

Aiken City Council Minutes

February 27, 1995

EXECUTIVE SESSION

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

Absent: Councilman Perry.

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

Mayor Cavanaugh called the meeting to order at 5:24 P.M. Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved that Council go into executive session for a legal briefing by the City Attorney.

After discussion Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that the executive session adjourn. The executive session ended at 6 P.M. Councilman Perry arrived at the meeting about 6 P.M.

After the executive session, Council held a work session with representatives from Westinghouse Savannah River Site Economic Development Division regarding the future of the Savannah River Site, the layoff of 4200 persons, SRS's possible future mission, and its impact on the local economy.

After the work session with SRS officials, representatives from the Youth Advisory Commission met with Council and reviewed their projects for the past year and proposed projects for the coming year. Then Council briefly discussed the Council agenda items.

REGULAR MEETING

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

Others Present: Steve Thompson, Frances Thomas, Jim Holly, Carrol Busbee, Roger LeDuc, Terry Rhinehart, Ed Evans, Anita Lilly, Stanley Quarles, Andy Anderson, Sara Ridout, Philip Lord of the Aiken Standard, Rolanda Hatcher of the Augusta Chronicle, and 4 citizens.

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

The minutes of the February 13, 1995, meeting were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

WAL-MART - ORDINANCE

Annexation
Conditions
Whiskey Road
Baker, Fred
Hines, Ronald

Mayor Cavanaugh stated Council had received a request that the two ordinances regarding annexation conditions and annexation of two lots adjacent to Wal-Mart be tabled.

Mr. Thompson stated Council had given first reading to two ordinances affecting the Wal-Mart property. One ordinance was to amend the annexation ordinance for annexation of the property on which Wal-Mart is built to remove the landscaping buffer requirement. The second ordinance was to annex two lots near the Wal-Mart to allow Wal-Mart to expand into the area for parking. He said a letter had been received from Gray Engineering representing Wal-Mart that both issues be removed from the agenda. He said Wal-Mart had changed the development plans for the project and has asked City Council to table both

requests. He said the developers have decided not to purchase and annex the two lots near Whiskey Road adjacent to the Wal-Mart owned by Fred Baker and Ronald Hines. With this change the owners are no longer asking the city to amend the original conditions for annexation of the Wal-Mart property concerning the buffer along the property boundaries.

Mr. Thompson stated he understood the developers are changing the internal flow pattern within the parking lot and will place the additional parking spaces they need on other property within the present Wal-Mart boundaries. He said the staff will continue to work with Wal-Mart to develop an exit to the traffic signal at Whiskey Road.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance amending the conditions for annexation of the Wal-Mart property on Whiskey Road be tabled as requested.

Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that the ordinance to annex two lots on Whiskey Road adjacent to Wal-Mart be tabled as requested.

TAX INCREMENT FINANCE DISTRICT - ORDINANCE 022795

Loan

Enterprise Fund

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to authorize the General Fund to borrow funds from the Enterprise Fund for the Tax Increment Finance District.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE GENERAL FUND TO BORROW \$1,000,000 FROM THE ENTERPRISE FUND FOR THE PURPOSE OF PARTIALLY FUNDING THE CITY OF AIKEN'S REDEVELOPMENT PROJECT FOR THE TAX INCREMENT FINANCING DISTRICT.

Mr. Thompson stated that with the approval of the Tax Increment Finance (TIF) District, Council approved the extension of the streetscape plan and other projects throughout the commercial district of Aiken's downtown. Part of the process required under state law is that a portion of the funds to be spent in the TIF district are to be taken from a loan for the financing of the projects, and the proceeds from the TIF district would be used to repay that loan.

Mr. Thompson stated the ordinance prepared authorizes a loan of \$1 million from the Utility System to the General Fund System to finance these improvements.

The TIF district development plan includes a listing of several projects to be developed throughout the TIF district, including streetscape components, the arborway, PACT offices, and support through the Downtown Development Corporation. The total project cost will be about \$3.4 million, and it is estimated that the revenues from the TIF district should be just over \$1 million. The staff is recommending that the General Fund borrow \$1 million from the depreciation accounts of the Utility System for financing these improvements. The city will not immediately transfer \$1 million, but will borrow the funds over time to make the improvements and would repay these funds over time as the tax revenues are received.

Mr. Thompson stated everyone is concerned about the use of funds under the TIF concept until it is decided where the State is going with the property taxes in South Carolina. He said the city will not commit any large expenses under the TIF concept until there is a better understanding of the Legislature's intent with property taxes. If the property taxes are preserved for commercial properties, then the city will move forward with the TIF improvements. However, if the property taxes are eliminated, then City Council would need to consider other alternatives.

Mr. Thompson pointed out the loan funds will be used from depreciation accounts in the Enterprise Fund. These funds are invested until needed. With the General Fund borrowing from the depreciation funds, the General Fund will pay interest on the loan.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance authorizing the General Fund to borrow \$1 million from the Enterprise Fund to finance improvements in the TIF district be passed on second and final reading to become effective immediately.

QUIT CLAIM - ORDINANCE 022795A

Cassels, Jeanne L.
26 Burgundy Road
Sewer Easement
Easement

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to authorize execution of a quit claim deed for a sewer easement at 26 Burgundy Road.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR BY AND WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE A QUIT CLAIM DEED RELEASING UNTO JEANNE L. CASSELS THE ABANDONED CITY OF AIKEN SEWER EASEMENT THAT CROSSES HER LOT LOCATED AT 26 BURGUNDY ROAD IN THE CITY OF AIKEN SUBJECT TO CERTAIN CONDITIONS.

Mr. Thompson stated that Jeanne L. Cassels, of 26 Burgundy Road, is having a garage built next to her residence. The garage will encroach on an abandoned sewerage easement. After review the city staff feels the city could release the abandoned easement to allow Ms. Cassels to continue with construction of the garage. The proposed ordinance authorizes the Mayor to execute a quit claim deed releasing the easement to Ms. Cassels.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance authorizing the execution of a quit claim deed for the abandoned sewer easement across 26 Burgundy Road be passed on second and final reading to become effective immediately.

WATER - ORDINANCE 022795B

Water Meters
Water Taps

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance amending the charges for water meters and charges for water connections, taps and meters.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 25-12 OF THE AIKEN CITY CODE SO AS TO CHANGE THE CHARGES FOR TAMPERING WITH A WATER METER TO THE COSTS OF THE METER AND INSTALLATION; AMENDING SECTION 25-4 OF THE AIKEN CITY CODE SO AS TO DELETE THEREFROM THE ACTUAL AMOUNTS FOR WATER CONNECTION CHARGES, WATER TAP CHARGES, WATER METER CHARGES, AND SIMILAR CHARGES AND OTHERWISE CLARIFYING THE SECTION; AND ADOPTING A PROVISION CONTINUING CERTAIN UTILITY CHARGES AND INCREASING THE CHARGES FOR WATER TAPS AND WATER METERS.

Mr. Thompson stated the staff had been working to implement the new remote reading system for water meters. As the city moves to the new water meter system, the city needs to consider several changes to the ordinances to reflect the higher cost of the remote read water meters. The city presently charges the developer or customer the cost of the meter and the cost of labor to install the meter when replacing or adding a new meter for service. The proposed ordinance changes the rate structure for individuals convicted or tampering with the meters, and changes the rate system for the charges associated with water meter replacement and repair.

Mr. Thompson stated a developer or customer purchasing a new water meter pays the cost of a water meter and the city's expense for the installation. With the new remote reading system the city's expenses for the purchase and installation of a water meter went up from \$70 to \$190. The larger the water meter, the greater the expense for the meter. The proposed rates reflect the city's cost for the service with the customer paying the full cost of the service.

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Mr. Holly pointed out the proposed ordinance had been amended to clarify that tampering with a meter did not mean that a homeowner would be fined if he had a plumbing problem and turned the water off and on to make repairs. The ordinance is directed at those persons turning the water meter on after it has been turned off by the city for non-payment or to discontinue service.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the amendments to the proposed ordinance be adopted as proposed by the City Attorney.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance changing the charges for tampering with a water meter and charges for water connection taps and meters be passed as amended on second and final reading to become effective immediately.

ZONING ORDINANCE

Amendment

Assisted Living Facilities

Nursing Homes

Adult Day Care Center

Mayor Cavanaugh stated an ordinance had been prepared to amend the Zoning Ordinance regarding definitions of assisted living facilities, nursing homes and adult day care centers.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION II.B. OF THE CITY OF AIKEN COMPREHENSIVE ZONING ORDINANCE SO AS TO CHANGE THE DEFINITION OF RESIDENTIAL ASSISTED LIVING FACILITY AND ADD DEFINITIONS FOR NURSING HOME AND ADULT CARE FACILITY.

Mr. Thompson stated last year City Council received three requests for assisted living facilities and adult day care centers. Council asked the Planning Commission to review the issue and to provide better definitions of the type of businesses that would be allowed under the Zoning Ordinance for residential assisted living facilities, nursing homes, and adult day care centers. The Planning Commission has completed this review and has recommended that Council amend the Zoning Ordinance to incorporate the recommended definitions. Mr. Thompson read the proposed definitions for residential assisted living facility, adult care facility, congregate care facility, and a nursing home.

Council discussed the proposed ordinance and the zoning for these facilities. Mr. Holly pointed out the proposed ordinance just defines the facilities. It does not change the ordinance as far as zones in which the facilities may be located.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading and second reading and public hearing be set for the next regular meeting of Council.

TAX SALES - ORDINANCE

Taxes

Location

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to allow the City Tax Collector to establish the location of tax sales.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 21-21 OF THE AIKEN CITY CODE ENTITLED LOCATION OF TAX SALES SO AS TO PROVIDE THAT THE CITY TAX COLLECTOR, SUBJECT TO CERTAIN LIMITATIONS, MAY SET THE LOCATION OF TAX SALES AS AUTHORIZED BY LAW.

Mr. Thompson stated that under the City Code all tax sales are to be held at the rear entrance to the Municipal Building. However, at times the city combines its tax sale with that of Aiken County to be more efficient and effective.

Ms. Lilly, Finance Director, has suggested that the Code be changed to allow the Tax Collector to change the location of the tax sale. The proposed ordinance states that the tax sale must be held at a public place within the corporate limits of the city. The city must also advertise the tax sales and provide notice.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to allow the Tax Collector to establish the location of a tax sale be passed on first reading and second reading and public hearing be set for the next regular meeting of Council.

BIDS

Water Lines

Gene Ray Fulmer Grading, Inc.
Sales and Service, Inc.

Mayor Cavanaugh stated bids had been received for water line improvements in the city.

Mr. Thompson stated that the city had received bids for improvements to water lines in the Aiken area including Berkeley Street, Boardman Road, Barbara Lane, Banks Mill Road, Murrah Drive, and Hillcrest Drive. Also, the city will install a line under the railroad to serve the new Cumberland Village on the by-pass at Dibble Road.

Mr. Thompson stated that as ongoing maintenance to the water system, the city periodically replaces and upgrades water lines. He said there are several areas that require replacement to assist with water service and fire flow reinforcement and bids have been received for this work. Also the city has received bids for the construction of the loop to serve the new Cumberland Village Retirement Complex on the by-pass at Dibble Road. He said the work had been divided into divisions. The bids received were as follows:

<u>Bidder</u>	<u>Div. I</u>	<u>Div. II</u>	<u>Div. III</u>	<u>Deduct(2)</u>	<u>Deduct(3)</u>
Plowden Const. Co.	\$ 98,541.00	\$65,321.00	\$109,330.00	\$1,200	\$4,000
Sales & Service	85,934.00	55,530.50	78,882.00		
AllSteel Products	109,273.25	66,880.50	112,700.50	1,000	2,000
Gene Ray Fulmer Grading		53,446.00	76,254.50		
LAD Corp.	97,095.65	54,731.83	101,219.30	800	1,200
Robert O. Collins	121,662.46	55,401.75	120,925.30		
Beam's Pavement	168,918.71	116,893.65	158,246.80		

After review of the bids the staff is recommending acceptance of the low bid from Sales and Service for Division I in the amount of \$85,934 and for Gene Ray Fulmer for Divisions II and III in the amount of \$129,700.50. The total price would be \$215,634.50 for the project.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the bids be awarded to the low bidders of Sales and Service, Inc. for Division I in the amount of \$85,934 and to Gene Ray Fulmer Grading, Inc. for Divisions II and III in the amount of \$129,700.50.

BIDS

Water Line Materials

Mayor Cavanaugh stated bids had also been received for the purchase of water line materials.

Mr. Thompson stated the city had also received bids for the purchase of materials for the water line improvement projects. The bids received were as follows:

<u>Bidder</u>	<u>Amount</u>
Atlantic Supply	\$71,747.15
Cities Supply	73,464.17
Pipeline Supply	74,171.99
WaterPro Supplies	76,005.11

Davis Meter

86,968.39

Mr. Thompson stated the materials were bid separately for the water line improvement projects. The staff is recommending acceptance of the low bid of Atlantic Supply in the amount of \$71,747.15.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the bid for water line materials be awarded to the low bidder Atlantic Supply in the amount of \$71,747.15 as recommended by the staff.

FRANCHISE - ORDINANCES

South Carolina Electric & Gas Co.

Southern Bell Telephone Company

Aiken Electric Cooperative

Mayor Cavanaugh stated Council needed to consider the franchise agreements with South Carolina Electric & Gas Co., Southern Bell Telephone Company, and Aiken Electric Cooperative.

Mr. Thompson stated that as City Council is aware, the franchise agreements with South Carolina Electric & Gas Company, Southern Bell Telephone Company and Aiken Electric Cooperative will expire in 1999. Under the franchise legislation the city has to notify these franchise holders of the intent of the city within three years prior to expiration of the franchise. Mr. Thompson stated as the city moves into negotiations over the franchises the staff is recommending that City Council notify the franchise holders of the city's intent to cancel the existing franchises in 1999 as permitted by the franchise agreements, and that the city intends to engage in negotiations for development of a new franchise with each company.

Mr. Thompson stated that the utility and rate environment have changed over the past few years in Aiken. He said Council has identified undergrounding of utility lines as a safety need for the residents of Aiken and the services and rate structures for these utility companies have changed. He said the staff expects to recommend substantial changes to the existing franchises and to do so the city needs to notify the companies that the city will be cancelling the existing franchises. Mr. Thompson stated the city had always had very good relationships with all the utility companies. Mr. Thompson stated that he, Frances Thomas and Jim Holly will negotiate with the companies for new franchise agreements and will have recommendations to City Council over the next twelve months.

Mr. Holly pointed out the agreements governing the operations of the utility companies require that the city give two years notice to renegotiate franchises or to change the terms of the franchises.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the city notify South Carolina Electric & Gas Company, Southern Bell and Aiken Electric Cooperative of the city's intent to cancel the franchise agreements expiring in 1999 as permitted under the franchise agreements and to engage in negotiations for new franchises.

PERMITTED USE

Governmental Use

Beaufort Street N.E.

Gaston Road

Brodie, Allen

Mayor Cavanaugh stated Council had received a request from J. Allen Brodie to allow a governmental building within the Suburban Industrial (SI) zone on Beaufort Street.

Mr. Thompson stated Mr. Brodie has requested permission to allow a governmental building in the Suburban Industrial Zone on Beaufort Street. The Planning Commission has reviewed the request and has recommended approval.

Mr. Thompson stated Mr. Brodie has built two similar buildings in this area under the same guidelines. Mr. Thompson pointed out Council reserves the right to approve governmental and institutional facilities within any zone within the city. He stated that in many ways this is the only approval step that City Council retains for governmental and institutional buildings because the city does have limited ability to regulate governmental facilities. Mr. Brodie asked for approval of a governmental use since he is building an office

zone. Mr. Thompson pointed out many of the governmental buildings in Aiken are leased, including the federal building on York Street.

Mr. Holly pointed out if Council approves the requested use he felt the approval should be for general governmental office use rather than just general governmental use which could be almost anything. He pointed out the developer is planning to construct general governmental offices on the site.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council approve the request by Mr. Allen Brodie that general governmental office use be approved for a site on Beaufort Street and Gaston Road (portion of Tax Parcel No. 00-155-01-013) as a permitted use in the Suburban Industrial Zone.

SIDEWALK SALE

Downtown Development Corporation Downtown Merchants

Mr. Thompson stated the Downtown Aiken Development Corporation and the Downtown Merchants have asked City Council for approval of the semi-annual sidewalk sale in the downtown area. The sale would start March 1, 1995, and run through March 4, 1995. This event has worked very well in the past and has not been a problem. The staff recommends approval.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the merchants in the downtown area be allowed to hold their semi-annual sidewalk sale on March 1-4, 1995.

Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that future annual events such as the sidewalk sale in the downtown area be processed through the Public Safety Department under the same guidelines as the closing of roads for block parties with Council being informed of the requests.

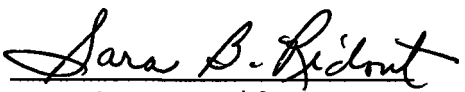
TREE AND LANDSCAPING ORDINANCE

School District Landscaping

Councilman Perry pointed out apparently the School System and citizens do not understand why the city requires the schools to landscape around new schools which are built. He asked if possibly the City Horticulturist could meet with the horticulture teachers at the high schools. He suggested that possibly the schools could come up with a landscape plan for any new school to be installed on a four or five year basis. He said possibly the students in the horticulture classes could do the landscaping which would give them practical experience and also save the schools a tremendous amount of money. He said this may be a way to get landscaping accomplished around new schools, giving students experience and saving the schools money. He asked if this suggestion could be explored.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 P.M.


Sara B. Ridout
City Clerk