

Aiken City Council Minutes

February 10, 1992

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

Absent: Councilman Anaclerio

Other Present: Steve Thompson, Jim Holly, Terry Rhinehart, Roger LeDuc, Frances Thomas, Anita Lilly, Carrol Busbee, 25 citizens and 3 news media.

Mayor Cavanaugh called the meeting to order at 7:45 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the regular meeting of January 27, 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.

BOARDS AND COMMISSIONSHistoric Preservation CommissionResignationSmith, Gregg

Mayor Cavanaugh stated that Gregg Smith had resigned from the Historic Preservation Commission because of health reasons. He stated a Certificate of Appreciation had been prepared to be presented to Mr. Smith for his service from July 9, 1990, to February 10, 1992. Since Mr. Smith was not present at the meeting the Certificate will be taken to him.

Mr. Jim Holly, City Attorney, read a letter from Mr. Smith in which he thanked Council for giving him the opportunity to serve on the Historic Preservation Commission.

Councilman Perry moved, seconded by Councilwoman Clyburn and unanimously approved, that Mr. Gregory Smith's resignation be accepted with regret.

PRESENTATIONSRecreation DepartmentAwardsHolmes, SurenaR. H. MaxxonAiken Coca ColaVolunteer of Year

Mayor Cavanaugh stated the Recreation Department would like to present some awards to volunteers that help the Recreation Department.

Mr. Terry Rhinehart, Recreation Director, stated that he had three awards that he would like to present. Each year the Parks and Recreation Department holds a multitude of programs and special events for the citizens of Aiken that would not be possible without the volunteers in the community who volunteer their time and financial resources. He said last year the city had over 500 volunteers in the recreation programs. He said he would like to recognize three individuals who had gone over and above the call and who were always available. He said he would like to present them Volunteer of the Year Awards. The first recipient is a very loyal volunteer to the Smith-Hazel Recreation Center for the past four years--Surena Holmes. The next recipient was R & H Maxxon--Greg Ryberg. He said R & H Maxxon had been very generous in sponsorship of many programs for the Recreation Department in donating money as well as materials. The third recipient was Aiken Coca Cola which had donated drinks and cups for over 8,000 people who had participated in programs. The award was presented to Larry Garrick, General Manager of Coca Cola Bottling in Aiken, and Frankie Campbell, Area Manager.

Mr. Rhinehart stated the Recreation Department would not be able to accomplish all that is done without the efforts of the volunteers.

ABJ848

REZONING - ORDINANCE 021092

Colleton Avenue  
York Street  
South Boundary  
Laurens Street

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to rezone the area bounded generally by Laurens Street, Colleton Avenue, York Street and South Boundary.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE REZONING PORTIONS OF THE AREA BOUNDED BY ROSEBANK CONDOMINIUMS, COLLETON AVENUE, YORK STREET AND SOUTH BOUNDARY FROM R-2A TO R-1B, SINGLE FAMILY RESIDENTIAL, AND R-2, MULTI-FAMILY RESIDENTIAL.

Mr. Thompson stated the city had received a petition from most of the property owners in the area bounded by Laurens Street, Colleton Avenue, York Street and South Boundary asking that the city rezone the property from R-2A to R-1B. The Planning Commission has reviewed the request and recommends the rezoning to Council with the exception that Mayfields Condominiums remain zoned R-2 Multi-Family. In addition the Planning Department and staff recommendation is that the zoning of the two lots adjacent to Mayfields owned by Mr. Dietrich Bellido and Dr. Raymond Hesse located at the southeastern corner of Colleton Avenue and Newberry Street be rezoned from R-2A to R-2 to make the zoning the same as the adjacent Mayfields. A map showing the areas to be rezoned was given to Council for their information. Mr. Thompson pointed out the ordinance had been amended by Mr. Holly to clarify the area to be rezoned.

Mr. Thompson stated the ordinance would rezone the properties in the general area of Laurens Street, Colleton Avenue, York Street and South Boundary from R-2A, Multi-Family Residential, to R-1B, Single Family Residential and rezone the lots owned by Mr. Bellido and Dr. Hesse from R-2A to R-2 located at the southeastern corner of Colleton and Newberry. Mayfield Condominiums would remain zoned R-2, and Rosebank Condominiums and the vacant lot owned by Rosebank Condominiums located at the corner of South Boundary and Laurens Street would remain zoned R-2A.

The public hearing was held.

Mr. Stan Jackson, 321 Newberry Street S.W., stated he was a very proud resident of Aiken and asked that Council help maintain Aiken as a delightful place to live. He said he felt the key to preserving the downtown is protection of downtown homeowners and preserving single family residences. He asked that Council support the proposed ordinance.

Councilman Perry made a motion that the amended ordinance as presented to Council be passed on second and final reading to become effective immediately. The motion was seconded by Councilwoman Price and unanimously approved.

ANNEXATION - ORDINANCE 021092A

R & H Maxxon, Inc.  
Whiskey Road  
Powderhouse Road  
Tax Parcel No. 30-095-02-053

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex property of R & H Maxxon, Inc. located at Whiskey Road and Powderhouse Road.

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 1.606 ACRES OWNED BY R & H MAXXON, INC. LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WHISKEY ROAD (S.C. 19) AND POWDERHOUSE ROAD (S-02-78) AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS.

Mr. Thompson stated the city had received a request from R & H Maxxon, Inc. asking the city to annex 1.606 acres located at Whiskey Road (SC 19 South) and Powderhouse Road. The proposed zoning is Neighborhood Business. A depot convenience store is located on the property.

The property owners have obtained a variance from the Zoning Board of Adjustment allowing the existing free standing sign to remain on the property.

When the city provided water and sewer service to the site, the city required the property owners to execute an annexation agreement that once the property becomes contiguous to the city that it be annexed.

The Planning Commission reviewed the request and recommended approval of the annexation request and zoning as Neighborhood Business and asked that the property owner continue to maintain existing landscaping on the site.

The public hearing was held.

Mr. Ron Frontroth, 16 Vanderbilt Drive in College Acres, stated he would like to speak against the proposed annexation. He said he represented the Commissioners of the College Acres District and he had been associated with the district since its inception in 1959. He said the district had worked with City Council, the City Manager and other departments for 30 years. He said the boundaries for the College Acres Public Works District were founded in 1959. He pointed out the property owned by R & H Maxxon is within their district. He said the present property owner was aware when the property was purchased that it was in the College Acres District and the district had put a tie-in into the 6 inch main at the corner of the property. He said however, the property was tied into the City of Aiken's water and sewer service. He said the district did not dispute it at that time. He said the district needs to dispute the annexation because they are concerned about future annexations and the effect it may have on their district. He said the College Acres district has 500 customers and receives fire protection from the City of Aiken. He said the problem they have is with their FHA loan and removing collateral from the loan. He said the loan is based on the properties in the district and if properties are removed from the district this takes away revenues to pay off the loan. He said he would like to recommend that action on the ordinance be postponed until the city staff and officials and representatives of the College Acres District could discuss the problem and how to take care of the situation with the FHA loan and look at some overall plan for the southside and the future of water service in this area. Mr. Frontroth stated the district's concern was how the annexation and possible future annexations would affect their ability to pay off their loan as annexation would be taking away properties for taxes to help pay off the loan.

Mr. Holly pointed out if there was a Farmers Home Administration loan involved in the property it could create some obstacles to providing service but not necessarily annexation. He said he sees the matters as two separate issues. With respect to other properties in the district certainly the city needs to coordinate with the College Acres District any future requests for water service or annexation. He said the city was not aware this area was in the College Acres district or that there was a problem until the annexation was underway. He pointed out the city had been serving water and sewer service to the property for almost two years. He felt the city could annex the property, but there may be some complications with continuing water service to the property because of the FHA loan. He felt the problems could be worked out through negotiation and discussion with College Acres.

Mr. Greg Ryberg pointed out the convenience store on the property had been receiving City of Aiken water and sewer service for almost two years. He said he first applied for annexation in mid-1991 but withdrew the application. He reapplied for annexation and at the Planning Commission meeting in November, the College Acres District objected to the annexation. Mr. Ryberg pointed out for the property to get city sewer a requirement was to get city water as the sewer charge is based on the water usage. He said no objections had been raised by College Acres until he asked for annexation of the property recently. The annexation was a requirement of providing water and sewer service to the property by the City of Aiken. Mr. Ryberg stated he wanted the property annexed to the city as he wanted the services provided by the city and also wanted police protection. He also pointed out presently he has to pay double water and sewer rates since he is outside the city.

Council discussed the matter at length, stating they realize the College Acres district has concerns about the future of the College Acres District and paying off the FHA loan. Several members of Council stated they would like for the city to work with the College Acres District to see if matters could be coordinated in the future as far as water service and annexation so the problem does not happen in the future. Several Councilmembers felt that it would be unfair to hold up the annexation when the property owner had filled his obligation and wanted to receive city services, especially police protection.

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Councilman Radford made a motion that the ordinance for annexation of R & H Maxxon property at the intersection of Whiskey Road and Powderhouse Road with zoning as Neighborhood Business be passed on second and final reading to become effective immediately. The motion was seconded by Councilman Perry and unanimously approved.

Councilwoman Clyburn stated she would like to suggest that someone on the city staff try to find the documents pertaining to the College Acres District and their FHA loan and review them. She further suggested that a meeting be set up with the College Acres District to see what could be worked out and give them assurance that the city is not going to annex other properties until matters have been worked out.

Mr. Thompson stated he would set up a meeting with his office and the College Acres District as soon as possible to discuss the matters.

#### BIDS

##### Public Safety Uniforms R & R Uniforms

Mayor Cavanaugh stated the city had received bids for providing Public Safety uniforms.

Mr. Thompson stated the City purchases uniforms for personnel in the Public Safety Department and has asked for bids for these uniforms. The following bids were received:

<u>Vendor</u>	<u>Total Price</u>
R & R Uniform Co.	\$33,814.78
Wright-Johnson	35,305.72
Banner	38,421.50
Sidney's	39,042.76

The prices are comparable to the prices from the last contract period. It is recommended that the low bid of R & R Uniforms, Inc. out of Charlotte, North Carolina, be accepted in the amount of \$33,814.78 for a period of 18 months.

Mr. Thompson stated the city had used R & R Uniform Co. in the past under the name of Hub Uniforms. The company has been reorganized and it is felt their service has improved.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that the bid for Public Safety personnel be awarded to R & R Uniform Co., the low bidder, in the amount of \$33,814.78.

#### BIDS

##### Rollback Carrier Twin States Equipment Public Works Department

Mayor Cavanaugh stated bids had been received for the purchase of a rollback carrier.

Mr. Thompson stated the city has to transport equipment around town every day and at times this poses a problem with traffic. However, the city does need to move this equipment from site to site, and delaying movement of the equipment would delay some of the projects. He said the city had received bids for the purchase of a rollback carrier which is a truck with a tilting flatbed mounted on the back. The flatbed would be tilted to allow tractors and other vehicles to be driven up onto the truck, and then the equipment could be transported around town at safe traffic speeds. The rollback carrier should reduce wear and tear on the low speed vehicles and help with transportation of the equipment.

Mr. Thompson stated it is proposed to purchase a truck through State Purchasing and purchase the rollback carrier separately. The rollback carrier would be mounted on the truck chassis before delivery to the city. There were only two companies that make the type of equipment the city is looking for. The two bids received were as follows:

<u>Vendor</u>	<u>Price</u>
Twin States Equipment	\$12,935.35
Southern Wrecker Sales	16,200.00

Mr. Thompson stated it is recommended that the rollback carrier be purchased from the low bidder, Twin States Equipment, in the amount of \$12,935.35. Funds are available through the budget.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado and unanimously approved, that the city award the bid for a rollback carrier to Twin States Equipment, the low bidder, in the amount of \$12,935.35.

#### NUDITY - ORDINANCE

Public Nudity  
Topless Dancing  
Adult Entertainment

Mayor Cavanaugh stated an ordinance had been prepared for first reading to prohibit nudity in a public place.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE MAKING IT UNLAWFUL TO KNOWINGLY OR INTENTIONALLY APPEAR IN A STATE OF NUDITY IN A PUBLIC PLACE.

Mr. Thompson stated there had been publicity on adult entertainment ordinances in other cities around South Carolina and in Georgia. The proposed ordinance would prohibit nudity in a public place in the city. If Council chooses to give the ordinance first reading the City Attorney has suggested that Council might also ask the Planning Commission to review a proposed amendment to the Zoning Ordinance restricting adult businesses as a conditional use in the Suburban Industrial zones.

Mr. Holly stated that several months ago Mayor Cavanaugh had asked him to do some research in the area of adult entertainment. As a result he has read a number of court decisions and also surveyed other communities in South Carolina and Georgia which have experienced issues of this nature. As a result of the survey and research the two proposals submitted to Council are the types of approaches used in the communities and which so far have been upheld as being lawful and constitutional. He said the two options submitted to Council for consideration, an ordinance making it unlawful to knowingly or intentionally appear in a state of nudity in a public place, and an ordinance restricting adult entertainment as a conditional use in the suburban industrial zones, could be utilized by Council if they wish. These proposals have been used by some communities and upheld as being constitutional.

Mayor Cavanaugh stated he had asked the City Attorney to do some research after seeing what is happening in Hilton Head and surrounding areas. He said he felt if Aiken had some ordinances regarding these matters a community standard could be set and maybe prevent such businesses from operating in Aiken.

Councilwoman Price made a motion that the ordinance regarding public nudity be passed on first reading with the second reading and public hearing set for the next regular meeting of Council. The motion was seconded by Mayor Cavanaugh and unanimously approved.

By consensus of Council, action was delayed on referral of the ordinance to the Planning Commission regarding restricting adult entertainment as a conditional use in the suburban industrial zones until after the hearing on the ordinance regarding public nudity.

#### PLANNING COMMISSION - ORDINANCE

Terms  
Three Years

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to change the terms of the Planning Commission members to three years rather than five years.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-138 OF THE AIKEN CITY CODE SO AS TO CHANGE THE TERMS OF OFFICE OF PLANNING COMMISSION MEMBERS FROM FIVE (5) YEARS TO THREE (3) YEARS.

Mr. Thompson stated for the past few months, City Council had been considering changing the length of terms of the Planning Commission members from five to three years. The Planning Commission does not object to this change in length of terms.

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Mr. Thompson stated the City Attorney had drafted the ordinance changing the terms of the Planning Commission members to three years with new terms taking effect as reappointments or new appointments are made to the Planning Commission. The two newest members of the Planning Commission, Sallye Rich and Lucy Knowles, have been appointed by Council for staggered terms under the three year schedule, with Ms. Rich serving a three year term and Ms. Knowles serving a two year term.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance changing terms of Planning Commission members from five to three years be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

#### CABLEVISION

Consultant  
Municon  
Franchise  
Palmetto Cablevision

Mayor Cavanaugh stated it is proposed that the city enter into a contract with Municon for assistance with the cable television franchise renewal with Palmetto Cablevision.

Mr. Thompson stated that Aiken County is proposing to enter into a contract with Municon, a cable television consultant serving local governments, for assistance with the cable television franchise renewal which expires this year with Palmetto Cablevision. He said the city had also received a proposal from Municon to review the city's franchise for cablevision service.

Mr. Thompson stated that Jim Holly, City Attorney, had extensively reviewed the city's contract with Palmetto Cablevision, and had obtained contracts from other cities in South Carolina. After discussion Mr. Thompson and Mr. Holly felt that they do not have the technical expertise to review Palmetto Cablevision's performance for quality of signal, or to know whether or not the proposal submitted by Palmetto is the best the city can get. Mr. Thompson stated that he and Jim Holly are recommending that the city enter into a contract with Municon along with the County.

Mr. Thompson stated the city had been jointly negotiating a contract with Aiken County and there would be some cost savings with a double contract. Municon would charge a combined total of \$250 per hour for a double contract. The rate is based on review of both proposals at the same time. Aiken County is conducting their review at this time, so the city needs to decide whether or not to participate.

Mr. Thompson stated he and the City Attorney are recommending that the city at least enter a contract for the first phase, asking Municon to review and analyze the proposal of Palmetto Cablevision. This would include parameters for technical specifications, and include discussion on comprehensive preventative maintenance requirements for Palmetto. The proposal would cost up to \$12,000 for the City and the County, with the city's cost being about \$6,000. At this time it is not recommended that the city ask Municon to negotiate the new franchise agreement, but as the process develops the city may want to include this phase also. The combined cost would be about \$20,000 for both customers, or a total city liability of about \$10,000.

Councilman Perry stated it was his opinion that the cablevision issue had been blown out of proportion so therefore he would move that Council defer entering into a contract with Municon until Council can hold a public hearing for the citizens to present any problems with cablevision on matters that can be controlled which would have to be matters other than programming and rates. The motion did not receive a second.

Mayor Cavanaugh pointed out the proposed contract for phase one would include parameters for technical specifications and discussion on comprehensive preventative maintenance requirements at a proposed cost of \$6,000. He said these were matters on which the city can have some input so he would be in favor of approving \$6,000 for Municon to provide assistance with this portion of the study of renewal of the franchise agreement. He said it might be worth the money if the city can get something in return from a technical and service standpoint.

Councilman Radford pointed out the city cannot control rates or programming, and he felt these were some of the biggest complaints. He wondered if Municon could give a dollar value of what they could save the city. He said he wanted to save

money if possible and would hate to spend the money and not know exactly what benefits the city would receive from such a contract with Municon.


Councilwoman Price stated she attended the public hearing held by the County and she did not want to sit through another public hearing like that. She said a lot of concerns were expressed at that hearing. She felt that since the city problems with cablevision were parallel with the County problems that the study being conducted for the County would answer the city problems. Her concern with a separate contract is that she felt the citizens would be paying double for the same problems.

Councilwoman Price pointed out Councilman Perry's motion called for a public hearing and she was opposed to a public hearing and to supporting a contract with Municon. She made a motion that the city not extend a contract with Municon along with the County but rather review the County's study as the city has the same problems that the County has. After reviewing the County's study then Council might review any contract that the city might want to consider. The motion was seconded by Councilman Perry.

Mayor Cavanaugh called for a vote on the motion that the city not consider a contract with Municon at this time but review the study to be done for Aiken County. The motion passed by a majority vote with Mayor Cavanaugh opposing the motion.

ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that the meeting adjourn. The meeting adjourned at 9 P.M.

  
Sara B. Ridout  
City Clerk

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