

Aiken City Council Minutes

June 14, 1993

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

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Roger LeDuc, Carrol Busbee, Ed Evans, Terry Rhinehart, Stanley Quarles, Philip Lord of the Aiken Standard, Alice Daniels of the Augusta Chronicle, and 7 citizens.

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

The minutes of the regular meeting of May 24, 1993, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Youth Advisory Commission

Wallace, Aimee

Brooks, Katrina

Myrick, Marques

Johnson, Christopher

Accommodations Tax Committee

Mayor Cavanaugh stated Council needed to consider four appointments to the Youth Advisory Commission and one appointment to the Accommodations Tax Advisory Commission.

Mr. Thompson stated there were vacancies on the Youth Advisory Commission and the Accommodations Tax Commission. He said the Accommodations Tax Commission appointment should be someone from the accommodations industry such as a hotel or motel owner or operator. The Accommodations Tax Commission has not recommended anyone for the appointment at this time. Presently there are four appointments to be made to the Youth Advisory Commission. Terms on the Youth Commission expire with graduation of the student or resignation. Six of the youth members graduated this year. Earlier Council appointed two members to the Youth Advisory Commission leaving four openings. The Youth Advisory Commission has recommended a process to Council for future openings, and Council has suggested that in the fall the Commission start interviewing applicants and recruiting students for the Commission. However, presently there are four positions for appointment.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that four rising 9th graders, Aimee Linden Wallace, Palm Drive; Katrina Brooks, Dupont Drive; Marques Myrick, Colleton Avenue; and Christopher Johnson, Berkeley Street, be appointed to the Youth Advisory Commission to fill the four vacancies.

Councilman Anaclerio asked that the appointment to the Accommodations Tax Commission be postponed until the next regular Council meeting.

REZONING - ORDINANCE 061493

108 Taylor Street

Silver Bluff Estates

Whiskey Road

Findley, James R.

Tax Parcel No. 30-057-07-015

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to rezone 108 Taylor Street from R-1A Single Family Residential to Professional.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO CHANGE THE ZONING OF ONE LOT LOCATED AT 108 TAYLOR STREET FROM R-1A, SINGLE FAMILY RESIDENTIAL, TO PROFESSIONAL.

Mr. Thompson stated the city had received a request from James R. Findley asking the city to rezone the property at 108 Taylor Street (Lot 20, Block C, Silver Bluff Estates) from R-1A Single Family Residential to Professional. Mr. Findley

plans to operate a professional home builders office on the property. Mr. Findley contacted the nearby property owners, and the property owners have signed a petition stating they do not object to the rezoning.

The Planning Commission reviewed the request and has recommended the rezoning on the condition that any proposed parking area be located in the rear yard and that the owner of the adjacent lot (106 Taylor Street, Lot 21 Silver Bluff Estates) be encouraged to rezone the property to Neighborhood Business. The second requirement would help clarify zoning in the area and clear up questions on several of the adjacent properties.

The public hearing was held and no one spoke.

Councilman Anaclerio asked if the rezoning to Professional would allow the builder to store construction material in the rear yard, and the response was that it would not.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the ordinance to rezone 108 Taylor Street to Professional be passed on second and final reading to become effective immediately.

ANNEXATION - ORDINANCE 061493A

East Pine Log Road
Clark, Kenneth A.
Virginia Acres
Tax Parcel No. 30-077-04-010

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex and zone as R-1 Single Family Residential .33 acres located at 497 East Pine Log 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 0.33 ACRES OWNED BY KENNETH A. AND LINDA H. CLARKE LOCATED AT 497 EAST PINE LOG ROAD AND TO ZONE THE SAME R-1A, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated the city requires property owners outside the city to sign annexation agreements to receive utility services from the city. The Clarks would like to receive sewer service from the city and have executed an annexation agreement and are requesting annexation at this time. The property is contiguous to the city limits. The Planning Commission has reviewed the request and has recommended annexation of the property and zoning as R-1A Single Family Residential.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance for annexation of 497 East Pine Log Road be passed on second and final reading to become effective immediately.

ANNEXATION - ORDINANCE 061493B

Aiken Mall
Whiskey Road
East Gate Drive
Tax Parcel No. 00-158-01-155

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex and zone as Neighborhood Business .43 acres owned by Aiken Mall Limited located west of Whiskey Road and north of East Gate Drive.

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 0.43 ACRES OWNED BY AIKEN MALL LIMITED PARTNERSHIP LOCATED WEST OF WHISKEY ROAD AND NORTH OF EAST GATE DRIVE AND TO ZONE THE SAME NB, NEIGHBORHOOD BUSINESS.

Mr. Thompson stated the city had received a petition from Aiken Mall Limited Partnership, asking the city to annex a .43 acre strip of land west of Whiskey Road along the northern boundary of the property. As a part of the development requirements the city required the owners to submit this property for annexation.

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The owners have complied with the city's request. The Planning Commission has unanimously recommended approval of this annexation request on the condition that all specimen and significant trees remain on the property. The property will be maintained as a buffer consisting of plant material or a fence for the residential property adjacent to the northern boundary.

The public hearing was held and no one spoke.

Councilman Perry moved, seconded by Mayor Cavanaugh and unanimously approved, that the ordinance for annexation of a .43 acre strip of land owned by Aiken Mall Limited Partnership located west of Whiskey Road and north of East Gate Drive be passed on second and final reading to become effective immediately.

ANNEXATION - ORDINANCE 061493C

508 Chatham Street
Thomas, Ralph and Selitha N.
East Pine Log Road
Virginia Acres Subdivision
Tax Parcel No. 30-077-01-015

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex and zone as R-1A Single Family Residential a .29 acre lot located at 508 Chatham Street.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.29 ACRES OWNED BY RALPH THOMAS AND SELITHA THOMAS LOCATED AT 508 CHATHAM STREET AND TO ZONE THE SAME R-1A, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated the city has received a request from Mr. and Mrs. Ralph Thomas asking the city to annex their property at 508 Chatham Street and to zone the property R-1A Single Family Residential. Mr. and Mrs. Thomas want to receive city sewer service and the property is contiguous to the city limits. The Planning Commission has reviewed the request and has recommended annexation to the city.

The public hearing was held and no one spoke.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance to annex 0.29 acres owned by Ralph and Selitha Thomas located at 508 Chatham Street to become effective immediately.

GRANT

DARE Grant
Grant Agreement
State of S.C.
Drug Awareness Program
Schools
Drug Abuse Resistance Education
DARE Grant

Mayor Cavanaugh stated the city has received notification of approval of a DARE Grant from the State of South Carolina.

Mr. Thompson stated the city has received notification from the Governor's Office that the city has received approval for the combination high school and middle school DARE Program. This is the second year of this grant program which is proposed to be used to fund the high school and summer camp program for the drug awareness program in the schools. The grant amount is \$41,826. The proposed budget for 1993-94 does include the local match for the grant. On Council's approval this will continue the high school and middle school DARE Program. Council has approved some changes on the middle school DARE Program and the staff is working with the schools to improve the DARE Program.

Councilwoman Price moved, seconded by Councilwoman Papouchado that the city accept the High School and Middle School DARE Program Grant from the State of South Carolina in the amount of \$41,826 and that the City Manager be authorized to accept the grant on behalf of the City of Aiken.

CABLE TELEVISION - ORDINANCE

Regulations
Cablevision
Franchises
Service Standards

Mayor Cavanaugh stated an ordinance had been prepared for first reading to regulate cable television services in Aiken.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ESTABLISHING COMPREHENSIVE REGULATORY PROVISIONS FOR THE OPERATION OF CABLE TELEVISION OR CABLE COMMUNICATIONS COMPANIES AND THE FURNISHING OF CABLE TELEVISION AND RELATED SERVICES WITHIN THE CITY OF AIKEN TO BE KNOWN AS THE CABLE COMMUNICATIONS ORDINANCE.

Mr. Thompson stated the City Attorney had extensively reviewed different franchise agreements in use throughout the Southeast and has been tracking the new cable television legislation. As a result of this review and discussions with Palmetto Cablevision, Mr. Holly has prepared two separate ordinances for the regulation of cable television franchises. The first is a recommendation to adopt an ordinance regulating cable television in the City of Aiken.

Mr. Thompson stated many cities have changed to a system of two separate ordinances to regulate cable television. One ordinance is a regulatory ordinance that will include features that apply to all franchises. The ordinance includes the specific needs and requirements of all cable television companies, including the terms of the franchise, service standards, construction standards, franchise payments, and public service requirements. The next ordinance is a franchise ordinance outlining the specific requirements of Palmetto Cablevision. The regulatory ordinance will apply to all cable operations within Aiken and establishes the minimum standards expected by the city.

The proposed regulatory ordinance applies to all cable television franchises and includes a seven year franchise term as discussed by City Council, a 5% franchise fee on all utility systems, and includes a governmental access channel. He said the proposed ordinance is the same ordinance adopted by Aiken County with some changes to meet Council's discussions.

Mr. Holly stated the proposed ordinance generally sets up some very tight requirements for the operation of all cablevision companies in the city. The proposed ordinance sets up some customer service requirements, broader definition of gross revenues, a seven year franchise term rather than fifteen years, option of requiring an office in the city, sets a requirement of no trimming of trees without the approval of the City Horticulturist, the franchise fee is set as the maximum allowed by law, reserves for City Council the right to regulate some forms of rates should FCC regulations and federal law allow such, give the city first right of refusal on purchase or sale of system, and requires 10 days of notice before termination of service due to non-payment.

City Council discussed the proposed ordinance and requirements.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance regulating cable television services in the City of Aiken be passed on first reading and that the second reading and public hearing be set for the next regular meeting of Council.

FRANCHISE AGREEMENT - ORDINANCE

Palmetto Cablevision
Cablevision
Robin Cable Systems
Agreement

Mayor Cavanaugh stated the next ordinance prepared for Council's consideration is a franchise agreement with Palmetto Cablevision.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ADOPTING AND APPROVING A CABLE TELEVISION FRANCHISE RENEWAL AGREEMENT BETWEEN THE CITY OF AIKEN AND ROBIN CABLE SYSTEMS, LIMITED PARTNERSHIP, DOING BUSINESS AS PALMETTO CABLEVISION.

Mr. Thompson stated Council had considered and passed on first reading a regulatory ordinance on cable television. He pointed out that a request is pending for renewal of the franchise agreement with Palmetto Cablevision. He said Mr. Holly has prepared an ordinance for Council's consideration to renew the franchise agreement with Palmetto Cablevision.

Mr. Thompson stated the franchise agreement or ordinance specifically outlines the city's expectations from Palmetto Cablevision and includes much of the same information provided through the regulatory ordinance. The agreement includes the franchise term, franchise fees, a construction schedule for improvements to the system and a schedule for performance evaluations.

Mr. Thompson stated the agreement ordinance is very similar to the franchise agreement adopted by Aiken County. He said there are many advantages to using the same ordinance as this would help the city and the cable television companies to improve service to customers. Consistency between the city and the county ordinances will make enforcement and compliance much easier for the city and the company. He said this is the agreement that would be specifically applied to Palmetto Cablevision. Last year Council adopted a franchise fee schedule of 5% of gross revenues and this agreement continues the 5% fee.

Mr. Holly stated the franchise agreement sets the franchise fee at 5% of annual gross revenues; rather than annual payments it requires payments to city to be made quarterly, provides for interest at prime plus 1% in case of late payments, requires Palmetto to put in fiber optic throughout the entire city within a certain timeframe, requires certain credits if downgrades or disconnects are not done within a certain time, sets up a report procedure and inquiry logs, and requires certain protections and special services for various types of disabled persons.

Council discussed the proposed ordinance and requirements.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the franchise agreement for Palmetto Cablevision be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

FAIR HOUSING - ORDINANCE

Community Development Block Grant Housing Ordinance

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to adopt a Fair Housing Ordinance.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE AIKEN CITY CODE SO AS TO PROVIDE A CHAPTER DEALING WITH FAIR HOUSING.

Mr. Thompson stated the city has always emphasized fair housing and housing needs for all residents of Aiken. He said as a part of the city's Community Development Block Grant Program, the city is required to promote the Fair Housing Act through adoption of a Fair Housing Ordinance. He said this ordinance is prepared for Council's consideration.

Mr. Thompson stated that as a result of a monitoring review in April, 1993, of Community Development activities of the City of Aiken, the Office of the Governor, Economic Development Division, has requested that the city prepare and adopt a new Fair Housing Ordinance in accordance with current Fair Housing requirements. All Community Development Block Grant grantees are required to promote the Fair Housing Act and an ordinance is the minimum that can be done to satisfy this requirement. He said the proposed ordinance sets up the appeals procedure if someone feels they have been discriminated against under the Fair Housing laws.

Council discussed the proposed ordinance and the requirements including the categories of discrimination based on disability and family status.

Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that the Fair Housing Ordinance be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

BUDGET - ORDINANCEAmendment
1992-93 Budget

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the 1992-93 budget.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993.

Mr. Thompson stated that during the year the city will expend Holding Funds for special projects and programs authorized by City Council and Depreciation Funds for vehicle replacement. The auditors require that the city amend the budget for the expenditure of these Holding Funds, and instead of amending the budget throughout the year, this is generally done at the end of the fiscal year. He stated a listing of all transfers had been listed for Council's information. All vehicles purchased were for scheduled replacements and funds for all projects were available through the designated Holding and Depreciation Funds.

Mr. Thompson stated the budget adjustments include \$196,980 from the General Fund Depreciation Account for vehicles; \$33,980 from the General Obligation Bond Fund for the architects for the Multi-Field Complex; \$64,000 from the General Fund Special Holding for items such as the streetscape plan, personnel study, carpet for Municipal Building, roof repair for the Weeks Center, copier, video cameras, and computer disk; \$274,450 from the Utilities Special Holding for vehicles, sewer capacity in PSA, GIS map program, settlement for the southwest pump station, and night deposit at Weeks Center; \$129,570 for miscellaneous items such as renovations of the Old Post Office for the Strategic Plan, paving at North Aiken Elementary School, parkway beautification, men's softball field, and piano at Rye Patch.

Mr. Thompson stated the budget amendment increases the value of the 1992-93 budget by approximately \$424,530 in the General Fund and \$274,450 in the Utilities Budget.

Council reviewed the listing of transfers from the holding and depreciation funds.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance amending the 1992-93 budget for transfers from the Holding and Depreciation Funds be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

BUDGET - ORDINANCEFY 1993-94
Tax Millage Rate
Garbage Rates
Outside Fire Charges
Commercial Fire Rates
Contract - Aiken County

Mayor Cavanaugh stated a proposed budget had been prepared and presented to Council for consideration.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ADOPTING A BUDGET PROPOSED BY THE CITY MANAGER, CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1993, AND ENDING JUNE 30, 1994, AND DECLARING THAT THE SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR; PROVIDING FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES FOR THE AFORESAID FISCAL YEAR AND SETTING THE MILLAGE THEREFOR AT NINETY (90) MILLS TO FUND THE ACCOMPANYING BUDGET; AMENDING ORDINANCE NUMBER 052791 TO CHANGE THE USER RATES FOR GARBAGE COLLECTION FOR RESIDENCES AND SMALL BUSINESSES TO \$7.75 PER MONTH; AND AMENDING ORDINANCE NUMBER 061091B TO CHANGE THE CHARGES FOR FIRE PROTECTION FOR COMMERCIAL AND INDUSTRIAL STRUCTURES AND FACILITIES LOCATED OUTSIDE THE CITY LIMITS AND TO PROVIDE AN OPTIONAL METHOD OF COLLECTING SUCH CHARGES FROM SITES NOT CONNECTED TO CITY WATER SERVICE THROUGH A CONTRACT WITH AIKEN COUNTY.

Mr. Thompson stated a proposed budget had been presented to Council for consideration. The proposed budget includes \$14,230,060 for the General Fund Budget and \$9,608,580 for the Utilities Fund Budget. The proposed budgets include an increase of 4.62% for the General Fund which includes significant new grant

funds, and a 16.74% increase for the Utilities Fund. The Utilities Fund increase reflects capital expenses necessary to keep the utility system operational.

Mr. Thompson stated the proposed budget targets the six goals adopted by Council for the upcoming year. The budget ordinance includes adoption of the same millage rate of 90 mills with no tax increase, adoption of higher garbage service fees to keep the solid waste system self supporting, and expansion of the indexing system for outside fire service fees for commercial and industrial customers to reflect the disproportionate benefit these property owners receive from the city's Class 2 fire rating. The proposed garbage fee would be \$7.75 per month, an increase from \$6.35 per month. The proposed outside fire service fee index would be increased reflecting higher monthly charges for commercial and industrial customers. The budget ordinance would also provide for a method of collection of the fire protection service charges for residential and commercial sites not connected to the city's water service through a contract with Aiken County for collection of the charges through billing on the real property tax notice. Mr. Thompson stated the budget ordinance included all the changes connected with funding the budget rather than separate ordinances for each of the items such as for the garbage fee and fire service increases.

Council discussed the proposed budget.

Councilwoman Price stated she would have preferred keeping the various fee changes separate from the budget ordinance and voting on the garbage rate increase as a separate ordinance.

Councilman Perry moved, seconded by Councilwoman Papouchado, that the ordinance adopting a budget for fiscal year 1993-1994, increasing the garbage service fee, and increasing the outside fire index and service charges be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

Councilwoman Clyburn stated she would like to ask the City Manager to review the budget again to see if any items could be taken out to reduce the budget to avoid an increase of \$1.40 in garbage fees. She stated she did not want the City Manager or department heads to take the request personally but felt it was good business practice to ask that they consider the budget again. She said the request was no reflection on all the hard work already put into the budget process.

Councilwoman Papouchado stated she felt to request the City Manager and department heads to go through the budget again to reduce any items would be beginning to undermine them as they had already been through the budget at least three times. She stated she felt the city had good department heads and they had already been through the budget several times.

Mayor Cavanaugh commended the City Manager, department heads and staff and all involved in the budget process. However, he said he had a problem with the fact that the city would be taking in more revenue next year in property taxes but would still be going to the citizens for a garbage fee increase and would be spending more money. He said this increase is in addition to the city borrowing \$2.2 million for recreation facilities several months ago and for which budget funds will be used to repay the bonds. He said the city will be taking in more, spending more money and also asking the people for more money. He felt the economy was bad with the uncertainty of the SRS and proposed layoffs at the plant. He stated SRS employees would not be getting a pay increase, nor Aiken County or State employees. He pointed out the city increased fees last year with stormwater fees. Mayor Cavanaugh stated that last month he submitted a list of items amounting to \$160,000 that he felt could be deleted from the budget. He felt the city should make selective cuts in the budget and not ask the citizens for any increases in fees. He said he felt Council had the responsibility to fine tune the budget as they see necessary. He said the cuts he proposed would not shut down anything in the city.

Councilman Anaclerio pointed out the fees for the landfill had gone up \$100,000 not because of inefficiencies on the city's part but because legislation passed governing landfills had increased the cost of solid waste disposal. He also pointed out that to try to reduce the cost of solid waste disposal, the staff had recommended the reduction of two employees in the Sanitation Division. He also stated that Council had committed in the past to try to make solid waste disposal self-supporting and if the fees were not increased this year to pay for the additional cost it would only make matters worse next year as far as trying to make the service self-supporting. He pointed out the mandated laws make the service cost more and the city has to abide by the laws.

Councilwoman Price stated the timing of the increase was her concern based on the things happening and the economy. She pointed out the various fees that had been increased during the year. She felt fees were a subtle way of taxing citizens.

Councilman Perry stated the citizens were getting services for the fees they pay, such as for storm drainage projects and control of animals. He stated the Council had made a commitment that garbage service should pay for itself. He stated the citizens in a survey made several years ago had overwhelmingly stated they want backyard garbage service and are willing to pay for it.

Councilman Radford pointed out that property taxes are now 37% of the total revenues and this is down from a few years ago when property taxes provided about 50% of the budget revenues. He said some of this is made up in user fees, but this was Council's decision to make services self-supporting. He stated the garbage fees had been \$7.50 a few years ago and the rate was reduced when the city went to once a week pickup and a recycling program.

Mayor Cavanaugh called for a vote on the motion to pass the proposed budget on first reading and schedule the second reading and public hearing for the next regular meeting of Council. Those in favor of the motion were Councilmembers Anaclerio, Papouchado, Perry and Radford. Those opposed were Mayor Cavanaugh and Councilmembers Clyburn and Price. The motion carried by a vote of 4 in favor and 3 opposed.

BUSINESS LICENSE - ORDINANCE

Outside City Licenses Standard Fee Schedule Insurance Companies

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Business License Ordinance to change the rates for businesses located outside the city and adopt a standard fee schedule for insurance companies.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 4 OF THE CITY OF AIKEN BUSINESS LICENSE ORDINANCE SO AS TO ASSESS NON-RESIDENT, BUSINESSES OPERATING WITHIN THE CITY OF AIKEN A BUSINESS LICENSE FEE RATE TWICE THAT ASSESSED BUSINESSES LOCATED IN THE CITY OF AIKEN AND CHANGING THE BUSINESS LICENSE FEE DUE DATE FOR INSURANCE COMPANIES AND BROKERS FOR NON-ADMITTED INSURANCE COMPANIES TO MAY 31; AMENDING SECTION 19 OF THE SAME ORDINANCE TO CHANGE THE BUSINESS LICENSE FEE RATE FOR INSURANCE COMPANIES AND BROKERS FOR NON-ADMITTED INSURANCE COMPANIES TO TWO PERCENT OF GROSS PREMIUMS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SOUTH CAROLINA MUNICIPAL ASSOCIATION TO COLLECT CURRENT AND DELINQUENT BUSINESS LICENSE FEES FROM INSURANCE COMPANIES AND BROKERS FOR NON-ADMITTED INSURANCE COMPANIES.

Mr. Thompson stated City Council had previously discussed changing the Business License Ordinance, doubling fees for businesses operating in the city but whose business is located outside the city. The same fee structure has applied to contractors in the past. Council has also discussed a new program through the Municipal Association adopting a uniform fee schedule for insurance companies.

Mr. Thompson stated for several months Council has been discussing the issue of business licenses for businesses located outside the city limits and the matter has also been discussed by the Chamber of Commerce. The proposed higher business license fees for businesses outside the city will place businesses inside the city which pay property taxes, on a more competitive basis with businesses located outside the city. He said the matter is more of an equity issue than an income producer and the Chamber of Commerce has supported the proposal. Council has discussed using the new income to fund the Downtown Development Corporation at \$20,000 per year, and the Economic Development Partnership at \$10,000 per year. These fees have been incorporated in the proposed budget considered by Council.

Also, changes to the Business License Ordinance include adopting a uniform fee schedule for insurance companies. Presently the city does not charge a business license fee for individual agents, but does charge the parent insurance companies located across the United States based on the dollar value of property insured. In the past the city has participated in a program with the Municipal Association for collection of delinquent business license fees on out of state insurance companies. The Municipal Association collects these fees for about 140 cities in South Carolina and is recommending that the entire group change to an expanded version to send all business license fees for insurance companies through the Association. The changes in the proposed ordinance would make the changes

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necessary to make the new program work. This includes adopting a uniform fee schedule and uniform deadline schedule for these fees. At this time most of the cities in the state charge a flat 2% of gross premiums on property insurance written in the city and about 40% of these cities charge the same 2% fee on life and health insurance. Aiken is one of the handful of cities that uses a graduated scale. Changing the fee schedule will mean an increase in license fees for certain insurance companies in Aiken but will make participation in the Municipal Association collection program possible for the City of Aiken. He said the program offered by the Municipal Association is a much more efficient approach to business license fee collection.

Mr. Thompson stated the proposed ordinance would adopt a double inside city fee structure for businesses located outside the city doing business in the City of Aiken, would change the insurance business license fees to adopt the uniform schedule and authorize the city to enter a contract with the Municipal Association to continue and expand on the collection program for insurance companies.

Council discussed the proposed ordinance.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance amending the Business License Ordinance to change the rates for businesses located outside the city to double inside city rates, to adopt a standard fee schedule for insurance companies, and to authorize the city to enter into an agreement with the Municipal Association for collection of business licenses for insurance companies be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

SIGNS

Moratorium
Free Standing Signs
Pylon Signs

Mayor Cavanaugh stated extension of the sign moratorium had been added to the agenda.

Mr. Holly, City Attorney, asked that Council go into executive session to receive legal advice on the extension of the sign moratorium.

EXECUTIVE SESSION

Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that Council go into executive session to receive legal advice on extension of the sign moratorium. Council went into executive session at 9 P.M.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council end the executive session and go back into regular session. The executive session ended at 9:15 P.M.

REGULAR SESSION

Moratorium
Free Standing Signs

Mr. Holly stated if Council is interested in extending the sign moratorium beyond the expiration date of June 15, 1993, he would suggest that Council consider two motions. One motion would be to extend by resolution the moratorium on signs for the length of time desired by Council under the same terms now in effect. Secondly, Council should consider first reading of an ordinance to extend the length of the sign moratorium.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn, that a resolution be passed extending the sign moratorium under the same terms in the existing moratorium with the time to expire on September 13, 1993, or on second reading adoption of sign ordinance revisions whichever occurs first. The motion passed by a 6 to 1 vote, with Councilman Perry voting in opposition.

SIGN ORDINANCE

Moratorium
Free Standing Signs

AN ORDINANCE ESTABLISHING A MORATORIUM ON ISSUANCE OF ALL CITY PERMITS, LICENSES, AND APPROVALS RELATING TO FREE STANDING SIGNS AND SIGN STANDARDS IN ALL BUSINESS, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS UNTIL SEPTEMBER 13, 1993.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that an ordinance extending the sign moratorium with the same terms as the existing sign moratorium resolution with the ordinance to expire September 13, 1993, or on second reading adoption of sign ordinance revisions whichever occurs first, be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

BUS SERVICE

Best Friend Express Aiken County

Mayor Cavanaugh stated the city had received a request from Aiken County asking for \$11,000 for the Best Friend Express bus service.

Mr. Thompson stated the Aiken Transit System has operated for three years, and the city has assisted with funding since the inception of the system. He said the city had received a letter from the County Administrator requesting the city continue financial support of \$11,000 for the Best Friend Express bus service.

Mr. Shepherd's letter summarizes the experience of the transit system and service to city residents. The letter notes that 43% of the passengers on the system board the bus within the Aiken city limits, excluding the customers that have been added to the new Kalmia Plaza stop. The Dial-A-Ride Program is the on call transportation system with a car or van dispatched to a person's home for door-to-door service. The Dial-A-Ride service typically assists the handicapped, and the Best Friend Express operates on a regular fixed route basis to serve all customers in the area.

Council discussed the request for funds for the Best Friend Express.

Mr. Kit Galton, Chairman of the Aiken County Transit Commission, was present to answer any questions of Council. He stated the Best Friend Express continues to make progress in increasing ridership. He said 14% of the ridership is from the new Kalmia Mall run. He said there are some other things which can be done to improve the service, however because of shortage of operating funds other improvements have not been made at this time. He said it is hoped that the Transit Commission can receive some funds from grants to increase the number of buses on the road to shorten the time frame between runs as it is felt this would increase the ridership of the bus. Presently there is basically one bus on the road. The bus presently runs five days per week. Mr. Galton stated Aiken County funds 8.3% of the bus service which is about \$30,000 while the City of Aiken funds 3% of the service which is \$11,000 and North Augusta does not contribute to the bus service at this time. Approximately 17% of the ridership comes from the North Augusta area. Mr. Galton stated 19% of the ridership is the elderly and 16% handicapped, with 21% of the riders going to work and 16% going shopping. He said it is hoped there will be additional services from outlying parts of the county so people can come in for social services needs and also for shopping which will benefit Aiken. Mr. Galton stated the riders of the Dial-A-Ride must be certified by a doctor that they do have a handicapped situation which prevents them from accessing the Best Friend Express. The Dial-A-Ride service may go three miles off the regular bus route to pick up customers.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that the City fund the Best Friend Express at the rate of \$11,000 as requested by Aiken County. In favor of the motion were Mayor Cavanaugh and Councilwoman Clyburn. Opposing the motion were Councilmembers Anaclerio, Papouchado, Perry, Price and Radford. The motion failed with a vote of 2 in favor and 5 opposed.

Mayor Cavanaugh stated he felt it was a shame to fund a multi-million dollar budget and not fund \$11,000 to support the bus service for the handicapped, elderly and disadvantaged.

Councilmembers Radford and Perry stated they were in favor of the Dial-A-Ride program, but not the Best Friend Express. They pointed out the bus service had lost money every year, and they did not feel it would ever be self supporting. They felt there was a better and more economical way to provide transportation service for the handicapped through a voucher service.

Councilwoman Papouchado stated she was familiar with a voucher system through the local taxi service. She stated she supported the Best Friend Express, however until and unless they can put enough vehicles on the road to minimize the turn around time, it will not be supported by the people. She said she had doubts now if it will be supported broadly enough by the population to support the Best

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Friend Express. She said she had hoped people would learn to ride the bus, but it does not seem that it is working after three years. She said she would support Dial-A-Ride separately and would be happy to look at a voucher system.

Mayor Cavanaugh asked Mr. Galton to come back to Council with a proposal for support of the Dial-A-Ride Program.

COUNCIL MEETING

Summer Schedule

Mayor Cavanaugh stated Council needed to set the summer meeting schedule.

Mr. Thompson stated Council usually only meets once during the months of July and August because of vacations. He also pointed out that other groups submit information and schedule meetings around City Council's schedule and these committees and agencies need to know Council's schedule.

After discussion Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that Council set the meeting dates as July 12 and August 9, 1993, for the summer schedule.

SIGN COMMITTEE

Sign Moratorium Free Standing Signs

Councilman Anaclerio stated that earlier in the meeting Council had extended the sign moratorium for another 90 days. He stated he realized the Planning Commission had put in a lot of hard work and anguish in submitting a proposed sign ordinance to Council, however he would like to recommend that Council consider appointing another group composed of citizens opposed to the free standing signs and business people in the City of Aiken. He said he felt the business community is a very important part of Aiken. He said in the past Council had been concerned about the importance of the horse industry, the people concerned about the landscape ordinance, and the dog leash law. He said in these issues Council had been able to resolve the problems by appointing a committee composed of proponents and opponents of each subject. He suggested that Council appoint a committee to deal with the issue of free standing signs to see if a compromise could be reached.

Councilwoman Papouchado suggested that if such a committee is formed that the Planning Commission appoint two members to work with the committee.

Mayor Cavanaugh stated he did not support appointing a committee. He said Council had asked the Planning Commission to study the matter and had suggested to the Planning Commission that they appoint a committee or hold public hearings on proposed changes to the sign ordinance regarding free standing signs. The Planning Commission had held at least two public hearings and had had much input from citizens regarding a proposed sign ordinance. He said Council had given the charge to the Planning Commission and they had worked very hard on the matter. He pointed out Council would be holding a public hearing on the sign proposal from the Planning Commission on second reading of the ordinance and could hold a third hearing if Council desires. He said he was not against the concept but the Planning Commission had done what Council had asked them to do and there had been adequate time to express opinions on the matter.

Councilwoman Papouchado stated sometimes putting people on opposite sides on a committee to study a matter will help bring them around to the same side and look at the problem in a unified fashion. She said she felt the public hearings before Council have the two sides standing strongly by their positions attempting to influence Council rather than talking with each other and finding a compromise or a middle ground or least coming to understand the other side's view. She liked the idea of moving more toward the approach of mediation and getting citizens to work together so Council is not always the final arbiters.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn, that Council approve the establishment of a committee to review the free standing sign ordinance to be composed of business persons and opponents of the signs plus two representatives from the Planning Commission with the number of members of the committee to be set at the next meeting of Council. The motion was approved by a vote of 6 to 1, with Mayor Cavanaugh opposing the motion.

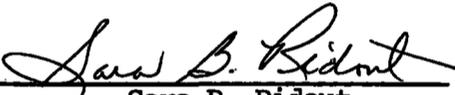
FARMERS MARKET

Councilwoman Price asked if the staff had investigated expanding the Farmers Market on Williamsburg Street to include items other than vegetables. She stated she was getting inquiries from people who want to set up little shops for handicrafts. She suggested that the Farmers Market be extended to include the area from Richland to Park Avenues and possibly investigating use of some of the vacant properties across the street.

Mr. Thompson stated he would check into the matter to see if the suggestions were possible or workable.

ADJOURNMENT

There being no further business, Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the meeting adjourn. The meeting adjourned at 9:45 P.M.


Sara B. Ridout
City Clerk