

Aiken City Council MinutesSPECIAL MEETING

October 19, 2020

Present: Mayor Osbon, Councilmembers Brohl, Diggs, Girardeau, Gregory, Price, and Woltz.

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Charles Barranco, Brian Brazier, Gary Meadows, Tim O'Briant, Kym Rooks, Daniel Williams, Colin Demarest of the Aiken Standard, and 2 citizens.

The special meeting was held in the Council Chambers at 214 Park Avenue SW; however, the number of citizens that could attend at one time was limited because of the COVID-19 virus and social distancing.

CALL TO ORDER

Mayor Osbon called the special meeting of October 19, 2020, to order at 6:04 p.m. Mayor Osbon led in prayer and Chief Barranco led the pledge of allegiance to the flag.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting.

FIRE FEES - ORDINANCEOutside City

Mayor Osbon stated there was one item on the agenda regarding fire fees outside the city. He said this was first reading of an ordinance amending the charges for fire service.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING THE CHARGES FOR FIRE SERVICE.

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council approve on first reading an ordinance to amend the charges for fire service outside the city limits.

Mr. Bedenbaugh stated the ordinance proposed would put the fire service fees for non-city residents back to the rate that they were prior to July 1, 2020. Staff recommended to Council a fire service rate amendment. After feedback and comments internally and with Council, it is recommended that we roll the rates back to what they were prior to July 1, 2020. He said in the work session on October 12, 2020, Council had told those who had received a fire service bill on October 1, 2020, to hold off paying the fee for which they had been billed. He said for second reading staff will have a path for getting those customers rebilled for those who are billed quarterly. He pointed out the proposed ordinance is essentially reinstating the ordinance that was in effect prior to June 8, 2020, which was based on an ordinance passed by City Council in 2017.

Mayor Osbon asked if those customers who may have already paid the amount billed would be given a credit for future billing. Mr. Bedenbaugh stated customers who had already paid the amount billed will be given a credit on future billings. He said the reason for the special meeting is so we can get the ordinance expedited and have second reading at the meeting on October 26, 2020. That would help get the adjusted ordinance in effect in time to keep us on a timely collection pattern.

Mayor Osbon asked if there were any comments from the audience.

Mr. David Rosling stated he lives at 810 Valley View Street which is in the Kalmia Hill section just outside the city limits. He said he has lived there for 18 years and receives

both fire and water service from the City. He said he could say very thankfully that neither he nor his neighbors had ever had to call the fire department for their services. He pointed out that being outside the city and receiving water service he pays double what city residents pay for water service. He said he pays his bills and never complains about the double rate, and he was not present to complain about that at this meeting. He pointed out, however, the fire fee controversy that recently erupted was enlightening. He said he did not know that a small minority of people who receive fire services that don't live in the city were charged a flat rate of \$115 per year. He pointed out his fire fee is based on his house assessment. He said he pays the maximum amount of \$45 per month or \$540 per year. He noted that the proposed ordinance would reduce the amount to the pre-July 2020 rate of \$41 per month or \$492 per year which is more than 4.25 times the \$115 flat fee rate. He pointed out that in his research there are approximately 6,000 customers who live outside the city who are receiving fire service from the City of Aiken. About 75% of those customers are in his situation and receive both water and fire service from the City. He pointed out those fees are based on the house assessment. He pointed out about 25% just have fire service, and they are paying a \$115 flat fee per year. He said he did not know how this happened over time or why it happened, but he asked Council what they are going to do to standardize the rates and make them more fair and equitable so they are all paying the same fee for the same service.

Mayor Osbon stated he felt that is the big question and is why Council is rolling the fees back and asking staff to come back with an equitable answer.

Mayor Osbon asked for comments from Council.

Councilwoman Brohl thanked Mr. Bedenbaugh for the information so Council could sort this out. She said to Mr. Rosling's comments that making the fees equitable was what they had attempted to do, but failed. She pointed out in rolling the fees back, as she understands it, with the collection of fees at 85% we will be running a \$246,425 deficit. Mr. Bedenbaugh stated if the collection fees hold at 85% the deficit would be roughly that amount. Councilwoman Brohl stated we are going to have to come up with a solution to this which she assumed would be done at budget time. Mayor Osbon stated that has been the direction to staff that as we are considering the budget to come forward with a way to make all fire fees more equitable. He pointed out with Public Safety it is more difficult to separate what is police and what is fire protection. He pointed out that staff had come up with the figure close to \$6 million as the cost for fire protection. That is a costly service, and he did not think anyone minds that, but people expect to pay an equitable amount for the fire service. He said he felt that as Council goes into sessions about the budget there will be some options for Council to consider. He pointed out about 20% of property taxes paid probably goes for fire service. Mr. Bedenbaugh stated that is correct based on the analysis that about 45% of the General Fund budget property taxes goes to Public Safety with about 20% of the revenue for fire protection.

Mayor Osbon stated from a city resident's perspective, we don't want to be subsidizing our suburban fire cost either. He said every layer pulled off seems to expose something else. He pointed out that property without a structure on it is charged \$60 per year. He said when you start looking at property without structures, it is not a simple divide. The number was based on assessed value, but the maximum was capped at \$130,000. He said there are a lot of sides to this matter. He said he commends staff for making a recommendation to take the fees back to what they were prior to June 8, 2020. He said we will have to come up with something that will make sense for everybody moving forward.

Mr. Bedenbaugh stated the billing structure that we have has been in place since about 1994. Back then about 41% of parcels that we billed were not in the city. Over time that has changed to where it is about 30%. He pointed out there are a lot of factors. He pointed out that Mr. Rosling had noted that non-city residents pay higher water and sewer rates so there is the expectation that some rate structure should be devised where if you are not in the city, if you cost this out, there should be a little higher amount for someone not in the city. He felt this is something we will have to take a very close look at as part of the budget to get this integrated into the budget next year.

Councilwoman Gregory arrived at the meeting.

Councilman Woltz asked if the city rates were capped. Mr. Bedenbaugh responded that we don't have a city rate as that is part of the millage rate. He said that is something that Council may discuss. He said he did not believe that anyone on Council wants to diminish the level of service, but the way that everything is billed and charged will have to be looked at more closely.

Councilman Girardeau asked if there were a history of the fire fee charges. He pointed out there are some people paying one thing and others paying another amount. He wondered if there were any history as to where this started and how we came to a number. Mr. Bedenbaugh stated the billing structure started about 1994. That has been the guiding ordinance. Obviously the rates have been adjusted via ordinance over the years, but the philosophy started in 1994 based on the records that we have. Councilman Girardeau asked how we got so inequitable in the rates. Mr. Bedenbaugh stated that is something that became an issue in the minds of the customers in the last few weeks. That is something that will require additional research.

Councilman Girardeau stated he understands coming up with the numbers trying to make the fee equitable but it woke up a problem in the overall scope of things but it has been there for quite some time. He felt we need to go back and figure out what is fair and make it across the board.

Councilwoman Diggs asked how many residents had already paid the fees for the bills that were sent out the first of October. Mr. Bedenbaugh stated he did not have that information, but could get it for Council.

Councilwoman Price pointed out that when things of this nature take place, it is information for Council because none this was intentional. She extended Council's apologies. She said what this has done for her, and perhaps others, is when the city increases fees review the impact that it has on our city and our county residents and look at the percentages to make sure the increases are not so far out of range. She said this is a lesson for all of us. She said we will get it right.

Councilman Woltz stated he agreed with Councilwoman Price, but he was trying to figure out how we would be able to get all the work done to be ready to have a second reading on October 26, 2020. He felt Council needed a work session and more time on this matter.

Mayor Osbon stated he would not assume that Council would have all the information and the issue worked out by second reading. He said adopting the proposed ordinance would be going back to the previous rates before July, 2020. That would give Council time for the next budget process to work through the issues. He felt returning the fees to the previous rates would help in the interim while Council studies the matter during the budget process. He said we would ask staff to make sure Council has work sessions to study this matter. He said he agrees that staff will not be able to provide the information needed in one week.

Councilwoman Gregory pointed out when Council voted for this, the intent was to recoup fees and expenses for service provided. However, after Council voted on it, it became very clear that it was affecting many of the citizens. She said she had spoken to a number of citizens who questioned the fees. She noted that once she saw some of the fees and the jump in the rate, they were astronomical and it affect people's budget. Some people's budget is very limited. She felt it was good that Council listened and brought this back to the table. She said she hoped as we move forward that we will look at the issues and do a thorough audit so the charges across the board make sense. She noted that the numbers she has seen in the community don't make sense. She said we need to do more homework. She said she apologizes for the carelessness. She felt what was done was not intentional, but was careless. She felt tabling or continuing second reading was appropriate. She said she did not want to vote on the proposed ordinance for second reading until there is more information and study.

Mayor Osbon stated he would like to move forward with the second reading at the next meeting if possible to move the rates back to what they were. Councilwoman Brohl pointed out that adopting the proposed ordinance is to move the rates back to what they were. It would revoke the present ordinance and return the rates to what they were prior to July 1, 2020. The matter could be brought back during the budget discussions as there are a lot of layers to the matter.

Mayor Osbon recapped the discussion. He noted that the proposed ordinance would take the fire rates back to the previous rate structure before July 1, 2020. Then going into next year's budget as we start work sessions, Council can have opportunities to work through the structure with staff to make things equitable. There will be a budget shortfall because of this.

Mr. Gary Smith, City Attorney, stated that the proposed ordinance would be reverting to the original fee structure that was in place at the end of FY 2019-20. He said Council had to pass an ordinance to amend the ordinance adopted on June 8, 2020, which set the new fire service fees. The amended ordinance would revert the fire fees to the rates in effect prior to July 1, 2020. He said Mr. Bedenbaugh is going to come back to Council in work sessions and review the history of the fire fees and make recommendations to Council to make the fees equitable.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilwoman Price, that Council pass on first reading an ordinance to amend the fire fees for service outside the city. The motion was unanimously approved.

#### PUBLIC SAFETY DEPARTMENT

##### Promotions

Chief Charles Barranco stated he would like to announce that there had been promotions in the Public Safety Department recently, and he would like to inform Council of those promotions. He pointed out that Lt. Aaron Dobbs has been promoted to Captain, and Lt. Brian Key has been promoted to Captain of the Patrol Division.

#### EVENTS

Mr. Bedenbaugh stated he would like to remind Council that there will be an event on Tuesday, October 20, 2020, at 5:15 p.m. at Winthrop Polo Field about the partnership with the City, Land Conservancy and Bartlett's for the tree nourishment program on South Boundary and Mead Avenue called "Loving the Live Oaks."

Mr. Bedenbaugh also noted that on Sunday, October 25, 2020, at 2:30 p.m. at the Hampton Avenue Church of Christ in their parking lot, there will be a ribbon cutting for the Hampton Avenue Sidewalk Project. The Hampton Avenue sidewalk of 1.1 miles was recently installed on the north side of Hampton Avenue from around the Second Baptist Church area to the Dollar General.

#### ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilman Woltz, that the meeting adjourn. The special meeting ended at 6:29 p.m.

  
Sara B. Riddout  
City Clerk