

Aiken City Council Minutes

November 23, 1992

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

Others Present: Steve Thompson, Frances Thomas, Jim Holly, Roger LeDuc, Carrol Busbee, Ed Evans, Stanley Quarles, Sara Ridout, 14 citizens, and 2 news media.

Present representing the Youth Advisory Commission were: Kimberly Bryson and Aaron Surasky.

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

The minutes of the regular meeting of November 9, 1992, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

HOME CARE WEEK

Proclamation  
Hitchcock Rehabilitation Center

Mayor Cavanaugh stated a proclamation had been prepared declaring the week of November 29 - December 5, 1992, as Home Care Week in recognition of the professionals and agencies that provide medical care and supportive services in the home. He read the proclamation. Mayor Cavanaugh presented the proclamation to Gail Jones from Hitchcock Rehabilitation.

BOARDS AND COMMISSIONS

Appointments  
Accommodations Tax Advisory Committee  
Biermann, Don  
Ryberg, Greg

Mr. Thompson stated that since Greg Ryberg had been elected State Senator for District 24, he had resigned from the Accommodations Tax Committee effective December 16, 1992. He said Council needed to appoint someone to fill the unexpired term of Gregg Ryberg which would expire March 25, 1993.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Mr. Don Biermann be appointed to fill the unexpired term of Greg Ryberg on the Accommodations Tax Committee.

Environmental Committee  
Paulus, John  
Johnson, Thelma

Mr. Thompson stated the terms of John Paulus and Thelma Johnson expire December 31, 1992, on the Environmental Committee. Terms are for three years.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that John Paulus and Thelma Johnson be reappointed to three year terms on the Environmental Committee, with the terms to expire December 31, 1995.

Historic Preservation Commission  
Joseph, Walt J.  
Law, Donald M.  
Maurice, Tom

Mr. Thompson stated the terms of Walt Joseph and Donald Law expire on the Historic Preservation Commission on December 31, 1992. Terms are for three years. Mr. Joseph has asked that Council ask someone to replace him on the Historic Preservation Commission.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Mr. Tom Maurice be appointed to replace Mr. Walt Joseph and that Mr. Donald Law be reappointed to the Historic Preservation Commission for three year terms, with the terms to expire December 31, 1995.

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Park Commission  
Hammond, T.A.  
McCartney, Robert

Mr. Thompson stated the terms of T. A. Hammond and Robert McCartney expire December 1, 1992, on the Park Commission. Terms are for three years.

Councilman Perry moved, seconded by Councilwoman Papouchado and unanimously approved, that T. A. Hammond and Robert McCartney be reappointed to the Park Commission for three year terms, with the terms to expire December 1, 1995.

Planning Commission  
Law, McDonald  
Mason, Rudy

Mr. Thompson stated that the terms of McDonald Law and Rudy Mason expire on December 1, 1992, on the Planning Commission. Terms are for three years.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that McDonald Law and Rudy Mason be reappointed to three year terms on the Planning Commission, with the terms to expire December 1, 1995.

Zoning Board of Adjustment  
Crites, Charles

Mr. Thompson stated the term of Charles Crites expires December 1, 1992, on the Zoning Board of Adjustment. Terms on the Zoning Board of Adjustment are for three years. Council postponed action on this appointment until the next meeting of Council.

Farmers Market Committee  
Osbon, Olin  
Gregory, Kenneth

Mr. Thompson stated that Olin Osbon and Kenneth Gregory have resigned from the Farmers Market Committee, and they need to be replaced. Terms on the Farmers Market Committee are for four years. Mr. Thompson stated he did not have suggestions for replacements. Council postponed action on these appointments until the next meeting of Council.

Youth Advisory Committee  
Hightower, Terri

Mr. Thompson stated that Terri Hightower needs to be replaced on the Youth Advisory Committee as she has graduated from high school. Council postponed action on this appointment until the next meeting of Council.

SCHOOL DISTRICT

Aiken County School District  
School Administrative Offices  
Edgefield Avenue  
Eustis Park

Mayor Cavanaugh stated he would like for Council to add to the agenda a request from employees of the School District Offices requesting funding for renovation of the School District facilities at Eustis Park.

Mr. Thompson stated a request had been received from Ms. Ginny Murphy of the Aiken County Public School District, asking that the city provide some funds for renovation of the Aiken County School District Offices.

Mr. Thompson stated an article had appeared in the paper regarding the efforts of the School District employees to raise funds for renovation of the School District Offices. The School Board has denied financial assistance for renovation of the offices. The employees and other volunteers are putting together a fund raising campaign to renovate the offices. Ms. Ginny Murphy would like to make a presentation to Council outlining the request and asking the city to participate in the funding of the project.

Ms. Ginny Murphy, of the Personnel Office of the Aiken County School District, appeared before Council representing the employees of the School District Office. She said the employees were in the process of increasing the community's awareness of the present facilities. She pointed out the building was a temporary structure built in the early 1950's. She stated the image the building projects is not

representative of the District's strong commitment to education nor the quality of programs. She presented a drawing donated by architects out of Charleston showing proposed renovations to the exterior of the building. She said the School Board had approved the proposed renovations as long as no District funds are required. She pointed out the employees feel that completion of the planned renovations would reap dividends for all of Aiken County by improving the image of the educational system. She stated any assistance and support the City of Aiken could contribute would reflect the city's commitment to education and to the future of Aiken.

Mr. Richard Garcia, Chairman of the Aiken Chamber of Commerce, also appeared before Council and shared his concern about the School District Offices. Mr. Garcia stated he was present on behalf of the Greater Aiken Chamber of Commerce in support of the initiative from employees of the School District in taking upon themselves a project which he felt was of great importance to the citizens of Aiken and Aiken County. He said there had been clients considering locating businesses within Aiken County but after seeing the School District Offices, felt that the offices do not indicate that the citizens of Aiken are concerned about education. He said it is hoped that the project proposed by the employees will receive funds from private and corporate sources. He said any support that could be given by the City of Aiken would be appreciated. He said it was felt that the project would be of tremendous economic benefit to all the citizens of Aiken.

Councilwoman Price stated there had been some discussion that if the School Board did not support the project by appropriating some funds for the project, why should others support the project.

Mr. Garcia stated he did not know the basis for the School Board not supporting the project with funds, except for a budget constraint. He did point out the School Board had approved the proposed project, but did not support it with funds.

Mayor Cavanaugh stated he agreed that the facilities need improvement and the question of the facilities does come up when talking to prospective businesses and residents. He said he could not understand why the School Board did not support the renovation with some funding as this was their responsibility. He pointed out city residents already pay school taxes. He felt the School Board needed to show good faith by providing some funding for the project. He said perhaps there could be some in-kind services and the project could be a community project.

Ms. Murphy stated the School Board did not support the project with funding because they feel that all funds should be funneled to the classroom for benefit of the students.

Councilwoman Clyburn stated because she was an employee of the School District she was requesting to be excused from deliberations, vote, and other actions on the request for funding of building renovations to the District School Office Building.

Ms. Kimberly Bryson, a junior at Aiken High School, stated that the schools need funds for a lot of things so she understood why the School Board felt that they could not appropriate funds for renovation of the District Offices. She felt that funds should be going to the classrooms.

Mr. Garcia stated the District Office is the personnel office for the District. He said potential teachers and administrators who are considering relocating to Aiken County come to these offices. He said if Aiken County is able to hire and attract qualified teachers and qualified administrators that would certainly enhance education in the classroom and for every child in the County.

Councilwoman Price stated she wanted to congratulate Ms. Murphy and Mr. Garcia for recognizing the need and taking on this project. She stated she felt that education is everybody's business and everybody should pay into education because it reflects on the area. She said when new people come to the area, the School District Office reflects on the community. She stated she did not like to see the community lose professionals to the Augusta area because of the poor condition of the facilities in Aiken. She said of course a building does not educate a person, but the School District Offices are like a person not maintaining their home but letting it deteriorate. She said people do not want to go into an area that has a bad physical appearance.

Mr. Garcia stated the Chamber considers Aiken County and the City of Aiken to be at a very critical point with major restructuring of activities at the Savannah River Site for environmental clean up and alternative missions, and the need to attract other industry to create a diversified job base. He said the Chamber

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feels that the School District Office is important in terms of trying to put Aiken's best foot forward in presenting the community and the county. He said they would appreciate any consideration the city could give in terms of financial support, materials, labor, or whatever for the project.

Councilwoman Price moved, seconded by Councilman Anaclerio, that Council take the matter under review and provide Council's decision at a later date. The motion was approved by a vote of 6, with Councilwoman Clyburn not participating in the voting or discussion.

BIDS

Gift Certificate  
City Employees  
Christmas  
Awards Luncheon

Mr. Thompson stated that for several years Council has provided a Christmas turkey to city employees. He said the staff had advertised for bids for providing a turkey or ham for city employees in the form of a Gift Certificate valued at \$8. He said the low bidder was Food Lion, and the staff is recommending acceptance of the low bid of Food Lion.

The bids received were as follows:

<u>Vendor</u>	<u>Discount</u>	<u>Price Per Lb. Turkey</u>
Food Lion	6%	.59 per lb.
Bi-Lo	5%	.59 per lb.
Kroger	4%	.69 per lb.

Food Lion provides the best value with the discount and price on turkeys. Three hundred fifty gift certificates valued at \$8 each would cost the city \$2,800. The certificate may be used towards the purchase of a turkey or a ham.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the city purchase gift certificates from Food Lion to be used for the purchase of a turkey or ham by city employees for Christmas.

ANNEXATION - ORDINANCE

Shopping Center  
Whiskey Road  
Fabian Drive  
Rogers, W.C. & Mary

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration for first reading to annex 25.07 acres located west of Whiskey Road and south of Fabian Drive.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN FOUR PARCELS OF PROPERTY CONSISTING OF 25.07 ACRES LOCATED ON WHISKEY ROAD (S.C. HIGHWAY 19) NEAR THE INTERSECTION OF THAT ROAD WITH CORPORATE PARKWAY.

Mr. Thompson stated the city had received an annexation petition for property west of Whiskey Road and south of Fabian Drive consisting of four parcels containing 25.07 acres. The property is requested to be zoned Neighborhood Business. Mr. Thompson stated the property is the site that the Aiken Standard reported as the site for a WalMart Super Store to be located on Whiskey Road behind Arby's.

The Planning Commission has reviewed the request and has recommended approval to Council with the following conditions:

1. that the developer install either one two-faced ground-level monument sign or two single-faced ground-level monument signs, with the total face area not to exceed 56 square feet and the maximum height, including base, not to exceed 8 feet.
2. that there be no more than two curb cuts; and
3. that there be a buffer no less than 50 feet wide adjacent to the property owned by F. L. Baker in which the trees would remain.

Mr. Thompson stated the staff had reviewed the tentative landscaping plans. The parking lot is well landscaped and seems to meet the Landscape Ordinance requirements, but most of the landscape islands are located away from the large area immediately in front of the building. Council may wish to consider including a requirement that the developers limit the number of parking spaces without a landscape island to a maximum of 22 spaces in a line. The site has a parking ratio of about 6.5 spaces for every 1,000 square feet of floor area which is above the 4.5 spaces required by the Zoning Ordinance. Both entrances onto Whiskey Road will have to be installed without an actuated traffic signal. Council may wish to condition approval of the annexation on the installation of a proposed access road between Arby's and Mazzio's to line up with Corporate Parkway at the present traffic light.

Mr. Thompson stated in addition to the Planning Commission conditions, the staff has suggested that based on the tentative landscape plans that Council may wish to consider increasing the landscaping immediately in front of the building and possibly requiring that the entrance onto Whiskey Road line up with Corporate Parkway at the present traffic light.

Councilman Anaclerio pointed out that if lining up an entrance with the traffic light at Corporate Parkway is not possible, perhaps only a right turn would be permitted onto Whiskey Road.

Mr. Thompson showed Council a copy of the proposed plans for their review. Council discussed the plans at length.

Mr. Mark Graham was present representing the developer. Mr. Graham pointed out that at the Planning Commission meeting it was reported that the Highway Department had indicated there would be no problem making a left turn into Whiskey Road because of the location of the present traffic signal.

Council asked if the developer had agreed to the conditions. Mr. Holly pointed out the conditions recommended by the Planning Commission were agreed to by the developer. However, the staff suggestions were not mentioned at the Planning Commission meeting as the site plans and landscape plans were part of the staff review.

Mr. Thompson stated overall the landscaping plans do meet the city's requirements, however there is a large area without landscaping in front of the store, and Council may wish to require some islands in this area.

Mr. Graham stated he understood the reason for the proposed landscaping was to preserve some of the large trees on the property. He said it seemed more advantageous to save the existing large trees rather than cut them down and plant a series of smaller trees in islands.

Councilmembers stated if the landscaping plans met the ordinance then they had no problems with the plans, and they liked the idea of saving the large trees. It was also pointed out that the developers were aware of the requirement to leave the trees in a 50 foot buffer adjacent to the F. L. Baker property.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading the ordinance to annex 25.07 acres located west of Whiskey Road and south of Fabian Drive with the three conditions as recommended by the Planning Commission and that the second reading and public hearing be set for the next regular meeting of Council. Further that Council suggest that the developers work with the two existing businesses on Whiskey Road to try to work out an exit that would align with the traffic signal at Corporate Parkway if possible.

#### MUNICIPAL COURT - ORDINANCE

##### Summons

Mayor Cavanaugh stated an ordinance had been prepared for first reading to authorize the use of a Municipal Court Summons.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 11 OF THE AIKEN CITY CODE DEALING WITH THE MUNICIPAL COURT SO AS TO PROVIDE A SUMMONS PROCEDURE FOR MUNICIPAL COURT FOR VIOLATION OF CITY OF AIKEN CODES AND ORDINANCES.

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Mr. Thompson stated that in 1992 the State of South Carolina passed legislation authorizing the use of a summons instead of a uniform traffic ticket or arrest warrant to commence a criminal proceeding. The staff is recommending that the city adopt an ordinance authorizing the use of the summons procedure.

Mr. Holly has reviewed the procedure extensively and has drafted an ordinance for Council's consideration.

Mr. Holly pointed out that the primary method that the City of Aiken has to enforcing a lot of the regulatory codes and ordinances is prosecution through Municipal Court which is a criminal proceeding like a speeding ticket. To use a traffic ticket for different offenses raises a question about whether the officer actually saw the person commit the offense. In some ordinance situations the officer does not actually witness the offense personally. Through the summons procedure the state legislature has authorized cities and counties to use an ordinance summons procedure whereby a summons is given which requires a person to appear in court. The summons procedure is a less formal procedure than a traffic ticket. It does not authorize a custodial arrest, and it does not authorize the officer to set a bond. The officer gives the person a piece of paper which tells the offender to appear in court. He said this should make it easier to enforce some codes and ordinances such as the building codes. Mr. Holly pointed out the summons procedure allows enforcement officers other than Public Safety Officers to issue summons, such as the Business License Inspector and the Animal Control Officer. Mr. Holly stated he felt this procedure would make the enforcement more flexible and simpler for the citizens.

Mr. Thompson stated use of a summons would allow the city to more easily enforce violations of municipal ordinances because the officers would not have to obtain an arrest warrant for violations which the officers did not witness.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance authorizing the use of a municipal court summons be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

#### WISE HOLLOW GROWTH STUDY COMMITTEE

##### Drainage Storm Water

Mayor Cavanaugh stated an item regarding a recommendation from the Wise Hollow Growth Study Committee had been added to the agenda.

Mr. Thompson stated that Council had received information from the Wise Hollow Growth Study Committee regarding a recommendation for correction of some of the stormwater problems in the Wise Hollow area (south Aiken). He stated Councilmembers Anaclerio and Radford had served on the Wise Hollow Study Committee.

Councilman Anaclerio stated that after a number of months of attending various meetings of the Wise Hollow Study Committee and studying the drainage problems in the Wise Hollow area, the committee is ready to make a recommendation to the Aiken City Council and to the Aiken County Council. He stated the option chosen by the Committee, based on technical review of the city and county engineers, would cost about \$951,000. He stated the committee chose option 4 which is to route the water through George's Pond and is the least expensive of the four options considered but also the least damaging to the environment. He said, however, it was felt this option would do the job of alleviating the flooding in the Wise Hollow area, primarily in the College Acres area. The principal item would be to clean out George's Pond and install various size pipes underneath Powder House and Banks Mill Roads. He said after negotiations, it was agreed to recommend to City Council that the city support the project even though the area is wholly outside the city. However, it is felt that some water does come from the city and contributes some to the problem. He said the Committee is recommending that the City of Aiken support 40% of the local cost of the project, with Aiken County contributing 60% of the local cost, and that no monies be spent until Aiken County Council approves the County's share of the cost.


Councilman Radford pointed out that the Federal Emergency Management Agency is willing to provide \$254,085 of the total of \$951,475, and the State Highway Department may be able to provide \$61,200 towards the project, leaving a match of \$636,190. This \$636,190 would be funded 60% by Aiken County Council and 40% by the City of Aiken.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the City of Aiken provide funds for 40% of the local share for Option 4 for the Wise Hollow Drainage Project as recommended by the Wise Hollow Study Committee, if Aiken County Council approves funding of 60% of the local share of the project of \$636,190.

Mayor Cavanaugh commended the committee for the work they had done on this project. He said this had been a subject talked about for many years, but nothing had been done about the problem.

ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the meeting adjourn. The meeting adjourned at 8:25 P.M.

  
Sara B. Ridout  
City Clerk

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