

Aiken City Council Minutes

September 22, 1997

Executive Session

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

Others Present: Steven Thompson, Gary Smith, Roger LeDuc and Sara Ridout.

Mayor Cavanaugh called the meeting to order at 5:37 P.M. Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council go into executive session to discuss a contractual matter concerning the possibility of the purchase of some property. After discussion Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that the executive session end. The executive session ended at 6:25 P.M. Then Council held a work session for an update by John Lindsay on the Savannah River Site. A pre-Council session was held for discussion of items on the Council agenda.

Regular Session

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

Others Present: Steve Thompson, Gary Smith, Roger LeDuc, Anita Lilly, Carrol Busbee, Ed Evans, Andy Anderson, Terry Rhinehart, Sara Ridout, Tom Smith of the Aiken Standard, Chasiti Kirkland of the Augusta Chronicle, and 25 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of September 8, 1997, were considered for approval. Councilwoman Papouchado moved that the minutes of September 8, 1997, be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

RECOGNITIONSBoy Scouts

Mayor Cavanaugh recognized and welcomed the Boy Scouts from Troop 110 who were working on their citizenship and community service badges.

He also recognized Danny Mills, a student of South Aiken High School, who was present for his government class.

BOARDS AND COMMISSIONSAppointmentsHistoric Preservation Commission

Brodie, Barbara Sue

Park Commission

Earle, Tom

Zoning Board of Adjustment

Anderson, George

Planning Commission

Sprawls, Don

Mayor Cavanaugh stated Council needed to consider appointments to the various boards and commissions of the city.

Mr. Thompson stated City Council appoints volunteers to the Boards and Committees of the city, and Council needs to consider appointments to the Historic Preservation Commission, Park Commission, Zoning Board of Adjustment, and the Planning Commission.

The process adopted by City Council includes nomination by individual members of Council for these volunteers, with confirmation by the full Council. Councilman Anaclerio has suggested appointment of Barbara Sue Brodie to the Historic Preservation Commission, Tom Earle to the Park Commission, and George Anderson to the Zoning Board of Adjustment. Councilman Radford has suggested appointment of Don Sprawls to the Planning Commission.

Councilman Anaclerio moved that Barbara Sue Brodie be reappointed to the Historic Preservation Commission with the term to expire December 31, 1999, Tom Earle be reappointed to the Park Commission with the term to expire December 1, 1999, George Anderson be reappointed to the Zoning Board of Adjustment with the term to expire December 1, 1999, and that Don Sprawls be appointed to the Planning Commission to fill the unexpired term of Don Biermann with the term to expire December 1, 1998. The motion was seconded by Councilman Radford and unanimously approved.

ZONING ORDINANCE - ORDINANCE

S.C. 118
S.C. 19 N.
Rutland Drive
Jackson, Thelma
Tax Parcel No. 00-154.0-01-003-0000

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to rezone property at the corner of S.C 19 and Rutland Drive from R-1A Single Family Residential to Neighborhood Business and Light Industrial.

Mr. Thompson stated a request had been received from Greg Kirchner, representing the owners of the property located at the intersection of S.C. 19 and Rutland Drive, asking that the second reading of the ordinance to rezone the property at S.C. 118 and S.C. 19 be delayed until the meeting of October 13, 1997, as additional information needs to be obtained and discussed prior to the second reading.

Mr. Thompson stated City Council will need to vote on whether or not to delay this second reading until the next meeting of Council.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council delay the second reading and public hearing on the request for rezoning until October 13, 1997.

ZONING ORDINANCE - ORDINANCE 092297

Communications Antennas
Antennas
Wireless Communications Facilities
City Property
Water Tanks

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding communications antennas.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE REGARDING WIRELESS COMMUNICATIONS FACILITIES.

Mr. Thompson stated City Council had previously amended the Zoning Ordinance to regulate the placement of cellular antennas in the city, pending final review of the Zoning Ordinance by the Planning Commission. The Planning Commission has completed this review, and has made recommendations to City Council on this issue. The Planning Commission has been concerned about the impact of cellular towers in residential neighborhoods and Neighborhood Business neighborhoods.

Ronald Bolton, Chairman of the Planning Commission, noted in his memo to Council that the present ordinance restricts these new generation of communication towers to city owned property, and is allowed as a conditional use in Neighborhood Business or Planned Shopping Center zones with City Council approval after review by the Planning Commission. A new tower can be built on city owned property, which is in keeping with the present ordinance. An existing tower could be demolished and rebuilt as long as it is no higher than the original tower and it can accommodate additional antennas. The height of the new tower could exceed the original if approved through the Conditional Use process with City Council approval after review by the Planning Commission. An antenna could be added to an existing structure as long as it is camouflaged and strobe lighting would be required during daylight to avoid painting the tower red and white. Red lights would be required at night instead of strobe. The concern of the Planning Commission

was the impact of higher towers on residential and business zones and having the towers camouflaged to the extent possible to lessen the impact.

Mr. Thompson stated the Planning Commission has recommended that the towers be allowed on present tower sites, on city-owned property, and in other areas as a conditional use in Neighborhood Business and in Planned Shopping Center zones. Specifically, the changes in the ordinance are as follows:

1. towers would potentially be allowed as a conditional use in NB or PSC with City Council approval after review by the Planning Commission;
2. a new tower could be built on City-owned property;
3. an existing tower could be demolished and rebuilt as long as it is no higher than the original tower and it can accommodate additional antennas; height of the new tower could exceed the original if approved through the conditional use process with City Council approval after review by the Planning Commission;
4. an antenna could be added to an existing structure as long as it is camouflaged; and
5. strobe lighting would be required during daylight to avoid painting the tower red and white, and red lights would be required at night instead of strobe.

The public hearing was held. Mr. Larry Legasse with Palmer Wireless, doing business as Cellular One in the area, appeared before Council. He stated they wanted to thank the Planning Commission for working with them in the location of an antenna in Aiken. He asked for Council's support of the proposed amendments to the ordinance.

Council briefly discussed the possibility of antennas being placed on church steeples. It was pointed out that this is included in the ordinance with the wording that an antenna may be placed on any structure with City Council approval.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending the Zoning Ordinance regarding communications towers be passed on second and final reading with the ordinance to become effective immediately.

CABLEVISION - ORDINANCE 092297A

Robin Cable Systems

Northland Cable Television

Transfer

Franchise Transfer

Intermedia Cablevision

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to transfer the cable television franchise from Robin Cable Systems to Northland Cable Television.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE APPROVING THE TRANSFER AND ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE GRANTED BY ORDINANCE NUMBER 062893B FROM ROBIN CABLE SYSTEMS, LIMITED PARTNERSHIP, TO NORTHLAND CABLE TELEVISION, INC.

Mr. Thompson stated City Council has received a request from Robin Cable Systems, operating as Intermedia, asking permission to transfer the franchise for the cable television system to Northland Cable Television, Inc. Under the franchise agreement, any transfer of a franchise requires approval of City Council.

Mr. Thompson stated Kevin Barrett, of Intermedia, had provided references on the new company and many of the cities had been contacted. There were some questions about density requirements and service. The primary issue with Northland seems to revolve around extension of service to new subdivisions. Northland has complied with their franchise requirements in the other cities contacted, and if a subdivision does not meet the density requirements for service Northland generally does not provide service to these subdivisions. Aiken's franchise agreement does not have a density requirement, and City Council instead left this open to competition. The franchise with Northland is not an exclusive franchise, and other technology is available, including the small satellite dishes for cable services.

Otherwise, Northland does apparently operate nice local studios with local news. There were some concerns about timely response on repair calls, and some concern with the number of rate increases passed on to customers.

The public hearing was held.

Mr. Kevin Barrett, General Manager of Intermedia, and Lee Johnson, from Northland Communications, were present to answer questions on the transfer of the cablevision transfer.

Council discussed several questions with Mr. Johnson about Northland's proposed operations, including extension of cablevision to new areas and density requirements for extension and whether the black boxes would be required because of a tier structure of fees for service. Mr. Johnson explained that the black boxes were needed to receive certain premium channels. Council also asked whether the schools and city and county buildings would receive free cable service. Mr. Johnson stated Northland does provide cable service to schools, libraries, city and county buildings if they have lines in the area of the buildings. Council also discussed the question of repair service with Mr. Johnson stating maintenance service would be available as presently provided by Intermedia. Mr. Johnson pointed out Northland provides a good service of local coverage with the Northland Cable News.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance transferring the cable television franchise from Robin Cable Systems to Northland Cable Television, Inc.

STREET - ORDINANCE 092297B

Dedication
South Centennial Drive
Centennial Office Park
Whiskey Road
Estates, Inc.

Mayor Cavanaugh stated this was the time advertise for the second reading and public hearing on an ordinance to accept dedication of South Centennial Drive.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF APPROXIMATELY 2.79 ACRES OWNED BY ESTATES, INC. CONSISTING OF SOUTH CENTENNIAL DRIVE IN THE CENTENNIAL OFFICE PARK.

Mr. Thompson stated the City of Aiken accepts public roadways and streets built to the city's standards, after the city has an opportunity to evaluate the quality of the construction. He said the owners of South Centennial Drive have asked the city to accept South Centennial Drive into the city system.

South Centennial Drive was constructed in the early 1990's, but has not been accepted into the street system. The city helped with construction of this street, and essentially committed to ownership if the project was developed and if the roadway was left public, as long as the quality of the construction met the city's standards. The City Engineer has reviewed this project, and does believe that the roadway is acceptable to the city system.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that Council pass the ordinance on second and final reading accepting the dedication of approximately 2.79 acres, including South Centennial Drive, into the city street system with the ordinance to become effective immediately.

BONDS - ORDINANCE

Utility Bonds
Water and Sewer Bonds
Refinancing Bonds
1990 Bonds
1977 Bonds

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to authorize the sale of utility system bonds.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF A SERIES OF WATER AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF AIKEN TO BE DESIGNATED SERIES 1997 IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,500,000 AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF AIKEN ADOPTED JULY 11, 1990; FOR THE AMENDMENT OF THE BOND ORDINANCE; AND OTHER MATTERS RELATING THERETO.

Mr. Thompson stated that during the budget work sessions, the staff discussed the need to refinance two outstanding bond issues that the city has in the Utility System, including the bonds of 1977 and 1990. With the current interest rates it is financially better for the city to refinance those bonds to take advantage of the savings and to remove some restrictive covenants in the 1977 bond issue.

In August City Council reviewed the request to name bond counsel and to select a company to market and sell the bonds. For Council's consideration, this is an ordinance approving the actual sale of the bonds.

The different parties involved in this transaction tell us that this is an ideal time to be selling the bonds, and that our net present value, or profits, that we expect to see from the bonds has increased from \$713,000 to \$733,000. This is very attractive for the city, and of course this savings changes daily as the interest rates fluctuate. This ordinance differs in other ways from previous bond ordinances, including the way that the debt service is treated. In the past we have created a debt service reserve fund, but in this case we are leaving open the possibility of purchasing insurance as a less expensive alternative.

This ordinance is presented to Council on first reading, with the expectation that City Council will need to hold a special meeting on October 16, 1997, at 5:30 P.M. to approve the sale of the bonds on second reading. At that time we will have the final interest rates and the true savings available on the bond sale. We are planning to essentially refinance both the 1977 and the 1990 issues of Utility Bonds of the City of Aiken, and in doing so will receive the savings and eliminate some unclear wording in some of the bond issues over the past twenty years. We are anticipating that the principal amount of the bonds would not exceed \$9,500,000.

Councilman Perry moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass the ordinance on first reading selling Series 1997 Utility Bonds of the City of Aiken and that second reading and public hearing be set for October 16, 1997, at 5:30 P.M. Councilman Anaclerio did not participate in the discussion or the vote due to a conflict of interest.

T-HANGAR - ORDINANCE

Corporate Hangar
Lease Agreement
Phelon Corporation
Commercial Hangar
Airport
Av Serv LLC

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the lease agreement with Av Serv to clarify the company's access to its commercial hangar.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO LEASE AGREEMENT OF REAL ESTATE LOCATED AT THE AIKEN MUNICIPAL AIRPORT TO AV SERV, LLC FOR THE PURPOSE OF CLARIFYING AV SERV LLC'S ACCESS TO ITS COMMERCIAL HANGAR.

Mr. Thompson stated the City has a lease with Av Serv, to provide commercial hangar space for the Phelon Corporation. The lease does not specify that the company has access through an easement or road to the property, and the bank carrying the financing for this hangar would like to have assurance that the company does have access. The proposed ordinance will amend the lease with Av Serv to clarify the company's right to have access to its commercial hangar.

The City Attorney has been assisting the banks involved in the lease with Av Serv at the airport. Under this amendment, access to the hangar property would be through the existing roadway at the airport. This easement gives the company access to a 50 foot right of way extending from the cul-de-sac located near the terminal building to the hangar. The company does accept the existing street roadway as that access.

Councilman Radford moved, seconded by Councilwoman Papouchado, and unanimously approved, that the ordinance amending the lease agreement with Av Serv, LLC, for the purpose of clarifying the company's access to its commercial hangar be passed on first reading and that second reading and public hearing be set for the next regular meeting of City Council.

TREE PROTECTION ORDINANCE

Landscape Ordinance

Single Family Residential Projects

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Tree Protection and Landscaping Ordinance requirements for Single Family Residential projects with attached units.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 3.2 OF THE CITY OF AIKEN TREE PROTECTION AND LANDSCAPING ORDINANCE.

Mr. Thompson stated the Tree Protection and Landscaping Ordinance generally does not apply to single family homes. However, there is a different type of single family home developing in Aiken with several developments which include single family homes with common walls with attached units or apartments. Several of the subdivisions are developed along that concept. In many ways this is similar to an apartment complex because it does add density in the subdivision and impacts adjacent property owners.

Mr. Thompson stated for some time, the Planning Commission has considered changes to the Tree Protection and Landscaping Ordinance that would require landscaping around the outer edges of single family homes that have common walls with attached units or apartments. At this time the Zoning Ordinance does not apply to single family homes, and the Planning Commission has recommended that under certain circumstances a landscape buffer would be appropriate around these types of projects. This does not include interior landscaping, but would protect significant and specimen trees in the buffer. The ordinance would not require the individual property owners to maintain these buffers, but instead would require that these buffers be maintained as community property so it would clarify who is responsible for maintenance and replacement of the trees and shrubs in the buffer. The Planning Commission recommends the ordinance to City Council.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass the ordinance on first reading amending the Tree Protection and Landscaping Ordinance to require a landscaped buffer around single family residential projects with attached units and that second reading and public hearing be set for the next regular meeting of Council.

ZONING ORDINANCE

Multi-Family Residential

Density

Central Business District

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance to allow greater multi-family residential units by right within the Central Business District.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION VI.I OF THE ZONING ORDINANCE TO AMEND THE TYPES OF RESIDENTIAL USES TO BE PERMITTED IN AREAS ZONED CENTRAL BUSINESS DISTRICT (CBD).

Mr. Thompson stated for the past few years there has been discussion on the need to increase the housing density in Aiken's downtown, and the Housing Subcommittee of the Aiken Corporation has recommended that the Zoning Ordinance be changed to increase the number of apartments available above stores and buildings in Aiken's downtown. For City Council consideration this is an amendment to the Zoning Ordinance to allow these units.

Under the existing ordinance, a property owner may develop one unit by right, but must request permission from the city to develop additional units. The Housing Subcommittee, the Aiken Corporation and the Planning Commission have recommended that the Zoning Ordinance be amended to allow apartments to encourage more multi-family or apartment units.

The Planning Commission has recommended the following:

1. Apartments would be allowed over business or office space in existing buildings, without limit, and by right. The minimum floor area for each apartment would be 450 square feet.
2. Apartments in existing buildings without business or professional uses would be allowed only as a conditional use.
3. Apartments in new buildings would require conditional use approval by City Council. In other words, new apartment buildings are not allowed by right, but would instead be individually approved by City Council.
4. The requirement for off-street parking would be eliminated under this amendment, and the occupants would be encouraged to use on street parking.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending the Zoning Ordinance regarding multi-family residential in the Central Business District Zone be passed on first reading and that second reading and public hearing be set for the next regular meeting of City Council.

ANNEXATION - ORDINANCE

Wilkes, Charles K.
726 Maple Street
Elm Street
Forest Heights Subdivision
Tax Parcel No. 30-076-04-017

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at the intersection of Maple Drive and Elm Street owned by Charles Wilkes.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .17 ACRES, MORE OR LESS, OWNED BY CHARLES K. WILKES, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MAPLE DRIVE AND ELM STREET WITH TAX MAP PARCEL NUMBER 30-076.0-04-017, AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1C).

Mr. Thompson stated City Council has received a request from Charles K. Wilkes, asking that the city annex his home located at the intersection of Elm Street and Maple Drive, in the Forest Heights Subdivision. The Planning Commission has reviewed this request, and recommends annexation to City Council.

Mr. Wilkes requested sewer service for his home, and needed access to the city's service as quickly as possible. The city provided sewer service on the condition that the property be annexed, and this request is based on the availability of sewer services. Mr. Wilkes has requested zoning of R-1C, and this zoning is consistent with the zoning pattern of area properties.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved that the ordinance annexing property owned by Mr. Charles K. Wilkes, located at the intersection of Maple Drive and Elm Street be passed on first

reading and that second reading and public hearing be set for the next regular meeting of City Council.

BIDS

Garbage Truck

Public Works Department

Mayor Cavanaugh stated Council needed to consider bids received for the purchase of a garbage truck.

Mr. Thompson stated bids have been received for the purchase of a new garbage truck, and the staff is recommending acceptance of the low bid of Peterbilt, of Florence, at a total price of \$122,498.

The bid is for a front loading garbage truck, which is the type of unit that is used for commercial service. This is a 38 yard body, which is a fairly large truck, that in turn helps to reduce the number of trips to the landfill. As you move up in size, you also reduce your maneuverability, so you have to balance maneuverability and size to avoid damage to buildings and vehicles while you are reducing your costs and trips to the landfill. A 38 yard body is fairly standard with the other vehicles in our fleet, and has been a good unit for this use.

The city has purchased Peterbilts in the past, and has been pleased with the way that this equipment holds up to use. The bids received on this purchase include the following:

<u>Company</u>	<u>Bid</u>
Peterbilt of Florence, Inc.	\$122,498
Lodal South, Inc.	123,069
Nu-Life Environmental, Inc.	130,166

A total of 23 bid invitations were mailed out on this purchase, and generally this is not the type of equipment that could be purchased from a local vendor.

The bid of Peterbilt meets our specifications, and we have been pleased with the service that we have received on these units. This equipment is included in the budget, and is recommend for acceptance to City Council.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved that Council accept the low bid of Peterbilt of Florence in the amount of \$122,498 for a 38 cubic yard garbage truck.

STREET NAME

Franz Road

Dumbridge Road

Houndslake North Subdivision

Mayor Cavanaugh stated Council needed to consider approval of a road name change from Franz Road to Dumbridge Road.

Mr. Thompson stated a temporary road name had been picked up as the permanent road name. Mr. Henry Franz was involved in the development of the road, but the name of the road was intended only as a temporary means of identifying the road until the plans were approved. Mr. Franz would prefer that the road be named after his wife, but unfortunately Holly Tree Lane is too similar to another existing road, and the County Planning Commission could not approve this name. The 911 System of Aiken County has asked Mr. Franz to consider another name, and he has suggested Dumbridge Road which is a family name.

Road name changes have to be approved by City Council and by the Aiken County 911 System. The County has approved this, and for City Council consideration, this is a request to change the name of Franz Road to Dumbridge Road in Aiken.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve changing the name of Franz Road to Dumbridge Road.

ADJOURNMENT

There being no further business the meeting adjourned at 8:25 P.M.

A handwritten signature in cursive script, reading "Sara B. Ridout", written over a horizontal line.

Sara B. Ridout
City Clerk