

Aiken City Council Minutes

August 10, 1992

Executive Meeting

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

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

Mayor Cavanaugh called the meeting to order at 5:30 P.M., and asked members to consider adjourning to executive session to consider review by the City Attorney on the cable television agreement and the city's annexation policy. Councilmember Clyburn made a motion to move into executive session, and the motion was seconded by Councilmember Papouchado.

After a briefing by the City Attorney, Council reconvened the meeting of City Council at 6:20 P.M. without taking action on executive session discussions. Councilmember Perry made a motion, seconded by Councilmember Radford and unanimously approved, to adjourn the executive session of City Council. Council then held a work session on the proposed recreation complex on the Woodward property on Banks Mill Road and a pre-Council session for discussion of agenda items.

Regular Meeting

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

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Roger LeDuc, Anita Lilly, Carrol Busbee, Ed Evans, Stanley Quarles, Sara Ridout, 17 citizens and 2 news media.

Mayor Cavanaugh called the meeting to order at 7:40 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 July 13, 1992, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

RECOGNITIONS

Parker, Gail
Housing Authority

Mayor Cavanaugh recognized Gail Parker, Executive Director of the Aiken Housing Authority, for her appointment to the Administrative Practices Committee of the Southeastern Regional Council of the National Association of Housing and Redevelopment Officials. Ms. Parker will represent the city Housing Authority and the State of South Carolina through the appointment.

Toney, Troy
Youth
Recreation Department

Mayor Cavanaugh recognized Troy Toney for receiving the Recreation Department's Outstanding Leadership and Dedicated Service to Youth in the Aiken Community Award. Mr. Toney was recognized for his dedication and volunteer services given to the youth in the Aiken community.

STRATEGIC PLAN

Steering Committee
Appointment
Myrick, Leroy
Ammonds, Eric
Simmons, Tim

Mayor Cavanaugh stated that at the last meeting Council had postponed appointment of three members at large to the Strategic Plan Steering Committee. He asked that Council consider three appointments at this time.

ABJ848

Councilwoman Price suggested that Leroy Myrick be appointed to the Steering Committee. Councilwoman Clyburn suggested Eric Ammonds and Councilwoman Papouchado suggested that Tim Simmons be appointed to the Steering Committee.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Leroy Myrick, Eric Ammonds, and Tim Simmons be appointed as at-large members to the Steering Committee for the Strategic Plan.

BUSINESS LICENSE - ORDINANCE 081092

Utilities

Telephone Companies

Electric Companies

Gas Companies

Cablevision Companies

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to increase the business license fees for utility companies.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 19 OF THE CITY OF AIKEN BUSINESS LICENSE ORDINANCE SO AS TO INCREASE THE BUSINESS LICENSE RATE FOR TELEPHONE COMPANIES, ELECTRIC AND GAS COMPANIES AND CABLEVISION COMPANIES FROM 3% TO 5% OF GROSS INCOME AND TO EXPRESSLY ADD LONG DISTANCE TELEPHONE COMPANIES THERETO.

Mr. Thompson pointed out that recently Council adopted a franchise fee schedule of 5% of gross revenues for utility companies. Some of the utility companies come under the Business License fees rather than a franchise fee which is presently 3%. He pointed out the proposed change would place all utilities on the same fee schedule whether under a franchise fee or the Business License fee. The proposed ordinance also specifically includes telephone companies providing long distance telephone service within the city.

Mr. Holly, City Attorney, pointed out that the ordinance as written would become effective retroactive to July 1, 1992, to coincide with the Business License year.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the ordinance to increase the Business License fee for utility companies from 3% to 5% of gross revenues be passed on second and final reading to become effective retroactive to July 1, 1992.

GARBAGE - ORDINANCE 081092A

Commercial Garbage

Rate Increase

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to increase the rate for commercial garbage collection.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NO. 052791 OF THE CITY OF AIKEN SO AS TO INCREASE THE USER RATE FOR REGULAR COMMERCIAL AND INDUSTRIAL CONTAINER REFUSE AND GARBAGE COLLECTION FROM \$1.22 TO \$1.54 PER CUBIC YARD DUE TO INCREASES IN LANDFILL CHARGES ADOPTED BY AIKEN COUNTY.

Mr. Thompson stated Aiken County started charging landfill fees last year for commercial customers who use the Aiken County Landfill. The City has been notified by Aiken County that the landfill rates would increase for commercial garbage collection taken to the county landfills for disposal. The City tries to keep the garbage collection self-supporting by charging user fees and any increase in cost is passed on to the customers. Mr. Thompson stated the increase by Aiken County will require the city to increase the present rate for commercial garbage collection from \$1.22 per cubic yard to \$1.54 per cubic yard.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to increase the commercial garbage rates be passed on second and final reading to become effective August 1, 1992.

BOARDS AND COMMISSIONS - ORDINANCE 081092B

Attendance
Amendment
Policy

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to amend the attendance policy for members of boards and commissions.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-9 OF THE AIKEN CITY CODE ENTITLED "ATTENDANCE OF MEMBERS OF BOARDS AND COMMISSIONS" SO AS TO MAKE THE ATTENDANCE REQUIREMENTS APPLICABLE ONLY TO REGULAR MEETINGS OF SUCH BOARDS AND COMMISSIONS.

Mr. Thompson stated that in April Council reviewed the attendance policy for appointed members of city boards and commissions. Council asked that the policy be changed to consider attendance at regular meetings only when computing attendance records.

Under the present policy any committee member who is absent from 40% or more of regular and special meetings, or who misses three or more successive meetings, is automatically removed from the board unless reinstated by City Council. The proposed ordinance would change the policy to consider absences from regular meetings only of the board or commission.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Radford and unanimously approved, that the ordinance amending the attendance policy of members of boards and commissions to consider regular meetings only in computing attendance records be passed on second and final reading to become effective immediately.

VALE WATER SYSTEM - ORDINANCE 081092C

Water
Well
Southeast Aiken
Annexation Agreements

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance outlining the requirement for annexation agreements for Vale Water System customers.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NO. 062292B AUTHORIZING THE PURCHASE OF THE VALE WATER SYSTEM SO AS TO AMEND SECTION 2(C) THEREOF DEALING WITH ANNEXATION AGREEMENTS.

Mr. Thompson stated the ordinance authorizing the purchase of the Vale Water System included a section that required all new property owners or customers to execute an annexation agreement. However, in discussions Council had expressed a policy of requiring all new customers onto the city service and new systems purchased by the city to execute annexation agreements. This requirement would include annexation agreements for all present water system customers for the Vale. The proposed ordinance would amend the ordinance for the purchase of the Vale to include the requirement of annexation agreements for all customers on the Vale Water System.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance requiring all owners of lots and properties of the Vale Water System to execute an annexation agreement for receiving water service from the City of Aiken be passed on second and final reading to become effective June 22, 1992, the date of the ordinance for purchase of the Vale Water System.

SEWER - ORDINANCE

Rates
Sewer Rates

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to increase sewer rates by \$.04 per 100 cubic feet.

ABJ848

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING CITY OF AIKEN ORDINANCE NO. 081390 AND ORDINANCE NO. 091991 SO AS TO INCREASE THE SEWER USER CONSUMPTION CHARGE FROM \$1.13 PER 100 CUBIC FEET TO \$1.17 PER 100 CUBIC FEET.

Mr. Thompson stated the City had received notice from Aiken County that the cost for sewage disposal at the Horse Creek Valley Public Service Authority had increased effective July 1, 1992. To meet this increase by Aiken County, the city would need to pass on to the customers a \$.04 per 100 cubic feet increase. In the past increases in the sewer rates have been passed on to the customers to keep the system self-supporting.

The proposed increase would increase the sewer rates from \$1.13 per 100 cubic feet to \$1.17 per 100 cubic feet. This would mean about a \$.32 per month increase per customer.

The possibility of an increase in the sewer rates was discussed during the budget, but at the time the County had not told the City how much the sewer rate would increase.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to increase sewer rates by \$.04 per 100 cubic feet be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

ZONING ORDINANCE

Churches
Parking
Off-Street Parking

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance regarding off-street parking for churches.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION III.J.4 OF THE COMPREHENSIVE ZONING ORDINANCE PERTAINING TO PARKING FOR CHURCHES SO AS TO REQUIRE ONE PARKING SPACE FOR EACH FIVE SEATS IN THE MAIN ASSEMBLY ROOM OF THE CHURCH AND TO ALLOW CERTAIN OFF-SITE PARKING SPACES TO BE COUNTED IN MEETING SUCH REQUIREMENT.

Mr. Thompson stated that over the past year the city has received comments from several churches and from the Downtown Ministerial Association asking that the city review parking restrictions for churches in the downtown area as they are having difficulty meeting the parking requirements. The present ordinance requires a church to have one parking space for every four seats in the main assembly hall. The Planning Commission has reviewed the request from the churches and is recommending amending the Zoning Ordinance to require one parking space for every five seats.

The Planning Commission has encouraged the use of off-site parking spaces from other nearby businesses to meet the parking restrictions. The Planning Commission is recommending that use of off-site parking spaces be allowed to meet no more than 50% of the required parking. It was pointed out that most of the church parking spaces are not used during the week and paving parking lots causes more stormwater runoff.

Mr. Holly, City Attorney, pointed out the proposed ordinance had some relatively minor changes from the recommendation from the Planning Commission in order to clarify some points. He said in respect to the off-site parking that could be used to meet the parking requirements the Planning Commission recommendation was that the parking be within 1500 feet of the church. The ordinance states 1500 feet from the main assembly room building. In the written authorization from the off-street parking owner, the documentation would need to state the length of time for the authorization. In the event the authorization for off-site parking expires or is no longer allowed the church has 6 months to provide the needed parking on-site, off-site or to obtain a variance. Mr. Holly stated in his opinion the proposed ordinance would apply to any new project which adds a separate building which would be a main assembly room or which expands a main assembly room.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending the Zoning Ordinance regarding parking

spaces for churches to require one parking space for every five seats in the main assembly hall be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

HOMEOWNERSHIP PROGRAM

Community Development Program

Mayor Cavanaugh stated a proposed Homeownership Program was being presented to Council for consideration.

Mr. Thompson read the title of the resolution proposing a Homeownership Program.

A RESOLUTION APPROVING HOMEOWNERSHIP PROGRAM FOR THE PURPOSE OF UTILIZING COMMUNITY DEVELOPMENT PROGRAM INCOME TO MAKE GRANTS TO LOW AND MODERATE-INCOME CITIZENS OF THE CITY OF AIKEN TO PAY DOWN PAYMENTS AND CLOSING COSTS FOR THE PURCHASE OF HOMES WITHIN THE CITY OF AIKEN.

Mr. Thompson stated that over the years the City has administered several Community Development Block Grant (CDBG) programs. Most of the grants are actually loans for rehabilitation of substandard housing, and the loans are repaid to the city. These funds are deposited into a Program Income Account. Under the Community Development Grant the Program Income Account must be used for similar purposes. He said the city had accumulated about \$325,000 in the Program Income Account. The Housing Committee has suggested that the city create a program to assist low and moderate income families with homeownership.

The Housing Committee has suggested that the city use the Program Income funds to pay the down payment and closing costs for qualified individuals to buy a home. The committee would like to set a cap on the amount of funds that could be used for this program at \$150,000, so the rest of the funds could be used for different programs. The Planning Department has been working with local banks to help create low interest loan programs. The amount of assistance the city would provide to a family would be based on the income of the recipient. The applicant would submit a regular credit application through the Housing Committee and a local bank, and the bank would evaluate whether or not the person would be a good credit risk. If the bank agrees to the loan application, the city would help with the down payment and closing costs. The amount of down payment and closing costs would depend on the individual's income and would vary with each applicant.

The Homeownership Program is an innovative program and offers an opportunity to help promote homeownership.

Councilman Anaclerio stated he felt the program was a commendable idea to help lower income citizens to seek homeownership. He said, however, he did have a problem with the down payment and closing costs being a grant. He said he would like for the person to pay back the down payment and closing costs over a period of years with very low interest so the funds could be a cycling type of fund rather than giving out the funds to the first people who qualify. He said he would like for the funds to be an ongoing program to help others over the years. He said he understood that the people would be low income, but he felt there must be some way to either tie the closing costs on to the end of the loan or to ask the people to give in-kind services to the city so that the money is not just given away. He said he felt the people would feel more pride in the home if they worked for the money or paid it back over a ten year period rather than if it were just given to them.

Mr. Evans, Planning Director, pointed out a requirement for the loan is that a person must stay in the house at least five years. If the person left before five years, the person would have to repay the money received for the down payment and closing costs.

Councilwoman Clyburn felt that the program was a good way for low income people to own a home.

Councilwoman Price stated she had no objection to the people paying something back into the fund. However, the issue is that many potential homeowners cannot come up with the down payment or the closing costs. She stated she would like to see more than \$150,000 included in the program.

Council discussed the matter at length, with several members of Council expressing the feeling that the money for the down payment and closing costs should be a loan rather than a grant so the owner would feel pride in the home and also so there would be funds to loan to others to buy a home.

ABJ848

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the proposed Homeownership Program be referred to the staff and Housing Committee to include in the program that the down payment and closing costs be an affordable loan program rather than a grant to be paid back over a long period of time and provide some written guidelines for providing the loan.

Mr. Thompson pointed out that the staff's intent for the balance of the funds was that rather than putting all the money into one program such as the Homeownership Program that some funds be used to improve low and moderate income areas to make them more attractive such as providing sidewalks, curb and gutter, and help with sewer tie-ins which are all consistent with the original Community Development Block Grant Program. It was felt that to diversify the programs would help more residents in low income areas. It was also pointed out the city does not know how many people will apply for the Homeownership Program so it was felt \$150,000 would be a start for the program.

ANNUAL REPORT

FY 1991-92

Mr. Thompson stated the department heads had each prepared a report summarizing the operations for their department for Fiscal Year 1991-92. He said the individual department reports had been combined into the report presented to Council giving information on the city's operations. He said the report was given to Council as information.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that the Annual Report for Fiscal Year 1991-92 be accepted as information.

BIDS

Aiken Mile Track
Clay Topping

Mayor Cavanaugh stated bids had been received for replenishing the clay topping at the Aiken Mile Track.

Mr. Thompson stated periodically the city needed to replace the clay topping at the Aiken Mile Track. Over time the clay spreads out and rains wash the top off the track leaving ruts and holes that are dangerous for the horses and trainers. The city has accepted bids for the installation of a clay topping at the track, and the staff is recommending acceptance of the only bid received of T. F. Anderson & Son at a bid price of \$37,000. Funds have been budgeted for this work in the 1992-93 budget.

The city sent out bid invitations to nine contractors, but received only one bid, that being from T. F. Anderson & Son. Mr. Anderson's proposal would remove the clay from the detention pond and apply it to the track. The Recreation Department staff and the City Engineer have reviewed the proposal and find the extraction method to be acceptable.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the bid of T. F. Anderson & Son in the amount of \$37,000 be accepted for replenishing the clay topping at the Aiken Mile Track.

BIDS

Hydraulic Shear
Public Safety Department

Mayor Cavanaugh stated bids had been received for the purchase of a hydraulic shear.

Mr. Thompson stated that over the past several months employees in the Public Safety Department were able to complete renovation of Engine 4 which saved the city at least \$30,000. In order to be able to continue to renovate equipment and provide a savings to the city, a hydraulic shear is needed to cut and bend stainless steel. The city has accepted bids for the purchase of a shear, and the staff is recommending acceptance of the low bid of Tull Equipment at a bid price of \$14,507.50.

The City sent out five bid invitations and three responses were received as follows:

<u>Vendor</u>	<u>Bid Price</u>
Tull Equipment & Supply Co.	\$ 14,507.50
Carolina Machinery Co.	15,000.00
Fulton Supply Co.	17,417.00

Mr. Thompson stated funds are available through Holding Funds for this purchase which was approved in last year's budget.

Councilman Anaclerio asked if the services could be obtained from a local business or if a shear could be rented or leased when needed.

Mr. Busbee stated the equipment would be used on a regular basis for any metal bending not only for fire trucks but for all city vehicles. He said this type of service at a sheet metal business would be expensive. He also pointed out the equipment would be a 20 to 25 year investment.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the low bid of Tull Equipment & Supply be accepted for purchase of a hydraulic shear at a price of \$14,507.50.

BONDS

General Obligation Bonds 1988 Debt Service Interest

Mr. Thompson stated a resolution had been prepared for Council's consideration authorizing the use of bond interest for debt service.

Mr. Thompson read the title of the resolution.

A RESOLUTION AUTHORIZING INVESTMENT INCOME FROM THE 1988 GENERAL OBLIGATION BOND ISSUE TO BE USED TO MEET DEBT SERVICE ON A CONTINUING BASIS BEGINNING WITH THE 1991-92 FISCAL YEAR.

Mr. Thompson pointed out the city invests the money the city is holding from the 1988 General Obligation Bond. The interest is restricted and cannot be used for general fund operations. The money can be used to retire the debt. By a resolution Council can authorize the use of the interest from the 1988 bonds to be used for debt service. He pointed out last year's budget was built around the concept of using the interest from the bonds to pay the debt service. The current fiscal year budget also includes using the restricted interest for debt service. The staff is recommending that Council adopt a policy of using the restricted interest from the 1988 bonds for debt service effective for fiscal year 1991-92.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that the resolution authorizing the use of restricted interest from the 1988 General Obligation Bonds for debt service on a continuing basis, beginning with the 1991-92 fiscal year, until otherwise directed by Council, be adopted.

WHISKEY ROAD PLAZA

Whiskey Road Paulus, Gerald Brookhaven Drive Aiken Mall

Mayor Cavanaugh stated a request had been received from Mr. Jerry Paulus that the conditions placed on the annexation of the Whiskey Road Plaza be deleted.

Mr. Thompson stated Mr. Jerry Paulus had appeared before the Planning Commission asking that the conditions placed on the annexation of the property known as Whiskey Road Plaza be deleted. The Whiskey Road Plaza is located south of the Aiken Mall. Annexation of the property was approved on June 25, 1990. Mr. Paulus is asking that three of the five conditions be removed, those being (c), (d) and (e) of Section 5 of the ordinance which are:

(c) that the owner shall retain and not cut all trees along the northern boundary, except for selected thinning and clearing in no more than two places, each of which are not to exceed 50 feet in width for the purpose of allowing access to Aiken Mall;

(d) that the owner shall retain and not cut all trees along the southern boundary, except for selected thinning, and shall plant and maintain a dense

screen of evergreen vegetation at least seven feet high adjacent to any lots used for residential purposes; and

(e) that no pylon signs should be allowed on the property.

Mr. Thompson stated Mr. Paulus states in his letter to the city that he feels the requirements are unfair and inconsistent with the Neighborhood Business zoning. Mr. Paulus is particularly objecting to the requirement to retain the trees along the northern boundary. Mr. Paulus believes he will have difficulty siting a project on the property while retaining the trees.

The Planning Commission voted 5 to 1 to recommend denial of the request that the conditions be removed.

Mr. Jerry Paulus appeared before Council and stated he was asking that three of the five conditions placed on the annexation of the Whiskey Road Plaza property in 1990 be deleted. He said he was not present to discuss any plans for development of the property. Mr. Paulus stated his request dealt only with the deletion of conditions identified as 5 (c) trees along the northern boundary, (d) trees along the southern boundary, and (e) "no pylon signs" from the annexation ordinance of June 25, 1990. He said he was asking that his property be treated as any other Neighborhood Business property in the city. He felt the language of the conditions was imprecise and not technically definable and left too much to individual interpretation. He said at the Planning Commission meeting Mr. Holly had defined trees along the boundary to include trees up to 45 feet, more or less, from the boundary line, and Mr. Evans had defined a pylon sign as any sign on a pole. Mr. Paulus presented a copy of the tree survey which was made of the boundary between the Whiskey Road Plaza property and the Aiken Mall, showing the trees in existence on the northern section of the Whiskey Road Plaza property. An aerial photo had also been presented to Council showing the trees along the northern and southern boundaries of the property.

Mr. Mark Graham pointed out the tree survey was made in 1990 and showed only trees 8 inches in diameter or larger. He pointed out, however, there are a lot of wild cherry trees along the property line smaller than 8 inches in diameter and they are not shown on the tree survey.

Councilman Anaclerio pointed out Council had been making an effort to try to retain trees on property so Whiskey Road would not be another Washington Road (Augusta, Georgia). He pointed out that along the northern boundary of the Aiken Mall property there is a boundary of trees similar to the trees on the southern and northern boundaries of the Whiskey Road Plaza property. He said it had been Council's intent to break up acres of flat open land. He said his intent when the annexation and conditions for annexation were approved was that the boundary was to be those trees in existence shown in the aerial photo in 1990. He said he did not expect to see any thinning except for providing a driveway to the mall property.

Mr. Paulus stated his position had been that the condition applied only to the trees adjacent to the boundary which in the case of Section 5 (c) is the boundary between Whiskey Road Plaza and Aiken Mall and applies to only thirteen trees. He said Mr. Holly is defining the condition as an area including all trees within 45 feet, more or less, of the property line. Mr. Paulus stated he felt this interpretation was erroneous. He pointed out that along the northern boundary there is a line of trees, a road and then another section of trees. He did not feel that the trees along the northern boundary included all the trees in that area. He felt that the language in the conditions is imprecise and that the conditions are not accurately definable. He said his understanding in June, 1990, and today, is that the line between Whiskey Road Plaza and the Mall is the boundary and only the thirteen trees in the tree survey shown along the boundary are basically what can be called "along the boundary". Mr. Paulus stated if the conditions were removed the impreciseness and conflict would be removed, but the property would still be subject to any zoning and landscape ordinances in effect. He said Council could make a decision when site plans are presented as to what can or can't be done with the trees. He said he was not asking to remove all the trees, but was asking that the conditions be removed and that he be treated as anyone else with the Neighborhood Business zoning. He said he felt that the trees within about a 3 to 5 foot area of the boundary are the trees along the boundary, not a 45 foot area. He said another problem area is defining a pylon sign. He said his understanding is that a pylon sign is a large sign such as in a shopping center which includes a multiple number of businesses listed on a sign. He said he did not feel that it applied to any individual business sign. He said the Planning Director is defining a pylon sign as being any sign on a pole. He

pointed out the Zoning Ordinance and Landscape Ordinance do not define a pylon sign.

Mr. Paulus stated he was only asking for the same privileges given to anyone else with Neighborhood Business zoning. He said if Council deleted the special conditions that he would not be getting any special privileges, but would be treated the same as anyone else with Neighborhood Business zoning.

Council discussed the request at length. It was pointed out that the ordinance with the conditions was passed in 1990 and no concerns were expressed at that time.

Mr. Paulus pointed out that the differences of opinion showed up when plans for development were presented to the Planning Commission.

Mr. Evans pointed out he felt that the wording for "trees along the boundary" was straight forward as the only trees on the property basically are along the perimeter of the property. Mr. Evans stated a pylon sign is not an unusual term for a free standing sign.

Mr. Thompson pointed out that Council has been leaning towards a ground base type sign or monument type sign such as the sign at FoodMax. He said a pylon sign is defined by the city staff as a sign on a pole.

Mr. Rudy Mason, Chairman of the Planning Commission, stated the Commission's intent as far as the trees was to provide a buffer between the areas. He said they looked at the entire area as a buffer and not just the boundary line. He said as far as the sign, the intention was that there not be any tall free standing signs. Mr. Mason also pointed out that the Commission and Council had started putting conditions in the annexation ordinances several years ago in an effort to provide some safeguards where possible to regulate growth to cover items which Council and the Planning Commission had concerns about such as trees, buffers, and signs.

Councilman Anaclerio pointed out that at the time the Mall was developed which was about 1988 Council required a monument type sign rather than allowing a pylon sign. He said Council had been moving towards monument type signs and buffers for some time.

Mr. Holly stated that one definition of a pylon sign is a sign on a pole. He said in discussions with various developers the intention was that the city did not want free standing signs on a pole but wanted signs more like the ground monument signs. He pointed out that in approvals for the mall property fronting Whiskey Road, the city required monument level signs. He stated the Red Lobster had put up a pole sign, and it had to be removed because of the conditions for approval. He pointed out the same type requirements for signs are being applied to other sites that are being developed in front of the mall, based upon approvals similar to Mr. Paulus' property so Mr. Paulus is being treated the same as other properties along Whiskey Road. He said the policy as far back as probably 1988 has been to treat annexations in this manner, because it is an action being requested by an owner and not someone already in the city relying on the zoning ordinance. He said annexation and requirements are negotiated and the owner decides whether he will meet the requirements and become a part of the city.

Mr. Holly stated Section 5 (c) states "that the owner shall retain and not cut all trees along the northern boundary, except for selected thinning and clearing in no more than two places, each of which are not to exceed 50 feet in width for the purpose of allowing access to Aiken Mall". He pointed out the phraseology used is along not on. Mr. Holly pointed out using Mr. Paulus' interpretation if the condition referred just to the trees on the actual property line there would only be 13 trees. He also stated if that interpretation was used there would be no need for the additional language about selected thinning. He said if there are only a few trees along the property line there would be no need to worry about selected thinning nor restricting accesses of 50 feet. If there is a thick growth of trees that creates a buffer, then there is a need to be concerned about selected thinning and a limited 50 foot cut through the area. He felt considering the entire language of the restriction that the restriction would apply to all trees along the northern boundary within 45 to 50 feet. He did point out, however, Council could make any changes they wished in the requirements, but changes would have to be done by ordinance. Mr. Holly pointed out requirements for each annexation had been treated individually based on the site.

Mr. Mark Graham pointed out as a point of clarification that the 13 trees pointed out as being along the boundary are 8 inches in diameter or larger. He said there

are probably 200 or 300 trees within two to three feet of the property line smaller than 8 inches.

Mr. Paulus stated he was asking that the conditions in the annexation ordinance be removed as a condition of annexation and that the items be dealt with on an individual site plan basis. He pointed out the conditions in the annexation ordinance had not been discussed with him as an individual. He pointed out that in 1990 because of the office building project he was anxious to annex to the city and probably did not pay enough attention to the conditions about the trees. He pointed out it had been stated that the city had been trying to impose restrictions on rezoning and annexations for control. He stated he had a parcel of land containing 11 acres zoned Neighborhood Business near the Whiskey Road Plaza which does not have the restrictions. He also pointed out Captain D's does not have the conditions. He said the city had not been consistent. He said he was asking to be treated the same as other Neighborhood Business zonings.

Mr. Thompson stated the question before Council is Mr. Paulus' request to delete the conditions for annexation of Whiskey Road Plaza. He said Council has the right to place conditions on annexation of property and interpretation depends on Council's philosophy on how they want the property developed and what they expect development to follow.

Council asked Mr. Holly his legal interpretation of the ordinance.

Mr. Holly stated his interpretation is that the ordinance restrictions as written are sufficient to convey the meaning that no trees can be cut except for the two pass throughs to the Mall which includes all the trees as shown on the tree survey and the aerial photographs which were taken before 1990, and that no pylon signs means that there can be no free standing signs or signs on a pole. Also, that whatever restrictions are placed in the ordinance cannot be varied by the Planning Commission or the Landscape Ordinance with respect to trees. He said Council could grant Mr. Paulus' request, leave the ordinance as it is, or make changes in the ordinance.

Mayor Cavanaugh stated he felt a lot of thought had been put into the matter. He felt at the time the ordinance was passed, at least on the city's part, it was clear what was meant. He said he was sorry there was a misunderstanding on the matter. He said he could see no reason to change the conditions which were passed in June, 1990. He said the Planning Commission had up held these conditions as of July 14, 1992.

Councilwoman Price moved, seconded by Councilman Anaclerio, that Council accept the recommendation of the Planning Commission to deny Mr. Paulus' request that the conditions be deleted from the annexation ordinance of June 25, 1990, for the annexation of Whiskey Road Plaza. The motion was passed by a majority vote with Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado and Price voting in favor of the motion. Councilmember Radford was opposed to the motion.

Councilman Perry had a possible interest in the matter and did not participate in the discussion or the voting on the matter.

THE OAKS

Gem Lakes Subdivision
Huckleberry Drive
Waters, Jerry
Water
Sewer

Mayor Cavanaugh stated a request had been received for providing water and sewer service to The Oaks Subdivision at Gem Lakes.

Mr. Thompson stated Jerry Waters, of Waters Development Co., had submitted a request for water and sewer service to The Oaks at Gem Lakes, a 12 lot residential subdivision off of Huckleberry Drive. The Planning Commission reviewed the request and recommends approval on the condition that the developers execute an annexation agreement, that a developer's agreement be executed, and that the City Engineer's comments be addressed.

The City Engineer has asked that the pump station serving this area with sewer service be redesigned and that details regarding the location of a water line on the property also be provided.

Branchwater Lane, the proposed dead-end street, would not comply with the Subdivision Regulations. The developer would like to keep the streets private. The length of the street would be 1300 feet which exceeds the 1000 foot limit under the Subdivision Regulations. The developer would also like to develop Branchwater Lane with a pavement width of 20 feet, 10 feet narrower than the 30 foot requirement of the Subdivision Regulations.

The Planning Commission reviewed the request for a waiver from the Subdivision Regulations and did recommend that the city allow a street longer than 1,000 feet because of the topography of the area.

Councilman Anaclerio asked if the narrow streets could create a problem for vehicles serving the area and parking in the area. He also asked if the streets could be extended to connect to another subdivision to allow through traffic.

Mr. Waters stated he did not feel that the narrower streets would cause problems. He said they had reviewed other subdivisions which were leaning toward narrower streets to save trees. He said the problem with this particular area is the site. He also pointed out that most of the lots in the area are an acre and the home sites are located back on the lots so there should be no parking on the street. He stated he did not feel he could tie the streets into another area to make a through street as the area around this site is already developed. Mr. Waters also pointed out the intention is for the streets in the subdivision to be private, and they will be maintained by the homeowners association.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that water and sewer service be provided to The Oaks Subdivision as recommended by the Planning Commission with a waiver on the length of Branchwater Lane to 1300 feet and with a pavement width of 20 feet, that the developers execute an annexation agreement and a developers agreement, and that the developers meet the comments of the City Engineer.

CREEKSIDE COURTYARD

Water
Glenwood Development Enterprises
Silver Bluff Road
Glenwood Drive
Creekside Drive

Mayor Cavanaugh stated a request had been received for water service to Creekside Courtyard Phase I and II.

Mr. Thompson stated the city had received a request that water be extended to Creekside Courtyard Phase I and II, a 48 lot residential subdivision located off Silver Bluff Road and off Creekside Drive.

Mr. Thompson stated previously Council had approved water service to Creekside Subdivision, and the request for water to Creekside Courtyard is included within this same property. The approval of water service to Creekside Subdivision did not include a requirement for execution of an annexation agreement, and the City Attorney feels that this earlier commitment of water service would preclude the ability to require an annexation agreement for this latest phase of Creekside Subdivision.

The Planning Commission reviewed the request and recommended approval. The only area that does not meet the city's Subdivision Regulations is the provision for a temporary cul-de-sac at the end of Timberchase Lane. The developers are considering pavement of the cul-de-sac.

Mr. Thompson stated the city had received a letter from Mr. William R. Brown, President of the Creekside Homeowners Association, objecting to the proposed layout of the Creekside Courtyard Subdivision. Mr. Brown is objecting to the tie between Creekside Road and Timberchase Lane. Mr. Brown states in his letter that the homeowners feel that the existing subdivision should not tie in with the new development. Mr. Thompson pointed out no opposition was expressed at the Planning Commission's public hearing on the proposed layout.

Mr. Thompson pointed out Mr. Brown had recommended an alternate design which the homeowners association would like for Council to approve. Their design would separate Creekside Courtyard Phases I and II from the rest of Creekside Subdivision, but termination of Timberchase Lane into a cul-de-sac would violate the city's Subdivision Regulations. The proposed alternative design would make the street about 1,300 feet in length, and the Subdivision Regulations restrict

deadend streets to a maximum of 1,000 feet. The homeowners are requesting a waiver of the 1,000 foot requirement of the Subdivision Regulations and asking that the alternate design be used.

The Planning Commission's recommendation is to approve water service for Creekside Courtyard Phases I and II. The Planning Commission has not reviewed the alternate layout.

Mr. Mark Graham, representing the developer, pointed out that the entire tract is about 2200 acres, and the temporary cul-de-sac which is indicated will be extended some time in the future based on development of the adjacent area. He also pointed out that the number of lots will be 51 rather than 48 since the Planning Commission and the County had asked that the developer show the additional two lots and the recreation area. He stated the temporary cul-de-sac will be paved. Mr. Graham stated the developer has no problem with making a long cul-de-sac, but the developer was doing what Council had requested in the past by making the street a through street.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn, that water service be approved for Creekside Courtyard for Phases I and II, with the temporary cul-de-sac at the end of Timberchase Lane to be paved with the intention of making it a through street when adjacent property is developed.

Mr. William Brown, 100 Creekside Drive, President of Creekside Homeowners Association, stated he represented homeowners in the area. He stated the proposed development is not of the same quality as the previous development but will have smaller homes and lots. The homeowners had suggested that Timberchase Lane be a deadend street rather than tying into Creekridge Road. He pointed out, however, this would require a waiver of the length of the cul-de-sac as it would be longer than 1,000 feet. He said the Homeowners Association is requesting Council to accept the alternate design so the subdivision can be developed with cul-de-sacs as opposed to through streets and that a waiver be granted for the length of the cul-de-sac. He pointed out that all traffic from the proposed development will still come out to one road whether there is a cul-de-sac or a through street from Timberchase Lane as the proposed development only routes the traffic over one more block to Creekside Drive. He said they would like to have the proposed development separated as a separate community. Mr. Brown pointed out a lot of people buy on cul-de-sacs because there is less traffic in the area.

Council discussed the request with some Councilmembers pointing out that they have been trying to get developers to tie into adjacent properties so there would be through streets in subdivisions rather than having all traffic come back to main streets. Councilman Anaclerio stated he was opposed to making the streets cul-de-sacs rather than having a through street.

Mr. Holly pointed out the Planning Commission had not reviewed the proposed alternate subdivision submitted by the Homeowners Association nor has it been reviewed by the staff or the City Engineer. He felt any alternate plan probably should be reviewed by the Planning Commission and staff if Council wanted to consider the alternate plan.

Several Council members expressed the desire to send the alternate plan to the Planning Commission for review.

Mr. Mark Graham stated the developer has no problem with making the streets cul-de-sacs in the development. He said, however, he was trying to comply with previous requests of Council and make some streets through streets to tie into adjacent areas. He said the developer would have a problem with the alternate design if he was forced to go back through a redesign and hearing before the Planning Commission which would delay the development. Mr. Graham stated if Council gave approval for water service, it might be possible to develop part of the area while the alternate design is considered by the Planning Commission.

Mr. Glenn Leppo, of 4019 Glenside Lane, stated the homeowners intent for the alternative plan is to provide privacy away from homes that cost less than the homes currently in the area. He felt there should be some kind of buffer between the two sections.

Mayor Cavanaugh called for a vote on the motion made by Councilman Anaclerio that the Creekside Courtyard subdivision as recommended by the Planning Commission be approved for water service. In favor: Councilmembers Anaclerio, Clyburn, Perry and Radford. Opposed: Mayor Cavanaugh and Councilmembers Papouchado and Price. The motion passed by majority vote of 4 to 3.

SOUTH CAROLINA ELECTRIC & GAS CO. - ORDINANCE

Industrial Park
Electric Substation
Verenes Industrial Park

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to sell some property in the Industrial Park to SCE&G for an electric substation.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE SALE OF FOUR (4) ACRES, MORE OR LESS, LOCATED AT THE VERENES INDUSTRIAL PARK TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY FOR A PURCHASE PRICE OF \$28,000 SO AS TO ALLOW THE CONSTRUCTION AND OPERATION OF A SOUTH CAROLINA ELECTRIC AND GAS SUBSTATION THEREON.

Mr. Thompson stated the city had received a letter from Mr. Sid Ballentine, District Manager of the local office of South Carolina Electric & Gas Company, asking the city to provide a 400' by 400' site in the Industrial Park for a proposed power substation to serve industries in the Industrial Park. After discussing the request with Mr. Ballentine the staff is recommending that the city sell the property to SCE&G at the current rate for property in the Park which is \$7,000 per acre.

Mr. Thompson stated the staff had looked at several different sites within the Industrial Park and had considered the sale of the city's old wastewater treatment plant. However, clearing of the wastewater treatment site would be expensive, and conceivably the city may have some use for this site as a package treatment facility in the future. It was felt that placing the substation along the frontage road would meet the needs of SCE&G and would preserve other Industrial park property for future development. The lot proposed for the substation is located on Windham Boulevard adjacent to the recreation area in the Park.

The 400' x 400' lot is equivalent to 4 acres and at the present rate of \$7,000 per acre, the lot would cost \$28,000. SCE&G does agree to the sale price. The location of a substation will allow the company to increase power service to the industries in the Park, and will support the city's commitment to industrial development in Aiken County.

Mr. Thompson suggested that if Council is interested in selling the property to SCE&G that a stipulation be that the sale be conditional on the Federal Aviation Administration's review. He pointed out that a power generating substation may generate electricity that would interfere with signals at the Aiken Airport.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance to sell 4 acres at \$7,000 per acre to SCE&G for use as a power substation at the Verenes Industrial Park with the stipulation that sale be conditional on review by the Federal Aviation Administration be passed on first reading and second reading and public hearing be set for the next regular meeting of Council.

CAROLINA WATER SERVICE, INC.

Gem Lakes Subdivision
Sewer Service

Mayor Cavanaugh stated a request had been received from Carolina Water Service for purchase of bulk sewer capacity for the Gem Lakes Subdivision.

Mr. Thompson stated that Carolina Water Service which serves the Gem Lakes Subdivision sewer system is asking the city to enter into a bulk sewer arrangement, allowing the company to purchase sewer capacity into the City of Aiken's system at a lower rate than is generally charged for residential customers.

The Carolina Water Service is asking for a bulk sewer charge and an interconnection between Gem Lakes sewer system and the City of Aiken with treatment ultimately taking place at the Horsecreek Wastewater Treatment facility. Carolina Water Service would treat wastewater at the lagoon facility in Gem Lakes. Then they would pump treated sewer into a connection to the City of Aiken which would go to the Horsecreek facility. Carolina Water Service is asking for a reduced rate on both the city's pass through and the Horsecreek treatment rate.

Mr. Thompson stated the customers in Gem Lakes represent individual residential sewer customers. Typically the city requires double rates for outside sewer

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customers and an impact fee to recover the city's expense for service lines into the area. The city also requires annexation agreements for new sewer customers. He pointed out the sewage flowing from the Gem Lakes area would be treated to some extent at the lagoons in Gem Lakes, but this would not reduce the city's expense for sewer service. Mr. Thompson pointed out the city has constructed extensive lines into the Gem Lakes area and had sized the lines to accommodate the flow from Gem Lakes anticipating problems with the Gem Lakes sewer. Generally the city would recover these expenses through the levy of an impact fee.

Mr. Thompson stated one suggestion that has been made is that the city allow the company to buy into the bulk sewer arrangement, but with a stipulation that within two years the city would purchase the Carolina Water System at a negotiated rate.

Councilman Anaclerio expressed the opinion that the city had been trying to get Gem Lakes to annex to the city. He felt that if sewer service is provided without the annexation provision the area would never annex to the city. He felt if the service is offered that it should not be at a reduced rate and that impact fees should be charged. He felt that connection of the Gem Lakes area should not be at the expense of in-city residents. He suggested that the city require annexation for connection to the city sewer service and that the residents pay a \$400 impact fee.

Council briefly discussed the request.

Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved that the request by Carolina Water System for purchase of bulk sewer service from the City of Aiken be postponed until the next regular meeting in September.

SANDSTONE SUBDIVISION.- ORDINANCE

Whiskey Road
Aiken Mall
Waters, Jerry
Dedication of Streets
Utilities

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

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING DEDICATION OF STREETS AND CERTAIN UTILITIES LOCATED IN SECTIONS 1 AND 2 OF PHASE I OF SANDSTONE SUBDIVISION AND PHASE II OF SANDSTONE SUBDIVISION.

Mr. Thompson stated Jerry Waters, President of Sandstone Properties, had requested the city to accept the streets and utilities of Sandstone Subdivision. He said the city does accept the utilities and streets after the city is satisfied that the utilities and streets were properly installed and maintained. The City Engineer has reviewed the project and is recommending that the city accept the streets and utilities in Phase I, Sections 1 and 2, and Phase 2 of Sandstone Subdivision.

Mayor Cavanaugh moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance to accept the utilities and streets in Phase I, Sections 1 and 2, and Phase II of Sandstone Subdivision be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

WORK SESSION

Recreation Complex
Woodward Property
Rollingwood Road
Storm Drainage

Mayor Cavanaugh pointed out Council had not finished its work session which it held prior to the Council meeting. He asked when Council would like to continue its work session on the plans for a recreation complex on the Woodward property and discussion of the Rollingwood Road drainage project. Council set August 19, at 7:30 P.M. as the time for a work session to discuss the plans for the recreation complex on the Woodward property and the Rollingwood Road drainage project.

ADJOURNMENT

There being no further business, Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved that the meeting adjourn. The meeting adjourned at 10:10 P.M.


Sara B. Ridout
City Clerk

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