

Aiken City Council Minutes

November 25, 2019

WORK SESSION

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

Others Present: Stuart Bedenbaugh, Gary Smith, Sara Ridout, Kim Abney, John Poole, Tim O'Briant, Charles Barranco, Lex Kirkland, Kay Brohl, Colin Demarest of the Aiken Standard, and 6 citizens.

CALL TO ORDER

Mayor Osbon called the work session of November 25, 2019, to order at 5:02 P.M. He stated there was one item on the agenda for the work session – proposed yard waste changes.

SOLID WASTE

Yard Waste

City Manager Stuart Bedenbaugh stated for the record that Councilman Dick Dewar would not be present and Councilwoman Lessie Price is returning from out of town and will be late for the work session. He stated that Public Services Director Lex Kirkland will present a proposal for yard waste changes as part of our solid waste program. As we enter leaf season, staff would like some direction from Council to help them be more efficient in their operations. He asked Mr. Kirkland to also give a brief update on the new trucks they have recently starting using.

Mr. Kirkland stated they have three new automated trucks running to pick up garbage. The process is getting faster every day. They hope to pick up more than they were able to pick up with the rear loaders as they get used to them. The roll carts have been ordered and will be in place in a few months. Citizens are becoming accustomed to putting the cans out correctly. He said the new system had been communicated in many ways.

Mr. Bedenbaugh stated they have talked about yard debris over the years and staff would like to propose some changes for Council's consideration. They will present the changes at this work session and hear feedback. Hopefully the ordinance will be able to be changed in the near future to reflect these recommendations.

Mr. Kirkland stated the focus is to provide better service to the citizens. He feels the key in moving forward is to keep it simple. He presented the definition of residential yard trash as it is defined in the City Code. It is broadly written: "Residential yard trash is defined as the collection of vegetative materials from residential property. This type of trash may include, but is not limited to trimmings, tree branches, pine straw, leaves, and grass clippings. These items may be placed by residents beside the road right-of-way in front of the property they own for curb collection." There is a restriction as far as the length of a tree or limb at 6 feet, but other than that there are no restrictions on the amount, quantity, or size of yard trash that can be put out.

He stated as far as expenses go, in 18-19 yard waste made up 44% of the expenses for the department. That would be roughly \$837,000 in expenses. This does not include capital. He stated he would like to better define what residential yard trash means and to narrow the scope so that yard trash is what is created by normal, routine yard maintenance. There will be exceptions for leaf season. Councilman Woltz stated some places require the yard debris to be placed in bags and he feels that works well. Mr. Kirkland stated he reached out to other cities in the state and found that most of them do not keep as tight a schedule as the City of Aiken does during leaf season. That is the biggest challenge. He stated he would appreciate wording that narrows the scope of yard trash service to debris that is generated through normal and routine yard maintenance. There would need to be exceptions built in to recognize weather events or natural disasters. The expectation should change on what they can put out and also for the schedule that the City can keep

in special weather situations. Councilman Woltz asked what he has found out about people using commercial service. Mr. Kirkland stated most municipalities require the commercial service to haul off their own waste. He stated a lot of the ones in Aiken do that, but there are some that do not. The current ordinance talks about contractors hauling yard trash off. That is probably the intent of the City's current ordinance, but we do not have the staff to enforce it. He doesn't think that is the biggest problem right now. Councilwoman Andrea Gregory asked if the size of the debris was a problem. Mr. Kirkland stated it is absolutely a problem. He stated narrowing the scope to normal and routine yard maintenance and giving the Public Services Director and City Manager the discretion to determine what normal and routine maintenance means will help a great deal.

Mr. Kirkland presented pictures to Council showing what happens when there are no limits in place for yard trash. On some of the piles, factoring the drive time and actual time to load the grapple, it could take four hours for piles at one location. He stated at this time, the resident is doing nothing wrong by placing such large spread out piles. He noted the truck usually goes to the landfill twice in a day. He pointed out the picture of a pile that would be the equivalent of the driver's work for a full day. Councilman Woltz stated when we talked to private people about this, one of their things was that if we would adjust the size of the piles to 4 feet or so, we could use a rear loader compactor and save trips to the landfill. Mr. Kirkland stated that would be a very large investment on the part of the city to change the way that we are currently operating and going away from the grapple trucks and leaf vacs and going to rear loaders. He said that would not be something they could quickly change.

Councilwoman Gregory stated she appreciates everything Mr. Kirkland has done and it looks great, but Council has met about this, since she has been on Council, at least six times, and they have been told it is a problem and they know it's a problem, and have established it is a problem, and they all agree that yard debris needs to be reduced and want to know how to move forward. She stated now they are meeting about it again, but she's ready to vote on this. Councilman Woltz stated there has not been anything to vote on. Councilwoman Gregory stated she is looking for the solution to move forward. Mr. Kirkland and Mr. Bedenbaugh stated it is in the presentation. Mr. Kirkland stated he has some recommendations that are simpler than in the past, and hopefully will give Council something to vote on quickly if they are comfortable with it. Councilwoman Gregory stated in her opinion they are definitely ready to vote on it and need to know what his recommendations are, the parameters, the sizes, and how we are going to enforce it.

Mr. Bedenbaugh stated there are recommendations at the end of the presentation. Since it requires an ordinance change, he wanted to discuss it in a work session. He feels there are some concrete recommendations, and he hopes to bring them back to Council at the next meeting.

Mr. Kirkland continued to show pictures of problem areas regarding quantity or the way it is put out for pick up. Mr. Kirkland reviewed the recommendations. He stated he focused on keeping it simple. For the proposed yard trash pile guidelines: one stop per residence; one pile per residence; maximum length of a yard trash pile to be set at 12 feet; if the size exceeds the maximum length additional charges immediately apply with no delay in pick up; acknowledged size exception for leaf piles during defined leaf season; and leaf piles must still be built efficiently into mounds. Customers will be required to modify long skinny piles that are not efficiently built.

Ms. Kay Brohl asked if two neighbors can combine a pile. She asked if that was good or not. Mr. Kirkland stated the way the ordinance is written, it would steer you to go in another direction. He feels there are times that having a community pile makes sense when it's the safety of the street.

Mr. Kirkland stated the maximum length of the yard trash pile being at 12 feet is twofold. The first reason is when the grapple truck operator gets set up, typically he will have a range of about 15 feet. That will allow one stop to be easier. Councilman Ed Girardeau asked what the radius of the grapple was. It is about 15 feet. Mr. Kirkland stated he will

give them three feet of grace. Councilman Girardeau stated he liked the one pile and one stop per residence idea.

Mr. Bedenbaugh stated he asked Mr. Kirkland about residents bagging their debris. It was asked if they bagged their debris would the 12 foot limit be lifted. Mr. Kirkland stated he cannot imagine anyone going to the trouble of bagging their debris and having more than the City can handle. He stated with a maximum length of 12 feet and being able to get 15 feet, they should not have to measure a pile until they are at 15 feet plus. Then that is when we would be looking at additional charges. He stated the reason he likes the 12 feet is it is divisible by six feet, so they could have two six foot piles next to each other. He stated they would need to build in there that they would have to acknowledge size exceptions for leaf piles during a defined leaf season. They cannot necessarily set those dates in the ordinance because leaf season is not the same from year to year. He would appreciate if they had some discretion where the Public Services Director or City Manager could determine what the defined leaf season is and when they would take piles in excess of this size. The pile would still need to be a mound and not long piles.

Councilman Woltz asked what the purpose was of having the radio blasting over the neighborhoods for everyone to hear what is going on. Mr. Kirkland stated he can talk to the employees about that.

Mr. Kirkland stated they talked about size of piles, but they also have the challenge of inefficiently built yard debris piles. The crews can work more efficiently if the piles are correct and in one pile. He stated they are looking forward to getting some new equipment, and they have ordered more leaf vacs. He stated leaves are a challenge for many reasons. When they are put in the grapple, they cannot be compacted. They bounce back up. He said the leaf vacs should help a great deal.

Mr. Kirkland stated there are some safety and damage avoidance items they would like to address in updating the ordinance. He would like it to be unlawful to place yard trash piles under utility lines and low hanging limbs. He pointed out that the grapple trucks need clearance from utility lines, and it will mean that residents will have to move where they are putting their piles.

Councilwoman Gregory stated she felt that was a very fair request. Mr. Kirkland stated that 20 feet of clearance, whether it be limbs or utility lines, would be very helpful. Currently in the ordinance it is unlawful to place a pile within three feet of the City water meter. He would like to amend that to say water meters, fire hydrants, or any other obstacles. He pointed out there have been times when they went to pick up the piles, and they could not see the obstacle until they ripped it out of the ground. He said he would like to have something in the ordinance where when damages do occur, we can go back and charge the citizens. Councilwoman Gail Diggs asked if the citizens have been warned in the past about these items in the water bills or other means. Mr. Bedenbaugh stated it had been several years. Councilwoman Diggs asked if it would be easier for those who do not read the water bill insert to have door hangers distributed with this information, or would it be too costly. Mr. Kirkland stated door hangers have their place, especially when someone is doing something that needs to be changed. It is a very efficient way to convey information. Mayor Osbon asked how significant of a change it would be to have people move the piles. Mr. Kirkland stated that is something they have dealt with in the past and sometimes it can be a challenge, but he does not know of any that they were not able to work with a homeowner and find another place to put the piles. Mayor Osbon asked if there is a significant amount that would need to change locations. Mr. Kirkland stated it depends on the location.

Mr. Kirkland stated another thing they deal with at times is that some of the equipment, especially the grapples, will cause a little bit of damage over time to the front yard. If the customer wants everything picked up, and it's sitting on the ground, sometimes it will take some of the grass up with it. Some of that can be rectified with training for our people, but if the customer wants the trash to be the same place every time, then he feels the customers have some responsibility as well in keeping it maintained.

Mr. Kirkland stated that prohibited items and special collections are also included in this City Code chapter and are areas that we feel we can make some improvement. He stated they unexpectedly come across some of these piles throughout a week where there are couches or appliances that have been left out. Currently, if it is not called in ahead of time, the customer is given a 48-hour notice that they need to remove it from the right-of-way or else the City will remove it and there will be a charge associated with the removal. The vast majority of time, the item is still there when they return and the neighborhood has to look at it. He feels it would be an improvement to not have to go to the house and leave a notice and then go back. A lot of the cost associated with this would be in making two trips. He would like to be able to eliminate the 48-hour notification and be able to pick the items up as quickly as possible. That 48 hours turns into more than 48 hours almost every time. Councilman Woltz stated you can't touch that material for 24 hours as a landlord. It has to be there for 24 hours to be able to move it. It was pointed out that when furniture, etc. is put at the curb it has to be at the curb for 24 hours to give an option for the person evicted to come get the material. Mr. Gary Smith, City Attorney, stated he did not have any knowledge of the 24 hour requirement. Councilwoman Gregory stated that after the rule of law is figured out as to how long the prohibited item is required to sit there, depending on if it was put there from a rental clean out, she feels that Mr. Kirkland's recommendation to have it be up to the City to pick up something that is abandonment is good. It would be a case by case basis. Mr. Kirkland stated they will research the law on the issue and, if possible, when they find the prohibited items, they would like to arrange to get it picked up immediately. Council agreed it was a good idea. Mr. Kirkland stated at the present time, they notify the customer and then it is two or more days when they pick it up. When they pick it up, they charge double the rate of what it would have been if they had scheduled the pickup. He would rather pick it up to start with. It was noted that Mr. Kirkland could have the eviction list forwarded to him so he would know what property is on the eviction list. Mr. Bedenbaugh stated the ordinance would be drafted to be in compliance with all laws. Mayor Osbon stated he likes the idea of giving staff the discretion. Mr. Kirkland stated whether it is a special collection, prohibited items, or even the piles being oversized, he would like to have the discretion to pick them up. He said he did not want to leave the items. He said the rate needs to be set up so they can go ahead and get it for an additional charge.

Councilwoman Gregory stated it would be a good idea to take pictures of the piles that are not compliant so there is proof when the customer says they did not do it that way. Mr. Kirkland stated that will give them some work to do to get it all documented. He stated they propose, if there is an active water account, that the charges would go on that account. They need the ability, though, to put it on the property owner's taxes if there is not an active water account. Councilwoman Gregory stated she understands the point of wanting to get Aiken clean, efficient, and the process going. She agreed with Mayor Osbon that it should be at staff's discretion. Ms. Brohl stated she would like to try this and wait six months and see what kind of feedback they get and the success they get at cleaning up these piles. Councilwoman Lessie Price stated they do not need to focus on the fees that can be collected, but on keeping the City beautiful. Councilwoman Diggs stated having all kinds of things at the curb brings property values down.

Mr. Kirkland restated his recommendations regarding the yard trash. They would like to go with proposed yard trash pile guidelines of one stop per residence and one pile per residence. They would like to go the maximum length of 12 feet.

Mr. Bedenbaugh stated they can come back to Council in mid-2020 to see how it is working and if there are any modifications needed. He hopes to have this to Council for first reading on December 9, 2019.

Councilman Woltz stated he would like to suggest looking at the single use plastic bags. Most places have banned them because they are not recyclable. He feels Aiken would be a leader in the State. He stated the reusable bags from Walmart are not recyclable. Councilwoman Gregory stated she agreed with Councilman Woltz. She feels that should be an initiative that the Energy and Environmental Committee pioneers. They have worked with this topic for many years and are very well versed and knowledgeable in it, and they have presented it in the past. Mr. Bedenbaugh stated they gave the presentation

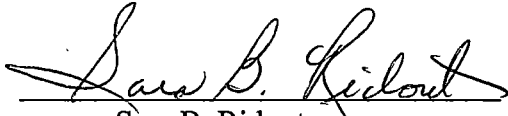
about three years ago and a majority of the current Council was not here at the time. He asked that the presentation be updated, and he could place it on the agenda in January or February of 2020. Councilwoman Price stated they should have it in place by Earth Day.

Ms. Brohl asked what the conclusions were. Mr. Bedenbaugh restated that staff will move forward with the recommendations in Mr. Kirkland's Powerpoint, plus some of the comments that were incorporated. They will research the landlord issues. The information will be presented in an ordinance as early as December 9, 2019, with second reading in January, 2020. It will go into effect and will be reviewed mid-2020 to see if it is working and how effective it is.

Councilwoman Gregory stated, regarding the plastic bag ban, that some communities have done it in multiple facets. Mr. Bedenbaugh stated Mt. Pleasant has banned a number of things, in addition to single use bags, whereas other jurisdictions have banned fewer items. He feels the City of Aiken is only looking at single use plastic bags that come from retail establishments. Some major corporations are moving away from them and use a different material.

Mr. Bedenbaugh stated he has clear direction and is ready to move forward. Council thanked Mr. Kirkland for his information and recommendations.

The work session ended at 6 P.M.

  
Sara B. Ridout  
City Clerk