

Aiken City Council Minutes

April 22, 1996

EXECUTIVE SESSION

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

Others Present: Steve Thompson, Gary Smith, Jim Holly, Frances Thomas, and Sara Ridout.

At 6:35 P.M. Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council go into executive session for a legal briefing. After discussion Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the executive session end. The executive session ended at 7:20 P.M.

REGULAR MEETING

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

Others Present: Steve Thompson, Gary Smith, Frances Thomas, Roger LeDuc, Carrol Busbee, Anita Lilly, Stanley Quarles, Andy Anderson, Sara Ridout, Chasiti Kirkland of the Aiken Standard, Chandra McLean of the Augusta Chronicle and 75 citizens.

Mayor Cavanaugh called the meeting to order at 7:40 P.M. Steve Thompson led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the meeting of April 8, 1996, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

RECOGNITIONPresentationGerman Exchange StudentsExchange StudentsAiken High SchoolSouth Aiken High School

Mayor Cavanaugh welcomed the German Exchange students from both Aiken High and South Aiken High Schools. He stated for the past five years Aiken has had a wonderful exchange program with German students. He said the students were present at the Council meeting as in past years. Mr. Art Lader of Aiken High School stated 36 students were present from Ehrenburg-Gymnasium of Forchheim, Germany.

Mr. Karlheinz Slessa from Forsheim, Germany, addressed Council, thanking the families, the schools, the city and Council for their hospitality. He recognized Art Lader for coordinating the visit. Mr. Bill Gassman was recognized as Principal, representing South Aiken High School. Mr. Slessa presented a book to Mayor Cavanaugh.

Mayor Cavanaugh presented a proclamation to Mr. Slessa proclaiming April 24, 1996, as German-American Friendship Day.

BOY SCOUTS

Councilwoman Papouchado pointed out two Boy Scouts were present at the meeting for their community service and government service, Citizenship in the Community. Brad d'Entremont and Josh Johnson were introduced to Council.

KMC SOUTHEAST CORPORATION - ORDINANCE 042296FranchiseFiber OpticTelecommunications Services

Mayor Cavanaugh stated this was the time advertised for third reading and public hearing on an ordinance to extend a franchise to KMC Southeast Corporation.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE GRANTING KMC SOUTHEAST CORP. THE CONSENT OF COUNCIL AND A NONEXCLUSIVE REVOCABLE FRANCHISE FOR IT TO PROVIDE A FIBER OPTIC NETWORK TO CITY OF AIKEN CONSUMERS AND TO PROVIDE FOR CONDITIONS GOVERNING THE CONSTRUCTION, EXPANSION, USE, EXCAVATION, MAINTENANCE, REPAIR, AND OPERATION OF A FIBER OPTIC NETWORK BELOW AND, WHERE NECESSARY, UPON CERTAIN PUBLIC STREETS, ALLEYS, WAYS, AND OTHER PUBLIC PLACES TO PROVIDE SUCH NETWORK AND ESTABLISHING THE OBLIGATIONS OF KMC SOUTHEAST CORP. WITH REGARD THERETO.

Mr. Thompson stated that last October Council approved a permit for operations for the firm of KMC Southeast. The company provides fiber optic and telecommunications services to business customers around the country and is interested in serving businesses in the Aiken area.

Under the permit ordinance Council agreed to move forward with a franchise ordinance for the company. This ordinance provides a non-exclusive franchise for KMC Southeast Corporation. The staff has been working with the company to iron out the issues concerning the franchise, and are recommending approval of the franchise agreement. At the second reading of the ordinance Council asked that the staff incorporate wording that would allow the city to recover a portion of the revenues outside of the city limits, under a system referred to as an interconnection rate. Many of these franchises are based on the linear feet of line installed within the municipalities, particularly if a great deal of revenues will not be generated from the end users. The proposed franchise agreement does not establish a rate on linear feet, and the company has indicated in the past that they would be willing to go to an interconnection fee system if the city continues the franchise fee based on gross revenues. Andy Anderson has suggested changes to the ordinance that would allow the interconnection system, and this would need to be included as an amendment to the ordinance.

The franchise does seem to be in keeping with the discussions of the earlier permit agreement, and the company will provide fiber cable for several public facilities. This does have potential as the city moves forward with the development of advanced telecommunications and information technology services.

Councilman Anaclerio moved that the amendments to the ordinance granting a franchise to KMC Southeast for a fiber optic network and telecommunications services regarding an interconnection rate be approved. The motion was seconded by Councilwoman Clyburn and unanimously approved.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved that the ordinance granting a franchise to KMC Southeast for a fiber optic network and telecommunications services be approved as amended on third and final reading to become effective immediately.

AIKEN COUNTY HABITAT FOR HUMANITY

Agreement

Homeownership Program

Mayor Cavanaugh stated Council needed to consider a proposed agreement between the City and Aiken County Habitat for Humanity.

Mr. Thompson stated Council has discussed the need to expand the Homeownership Program of the city to include construction of new housing in Aiken for low and moderate income residents. The city has been working with the Aiken County Habitat for Humanity, and the staff is recommending that Council approve an agreement with Habitat for the construction of homes under this program.

Mr. Thompson stated Council has approved the grant between the City and the South Carolina State Housing Finance and Development Authority for HOME funds, to assist with the construction of affordable single family homes within the old Aiken area. One portion of the grant will be used to construct affordable homes, in partnership with Habitat for Humanity.

The proposed agreement with Habitat will allow the city to provide the HOME funds to Habitat to move forward with the development and construction of at least four homes. These homes would be constructed along the general floor

plans of Habitat, but the city would engage an architect to develop exterior design standards to incorporate elements of old Aiken housing. This program proposed to develop several Aiken style homes that will be an asset in low to moderate income areas. Habitat will construct a minimum of four homes within the next eighteen months, and Habitat may be able to leverage other funds to extend this program to six or more homes. Funds repaid by the new owners would go back to Habitat, and Habitat would use these funds to construct additional single family homes within the city and under the general guidelines of this program. We will be able to use the first \$100,000 available under the HOME program to develop a minimum of four and possibly up to ten new homes under this partnership.

Several years ago the city agreed to acquire property in Aiken and exchange this property with Habitat for the property on Sumter Street. Under this program the city will find property to satisfy this exchange that Council approved, and to locate these homes on this property. The city will provide up to six lots for the HOME funded houses which will probably be in addition to the \$100,000 in grant funds. The city plans to try to keep the cost of the land to about \$2,000 to \$3,000 maximum per lot. In exchange, Habitat will build at least four homes on the property, and will leverage this fund for additional homes that will be developed with a very attractive exterior design.

Each home constructed under the HOME fund program must have a separate agreement, but to help the project to move forward the staff is recommending that Council approve the overall concept and agreement with Habitat, and authorize the City Manager to execute each separate agreement on behalf of the city.

Council discussed the proposed program and partnership agreement with Habitat. There was a question regarding liability of the city. Mr. Smith, City Attorney, stated the liability of the city would be if the grant did not go through. He said the agreement seems to state the city will pay the \$100,000 to Habitat even if the grant does not go through. It was agreed to ask the City Attorney to negotiate with Habitat to add a clause to the agreement that states that the agreement is contingent upon the City of Aiken receiving the HOME funds and if the funds are not received the agreement with Habitat will be null and void.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the agreement between the city and Aiken County Habitat for Humanity for construction of affordable housing in Aiken be approved with the city Attorney negotiating with Habitat to add a clause which states the agreement is contingent upon the City of Aiken receiving the HOME funds and if the funds are not received the agreement with Habitat will be null and void, and that the City Manager be authorized to execute individual agreements for each home to be constructed.

Council then had a brief discussion regarding manufactured homes and whether they should be allowed. It was pointed out the homes should meet the building code requirements. Mr. Thompson pointed out the Planning Commission has formed a subcommittee, and they are studying the matter and will be making a recommendation to Council.

BOARDS AND COMMISSIONS

Appointments

Mayor Cavanaugh stated Council needed to consider adoption of a process for appointments of members to boards and commissions of the city.

Mr. Thompson stated Council has discussed at length the need to change the appointments process for members of Council to appoint the volunteers to serve on the boards and committees of the city. Council asked that Councilmembers Clyburn and Anaclerio discuss this process and recommend changes to Council. Councilmembers Anaclerio and Clyburn have recommended that Council consider changing the process to allow each member of Council one appointment on each board or committee of the city, except the Election Commission.

The subcommittee has suggested that all committees, except the Election Commission, should be changed to a total of seven members. Each member of Council will have a specific appointment on the committee, and a member of Council will present the name of the volunteer under consideration in advance

to Council, prior to appointment on the agenda. The individual member of Council will have the ability to make the appointment, without confirmation by Council, and all committees will change to two year staggered terms. This will mean that for a few committees, including the Planning Commission, the city will reduce the number of volunteers on the committee. Other committees, including the Aviation Commission, will increase from the present five members to seven members. The Election Commission will remain at three, with the current appointment process.

At the next meeting of Council a list of the current members of the boards and committees will be circulated, and each member of Council will be asked to sign up for a particular member to be a personal appointment. Some of the committees will have vacancies as the city moves to larger committees, and Council members may wish to select a vacancy for an immediate appointment. The members of larger committees, with members greater than seven, will only have seven volunteers chosen from the existing list, and as the terms expire of the extra members then those positions would not be replaced. All existing appointments would change to two year staggered terms after the present terms expire.

Mr. Thompson stated there are several appointments pending, and if Council chooses to move to the suggested selection method, the pending appointments will be placed on the agenda for action.

Council discussed the proposed process at length.

Mayor Cavanaugh stated he had a question about each member of Council having the ability to make an appointment without confirmation by Council.

Councilman Anaclerio stated the thought was to have each Councilmember identify a person for each committee, and unless there were some serious objections Council would approve each recommendation for appointment. The intent was for Council to approve each recommendation, but each Councilmember would be expected to make a good recommendation and only if there are serious objections would Council not approve a recommendation.

Councilman Perry stated he felt Council would be abdicating their responsibility if each Councilmember made an appointment which would automatically be approved. He said it is the responsibility of Council to approve appointments to boards. He pointed out in the past Councilmembers have not been prepared to make appointments to the boards, and Council keeps postponing making appointments to the boards.

Mayor Cavanaugh pointed out that there have been times when one or two Councilmembers will make the recommendations for appointments and others will not. Under the proposed process each Councilmember will be responsible for making an appointment to each board.

Councilman Perry pointed out Councilmembers have the same opportunity now, but they don't come to the meeting prepared with a name for a committee.

Councilman Anaclerio pointed out under the proposed process each Councilmember will be responsible for a specific appointment so they will have to be prepared to make an appointment. He said presently Council comes to the meeting not knowing if anyone will recommend anyone for an appointment.

Councilwoman Clyburn pointed out that with the proposed process the Councilmember would present a name for an appointment at a pre-meeting of Council to be sure Councilmembers are supportive of the proposed appointment before the name is submitted in the open Council meeting for appointment.

Mayor Cavanaugh stated he would like for the procedure to state that each Councilmember would have the opportunity to appoint a member to each committee with confirmation by City Council. If confirmation is not made by Council on a certain appointment, then that Councilmember will submit another name for appointment.

Councilwoman Clyburn stated she felt any name submitted for appointment would not automatically be appointed but would be submitted for Council's approval. She also stated if a Councilperson did not have an appointment for their slot, then it would be all right to check with other Councilmembers for an appointee for a board or committee. She pointed out that some times there

have been too many names submitted for an appointment and the proposed process would eliminate that.

Mayor Cavanaugh stated he felt the proposed process gives each Councilmember the opportunity for an appointment, but City Council still has to confirm the appointment.

Councilman Anaclerio stated he liked the process because it gives each Councilmember a turn to make a recommendation for an appointment, and they know they are responsible for submitting a name for appointment. Then Council decides whether or not the appointment is acceptable. In the old process he felt Councilmembers were waiting on someone else to submit a name for appointment.

Councilwoman Clyburn moved, seconded by Councilwoman Price, that Council establish a process for appointments to boards and committees by having each Councilmember be responsible recommending an appointee on each board and committee, and that the appointee be ratified by City Council at least one Council meeting after the name has been submitted to Council for consideration in a pre-Council meeting. The appointments would be for two year staggered terms and the appointments would be made as the terms expire rather than immediately.

Councilmembers asked how Council would determine the rotation of the next appointments.

Mr. Thompson suggested two ways for the appointments process. He said if a Councilmember is responsible for a specific appointment, then the Councilmembers can sign up for a particular appointment on each committee then when that person's term expires that Councilmember would be responsible for the replacement. Or, the lists could be cut up and each Councilmember draw a name from the hat for each committee.

Councilwoman Papouchado expressed concern about the process and how long it had taken Council to discuss the matter. Her feeling was that Council was having a problem in communication and since Council had spent so much time on the matter she felt it was not the solution.

City Attorney Gary Smith pointed out if the process is adopted, then Council will have to change some portions of the Code which set up certain committees and the number of committee members.

Mayor Cavanaugh called for a vote on the motion to adopt the proposed process for appointments to boards and committees with each Councilmember being responsible for an appointment on each committee. The motion was passed by a majority vote with Mayor Cavanaugh and Councilmembers Anaclerio, Clyburn, Price and Radford voting in favor and Councilmembers Papouchado and Perry opposing the motion.

Mr. Thompson pointed out his understanding is that the appointments would be for two year staggered terms and appointments would be made as the terms expire rather than immediately. Also, a process will be worked out for each Councilmember to pick an appointment to each committee.

TAXICABS - ORDINANCE

Fares

Rates

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to repeal the portion of the City Code regulating fares for taxicabs.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE REPEALING SECTION 24-27 OF THE AIKEN CITY CODE WHICH SETS THE MAXIMUM RATE OF FARE FOR TAXICABS IN THE CITY OF AIKEN.

Mr. Thompson stated under the City Code, Council establishes the maximum fares for taxicabs in the City of Aiken. Council has received a request from Yellow Cab, asking the city to consider an increase in rates. Council discussed this at length and has suggested that the ordinance be changed to remove Council from this rate setting process.

The proposed ordinance prepared by Gary Smith would determine that the city should not regulate the maximum rate of fare for services by taxicabs but instead that this fare should be established by market rates and competition.

Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that the ordinance repealing the section of the Aiken City Code that requires Council to set fares for taxicabs be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION - ORDINANCE

Dogwood Road
Sherry Street

Mayor Cavanaugh stated an ordinance had been prepared to annex 10 lots along Dogwood Road and Sherry 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 TEN (10) LOTS AND 4.77 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED ON DOGWOOD ROAD, BEING KNOWN AS TAX MAP PARCEL NUMBERS 30-056.0-01-018, 30-056.0-01-017, 30-056.0-01-016, 30-055.0-06-004, 30-055.0-06-001, 30-055.0-05-003, 30-055.0-05-004, 30-055.0-06-003, 30-055.0-06-002, AND 30-055.0-06-010 AND TO ZONE THE SAME SINGLE FAMILY RESIDENCE (R-1).

Mr. Thompson stated the Annexation Study Committee has been working with the residents of the Dogwood Road area for several months on annexation of the area. Property owners in the area have petitioned Council for annexation of ten lots and zoning as R-1 Residential which is consistent with the zoning and land use of neighboring property in the city.

The Planning Commission considered the annexation request for the ten lots along Dogwood Road and Sherry Street which are developed as single family residential. The request was made under Section 5-3-150 of the Code of Laws of South Carolina which provides for a defined area to be annexed if a petition is signed by at least 75% of the owners of the property representing at least 75% of the assessed value of the area. In this petition 87% of the landowners who own 80% of the assessed value of the area have signed the petition. After review the Planning Commission recommended approval of annexation. The Public Works Department has recommended that the annexed area include portions of the Dogwood Road right-of-way which adjoin the subject properties.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to annex ten lots along Dogwood Road and Sherry Street be approved on first reading and the second reading and public hearing be set for the next regular meeting of Council.

ZONING ORDINANCE - ORDINANCE

Permitted Use List
Laundry List
Signs
Sign Lettering
Sign Manufacturing

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Permitted Use List of the Zoning Ordinance regarding signs.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION VII.B OF THE ZONING ORDINANCE TO ADD "SIGN LETTERING, QUICK SIGNS" AS A PERMITTED USE IN AREAS ZONED NEIGHBORHOOD BUSINESS (NB), PLANNED SHOPPING CENTER (PSC), CENTRAL BUSINESS DISTRICT (CBD), LIGHT INDUSTRIAL (LI), AND SUBURBAN INDUSTRIAL (SI); AND TO ADD "SIGN MANUFACTURING" AS A PERMITTED USE IN AREAS ZONED LIGHT INDUSTRIAL (LI), AND SUBURBAN INDUSTRIAL (SI).

Mr. Thompson stated the Planning Commission had reviewed a request from the Building Inspection Division that two uses be added to the Permitted Use List, referred to as the "Laundry List." Pete Frommer, Building Inspector,

had suggested that the Laundry List be amended to include a greater definition on sign businesses. Sign lettering and quick sign businesses work within buildings and do not require a great deal of outside storage. Captain Frommer has recommended that sign lettering be allowed in the Neighborhood Business, Planned Shopping Center, Central Business District and Light and Suburban Industrial zoning districts.

Sign manufacturing is a different type business. Generally sign manufacturers require welding, molding, and shaping of plastic and metal to produce signs. A sign manufacturing business, under the proposed ordinance would be limited to Light and Suburban Industrial zones of the city.

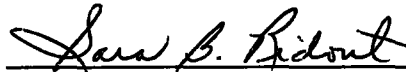
The Planning Commission has reviewed the request and has recommended approval of amending the Laundry List.

Councilman Anaclerio stated he was at the Planning Commission meeting. He said there was discussion on how to differentiate between manufacturing and quick signs. He said it was generally felt this would have to be left to the judgement of the Building Inspector.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the ordinance amending the Zoning Ordinance by adding two uses to the Permitted Use List to allow sign lettering and sign manufacturing operations within different zones of the city be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

ADJOURNMENT

There being no further business, Council adjourned at 8:55 P.M.



Sara B. Ridout
City Clerk