

Aiken City Council Minutes

May 9, 1994

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

Absent: Councilwoman Price

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Anita Lilly, Stanley Quarles, Roger LeDuc, Ed Evans, Carrol Busbee, Terry Rhinehart, Andy Anderson, Sara Ridout, Philip Lord of the Aiken Standard, Rolanda Hatcher, of the Augusta Chronicle and 17 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 April 25, 1994, meeting were considered for approval. Councilman Radford moved that the minutes be approved. The motion was seconded by Councilwoman Papouchado and unanimously approved.

RECYCLING CENTER - ORDINANCE

Aiken County  
Shiloh Church Road  
Interstate 20

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance for Aiken County to lease some property on Shiloh Church Road for a manned solid waste drop-off center.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE LEASE TO AIKEN COUNTY OF APPROXIMATELY TWO (2) ACRES OF LAND LOCATED ON SHILOH CHURCH ROAD (S-2-153) AT THE INTERSECTION OF THAT ROAD WITH HAMELIN ROAD (S-2-1926) FOR USE AS A MANNED SOLID WASTE DROP-OFF CENTER.

Mr. Thompson stated that Aiken County would like to lease a 300' by 300' piece of property from the city located on Shiloh Church Road for use as a manned solid waste drop-off center. The County is opening manned drop-off centers and closing the present dumpster sites. The proposed site includes approximately 2 acres and is located north of I-20 about one mile west of Highway 1. The property is part of the overall Reynolds Pond site that is owned and protected by the city. Aiken County would like to lease the property for 20 years at a cost of approximately \$100 per year. Due to state solid waste laws, the County would have the site manned at all open hours. The Federal Aviation Administration is encouraging the County to close the present dumpster site due to its close proximity to the Aiken Municipal Airport.

Mr. Thompson stated he had received a comment from a nearby resident who was opposed to the lease for the drop-off center because he was concerned about unsightly litter problems in the area. He said Council had discussed the request at the last meeting and Council was concerned about litter in the area also. Mr. Thompson stated Mr. Holly had included language in the ordinance concerning landscaping and review of the lease. The proposed ordinance includes a 5-year lease period with renewal options. The ordinance specifies that the annual rent for the lease will not be less than \$100 annually and is to be reviewed annually by the city.

Mr. Thompson stated that Joe Berry, County Engineer was present to explain what the County plans for the site. Mr. Berry stated the County is trying to accomplish paragraph 12 under the Solid Waste Policy Management Act of 1991, and has tried to develop a system to handle solid waste in Aiken County. Mr. Berry showed slides of the present dumpster sites and then showed slides of the present four manned recycling drop-off centers. He pointed out the centers are manned five days a week. He stated Aiken County plans to develop eight manned centers throughout the County. He stated one site is proposed to be located on Shiloh Church Road near Hamelin Road. He showed slides of the proposed site and its location in relation to the Shiloh Church. Mr. Berry stated the site will be manned, fenced and landscaped. He stated the entrance

was not planned for Hamelin Road because of the closeness to the intersection for vehicles entering and exiting.

The public hearing was held.

Reverend Louie Anderson, Pastor of Shiloh Baptist Church, appeared before Council opposing the location of the drop-off center. He presented a petition signed by 98 church members opposing the center. Reverend Anderson stated he felt the church would continue to grow as the area around the church developed. He stated they feel that a recycling site at Hamelin and Shiloh Church Road would be detrimental to the church's efforts to attract new people to the church. He said they understood the value of recycling and the need for collection stations, but they felt the recycling center would not make a good impression for the church. He urged Council to consider relocating the recycling site in a less conspicuous location. He stated the church was not opposed to recycling and urged Council on behalf of the church to relocate the recycling site. He urged the Councilmembers to visit the site to see its relationship to the church.

Mr. Berry stated the County did not have another site in this area, but if the City of Aiken would like to suggest another site the County would be open to relocation in the area.

Mr. Pearce Owens, 3650 Shiloh Church Road, stated he felt the site chosen was poor judgement and that other places could be used. He felt that the pictures shown did not represent the real picture. He urged the Councilmembers to visit the site.

Council discussed the request. Mayor Cavanaugh stated he would like to delay action until the next meeting to give Council the opportunity to look at the site. Councilman Perry pointed out if Council approved the site Council would have controls in the lease so if the site becomes a problem Council could cancel the lease.

Mayor Cavanaugh moved that Council delay action on the ordinance to lease a site on Shiloh Church Road to Aiken County to be used for a manned drop-off center until the next meeting of Council in order to give Council an opportunity to visit the site. The motion was seconded by Councilman Anaclerio and unanimously approved.

ANNEXATION - ORDINANCE 050994

Aiken County Board of Education

Aiken Middle School

Wire Road

Tax Parcel No. 00-154-01-226

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex 60 acres owned by the Aiken County School Board.

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 SIXTY (60) ACRES OWNED BY AIKEN COUNTY BOARD OF EDUCATION LOCATED NORTH OF WIRE ROAD (S-2-29) ADJACENT TO CROSLAND PARK SUBDIVISION AND TO ZONE THE SAME R-1A, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated a petition had been received from the Aiken County Board of Education asking the city to annex 60 acres which is to be used for the construction of a new Aiken Middle School. The property is located off Wire Road behind Crosland Park. The property is proposed to be zoned R-1A, Single Family Residential.

The Planning Commission reviewed the request and recommended that the property be annexed with the condition that the owners maintain an untouched natural buffer at least 50 feet in depth along the common boundaries with Crosland Park and the nearby Kinney property except to allow utilities and vehicular access. The Commission also recommended that any construction comply with all city building codes and other regulations.

The public hearing was held, and no one spoke.

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Councilwoman Clyburn did not participate in the discussion or the vote on the annexation request because of a possible conflict of interest.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to annex 60 acres located off Wire Road owned by the School Board to be used for construction of a middle school be passed on second and final reading to become effective immediately.

AIKEN MALL - ORDINANCE 050994A

Dedication  
Retention Pond  
Detention Pond  
East Gate Drive

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to accept the Aiken Mall retention pond, detention pond and East Gate Drive.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING DEDICATION OF AIKEN MALL RETENTION POND, AIKEN MALL DETENTION POND WITH INGRESS/EGRESS EASEMENT, AND EAST GATE DRIVE.

Mr. Thompson stated Council accepts streets and utilities in developments after completion and evaluation for at least a year to make sure the streets and utilities were installed properly. He said Aiken Mall is asking the city to accept ownership of the retention pond, detention pond, access easements to the ponds, and to accept East Gate Drive. Larry Morris, City Engineer, has reviewed the facilities and has recommended that the city accept these facilities.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance be passed on second and final reading to accept dedication of the retention and detention ponds at Aiken Mall and East Gate Drive to become effective immediately.

ARTS LONG RANGE PLAN

Augusta Regional Transportation Study

Mayor Cavanaugh stated that at the last meeting Council had postponed action on adoption of the ARTS Long Range Plan to this meeting.

Mr. Thompson stated the Planning Commission had reviewed the Aiken area projects presently listed in the Augusta Regional Transportation Study (ARTS) Long Range Plan. The Long Range Plan is updated every five years and gives the opportunity to suggest projects for inclusion in the plan. The Planning Commission has submitted a suggested long range plan to Council.

Mr. Thompson pointed out the long range plan includes projects to be constructed over the next twenty or more years. The Transportation Improvement Program (TIP) includes the projects that have been moved into the window of the next five years. A project must first be placed on the long range plan before it moves into the TIP, and it must be under the TIP before it can be funded.

Mr. Thompson reviewed the projects recommended by the Planning Commission which include widening of Pine Log Road to U.S. 78, widening U. S. Highway 1 to I-20, widening SC 118, and constructing the northeast section of the by-pass, widening Hitchcock Park, widening Dougherty Road to four lanes, widening Silver Bluff Road to Richardson's Lake Road, and construction of a connector from Silver Bluff Road to Whiskey Road south of Woodside Plantation, construction of a four lane parkway from University Parkway northwest to I-20 basically in the hospital and University section to I-20. Mr. Thompson also reviewed the projects recommended by the Planning Commission to be deleted from the plan including widening of Whiskey Road from Pine Log to Powderhouse Road because the section has already been installed, and widening of S.C. 19 North to I-20. The Planning Commission felt that the new University Parkway segment should replace the widening of S.C. 19.

Mr. Thompson also reviewed some projects not addressed by the Planning Commission including extending a leg of the Bobby Jones Expressway around

Aiken to tie into I-20 and construction of the new traffic signal system in Aiken.

Mr. Thompson stated the construction for widening of Highway 1 to I-20 should begin in a few weeks. Also, the widening of Pine Log Road should be in 1995 or 1996. The schedule to widen S.C. 118 and to construct a new roadway near Owens Corning should begin about 1997 and 1998. Mr. Thompson stated Council needs to consider the proposed long range plan submitted by the Planning Commission and make any changes they wish before submittal of the plan to the full ARTS Policy Committee.

Council discussed the list recommended by the Planning Commission. After discussion Council asked that the traffic signal system be designated as item 5 on the list. Council also added the Bobby Jones Connector as item 9.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the ARTS Long Range Plan as listed by the Planning Commission with the changes suggested by Council be submitted to the ARTS Policy Committee.

ARTS Long-Range Plan  
Adopted by Aiken City Council 5/9/94

1. Widen Pine Log Road to US 78 - 2.5 miles
2. Widen US 1 to I-20 - 4 miles
3. Widen SC 118 (Robert Bell Parkway, Rutland Drive) and Construct Northeast Segment of By-Pass - about 6 miles
4. Widen Hitchcock Parkway - 4.8 miles
5. Traffic Signal System Construction
6. Widen Dougherty Road to Four Lanes - .85 miles
7. Widen Silver Bluff Road to Richardson's Lake Road; Beginning at Richardson's Lake Road, Construct Connector from Silver Bluff Road to Whiskey Road (SC 19) south of Woodside Plantation - 5.5 miles
8. Construct 4-Lane Parkway from University Parkway Northwest to I-20 - about 5 miles
9. Bobby Jones Connector from Augusta around Aiken to tie into I-20.

GROUP HOME

Hayne Avenue  
Tri-Development Center  
Mentally Retarded

Mayor Cavanaugh stated a request had been received for approval of the location of a group home in the 1300 block of Hayne Avenue.

Mr. Thompson stated City Council had received a letter from Mr. Ralph Courtney, Executive Director of the Tri-Development Center, asking the city to approve the location of a group home on the property between 1306 and 1346 Hayne Avenue. The agency is proposing to build a four bedroom home to house three individuals with mental retardation and a live in caregiver. The property is zoned R-1, Single Family Residential.

Section 6-7-830 of the South Carolina Code of Laws allows Council an opportunity to object to the location of a home for mentally retarded adults. The city has an opportunity to object to the location within 15 days of the submittal of the request. The original request was submitted in December, 1993, but Mr. Courtney has been working with Mr. Holly and the Building Inspection's Office to clarify definitions within the group home ordinance, particularly including the definition of whether or not the unrelated individuals living in this group home would be considered a family for the purposes of the Zoning Ordinance. The 15 day timetable runs from May 2, 1994. Neighbors in the area have been notified of the requested use.

Mr. Holly stated Section 6-7-830 of the South Carolina Code of Laws allows 15 days notice to the governing body for an application for a group home in a

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residential area. The governing body has 15 days to accept or object to the application for the group home. Mr. Holly stated it had been brought to the city's attention that this particular state law may be preempted by federal legislation which amended the Fair Housing Law. He said some members of the Mental Health Board and city staff are inquiring into the matter to see if the Attorney General's Office might render an opinion as to a definite answer on the question. He said his advice at this time is that the city continue to apply and enforce the state law until it is repealed or there is sufficient justification to conclude through court decisions or attorney general opinions that the federal law has preempted state law in this area so there would be no city input on placement of such facilities.

Councilman Anaclerio pointed out the city does have a number of other group homes in the city and there have been no problems reported to Public Safety that the homes are a detriment to the community or the neighborhoods in which they have been located.

Councilman Anaclerio moved, seconded by Councilman Perry, that the lot between 1306 and 1346 Hayne Avenue be approved for a group home for the Tri-Development Center for use for individuals with mental retardation.

Councilwoman Papouchado pointed out that as more people are moved into the downtown area of the city, it would be nice to have more sidewalks and more access to the downtown. She pointed out there are no sidewalks in this particular area. She felt this was something that needed to be looked at in planning for the future to make access to the downtown easier. She also asked if Tri-Development had tried to find a home already built that would be suitable for the group home.

Ms. Terry Shilling, of the Tri-Development Center, stated the Center did not look for an existing home because the application to HUD was for monies to build a home. She pointed out restrictions for the site are very stringent which limits the area in which the home may be located. She stated presently Tri-Development has three group homes and two under construction in New Ellenton.

Mr. Hank Moormann, architect for the home, showed Council a sketch of the plans for the home and what the exterior of the home would look like. He said the home is designed to go into any single family residential neighborhood. He said the home would be four bedrooms and about 2,000 square feet.

Mayor Cavanaugh called for a vote on the motion to approve the location of the group home on Hayne Avenue. The motion was unanimously approved.

#### SANDSTONE SUBDIVISION - ORDINANCE

##### Dedication

##### Streets

##### Utilities

##### Section 1, Phase III

##### Section 2, Phase III

##### Whiskey Road

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept the streets and utilities in Sections 1 and 2, Phase III, of Sandstone Subdivision.

Mr. Thompson read the title of the ordinance.

#### AN ORDINANCE ACCEPTING DEDICATION OF STREETS AND UTILITIES OF SECTIONS ONE AND TWO OF PHASES III OF SANDSTONE SUBDIVISION.

Mr. Thompson stated the city accepts streets and utilities of residential subdivisions after the streets and utilities have been installed for at least a year and evaluated. The staff is recommending that Council accept the streets and utilities of Sandstone Subdivision, Section 1, Phase III and Section 2, Phase III.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance for acceptance of the streets and utilities of Sandstone Subdivision, Section 1, Phase III, and Section 2, Phase III, be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

THE OAKS SUBDIVISION- ORDINANCE

Gem Lakes  
Huckleberry Drive  
Utilities  
Dedication  
Lift Station  
Sewer Lift Station

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept the utilities in The Oaks Subdivision.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING DEDICATION OF THE SEWAGE LIFT STATION AND LOT ON WHICH IT IS LOCATED IN THE OAKS AT GEM LAKES SUBDIVISION.

Mr. Thompson stated the city accepts utility lines in subdivisions after the lines have been installed by the developer and evaluated after at least a year by the City Engineer. The owners of The Oaks at Gem Lakes have submitted the lift station and sewer lines in the subdivision for acceptance by the city. The staff is evaluating the lines and recommending acceptance of the lift station and sewer lines at this time. The staff will have more information before the second reading. The Oaks was required to submit an annexation agreement and this agreement submittal has not been completed. He said a condition of acceptance of the sewer lift station and lines in the Oaks would be completion of the annexation agreement.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to accept the sewer lift station and lines in The Oaks Subdivision at Gem Lakes be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

AUDIT BIDS

Auditor  
Fiscal Years 1995 - 1997

Mayor Cavanaugh stated the city had accepted proposals for conducting the city audit for fiscal years 1995 - 1997.

Mr. Thompson stated the city contracts with an external audit firm to conduct the city's audit and bids have been accepted for these services. The staff is recommending acceptance of the low bid submitted by Burkett, Burkett & Burkett, of West Columbia, SC, with a bid of \$74,850 for a three year period. The other bids received were as follows:

Burkett, Burkett & Burkett	\$74,850
Elliott Davis	90,000
Wade & Company	98,250

Mr. Thompson stated generally the city changes auditors every three years. For the past five years the city has been working with the Baird Company and has been very pleased with their professional assistance. In 1992 the staff recommended that the contract with the Baird Company be extended for two years, giving the firm a total of five years of service with the city. The staff feels that it is important to rotate the service among different firms to take advantage of the expertise available in other firms.

The proposal for the audit is for audit services for fiscal years ending June 30, 1995, 1996, and 1997. Under state law, the city has to select an auditing firm before the start of the fiscal year to allow the firm to track any particular issues that arise during the fiscal year.

Mr. Thompson stated the Finance Office has been working with the companies interested in the proposal and is recommending acceptance of the bid of the Burkett firm based on the firm's responses to a rating system. Price is only one of the factors in selection of the auditor. The Burkett firm has extensive governmental audit experience.

Councilman Perry asked if the city decides to have a bond issue what would the Burkett firm charge the city for a special audit.

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Mr. Robert Keesler stated in their proposal they submitted an average fee rate and the fee would be based on the hours. He said the fee could be negotiated for a special audit. He said each issue is different as far as what is required. He said in most instances he has provided a letter of comfort for bond issues. Also, in response to a question by Councilman Anaclerio, Mr. Keesler stated he had not had to increase the price of an audit as long as circumstances had not changed.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the firm of Burkett, Burkett & Burkett of West Columbia, SC, be selected to conduct the city's audits for fiscal years 1995, 1996, and 1997, for a total cost of \$74,850.

#### BOARDS AND COMMISSIONS

##### Appointments

##### Accommodations Tax Committee

Erb, Sam

Holley, Forrest

##### Annexation Study Committee

Burkes, Gregory

##### Building Code Appeals Committee

Bradley, Walter

Balentine, Sidney

Sapp, Bobbie

##### Housing Authority

Gallman, James

##### Aiken County Human Relations Committee

Clyburn, William

Mayor Cavanaugh stated Council needed to consider appointments to various boards and committees of the city.

Mr. Thompson stated the terms of Sam Erb and Forrest Holley expired on the Accommodations Tax Committee on March 25, 1994. The terms are for three years. Mr. Erb and Mr. Holley are interested in continuing to serve.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Sam Erb and Forrest Holley be reappointed to the Accommodations Tax Committee for a three year term with the terms expiring March 25, 1997. Councilman Radford did not participate in the voting.

The terms of Owen Sheetz, Robin Braithwaite, Tom Wade, and Gregory Burkes expire on the Annexation Study Committee on May 20, 1994. The terms are for three years. Mr. Sheetz, Mr. Braithwaite and Tom Wade do not wish to continue to serve on the Annexation Study Committee. Mr. Thompson pointed out Council would need to consider two appointments to the Annexation Study Committee. He stated Mr. Sheetz represents the Planning Commission on the Annexation Committee and the Planning Commission needs to appoint someone from the Planning Commission to replace Mr. Sheetz.

Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that Gregory Burkes be reappointed to the Annexation Study Committee for a three year term to expire May 20, 1997.

Council asked that the two other appointments for the Annexation Study Committee be delayed until the next meeting and that the Annexation Study Committee and the Planning Commission be asked for any recommendations of persons willing to serve on the Committee.

The terms of Walter Bradley, Sidney Ballentine, and Bobbie Sapp expire on May 12, 1994, on the Building Code Appeals Committee. The terms are for four years. Mr. Bradley, Mr. Ballentine and Ms. Sapp wish to continue on the Building Code Appeals Committee.

Councilman Perry moved, seconded by Councilman Radford and unanimously approved, that Walter Bradley, Sidney Ballentine and Bobbie Sapp be reappointed to the Building Code Appeals Committee for four year terms with the terms to expire May 12, 1998.

The term of James Gallman on the Housing Authority expires on May 28, 1994. The term is for five years. Mr. Gallman is willing to continue to serve on the Housing Committee.

Councilman Perry moved, seconded by Councilwoman Papouchado and unanimously approved, that James Gallman be reappointed to the Housing Authority for a five year term to expire May 28, 1999.

The term of William Clyburn expires on June 1, 1994, on the Aiken County Human Relations Committee. The term is for four years, and Mr. Clyburn is willing to continue to serve, representing the City of Aiken.

Councilman Perry moved, seconded by Councilman Radford and unanimously approved, that William Clyburn be reappointed to the Aiken County Human Relations Committee for a four year term with the term to expire June 1, 1998. Councilwoman Clyburn did not participate in the voting.

ADJOURNMENT

There being no further business, Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that the meeting adjourn. The meeting adjourned at 8:50 P.M.



Sara B. Ridout  
City Clerk