

Aiken City Council Minutes

February 26, 1996

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

Others Present: Steve Thompson, Gary Smith, Frances Thomas, Roger LeDuc, Terry Rhinehart, Ed Evans, Carrol Busbee, Anita Lilly, Stanley Quarles, Andy Anderson, Sara Ridout, Chasiti Kirkland of the Aiken Standard, Chandra McLean of the Augusta Chronicle, and 20 citizens.

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

The minutes of the meeting of February 12, 1996, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

PRESENTATIONStudents of the MonthYouth of the MonthPeck, OctaviaRashidi-Yazd, Kaveh

Mayor Cavanaugh stated the Youth Advisory Commission had submitted the names of Octavia Peck and Kaveh Rashidi-Yazd as students of the month for February.

Mayor Cavanaugh recognized Ms. Octavia Peck as the Student of the Month from Aiken High School. Ms. Peck is Senior Class President, will be attending Columbia College and playing volleyball, involved in basketball and volleyball teams at Aiken High, president of Youth Usher Board and Youth Hill Educational Program, and received Daughters of the American Revolution Good Citizen Award. Mayor Cavanaugh presented a certificate to Ms. Peck.

Mayor Cavanaugh recognized Kaveh Rashidi-Yazd as Student of the Month from South Aiken High School. Mr. Rashidi-Yazd is President of the Student Body, member of the National Honor Society, the Beta Club, and Pure Breeds (organization which is nonalcoholic and drug free), chairman of Student Forum, and will be attending George Washington University or the University of South Carolina. Mayor Cavanaugh presented a certificate to Mr. Rashidi-Yazd.

Mayor Cavanaugh recognized the parents of each of the students.

REZONING - ORDINANCER. & H. Maxxon, Inc.U.S. 1 NorthRutland DriveS.C. 118By-PassYork StreetRyberg, GregHallman, T. B.Tax Parcel No. 30-081-01-002 and 003

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone the property at the northwest corner of U.S. 1 and Rutland Drive from Suburban Industrial to Neighborhood Business.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF RUTLAND DRIVE (S.C. 118) AND UNITED STATES HIGHWAY NUMBER 1, TAX MAP PARCEL NUMBERS 30-081.0-01-002 AND 30-081.0-01-003, FROM SUBURBAN INDUSTRIAL TO NEIGHBORHOOD BUSINESS.

Mr. Thompson stated the owners of the property at the intersection of York Street (U.S. 1) and Rutland Drive (S.C. 118 by-pass) have asked Council to consider rezoning of two lots, totaling 1.83 acres, from Suburban Industrial to Neighborhood Business. The corner lot contains a convenience store/gas station operated by R&H Maxxon, Inc. The other lot is vacant. The request

has been reviewed by the Planning Commission for rezoning and is recommended to Council as consistent with the zoning for similar businesses and locations.

The Neighborhood Business Zone is consistent with the actual use of the property and with nearby zoning to the east. The Comprehensive Plan recommends commercial use for the site. Mr. Greg Ryberg, leasee of the property, had conveyed to the Planning Commission that his intent is to better utilize the property by offering other services to the north side of Aiken. He plans to house some type of banking facility on the site.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved that the ordinance to rezone the property at the northwest corner of U.S. 1 and Rutland Drive from Suburban Industrial to Neighborhood Business be passed on first reading and that second reading and public hearing be set for the next regular meeting of Council.

REZONING - ORDINANCE

Colony Parkway
Whiskey Road
Holiday Inn Express
Motel
Bush Field Aircraft Co.

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone some property on Colony Parkway east of Whiskey Road from Professional to Neighborhood Business.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON THE NORTH SIDE OF COLONY PARKWAY EAST OF THE HOLIDAY INN EXPRESS, TAX MAP PARCEL NUMBER 30-055.0-11-009, FROM PROFESSIONAL TO NEIGHBORHOOD BUSINESS.

Mr. Thompson stated the owners of the property on Colony Parkway have requested rezoning of their property from Professional to Neighborhood Business. Ramesh Shah, RAS, Inc. is the applicant for the owner, and is requesting rezoning of a lot totaling 2.31 acres. The property is presently zoned Professional. The applicant would like to rezone the property to allow development of a 60 unit hotel. The Planning Commission reviewed the request and recommended rezoning with conditions.

Mr. Thompson stated the rezoning was similar to the rezoning of the property that is now occupied by the Holiday Inn Express. The Holiday Inn Express property was rezoned in 1991 to allow construction of the present motel. The Planning Commission reviewed the request and noted that the neighborhood business zone that has been requested allows a full range of commercial uses, including shopping centers, convenience stores, and other business uses. The property is adjacent to single family residential to the north, and high traffic retail probably would not be consistent with the development in this area. The Planning Commission discussed this at length and recommended approval of the rezoning request with the following conditions:

1. that the applicant enter into an agreement with the City to permit only a motel/hotel, or residential use including a residential assisted living facility on the property, or any use permitted in the Professional zoning districts;
2. that no restaurant or lounge be incorporated into any use on the property;
3. that if a building permit is not obtained within one (1) year from the date of rezoning approval, the rezoning will revert to Professional and the agreement will be nullified.

Mr. Thompson stated the Planning Commission feels that this property is on the border with other residential property just as the present Holiday Inn Express, and under these circumstances the rezoning is sensitive. The Commission felt the rezoning should be permitted under the same conditions that apply to the Holiday Inn Express. He stated the applicant has no opposition to the conditions except that the building permit be extended from being obtained within one year from the date of rezoning approval to three years due to the size of the project. He feels that as a multi-million dollar project it will take more than one year to obtain approval on the plans and

financing. Mr. Shah is asking that the time for obtaining the permit be extended from one year to within three years.

Council discussed the request. Councilman Anaclerio stated he supported a person being able to use his property as he wished as long as it met the ordinances, but he was concerned that the motel industry might be overbuilding in the Aiken area such as was done for shopping centers. He was concerned whether or not a town the size of Aiken could support additional motels. Councilman Anaclerio expressed the feeling that the conditions recommended by the Planning Commission not be changed to allow a building permit to be obtained within three years from approval but that the condition recommended by the Planning Commission that a building permit be obtained within one year from the date of rezoning approval be retained. Council discussed the one year condition.

Councilman Perry moved, seconded by Councilwoman Price, that the ordinance rezoning the property on Colony Parkway, east of Whiskey Road, from Professional to Neighborhood Business be passed on first reading and that second reading and public hearing be set for the next regular meeting of Council with the condition that a building permit must be obtained within three years from date of approval or the rezoning will revert to Professional rather than the one year as recommended by the Planning Commission. The motion was approved by a majority vote with Councilman Radford opposing the motion.

ZONING ORDINANCE - ORDINANCE

Amendment

Office Buildings

Industrial Zones

Light Industrial Zone

Suburban Industrial Zone

Permitted Use

Professional Offices

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance to allow office buildings in the industrial zones.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION VII.B OF THE ZONING ORDINANCE TO ADD "PROFESSIONAL OFFICES" AS A PERMITTED USE IN AREAS ZONED LIGHT INDUSTRIAL (LI), AND SUBURBAN INDUSTRIAL (SI).

Mr. Thompson stated that over the past few years the city has allowed office buildings within the Suburban Industrial and Light Industrial zones, especially along Beaufort Street. The Planning Commission has reviewed this issue and has recommended that the Zoning Ordinance be amended to allow professional offices to be placed under the Laundry List of permitted uses within the SI and LI industrial zones.

Mr. Thompson stated the Planning Commission discussed the matter at length and noted that the issue will be addressed with the full review of the Zoning Ordinance scheduled for the fall. During the full review the industrial zones will be reviewed at length on a variety of issues. However, the Planning Commission felt that use of property in the Suburban and Light Industrial zones for office space is suitable and should be allowed at this time.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on first reading to allow office buildings in the industrial zones of the city and that second reading and public hearing be set for the next regular meeting of Council.

ZONING ORDINANCE - ORDINANCE

Amendment

Signs

Central Business District

Free Standing Signs

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance to allow free standing signs in the Central Business District.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE SIGN ORDINANCE IN AREAS ZONED CENTRAL BUSINESS DISTRICT OF THE CITY OF AIKEN.

Mr. Thompson stated Council had asked the Planning Commission to review the issue of free standing signs in the Central Business District. The Planning Commission has reviewed this at length and has recommended amendments to the Zoning Ordinance to allow free standing signs.

The Planning Commission has developed a list of conditions on the availability of free standing signs. This includes a requirement that the building setback must be at least five (5) feet from the street right-of-way to allow a free standing sign along the street frontage, and a restriction that any building have a maximum of one sign per street frontage and that a corner lot could have an additional free standing sign under certain conditions. The Planning Commission was concerned that these signs should be very attractive and aesthetically pleasing and included several requirements concerning the lighting of the letters and the height of the sign. Under the proposed ordinance ground level signs would be allowed for a maximum area up to 32 square feet for one business; and for multiple business on one lot, one consolidated sign would be permitted with an additional four square feet allowed for each additional business up to a maximum of 48 square feet; a monument sign would have a maximum of 7 feet in height, and the area of the supporting structure would not be able to exceed 50% of the area of the face of the sign; and pole signs would have to be placed on a decorative pole and would have a maximum area of 16 square feet for a single business.

Mr. Thompson stated the proposed ordinance amendment seems to be in keeping with the earlier discussions of City Council on the matter. The Planning Commission has reviewed this extensively with the businesses involved in this issue and recommends the changes to Council.

Council discussed the proposed ordinance and signs allowed in the CBD.

Councilwoman Price moved, seconded by Councilman Perry and unanimously approved, that the ordinance be passed on first reading amending the Zoning Ordinance to allow free standing signs in the Central Business District under the regulations provided by the Planning Commission and that second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION - ORDINANCE

Bellotti, Alexander and Donna
807 Woodward Street
Hickory Street
Whiskey Road
Tax Map Parcel No. 30-055-08-004

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property of Alexander and Donna Bellotti located at 807 Woodward Street.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.11 ACRES, MORE OR LESS, OWNED BY ALEXANDER P. AND DONNA D. BELLOTTI, LOCATED AT 807 WOODWARD STREET AND TO ZONE THE SAME R-1, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated Council has received a petition from Mr. and Mrs. Alexander Bellotti, the new owners of the home located at the corner of Hickory Street and Woodward Street, for annexation of the property. The property is located one block south of Boardman Road. The Planning Commission has reviewed the request and is recommending annexation under the R-1 zone.

Mr. and Mrs. Bellotti have recently purchased the property at 807 Woodward Street, and the city requires annexation as a condition of receiving city services. Mr. and Mrs. Bellotti also own a portion of the former right-of-way of Hickory Street which adjoins the property. The property has been abandoned and the property has been deeded to the adjoining land owners. Mr. Bellotti is willing to annex the portion of Hickory Street along with the lot on which his home is located. The Planning Commission reviewed this and recommended that the annexation be approved with the condition that the portion of Hickory

Street abandoned and deeded to Mr. and Mrs. Bellotti be included in the annexation and that a plat combining the properties be recorded at the Aiken County Office of Registrar of Mesne Conveyance.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance annexing the property of Alexander and Donna Bellotti, Lot 20 in Woodward Subdivision located at the intersection of Hickory Street and Woodward Street and the portion of abandoned right-of-way along Hickory Street, be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

GEOGRAPHIC INFORMATION SYSTEM (GIS)

Utility Mapping Mapping

Mayor Cavanaugh stated Council needed to consider a contract for utility mapping and GIS implementation.

Mr. Thompson stated that for the past several years the city has been automating its mapping services and implementing the Geographic Information System (GIS). The city has been moving forward with this update essentially with the staff. The city is now ready to move forward with the full development of the system. The staff is recommending that Council approve a contract with the team of Hussey, Gay, Bell and DeYoung, Camp, Dresser & McKee, Hoffman & Company to help implement the GIS system. A large part of the work that needs to be done is surveying and mapping.

Mr. Thompson stated this was not a new issue for Council, but utility mapping and GIS had been discussed for the past several years in Horizons and in budget discussions and monies had been included in the budget for a number of years as the staff prepared for full implementation. The primary objective on the GIS system has been to develop a system that is very compatible with the systems under development with the Lower Savannah Council of Governments, Aiken County, and the City of North Augusta. Every step that has been made with the GIS system has been with a focus on compatibility. With the next step the city will be able to fully implement a compatible and comprehensive GIS system. The proposed contract is a multi-year contract, continuing the present work of the GIS system.

Public Works has accepted statements of qualifications from various firms, and after review, is satisfied with the qualifications submitted by the team that includes Hussey, Gay, Bell & DeYoung, Camp, Dresser & McKee, Hoffman & Company. The team includes Camp, Dresser & McKee, a local GIS firm, actually conducting and coordinating the work.

Overall the project is a surveyor and mapping project, and there is some urgency in moving forward because the aerial photography has to be completed while the leaves are off the trees. Mr. Thompson stated the project is a \$200,000 to \$300,000 per year project and will take several years to complete. The project will only move forward as long as funds are available through the budget process. If funds are not available the contract will terminate.

Council discussed the proposed contract award. Mr. Thompson stated a dollar amount was not placed in the contract proposal as this is a professional service. However, the work will be \$200,000 to \$300,000 per year with a total cost of about \$900,000 to \$1,000,000. Council would be awarding the contract to the firm at this time and then would approve monies for the project in the budget process. Council discussed what would be gained from the project and whether the work done would be useful if the project was not funded each year. Councilwoman Papouchado pointed out the information gathered so far had been very helpful in projects. Mr. Thompson pointed out the goal is to develop information and a system that will be compatible with the Lower Savannah Council of Governments, Aiken County and the City of North Augusta. Mr. LeDuc explained to Council the work that is to be done. He stated the city would be taking the base maps that the County has done and filling in information between the right-of-way lines with the streets, sidewalks, utility locations, water and sewer lines, water meters, etc. and pinpointing that information with accuracy. He said the project would be broken into quadrants so the information gathered could be completed for an area so if the work could not be completed at least the work would be completed for an area. Mr. LeDuc stated the project would be cost effective over time, and would be efficient in giving information to citizens and developers. In response to a

question about other cities in South Carolina with such a system, Mr. LeDuc stated no other city in South Carolina presently has done the complete package. Mr. Thompson pointed out the real value of the system is not the maps but the analysis portion of the system. Mayor Cavanaugh asked if the staff could give some kind of cost savings that the system might give since the crews will know where the water lines, etc. are located.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the firm of Hussey, Gay, Bell & DeYoung, Camp, Dresser, & McKee, Hoffman & Company be selected as the firm for a multi-year contract to implement the GIS system for the city and that the staff negotiate a contract and scope of services with the firm and move forward as funds are available through the budget process.

BIDS

Weeks Center Addition
Virginia Acres Park
Whiskey Road
Gym
Reynolds, H. G. Company

Mayor Cavanaugh stated Council needed to consider the bids for the Weeks Center addition.

Mr. Thompson stated the goals adopted by Council in the 1995 Horizons session included the goal to move forward with the new gym addition at the H. O. Weeks Activities Center on Whiskey Road. The staff has been working with Leland Reynolds to help identify ways to reduce the scope of the project and the city has rebid the project.

The project has been reduced in scope several times during the development phase to reduce the cost of the project. City Council has approved setting aside funds available for the past two years to try to bring the project up to a level to allow construction of a reasonable gym. The city now has approximately \$1.4 million available for the project. The low bid submitted for the project is North Lake Construction Co., of Columbia, in the amount of \$1,460,000. Adding the contingency and remaining architectural fees to the project, the total cost is \$1,559,281.

During the process over the last several years, the plans were amended as a cost savings measure, to delete 30 feet from the new gym. On evaluation the staff is suggesting that Council include the 30 feet. It is felt that this 30 feet is necessary to allow spectator space and improve the facility. Adding the 30 feet back will bring the cost of the project to a total of \$1,700,174 and would shift the low bid to H. G. Reynolds, of Aiken, with a base bid of \$1,589,900. This is an increase of \$170,000, or 13%, over the 1994 bids.

The question of whether the gym is still justified under the changing basketball and recreation environment was considered. Several new gyms have been constructed recently and with the changes in this area the staff questioned whether or not the gym is necessary. Terry Rhinehart, Recreation Director, reviewed this and pointed out the city is still facing a great deal of down time when the public is not able to play in the gyms because there are so many organized athletic team activities, including basketball and volleyball. In 1993-94 the department hosted 111 youth and 15 adult basketball teams, while in the current year the city has a total of 144 youth teams and 17 adult teams. The city rents other gyms throughout the area, and the city allows the churches to play at the city's gyms if they have an organized league. The demand means that the gyms are closed to the public during peak times from November through March of each year, which includes evenings on week days, all day Saturday, and most Sundays. The gyms also are not available during the spring and fall volleyball seasons each year. Mr. Rhinehart states that the gyms are closed to the public for about eight months of each year.

Mr. Thompson stated the staff had reviewed the bids and the project extensively for ways to reduce costs. The city asked Leland Reynolds, of H. G. Reynolds, to assist with the review, and the staff was not able to identify any large cost savings. Construction of the additional parking lot could be eliminated, however, it is felt this would just be shifting the cost to the next fiscal year because the additional parking will be needed immediately. The office space and exercise area could be eliminated but the staff would lose some of the control and security measures that are needed. The proposed

addition includes a gym and other activity rooms, and allows the staff to change the flow within the gym complex to provide better security and service within the Weeks Center.

Presently the city has \$1,400,000 available for this project, but it is felt that monies can be put aside for the next three fiscal years to make the project work if Council would like to do so.

Councilwoman Papouchado moved, seconded by Councilman Perry and unanimously approved, that the low bid of H. G. Reynolds Company, of Aiken, be approved for the construction of the H. O. Weeks Activities Center gym addition, including construction of the full project, and the additional 3,200 feet of space necessary for spectator bleachers, for a total bid of \$1,589,900, with the total project, including architectural and contingency fees, being \$1,700,174.

BIDS

Playground Equipment

Smith-Hazel Activities Center

Kalmia Hill

Cunningham & Associates

Mayor Cavanaugh stated Council needed to consider bids for the purchase of playground equipment.

Mr. Thompson stated the budget includes funds for playground equipment at Smith-Hazel and at the neighborhood park on Kalmia Hill. The bids received were as follows:

<u>VENDOR</u>	<u>S/H UNIT</u>	<u>KALMIA HILL UNIT</u>	<u>TOTAL PRICE</u>
Miracle Recreation	No Bid	\$10,254	\$10,254
Bliss Products	\$15,387	8,605	24,037
Peggs Rec. & Arch.	14,256	8,856	23,112
Cunningham & Assoc.	12,285	6,336	18,621

Mr. Thompson stated the bids are for multi-play structures that the city has been installing in other playground areas. The Smith-Hazel unit is budgeted and is within the budget. The Kalmia Hill unit is an approved grant project with matching funds from a state Parks and Recreation Development grant. The staff has reviewed the bids and recommends acceptance of the low bid for both units from Cunningham & Associates at a price of \$18,621. The playground units include several pieces that combine to form one large playground system. The system for Smith-Hazel includes several slides, a bridge, climbing pieces and other decks. The unit for the Kalmia Hill park is smaller. Seven bid invitations were mailed out and four bids were received. There are no local suppliers of these units. The staff is recommending acceptance of the low bid of Cunningham & Associates.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the multi-play units for Smith-Hazel and Kalmia Hill, as bid by Cunningham & Associates in the amount of \$18,621, the low bidder, be accepted.

CITY SERVICES

New Construction

Outside City Limits

Fire Protection

Mayor Cavanaugh stated Council needed to consider a resolution concerning city services for new construction outside the city limits.

Mr. Thompson stated that in 1990 Council adopted a utility extension policy that required annexation agreements for new construction outside of the city limits for water service in addition to sewer service. In the discussions at that time Council also discussed the availability of other city services outside the city limits. In the Horizons session of 1994, Council asked that the city define all city services by the city limit line and based on the City's utility policy. Based on those discussions, it is the staff's understanding that the intent of City Council is to limit all city services beyond the city limit line for new construction just as is presently being done for water and sewer. The staff's recommendation is that Council adopt a resolution defining the policy for extension of city services as identical to the guidelines included under the utilities extension policy.

Mr. Thompson stated that as the city grows and as the city moves closer to the special purpose districts there have been requests for other city services by homeowners and businesses outside the city for just city services only. This has been discussed with the property owners, and they have been informed that it was the staff's understanding that City Council's intent was to require annexation on the provision of all city services rather than just water and sewer. He said the policy was not clear and the staff is asking for City Council's guidance to say whether city services will be extended outside the city limits for new construction with or without annexation.

Mr. Thompson pointed out the city is faced with a unique situation with new construction in Aiken. Some property owners are building new structures around Aiken which are not on the City of Aiken's water system, but are on the water system of the adjacent public service districts or on private wells. Some of the properties are immediately adjacent to the city limits, and the property owners would like fire service and the other services of the city, but will not receive city utilities and may not be interested in annexation.

Mr. Thompson pointed out this is not a doughnut hole issue as the doughnut hole issue has already been addressed with the requirement that an annexation agreement is required on the transfer of property from the present property owner. The new construction issue is the same issue that Council addressed in 1990 with extension of water service and for sewer service in the past where an annexation agreement is required for extension of water or sewer to the property outside the city limits. The proposal is that Council adopt a resolution stating that all city services, including fire, water, sewer, and other city services, are under the same annexation guideline that the city presently has for utility services. Mr. Thompson stated this seems to have been a gap in the city's policies rather than an intentional act of Council. As the city expands services to the edges of the public service districts, providing city services outside the city, this will continue to pose a problem.

Council discussed the staff request for clarification. Mayor Cavanaugh asked if there was a law which states the city must provide fire service outside the city limits. He pointed out the policy for extension of city services would apply only to new construction. Mr. Thompson stated there is no law which states cities must provide fire service outside the city limits. He said the staff is suggesting that if Council clarifies the guidelines that the policy be the same as the present water and sewer policy which applies to extension of services to new construction and requires an annexation agreement. He pointed out providing city services outside the city in the doughnut holes requires an annexation agreement on the transfer of ownership. Mayor Cavanaugh asked if other cities require annexation agreements to provide city services outside the city. Mr. Thompson stated most cities require annexation to receive city services.

Councilman Perry pointed out Council had a long discussion on the matter during Horizons. He asked if a business, outside the city limits within the city's fire district, puts in a well and septic tank would the city inform the person that no fire service will be provided unless the property is annexed or would the person pay double for the fire service. Mr. Thompson stated in that case there would be no fire service for new construction without annexation or the annexation agreement. For an existing business that is already a customer the provision of city services would not change. However, for new construction or someone not previously on city service who wants city services, they would have to sign an annexation agreement for service. Councilman Perry asked if someone puts in a well and a septic tank and does not sign an annexation agreement or annex to the city would the city let the building burn? Mr. Thompson stated that within the guidelines the staff would track the situation and in every instance the staff would try to err on the side that if there was a question the city would serve the property. He said very few cities provide services outside the city. He said, however, other cities which have gone through this issue have gone to buildings which are burning to make sure no lives are at stake. Mr. Thompson stated the policy, if adopted by Council, would be that if the property is not on the city's fire service then the city would allow the building to burn. Councilman Perry pointed out the proposal is similar to the Mt. Pleasant procedure for city services.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council adopt a resolution stating that all city services, including water, sewer, fire and any other city services, only be

extended outside the city limits to new construction with the condition that an annexation agreement be executed.

VALLEY PUBLIC SERVICE AUTHORITY - ORDINANCE

Agreement

Loan

Sewer Lines

Increase in Fees

Fire Service Fees

Water District

Mayor Cavanaugh stated Council needed to consider first reading of an ordinance adopting an agreement with the Valley Public Service Authority.

Mr. Thompson stated for some time the city has been discussing the need to change the existing agreement between the City of Aiken and the Valley Public Service Authority. This agreement would include the rules and guidelines that both the City of Aiken and the Valley Public Service Authority use for the customers served by the city and the VPSA. Gary Smith, City Attorney, has developed a draft agreement, and the agreement is submitted for Council's review and approval. Mr. Thompson stated the city has been working with the VPSA for a number of years since a court ordered agreement in 1986 to establish guidelines for City of Aiken service to properties that are inside the VPSA territory and properties that the VPSA serves in the City of Aiken's territory.

Mr. Thompson stated the proposed agreement is a result of several months of discussion with Mr. Don Groves, the Manager of the VPSA. With the proposed agreement the VPSA would become current on the amount outstanding that the VPSA owes to the City of Aiken as a result of the 1986 court ordered agreement. Essentially the VPSA would repay the city for the city's capital cost for installing sewer lines to serve the motel and other businesses at the intersection of S.C. Highway 421 and Highway 1. The changes are significant, but do assist both groups. The VPSA has been very cooperative on this issue, and the City and the VPSA both agree that the present agreement needs some fine tuning. The proposed agreement will allow the city to pass increased costs on to the customers of both the City and the VPSA as those costs increase. The agreement will also allow the city to charge for fire protection services that the city was previously unable to collect in the VPSA area. The VPSA will be able to satisfy the outstanding expenses due to the city, and the VPSA will keep a 5% collection fee for any services that are collected by the VPSA for City of Aiken services in the VPSA district. The draft agreement has been given to the Board of the VPSA for review. The staff is recommending approval of the agreement. Mr. Thompson pointed out that under the court ordered agreement, including interest, the VPSA debt owed the City of Aiken runs between \$38,000 and \$53,000 depending upon the method of calculation. The principal owed is \$17,000. With the execution of the proposed agreement the City of Aiken will agree to accept the initial principal, the \$17,000, as the amount due. In exchange the VPSA will allow the city to provide fire service and charge for the fire service for the properties within VPSA territory that are served by the city. The City of Aiken will pay the VPSA a collection fee for collecting for the services provided by the City of Aiken. The VPSA has been very cooperative and has been working with the city on this matter.

Mr. Smith, City Attorney, suggested that one change be made to the proposed agreement. He said Council had discussed in the pre-Council meeting the possibility of the VPSA collecting fire services and other fees from the businesses that the VPSA supplies water. In return for giving the VPSA a reduction in the amount owed the city from the 1986 court order, the VPSA will collect fire services fees for the City of Aiken. The concern was that the VPSA collect the fees for a sufficient period of time that it would make it worthwhile to allow that to happen. The proposal was that the VPSA collect fees for the City of Aiken for at least a ten year period, then the VPSA would not owe the City of Aiken any other money other than the \$17,000 original debt. If some time during the ten year period the VPSA quit collecting the fire service fees for the City of Aiken, then an amount equal to one tenth of the amount that is forgiven per year would revert to the city. It is proposed that such wording be added to the agreement.

Mr. Thompson pointed out the agreement includes an escalation clause for the rates to increase. The City of Aiken's cost for providing service to the VPSA has increased over the last ten years. The VPSA has agreed that the rates

should not be frozen forever and the VPSA has agreed to adjustments being made based on the CPI.

Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved, that the ordinance adopting a new agreement with the Valley Public Service Authority with the changes suggested by the City Attorney regarding collection of fees be passed on first reading and the second reading and public hearing be set for the March 26, 1996, meeting of Council.

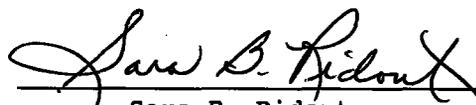
HOME RULE

Councilman Anaclerio pointed out he would like to recognize Representative Bill Clyburn for his support on the Home Rule issue. He pointed out Representative Clyburn was the only member of the Delegation that had supported the Home Rule.

Mayor Cavanaugh pointed out Home Rule was very important to the local communities, and he was appalled that the city was not supported more by the legislative delegation than just by one person. He thanked Bill Clyburn for his support for the city. He pointed out Councilmembers needed to contact the delegation members to solicit their support for Home Rule.

ADJOURNMENT

There being no further business, Council adjourned at 8:35 P.M.


Sara B. Ridout
City Clerk