluoride

Mayor Cavanaugh stated Council needed to consider bids for the purchase of sodium fluoride.

Mr. Thompson stated that sodium fluoride is used in the water treatment process. In January Council approved the award of the sodium fluoride bid to Key Chemicals of Aiken. The city has been notified by Key Chemicals that they can no longer supply sodium fluoride at the price bid. The next low bid was that of Van, Waters & Rogers with a bid price of \$57.98/cwt. The Key Chemical bid was \$56.75/cwt. The staff is recommending that the city offer this bid to Van, Waters & Rogers, as the low bid. The value of the total purchase will be \$16,234 over the year. This is an increase of about \$345 over the contract with Key Chemicals.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that the bid be awarded to Van, Waters & Rogers for sodium fluoride at a price of \$57.98/cwt.

CABLEVISIONPalmetto CablevisionFranchise

Mayor Cavanaugh stated Council needed to authorize the scheduling of a public hearing on the franchise renewal for Palmetto Cablevision.

Mr. Thompson stated that under the Federal Communications Act, there are several requirements that the city will have to comply with for the development of a new

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franchise agreement with Palmetto Cablevision. He asked Mr. Holly to explain the matter to Council.

Mr. Holly stated under the Federal Cablevision Act the city is under an informal franchise review renewal process with Palmetto Cablevision. Palmetto Cablevision has submitted a proposal to the city. As a cautious approach to the requirements of the Federal Cablevision Act, he said he would recommend that the city give public notice to the newspaper of their proposed renewal and then have a brief public hearing to allow comments from the public on the proposal submitted to the city. In order to expedite this he suggested that Council authorize the staff to conduct the public hearing. Once a final document is ready to present to Council then there would be a final public hearing after all the information is received. He said the preliminary public hearing is procedural and he felt it could be handled at the staff level. He said he was in the process of reviewing all the documents and background on this matter. It is proposed that the public hearing be held by the end of March.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the staff be authorized to schedule a public hearing on the proposed franchise renewal submitted by Palmetto Cablevision and accept written and oral comments for use in developing a new franchise agreement.

AIKEN YOUTH CORRECTION CENTER - ORDINANCE

S.C. Department of Corrections

Youth Correction Center

Lease

Air Base

Mayor Cavanaugh stated Council had received a request for extension of the lease for the Aiken Youth Correction Center and an ordinance had been prepared for first reading to extend the lease.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE AUTHORIZING THE MAYOR, BY AND WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF AIKEN, AS LESSOR, AND THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, AS LESSEE, PERTAINING TO THE OLD AIKEN AIR BASE PROPERTY.

Mr. Thompson stated the city had received a request from the S.C. Department of Corrections, asking the city to approve a lease renewal for the Aiken Youth Correction Center. The present lease expires March 31, 1992, and the Department would like to extend this until 1994. The Department had requested an extension of the lease for six months earlier in order that they might find another location for the Center. Council granted an extension to September 30, 1992. The present request is that the lease be extended through 1994 to allow the Department to move into a new facility for which construction is presently beginning.

The city originally leased this property to the Department of Corrections in 1975, with a ten year lease. The lease has subsequently been renewed, and the city has enjoyed a good relationship with the Department. In 1988 the Department asked the city to extend a long term lease to allow them to build more of a campus type facility, but City Council felt strongly that a long term lease was not in the best interest of the city. At that time Council agreed to end the lease at the facility as soon as the Department was able to build a new facility. Council approved extending the lease until September 30, 1992, to encourage the Department of Corrections to move forward with construction of this facility.

The State Budget and Control Board approved a bond issue and purchase of a site in Trenton and construction is underway. The Department of Corrections is asking Council to approve extension of the lease through September, 1994. The Department is expecting to be in the new facility in Trenton by January, 1994, but is requesting the additional time to make sure that the transition is a smooth one. Presently the city receives \$4,000 per month for rent of these facilities and this has been a very positive addition to the city budget. The city also uses inmates at the Correction Center and other detention centers around Aiken County for its labor pool. These inmates help with trash collection, the recycling program, and other services of the city.

In the new lease agreement, the Department of Corrections is asking that the city extend the lease to September 30, 1994, and that Council allow the facility to increase the adult inmates by 100, up from the present level of 125 inmates which are used as staff for maintenance, cooking, etc. The city has been working with

the Department to include wording for review authority by the city's Department of Public Safety to approve or disapprove the inmates to be placed at this facility.

This would be first reading of an ordinance to extend the lease with the South Carolina Department of Corrections for the Aiken Youth Correction Center site, with the lease to expire September 30, 1994.

Councilwoman Clyburn asked Mr. Hagan, Warden at the Center, the average age of inmates at the Center.

Mr. Hagan stated the average age is about 21. The offenders are adults not juveniles. From 17 - 25 is the age group under the Youthful Offenders Act of 1978. He stated they also have adult inmates for jobs such as cooking, maintenance, etc. These are non-violent offenders.

Mr. Hagan pointed out the additional 100 adult inmates requested are to help in construction of the facility in Trenton. The facility in Trenton will be built by inmate labor. It is proposed to move these inmates from Columbia to Aiken and transport them daily to Trenton for construction of the new facility. These are minimum security or trustee type inmates.

Councilwoman Price stated she had some concerns but she was reluctant to ask questions because this was not a public hearing.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that the ordinance to extend the lease for the Aiken Youth Correction Center to September 30, 1994, be passed on first reading with the second reading and public hearing scheduled for the next regular meeting.

#### TRICYCLE RACE

Kiwanis Club  
Laurens Street

Mayor Cavanaugh stated a request had been received from the Kiwanis Club that Laurens Street be closed for their annual Tricycle Race on Wednesday, May 6, 1992.

Mr. Thompson stated that for years the Aiken Kiwanis Club has been holding an annual tricycle race in downtown Aiken. The Kiwanis Club is requesting permission to schedule the race for Wednesday, May 6, 1992. Public Safety has been closing the street from about 1 P.M. to 5 P.M. and this has not been a problem in the past. The Aiken Kiwanis Club is requesting permission to close Laurens Street from Richland to Park, west lane, on Wednesday, May 6, from 1 to 5 P.M. for their annual tricycle race, with a rain date of May 13, 1992.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that permission be granted to close Laurens Street on Wednesday, May 6, 1992, for the Kiwanis Club tricycle race.

#### HISTORIC DESIGNATION

Hopeland Gardens  
Rye Patch  
Coker Springs

Mayor Cavanaugh stated the city had been requested to designate Rye Patch, Hopelands Gardens, and Coker Springs to the Historic Register.

Mr. Thompson stated the city had received a letter from Deborah Brooks of the Historic Aiken Foundation asking the city, as owner, to consider designation of Rye Patch, Hopeland Gardens and Coker Springs to the Aiken Historic Register. The city has established the Historic Preservation Ordinance and the Historic Preservation Commission to administer the ordinance and under the process individual properties are individually designated to the register.

Councilman Perry pointed out Council had discussed possibly making changes to the Historic Preservation Ordinance as it pertains to city properties and he felt action on this request should be postponed until after changes are made in the ordinance. He said Council had discussed possibly changing the ordinance so City Council would be the final judge on city owned properties rather than the Circuit Court.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the request of the Aiken Historic Foundation that Rye Patch,

Hopeland Gardens and Coker Springs be designated to the Aiken Historic Register be received as information.

PERSONNEL DIRECTOR

Quarles, Stanley

Mr. Thompson introduced Stanley Quarles as the city's newest department head as Personnel Director for the city.

YOUTH ADVISORY COUNCIL

Mayor Cavanaugh announced that the Youth Advisory Council would hold its first meeting on Tuesday, March 10, 1992, at 6 P.M. at Rye Patch.

ADJOURNMENT

There being no further business, Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the meeting adjourn. The meeting adjourned at 8:25 P.M.

  
Sara B. Ridout  
City Clerk