

Aiken City Council Minutes

January 11, 1993

Executive Session

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

Absent: Councilmembers Clyburn and Price.

Others Present: Steve Thompson, Jim Holly, Frances Thomas and Sara Ridout.

The meeting was called to order at 5:35 P.M. Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council go into executive session for a legal briefing by the City Attorney regarding Council election districts. After discussion Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Council adjourn the executive session. The executive session adjourned at 6 P.M. Council then held a work session on the proposed amendments to the Historic Preservation Ordinance.

Regular Session

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

Absent: Councilwoman Clyburn

Others Present: Steve Thompson, Frances Thomas, Jim Holly, Roger LeDuc, Carrol Busbee, Anita Lilly, Terry Rhinehart, Stanley Quarles, Ed Evans, Sara Ridout, 38 citizens, and 4 news media.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Mr. Thompson led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the meeting of December 14, 1992, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

1992Reflections

Mayor Cavanaugh thanked Council, the City Manager, city staff and members of the committees and boards for their dedication and efforts for the accomplishments in 1992. He said he felt 1992 was a very successful year and that many important issues had come to Council which will improve the quality of life in Aiken now and for the future. He pointed out Council had had 11 work sessions and 8 executive sessions, plus the Horizons meeting, and the Strategic Plan retreat. He named some of the accomplishments for 1992: established the Aiken Youth Council, had the first Town Meeting, first Volunteers' Appreciation Luncheon, passed a new Tree Protection and Landscaping Ordinance, passed an Animal Control Ordinance, set up a Homeownership Program to help low income persons to make a down payment on a home, passed a Stormwater Management Ordinance, voted to enhance the city's recreational facilities by adding a softball complex, initiated the Mayor's Award of Excellence to be given annually to employees exhibiting the highest level of commitment of excellence in the performance of their job, extended the DARE program into the high schools, hired a Personnel Director, was more active in economic expansion and working with the Economic Development Partnership in trying to get industry into area, implemented the Community Oriented Policing program (COPS), received the best financial audit in years, started the Strategic Plan trying to plan for the city's future.

ABJ848

PRESENTATIONSCertificate of AppreciationDicks, LloydHightower, TerriYouth Advisory CommissionCrites, CharlesZoning Board of Adjustment

Mayor Cavanaugh stated several members of the boards and commissions of the city had resigned or their terms had expired. He said City Council wanted to recognize and thank the board members for their service to the citizens of Aiken.

Mayor Cavanaugh stated Terri Hightower and Lloyd Dicks had served on the Youth Advisory Commission but had graduated from high school and were no longer able to serve on the board. Mayor Cavanaugh stated a Certificate of Appreciation had been prepared for Terri Hightower for her service on the Youth Advisory Commission from February 24, 1992 to December 14, 1992. Also, a Certificate had been prepared for Lloyd Dicks who served from February 24, 1992, to November 9, 1992. Neither Ms. Hightower nor Mr. Dicks could be present at the meeting.

Mayor Cavanaugh also stated the term of Charles Crites on the Zoning Board of Adjustment had expired. He stated a Certificate of Appreciation had been prepared for Mr. Crites for his service from November 23, 1987, to December 1, 1992, on the Zoning Board of Adjustment.

VIDEO POKER MACHINES - ORDINANCE 011193Hours of OperationAge of ParticipantsGaming MachinesAmusement MachinesCoin-Operated Machines

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance outlining the hours of operation and age of participants for certain gaming and coin-operated machines.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 13 OF THE AIKEN CITY CODE SO AS TO ADD SECTIONS REGULATING THE HOURS OF OPERATION OF CERTAIN COIN-OPERATED MACHINES OR DEVICES AND PROHIBITING PERSONS UNDER THE AGE OF EIGHTEEN YEARS ON THE PREMISES WHILE SUCH MACHINES ARE OPERATED.

Mr. Thompson stated Council had asked the Planning Commission to review changes to the Zoning Ordinance concerning placement and possible regulation of gaming machines in the city. He pointed out that Aiken County and the City of North Augusta had passed ordinances regulating the location of video poker machines. He said City Council had also discussed possibly limiting the hours of operation of video poker businesses and prohibiting minors within the businesses. He stated the proposed ordinance limits the hours of operation to 8 A.M. to 12 midnight for a business that has certain coin-operated non-payout amusement or game machines. The ordinance also requires that everyone on the premises of a business that has certain coin-operated non-payout machines be at least eighteen years of age.

Mr. Thompson stated the proposed ordinance would amend the City Code to regulate the hours of operation and the age of persons allowed on the premises of a business with certain gaming machines.

The public hearing was held.

Mr. Gregory Harlow, attorney, appeared before Council representing a number of video poker machine owners and operators. He questioned the prohibition of anyone on the premises under 18 years of age where gaming machines are operated. He suggested that Council prohibit people 18 years and under from using the machines as opposed to prohibiting them from entering businesses where there may be machines. He pointed out that persons under 18 are not allowed to buy alcohol but they can enter businesses where alcohol is sold. He said that video poker machines are a legitimate business and are legal and that the proposed ordinance would have an adverse effect upon owners of the video poker machines. He stated that in the situation where the coin-operated machines might be in a convenience store, this would essentially tell the convenience store owners to get rid of the machines because they can't have anyone under the age of 18 in the store. He felt the ordinance would be very harsh, especially on convenience store owners. He

ABJ848

said it is his understanding that the businesses do not allow persons under 18 to operate the machines now nor do they allow children to be with their parents while their parents are operating the machines. He also stated he felt that parents allowing their children to be exposed to the video poker machines is a family concern as opposed to a City Council concern. He pointed out the video poker machines are legal, and it seems that Council is imposing a moral view point. He asked what kind of research went into limiting the hours of operation to 8 A.M. to midnight. He pointed out some businesses will not be getting the same amount of income with the limitation on the coin-operated machines so this will mean that they will have to limit the number of their personnel. He asked if enforcement of the proposed ordinance could be held off pending a judicial review of the constitutionality of the ordinance.

Mr. Holly pointed out the ordinance as written applies only to situations where there is a cash reimbursement or payment for free games. He said Council's position is that the video poker machines are a form of gambling and that persons 18 years or under should not be subjected to being in places where gambling is going on. He also stated the city has other age restriction ordinances dealing with activities such as pool halls and obscene or pornographic material. He stated that municipalities can pass ordinances to protect the public interest, health, and welfare including the welfare of minors and families. He said this was not a moral issue, but a public safety, a public health issue and a public welfare issue. He said it comes down to a policy decision of what Council thinks is in the public's interest and what protects the public safety, health and welfare. As far as limiting the hours of operation after midnight, Mr. Holly stated the experience of other communities is that operation after midnight does create a problem as this is the time when the most limited resources are available to handle problems. He said so far there had only been minor problems in Aiken but there seems to be a substantial growing trend toward locating these establishments throughout the area. He pointed out Aiken County is looking at adopting such an ordinance, and it is felt that it is important to be consistent with Aiken County so there is a uniform approach throughout the county. Mr. Holly stated he would recommend against delay of the proposed ordinance pending judicial review as this could take many months. He stated if the ordinance is passed by Council that the city would give some type of warning to the store owners affected before enforcing the ordinance.

Mayor Cavanaugh and Councilmembers Analcerio and Price stated there had been instances where family members have used much of their income in the poker machines. They stated they felt the city had some responsibility to protect the citizens of the community. It was pointed out if individuals do not have income to provide for their family, then they become wards of the state. They stated they did not feel it was the city's duty to tell people how to spend their money, but they felt a responsibility of the city to have some regulations for such activities. It was felt that the city should do what it can to help protect the children of the community and not have them exposed to gambling where possible. Councilman Perry pointed out that persons under 21 are not allowed in the gambling casinos in Las Vegas.

Councilman Radford stated he had mixed emotions about the proposed ordinance as the machines are legal according to the state. He asked if the city would have any problems in enforcing the ordinance. Chief Busbee stated he could not see any problems in enforcing the ordinance. Councilman Radford also stated he did have some concern about limiting the hours of operation as this would affect the persons on shift work.

Mr. Alex Beasley asked if a business would be allowed to have a partition to separate the machines from the rest of the business. Mr. Holly stated that in his opinion the ordinance does not allow an owner to have one business with two separate operations. He stated the building would have to be partitioned to such a degree that there would be two totally separate businesses.

Councilwoman Price moved, seconded by Councilman Perry, and unanimously approved, that Council pass on second and final reading the ordinance setting hours of operation and age of participants for gaming machines with the ordinance to be effective January 25, 1993.

WATER - ORDINANCE 011193A

Utilities  
Outside City  
Water Service  
Sewer Service

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to allow discontinuation of water, sewer and various services to outside city customers that do not comply with city requirements.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 25-10 OF THE AIKEN CITY CODE TO PROVIDE FOR THE DISCONTINUATION OF SERVICE TO OUTSIDE CITY CUSTOMERS FAILING TO COMPLY WITH SERVICE CONDITIONS AND TO OTHERWISE CLARIFY SECTION 25-10.

Mr. Thompson stated that in August, 1990, the city began allowing the extension of sewer service outside the city limits on the condition that customers execute an annexation agreement. At the same time the city adopted a more planning oriented role in regulating service to non-city customers. The city has required customers to comply with the Sign Ordinance, the Landscape Ordinance, and other terms and conditions. However, the City Code needs to be clarified to confirm that the city may discontinue water and sewer service if these customers do not comply with any conditions established by City Council. The proposed ordinance allows the city to discontinue water or sewer service if the customer does not comply with the conditions placed on the property in exchange for city water or sewer service.

The public hearing was held.

Mr. Robert Hinds, 102 Chardonnay Lane, The Vale, asked what role the city's acquisition of the Vale Water System had to do with the proposed ordinance. He also asked if the ordinance would affect the acquisition of a separate, independent water system outside the city, not connect to the water system of the City of Aiken and give the city the right to terminate water service to the existing customers of an existing water system separate from the city if they do not sign annexation agreements.

Mr. Thompson stated the purchase of the Vale Water System did not really play any role in this particular ordinance.

Mr. Holly stated this ordinance primarily applies to commercial establishments as the city requires them to comply with the city's sign regulations and provide landscaping in exchange for receiving city water or sewer service. Mr. Holly stated in his opinion the city already has the ability under state law to terminate water or sewer service if the customers do not comply with the city's requirements. However, the proposed ordinance would add the policy to the city's code. He pointed out the city had been reviewing this matter and occasionally has a problem. The proposed ordinance is a way of ratifying the city's ability to terminate service for non-compliance with conditions set by Council primarily on commercial establishments. Mr. Holly stated in his opinion the proposed ordinance did not have any substantive effect on the Vale situation as the city already has the right to terminate water under certain conditions whether this ordinance is adopted or not.

Mr. John Soares, of the Vale, also asked for clarification of the ordinance.

Mr. Holly pointed out again the ordinance basically applies to businesses and to multi-family developments as restrictions are placed on these for the extension of water or sewer service such as compliance with sign regulations or landscaping.

Mr. Ernest Levinson, of the Vale, also asked why the ordinance specified discontinuance of outside city and not in-side city service.

Mr. Thompson pointed out that those inside the city are already included in city regulations. He stated the city doesn't have zoning authority outside the city limits so the city extends its Subdivision Regulations to the out of city locations.

The public hearing was closed.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to allow discontinuance of water and sewer service to

outside city customers that do not comply with city requirements be passed on second and final reading to become effective immediately.

WATER - ORDINANCE 011193B

Water Rates  
Water Sub-systems  
Water Systems

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance setting the rate process for water sub-systems.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NO. 081390 FOR THE PURPOSE OF CLARIFYING THE CITY'S POWERS RELATING TO WATER SERVICE RATES FOR CERTAIN OUTSIDE CITY CUSTOMERS.

Mr. Thompson stated this ordinance does more directly relate to the Vale. He said the issue of water service to the Vale Subdivision had raised several questions as the Vale Water System is a separate system not tied to the city's present water and sewer system. He said the question had been raised as to whether or not the residents would like to sign annexation agreements. He pointed out City Council had offered several proposals to the residents of the Vale, including allowing the residents not to sign annexation agreements but with the requirement that they pay for the full cost of operating the system. Another proposal was that the residents sign annexation agreements according to the city's policy and pay double inside city rates for water service. He said, however, if the residents choose not to sign annexation agreements and to pay for the full cost of operating the system, there is no written policy setting the procedure to change the rate if in the future the residents wish to sign annexation agreements and just pay double inside city rates. He said the proposed ordinance would allow the staff to administratively change the rates if the customers wish to change rate structure if the area has been designated as a sub-system by Council. He said the staff is recommending that the city code be clarified regarding the city's powers for customers that live within a service district that could be considered as a sub-system of the city's water system. He suggested that possibly in the future the city may wish to charge customers of a sub-system different rates from other customers on the city water system.

Mr. Thompson stated the proposed ordinance allows the City Manager to establish and charge customers in a water service sub-system monthly rates based on the full cost of water service to the district. This could be done after City Council has first identified an area as a sub-system. The proposed ordinance would allow another rate structure for out-of-city rates, allowing double rates or actual cost rates, depending on whether Council wishes to treat the area as a sub-system. Mr. Thompson stated the ordinance could allow the City Manager to establish the rates for the sub-system, but could require the Manager to notify City Council of the rates for their review with the authority to change the rates if they wish.

Mr. Holly pointed out the proposed ordinance does require that the City Manager provide notice to City Council of rates for an area that has been designated as a sub-system by Council. He pointed out the rates would be based on cost so there would not be a lot of flexibility in determining the rates. He stated as with any other ordinance or decision of policy making or rate making, Council can clarify or change the decision at any time.

The public hearing was held.

Mr. Robert Hinds, of 102 Chardonnay, stated one of his biggest concerns as a resident of the Vale Subdivision was his ability to have some input into the rate making process. He said currently because the Vale Water System is operated by a corporation, he has protection from excessively high rates by the Public Service Commission. He said, however, he would not have that protection if he were on the city water system. He said he would not have a voice in the City of Aiken's management of the water system because he would not be a resident and voter of the City of Aiken.

Mr. Thompson stated the ordinance does restrict the City Manager to setting the rates only to the actual cost of operating the system. He said the ordinance would allow the City Manager to set rates for a sub-system based on actual costs for areas which have been designated by Council as a sub-system.

Councilwoman Price pointed out to Mr. Hinds that Council had met and listened to residents of the Vale on many occasions so they have had a voice.

ABJ848

Mr. Holly pointed out that in his opinion Council has the right to set the rates without the proposed ordinance. He said the proposed ordinance would simply set the procedure up in the City Code. He said under South Carolina law Council could set whatever rates they wish for out-of-city customers. He said the proposed ordinance, however, does place a cap as the actual cost.

Councilman Anaclerio expressed concern about the ordinance allowing future water customers to be able to come before Council to negotiate rates for their area. He said he felt the city should treat all citizens and customers of the water system as fairly and equitably as possible. He pointed out the proposed ordinance allows the City Manager to recommend a unique rate for sub-systems. Councilman Anaclerio was concerned that citizens may come before Council stating that because of certain circumstances they deserve another rate.

Councilwoman Papouchado stated she felt sub-systems were a legitimate issue for Council to deal with as the city moves into more complex areas of dealing with utilities. She felt the proposed ordinance states that Council will determine what is a sub-system. She did not feel that Council was giving up any control.

Councilman Perry stated he did not want to start a trend of setting different rates for areas. He felt that if an area wants city services and wants city water the area should annex. He felt a sub-system should be defined as an area that would be impossible to be a part of the city. He said he would not like for Gem Lakes to be treated as a separate sub-system as they are adjacent or near the city limits. He pointed out, however, a small water district such as Breezy Hill could be a sub-system as it is far enough away that it would be impractical to annex the area.

Council discussed the proposed ordinance at length. Some members of Council were concerned about what could be designated as a sub-system. They felt areas adjacent to the city or close to the city limits should not be considered as sub-systems but should be required to sign annexation agreements.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on second and final reading the ordinance allowing a rate setting process for systems designated by Council as sub-systems.

#### ANNEXATION - ORDINANCE

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

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex 25.07 acres located west of Whiskey Road.

Mr. Thompson stated the city had received a request from the property owners that second reading of the ordinance be delayed until the next regular meeting of Council due to some matters regarding a variance from the Tree and Landscape Ordinance which need to be cleared.

Mayor Cavanaugh moved, seconded by Councilman Radford and unanimously approved, that the ordinance for annexation of 25.07 acres located west of Whiskey Road be continued to the next regular meeting of Council.

#### CENTRAL BUSINESS DISTRICT

Streetscape  
Downtown Development Corporation  
Laurens Street  
Richland Avenue

Mayor Cavanaugh stated the Downtown Development Corporation wanted to formally present the proposed streetscape plan for the downtown area to Council for approval.

Mr. Thompson stated that Bill Cullum, Executive Director of the Downtown Development Corporation, was present to review the streetscape plan for City Council. He pointed out Council had asked that the plan be presented to the full Historic Preservation Commission for their input before Council approves the plan.

Mr. Bill Cullum, Executive Director of the Downtown Development Corporation, stated he would present the streetscape plan to the full Historic Commission. He

pointed out the concept plan before Council is a long range plan and will take from three to seven years to complete. Mr. Cullum stated the plan before Council had been over a year in the making and had involved many committees, citizens and design professionals. He pointed out downtown was not just a couple of blocks on Laurens and Richland. He said the mission of the Downtown Development Corporation had focused on a one mile radius going out from the center of downtown. He said the downtown really identifies the community; it is the economic engine, and a crucial part of the city's economic base. It includes businesses, service businesses, retail commerce, banking, library, museum, churches, professional groups, etc. and it provides employment, activities, and homes for many citizens. He said over the past three years improvements have been made in the downtown area. The revitalization plan is one that is continuous. The plan being presented encompasses eleven blocks of the city's core. He said it is hoped that the plan will encourage further expansion throughout the downtown area. The overall concept began with the premise that the unique character of the parkways be pulled into the Central Business District. He said the plan calls for the continuation of pavers similar to what was used on Park Avenue as a buffer edge along the sidewalks to be used as a planting strip, to put utilities underground and to bring street lighting down to a pedestrian friendly level. In some areas such as near the Holley Inn the sidewalks would be widened. He said the city was faced with the challenge to meet new standards under the Americans with Disabilities Act. The proposed changes will help meet some of the requirements of ADA. Also, the brick crosswalks in the plan will tend to slow traffic. On Richland Avenue the plan involves extensive parkway space, putting parkways back into the center of the street and keeping two lanes of traffic in each direction. Significant green space has been added at each of the major intersections. Creation of additional off street parking is addressed in several forms. It is proposed that parkway space be put back on Pendleton Street near Hayne Avenue and also that some of the parking concerns of the churches in the downtown area be addressed. Overall the design team was held to limiting changes in parking to no more than 8% either way within any block. Overall this adds significant parking to the downtown area. Also, on Pendleton Street an arts district will be created. A Friends of the Arts Committee will be created to explore possibilities. The plan also calls for attention to creating gateways to the city and an opportunity for public art, such as an arts plaza in front of City Hall on Park Avenue or the opportunity to commission sculpture to reflect the heritage of the community. He said as the committee goes through an implementation process public input will be invited to ensure that the result expresses the desire of the community. He said already the committee had invited constant input from various commissions, groups, organizations and other individuals as the plan was being developed. He said the proposed plan is very incremental in nature and should be implemented in a manner so as not to hurt the businesses. He said the Chamber of Commerce had already obtained a grant to plant trees in the downtown area. A computerized traffic control project is already in the process. He said the first phase of the project could possibly involve the major intersections that will be affected by the traffic control system. He said there is a test plot on Park Avenue and suppliers could provide light poles in the test area so the people could actually see what it would look like. Rebuilding of the parkway on Pendleton and Hayne could be a place to test the parking concept. He said the plan is available on diskette to be loaded on the city's CAD system so each segment can be engineered and final design stages reached. He said with Council's approval priorities could be established so the process can begin. He said the committee needed Council's guidance so they can begin the next phase of the revitalization process to prepare for the challenges of the future but yet take a strong stand to preserve the unique charm and historical past.

Council discussed the plan briefly with Mr. Cullum and commended the committee for their work on the plan. Council accepted the plan as information at this meeting with the understanding that the plan will be presented to the Historical Preservation Commission and will be brought back to Council for formal approval.

#### SCHOFIELD MIDDLE SCHOOL

Sumter Street  
School  
Drainage

Mayor Cavanaugh stated a request had been received from Ms. Rosie Berry, Principal of Schofield Middle School, asking to appear before Council regarding assistance with Schofield School drainage problems.

Mr. Thompson stated the city had received a letter from Ms. Rosie Berry requesting to appear before Council regarding a drainage problem on Sumter Street at Schofield School and the concern about safety of students, teachers and visitors.

ABJ848



Ms. Rosie Berry, Principal of Schofield Middle School, appeared before Council asking for support in asking the Delegation to reconsider the paving of Sumter Street which exists as a right of way of easement between two school buildings. She said due to the standing water problems and the lack of upkeep of the road, erosion and water has caused several health and safety problems and is a concern of the students, parents, and staff members of the school. She said the students have to try to avoid water holes going to classes and cars have to park in standing water and park illegally to avoid parking in the standing water. She said the drainage problem has affected the aesthetical appeal of the school and area. She pointed out Schofield is a historical land site. She stated a bell tower which had been constructed more than 125 years ago had been restored on the site. She said they were concerned about the aesthetical appeal of the school and pointed out the school is the only school left in the downtown area of Aiken. She said they have been and will continue to work with parents, students, the school improvement committee and the PTA to rectify the landscaping problems. She said they would like to solicit the support of Aiken County and the City of Aiken and also to bring attention to the public that there is a need at the school for correction of some drainage problems. She said she was present to ask for Council's support. Ms. Berry showed Council some slides of the standing water problems.

Councilwoman Price asked if the School Board plans to do anything about the drainage problem.

Ms. Berry stated she had spoken with the school maintenance crew, the School District Superintendent, the area representative, and the comptroller regarding funds and how long the problem has existed. She pointed out there had been a question as to who owns the street. She stated emergency vehicles have tried to use the street. She also stated someone from the Highway Department had looked at the problem. She said they wanted to continue to work with the school district, the city, the county and the state to try to rectify the problem as it covers a large area and will take time to correct the problem as it will have to be done in increments as it is a major problem. She said the school would like to have Council's support and understanding and have the city's support in helping the school to go back to the Delegation to ask for help and funds to correct the problem.

Mayor Cavanaugh asked if anyone had looked at the overall problem as it looks like a major problem. He said if the city is adding to the problem from the streets or the state streets then certainly the agencies should work together if they are contributing to the problem. He also stated he felt the School District should contribute to correction of the problem as they own the property.

Ms. Berry pointed out the students have spent hours raking and digging out drains and parents have been involved. She said the city engineers had looked at the problem, and the School District has brought in sand to try to stop some of the water. She said she wanted all the organizations to work together to try to solve the problem. She said they also had been working to get some grants to work with the problem as a wetlands and an environmental matter. She said the School District is aware of the problem and she was making the issue known to all organizations so they would be aware of the problem.

Mayor Cavanaugh asked if the city as a first step would look at the problem to see what the city might be contributing to the drainage problem.

Councilman Perry pointed out the Delegation had provided some funds for the paving of the parking lot and driveway at North Aiken Elementary so he did not understand why they would not provide some funds for the drainage problem at Schofield.

The City of Aiken agreed to look at the problem to see if the city is contributing to the drainage problem with water from city parkways or streets.

#### ZONING ORDINANCE

Amendment  
Coin-Operated Machines  
Gaming Machines  
Video Poker Machines  
Bingo

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance regarding location of bingo operations and coin-operated machines involving payoffs.



Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTIONS VI.G., H., J., AND K., OF THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW BINGO AND COIN-OPERATED, NONPAYOUT AMUSEMENT OR GAMING MACHINES OR DEVICES INVOLVING PAYMENTS OR REIMBURSEMENTS FOR FREE GAMES ONLY AS CONDITIONAL USES IN NEIGHBORHOOD BUSINESS, PLANNED SHOPPING CENTER, LIGHT INDUSTRIAL, AND SUBURBAN INDUSTRIAL ZONING DISTRICTS, AND FURTHER AMENDING SECTION VII.B. OF THE COMPREHENSIVE ZONING ORDINANCE SO AS TO CONFORM THE LIST OF PERMITTED AND CONDITIONAL USES THERETO.

Mr. Thompson stated Council had asked the Planning Commission to study and recommend changes to the Zoning Ordinance regarding location of video gaming businesses. The Planning Commission has reviewed the matter and is recommending that bingo and gaming establishments be allowed only as a conditional use in the Neighborhood Business, Planned Shopping Center, Light Industrial and Suburban Industrial zones. A conditional use will require each business to individually request permission from Council to operate within the allowed zones.

Councilman Perry stated since bingo is permitted under the state constitution could bingo be allowed as a legitimate church or school function for charitable purposes.

Mr. Thompson stated if Council wishes to make extensive changes to the ordinance it would be better to delay first reading of the ordinance. He stated bingo could be deleted from the proposed ordinance. Also, bingo could be restricted by allowing occasional use within religious institutions or schools.

Mr. Holly suggested if Council wished to make changes regarding bingo that reference to bingo be struck from the proposed ordinance and that a separate ordinance be prepared to regulate bingo similar to coin-operated machines but exempting occasional operation of bingo games for charitable purposes. If the bingo was a regular business it would be regulated similar to coin-operated machines.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance regulating coin-operated machines be amended to delete reference to bingo and that a separate ordinance be prepared to regulate bingo.

Councilman Perry also stated he would like for Council to consider changing the ordinance to allow coin-operated machines in certain zones as a permitted use rather than a conditional use. He pointed out that each applicant for the machines would have to come before Council if the use is a conditional use whereas if the use is a permitted use the person would know whether or not the use is allowed. He said he would also like for the use as a permitted use to be restricted to locating no closer than 300 feet to a recreational area, a school, or church with the same criteria as the South Carolina ABC Commission in determining the location of a liquor store being applied. He said this would keep Council from having to make a decision on each request but rather would set forth the criteria for allowance for location of the coin-operated machines. He said this would give the people certain conditions which must be fulfilled for the location of coin-operated machines.

Council discussed the distance of 300 feet. It was pointed out that presently adult businesses are required to be 1500 feet from a school, recreation area, or church. Council members stated they could consider the distance at the next meeting.

After discussion Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that first reading of the ordinance regulating location of coin-operated machines be denied on first reading.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that the City Attorney be asked to rewrite the ordinance regarding location of coin-operated machines deleting the conditional use requirement and instead allowing the use as a permitted use with a distance requirement.

#### TREE PROTECTION AND LANDSCAPING ORDINANCE

Amendment  
Landscaped Area  
Undeveloped Land

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Tree Protection and Landscaping Ordinance to allow the use of

ABJ848

contiguous undeveloped land to be used in meeting the landscaped area requirement for a project.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 4.1 OF THE CITY OF AIKEN TREE PROTECTION AND LANDSCAPING ORDINANCE SO AS TO ALLOW CONTIGUOUS PROPERTY TO BE INCLUDED IN CERTAIN CIRCUMSTANCES IN MEETING THE MINIMUM LANDSCAPED AREA REQUIREMENT FOR A PROJECT.

Mr. Thompson stated the city had received a recommendation from Vic Mills of Blanchard and Calhoun developers of the Woodward property on Whiskey Road, that contiguous undeveloped property be allowed to be used in figuring the formula for landscape of adjacent property. He said the developers had been planning to give the pond site on the property to the city for use as a park since the inception of the project. They would like to proceed with that donation but they want to be able to retain use of the pond in the landscape formula so they would meet the landscape formula for the rest of the tract. The present landscape ordinance does not allow a property owner to use contiguous property in the formula so in a sense they would not be able to donate the property. He said after talking about this it is recommended that Council amend the Landscape Ordinance to allow the donation of the property and use of the property in the formula for the landscaped area. He said it opens up other areas that could be developed as nice public land sites if the area could be used in the landscape formula for the adjacent property.

Mr. Thompson stated the Planning Commission had reviewed the proposal and recommended that the Tree Protection and Landscaping Ordinance be amended to allow property owners to include adjacent undeveloped property under the same ownership to be included in the landscape formula as long as it meets certain restrictions. The Planning Commission is recommending that the land site, the site to be used in the landscape formula, be submitted through the Planning Commission and the property must be of a quality sufficient to comply with the intent of the ordinance. The intent is to establish attractive public lands or something that could be used by the public. Also, the property could be used only once toward the landscaping formula and could not be used a second time for a separate project. He said the developers could not use property that they do not own or control in the formula, but the proposed ordinance does provide some restriction and does allow the city to accept property for public land that otherwise may not be available to the city.

Mr. Thompson stated that the present Tree Protection and Landscaping Ordinance requires the landscaped area for any project to be within the confines of the property. The city has received a request that this formula be changed to allow property owners to include adjacent undeveloped property within the landscaping formula. He said this is first reading of the ordinance to amend the Tree Protection and Landscape Ordinance.

Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved, that the ordinance amending the Tree Protection and Landscaping Ordinance to allow the use of contiguous undeveloped land to be included in the landscaping formula be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

GRIEVANCE PROCEDURE - ORDINANCE

Americans With Disabilities Act  
Handicapped Persons

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish a grievance procedure under the Americans with Disabilities Act.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO AMEND SECTION 2.8 OF THE AIKEN CITY CODE SO AS TO MAKE THE GRIEVANCE PROCEDURE FOR COMPLAINTS ALLEGING HANDICAPPED DISCRIMINATION COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT OF 1990.

Mr. Thompson stated the Americans with Disabilities Act of 1990 requires the establishment of a grievance procedure for complaints alleging handicapped discrimination. He said an ordinance had been prepared to establish a procedure. The procedure proposed includes a requirement that complaints be submitted within 30 calendar days of the alleged violation. Grievances are to be submitted through the Assistant City Manager, the city's present Affirmative Action and Compliance Officer. If the complainant is not satisfied with the response he or she may choose to file a request for an informal hearing before City Council. Local

governments with more than 50 employees are required to adopt and publish grievance procedures under the ADA act.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance establishing a grievance procedure under the ADA requirements be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

#### ANIMAL CONTROL AGREEMENT

Edgefield  
Saluda  
Johnston  
Trenton  
McCormick  
Agreement

Mayor Cavanaugh stated a proposed agreement with the towns of Edgefield, Saluda, Johnston, Trenton, and McCormick regarding use of the City of Aiken's animal control officer had been submitted for Council's consideration.

Mr. Thompson stated the City of Aiken had received a request from the towns of Edgefield, Saluda, Johnston, Trenton, and McCormick asking that the city consider providing animal control services on a part-time basis to the communities during the year. The staff has reviewed the request and is recommending that the city extend this contract under our present mutual aid agreement with these towns.

Mr. Thompson stated the city had been experimenting with a trial program with the Town of Edgefield. The city has worked with Edgefield a few Saturdays during 1992, and under the program Aiken provides the Animal Control Officer, a truck, and equipment on designated Saturdays. The town understands that Aiken's needs take priority. A town police officer accompanies our Animal Control Officer during his tour in Edgefield. Edgefield has reimbursed the city at the same rate we are reimbursed for the use of a Public Safety Officer, at 1.75 times his hourly rate. The town also pays for mileage at the city's current rate and reimburses us for the cost of any supplies used. The Town of Edgefield also accepts any liability, and we pay the employee 1.50 times his normal hourly rate. The City of Aiken does not have any expenses in the program, and we have been able to help other communities. The staff feels that this mutual agreement would not hurt the services of Aiken residents.

Mr. Thompson stated if Council chooses to extend this agreement to all five towns, the city would specify that the total service to these towns would be limited to no more than six Saturdays per year. It is recommended that if Council approves the aid that it be done through a single agreement to cover all five towns and include a provision that the City of Aiken reserves the right to renegotiate or terminate the agreement at any time.

Council discussed the request. It was pointed out that the request is limited to no more than a total of six Saturdays per year for all five towns.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council extend the mutual aid agreement of the City of Aiken to the towns of Saluda, Johnston, Trenton, McCormick and Edgefield to allow the city to provide limited animal control services with one formal agreement being established with Edgefield.

#### BIDS

Skid Steer Loader  
Public Works Department  
Tractor

Mayor Cavanaugh stated bids had been received for the purchase of a skid steer loader.

Mr. Thompson stated the city had requested bids for a skid steer loader for use in the Public Works Department in conjunction with small storm drainage projects. The loader is a small tractor with backhoe and trencher attachments. Six bid invitations were sent out and three responses received. One bid was withdrawn because of a misinterpretation of the specifications. The bids received were as follows:

ABJ848

<u>Vendor</u>	<u>Bid Price</u>
Jones-Calhoun	\$19,705.90
Palmer Equipment	25,906.49

Mr. Thompson stated funds were available in the budget for the purchase. The staff has reviewed the bids and recommends acceptance of the low bid of Jones-Calhoun for a total of \$19,705.90 for a skid steer loader.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the low bid of Jones-Calhoun in the amount of 19,705.90 be accepted for the purchase of a skid steer loader for the Public Works Department.

#### BIDS

##### Garbage Truck Body Rear Loader

Mayor Cavanaugh stated bids had been received for the purchase of a rear loader garbage truck body.

Mr. Thompson stated the current budget includes funding for a new garbage truck for the Public Works Department. A rear loader is the truck used on a residential route. Typically the city purchases the truck under state contract and the body through bid. The city has asked for bids for the purchase of a body. Seven bid invitations were sent out and five responses were received as follows:

<u>Vendor</u>	<u>Bid Price</u>
McNeilus Manufacturing	\$27,950
Heil Co.	29,380
Nu-Life Environmental	29,597
Amick Equipment Co.	30,729
Public Works Equipment & Supply	30,765

Mr. Thompson stated the staff had reviewed the bids and contacted other cities regarding the low bidder, McNeilus Manufacturing. After evaluation the staff recommends acceptance of the low bid of McNeilus Manufacturing in the amount of \$27,950.

Councilwoman Price moved, seconded by Mayor Cavanaugh and unanimously approved, that the bid for a rear loader garbage truck body be approved for purchase from McNeilus Manufacturing Company in the amount of \$27,950.

#### BIDS

##### Water Meters Public Works Department

Mayor Cavanaugh stated bids had been received for the purchase of water meters.

Mr. Thompson stated that last summer the city accepted bids for the purchase of water meters for use in the water utility system. However, the bid award was removed from the agenda due to questions about the compatibility of the meters. The city has again asked for bids on water meters. The staff is recommending acceptance of the low bid of Schlumberger Industries for the purchase of 3/4" and 1" water meters.

Last summer the city asked for bids and required that the meters submitted be compatible with a radio read system. The city is currently working with a pilot system that allows the city to read the water meters by radio signal. It is felt this system will be important in controlling costs and will also improve service to our customers. When the bids were accepted last summer Schlumberger Industries did not offer a meter that was compatible with the radio read system but wanted the city to delay the bid until the company was able to bring a system on line. The city staff has met with representatives of Schlumberger concerning their unit's compatibility with a radio read system. Their representatives assure us that they will have a radio read system to market to the city and that their meters will be compatible. They have stated that they would remove the meters and reimburse the city for all expenses if their meters are not compatible with a radio read system. The city has asked for written assurances which the regional sales manager has provided. After review the staff is recommending acceptance of the low bid submitted by Schlumberger at a bid price of \$23.60 per unit for the 5/8" x 3/4" meter and \$61.00 per unit for the 1" meters. The terms of the

contract would be for eight months. The total contract would be \$23,600 for the 5/8" x 3/4" meters, and \$4,575 for the 1" meters.

The city sent out 10 bid invitations and received 4 responses. The bids were as follows:

<u>Vendor</u>	<u>5/8" x 3/4" Unit Price</u>	<u>1" Unit Price</u>
Schlumberger	\$23.60	\$61.00
Carolina Meter	25.30	69.30
Cities Supply	28.56	74.80
Davis Meter	32.00	78.00

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the low bid of Schlumberger of \$23.60 each for 3/4" water meters and \$61.00 each for 1" meters be accepted as recommended by the staff.

JURY BOX 1993

1993


Mayor Cavanaugh stated Council needed to adopt a jury box for 1993.

Mr. Thompson stated that each year Council is required to adopt a jury box. He stated Sara Ridout, City Clerk, as agent for Council, had prepared a jury box under the guidelines required by the City Code. The box prepared includes 12,421 electors eligible for jury duty.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved that the jury box as prepared by the City Clerk be adopted for 1993.

ADJOURNMENT

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

  
Sara B. Ridout  
City Clerk

ABJ848