

Aiken City Council Minutes

April 13, 1998

EXECUTIVE SESSION

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

Others Present: Steve Thompson, Gary Smith, and Sara Ridout.

Mayor Cavanaugh called the meeting to order at 5:35 P.M. Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved that Council go into executive session to discuss a personnel matter and for a legal briefing by the City Attorney. After discussion, Councilwoman Price moved, seconded by Mayor Cavanaugh and unanimously approved, that the executive session end. The executive session ended at 6:30 P.M. Council then held a work session to set priorities for downtown and entranceway projects. A pre-Council session was held for discussion of items on the Council agenda.

REGULAR MEETING

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

Others Present: Steve Thompson, Gary Smith, Bill Huggins, Roger LeDuc, Ed Evans, Carrol Busbee, Terry Rhinehart, Andy Anderson, Sara Ridout, Tom Smith of the Aiken Standard, Kathy Steele of the Augusta Chronicle, and 38 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. and announced that an executive session had been held prior to the meeting for discussion of a personnel matter and a contractual matter. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of March 23, 1998, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

PRESENTATIONAiken High School  
Academic Team

Mayor Cavanaugh stated Council would like to recognize the Aiken High School Academic Team for its recent achievement. He said the Aiken High School Academic Team had won a great victory with successful competition at the Vanderbilt University Academic Bowl. The team competed with some of the top schools in the nation. Mayor Cavanaugh recognized the team members present and presented a plaque to the team. He also recognized Mac Hanna, the coach, and the parents present at the meeting.

BOARDS AND COMMISSIONSAppointmentsAiken County Transit Commission  
Malony, Johnny

Mayor Cavanaugh stated Council needed to make an appointment to the Aiken County Transit Commission.

Mr. Thompson stated City Council has an appointment available on the Aiken County Transit Commission. He stated Ms. Essie Patterson and Ms. Faye Graham presently represent the City of Aiken on the Aiken County Transit Commission, but Ms. Graham has resigned from the Committee. The Aiken County staff has suggested that the city consider appointing Mr. Johnny Malony to serve as the city's representative for the balance of Ms. Graham's term, through June, 1999. Mr. Malony now serves on the Transit Committee as a representative of Aiken County, and has moved into the city and is available as the city's representative. Mr. Malony has said that he would be willing to serve as the city's representative.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council appoint Johnny Malony to the Aiken County Transit Commission representing the City of Aiken, with the term expiring June, 1999.

ZONING ORDINANCE - ORDINANCE 041398Amendment  
Buildings  
Building Inspection

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding the separation between buildings on a single lot.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING PARAGRAPH III.L OF THE ZONING ORDINANCE REGARDING SEPARATION BETWEEN BUILDINGS ON ONE (1) LOT.

Mr. Thompson stated the Building Inspection Division of the Department of Public Safety asked the Planning Commission to consider changes to the Zoning Ordinance to prevent buildings on the same lot from being too close together. The Inspectors in Public Safety have noted that only the Planned Unit Development (PUD) governs the distance between buildings within the same lot. The proposed ordinance will adopt changes to the Zoning Ordinance requiring a separation of at least 15 feet between one story structures and 20 feet between two story structures on the same lot.

The city emphasizes the separation between buildings as a fire safety requirement. Buildings must have a setback from the property line if the buildings are located on an individual lot, but if there are two or more buildings on the same lot this is not addressed in the Zoning Ordinance. If you do not have enough space between the buildings, a fire in one building will spread to the other buildings on the lot.

The Planning Commission reviewed this and discussed it with the representatives from the Department of Public Safety and recommended that the city require minimum separation between buildings on lots zoned other than single family residential. Single Family Residential lots are already limited as to the type and number of structures on the lot.

The ordinance before Council will require at least 15 feet between one-story structures and 20 feet between two-story structures on the same lot for any zone outside of the Single Family Residential zone of the city.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading the ordinance amending the Zoning Ordinance approving a separation between buildings on the same lot in any zone outside the single family residential zone and that the ordinance become effective immediately.

ZONING ORDINANCE - ORDINANCE 041398AFlags  
Flags, Corporate  
Amendment

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to restrict the number of flags allowed on buildings.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO ALLOW THE USE OF CORPORATE FLAGS.

Mr. Thompson stated the Building Inspections Office has recommended that the Planning Commission consider recommending restrictions to the number of corporate, national, and state flags allowed on buildings in Aiken. The Planning Commission has reviewed this, and recommended limiting the number of flags in Aiken.

The Inspections Office of the Department of Public Safety has received many requests and complaints about the number of flags at businesses. We have received requests from some of the mobile home dealerships, asking to display a number of flags, and some of the apartment developments in Aiken have also asked to place a number of flags across the front of the property. Most of us

think of flags as a single corporate flag, or the national or state flag, but some businesses use flags as more of a banner to attract attention and to advertise their product. The Planning Commission has reviewed the issue, and recommends that the city restrict flags to a maximum of one American flag, one state flag, and one corporate flag. This limit would be applied to each lot within the zoning districts of the city, other than the single family residential zone.

Mr. Thompson stated Council had discussed flags during the review of the sign ordinance and felt that flags should not be regulated but were thinking of state, national and corporate flags. He said, however, the Inspections Department had noticed places with 20 to 30 flags, which is more of an advertisement.

Mr. Thompson stated that at the last meeting Council discussed the matter of flags and pointed out that a company might want to display the American flag, state flag, a corporate flag, and the company's national flag if from another country. Council felt the purpose of the proposed ordinance was to limit the number of flags and not to specifically specify the flags which can be flown. After discussion Council decided to allow display of the American flag, state flag, corporate flag and another flag of the company's choice. Council also discussed whether the ordinance should regulate the size of the flags allowed. After discussion Council decided to allow the three flags specified and add the wording that "One additional flag of the property owner's choice may be displayed."

Mr. Smith has changed the ordinance to recognize that a property owner may have up to four flags, and has named the national, state, and corporate flags as examples of the first three flags, and of course the owner would have an option of providing a fourth flag of their choice.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading the ordinance as amended to limit the number of flags displayed on lots in the city to four flags and that the ordinance become effective immediately.

#### ZONING ORDINANCE - ORDINANCE 041398B

Ribbons, Fluttering  
Streamers, Fluttering  
Amendment  
Banners

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Zoning Ordinance to prohibit the use of ribbons, streamers, and similar materials in Aiken.

Mr. Thompson read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO RESTRICT THE USE OF FLUTTERING RIBBONS, STREAMERS, PENNANTS AND SIMILAR OBJECTS.

Mr. Thompson stated the Planning Commission has also reviewed the recommendation from the Department of Public Safety to limit the use of fluttering ribbons and streamers in Aiken. The proposed ordinance will amend the Zoning Ordinance to prohibit the use of ribbons, streamers, and similar materials or devices in Aiken.

This issue is very similar to the discussion on flags for the different properties in Aiken. We have received many requests for flags and streamers to be displayed around the city, and quite often flags and streamers are very similar in nature. The Public Safety Department has felt that fluttering and streaming ribbons and signs are distracting to motorists, and in the past we did not allow these types of banners and ribbons in the city. During the last update of the Zoning Ordinance, City Council did allow limited use of banners in Aiken, and under the present wording this also allows the use of multiple ribbons and streamers.

The Planning Commission reviewed this, and has recommended that City Council prohibit the use of ribbons, streamers, and other materials.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Radford and unanimously approved, that Council pass on second and final reading an ordinance amending the Zoning Ordinance prohibiting the use of ribbons, streamers, and other materials or devices and that the ordinance become effective immediately.

#### AIKEN 20/20 CORPORATION

Grant  
SCANA Corporation  
Economic Development  
Summit Business Center

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from the SCANA Corporation for the Aiken 20/20 Corporation.

Mr. Thompson stated that in January City Council approved acceptance of funding from the SCANA Corporation for delivery to the Aiken 20/20 Corporation for use in an economic development project. The Aiken 20/20 Corporation will also be considering an additional pass thru grant from the SCANA Corporation with distribution of funds to the Summit Business Center.

Mr. Thompson stated the Aiken Corporation is working with the Aiken 20/20 Corporation to develop a spec building in Summit Business Park. As part of the process SCANA has asked that their contribution to Aiken 20/20 be provided to the spec building to assist with development of the spec building in the park.

The businesses in Aiken have raised a total of \$3.7 million towards the Aiken 20/20 projects, and these businesses are supporting economic community and educational development in the Aiken area. The SCANA Corporation, as part of the commitment to the Aiken 20/20 Fund Raiser, would like to provide \$15,000 to Aiken 20/20, but needs to identify a qualified organization to accept this donation. The City of Aiken meets the Corporation's requirements to receive these funds.

The SCANA Corporation has approved an additional \$15,000 for assistance in the Summit Business Park, as part of its contribution to Aiken 20/20. If City Council would like to authorize the city to accept these grant funds on behalf of the Aiken 20/20 Corporation, then Council would need to approve acceptance of the grant, and authorizes the City Manager to provide these funds as a pass thru on behalf of the Aiken 20/20 Corporation to Summit Business Center. This will also be presented to the Aiken 20/20 Corporation for approval before we act on the Corporation's behalf.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council accept a grant from the SCANA Corporation on behalf of the Aiken 20/20 Corporation for distribution of the funds to the Summit Business Center if the Aiken 20/20 Corporation votes to accept the grant.

#### FRANCHISE

Electric Service  
Request for Proposals

Mayor Cavanaugh stated Council needed to consider a suggested Request for Proposals for a franchise for electric service for city residents.

Mr. Thompson stated that for the past several months City Council has discussed the need to consider proposals for renewal or selection of the electric service provider for Aiken. Mayor Cavanaugh suggested that creativity should be emphasized with these proposals, and that the proposals should not be limited to options outlined in the RFP, but give the providers an opportunity to be creative. The proposed RFP requests proposals for retail electric service for newly annexed and undeveloped areas of the city, and for the existing areas of the city currently served by SCE&G. We have attempted to build in all of the comments suggested by City Council, including the following.

We addressed the issue raised by Mr. Smith on the single use franchise. It also addresses City Council's concern for undergrounding of overhead lines, and the use of the length of the franchise and the use of newly annexed areas as the incentive for an aggressive annexation effort. The section under term of franchise also deals with automatic renewal of the franchise.

Under the section outlining the franchise fee process, a paragraph has been included that requires the distribution system provider to collect franchise fees from any power provider sending power over the distributor's lines.

City Council briefly discussed the proposed RFP.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn, that Council approve the suggested request for proposals for electric service franchises in the City of Aiken. The motion was approved by a vote of 6 to 1 with Councilman Perry opposing the motion.

#### BIDS

##### Citizens Park Canopy Recreation Department

Mayor Cavanaugh stated the bid for the purchase of a canopy for the concession area at Citizens Park was placed on the agenda again for Council's consideration.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the item regarding the bids for the canopy be deleted from the agenda.

#### BIDS

##### Water Liquid Lime Public Works Department

Mayor Cavanaugh stated Council needed to consider the bids for a liquid lime system for water treatment.

Mr. Thompson stated the Utility Division of the Public Works Department has been exploring methods to reduce costs in the treatment of our water supply. Using benchmarking techniques, Roger LeDuc and his staff have determined that we can save approximately 30% in this area by using liquid lime instead of the present bag and lime system which was due to be replaced during this fiscal year. Funding for this project is in the current fiscal year budget.

There is only one supplier to provide liquid line for the system. The supplier is Tesco, Inc. of South Carolina. The city received one bid from this firm using equipment supplied by Burnette Lime Company. The Public Works Department is recommending that we accept the bid of \$114,210 to acquire this equipment to convert our system from a bag system to liquid lime system to serve the water treatment process.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the bid of Tesco, Inc. in the amount of \$114,210 to provide a liquid lime system for water treatment be accepted.

#### DOWNTOWN

##### Streetscape Projects Entranceways

Mayor Cavanaugh stated Council needed to set priorities for projects for the downtown and entranceways.

Mr. Thompson stated at Horizons City Council discussed the need to establish a priority listing of projects for the downtown and entranceway areas and a listing has been submitted for Council's consideration and approval.

The projects are separated into three areas. The projects include the downtown or TIF district projects, Community Development projects on the north side of town, and entranceway improvement projects. These projects are taken from different funding sources and do not necessarily compete. In order to keep the costs down the city will have to try to schedule the work with city crews, but if Council has a project that they want completed in the very near future, we will bid the project out and pay the higher cost to have the project accomplished right away. Mr. Thompson stated the projects are listed in a suggested order of priority.

Council discussed the projects and set the priorities as follows:

Streetscape Projects**Downtown**

- \* The area from City Hall to Newberry will be started within the next few weeks - 98
- \* The new alley area Richland to Barnwell (start with parking lot on Richland) 98 - 00
- \* Festival Area on Newberry Richland to Park 98 - 99
- \* Park Avenue Laurens to Hayne 99
- \* Pendleton Street Hayne to Barnwell 99
- \* Barnwell Avenue Pendleton to Newberry 00
- \* Newberry Street Barnwell to Richland 00
- \* The Alley Laurens to Newberry 00

**TIF District**

- \* Greenville Street Hayne to Barnwell (scheduled for paving this summer) 98
- \* Chesterfield Richland to Park 99
- \* Parkway in front of Willcox Inn 99
- \* Park Avenue Highland Park to Newberry in the median and on the south side 99
- \* Park Avenue Newberry to Kershaw, the entire right-of-way 00
- \* Fairfield Street Richland to Park 00
- \* Union Street Richland to Park 00
- \* Barnwell Avenue Greenville to Pendleton 00+

**Entranceways**

- \* US 1 at the By-Pass Install entrance signage and plant beds 98  
Landscape remaining medians 99  
Plant the bank on the north side 99  
Add additional trees along the right-of-way 99
- \* Laurens Street Laurens at Hampton - intersection improvements 98  
Park to South Boundary 00
- \* Right-of-Way Improvements along the Verenes Industrial Complex 99
- \* West Richland Avenue Waterloo to Rollingwood add plants to the strip between the sidewalk and the curb 98  
Rollingwood to University - place additional plant material on the house side of the curb 99  
Rollingwood at Richland - redo the beds 00+  
Valley at Richland - landscape city property 00+
- \* East Richland Avenue Newberry to York 99  
York to the By-Pass 99 - 00  
By-Pass to the City limits 00+
- \* York Street Richland to Park 99  
Park to Colleton 00

**Community Development**

- \* Laurens Street Gayle to the By-Pass 98
- \* Hampton Avenue York to Horry 99  
Lancaster West to the City limits 00+

**Other Major Areas**

- \* Newberry Street Barnwell to Edgefield (to be paved this summer) 98
- \* Hayne Avenue Pendleton to Waterloo 00+  
Waterloo to Richland 00+
- \* Chesterfield Street Richland to Hampton 00+
- \* Palmetto Lane Florence to Hayne 00+

Mr. Thompson pointed out Council had asked that the Laurens Street sidewalk between Gayle Avenue and Rutland Drive be moved up in the priority to 1998 if possible. Funding for the project will come from the current funding for the Other Entrance Way Projects and from Community Development funds with \$25,000 from each fund to accelerate the Laurens Street project.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council adopt the priority listing for downtown and entranceway projects as suggested with the change of moving the Laurens Street sidewalk along SC 19 to 1998.

COMMUNITY DEVELOPMENT BLOCK GRANT

- CDBG
- Projects
- Housing Rehabilitation
- Lot Clearance
- Demolition
- Laurens Street Lot
- Osbon Property

Mayor Cavanaugh stated Council needed to approve the Community Development Block Grant projects for Fiscal Year 1998.

Mr. Thompson stated the city is an Entitlement city under the Community Development Block Grant Program and under the program the city receives an annual amount. The city expects to receive about \$264,000 for this year for qualified projects. Each year City Council approves projects and activities to be funded in the upcoming Community Development Block Grant (CDBG) cycle.

Mr. Thompson stated there are many different types of projects that are qualified. The staff has suggested categories of Housing Rehabilitation, Lot Clearance and Demolition, Administration Costs, Purchase of Lot on Laurens Street, and Contingency. The other category is the streetscape project. Certain qualified streetscape projects are funded out of the CDBG funds. Based on Council's discussions and the projects approved under the streetscape program, the staff is suggesting the following allocations:

Housing Rehabilitation	\$165,000
Demolition/Lot Clearance	30,000
Administration	30,000
Purchase of Lot on Laurens St.	10,000
Laurens Street Sidewalk Ext.	25,000
Contingency	<u>4,000</u>
	\$264,000

Mr. Thompson stated the sidewalk extension would partially be funded from CDBG funds and partially from the General Fund.

Mr. Thompson stated the projects had been submitted through a public hearing process with two public hearings being held on the funds. No comments were received on use of the funds. The proposed list continues the projects that Council has identified as important for the coming year.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve the Community Development projects as listed by the City Manager in the amount of \$264,000.

ADDITIONS TO AGENDA

Mayor Cavanaugh stated Council needed to consider adding two items to the agenda. One is the appointment of an Assistant Judge for the Municipal Court and the other is a statement concerning a contractual issue with the City Manager.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the two items mentioned by Mayor Cavanaugh be added to the agenda.

ASSISTANT CITY JUDGE

- Appointment
- Simmons, Reginald
- Municipal Court

Mayor Cavanaugh stated Council needed to consider appointment of an Assistant City Judge for the Municipal Court.

Mr. Thompson stated Council appoints an Assistant City Judge to serve in the absence of the Municipal Judge. Lester Diggs resigned from the position and

Council needs to replace Mr. Diggs. The position would generally work about 40 hours per year in the Municipal Court with a salary of approximately \$4,000 per year.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council appoint Reginald Simmons, a local attorney, to serve as Assistant City Judge for the Municipal Court at a salary of \$4,000 per year with the term to expire January 1, 2000.

CITY MANAGER

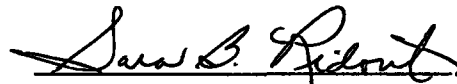
Contract

Thompson, Steve

Mayor Cavanaugh stated recently there had been several articles in the newspaper and news on the radio and TV about the City Manager applying for other positions. He said Council felt they should make some statement concerning a contract for the City Manager. He said it was the consensus of Council that the city not have a contract for employment for the City Manager and continue on the basis as in the past with no contract for employment with a 30 day notice to terminate employment. He pointed out that many city managers now have contracts, but City Council at this time did not want to have a contract for employment for the City Manager. He said he felt the City Manager has every right to look for other employment to see what his options are. He said Council supports the City Manager even though they don't always agree on everything. He said Council was pleased with what the City Manager was doing for the city.

ADJOURNMENT

There being no further business the meeting adjourned at 8:05 P.M.



Sara B. Ridout  
City Clerk