

Aiken City Council Minutes

April 13, 1992

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

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Glenn Parker, Roger LeDuc, Anita Lilly, Carrol Busbee, Ed Evans, Stanley Quarles, 35 citizens and 2 news media.

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 March 23, 1992, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

BOARDS AND COMMISSIONS

Appointment
Planning Commission
McGhee, William

Mayor Cavanaugh stated Council needed to consider an appointment to the Planning Commission.

Mr. Thompson stated that William McGhee who serves on the Planning Commission had missed two regular meetings and one special work session of the Planning Commission, and under the city's attendance rules Mr. McGhee would rotate off the Planning Commission unless Council chooses to reappoint him. Under the rule if a commission or board member misses three consecutive meetings or 40% of the meetings, they would rotate off the board unless reappointed by Council. Mr. McGhee is interested in remaining on the Planning Commission.

Mayor Cavanaugh stated he felt Mr. McGhee had served the Planning Commission well, but there had been some times when he could not make the meetings. Mayor Cavanaugh moved, seconded by Councilwoman Price and unanimously approved, that Mr. William McGhee be reappointed to the Planning Commission with his term to expire December 1, 1994.

ANNEXATION - ORDINANCE 041392

WASO Enterprises
Pine Log Road East 134
Canale's Restaurant

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex property of WASO Enterprises located at 134 East Pine Log Road.

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 TWO (2) ACRES OWNED BY WASO ENTERPRISES, A SOUTH CAROLINA GENERAL PARTNERSHIP LOCATED AT 134 EAST PINE LOG ROAD AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS (NB).

Mr. Thompson stated the city had received a request from WASO Enterprises asking for annexation of a two acre lot located at 134 East Pine Log Road. Canale's Restaurant, formerly the Carpet Gallery, is located on the property. The restaurant operators needed city sewer service and as a condition of extension of sewer the owner must annex the property. The Planning Commission reviewed the request and recommended approval with the following conditions:

1. that at least four Wax Myrtles six feet in height be planted in the area that was cleared for construction of the sanitary sewer line;
2. that there be an appropriate buffer between the subject property and Gatewood Subdivision, consisting of densely planted evergreen vegetation or a fence at least seven feet in height on the full length of the abutting line;

3. that free-standing signage be limited to one ground-level, monument sign no higher than four feet and not to exceed 24 square feet including all parts of the sign;
4. that the site comply with the Landscaping and Tree Ordinance including the area west of the entrance driveway fronting on East Pine Log Road;
5. that no additional curb cuts be allowed from East Pine Log Road; and
6. that the debris on the site be removed.

Mr. Thompson stated the Planning Commission received a great deal of comments about the property, with most comments centered around the need for screening between Gatewood Subdivision and the restaurant. The owners of the property have installed some screening, and they will proceed with the screening as directed by Council.

Mr. Holly pointed out he had added two more conditions in the proposed ordinance for Council's consideration. He stated the proposed ordinance did not state anything about debris removal as that is something which should not be in the annexation ordinance. He also said there is no specific requirement about the wax myrtles being planted. He said some wax myrtles had already been planted. Mr. Holly stated the two conditions he would like for Council to consider adding to the ordinance are:

- (e) the existing building on the site shall be promptly brought into compliance with city building codes to the extent required by the Building Inspector; and
- (f) the site shall comply with the parking requirements in the Comprehensive Zoning Ordinance and related city ordinances and regulations within (number of months) of adoption of this ordinance.

Mr. Holly pointed out the restaurant is doing well and there doesn't seem to be adequate paved parking area for the clientele. The Zoning Ordinance requires one parking space for each three seats in the restaurant.

The public hearing was held.

Ms. Renee Reid, 325 East Hedge Road, stated she represented 31 Gatewood homeowners who had signed a petition opposed to the annexation of 134 East Pine Log Road until Section 2.(b).12 of the Zoning Ordinance is fulfilled by a permanent screen fence. Ms. Reid also quoted from the Zoning Ordinance pertaining to commercial property abutting residential areas which states that along the full length of the abutting line there must be a buffer strip which must contain a permanent screen fence not less than 7 feet in height and/or densely evergreen vegetation. Ms. Reid stated the residents' concerns focus on five issues. One is that the current buffer of woods is not dense evergreen vegetation. Secondly, the residents' preference is a wooden permanent screen fence. She said they were concerned about the type of fence that might be erected, and asked that Council consider a fence similar to the one which separates Gene Gap from other Gatewood homes. Thirdly, there are other undeveloped properties adjacent to Gatewood homes and the residents do not want a precedent set of minimal or non-compliance with the Zoning Ordinance. Fourthly, the owners of the property have already received connection to the city sewer system prior to approval of annexation. Fifthly, the residents are concerned about what future businesses will occupy the building or the wooded portion of the two acre lot. She stated the residents felt this was the time to seek compliance with the Zoning Ordinance and to create the required buffer between the Gatewood homes and the neighborhood business.

Mark Walker, one of the partners in WASO Enterprises, stated he and the partners have no objection to fencing and pointed out the ordinance calls for fencing or densely planted evergreens but not both. He said if he is required to erect a fence he would like for it to go all the way to the ground rather than being like Gene Gaps which is about a foot off the ground. He said complaints about parking were new to him. Mr. Walker stated the lease to the restaurant is for one acre not two. However, WASO is providing additional parking on the front of the adjacent property and has placed crusher gravel on the adjacent property for the additional parking. He said, however, to asphalt the parking area would involve a lot of money and the restaurant is not leasing the additional property. He said there is room for additional parking down the side of the building and in the back for employees. He said he would like to see if that would solve the parking problem before talking about asphaltting the adjacent lot. Mr. Walker stated he planned to erect a basket woven 7 foot fence which would go to the ground.

Council briefly discussed the parking problems and it was felt that it would probably be a few months before it could be determined if there was a real parking problem. Mr. Holly pointed out that generally the city does require a parking lot to be asphalted, but in some cases gravel is allowed because it allows the water to infiltrate the system and it helps control storm water runoff. He said generally the City Engineer makes that determination.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the annexation ordinance be amended to include the additional conditions of (e) that the building comply with city building codes to the extent required by the Building Inspector and (f) that the site comply with the parking requirements in the Zoning Ordinance and related city ordinances and regulations with the parking requirements to be accomplished within six months of adoption of the ordinance. It was pointed out that the time requirement for fencing was promptly.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the annexation ordinance be passed on second and final reading as amended to become effective immediately.

STORMWATER UTILITY SYSTEM - ORDINANCE 041392A

Drainage

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to establish a Stormwater Utility System.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, FUNDING AND MAINTAINING STORMWATER MANAGEMENT, SEDIMENT CONTROL, AND FLOOD CONTROL PROGRAMS, PROJECTS AND FACILITIES; REVIEWING AND APPROVING STORMWATER MANAGEMENT AND SEDIMENT CONTROL PLANS FOR LAND DISTURBING ACTIVITIES; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

Mr. Thompson stated the city had been working to try to resolve the stormwater drainage problems in Aiken which have been a tremendous problem both within the city and in the areas around Aiken. In an effort to solve the drainage problems a proposal for a stormwater utility system has been developed. A stormwater utility system is new to the State of South Carolina, and if Council adopts the proposal, Aiken will probably be the first city in South Carolina to develop such a program. In the next few years, however, many other cities will be adopting such a program to comply with the new Stormwater Management Act of the State of South Carolina. The proposed ordinance addresses the issues and requirements of the Stormwater Management Act and helps to meet the city's stormwater needs.

Mr. Thompson stated stormwater management had been an issue for many, many years and to solve the problem the city would have to ask the citizens to pay for the solution. He said everyone in Aiken is either part of the problem or damaged by the problem. Under the proposed system the city would place a user fee on the properties in the city. The staff has already been working on physically counting the number of houses and measuring all of the commercial properties to develop a stormwater system. It is proposed that the city start collecting fees on July 1, 1992, for the stormwater system, and in the fall the city would issue bonds to pay for the first phase of major projects. During the first year to eighteen months, the city would expect to start correcting the major projects.

Roger LeDuc, Public Works Director, pointed out that last October the staff talked with Council about the stormwater problems in the city. There are eleven major projects in the city which need almost immediate attention. One of those is Sand River which will cost a minimum of \$1 million. Others include Wise Hollow, Kalmia Basin, and various other smaller projects as well as 60 other minor neighborhood problems in the city. The city would be talking about \$3.1 million to correct these problems. In addition to the monies needed to correct the problems, fees are needed to continue maintenance of the system, and it is proposed that \$150,000 be set aside for maintenance each year. Mr. LeDuc pointed out in addition to correcting the problems the city needs to meet the state requirements. To fund the system and correct the problems the city is talking about a fee of \$2.80 for a typical residential house with a lot of 10,000 square feet, with a lesser fee for lots less than 10,000 square feet and a larger fee for lots over one acre in size. Over one-third of the lots in the city are under 10,000 square feet. Undeveloped lots would not be assessed a fee as well as open areas on golf courses, school yards, polo fields, and race tracks. Commercial properties have a lot of impervious area, or a lot of hard surface, which causes a tremendous amount

of runoff. In figuring the formula for commercial areas it was determined that one acre of hard surface would be equivalent to 5.7 Equivalent Residential Unit (ERU) or a 5.7 factor times \$2.80. Mr. LeDuc stated a new state law requires that the city provide for erosion control and runoff by 1993. This proposal is the city's way of meeting the state law and correcting some of the stormwater problems. The proposal will provide funds to correct the problems through the issuance of bonds and also will provide for future maintenance of the system. He pointed out the city has over 30 miles of storm sewers in the ground, over 2,000 structures, and over 20 ponds which need to be cleaned and maintained on a regular basis.

Council briefly discussed the proposal asking Mr. LeDuc questions regarding the proposed system. Councilman Perry pointed out many studies had been done and there had been much talk about correcting the stormwater problems but no funds or action had actually been taken to correct the problems. He said he felt the proposed system would work to correct the problems.

Mr. Thompson pointed out that years ago some federal funds were available through Revenue Sharing and grants for capital items. However, there are no such funds available any more and any capital projects have to be accomplished with local solutions. He said the proposal would establish a long term solution to some problems the city has had for many years.

Mr. Holly pointed out some amendments had been made to the proposed ordinance since the first reading, and he reviewed each change to the proposed ordinance. One change is to include in the system all areas annexed to the city in the future and also areas outside the corporate limits of the city as approved by city council. Mr. Holly reviewed the section concerning billing for the system with the fee to be included on the water and/or sewer billing. For properties not having active accounts, the owners will be billed semi-annually. Semi-annual fees unpaid shall constitute a lien against the property and may be added to the real property taxes due on such property. He reviewed the wording added regarding the civil penalty and the appeals process.

Mr. Holly pointed out that copies of the proposed ordinance had been sent to Aiken County, the Land Resources and to the city's bond attorney. He pointed out a lot of the provisions of the proposed ordinance are required by state law and the regulations set up by Land Resources. He said he felt the question was not what the city was going to do, but how the city was going to do it and how to pay for it. He felt stormwater problems were either going to have to be paid for through taxes or utility fees.

The public hearing was held.

Mark Graham, engineer, stated he had several questions some of which had been answered by Mr. LeDuc regarding commercial properties and vacant land. Mr. Graham pointed out that in residential subdivisions stormwater systems and stormwater retention basins are constructed and turned over to the city for maintenance. He pointed out, however, that for commercial areas stormwater systems and detention systems are built and the maintenance of those systems is required by the city to remain the problem and expense of the developer. He said he felt that if the developer of commercial property is required to build the stormwater systems and maintain them at his expense, it would not be fair and equitable to also charge an ERU fee. Mr. LeDuc pointed out that developers would be able to turn those systems over to the city for maintenance also if approved as meeting city standards.

Mr. Robert Penland, developer of Houndslake, appeared before Council opposed to the establishment of the proposed stormwater system. He felt that the proposed system would be challenged. He did not feel that the city should be the first one in the state to establish such a system and he felt the proposal needed a lot more thought and study. He felt the proposal would not take care of all the problems as the storm drainage problems are monumental.

Mayor Cavanaugh stated it was his opinion that the city was not establishing such a system just because the state had passed the requirement, but was trying to take care of problems that have existed for some time. He said he felt it was time to do something about the problems whether or not there was a state law.

Mr. Bill Spearman, of Land Resources Commission, stated the proposed ordinance is the first for South Carolina. He pointed out, however, that several years ago Aiken took the first step in recycling and has been a leader in recycling ever since. He pointed out that several more cities in South Carolina are looking at

ABJ848

similar systems and will be following shortly. He said other cities and other states have set up stormwater systems, and they are working well.

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

Mayor Cavanaugh pointed out that Council has been trying to get away from property tax increases and going with user fees as it was felt user fees are fairer. He stated there is a need to do something about stormwater and it is felt this is a good proposal.

Councilwoman Price pointed out stormwater erosion control mandates are being handed down by the state and federal governments so the city must meet the regulations. She said, however, the city does have stormwater problems and has had for some time. She felt the city must start somewhere trying to do something about the problems.

Councilman Anaclerio pointed out there is one other source of income which could bring in monies for projects such as the stormwater management and that is the local option tax if the citizens would vote to support it in Aiken County.

Councilwoman Clyburn pointed out she felt the city staff would have to do a good job in educating the citizens in areas that will not be receiving immediate results from the \$2.80 they will be charged each month or the city will be receiving complaints from the citizens.

Mr. LeDuc reviewed the program for informing the citizens regarding the stormwater system and the fee involved.

Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that the ordinance establishing a stormwater management system as amended be approved to become effective July 1, 1992.

STORMWATER MANAGEMENT FEES - ORDINANCE 041392B

Stormwater Management System

Drainage

Fee

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance setting stormwater management utility fees.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT UTILITY FEES AND FEE CLASSIFICATIONS.

Mr. Thompson stated in establishing a Stormwater Management System, the city needed to set fees to fund the system. It is proposed that with an average monthly rate of \$2.80 the city would be able to both borrow money to meet the major capital needs, and to start solving some of the smaller needs in the community. A range of fees from \$2.64 per month per household equivalent to about \$3 per household had been discussed. If the city is going to sell bonds to accomplish the immediate major capital needs, the city will need to raise enough money to meet the service on the bonds. The city would be looking at about \$3 million in capital improvements and about \$280,000 to \$300,00 per year would need to be raised, depending on the interest rate when the bonds are sold. In addition to funds to make the improvements, funds would be needed for maintenance of the present and new stormwater components, including the existing drainage ponds, and piping. It is estimated that maintenance would be about \$200,000 per year, making a total need of around \$500,000 per year. It is felt that \$2.80 per month per household equivalent would allow the city to recover the cost of the system. The proposed ordinance would adopt a fee schedule of \$2.80 per Equivalent Residential Unit (ERU), and most single family residential units would pay the minimum. However, there are adjusting factors for lots containing less than 10,000 square feet, and for lots containing more than one acre. The formula for the commercial rate would be based on the amount of impervious area on the lot. The assessed fee would be collected on the water bill.

Mr. Holly reviewed the amendments to the proposed ordinance for Council's information.

The public hearing was held on the ordinance.

Mr. Henry Lee asked for an explanation of the statement that a lien would be placed on real property if the monthly charge for stormwater is not paid on the utility bill.

Mr. Holly, City Attorney, explained the procedure to Mr. Lee, stating that if the fee is not paid as part of the water bill, the water could be cut off until all fees due on the bill are paid. If a person does not pay the utility bill or if the property is vacant and the property owner does not pay the billing, the city could add the amount to taxes due on the property as a lien on the property.

Councilman Radford pointed out the stormwater problems had been studied for some time. He said it was time to try to do something about the problems. He said there are four sources of funds--property taxes, grants, user fees or local option sales tax. He felt the proposed ordinance would bring in funds to solve some of the problems.

Councilwoman Clyburn pointed out the additional fee of \$2.80 would be included in the water bill and she was concerned about the fee making the water bill go over \$40 which would be subject to a 10% late penalty rather than a \$1 late fee.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the amendments as reviewed by the City Attorney be adopted.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance adopting a stormwater management fee system as amended be adopted to become effective July 1, 1992.

Council asked that the staff review the delinquent water bills for six months after adoption of the stormwater fee schedule and report to Council what impact the additional fee has on putting customers into the 10% penalty for late payment.

ANIMAL CONTROL - ORDINANCE

Dogs
Animals

Mayor Cavanaugh stated an ordinance had been prepared for first reading to adopt an animal control ordinance.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE REPEALING CHAPTER 5 OF THE AIKEN CITY CODE DEALING WITH ANIMALS IN ITS ENTIRETY AND ADOPTING IN PLACE THEREOF A COMPREHENSIVE ANIMAL CONTROL ORDINANCE.

Mr. Thompson stated that in January, 1992, City Council appointed an Animal Control Advisory Committee to help draft and develop an Animal Control Ordinance. The committee has been very active and has suggested the proposed ordinance for Council's review and consideration.

The proposed ordinance would emphasize better pet owner responsibility. The owner would be responsible for restraint of the pet. Dogs would be required to be on a leash if outside the owner's property, and dogs and cats would be required to have a city license with fees established to emphasize and encourage neutering of the animals. Animals have been a controversial topic in the past and was identified as one of the top concerns of the citizens in two surveys conducted. The surveys indicated that about 80% of the residents support a leash law or other variation of animal control ordinance.

The Animal Control Advisory Committee has been very active and has made every effort to develop a program that will meet the needs of the residents of the city and assist all pet owners. The proposed ordinance eliminates the restriction on the number of pets that an owner may house within the city, but does place restraints and licensing responsibilities on the owner.

Mr. Tim Simmons, Chairman of the Animal Control Advisory Committee, stated the main reason for the ordinance is that Aiken is growing not only in number of people but also in numbers of animals. He said this presents a problem in having enough homes and individuals to properly take care of the animals. The end result is that the unwanted animals cause a lot of problems. Some of the problems include animal bites, spread of disease, vehicle accidents, property damage and nuisance such as messing up lawns and barking at night. He said of course the animals suffer their entire existence until they are destroyed. All this causes public inconvenience and also costs the public money. The only way to get the

ABJ848

problem under control is to develop an ordinance to reduce the number of animals running at large and reduce the number of animals that are born every day. The committee feels that the proposed ordinance is basically the rules for responsible pet ownership. The committee asks that Council pass the proposed ordinance.

Mayor Cavanaugh expressed concern about a couple of items in the proposed ordinance, one being that the Animal Control Officer has the right to go onto private property to enforce the provisions of the ordinance. He said it seemed a search warrant would be needed to go on private property. Mayor Cavanaugh also expressed concern about the effective date of the ordinance being July 1, 1992. He was concerned about owners having to erect a fence and the cost involved. He felt perhaps that citizens should be given longer than a couple of months to erect a fence, and possibly four months would be more reasonable since this is a major change in the animal ordinance.

Mr. Holly stated he felt officers would have the right to go onto private property to enforce the animal ordinance subject to the fourth amendment of the U.S. Constitution. He pointed out the Animal Control Officer may be after an animal and it may go into someone's yard. This provision would allow the Officer to go onto the private property and pick up the dog. This would also allow the officer to go onto private property for nuisance complaints and to get abandoned animals on private property. He said it was not the intention to allow the officer to go onto private property just to check on an animal, but would be used where there is a complaint about an animal.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the Animal Control Ordinance be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

BUS SERVICE

Best Friend Express Aiken County

Mayor Cavanaugh stated the city had received a request from Aiken County asking for funding for the Best Friend Express bus service.

Mr. Thompson stated Aiken County operates the Best Friend Express, the bus service in Aiken County. Aiken County Council has asked the city to continue funding of the city's portion of the Best Friend Express county bus service. For the past two years the city has provided \$9,300 per year, and Aiken County is asking the city to increase this to \$11,000 for fiscal year 1992-93. County Council has conducted public hearings on the bus service and feels there is support in the community for the bus service.

Councilwoman Clyburn moved that Council approve the request from Aiken County for \$11,000 for funding for the Best Friend Express bus service. She said there had been a lot of discussion about the bus service and it had been stated it was not making money. She said, however, the bus is a service needed by many people and lot of them are residents of the City of Aiken. The motion was seconded by Councilwoman Papouchado.

Councilman Perry stated regardless of the merits of the bus service, he did not feel that the citizens of Aiken should have to pay for the service twice. He said everyone in the city is a resident of the county paying city and county taxes. He said he felt the county should fund the service if it is to be provided. He said he felt that the Best Friend Express is a waste of money, but he did feel that the Dial-A-Ride did provide a service for people.

Councilman Radford stated Council's funding for the first year was to see how the service worked. He said some improvement had been made, but he did not feel that the revenues would ever pay for the service. He said he did not know of a transit system that makes any money; all are funded by federal grants. He pointed out the buses are expensive to operate and he felt a smaller vehicle could be used to cut down on costs. He felt the Dial-A-Ride program was good and provides a service.

Lynnda Bassham, Executive Director of the Aiken Area Council on Aging, stated the bus service does help a lot of people to get to school, shopping, medical services, etc. She pointed out the Dial-A-Ride is operated by the Council on Aging and the service is very meaningful to disabled and elderly people who have no other way to get around. She pointed out the fixed bus route ridership had increased since it started and she did feel that the potential is there for the use to increase. She said the Dial-A-Ride use also continues to increase.

Tom Hallman, a member of the Transmit Committee, stated he had been a part of the planning group that looked at public transportation needs in Aiken County and there is a pressing need for a bus service but the need is not limited to the City of Aiken but includes the entire county. He said he did not feel that the two years the service had operated could give a fair assessment of the need for the service. He said as a resident of the city he could understand Council's concerns about dual taxation for the service.

Mayor Cavanaugh stated he felt the bus was a service and could not be measured necessarily in dollars. He said he would like to see it pay for itself, but it probably never will.

Bonnie Squires, Sister Susanne Bumgardner, Junior Wright, Marshall Perks, and Robert Johnson all spoke in favor of continuation of the Best Friend Express and the Dial-A-Ride for the disabled, handicapped and needy people who need a means of transportation to get to work, to school, for shopping, and for medical services. They asked that City Council continue to provide funds for the service so Aiken County would continue the bus service.

Councilman Radford pointed out he had no objections to the Dial-A-Ride, but he felt the fixed bus route was not pulling its weight. He felt the County could minimize their losses and still provide a service if they would look at it in a different perspective.

Councilwoman Price stated she did not feel the bus service would ever yield a profit, but she felt the service was the humanitarian thing to do. She pointed out the cost to incarcerate one inmate as opposed to the cost to provide the bus service for people who need such a service.

Mayor Cavanaugh stated a motion had been made to fund \$11,000 for the Best Friend Express bus service as requested by Aiken County and called for a vote on the motion. In favor - Mayor Cavanaugh, Councilmembers Clyburn, Papouchado and Price. Opposed - Councilmembers Anaclerio, Perry and Radford. The motion was four in favor and three opposed so the motion passed to fund the \$11,000.

BUDGET - ORDINANCE

Amendment
FY 1991-92

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the budget for fiscal year 1991-92.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1991 AND ENDING JUNE 30, 1992.

Mr. Thompson stated that each year the auditors require the city to amend the budget to reflect purchases and expenses which are made during the year from Holding Funds and Depreciation Funds such as for vehicle replacement. He said the budget needed to be amended to include purchases made from the General Fund Depreciation Fund in the amount of \$23,697.02, the General Obligation Bond Fund for \$162,662.25, the General Fund Special Holding for \$127,185.00, Utilities Special Holding for \$70,904.92 and from donations in the amount of \$850 for the purchase of trees for the parkways. The amendment would increase the current budget by approximately \$385,299.

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

TREE CITY USA

Award
National Arbor Day Foundation

Mr. Thompson stated the city had received notification from the National Arbor Day Foundation that the City of Aiken had again received the Tree City USA Award. The City of Aiken must meet certain standards to receive the award. The official award will be presented to the city later in the year. The award is made to the city for its outstanding urban forestry program. The City of Aiken has received this award for the sixth straight year.

ABJ848

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council receive notification of award of the Tree City USA Award as information.

BIDS

Water Line
Hudson Road
Edrie Street

Mayor Cavanaugh stated bids had been received for water improvements on Hudson Road and Edrie Street.

Mr. Thompson stated there are several areas that the city is presently unable to serve with water and sewer services and bids have been received for extending these services.

Mr. Thompson stated the city was looking at extending water services in the Hudson Road and Edrie Street areas and bids had been received on the project. Division I is an 8" water line which will be installed along Hudson Road from the VFW Post to Trolley Line Road where it will tie into the 12" main. Division II is an 8" water line that would be installed from Trolley Line Road, along Hudson Road to a point behind Kalmia Landing. This line would also give the city an additional feed into the hospital. Division III is a 6" line that would be installed on Edrie Street from Sundy, running down Edrie to Bunche Terrace and along Bunche Terrace to Camellia Street. The city would furnish all materials and the contractor's bid is for labor, concrete and the installation. Four bids were received on the projects, and it is recommended that the low bids for each division be accepted. The bids received were as follows:

<u>Vendor</u>	<u>Division I</u>	<u>Division II</u>	<u>Division III</u>
Lad Corporation	\$16,555.10	\$19,746.00	\$56,860.60
Sheriff Construction	20,058.00	27,035.00	44,098.00
T. F. Anderson & Sons	22,600.00	26,545.00	41,970.00
Gene Ray Fulmer Grading	23,470.00	28,550.00	35,955.00

The recommendation is to award the bids for Divisions I and II for the Hudson Road water improvements to Lad Corporation for a total of \$35,601. It is recommended that Division III for Edrie Street be awarded to Gene Ray Fulmer Grading Co. in the amount of \$35,955.

Mayor Cavanaugh moved, seconded by Councilman Anaclerio and unanimously approved, that the award be made to the low bidder for Divisions I and II, the Lad Corporation, in the amount of \$35,601, and for Division III to Gene Ray Fulmer Grading, in the amount of \$35,955.

BIDS

Sewer
Highway 19 N
Peach Orchard Place

Mayor Cavanaugh stated bids had been received for extending sewer service to the Highway 19 and Peach Orchard Place area.

Mr. Thompson stated the city had accepted bids for extension of sewer service along Highway 19 N. and Peach Orchard Place. The homes along Peach Orchard Place are presently served by septic tanks and the city needs to make sewer service available before the septic tanks develop problems. If a property owner within the city has a problem with a septic tank, the city requires the owner to tap onto the city sewer service. To meet the needs of this area, the city needs to provide sewer service. Bids have been accepted for this project. Division I is an 8" gravity sewer that runs from Cushman Drive along the west side of Highway 19 to a point opposite the water tank near Lincoln Avenue. Division II is an 8" gravity sewer that will run from the north interceptor behind the Whittle property on Highway 19 north near Peach Orchard Place and down Peach Orchard Place to the end of the street. The bids received were as follows:

<u>Vendor</u>	<u>Division I</u>	<u>Division II</u>
Sheriff Construction	\$34,550.00	\$75,745.00
Southern Roadbuilders/APAC	34,219.50	87,739.85
Lad Corporation	36,125.00	75,800.00

The staff recommendation is that the combined low bid of \$110,295 from Sheriff Construction be accepted for Divisions I and II for the construction and installation of the sewer project on Highway 19 and Peach Orchard Place.

Councilman Anaclerio moved, seconded by Councilman Clyburn and unanimously approved, that the bid be awarded to the low bidder for Divisions I and II, Sheriff Construction in the amount of \$110,295.

HABITAT FOR HUMANITY

Housing
Greenville Street

Mayor Cavanaugh stated a request had been received from Habitat for Humanity for purchase of a lot owned by the city on Greenville Street.

Mr. Thompson stated a request had been received from Habitat for Humanity asking the city to make available for a nominal cost a lot on Greenville Street owned by the City of Aiken. The lot is located on Greenville between Abbeville and Edgefield. Habitat for Humanity is an organization that constructs housing for low income families, but requires the family to pay for the home through low monthly payments.

Mr. Thompson stated the city is looking for alternatives to encourage home ownership. During the Horizons session Council suggested the city look at alternatives including working with Habitat for Humanity to encourage housing for low and moderate income residents.

Mr. Thompson stated the city does own a lot on Greenville Street between Abbeville and Edgefield which it obtained under a condemnation proceeding in 1983. He said Habitat for Humanity had identified the lot as one which they could use for building a house for a low income family. He said in the past when the city had sold property it was sold at appraised value. He said the city had not obtained an appraisal on the lot.

Councilman Anaclerio stated he thought in the past the city had agreed to sell property to Habitat. He said he liked the idea of selling rather than giving away.

Council briefly discussed what had been done in the past and asked that the staff check to see what arrangements Council made for the sale of the last lot to Habitat. Council stated they would like to follow the same guidelines in conveying the lot on Greenville to Habitat. It was stated that Council could sell the lot for a reasonable appraised value with liberal financing terms and possibly could use the tax appraised value.

AN ORDINANCE AUTHORIZING THE MAYOR, BY AND WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE ALL NECESSARY DOCUMENTS TO CONVEY A LOT OWNED BY THE CITY OF AIKEN LOCATED ON GREENVILLE STREET BETWEEN EDGEFIELD AND ABBEVILLE AVENUES AND DESIGNATED AS AIKEN COUNTY TAX MAP NO. 30-042-07-008 TO HABITAT FOR HUMANITY FOR THE PURPOSE OF CONSTRUCTING A SINGLE FAMILY RESIDENTIAL STRUCTURE TO BE THEREAFTER PURCHASED BY A LOW INCOME FAMILY RESIDING IN THE CITY OF AIKEN.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading to sell the property on Greenville Street to Habitat for Humanity along the lines used for the sale of the previous lot to Habitat and that the second reading and public hearing be set for the next regular meeting of Council.

STREET

The Alley
Lobster Race
Oyster Fest

Mayor Cavanaugh stated a request had been received for permission to close the streets in The Alley area for the Lobster Race and Oyster Fest.

Mr. Thompson stated a request had been received from the organizers of the Lobster Race and Oyster Fest for permission to block off the entrances to the Alley area (Laurens, Richland, Newberry and Park) between the hours of 6 P.M. and 11 P.M. on May 1 to hold the Oyster Fest which is part of the Lobster Race festivities. The Lobster Race will be held May 2 at the Aiken Jaycee Fairgrounds. Permission has been granted for this event in the past.

ABJ848

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that permission be granted for the Oyster Fest and that the streets into The Alley area be closed for the event as requested.

STREET

Block Party
Woods Bend Drive
Surrey Woods
Cadence Court

Mayor Cavanaugh stated a request had been received from the Surrey Woods Homeowners Association asking for permission to close Woods Bend Drive for a block party.

Mr. Thompson stated the Surrey Woods Homeowners Association had asked for permission to close Woods Bend Drive from the intersection of Cadence Court to the cul-de-sac to permit a block party on Sunday, April 26, between the hours of 12 noon and 5 P.M. Council has granted this request in the past.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the request to close Woods Bend Drive on Sunday April 26, for a block party be granted.

AIKEN'S MAKIN'

Parkways
Streets
Chamber of Commerce

Mayor Cavanaugh stated the Chamber of Commerce had requested use of the parkways and streets for Aiken's Makin' on September 12-13, 1992.

Mr. Thompson stated the city has received a request from the Chamber of Commerce that they again be allowed to use the parkways on Chesterfield from Park to Richland, Park Avenue from Chesterfield to Hayne and Newberry from Park to the bridge for Aiken's Makin'. They would also like for The Alley to be closed from 10 A.M. to 6 P.M. on Saturday and from 1:30 P.M. to 6 P.M. on Sunday for Aiken's Tastin' as well as use of the courtyard of the Municipal Conference Center for entertainment on Saturday and Sunday.

Mr. Thompson pointed out the request is to hold Aiken's Makin' on Saturday and Sunday this year rather than Friday and Saturday because some of the merchants have complained that the traffic and lack of parking spaces hurts their business. Mr. Thompson stated in the past Aiken's Makin' has been very successful, but has created some problems with traffic in the downtown area. The Chamber has surveyed its members concerning scheduling for Aiken's Makin' and has requested that Council allow Aiken's Makin' to be scheduled on Saturday and Sunday to help reduce some of the impact on these downtown businesses. However, some of the churches have indicated they may be opposed to this schedule as it would eliminate parking for church attendance.

Mr. Thompson stated the Chamber had considered other alternatives such as holding the festival at the Weeks Center. However, Aiken's Makin' is larger than the Christmas Craft Show sponsored by the city's Recreation Department. The Christmas Craft Show has about 199 crafters and about 10,000 people. Aiken's Makin' has about 270 crafters with about 30,000 people in attendance. After considering the alternatives the Chamber would like to continue with the tradition of holding the craft fair in the parkways downtown.

Mayor Cavanaugh moved, seconded by Councilwoman Papouchado and unanimously approved, that the Chamber be allowed to hold Aiken's Makin' on Saturday and Sunday, September 12 and 13, 1992, as requested.

CONTINGENT FUND

The City Manager reported to Council that the following expenditures had been made from the Contingent Fund during the months of July, 1991 through February, 1992.

July, 1991

Tech Systems, Inc.	Traffic Camera for Public Safety Car	\$4,995.00
--------------------	--------------------------------------	------------

September, 1991

Carolinas Innovation	City Membership Fee	1,500.00
----------------------	---------------------	----------

October, 1991

Tech Systems, Inc.	Traffic Camera for Public Safety Car	4,395.00
--------------------	--------------------------------------	----------

December, 1991

The Aiken Partnership	Portion of Contribution to Planetarium at USC-Aiken (Total of \$25,000 with \$10,000 from Accommodations Tax)	15,000.00
-----------------------	--	-----------

February, 1992

Aiken County Library	Matching Funds for equipment at Aiken County Library	5,000.00
----------------------	--	----------

Aiken County Commission on Alcohol	Fee for CARE Program for Employees	2,915.00
------------------------------------	------------------------------------	----------

Food Lion, Inc.	Gift Certificates for Turkey or Ham for Employees at Christmas	2,334.06
-----------------	--	----------

Aiken County	City's Contribution to Aiken County Transit System - Best Friend Express	9,600.00
--------------	--	----------

ADJOURNMENT

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


Sara B. Ridout
City Clerk