

Aiken City Council Minutes

June 8, 1992

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

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Terry Rhinehart, Roger LeDuc, Anita Lilly, Bob Hardt, Ed Evans, Stanley Quarles, Sara Ridout, 23 citizens and 2 news media.

Mayor Cavanaugh called the meeting to order at 7:42 P.M. and led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the regular meeting of May 11, 1992, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Anaclerio and unanimously approved.

BOARDS AND COMMISSIONSHousing AuthorityBrown, LewisResignationCertificate of Service

Mayor Cavanaugh stated that Lewis Brown who had served on the Housing Authority for 19 years had resigned.

Councilman Anclerio moved, seconded by Councilman Perry and unanimously approved, that Council accept the resignation of Mr. Brown with regrets.

Mayor Cavanaugh presented a Certificate of Service to Mr. Brown for his service on the Housing Authority from September 10, 1973 to May 11, 1992. Council thanked Mr. Brown for his service to the community.

Youth Advisory CommissionAdult AppointmentsJoseph, BonnieMoton, Tonya

Mayor Cavanaugh stated Council had discussed appointing some adults to the Youth Advisory Commission to serve as a resource board to the youth.

Mr. Thompson stated Council had appointed the youth members to the Youth Advisory Commission and had discussed appointing some adults to assist with serving as chaperons and providing guidance to the youth group. He pointed out that members of both the Recreation and the Public Safety staff assist with the Youth Advisory Commission and will continue to provide staff support. The suggestion is that three to five adults be appointed to assist with the Youth Advisory Commission.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado and unanimously approved, that Bonnie Joseph and Tonya Moton be appointed as adult advisors to the Youth Advisory Commission for three-year staggered terms to be determined by a drawing at random at the next meeting of the commission.

Strategic Plan CommitteeSteering CommitteeAppointmentsSuber, MaryEpting, Jan

Mayor Cavanaugh stated Council needed to consider appointments to the Strategic Plan Committee to serve on the Steering Committee.

Mr. Thompson stated that at the last meeting Council had made three citizen appointments to the Strategic Plan Committee which leaves four at large appointments to be made by Council. These appointments should be citizens who will serve on the committee in addition to the appointments from organizations which consist of about 39 members. He pointed out that later Council will be appointing task forces to address components of the Strategic Plan which could include 200 to 300 volunteers from the community.

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Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Mary Suber and Jan Epting be appointed to the Steering Committee for the Strategic Plan.

TREE AND LANDSCAPE - ORDINANCE 060892

Tree Ordinance
Landscape Ordinance
Amendment

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of a proposed Tree Protection and Landscape Ordinance.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE REPEALING THE LANDSCAPING AND TREE ORDINANCE ADOPTED BY THE COUNCIL OF THE CITY OF AIKEN ON JULY 9, 1984, AS HERETOFORE AMENDED, AND ADOPTING IN LIEU THEREOF A COMPREHENSIVE TREE PROTECTION AND LANDSCAPING ORDINANCE.

Mr. Thompson stated the Planning Commission has reviewed the city's Landscape and Tree Protection Ordinance and has recommended substantial changes to the ordinance. The proposed ordinance has gone through an extensive public review process. The ordinance dramatically increases the amount of landscaped area required. Under the new ordinance, the minimum area to be landscaped is 20% for commercial projects and 40% for multi-family residential projects, compared to the current requirement of 10% landscaping of the property. The new ordinance also elaborates on tree survey requirements, allows flexibility on planting strips and planter islands, and identifies and restricts the removal of specimen and significant trees. The new ordinance places approval authority with the City Horticulturist within the guidelines established by City Council. This process will allow the city to expedite approval of plans that meet guidelines.

Mr. Holly, City Attorney, reviewed grammatical changes and changes for clarity which had been made to the ordinance. He said there had been no changes in the substance of the ordinance. He also reviewed the appeals process for Council.

Mayor Cavanaugh pointed out it had taken about a year and a half to get the proposed ordinance together, and there had been a lot of input from the public.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the changes to the ordinance as proposed and read by Mr. Holly be approved.

The public hearing was held.

Mr. Jerry Waters, Chairman of the Developers' Committee, stated he had been involved in the drafting of the proposed ordinance. He pointed out some of the developers were concerned at first that the proposed ordinance would stop all development in Aiken, but most are now glad that the city will have such an ordinance and feel that the ordinance may work. He said one concern of the developers is the percentage of landscaping on multi-family projects and very small commercial developments. He said they were not sure all sites can be developed with the percentage required. He said the developers were willing to work with the city on the proposed ordinance but asked that there be a mandatory review of the ordinance in six months and again in a year to see if the ordinance is working.

No one else spoke.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that the Tree and Landscape ordinance as amended be adopted on second and final reading to become effective immediately.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that Council hold a review of the Tree and Landscape Ordinance the second week in January, 1993, as requested by the Developers' Committee to review how the ordinance is working.

BLOCK PARTIES - ORDINANCE 060892A

Streets
Public Safety Department
Neighborhood Parties

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to allow the Public Safety Department to approve block parties.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 14 OF THE AIKEN CITY CODE SO AS TO ESTABLISH A PERMIT PROCESS FOR BLOCK PARTIES AND SIMILAR EVENTS AND MAKE IT UNLAWFUL TO CONDUCT SUCH PARTIES WITHOUT THE REQUIRED PERMIT OR IN VIOLATION OF THE CONDITIONS OF THE PERMIT OR THIS ORDINANCE.

Mr. Thompson stated that periodically Council receives requests from citizens to hold a block party in their residential area. These requests are reviewed by the Public Safety Department as far as traffic and noise, and then the request is included on the City Council agenda for Council's approval. The proposed ordinance would give the Director of Public Safety the authority to approve temporary street closings and the requests would not have to be approved by Council. This would operate similar to street closings for parade permits.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the ordinance to delegate approval of block parties to the Public Safety Department be passed on second and final reading to become effective immediately.

AIKEN AREA COUNCIL ON AGING - ORDINANCE 060892B

Parking Lot
Eustis Park
Barnwell Avenue
Morgan Street
Council on Aging

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to lease a portion of the Eustis Park property to the Aiken Area Council on Aging.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR, BY AND WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE AN AGREEMENT LEASING THE PROPERTY LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF MORGAN STREET AND BARNWELL AVENUE, MORE COMMONLY KNOWN AS THE CITY POOL AREA, TO THE AIKEN AREA COUNCIL ON AGING FOR USE AS A PUBLIC PARKING AREA.

Mr. Thompson stated the Aiken Area Council on Aging is asking permission to use a portion of the old Eustis Park pool area for parking for the Council on Aging. The Council on Aging would grade the area and make a parking lot, possibly paving it or using crusher run on the area. Since they would like to make some improvements in the area, the Council on Aging is asking for a long term lease to provide the Agency some protection if they do make improvements to the parking area. Mr. Thompson stated the city does not have any plans to use the property in the near future for recreational purposes. The lease would be on an annual basis with automatic renewal with termination on 30 days notice by either party.

Mr. Holly pointed out the ordinance authorizes the staff to prepare an agreement for lease of the property on a year to year basis to the Council on Aging for parking. Mr. Holly stated plans for the parking lot may have to go through the Planning Commission for site plan approval or governmental use approval. Mr. Holly stated the consideration for the lease would be a nominal fee which could be included in the agreement.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the ordinance be passed on second and final reading to lease the old Eustis Park pool area to the Aiken Area Council on Aging for a parking area and that it become effective immediately with the stipulation that the

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consideration be a nominal fee in keeping with leases with other charitable organizations.

BUILDING CODE APPEALS COMMITTEE - ORDINANCE 060892C

Minimum Housing Board of Adjustments & Appeals

Housing Board of Adjustments & Appeals

Construction Board of Adjustments & Appeals

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to abolish the Minimum Housing Board.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6-2 OF THE AIKEN CITY CODE SO AS TO DELEGATE THE DUTIES OF THE HOUSING BOARD OF ADJUSTMENTS AND APPEALS AS PROVIDED IN THE STANDARD HOUSING CODE, 1991 EDITION, TO THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS PROVIDED FOR IN THE STANDARD BUILDING CODE, 1991 EDITION.

Mr. Thompson stated that in the past the Minimum Housing Board of Adjustments and appeals had assisted with enforcement of the Standard Building Code in hearing appeals from homeowners. The committee functions were spelled out when the city adopted the Standard Building Code in the 1950's. The Minimum Housing Board has not met in many years, but met on March 3, 1992, to define the mission of the Board and decide whether it should continue to function. The Board recommended to Council that the duties of the Minimum Housing Board be delegated to the Construction Board of Adjustments and Appeals (Building Code Appeals Committee) and that the Minimum Housing Board be abolished. The Committee also recommended that committee member Bobbie Sapp be appointed to the Building Code Appeals Committee as a citizen representative.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance delegating the duties of the Minimum Housing Board of Adjustments and Appeals to the Building Code of Appeals and abolishing the Minimum Housing Board be passed on second and final reading to become effective immediately.

BUDGET - ORDINANCE 060892D

FY 92-93

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of a proposed budget for Fiscal Year 92-93.

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 FOR THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1992, AND ENDING JUNE 30, 1993, AND DECLARING THAT SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR.

Mr. Thompson stated that City Council had worked with the staff extensively over the last several months identifying goals for the city and reviewing expenses and revenues for the upcoming fiscal year. The proposed budget includes a General Fund budget of \$13,573,410. This represents a 9.94% increase over the previous fiscal year, but this does include several exceptional capital costs, including the expansion to the Public Safety Building. These capital improvements are being financed through designated holding funds that have been set aside over the years for these projects. Excluding the use of holding funds, the budget includes an increase of only 4% in new revenues. The budget includes the Utilities Fund of \$8,230,630, General Fund Capital of \$4,120,00, and Utilities Capital of \$1,265,000 for a total of \$27,189,040. The budget does not include a tax millage increase, or a business license, garbage or fire service rate increase. The proposed budget does include an increase in franchise fees and a 2% wage adjustment for all employees plus 2% merit. The budget includes a net increase of one full-time and 5 part-time employees. Mr. Thompson stated the city had not heard from the County yet concerning a possible sewer rate increase which is normally passed on to the customers. Mr. Thompson stated the budget includes \$1 million for construction of a recreation complex. However, City Council needs to decide at a later date whether or not to issue bonds. The budget does include \$75,000 for the initial payment on a new bond issue.

The public hearing was held and no one spoke.

Councilman Anaclerio moved that the budget be amended to authorize a bond issue for capital improvements for the recreation complex to include the softball field complex for \$2.5 million. He pointed out \$1 million is included in the budget, and he felt the city should start with the program of upgrading the recreation facilities by issuing a bond issue for \$1.5 million. The motion was seconded by Councilman Radford.

Councilman Perry urged Council to turn the motion down at this time. He pointed out Council had been discussing a total recreation package to present to the citizens not just softball fields. He felt it would be cheaper to present one package for approval by the citizens. He felt it was inappropriate to start something which could not be finished and which would not be a nice facility because of the lack of funds.

Councilman Anaclerio stated he agreed that the city needed a total package, but with the economy as it is he did not feel that the city could stand a total package of about \$7 million. He said he would like to achieve the goal incrementally. He stated there are about 1,000 citizens each who participate in baseball, softball, and soccer. He felt spending \$2.5 million for the softball complex would be the first increment of the goal. He felt developing this phase would help the young people to have something to do rather than being out on the street. He said he understood that some youngsters are playing baseball at 10 P.M. He said he felt this showed a desperate need for adequate space for recreational facilities. He said he felt the facility should be included in the strategic study, however, it will probably be one to two years before a decision is made on the strategic plan. He pointed out the cost to borrow money one to two years from now may be considerably more than it is at this time. If the facility is achieved in increments with a bond issue at the current rates, in the long run the city may be saving money in the construction program. He stated a study had been made by the staff, and they had listed the softball complex as the number one priority so that was his reason for making the proposal to go with the softball complex as the first increment. He said he was for the total recreation package, but money was not available for the entire package at this time. However, money can be available for the first phase to provide a softball complex.

Councilman Radford pointed out the softball complex would generate some revenues, and these revenues would help in construction of other parts of the entire package. He said the softball complexes in other cities generate a lot of money. In addition to generating money for the city, the softball complex would also generate income for the local businesses which would profit such as restaurants, hotels, etc. He also felt the softball complex was needed in order provide facilities so the young people would not be out so late playing ball since there are so many teams that they are presently playing till 10 P.M.

Councilwoman Papouchado pointed out she understood that income generated from the softball complex would just be enough to cover salaries for employees to take care of the facility. Therefore, the income generated would not be available to help pay for another part of the complex. She said she understood there is a need for the softball fields, however, there is a real need for fields for the younger children. She said she understood the softball complex would be more for adults. She also pointed out a lot of people use the Weeks Center and that building is in need of expansion and repair. She felt the issue should be taken to the people to find out what the people want, where, when and how much they are willing to pay. She also pointed out the city is moving toward a strategic plan and will have a lot of citizens involved and perhaps the citizens should have input on the recreation complex. She said she was in favor of holding a referendum in November to get input from the people to find out what they want.

Councilman Perry also expressed the feeling that he wanted to take the issue to the citizens to see what they wanted, and if they were willing to pay for it.

Councilwoman Clyburn pointed out Council had discussed the recreation facilities on several occasions. She stated the city has \$1 million available for recreation and could add \$1.5 million from a bond issue for the first phase or the city could wait to see if the citizens want to issue \$7.5 million in bonds. She said she would like to see the citizens have more input to see what they want. She said she did not want to see the matter delayed too long as costs will increase. She felt the youth of the city were in dire need of additional fields on which to play. She felt that perhaps Council needs to discuss the matter in another worksession as it is a very important matter and a lot of money is involved.

Mayor Cavanaugh stated he favored a referendum, but he was not in favor of the city going any further in debt. He said he was not anti-recreation. He said the

city had a lot of land and could put some fields in for the young people. He felt one problem is that the city is catering also to the county residents as the county does not have plans for recreation. He felt the recreation complex should be included in the strategic plan, and the city needed to think about a total philosophy and if the city was going to furnish recreation for a large area around the city. He said he was concerned about going ahead with the first phase as suggested by Councilman Anaclerio even though some money is available this year, as he was concerned about making the payment next year and the debt the city would incur to pay off the interest in future budgets. He felt the city needed to be careful about going into further debt. He said the city could use the \$1 million that is available in the budget to make ballfields for the young people. He felt the strategic plan was the place for the total recreation project to be considered as a lot of money is involved. He suggested that perhaps the city, county and the schools could go together and pool some of their money to provide ballfields, sharing in the cost. He suggested that possibly some of the businesses or industries could sponsor some of the fields which are needed and receive publicity for their business for sponsorship of a field. He stated whether the debt is in the General Fund or the Utilities Fund the debt has to be paid by the citizens either through fees or property taxes.

Councilman Anaclerio pointed out if the city had not had leadership several years ago the city would not have the infrastructure in the ground which the city is enjoying with the growth of the city. He felt the city has to lead things and plan, not wait until the needs are an emergency. He said he felt Council needed to consider the needs of the city in the future. He said the city had been studying the recreation needs for several years, and he felt the city needed to go ahead with the plans. He said \$1 million was available in the budget and the city could issue \$1.5 million in bonds holding an addition \$1.5 million in reserve for unforeseen emergencies. He said the decision is difficult, but as leaders he felt Council needed to make the decision to go ahead.

Mayor Cavanaugh stated he supported the bond issues on the expansion of the water and sewer systems because it was needed for future development. He said, however, he was concerned about going further into debt on something which is a want and not a need, especially with the economy like it is.

Councilwoman Price stated she felt the future of the community requires leaders with vision. She said she had hoped Council would come to a majority consensus of what is best for the community as it relates to the budget, particularly with recreation. She stated she sees recreation as a need. She pointed out the numbers continue to grow as far as participation in the activities. She said she had faith that the community will continue to grow. She pointed out costs will continue to increase and if the issue is left to the strategic plan committee it will be some time before a decision is made and any facilities built will cost more. She stated Council had had several meetings to discuss the budget, but it did not seem that Council was ready to vote on the matter yet.

Mayor Cavanaugh asked for a vote on the motion to amend the budget to include a bond issue for \$1.5 million for the first phase of the recreation complex for a softball complex. Those in favor were: Councilmembers Anaclerio, Price and Radford. Opposed: Mayor Cavanaugh, and Councilmembers Papouchado and Perry. Councilwoman Clyburn abstained from voting, stating that she would like to have a November referendum on the matter to see what the people want. The vote was 3 to 3 so the motion failed for lack of a majority vote.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that Section 5 of the ordinance setting the tax millage rate regarding expenditures from the Contingent Fund exceeding \$1,000 be added to the budget ordinance as Section 3 (d) and deleted from the tax millage rate ordinance.

Councilman Perry moved, seconded by Councilman Anaclerio and approved by a majority vote (6 to 1), that the budget as presented by the City Manager for Fiscal Year 1992-93 be passed on second and final reading with the amendment to the ordinance regarding expenditures from the Contingent Fund with the budget becoming effective July 1, 1992. The motion was opposed by Councilwoman Price.

Mayor Cavanaugh stated it was the consensus of Council to have another worksession to discuss what to fund with the \$1 million included in the budget for the recreation complex and whether Council would like to ask the citizens to vote on a bond issue for the recreation complex.

TAX MILLAGE RATE - ORDINANCE 060892D

90 Mills
FY 1992-93

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance setting the tax millage rate for Fiscal Year 1992-93.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1992, SET THE MILLAGE THEREFOR AT 90 MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. Thompson stated the proposed budget does not recommend a tax millage increase. He pointed out the city has not had a millage rate increase for more than 10 years. The proposed budget sets the millage rate at 90 mills.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that Section 5 of the Tax Millage ordinance regarding expenditures from the Contingent Fund be deleted.

Councilman Perry moved, seconded by Councilman Radford and unanimously approved, that the ordinance setting the tax millage rate at 90 mills as amended be passed on second and final reading to become effective July 1, 1992.

BIDS

Soccer Uniforms
Recreation Department

Mayor Cavanaugh stated Council needed to award the bid for furnishing soccer uniforms.

Mr. Thompson stated that at the April 27 meeting Council awarded the soccer uniform bid for this season to T-Shirt Designs, for a total bid price of \$11,515.64. However, the company has requested to withdraw the bid. The staff is recommending that the bid award be placed with the next low bid, the bid of Johannsen's of Augusta.

The owner of T-Shirt Designs has informed the city that he misread the bid and would be unable to provide the uniforms specified. The bids received for furnishing soccer uniforms were as follows:

<u>Vendor</u>	<u>Bid</u>
T-Shirt Designs	\$11,515.64
Johannsen's Sports	11,872.64
Lirand Corp.	14,164.00
Todd & Moore, Inc.	14,167.40
East Coast Tees	14,980.20
ACE Screenprinting	15,198.20
Carolina Team Sports	15,369.52

The bid submitted by Johannsen's was the second low bid and in the past they have provided very satisfactory products and service. The staff recommends acceptance of the bid of Johannsen's Sports at a price of \$11,872.64.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the bid for soccer uniforms be awarded to Johannsen's Sports in the amount of \$11,872.64.

VALE WATER SYSTEM - ORDINANCE

Purchase
Southeast Aiken
Williams, Bud
Davidian, Jerry
Well
Water

Mayor Cavanaugh stated an ordinance for the purchase of the Vale Water System had been prepared for Council's consideration.

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Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE PURCHASE OF THE VALE WATER SYSTEM BY THE CITY OF AIKEN SUBJECT TO CERTAIN TERMS AND CONDITIONS.

Mr. Thompson stated that in January the owners of the Vale Water System had approached the city asking if the city would be interested in purchasing the well, lines and tank of the Vale Water System which is located Southeast of Aiken. He said Roger LeDuc, Public Works Director, had been working with the owners of the Vale Water System to evaluate the system and to evaluate any advantages or disadvantages for the city in purchasing the system. The Vale System presently serves about 50 homes and the owners have received approval from Aiken County for an additional phase.

Mr. Thompson stated with the 50 homes the system is not entirely self-supporting, but with development of additional lots in the subdivision the city would be able to recover some of the expenses for the purchase. He said, however, the true advantage for the city is the well site. The present well only provides about 500,000 gallons per day, compared to the city's Pine Log Road wells that provide about 1.75 million gallons per day each. The city has been considering building a new well site somewhere in the Southeast area of the city over the next three to five years, and the purchase of the Vale System would give the city a well site that is already permitted by the State generally in the area the city had considered for system expansion. The Vale System cost about \$330,000 to construct, and the owners have been requesting \$150,000 as the purchase price. If the city purchased the system, it would have to replace the meters in the system which would cost about \$10,000. The staff is recommending a purchase price of \$140,000, and the owners are willing to accept this offer. It was stated that the cost to construct a well site in the Southeast area would be about \$1 million. The real advantage to the city in the purchase of the system is not the additional customers, but the purchase of a well that is already permitted by the State.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the city pass on first reading the ordinance to purchase the Vale Water System for \$140,000 and that the second reading and public hearing be set for the next regular meeting of Council.

PUBLIC SAFETY BUILDING

Public Works Building
Architect
Alexander, Frank

Mayor Cavanaugh stated Council needed to consider a contract for architectural and engineering services for an addition to the Public Safety and the Public Works Buildings.

Mr. Thompson stated that the budget for Fiscal Year 1992-93 included monies for expansion of the Public Safety Headquarters Building on Laurens Street and the construction of a classroom at the Public Works Center on DuPont Drive. Frank Alexander, a local architect, designed both facilities, and the staff is recommending that Frank Alexander be retained for the proposed expansions.

Mr. Alexander has offered to provide architectural and engineering services at a fixed fee rate of \$13,000. The fee is in keeping with the standard fee structure for architectural services. The staff is recommending acceptance of the services of Alexander and Associates with a fixed fee of \$13,000 for architectural and engineering services for additions and renovations to the Public Safety Building and the Public Works Center. Bids for construction of the projects will be brought to Council for approval.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the city accept the contract of Alexander and Associates for \$13,000 for architectural and engineering services for additions to the Public Safety Building on Laurens Street and the Public Works Center on DuPont Drive.

FRANCHISE FEE - ORDINANCEUtility SystemsCablevisionElectricityGasTelephone

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish a 5% franchise fee for utilities operating in the city.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ESTABLISHING A FRANCHISE FEE OF 5% OF THE GROSS REVENUE ON ALL EXISTING AND FUTURE FRANCHISE AGREEMENTS, PERMITS AND ORDINANCES.

Mr. Thompson stated the City allows the different utilities to operate within the city and on the streets and rights-of-ways. This allows the companies to operate without having to purchase property for the transmission lines. The franchise fee for use of the streets and rights-of-ways reimburses the city for expenses involved in use of the right-of-way. The city's present utility franchise system is based on 3% of gross revenues for the utility. The 3% was based on a Supreme Court determination that 3% was a reasonable franchise fee. Over the past few years, the courts have accepted a 5% fee as a reasonable franchise fee. The staff is recommending that Council consider increasing the franchise fees to 5%.

The most immediate franchise available for renewal is that of cable television. The Palmetto Cablevision franchise expires in June, and cable services across the country have widely accepted the 5% fee. The current draft agreement for Palmetto Cablevision includes the 5% fee.

The staff's recommendation is to amend all the city's franchise agreements to accept the 5% fee when they are renewed.

The city's emphasis on user fees ties in with this increase in franchise fees. Franchise fees are based on volume of goods consumed. In this case these utilities sell a product to the customers, and the rate is based on volume or value of the goods. The use of a franchise fee also allows the city to include non-property owners in the cost of government, whereas taxes only apply to property owners but city services are available to property owners and non-property owners alike.

Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance be passed on first reading to establish a 5% franchise fee and that the second reading and public hearing be set for the next regular meeting of Council.

BUDGET - ORDINANCE1991-92Amendment

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the 1991-92 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, 1991 AND ENDING JUNE 30, 1992.

Mr. Thompson stated that during the year the city spends Holding and Depreciation Fund monies to meet the needs of the city. The auditors require that the budget be amended to reflect the expenditures from the Holding funds. Instead of amending the budget every time an expenditure is made from the Holding Funds the staff holds these until the end of the fiscal year. He said the budget needed to be amended to include purchases made from the General Fund Depreciation Fund in the amount of \$32,300, the General Obligation Bond Fund for \$17,770, General Fund Special Holding for \$740, Utilities Special Holding for \$61,860 and General Fund for \$40,680. The amendment would increase the current budget budget by \$153,350.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the ordinance to amend the 1991-92 budget be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

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PAVING"C" Funds
Resurfacing

Mr. Thompson stated that each year City Council reviews the listing of streets to be resurfaced under the "C" Fund program. The "C" Fund program is the program through the State which includes funds allocated through the County Delegation to the city and county governments. For the last couple of years the city has received about \$75,000 in funding for resurfacing streets.

The staff has prepared a listing of recommendations for resurfacing in order of priority for Council's review and approval. The listing is as follows:

<u>Street</u>		<u>Miles</u>
Union Street	Park to Richland, North Bound Lane	.12
	Abbeville to Hampton, North Bound Lane	.12
Sumter	Park to Richland, North Bound Lane	.12
Henderson Lane	Laurens to Newberry	.06
Kershaw Street	Richland to Barnwell, North Bound Lane	.12
Horry Street	Hampton to Abbeville, North & South Lanes	.08
Union Street	Richland to Abbeville, North Bound Lane	.36
Union Street	Richland to Edgefield, South Bound Lane	.24
Florence Street	Barnwell to Edgefield	.12
Berkley Street	Colleton to South Boundary	.13
Colleton	Laurens to Newberry	.11
Newberry	New Lane to end	.26
Marion	Hampton to Camellia	.04
Marion	Barnwell to end, North & South Bound Lanes	.10
Coker Springs	Whiskey to dirt	<u>.10</u>
		2.08 mi.

After review of the list prepared by the staff, Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the listing as prepared by the staff be submitted to the Highway Department for resurfacing under the "C" Fund program.

ACCOMMODATIONS TAXRecommendations
Strategic Plan
Aiken Steeplechase
Aiken County Museum

Mr. Thompson stated that the Accommodations Tax Advisory Committee had reviewed requests for funding under the Accommodations Tax fund and has recommended funding of three projects totaling \$20,500.

Mr. Thompson stated funding for the Accommodations Tax Committee recommendations is available through the 2% tax that the city receives on hotel and motel rooms within the city limits. For the present fiscal year it is projected that the city will receive \$72,596 in Accommodations Tax revenues. The first \$25,000 is set aside for transfer to the General Fund. Five percent of the balance is also transferred to the General Fund to offset expenses of tourism, and 30% is set aside for advertising of tourism related activities through the Chamber of Commerce. The balance is to be used for tourism related expenditures. The projected revenues of \$72,596.26 are distributed as follows:

General Government	\$25,000
General Government (5%)	2,379
Chamber of Commerce (30%)	14,278
Tourism-related expenditures	33,317
Carry-over for tourism-related	17,055
Available for distribution	50,372

The Accommodations Tax Committee recommended that funds be used to fund three requests totaling \$20,500. The Committee advertised for projects and the three projects submitted included the city's request for \$50,000 for assistance with the Strategic Planning process, a request by the Aiken Steeplechase Association for \$20,000 for advertising of spring and fall meets, and a request from the Aiken County Museum for \$500 for posters and cards to promote the Doll House and Miniature Furniture Show and Sale. The Accommodations Tax Committee recommended funding of \$15,000 for the Strategic Planning process specifically for computer

generated graphics, \$5,000 for advertising for the Spring Meet, and \$500 for the Aiken County Museum.

The legislation establishing the Accommodations Tax revenue system does limit the amount of time the city can hold the revenues to a maximum of two years unless the city specifically requests an exemption from the State Oversight Committee.

Mr. Thompson stated the Accommodations Tax Advisory Committee has recommended funding of three projects totaling \$20,500.

Councilman Perry moved, seconded by Councilman Radford and unanimously approved, that Council fund the projects as recommended by the Accommodations Tax Committee.

DARE GRANT

Grant Agreement

Drug Officer

State of S.C.

Drug Abuse Resistance Education

Mr. Thompson stated the city had been notified by the Governor's Office that the city has received a third year extension of its present DARE Officer grant and has also received a new grant for a second officer. This program has been a very positive program, and the staff is recommending that Council accept the grant and authorize the Mayor to execute the Grant Agreement.

The Governor's Office has extended a grant of \$33,482 for the third and final year funding of the DARE Officer, the Drug Education Prevention Officer in Public Safety. The DARE officer conducts and coordinates the DARE program (Drug Abuse Resistance Education) in the fifth grade classes throughout the City of Aiken. Bob Besley has been working with this program over the past two years. Also at least 10 other officers are assisting and have undergone the DARE training.

The second grant is for \$42,757 and allows the city to expand the DARE program to add a second officer to work in the high schools. Success in a program such as this is difficult to measure; however, the students and teachers have really supported the present program. The city feels that part of the solution to the drug abuse problem is through education, and the grant would allow the city to increase these efforts.

The grants require a 25% match from the City of Aiken, and the match is included in the budget for Fiscal Year 1992-93. Council would need to accept the grants and authorize the City Manager to execute the Grant Agreements.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that the City accept the DARE Grants from the State and authorize the City Manager to execute the Grant Agreements.

TRAILS NORTH SUBDIVISION

Water

Utility Request

Beaver Dam Road

U.S. 1 North

Airport

Phase II

Jackson, Johnny

Mayor Cavanaugh stated a request had been received for water service to phase II of Trails North Subdivision.

Mr. Thompson stated the city had received a request for water service for Trails North Subdivision Phase II, located off Beaver Dam Road north of the city. Mr. Johnny O. Jackson is the developer of the property and is asking for water service for 20 lots on 27.96 acres north of Aiken.

The request for water service was reviewed by the Planning Commission, and the Commission recommended 4 to 3 against extension of water service. Those opposing the request expressed concern about the distance of the subdivision from the city limits, the length of the dead-end street Tall John Lane and whether the city should provide utility services to an area this far from the city. The City of Aiken is the only service provider in the area.

Mr. Thompson stated Phase I of the subdivision was approved for water service in September, 1991. The developer's plans generally meet the city's requirements

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with the exception of the length of the dead-end street, Tall John Lane, with a length of 1388', ending in a cul-de-sac. The city's Subdivision Regulations have been applied towards properties outside the city, and the Subdivision Regulations recommend against dead-end streets greater than 1000' in length. The length restriction helps in several ways, as cross streets and loop roads allow the city to route city services through the subdivision in a more efficient manner and allows better traffic flow and emergency access.

In addition to compliance with the Subdivision Regulations on street length, the Planning Commission initially considered including the same restrictions that apply for providing water service to Phase I, with a restriction against mobile homes and a requirement that the developer execute an annexation agreement with the city.

Mr. Tilden Hilderbrand, of Hass and Hilderbrand, was present representing Mr. Johnny Jackson, the developer, in his request for water service to Trails North Subdivision Phase II. Mr. Hilderbrand pointed out the cul-de-sac length is about 389 feet longer than the city's Subdivision Regulations requirement of 1000' and about 1100' less than the County subdivision requirements. He stated the developer had looked at running a loop into the subdivision but that created very shallow lots and also created twice as much road and twice as much runoff for the subdivision. He also pointed out that the existing water line which fronts the property on Beaverdam Road was paid for by the City of Aiken and the city needs customers tied into the line to help pay for the line. He also pointed out that the first phase containing six lots fronts on Beaverdam Road and those lots are served by the existing water main from the City of Aiken. He stated this development is located on the north side of Aiken and Council had been stressing development on the north side of Aiken. Mr. Hilderbrand pointed out other areas even beyond the Trails North Subdivision such as McDonalds, the Airport, Comfort Inn, etc. receive city water and they are a good distance outside the City of Aiken. He said if the city is considering some areas to be too far out from the city to serve with city water, then the developers need to know so they can take this into consideration in planning developments. He said whether an area can receive city water makes a substantial impact on residential development. He said industrial and commercial developments are pretty much ruled out without water and sewer service. He said similar developments on the south side of Aiken have been approved for water service with cul-de-sacs longer than the one proposed for this subdivision, including Waters Edge and Sand Ridge.

Councilman Anaclerio pointed out as long as he had been on City Council, the city had never put a limitation on distance as far as providing water and sewer service. He said the city would like for the developers to abide by the Subdivision Regulations as eventually the area may be within the city limits. He also pointed out that about a year ago the city had adopted a written policy that if a developer wanted city utilities, he must abide by city regulations, including Subdivision Regulations and the Tree and Landscape Ordinance.

A lengthy discussion followed on the request with Councilmembers suggesting changing of the road and lots, but Mr. Hilderbrand pointed out based on the configuration of the land the layout was the best use of the land.

Councilwoman Papouchado pointed out that for utility requests for areas in the county located fairly far out there seems to be some ambiguity about how to interpret the city's regulations. She stated she felt that the issue of how far out the city provides water services is a legitimate question and something the city needs to look at. She felt the city needed to look at how to interpret the difference between the county's cul-de-sac regulations and the city's if someone is building in the county and they want city utilities, and decide if they would abide by the city or county regulations or somewhere in between. She pointed out this had been unclear in the past and precedents had been set on both sides.

Councilmembers discussed the matter of Council adopting a policy regarding extension of water and sewer outside the city in August, 1990. Some members felt the policy should be followed strictly and others felt that precedents had been set by allowing some cul-de-sacs longer than 1000 feet. Mr. Holly pointed out in most developments the developer has been able to tie a long cul-de-sac into another road or the condition has been placed that the cul-de-sac will be tied into another road within a certain length of time. Mr. Holly pointed out there had been a push by the Planning Commission in the last three years for stricter enforcement on the length of cul-de-sacs and not as many variances have been granted.

Mr. Johnny Jackson, developer of Trails North, pointed out Council had not been consistent in the past regarding cul-de-sacs. He stated Sand Ridge located near his development has a cul-de-sac longer than 1000 feet. He felt that the layout proposed was the best for the land. He stated if the city didn't want to furnish water, he would use a well.

Council asked that the Planning Department check on the file for Sand Ridge Subdivision at this time before Council takes action on the request to see if a cul-de-sac longer than 1000 feet was allowed.

Councilman Perry pointed out because of the topography perhaps the cul-de-sac would have to be longer than 1000 feet. He also stated he did not feel that this area would be annexed to the city any time soon. He stated since the 1950's only four miles going south had been annexed. The proposed development is on the north side of town eight miles from the city. He felt this was something Council could consider in its decision.

Council discussed whether it should set a date that the regulations, including Subdivision Regulations and Landscaping must be met in order to get city water service. Several Council members felt that the whole philosophy should be looked at as matters such as the lay of the land, a lake, and other situations enter into the layout of a subdivision.

Mr. Evans reported to Council that after looking at the records Sand Ridge Subdivision located off Beaverdam Road which was approved January 27, 1992, did have a cul-de-sac of 1080'.

Councilman Perry moved that since other subdivisions had been approved with cul-de-sacs longer than 1000' that the request for water service for Trails North Subdivision, Phase II, be approved with the conditions that no mobile homes be allowed on the lots and that the developer execute an annexation agreement with the city. The motion was seconded by Mayor Cavanaugh. The motion was approved by a majority vote of 6-1 with Councilwoman Papouchado opposing the approval.

The consensus of Council was that they needed to look at the city's policy to see if 1000 feet should be the maximum length allowed for a cul-de-sac or what considerations should be taken into consideration in approving water service for a subdivision.

BEAVER CREEK SUBDIVISION

Utility Request

Water

Silver Bluff Road

Beaver Creek Section III

Glenwood Drive

Thicket Place

Mr. Thompson stated a request had been received for water service to Beaver Creek Section III, a 45-lot subdivision on 39.47 acres to be located south of Beaver Creek Section I and II, off Silver Bluff Road.

Mr. Thompson stated the Planning Commission had reviewed the request for water service and had recommended against extension of service. The Planning Commission's recommendation was based on the subdivision's failure to comply with the Subdivision Regulations and on the distance of the development from the city.

Mr. Thompson stated Sections I and II were approved for service in 1989 and 1991, respectively. The developer's plans generally meet the city's requirements with the exception of the length of the dead-end streets. All of the streets in the subdivision would exceed the length recommended in the Subdivision Regulations for dead-end streets. The Subdivision Regulations have been applied towards properties outside of the city receiving city water or sewer service. The Subdivision Regulations recommend against dead-end streets greater than 1000 feet in length.

Mr. Mark Graham appeared before Council representing the developer for Beaver Creek Section III. Mr. Graham pointed out the Planning Commission was concerned about the length of the cul-de-sacs. He pointed out, however, that on September 11, 1989, the developer submitted the entire subdivision to the Planning Commission and to City Council and both bodies approved the layout that is being presented at this time. He said the developer just chose not to develop all the property at one time, but to develop the property in phases. He said he was back before Council for approval since the development was done in phases and there is

a requirement that the city departments review the plans. He said the developer had a letter stating that the city approved the 142 acre subdivision.

Council discussed the subdivision. Council felt that developers should cooperate and try to extend streets from one subdivision to another whenever possible to tie streets together to make for better traffic flow and open up the cul-de-sacs.

It was suggested that perhaps the area to the south of the Beaver Creek Subdivision could be tied into Herndon Dairy Road by a future developer of the adjacent property if Ebeater Drive was stubbed to the property line.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that water service be approved for Beaver Creek Subdivision.

Because of the original written agreement in 1989, an annexation agreement would not be applicable to this subdivision.

SILVER BLUFF BAPTIST CHURCH

Founders' Day Funds

Mayor Cavanaugh stated a request had been received from the Silver Bluff Baptist Church for funds.

Mr. Thompson stated the Silver Bluff Baptist Church, located in Beech Island, is 242 years old, and is holding a Founders' Day Program scheduled for Sunday, June 14, 1992. The church has invited the City of Aiken to participate in the Founders' Day ceremony and to contribute to efforts to raise funds for an annex to the church.

Mayor Cavanaugh pointed out he felt it would be nice to contribute to the church, but if the city contributed to one it would have to do the same for other organizations. Mr. Holly pointed out that under the First Amendment the city could not use public funds to support a particular church.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the request be denied.

DOWNTOWN DEVELOPMENT CORPORATION

Funds

Mayor Cavanaugh stated a request had been received from the Downtown Development Corporation for additional funding.

Mr. Thompson stated that at the last meeting Council approved a request for additional funding for the Economic Development Partnership. He said City Council had expressed a goal of encouraging economic diversity in the Aiken area, and as part of this diversity helped establish the Downtown Development Corporation. A letter has been received from Bill Cullum, Executive Director of the Downtown Development Corporation, asking the city to increase the city's contribution to the Downtown Corporation by \$10,000. In the two and one-half years since the Downtown Corporation was initiated, businesses have provided \$21,862 in funding for the Corporation and the city has provided \$43,000. Mr. Cullum has stated that investment of funds in the downtown has produced over \$2 million in private investment and created jobs and maintained the economic viability of the downtown area. The Development Corporation is now looking at an extensive streetscape program, has been recruiting heavily for some of the formerly vacant businesses, and has been working with 138 businesses to support downtown development. Mr. Thompson pointed out Councilmembers Perry and Radford serve on the Downtown Board and the city's involvement has been extensive. He said the request is for additional funding of \$10,000 for the Downtown Development Corporation.

Councilman Perry pointed out the Downtown Development Corporation needs the money desperately, but he did not want to see the money come out of the Contingency Fund. He said he felt the request should go to the Accommodations Tax Committee for funding out of the Accommodations Tax Funds.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that the request be sent to the Accommodations Tax Committee.

WOODSIDE CABLEVISION

Loan
Cablevision
NCNB Bank

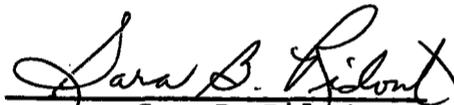
Mr. Thompson stated a request had been received from Woodside Cablevision for approval of a loan. Mr. Holly and the County Attorney have been working with an attorney representing NCNB National Bank to complete a document that would allow Woodside Cablevision to serve as collateral for a loan to Woodside Development Co. The city would not serve as a co-signer on the loan but would basically be authorizing the bank to foreclose and operate the system if Woodside defaulted in the loan.

Mr. Holly stated the agreement basically states that the city agrees to assignment of the franchise to NCNB in the event that Woodside defaults on the loan repayment. It also allows for the appointment of a receiver subject to approval by the city to operate the system. The agreement states that if the bank elects to operate the system they have to abide by all the obligations and make all the necessary payments.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the City Attorney and City Manager be authorized to approve the documents allowing Woodside Cablevision to be collateral for a loan to Woodside Development Co. subject to review and approval of the documents by the City Attorney.

ADJOURNMENT

There being no further business, Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that the meeting adjourn. The meeting adjourned at 10:20 P.M.


Sara B. Ridout
City Clerk

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