

Aiken City Council Minutes

December 14, 1998

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Richard Abney, Anita Lilly, Terry Rhinehart, Stanley Quarles, Richard Pearce, Sara Ridout, Tom Smith of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, and 47 citizens.

Mayor Cavanaugh called the meeting to order at 7:45 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag. Mayor Cavanaugh welcomed Roger LeDuc as City Manager who replaces Steve Thompson who has become City Manager of Greenville, SC. The minutes of the regular meeting of November 23, 1998, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

PRESENTATION

Young, Frances
Farmers Market
Proclamation

Mayor Cavanaugh stated Council wanted to recognize the family of Frances Young and make a presentation to the family. Mayor Cavanaugh stated Frances Young, who had recently dies, had worked with the Farmers Market since 1981. Mrs. Young along with her husband, Frank, had helped make many improvements to the Farmers Market. Mrs. Young was very dedicated and worked many long hours to take care of the Market. Mayor Cavanaugh stated Council wanted to present a proclamation expressing Council's thanks for Mrs. Young's work and dedication.

Mr. Terry Rhinehart and Mrs. Rosamond McDuffie expressed thanks for all the work that Mrs. Young had done at the Farmers Market.

Mayor Cavanaugh read the proclamation prepared for Mrs. Young and presented the proclamation to Mr. Young and several members of the family who were present.

BOARDS AND COMMISSIONS

Appointments
Annexation Study Committee
Pressley, Ernestine
Building Code Appeals Committee
Bouknight, Andrew
Community Development Committee on Housing
George, Alan
Butler, Ernest
Election Commission
Johnson, Richard
Wood, Keith
General Aviation Commission
Findley, James
Coward, Ira (Bud)
Environmental Committee
Gladden, John
Historic Preservation Commission
Vaughters, Jane
McGhee, Beatrice
Davis, Jane
Law, McDonald
Park Commission
Barnett, Mary
Hammond, T. A.
Zoning Board of Adjustment
Ogletree, Lawrence
Strack, John
Planning Commission
Sprawls, Don
Holland, James
d'Entremont, Rachel

Mayor Cavanaugh stated Council needed to make some appointments to the various boards and committees of the city.

Mr. LeDuc stated Councilmember Price has suggested appointment of Ms. Ernestine Pressley, of Pinecrest Avenue, to the Annexation Study Committee. Ms. Pressley would assume the unexpired term of Ms. Bernette Roberson, who resigned from the committee, and with this appointment Ms. Pressley's term would expire May 20, 2001. This is slightly longer than the general two year term, but if Council makes this only the normal term of appointment, then Council will have to consider this appointment again in a few months.

Councilmember Price has recommended appointment of Mr. Andrew Bouknight to the Building Code Appeals Committee, and with this appointment Mr. Bouknight's term would expire May 12, 2000.

Councilmember Radford has recommended reappointment of Alan George to the Community Development Committee on Housing, and Councilmember Price has recommended appointment of Mr. Ernest Butler, of 3373 Victoria Drive. Both terms would expire on September 2, 2000.

Mr. Andrew Marine has served on the Election Committee in the past, and has resigned to accept an appointment to the State Ethics Commission. Mr. Richard Johnson has also continued to serve on the Commission. Councilmember Price has recommended that Mr. Keith Wood, of Inverness Drive, serve to replace Mr. Marine on this Commission, and that Mr. Johnson be reappointed to the Election Commission. These appointments are suggested by any member of City Council. Terms on the Election Commission are for six years, therefore Mr. Johnson's term would expire August, 2004. Mr. Wood would serve the remainder of Mr. Marine's term which expires August, 2003.

Councilmember Radford has recommended reappointment of Mr. James Findley to the General Aviation Commission, Councilmember Price has recommended reappointment of Mr. Ira "Bud" Coward to the Commission; and Councilmember Clyburn has recommended reappointment of Dr. Gerald Oliver to this board. On approval by City Council these terms would expire September 1, 2000.

Councilwoman Price has recommended reappointment of Dr. John Gladden to the Environmental Committee, and on approval by City Council, this term would expire December 31, 2000.

Councilwoman Clyburn has recommended reappointment of Ms. Jane Vaughters to the Historic Preservation Commission; Councilwoman Price has recommended reappointment of Beatrice McGhee; Councilwoman Papouchado has recommended reappointment of Ms. Jane Davis, and Mayor Cavanaugh has nominated McDonald Law for reappointment. On approval by City Council, the terms for these positions would expire December 31, 2000.

Councilwoman Clyburn has recommended reappointment of Ms. Mary Barnett to the Park Commission, and Councilwoman Price has recommended reappointment of Mr. T. A. Hammond. On approval by City Council, the terms for both of these positions would expire December 1, 2000.

Councilwoman Price has recommended reappointment of Mr. Lawrence Ogletree to the Zoning Board of Adjustment, and Councilwoman Papouchado has recommended reappointment of Mr. John Strack to the ZBA, and on approval by City Council, these terms would expire December 1, 2000.

Councilman Radford has recommended reappointment of Mr. Don Sprawls to the Planning Commission, and Councilmember Clyburn has recommended the appointment of Mr. James Holland to this commission. Mr. Holland would replace Mr. Sidney Earnest. Mayor Cavanaugh has recommended reappointment of Ms. Rachel d'Entremont to the Commission, and on approval by City Council, these positions would expire December 1, 2000.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the persons suggested be appointed or reappointed to the various boards and commissions with the terms expiring as noted.

ANNEXATION - ORDINANCE 121498

Silver Bluff Road 615
Jordan, Anna
Dougherty Road
TPN 00-134.0-01-001

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to annex 615 Silver Bluff Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 5.5 ACRES OF LAND, MORE OR LESS, OWNED BY ANNA JORDAN AND LOCATED AT 615 SILVER BLUFF ROAD, BEING KNOWN AS TAX MAP PARCEL NUMBER 00-134.0-01-001 AND TO ZONE THE SAME MULTI-FAMILY RESIDENTIAL (R-2).

Mr. LeDuc stated the city has received a request from Ms. Anna Jordan, owner of the property at 615 Silver Bluff Road, for annexation of her home and property into the City of Aiken. This has been reviewed by the Planning Commission, and is recommended for approval.

Ms. Jordan has requested annexation with R-2 zoning to allow her to rent three apartments that she has on her property. Based on the zoning of adjacent land and other uses in this area, this would not be an incompatible use of the property.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the ordinance be passed on second and final reading annexing the property at 615 Silver Bluff Road with R-2 Multi-Family zoning and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE 121498A

Dogwood Road
Two Notch Road
Boardman Road
TPN 30-055.0-05-005
TPN 30-056.0-01-009; 010; 011; 012; 014; 015
TPN 30-056.0-02-001; 002; 003; 004; 005; 006; 007; 008; 009; 017

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to annex 17 lots along Dogwood Road and Two Notch Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF SEVENTEEN (17) LOTS AND 6.4 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED ON DOGWOOD ROAD AND TWO NOTCH ROAD AND BEING KNOWN AS TAX MAP PARCEL NUMBERS 30-056.0-02-003, 30-056.0-02-002, 30-056.0-02-001, 30-055.0-05-005, 30-056.0-01-014, 30-056.0-02-009, 30-056.0-02-017, 30-056.0-01-015, 30-056.0-01-009, 30-056.0-01-010, 30-056.0-01-011, 30-056.0-01-012, 30-056.0-02-008, 30-056.0-02-007, 30-056.0-02-006, 30-056.0-02-005, AND 30-056.0-02-004 AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1).

Mr. LeDuc stated City Council has received a request for annexation from property owners along Dogwood Road and Two Notch Road, and this has been reviewed by the Planning Commission and recommended for approval.

We have a large number of property owners facing Dogwood and Two Notch Roads requesting annexation. These property owners are primarily interested in sewer service and leaf collection in this area. The Annexation Study Committee has been working with these property owners to develop a petition and to bring this property into the city.

One of the owners of these lots, Mr. Blaylock, has chosen not to sign the annexation petition, and with the location of Mr. Blaylock's lot this would create a donut hole and would be a real problem for us on service. The staff is recommending that City Council bring this property into the city with this annexation.

The public hearing was held.

Mr. Dillard R. Blaylock, 174 Dogwood Road, stated he purchased his home in 1956. It was not in the city then, and he wants to keep it that way. He reviewed some events that had happened regarding installation of a water line and paving of Dogwood Road. Mr. Blaylock was concerned about having to pay more taxes if he is annexed to the city, about the cost of connecting to the city sewer system, franchise taxes, and dog license. Mr. Blaylock asked several questions about the incentive program.

Mayor Cavanaugh explained the annexation process and the state laws governing annexations. He pointed out that persons surrounded by the city receive many city benefits without having to pay for city services.

Ms. Jann Smith, a resident of Dogwood Road and a member of the Annexation Study Committee, stated she would request that Council approve the annexation. She pointed out that two years ago 9 residents on Dogwood Road annexed to the city without an incentive, but the residents have enjoyed the services of the city. She pointed out that 99.9% of the residents in the area want to annex. She stated Mr. Blaylock may have some concerns, but she felt in the long run he would benefit from being in the city.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado, that Council pass the ordinance on second and final reading to annex 17 lots along Dogwood Road and Two Notch Road and that the ordinance become effective immediately.

Mayor Cavanaugh stated he would like to amend the motion to allow the city to pay the incentive money to Mr. Blaylock. He pointed out that if the ordinance passes annexing the lots on Dogwood that Mr. Blaylock would be annexed against his will, and he felt Mr. Blaylock should receive the incentive money.

Councilman Anaclerio stated he felt to pay Mr. Blaylock the incentive money at this time would be sending the wrong message. He pointed out the program called for an incentive for those people voluntarily annexing to the city. He said to pay the incentive to those who had refused to sign an annexation agreement would be wrong. He said this would sort of be "tricking" those who had signed earlier. It would mean whether a property owner signed an annexation agreement or not they would get the incentive money if they were annexed to the city. He pointed out the annexation under the 75% rule was legal under the state law. Councilman Anaclerio stated he would not accept the amendment.

Councilwoman Price stated she supported the Mayor's recommendation that Mr. Blaylock receive the incentive money. She pointed out that others in the area had been called about the incentive, but Mr. Blaylock did not receive that same offer.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance annexing the 17 lots listed in the ordinance. The motion passed by a majority vote with Councilmembers Anaclerio, Clyburn, Papouchado, and Radford voting in favor of the motion. Opposed were Mayor Cavanaugh and Councilmembers Perry and Price.

Councilwoman Clyburn stated she would like to have the opportunity to give Mr. Blaylock the incentive.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that Council add an item to the agenda to allow Council to consider giving Mr. Blaylock the incentive money for annexation. The motion passed by a majority vote with Mayor Cavanaugh, Councilmembers Clyburn, Price and Perry voting in favor of adding the item to the agenda. Opposed were Councilmembers Anaclerio, Papouchado and Radford.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that Mr. Blaylock be given the incentive money for being annexed to the city when he did not want to annex.

Councilman Anaclerio stated he was concerned about giving an incentive when the person did not sign up for annexation. He felt this would be setting a precedent and others would be asking the same thing. He felt Council should follow the rules. He pointed out the annexation was legal and followed the state law.

Mayor Cavanaugh stated he was not looking at the situation of a hardship for Mr. Blaylock. He said he was looking at the fact that the city was forcing Mr. Blaylock into the city when he does not want to annex. He pointed out there was no question about the annexation being legal.

Councilman Radford pointed out the efforts of the Annexation Study Committee. He pointed out Ms. Smith is on the Committee and also annexed earlier without an incentive, but she supports the program.

Councilwoman Clyburn stated she appreciated the work of the Committee, but she said it just doesn't appear to be the right thing to do to force a person into the city without offering the incentive.

Mr. Smith, City Attorney, stated he doesn't usually give his feelings on matters. He pointed out the annexation incentive ordinance is very detailed which sets forth the purposes for the program. He said he felt to offer the incentive to Mr. Blaylock would be circumventing the purpose of the annexation incentive program, and he did not feel it would comply with the program that Council set forth in the annexation incentive ordinance.

Councilwoman Price pointed out Mr. Blaylock had been at his residence since 1956 without city taxes and suddenly city taxes will be imposed upon him. She stated she hoped Mr. Blaylock in time would see the benefits of the city and like being in the city. She stated she realized there were rules, but sometimes the rules have to be bent.

Councilman Radford stated it seemed there was a question about the procedure and if it was legal to offer the incentive if the person did not sign an annexation agreement. He suggested that the matter be tabled and let the City Attorney research the ordinance.

Council continued to discuss the matter at length.

Councilwoman Clyburn stated since there was some question about the legality of offering the incentive she would move that the matter be continued to the next regular meeting. The motion was seconded by Mayor Cavanaugh. The motion was approved by a vote of 5 in favor with Councilmembers Anaclerio and Radford opposed.

ANNEXATION - ORDINANCE

Two Notch Road

Palm Drive

Hammond Drive

TPN 30-056.0-07-002; 007; 008; 009; 010

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex five lots near the intersection of Two Notch Road and Hammond Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF FIVE (5) LOTS AND 1.85 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED ON TWO NOTCH ROAD AND HAMMOND DRIVE AND BEING KNOWN AS TAX MAP PARCEL NUMBERS 30-056.0-07-002, 30-056.0-07-007, 30-056.0-07-008, 30-056.0-07-009, AND 30-056.0-07-010, AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1 and R-1B).

Mr. LeDuc stated City Council has received a request for annexation from property owners with property fronting on Two Notch Road and on Palm Drive, and the ordinance would approve the annexation under the R-1 and R1-B zones. Tax Parcel Number 30-056.0-07-007 would be zoned R-1B.

One of the property owners, Mr. Elmo Percle, of 1408 Two Notch Road, has chosen not to sign the annexation agreement, and the staff is recommending that City Council bring Mr. Percle's property in as part of this process. Our commitment with the annexation program is that we would avoid creating additional "donut holes", or property surrounded by the City.

The Planning Commission reviewed this, and has recommended annexation of all of the property included in the petition including the annexation of Mr. Percle's property. Under state law, this is allowed, and although there were comments from one Planning Commission member that this would be a takings

issue, state law is very clear on this issue and does allow the City to bring in other properties adjacent to properties interested in annexation. The intent is to allow cities to close these "donut holes", and to keep a small group of property owners from blocking other residents from coming into the City and from obtaining City services.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado that the ordinance be passed on second and final reading to annex five lots near the intersection of Two Notch Road and the unopened portion of Hammond Drive under the R-1 and R-1B zones to become effective immediately.

Mayor Cavanaugh stated he had a problem with the annexation. He said the city was reaching up to get Mr. Percle's lot when it was not necessary. He said he had a problem with this kind of aggressive annexation. He pointed out four lots could come in and leave Mr. Percle out. He pointed out Mr. Percle also owns a lot north of his lot and Lot 13 would still be in the county. He also pointed out the other lots in the area that would be left in the county. He said there was already a donut hole and by annexing Mr. Percle's lot the city still would not be able to close the hole. He stated he did not want to grow the city that way.

Council discussed the area at length.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance as recommended. The vote was 3 in favor and 4 opposed. The motion failed for lack of a majority vote. In favor of the motion were: Councilmembers Anaclerio, Papouchado and Radford. Opposed to the motion were: Mayor Cavanaugh and Councilmembers Clyburn, Perry and Price.

ANNEXATION - ORDINANCE 121498B

Woodward Street

Sherry Street

TPN 30-055.0-06-011

TPN 30-055.0-07-004 and 005

TPN 30-055.0-08-001 and 002

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex five lots near the intersection of Woodward and Sherry Streets.

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 FIVE (5) LOTS AND 3 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED ON WOODWARD STREET AND SHERRY STREET, BEING KNOWN AS TAX MAP PARCEL NUMBERS 30-055.0-06-011, 30-055.0-07-004, 30-055.0-07-005, 30-055.0-08.001, AND 30-055.0-08-002, AND TO ZONE THE SAME SINGLE FAMILY RESIDENCE (R-1).

Mr. LeDuc stated the city has received a petition for annexation of five lots near the intersection of Woodward Street and Sherry Street. This annexation has been reviewed by the Planning Commission, and is recommended under R-1 zoning. In this case 100% of the property owners are requesting annexation, and all lots meet or exceed the minimum lot size for the R-1 zone.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the ordinance annexing five lots on Woodward and Sherry Streets with R-1 Single Family Residential zoning be passed on second and final reading to become effective immediately.

OUTDOOR CAFES - ORDINANCE 121498C

Restaurants
Permit
Sidewalks
Downtown
Cafes, Outdoor
Central Business District

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Outdoor Cafe Ordinance to change the effective dates of the permits.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NUMBER 101298B CHANGING THE EFFECTIVE DATES OF OUTDOOR CAFE PERMITS.

Mr. LeDuc stated that in October, 1998, City Council adopted an ordinance allowing outdoor cafes on the public right-of-ways in Aiken's downtown. He stated the dates of the permits that we issue need to be changed to coincide with the City's fiscal year rather than the calendar year.

Under the outdoor cafe ordinance, the permits were to be issued on a calendar year, but our business licenses and other permits issued by the City are all issued on a fiscal year, starting on July 1 of each year. The staff is recommending that Council modify the ordinance to shift this date to July 1.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on second and final reading the ordinance changing the effective dates of the outdoor cafe permits to coincide with the City's fiscal year and that the ordinance become effective immediately.

PARKS - ORDINANCE 121498D

Hours
Recreation Department
Parking Lots

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to change the closing hours for parks and recreation areas.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 15-1 OF THE CODE OF THE CITY OF AIKEN TO MODIFY CLOSING HOURS FOR PARKS AND RECREATION AREAS AND ADD THE OFFENSE OF ENTERING PARKS AND RECREATION AREAS AFTER CLOSING HOURS.

Mr. LeDuc stated the ordinance basically states that the parks will be closed between the hours of midnight and 6 A.M. unless otherwise posted. It was felt that this would help with patrolling the parks and clean up effort. Occasionally we have problems in some of the city's parking lots and park areas with visitors using the parks well after the effective closing time. Richard Pearce and our staff have reviewed this, and are recommending that City Council change the closing hours for parks and recreation areas.

The public hearing was held and no one spoke.

Councilman Radford pointed out that there are a lot of people at the Weeks Center Walking Track before 6 A.M.

Mr. Rhinehart pointed out areas where the city is having trouble with loitering will be posted for certain hours other than the 6 A.M. to 12 midnight. He stated it would be difficult to enforce hours on the Weeks Walking Track. It was pointed out the current ordinance allows parks to be open from 6 A.M. to 12 midnight. The wording added is "unless otherwise posted." This allows the city to close the parks earlier and to enforce the earlier closing time when the posted closing time is earlier than midnight.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that the ordinance closing the city's parks, parking lots, and other

recreation areas of the city between 12 midnight and 6 A.M., unless other hours are posted be passed on second and final reading to become effective immediately.

PURCHASING - ORDINANCE 121498E

Procurement

Bid Procedure

Local Vendor Preference

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the city procurement code.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING ARTICLE V. OF THE CODE OF THE CITY OF AIKEN TO AMEND THE CITY'S PROCUREMENT CODE TO CHANGE THE BID APPROVAL PROCEDURES AND TO ALLOW FOR A LOCAL VENDOR PREFERENCE IN AWARDING BIDS.

Mr. LeDuc stated the proposed ordinance would amend the city's procurement code. The ordinance basically addresses two procurement issues--one a local vendor preference and bid award. The City Code currently does not allow for a preference on the basis of vendor location. The proposed ordinance suggests four criteria for a vendor to qualify for the local preference. Under the proposed ordinance the vendor must be authorized to transact business in the City or in Aiken County, maintain an office in the City or the County, maintain an inventory with a total value of \$10,000 or more with that inventory located in Aiken County at the time of the bid, and the business must have paid all assessed taxes. The proposed amendment sets the preference limit at 5% above the lowest bid received for vendors within the City and 3% for vendors located outside the city, but in Aiken County. In both cases a ceiling of \$2,000 is set on the amount of the preference. The amendments also address penalties for any vendors who falsely claim local vendor status.

The second part of the ordinance is that in the past any bid that exceeded \$10,000 was brought before City Council. The proposed ordinance recommends that purchases be removed from the agenda and from approval by City Council unless the project is greater than \$25,000 in value and has not been specifically budgeted in the current budget.

Mr. LeDuc stated that at the November 23, 1998, meeting Council asked that the Aiken Business Alliance review the proposed ordinance and provide comments. The ordinance was provided to the Chamber of Commerce and the Business Alliance for review. Both groups have stated they are in favor of a local vendor preference.

The public hearing was held.

Mr. Richard Alvanos, President of the Aiken Business Alliance, stated his group had asked Council to continue the matter until the Alliance members could be polled on the issue. He said the membership did vote 4 to 1 in favor of the vendor preference ordinance. He said the majority was in favor of the ordinance based on the fact that the money was being returned to the community and being respent in the community, which would bring money back to the community. Those opposed to the proposed ordinance were opposed to the \$10,000 inventory requirement and said there were a lot of businesses that do not require a \$10,000 inventory. He asked that Council pass the proposed ordinance.

Mr. Tom Abbott, representing the Aiken Chamber of Commerce, read a letter from the Chamber in support of the local vendor preference ordinance. Mr. Abbott pointed out the Chamber's Shop Aiken First Campaign and stated the Chamber has a local preference purchasing policy.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn, that Council pass the ordinance amending the City's Procurement Code to change the process for bid approval and to allow for local vendor preference in awarding bids and that the ordinance become effective immediately.

Councilman Perry stated he was opposed to the proposed ordinance.

Mayor Cavanaugh stated he was opposed to a local vendor preference ordinance. He stated he had worked in purchasing for several years at SRS. He pointed out that there are two sides to the issue and there are many criteria for

placing a purchase order. He said price is certainly a major issue. He stated, however, there are other items to consider such as quality of the product, delivery schedule and time, and inventory with spare parts. He stated the city had to be good stewards of the tax payers money and giving a local preference may not be the best for the bucks. He wondered how many of the local businesses had local preference purchasing for their businesses.

Council discussed the proposed ordinance at length.

Mayor Cavanaugh called for a vote on the motion to approve the proposed ordinance on second reading. The motion was approved by a vote of 5 in favor and 2 opposed. Opposing the motion were Mayor Cavanaugh and Councilman Perry.

ZONING ORDINANCE

R-1M Zone Manufactured Homes Annexed Areas

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance to allow the R-1M zone in newly annexed areas.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO ALLOW THE R-1M ZONING DISTRICT TO BE UTILIZED IN NEWLY ANNEXED AREAS.

Mr. LeDuc stated Council received a request from the Planning Commission asking that the Zoning Ordinance be amended to allow R-1M in newly annexed areas. Earlier this year City Council adopted the R-1M zoning which allows manufactured houses to be located on property which is subdivided and which has single ownership. This was primarily to address the situation in Hidden Haven where lots had been created for manufactured homes, but the area was zoned R-1C. He pointed out there was no provision in the R-1M zone to allow areas that are outside the city to be annexed under the R-1M Zone. A minimum of 10 acres is required under the R-1M zone. He stated there are many areas outside the city which could be annexed under the R-1M zone. However, Council has the authority to control the zoning as areas are annexed to the city.

Councilman Anaclerio stated he felt Council needed to consider that there are a number of people who feel comfortable in owning, within their financial abilities, a manufactured house.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to modify the R-1M ordinance to allow newly annexed areas to be zone R-1M and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

Councilman Perry stated he had concerns about safety in manufactured homes. He said these homes are constructed under Department of Housing and Urban regulations which are not as stringent as the Southern Standard Building Codes. He said he would like for the homes to be built under the same rules as other homes within the city.

Mr. Gary Smith, City Attorney, stated the city was preempted not by state statutes but by federal statutes which govern the construction of mobile homes. He said once the home gets the HUD sticker it has passed the test so it can go in any zone in which it is allowed.

Council discussed the matter at length with concerns about where the R-1M zone might be located, how it could be developed, and safety concerns.

FRANCHISE - ORDINANCE

KMC Telecom, Inc. AT&T Commercial Finance Corporation Collateral Assignment Telecommunications Services KMC Southeast Corporation Fiber Optic

Mayor Cavanaugh stated an ordinance had been prepared for first reading for the city to consent to a collateral assignment by KMC Telecom, Inc. to AT&T Commercial Finance Corporation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE GRANTING KMC TELECOM, INC. (FORMERLY KNOWN AS KMC SOUTHEAST CORPORATION) THE CONSENT OF COUNCIL FOR COLLATERAL ASSIGNMENT BY KMC TELECOM, INC. TO AT&T COMMERCIAL FINANCE CORPORATION AND TO AUTHORIZE THE CITY OF AIKEN TO EXECUTE A CONSENT TO COLLATERAL ASSIGNMENT UNDER THE TERMS OF THE FRANCHISE AGREEMENT WITH KMC TELECOM, INC. (FORMERLY KNOWN AS KMC SOUTHEAST CORPORATION).

Mr. LeDuc stated KMC had been before Council on several occasions. He said the city has a franchise agreement with KMC for fiber optics. He said they are in the telecommunications business. They are trying to get a loan and are having difficulty. The proposed ordinance would consent to a Collateral Assignment by KMC Telecom, Inc. to AT&T Commercial Finance Corporation. The consent of Council is needed for this Collateral Assignment pursuant to Section 22 of the Franchise Agreement executed by the City of Aiken with KMC Southeast Corporation, now known as KMC Telecom, Inc. It would appear that the city's consent to the Collateral Assignment would be in the best interest of all parties concerns. KMC feels this collateral assignment is the only way they can get the needed loan so they can move forward with their franchise agreement.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance granting consent to Collateral Assignment by KMC Telecom, Inc. to AT&T Commercial Finance Corporation and that second reading and public hearing be set for the next regular meeting of Council.

Councilwoman Papouchado expressed concern about the collateral assignment by KMC to AT&T and whether it might mean that AT&T could possibly own the franchise if something happened to KMC. The City Attorney was asked to look at this and see what it might mean for KMC in the future.

CITIZENS PARK - ORDINANCE

Right of Way

Easement

South Carolina Electric & Gas Co.

SCE&G

Pine Log Road

Mayor Cavanaugh stated an ordinance had been prepared for first reading to grant a right of way power line easement to S.C. Electric & Gas Co. for lines at Citizens Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE GRANTING SOUTH CAROLINA ELECTRIC & GAS COMPANY AN EASEMENT OVER TWO TRACTS OWNED BY THE CITY OF AIKEN CONTAINING 41.39 ACRES AND 75.23 ACRES, SUCH EASEMENT BEING 28 FEET IN WIDTH, TO ALLOW CONSTRUCTION OF POWER LINES.

Mr. LeDuc stated the easement to SCE&G was not for new power lines, but basically involved the relocation of power lines in connection with the widening of Pine Log Road. This easement, twenty-eight feet in width, would allow SCE&G to construct and maintain power lines across the Citizens Field complex, relocating the existing power lines outside the road right of way of Pine Log Road. SCE&G would pay for the right of way. The easement would be non-exclusive which means the city will also be allowed to use the easement for any utilities the city may want to install. The city will receive \$10,200 for the easement.

Councilwoman Clyburn moved, seconded by Councilman Perry and unanimously approved, that Council approve the ordinance on first reading granting a right of way easement across Citizens field and that second reading and public hearing be set for the next regular meeting of Council.

GRANT

U.S. Department of Justice

Public Safety Department

Mobile Data Transmitter System

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from the U.S. Department of Justice to the Public Safety Department.

Mr. LeDuc stated the city had been fortunate over the past couple of years to receive a grant from the Department of Justice to obtain equipment for a mobile data transmitter system. This equipment in the officers' cars will enable them to link up directly to obtain information and to make out reports versus going through the dispatcher.

The Public Safety Department staff put together the information for this application and the department has received a grant in the amount of \$35,707. The city is required to provide 10% of the grant amount. The funding that we received from the first two grants has allowed us to obtain the hardware necessary to place within the patrol cars and some of the software. This funding will allow us to complete the programming and to install this equipment in five vehicles. It will be ready by spring and will allow these cars to have a sophisticated laptop computer within them. Ultimately we hope to see this project reduce the calls to the dispatchers and the demands on the clerical personnel in the department as the officers prepare the reports, research the records, and search for vehicle information through wireless transmission through the departmental computers.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council accept the grant from the Department of Justice in the amount of \$35,707 for the purpose of providing mobile data equipment in the Department of Public Safety.

WATER

Carlisle Tire & Wheel Co.

Fire

Verenes Industrial Park

Industrial Park

Councilman Anaclerio stated he would like to recognize the tremendous planning of the Public Works Department in being able to provide the infrastructure that allowed 3 million gallons of water per day to be used on the recent Carlisle Tire and Wheel Co. fire in Verenes Industrial Park and not have to restrict the amount of water used by citizens.

Council also asked that the staff calculate the cost of providing water for the Carlisle fire.

VIDEO POKER

Councilman Anaclerio asked that Council ask the staff to review the possibility of requesting legislation to allow pari-mutuel betting in the City of Aiken because of the recently enacted video poker legislation. Council agreed to ask the staff to research the possibility.

EXECUTIVE SESSION

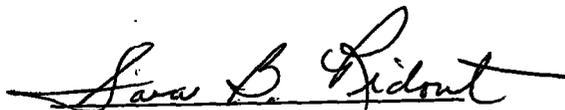
Mayor Cavanaugh stated Council needed to go into executive session to discuss possible industrial park land sales.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss possible industrial park land sales.

Council went into executive session at 9:45 P.M. After discussion of the matter, Councilwoman Price moved, seconded by Councilwoman Clyburn that Council end the executive session.

ADJOURNMENT

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


Sara B. Ridout
City Clerk