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Aiken City Council Minutes

October 9, 2000

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Cuning, Price, Radford, and Sprawls.

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Larry Morris, Terry Rhinehart, Stanley Quarles, Richard Pearce, Sara Ridout, Adam Burton of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle and about 7 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 regular meeting of September 25, 2000, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

WATER TANK - ORDINANCE 10092000

South Boundary
York Street
Antenna
Communications Facilities
Telecommunications
BellSouth Personal Communications, Inc.

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to lease space on the water tower at South Boundary to BellSouth for communications facilities.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING A LEASE OF SPACE ON THE YORK STREET WATER TOWER TO BELLSOUTH PERSONAL COMMUNICATIONS, INC.

Mr. LeDuc stated the city has received a request from BellSouth Personal Communications, Inc. for a lease on the city water tank located at York Street and South Boundary Avenue for a telecommunications server.

The city currently has two communications servers located on the tank near the cat walk. The proposed system would be near the crown of the tank and has received previous approval through the Historic Preservation Commission. The company has requested to use the tank for placement of their antenna equipment, and we suggested that the lease should be identical to the ones previously approved for Powertel and Triton PCS, Inc. The company has accepted this lease, and if City Council approves this ordinance you will approve this lease with the same conditions as extended to the other two companies.

In the lease before City Council, we have established a fifteen year lease period with three separate five year periods which are automatically renewed unless BellSouth decides to terminate. The lease could also be renewed for two additional five year periods with approval of both the City and BellSouth. In return BellSouth would pay a lease fee on the use of this water tower starting with a cost of \$10,000 per year for the first five years. At the end of each five year period the lease amount would increase by 15% for that five year term, and if the lease goes for the full twenty-five years the lease would generate approximately \$337,120. He said the Historic Preservation Commission has looked at the proposal to place the antenna on the water tank and has no problems with the proposal.

The public hearing was held.

Mr. Gary Pennington, appeared on behalf of Crown Castle South the manager of the project for BellSouth. He stated this had been a very long process, but he felt it had been a good process and a good compromise for the City of Aiken and for BellSouth. In response to a question from Councilman Sprawls regarding how the structure would look, Mr. Pennington showed a rendering of the proposed corral on top of the tank. He said the corral is circular in shape and would sit on top of the water tank. He said it would look like it was a natural extension of the tank and would be about 7 feet tall. The question was asked if anyone else could put an antenna on the tank. Mr.

Pennington stated this issue had not been addressed. He said BellSouth for the most part will fully use the corral. He said he was not sure, but it may be possible for another carrier to use the same corral. It was pointed out the two other antennas were in the cat walk area. Another question concerned the weight and if the water tank would need any reinforcement for the antenna. Mr. Larry Morris, Public Works Director, stated he had received a report from BellSouth certifying that they would be in compliance with standards and the low bearing.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance leasing space on the city water tank at the corner of York Street and South Boundary to BellSouth Personal Communications for communications facilities with the ordinance to become effective immediately.

STAUBES LANE - ORDINANCE 10092000A

City Property
Park Avenue
Erb, Sam
Kershaw Street
TPN 30-071-001-013

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell some city property on Staubes Lane.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF PROPERTY OWNED BY THE CITY OF AIKEN AND LOCATED NEAR THE INTERSECTION OF KERSHAW STREET AND PARK AVENUE.

Mr. LeDuc stated the city had been approached by Sam Erb concerning property located at the corner of Staubes Lane and Kershaw Street. The city acquired this property from a tax sale, and it is appraised at \$1,100 by the Aiken County Assessor. Mr. Erb would like to purchase this property, and he has offered the city \$3,500 for it. The city has no need for this property, and we are in agreement to sell him this parcel.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on second and final reading an ordinance to sell property located at Staubes Lane and Kershaw Street and identified as Tax Parcel #30-071-001-013 for \$3,500 to Sam Erb.

CITY COUNCIL - ORDINANCE

Salary
Council
Mayor
Mayor Pro Tem

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to change the salary of City Council.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-19 OF THE CODE OF THE CITY OF AIKEN TO AMEND THE SALARIES OF THE MAYOR, THE MAYOR PRO TEM, AND THE MEMBERS OF COUNCIL.

Mr. LeDuc stated for several months City Council has discussed possible changes to the current salary structure. Also, in June, Council approved changing the health benefit package which allows members once they retire from Council to have the ability to continue receiving benefits just as we provide other retiring city employees.

At the September 25, 2000, work session Council discussed amending the current ordinance passed on September 11, 1995, as to how we compensate the Mayor and Mayor Pro Tem. Section 2 of the 1995 ordinance states that the Mayor's salary shall be double the amount of a member of City Council. Based on the discussions at the work session the Mayor Pro Tem's salary would be double the amount of Council and the Mayor's salary triple that of a City Councilmember's salary. The salary for the Mayor and Councilmembers shall include inflationary increases equal to those increases for all city employees and shall be adjusted by adding to the base salaries of the Councilmembers a

percentage amount equal to the cost of living adjustments granted to city employees during the prior 24 months. If adopted this ordinance would not take effect until after the next General Election.

Councilman Anaclerio moved, seconded by Councilman Radford, that the ordinance be passed on first reading to change the annual salary to double the amount for Mayor Pro Tem and triple the amount for the Mayor to that of Councilmembers and that second reading and public hearing be set for the next regular meeting of Council.

Councilman Sprawls stated he was not comfortable with the proposed ordinance for salary increases and felt the per diem would be a fairer way to pay Councilmembers.

Councilman Cuning pointed out Council had a long discussion about the per diem for Councilmembers. He said he was concerned about how to police a per diem and felt it would be too much pressure for the staff to figure how to do a per diem. He said if the Mayor and Mayor Pro Tem need a raise then they should be given a salary increase. He said the proposal is for a \$3,000 raise for the Mayor and this included up to 100 appearances for the Mayor. He said there was no question that there would be more than 100 appearances. He pointed out the first proposal was for per diem for all Councilmembers so just giving the Mayor and Mayor Pro Tem salary increases will be saving money. He felt that a per diem was not a good business way and would put too much pressure on the staff to determine what should be reimbursed.

Councilwoman Price stated she had received some calls about her voting for a salary increase for herself. She pointed out that the proposed salary increase for Mayor Pro Tem would not impact her term, but would take effect after the next General Election and her term ends.

Mayor Cavanaugh stated he was not going to vote on the matter because of the appearance of a conflict of interest. He said, however, he did feel that it was the right trend with the growth of the city and additional meetings.

Councilwoman Clyburn stated she felt one of the important things mentioned when discussing this matter was that Council was concerned about the fairness issue as far as how much the Mayor does and how much he is being compensated for what he does and his time. She stated she did not feel that it was a conflict of interest to vote on the matter. She pointed out that anyone who is eligible to receive the raise does not have to receive the raise, but can choose not to have the salary increase. She stated it makes it difficult to support a raise if there is not a general consensus that all Council wants the increase. She said if Mayor Cavanaugh would like for Council to support the raise that Mayor Cavanaugh should support the proposed increase.

Mayor Cavanaugh stated he definitely supports the salary increase. He said when a survey was made of 11 other cities comparable to Aiken, Aiken was next to last as far as salary for Council. He said with a raise plus the car he has to use for city business, this will bring the salary to average of the 11 cities. He said he felt the increase would be fair to whoever would be Mayor.

Councilman Anaclerio pointed out the Mayor was assuming that he would be elected Mayor next time by stating he was abstaining from voting because of a conflict of interest. He said the increase would not take effect until after the next General Election and possibly Mayor Cavanaugh would not be Mayor next time. He felt Mayor Cavanaugh should vote on the proposed increase.

Councilman Radford stated he also did not feel that it was a conflict of interest and that all members should vote on the issue.

Gary Smith pointed out Councilmembers are bound by state statute and the state statute requires that in order for Council salaries to be modified in any way requires a vote. By the statute requiring Council members to vote on a salary change they are saying Councilmembers should vote one way or the other so he felt this took out the matter of it being a conflict of interest.

Mayor Cavanaugh called for a vote on the proposed ordinance to increase salaries for the Mayor and Mayor Pro Tem. The vote was 6 in favor and one opposed. Councilman Sprawls opposed the ordinance.

EASEMENT - ORDINANCE

Hills Woodland Lane
Kalmia Hill
Forest Hill Drive
US 1 S
Richland Avenue W.
Shealy, Thomas and Faye
Shellhouse, Robert

Mayor Cavanaugh stated an ordinance had been prepared for first reading releasing easement for Hills Woodland Lane on Kalmia Hill near Forest Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO QUIT CLAIM ANY RIGHT, TITLE, AND INTEREST IN A PORTION OF THE RIGHT OF WAY OF HILLS WOODLAND LANE.

Mr. LeDuc stated several decades ago Hills Woodland Lane was platted as a street off of Forest Hill Drive. Two lots were platted off this roadway which were never built upon. The current owners, Mr. and Mrs. Thomas Shealy and Mr. Robert Shellhouse, Jr., would like the undeveloped right of way dedicated to them upon which they will place a driveway to serve their two lots. We have researched this at the RMC Office and find that Hills Woodland Lane was never recorded for that section, and therefore the ownership of this property is in question.

We have prepared an ordinance which is a quit claim deed to allow these two owners to receive this property from the city with the ability for the city to have a 10 foot easement along this area for a water line to serve the two lots. In the past the city has given a quit claim deed for paper platted easements to property owners to clear up right of way problems.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance be passed on first reading to release the easement on Hills Woodland Lane to Thomas and Fay Shealy and Robert Shellhouse, Jr. serving lots 10 and 11 and that second reading and public hearing be set for the next regularly scheduled meeting.

PROCLAMATION

Litter
Zero Tolerance Litter Week

Mayor Cavanaugh stated a proclamation had been prepared proclaiming October 14 - 21, 2000, as Zero Tolerance Litter Week in Aiken.

Mr. LeDuc stated City Council has listed as one of their top goals for this fiscal year to make people aware of our litter problem and to reduce its volume within the city. The Environmental Committee has been working on a plan to help with this goal and has enlisted Public Safety to declare zero tolerance for litter in Aiken during the week of October 14 - 21. During this week Public Safety will especially be looking for litters. They will also let citizens know that if they see someone littering that they can report this to the department by giving us the tag number and a letter would be sent to them concerning this violation.

At the end of this week on October 21 we are asking the entire community to help with a clean up in the Toole Hill area. This will be a demonstration both to the community and the neighborhood that we will not tolerate litter in Aiken.

Mr. LeDuc read the proclamation.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council approve the proclamation declaring October 14 - 21, 2000, as Zero Tolerance Litter Week in Aiken.

ANNUAL REPORT

1999-00

Mayor Cavanaugh stated Council needed to consider acceptance of the Annual Report for Fiscal Year 1999-2000.

Mr. LeDuc stated each year the various departments prepare a summary of the activities for the previous fiscal year highlighting the various achievements made by each of them and the challenges which we are facing.

This Annual Report does include a tremendous amount of information, which you will be able to use over the year as we discuss various issues and projects. Each of the departments has put a lot of work into this and as you review this report you will see the many accomplishments by each of them.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council accept the Annual Report for Fiscal Year 1999-2000 as information.

Council stated the Annual Report was a great source of information and is used many times during the year.

BOARDS AND COMMISSIONS

Appointments

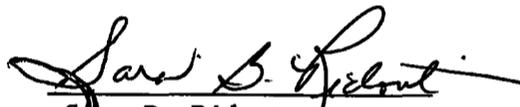
Mr. LeDuc pointed out that Councilmembers have about 33 appointments to make to the various boards and commissions. He reminded Council to consider these appointments. Councilmembers listed several appointments that they would like to be on the next agenda for consideration.

RECOGNITION

Mayor Cavanaugh recognized Stanley Quarles, Jr., a student from Aiken High School, who was present at the meeting as a requirement of his Civic Class.

ADJOURNMENT

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


Sara B. Ridout
City Clerk