

Aiken City Council Minutes

March 23, 1992

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

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Terry Rhinehart, Roger LeDuc, Anita Lilly, Carrol Busbee, Ed Evans, 90 citizens and 3 news media.

Mayor Cavanaugh called the meeting to order at 7:40 P.M. Steve Thompson, City Manager, led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the regular meeting of March 9, 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
Housing Authority
Dicks, Nathaniel

Mayor Cavanaugh stated Council needed to consider an appointment to fill the unexpired term of James Jones on the Aiken Housing Authority.

Mr. Thompson stated that James Jones had resigned from the Housing Authority because he had moved to Augusta. He said Council needed to consider an appointment to fill the term which would expire May 28, 1993.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that Nathaniel Dicks be appointed to fill the unexpired term of James Jones on the Housing Authority, with the term to expire May 28, 1993.

Appointments
Accommodations Tax Committee
Cwalina, Jan
Newburn, Beth

Mayor Cavanaugh stated Council needed to consider appointments to the Accommodations Tax Committee.

Mr. Thompson stated that the terms of Jan Cwalina and Beth Newburn would expire March 25, 1992, on the Accommodations Tax Committee.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Jan Cwalina and Beth Newburn be reappointed to the Accommodations Tax Committee for three year terms, with the terms to expire March 25, 1995

WATER - ORDINANCE 032392

Late Payment
Sewer Service

Mayor Cavanaugh stated at the last meeting Council had moved to continue the proposed ordinance that would increase the late payment charge on the water and sewer bills to this meeting for further consideration.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 25-9 OF THE AIKEN CITY CODE SO AS TO INCREASE THE LATE PAYMENT CHARGE ON MONTHLY BILLS OF \$50 OR MORE FOR WATER, SEWER, GARBAGE AND SIMILAR SERVICES TO 10% OF THE AMOUNT DUE IF NOT PAID ON OR BEFORE THE 15TH DAY OF THE MONTH AND AMENDING SECTION 25-12 SO AS TO ESTABLISH A \$200 CHARGE FOR UNAUTHORIZED TAMPERING WITH A WATER METER.

Mr. Holly pointed out the proposed ordinance had been amended for Council's consideration. He reviewed the proposed changes in the ordinance. He stated the ordinance applied to late payment of bills, including water, sewer, garbage and similar services. Also, the ordinance had been amended to add the late payment charge of \$1 to all unpaid bills after the 15th of the month, except that a 10% penalty would be added to all unpaid monthly bills of \$50 or more after the 15th of the month.

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Mr. Thompson stated that Council had been discussing changing the late charge on water and sewer services. The late charge serves to encourage early payment of bills. The ordinance had been amended to change the present \$1 late fee to 10% of the amount unpaid after the 15th of the month on unpaid balances of \$50 or more with a \$1 charge for balances under \$50.

Councilman Anaclerio stated he would like to help the citizens of Aiken who have difficulty in paying their bills, however, he pointed out the City of Aiken must meet its bills also. He said he felt that most people who have difficulty paying their bills are on fixed incomes and their utility bill would probably be \$40 or less. He said, however, there should be some incentive for those who can afford to pay to pay on time. Councilman Anaclerio stated that since the bill for most people who would have difficulty paying their bill because of being on a fixed income would be \$40 or less, he would move that the proposed ordinance, including the amendments pointed out by the City Attorney, be amended to include a \$1 late fee for bills less than \$40 and that a 10% penalty be applied to unpaid balances \$40 and over. The motion was seconded by Councilman Perry.

Councilman Radford pointed out that in reviewing the information on the proposed changes the proposed penalty would be more in line with surrounding cities and setting the penalty at \$1 for bills less than \$40 would help those on fixed incomes.

Councilwoman Clyburn stated she felt a 10% penalty was a big increase and would put the City of Aiken in the high bracket of late penalty fees compared to other cities. She felt the proposed penalty could be a hardship on some customers.

It was pointed out that about half of the city's bills are under \$40 and other cities' penalties are based on the unpaid balance and do not have a different fee for the lower bills.

Councilwoman Price stated the previous discussions had been to increase the penalty fee because of individuals and businesses who could afford to pay but were continuously late in paying. One suggestion was that there be a fee of \$1 for those bills under \$50; those over \$50 would be charged 10%. She said it was her understanding that 95% of the residents in the city have bills under \$50. She said it appears to her that this is a means of generating additional revenue because even moving the \$1 fee for a bill less than \$40 would still leave half the bills subject to 10% penalty if the bills are late. She said she could not go along with that means of generating revenue.

Mayor Cavanaugh called for a vote on the motion to amend the proposed ordinance with the changes pointed out by the City Attorney and changing the ordinance to include a penalty of \$1 for unpaid bills less than \$40 and a 10% penalty for bills \$40 and over. The motion passed by a majority vote with Councilmembers Clyburn and Price opposing the motion.

The public hearing was held on the amended ordinance.

Ms. Bertha Hart, of Washington Circle, stated her water bill is \$48 to \$50 each month and others in her area are higher than hers with most of the people in the area on fixed incomes. She pointed out her area is outside the city, however she had been working to get the area annexed.

Mr. Thompson stated the city had been working with this area for annexation but did not have sufficient signatures for annexation of the area. He pointed out the Annexation Committee would be working with this area again trying to get the area annexed.

Councilman Anaclerio moved, seconded by Councilman Radford, that the proposed ordinance as amended, including the changes pointed out by the City Attorney and changing the penalty to \$1 on unpaid bills of less than \$40 and 10% penalty on unpaid bills \$40 and over, be passed on second and final reading to become effective July 1, 1992. The motion was passed by a majority vote, 5-2, with Councilmembers Clyburn and Price opposing the motion.

Councilwoman Price stated her concern was that fees are being discussed more and more for various services and she was concerned about how much someone with a fixed income can continue to pay.

Mayor Cavanaugh stated he shared the concern, but Council had discussed trying to go to more user type fees because it was felt they were fairer than increasing

property taxes. Over the past few years the city has been successful in lowering the rate of property taxes and has not increased taxes in about eight years. He felt the city had tried to keep costs down as much as possible yet provide good services to the citizens.

BUILDING CODES - ORDINANCE 032392A

Amendments

Standard Building Codes

1991 Editions

Building Code

Fire Prevention Code

Housing Code

Plumbing Code

Mechanical Code

Swimming Pool Code

Gas Code

CABO One and Two Family Dwelling Code

National Electrical Code

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to adopt amendments to the Building Codes.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO AMEND SECTION 6-2 OF THE AIKEN CITY CODE SO AS TO INCORPORATE THEREIN, WITH CERTAIN EXCEPTIONS, THE 1991 EDITIONS, INCLUDING APPENDICES, OF THE STANDARD BUILDING CODE, STANDARD PLUMBING CODE, STANDARD MECHANICAL CODE, STANDARD GAS CODE, STANDARD HOUSING CODE, STANDARD SWIMMING POOL CODE, STANDARD FIRE PREVENTION CODE, AND THE 1989 EDITION OF THE CABO ONE AND TWO FAMILY DWELLING CODE, TOGETHER WITH THE APPENDICES IN THE 1990 AND 1991 AMENDMENTS THERETO, AND TO AMEND SECTION 6-3 OF THE AIKEN CITY CODE SO AS TO INCORPORATE THEREIN, WITH CERTAIN EXCEPTIONS, THE 1990 EDITION OF THE NATIONAL ELECTRICAL CODE.

Mr. Thompson stated that the Building Code Appeals Committee had met and reviewed the latest editions of the building codes and had recommended adopting the updates, additions, and appendices to the building codes. He pointed out the city for many years had adopted a much stronger procedure for restricting substandard housing, and it is recommended that the city continue with this exception to the standard codes.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance adopting the latest editions of the building codes be passed on second and final reading to become effective immediately.

AIKEN YOUTH CORRECTION CENTER - ORDINANCE 032392B

S.C. Department of Corrections

Youth Correction Center

Lease

Air Base

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to extend the lease for the Aiken Youth Correction Center until September 30, 1994.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR, BY AND WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF AIKEN, AS LESSOR, AND THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, AS LESSEE, PERTAINING TO THE OLD AIKEN AIR BASE PROPERTY.

Mr. Thompson stated the city had received a request from the S.C. Department of Corrections, asking the city to approve a lease extension for the Aiken Youth Correction Center. The city entered into a lease with the South Carolina Department of Corrections in 1975 to lease the old Air Base property for the Aiken Youth Correction Center. In 1988 the Department of Corrections asked the city to extend this lease to a long term lease to allow the Department to build a campus type facility. City Council felt at the time that a long term lease was not in the interest of the city and asked that the Department of Corrections move towards finding another location. The present lease expires March 31, 1992, however, Council had granted an extension to September 30, 1992, to allow the Department to

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find a location to construct another facility. The Department is requesting that the lease now be extended to September, 1994, to allow the Department to move into their new facility which is presently being constructed near Trenton, S.C.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the proposed ordinance be amended by changing the proposed amendment to the lease agreement by changing the extension of the lease from September 30, 1994, to January 30, 1994, and that any extension beyond January, 1994, be on a month to month basis thereafter. And further that the monthly rental be increased effective October 1, 1992, from approximately \$4,000 to \$6,000 a month until the lease expires.

The public hearing was held.

Mr. Jack Alley, 229 Walker Avenue, stated he had been a volunteer with the Youth Correction Center for several years, and he had been very favorably impressed with the way it operates. He pointed out the Correction Center is on a fixed income and any increase in rent would mean they would have to cut some services to the inmates. He pointed out in the end any increase in rental rate would come from taxpayers anyway. He felt the city should keep the rent at the present rate for two more years until the new facility is completed.

Ms. Kitty Speed, a Deputy Warden at the Aiken Youth Correction Center, spoke in favor of the city extending the lease with the Aiken Youth Correction Center until the new facility is opened in Trenton in 1994. She pointed out she was an employee of the Center and was concerned about the center being able to stay open until the new facility is constructed. She reviewed the programs, training and schooling offered to the inmates to help train them to go back into society to become good citizens. She pointed out some of the activities in which the inmates had been involved in the community such as campaign funds, maintenance at an adopted school, picking up litter along the highway, helping lay the foundation for homes built under the Habitat for Humanity program, and serving as cleanup crews for the City of Aiken, Aiken County and the State. She pointed out the Youth Correction Center not only serves the needs of the inmates, but it also maintains about 100 employees such as school teachers, nurses, social workers, etc. and about 40 volunteers who provide discipline, emotional and spiritual support, education and vocational training for the prison population. She stated she felt the Aiken Youth Correction Center serves as a very important part of the community in providing for the prison population and in providing jobs in the community.

Mr. George Hagan, Warden, at the Aiken Youth Correction Center, stated he was surprised by the \$2,000 increase in monthly rental proposed by Council. He pointed out the facility is operating on a budget set by General Services of the State. Mr. Hagan pointed out many of the concerned employees of the Aiken Youth Correction Center were present at the meeting. He pointed out a majority of them live within the City of Aiken, and they were concerned about their jobs if the facility were forced to close before the new facility in Trenton is completed. He pointed out the reason for the request for an extension of two years is that the Trenton facility is to be built by inmate labor to try to save taxpayers money which will mean a slower construction time.

Councilwoman Price pointed out she had received many calls over the weekend from employees at the Correction Center. She stated she was not trying to take away the jobs of the employees at the Center. She also pointed out that previously Council had told the State that the city was not willing to grant a long term lease and that they should find another location. She pointed out one of her concerns about extending the lease is that she feels that the prison population will not decrease and by the time 1994 arrives, with the prison population increasing, the State will need the facility at the airport plus the new facility in Trenton to take care of the prison population. She was concerned that the State would ask for another extension in 1994 because the prison population would have increased.

Mr. Hagan stated he did not feel that the State would ask for the facility at the airport to continue to be open when the Trenton facility is completed. He stated the facility at the airport is not ideal for the Correction Center nor for the City of Aiken. He stated they did not necessarily desire to be in the main entrance to the city. He said they are just asking for time to complete another facility so they will have a place to go. He pointed out the increase of \$2,000 per month for rent may result in the Department closing the facility anyway. He said this was something that would have to be decided by the General Services Division.

Councilwoman Clyburn pointed out some of her concerns about the Correction Center. She pointed out at the last meeting she questioned the average age of inmates as she was concerned that it is called the Aiken Youth Correctional Center and adult offenders are housed at the facility. She stated she was concerned that she was being labeled as wanting to close the facility down. She stated she knew some of the youth who are at the facility as they have gone through the schools and are drop outs. Another concern of hers is that the families do appreciate being able to have the offenders close to home. She said she also knew some of the employees, and was concerned about them and their jobs.

Councilwoman Price did point out her main concern was that the State would ask for another extension of the lease for the airport facility. Another concern of hers was the proposed increase of 100 additional adult offenders, however, if Public Safety were to review those to be housed at the facility to be sure there are no violent criminals housed at the facility she would have no objections to the proposal.

Mr. Hagan pointed out the facility currently has 334 beds and 100 additional inmates would not put the facility over its approved capacity.

Councilman Radford pointed out the letter from Mr. Parker Evatt stated that construction time for the Trenton facility would be approximately 18 months which would mean that the facility should be completed by January, 1994. He said he was not in favor of extending the lease to September, 1994, but he did feel that January, 1994, was a realistic date. He said when the motion was made earlier to amend the lease agreement to increase the rental \$2,000 per month he had not calculated the percent of increase and after thinking about it he did not feel that he would be in favor of a \$2,000 increase.

Mr. Thompson pointed out the provisions in the lease provide for an increase in rental based on the Consumer Price Index (CPI).

Mayor Cavanaugh stated he supported extension of the lease agreement, but he also supported a price increase. He stated he felt it was unrealistic to think that the facilities could continue to be used 10 years without an increase. He felt the city should get a fair price for use of the facilities.

Reverend Bruce Page, a minister at Friendship Baptist Church, stated he had been active in prison ministries for several years. He said his concern was two fold, an interest in the inmates and inmates in a community. He said he had found that many of the inmates are local residents. He said he is able to work with the inmates while they are incarcerated and then to work with them once they come out of the facility. He also expressed concern about a \$2,000 per month increase in the rental rate. He suggested if the city had to increase the rate that the percentage of increase be smaller. He said he had heard concerns about the facility being on the north side and being located on an entrance to the city. He said he felt a concern of the community should be the crime rate and not the fact that the Correctional facility is within the community. He said the presence of the facility should demonstrate the fact that the community is concerned about providing facilities to detain individuals until they are released to the public.

Mr. Jerry Spigner, Deputy Regional Administrator, stated that for two years the State had been trying to find a new home for the Aiken Youth Center. He said numerous hearings had been held on three different sites which were all rejected. He said it did take two years to find a site. He said the State is behind schedule because hearings on proposed sites had resulted in rejections so many times. He said the philosophy of the Department of Corrections is that it will only go into a community if they want the facility. He said if it had not been for the employees the State would have closed the Aiken facility some time ago. He said every effort was made to make sure the employees could remain in Aiken or have a job close by. Mr. Spigner pointed out the money from the bonds will not come until July. He said they are beginning construction with monies they initially had for purchase of the land. Mr. Spigner said, concerning the need for additional room in 1994, they have Ridgeland, Turbeville, and Bishopville prisons, as well as Aiken coming on line in 1994 which will give them an additional 4,400 beds for prisoners in South Carolina. He said when the facility is built in Trenton the Department of Corrections will be gone from Aiken. He said to bring the facilities at the airport up to standard requirements for fire and safety items would cost \$2 million alone. He said he did have some concerns about the proposed increase in the lease. He said at the time the Corrections Department wanted to enter into a long term lease and spend \$800,000 improving the facilities, General Services did a study on the facility. General Services said the Department of Corrections was paying too much in rental fees at that time.

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Mr. Richard Maddox, Deputy Warden at the Correction Center, appealed to Council to extend the lease as requested to give time for the Trenton facility to be constructed.

Mayor Cavanaugh stated the City Attorney and the City Manager had obtained a copy of the previous lease with the Department of Corrections and the lease stated the rental rate would be adjusted in accordance with the Consumer Price Index. For the period 1981-87 the rental was adjusted 20%. He suggested that Council increase the rate according to the CPI adjusting the rate from 1987 to 1992.

Councilwoman Price stated since the intent was to vacate the premises she did not feel she could vote for an increase in the rent.

Mr. Carl Pescosolido, 466 York Street, stated he was a volunteer at the Youth Correctional Center and he was impressed with the facility and the people who work there. He felt they were trying to work with the inmates and trying to produce better citizens. He felt this was a human service and asked the City to work with the facility.

The public hearing was closed.

Mayor Cavanaugh pointed out that earlier a motion was made to amend the ordinance to extend the lease to January, 1994, and also to increase the lease price to \$6,000 per month. He said he would like for Council to consider changing the increase in rental fee and base it on the CPI as he felt this would lower the fee but yet would be consistent with the previous lease. The years to figure the CPI would be from the last increase to the present.

Council discussed using the CPI for a rental increase, but some members felt that since the amount of increase was not known they did not want to vote on something they did not know what the figure would be. It was felt the CPI percentage would be about 20% so the rent would increase to approximately \$4,800 per month. Some members suggested using a set percentage for the increase so they would know what the increase would be when voting on the matter.

Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that the ordinance for the lease with the South Carolina Department of Corrections be amended to extend the lease to January, 1994, with an increase in rental to be \$4,800 per month beginning October, 1992.

AUDITOR

Baird & Company Fiscal Years 1993 and 1994

Mayor Cavanaugh stated Council needed to consider appointment of an audit firm for fiscal years ending June 30, 1993 and 1994.

Mr. Thompson stated in the past Council has selected auditors on a rotating basis, with an auditor selected for a three year term. Presently the city has completed the first two years of its three-year contract with Baird & Company. He said the staff is recommending that Council extend this appointment for an additional two years, bringing the total to a five year appointment. The last auditors served the city for seven years. For a variety of reasons the staff feels that a five year term will give the auditors time to know the city and to know the city's procedures. Every year the city changes auditors, the city incurs additional time and expense. The city is facing one or possibly two bond issues during the upcoming fiscal year to help with stormwater management and possibly a recreation program expansion. The city is also in the process of developing its Comprehensive Annual Financial Report (CAFR), and the city will need the assistance of Baird & Company for at least two more years.

The Baird & Company is requesting a three year extension, but the staff is recommending a two year extension and the establishment of the practice of using a single audit firm for a five year period.

Baird & Company has proposed doing the audit for \$30,000 per year. This is a competitive price. The price of the city's present audit was set three years ago at \$22,000. The staff has been very satisfied with the quality of the work of Baird & Company.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve the request to extend the audit contract for Baird & Company for fiscal years ending June 30, 1993 and 1994, but that Council not set

a policy of using a single audit firm for a five yer period. Councilman Anaclerio stated he would like to review the matter of length of the contract each time Council changes auditors.

LANDFILL

Lee County
Bishopville
Regional Landfill
Recycling Center

Mayor Cavanaugh stated representatives were present to discuss the Lee County Regional Landfill and Recycling Center with Council.

Mr. Thompson stated that Ms. Dorothy Smith and Ms. Carolyn Williams from Bishopville were present to discuss the Lee County Regional Landfill with Council. He stated Lee County is facing a controversial issue over the selection of a regional landfill. He said last fall the City of Aiken was contacted by people from Lee County as well as other cities and counties throughout the state asking to use the waste tonnage figures from the area landfills towards justification of the regional landfill in Lee County. In response to their request the City of Aiken did respond with a letter that, although it was highly unlikely that the City of Aiken's tonnage would be used in Lee County, it is conceivable, and without obligating the city's tonnage the City of Aiken would consider use of the city's 141 tons per day towards the needs assessment that DHEC requests.

Mr. Thompson stated that Ms. Dorothy Smith and Ms. Carolyn Williams were present to present their views in opposition to the Lee County Landfill and use of the city's tonnage towards justification of the regional landfill.

Ms. Carolyn Williams, from Bishopville, stated that Mid-America Waste Systems contacted Lee County to establish a regional landfill and recycling center in Lee County and the County signed a contract with them in 1990 without a public hearing or competitive bidding. She said the citizens of the county were opposed to the landfill and had formed the Citizens for Lee County (CLC) which has over 3,000 members. She said the group had been active for about three years opposing such a facility not only for Lee County but also for the State of South Carolina. She pointed out the CLC had passed an ordinance which would not prohibit Mid-America Waste Systems from coming to Lee County but would regulate and restrict the landfill so it would not be oppressive to the county citizens. She stated the CFC has no objection to a landfill in Lee County as the South Carolina Solid Waste Management Act calls for regional facilities. However, they were strongly opposed to the idea of being dumped on from areas all over the country and having garbage brought in from everywhere. She said Mid-America Waste Systems does not have a good reputation so the CFC wants to put a stop to the landfill until something can be done as a state with the solid management bill. She said this is the interim period before the bill is put into effect and before DHEC has written its regulations. She said the CFC had been trying to stop the proposed facility in Lee County. She said she was present to ask the City of Aiken to write a letter to DHEC and rescind its previous commitment of its tonnage to the Lee County Landfill. She said even if the city does not use its air space that it has reserved for Aiken County that it will always be there and it can be used by anyone and the tonnage will be in the permit if granted. She said if the City of Aiken does not plan to use its tonnage or air space she would like for the city to rescind its commitment in the needs assessment.

Mr. Thompson stated he had followed up on the original letter to former Mayor Drayton from Bishopville, with a letter to Dewey Pearson, an engineer with DHEC, regarding the city's letter stating there was a remote possibility that the City of Aiken might use the landfill. Mr. Pearson had stated that there was no commitment from the City of Aiken until the City Council identifies itself as part of the planning area.

After a brief discussion by Council, Councilman Radford moved, seconded by Councilman Perry and unanimously approved, that Ms. Williams' presentation be received as information for study.

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STORMWATER MANAGEMENT STUDY

S.C. Land Resources Commission
University of South Carolina
Wise Hollow
Drainage

Mr. Thompson stated the City of Aiken had been working with the South Carolina Land Resources Commission and the University of South Carolina to develop a study of the drainage basins in the Aiken area. A copy of the Land Resources Commission's study on the Wise Hollow basin had been provided to Council for their information. Copies will be provided to Aiken County and the State. Mr. Thompson stated that Mr. Bill Spearman, of the South Carolina Land Resources, was present to present the highlights of the results of the study.

Mr. Thompson stated the Public Works staff had been working with Land Resources to help with a full study of the stormwater issues throughout Aiken. The report summarizes the findings for the Wise Hollow watershed. The Land Resources Commission and USC have really put a lot of time and expertise into the study. Along with the study the city has received a computer modeling program to help with stormwater management.

Mr. Spearman of the Land Resources Commission stated that for the past several years the Commission had been analyzing several of the drainage basins in the City of Aiken starting with Wise Hollow due to the development taking place in the area and also the Sand River basin. He pointed out a copy of the supplemental report from the Land Resources Commission had been given to Council which is based on a larger report completed by the University of S.C. He said the supplemental report summarizes the problems as well as provides at least one alternative group or system of solutions. He said in stormwater management two things can be done--detain water by providing detention/retention facilities or improving the drainage channels which means enlarging pipes, putting in channels, etc. He said to correct the problems in Wise Hollow will take a combination of both methods. He said existing problems have to be corrected as well as trying to prevent new problems. He said the city does experience flooding problems in the Wise Hollow basin but they are of short term duration, with intersections flooding, backyard flooding, etc. He pointed out the majority of the flooding problems take place in the county. He pointed out in the county there are road crossings where there are no culverts and areas where houses are built in the drainage channel. He pointed out there is no easy solution, and based on his opinion and his review it will take the county and the city working together to solve the problems. He pointed out the problems can be solved in the city, but if the city does not work with and convince the county to solve their problems many of the complaints that the city gets that are really in the county will not be solved. He said the work will take money also. He pointed out the Stormwater Management Act of 1991 provides a mechanism called a stormwater utility system to help fund drainage problems. Mr. Spearman pointed out that everyone in the city generates runoff and helps cause the problems.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the stormwater management supplemental report be received as information.

ANNEXATION - ORDINANCE

WASO Enterprises
Pine Log Road East 134
Canale's

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property of WASO 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. This is the site of Canale's Restaurant, formerly the site of the Carpet Gallery. The restaurant operators needed city sewer service and as a condition of extension of sewer the owner must sign an annexation agreement.

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.

The Planning Commission received a lot of comments about the property, with most of the comments centered around the need for screening between Gatewood Subdivision and the property. The conditions recommended by the Planning Commission require screening.

Councilman Radford pointed out that in constructing the sewer line to the property some damage was done to the existing trees in the buffer area which has opened up an area from the back of the restaurant to the houses which are to the rear of the restaurant. He pointed out presently there is approximately a 70 foot vegetation buffer between the restaurant and the houses. He said the Planning Commission had recommended a buffer of evergreens. He felt such a buffer would be better than a 10 foot buffer and a 7 foot high privacy fence. He said presently there is about 35 feet of open space at the back of the Hains house.

Mr. Bill Hains, 337 East Hedge Drive, pointed out the planting of wax myrtles was at the property line, but there was nothing in the area between his home and the business so it left an open area between the residence and the commercial building. He asked that Council insure that there is some kind of screening across the back of the building so his home and the other residents adjacent to his home don't have a direct view of the back of the restaurant. He said he preferred a natural evergreen screen, but what remains after the sewer line was put in, in his opinion, is no longer a sufficient buffer. He said he was asking that the planting in the buffer be significantly increased or a fence be installed.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance be passed on first reading with the conditions recommended by the Planning Commission and that the second reading and public hearing be set for the next regular meeting of Council.

CHURCH

Williamsburg Street
4-H Building
Farmers Market
Apostolic Faith Church
Parkway

Mayor Cavanaugh stated a request had been received for use of the 4-H building on Williamsburg Street.

Mr. Thompson stated the City of Aiken owns the Farmers Market and the small building directly behind the Farmers Market on Williamsburg Street between Richland and Park Avenues that has been used in the past by the 4-H Clubs. The 4-H Clubs gave this building up about a year ago but had not used it for several years. The building has been empty and is in need of repair. The Apostolic Faith Church has asked for permission to use the building for meetings and small seminars.

Mr. Thompson stated the city does not have any plans for the building at this time. Mr. Segres of the Apostolic Faith Church had noted that the building does need to be maintained. Mr. Thompson stated if the city has any interest in allowing use of this building it might be on a year to year lease with the church maintaining the building in lieu of any monthly lease payments. Mr. Thompson

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stated if Council does grant a lease, the church will still need to send an application through the Planning Commission for approval to use the 4-H building and the house in the area which they plan to purchase for church use. They would also need to comply with the city's building codes.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the Mayor be authorized to execute a lease between the city and the Apostolic Faith Church to lease the old 4-H Club building located in the parkway on Williamsburg Street near the Farmers Market on an annual basis for \$1 per year with the agreement that the church would improve and maintain the building for church purposes in accordance with the city's building codes and obtain the necessary zoning approval, with the lease automatically renewed each year unless either party gives 30 days notice of intent to Council, including the standard provisions and indemnification provisions to protect the city's interest.

STORMWATER UTILITY SYSTEM - ORDINANCE

Drainage

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration 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 Council had just received a briefing on the Wise Hollow Drainage Study from the Land Resources Commission. He said the city had been discussing for some time the need for a stormwater management system in Aiken. He said in October the staff had conducted an extensive worksession with Council on the stormwater management system. He said every part of Aiken is a part of the stormwater problem. He said the properties in Aiken either contribute to the stormwater problem or are damaged by stormwater. To help meet these needs and to meet the demands of the new Stormwater Management Act of the State of South Carolina it is proposed that the city add a Stormwater Utility System as part of the Water and Sewer Utility system. It is proposed that a fee of approximately \$2.80 be added to the utility bill to fund stormwater improvements. Without a system such as this, the city can only fund a nominal amount of improvements each year. He said stormwater is a regional problem and the Stormwater Utility System has been developed for city residents, but the City has also asked the County to be involved. He said the city had made one informational presentation to the county and would be holding more sessions in the future. He said this would be first reading of an ordinance establishing a stormwater utility system.

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

Councilmembers pointed out that stormwater is a regional problem and the City of Aiken could not solve the problems by itself. They asked that the County be contacted again to see if they would work with the city in setting up a Stormwater Management System to help take care of the drainage problems outside the city limits. Council asked that a joint meeting be set up of the city and county councils and city and county staffs to try to get the county to work with the city in solving the drainage problems through a Stormwater Management System.

STORMWATER MANAGEMENT FEES - ORDINANCE

Stormwater Management System

Drainage

Fee

Mayor Cavanaugh stated an ordinance had been prepared for first reading 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 that in establishing a Stormwater Management System, the city needed to set fees to fund the system. The fees need to be as low as possible, but do need to be set high enough to meet the objectives of the system.

Mr. Thompson stated if the city was going to sell bonds to accomplish the immediate major capital needs, the city would need to set fees high enough to meet the service on the bonds. He said the city is looking at about \$3 million in capital improvements and will need to raise at least \$280,000 to \$300,000 per year, depending on the interest rate when the bonds are sold. Also the city needs to fund maintenance of the present and new stormwater components, including the existing drainage ponds, piping, and other aspects of the system which is estimated to cost about \$200,000. This will bring the total needs to around \$500,000. Considering these costs it is felt that \$2.80 per month per housing unit 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). Most property owners in a single family residential unit would pay the minimum, but there are adjusting factors for lots containing less than 10,000 square feet, and for lots containing more than one acre. The rationale is that smaller lots generate less runoff and larger lots generate more runoff. The formula for the commercial rate is based on the amount of impervious area on the lot.

Mr. Thompson stated the proposed ordinance would establish the Stormwater Management Utility Fees and Fee Classifications.

Council discussed the proposed ordinance. It was pointed out the terms in the ordinance are consistent with terms used in other areas. However, the formula is unique to each city and depends on the topography of the area, soil conditions and the needs of the area which determine cost. It was also pointed out by Councilmembers that the County of Aiken needs to join in this project for stormwater management because the city can only solve the problems to the city limits but the drainage problems continue into the county. Council also discussed the fact that such a system will enable the city to solve some of the drainage problems very shortly after bonds are issued. The matter of detention ponds was discussed, and it was stated detention ponds will still be needed in some areas.

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

HUNTINGTON WOODS

Site Plans
Landscape Plans
East Gate Drive
Bedford Place
Whiskey Road
D & C Providers, Inc.

Mayor Cavanaugh stated site and landscape plans for Huntington Woods Apartments had been presented for Council's approval.

Mr. Thompson stated a request had been received from D & C Providers, Inc. for approval of a site and landscape plan for Huntington Woods Apartments. The apartments will consist of 176 units located on a 13.85 acre tract zoned R-3 at the northwestern corner of East Gate Drive and Bedford Place adjacent to Sandstone Subdivision.

The Planning Commission reviewed the request and discussed stormwater, traffic and tree removal. The Planning Commission recommended a variance on replacement of the 216 trees being removed with 175 trees as it was felt that full replacement of all trees would overcrowd the site.

The Planning Commission recommended approval of the site and landscape plans for Huntington Woods Apartments with the following conditions:

1. that all comments of the City Engineer be satisfactorily addressed, including the execution of a Developers Agreement and stormwater management; and
2. that a cut-through in the median on East Gate Drive to be aligned with the proposed driveway to the apartment complex be completed prior to the issuance of any Certificates of Occupancy.

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Council reviewed copies of the plans of Huntington Woods.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the site and landscape plans be approved for Huntington Woods as recommended by the Planning Commission and also that a variance be granted as recommended by the Planning Commission that the 216 trees being removed be replaced with 175 trees.

WOODWINDS ESTATES

Utility Reimbursement Program

Curb and Gutters

Waters, Gerald

S.C. 118 By-Pass

Hickory Ridge Drive

Aberdeen Drive

Mayor Cavanaugh stated a request had been received from Mr. Gerald Waters that Woodwinds Estates be included in the city's utility reimbursement program.

Mr. Thompson stated the city reimburses developers for a portion of the cost of installing utilities to meet city needs when all utilities are installed in a subdivision. Mr. Gerald Waters, of Country Home Builders, has asked that the Woodwinds Estates Subdivision located off the S.C. 118 By-pass and Hickory Ridge Drive be included under this utilities reimbursement program.

Under this program the city reimburses developers for development of utilities, curb and gutter, and street paving with a formula based on \$8 per front foot for each individual lot and is limited to a maximum of 100 feet, or \$800, per lot. This program helps the city as it does encourage developers not only to install utilities, but to also install curb and gutter section along the streets. Under the program the city reimburses based on stages of development when 25% of the lots are built upon and the houses occupied, at 50%, 75%, 90% and 100% of the lots.

Woodwinds Estates includes a total of 48 lots, and it is estimated the total value of this reimbursement would be \$36,344. Mr. Waters has asked Council's approval to add Woodwinds Estates to the utilities reimbursement program.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Woodwinds Estates be included in the utilities reimbursement program.

SANDSTONE SUBDIVISION

Utilities Reimbursement Program

Bedford Place

Jackson Trace

Sandstone Boulevard

Curb and Gutters

Waters, Jerry

Mayor Cavanaugh stated a request had been received for an amendment to the utilities reimbursement agreement with Sandstone Subdivision.

Mr. Thompson stated that in November, 1991, City Council extended the utility reimbursement program to Sandstone Subdivision, reimbursing the developer for a portion of the cost of installing utilities when all utilities are installed in a subdivision. This reimbursement is based on \$8 per front foot of a lot that has been built upon and occupied, with a maximum of 100 feet or \$800 per residential lot. The city has not reimbursed the developer for common properties.

Mr. Jerry Waters is requesting reimbursement for the large sections of common properties that he has built into Sandstone Subdivision. This would include the entrances into Sandstone. The long drives into each phase of the subdivision do not have homes fronting on these areas, and Mr. Waters is requesting reimbursement due to his expense and efforts to make this a very attractive subdivision. Mr. Thompson stated the city has never reimbursed for common areas in the past in other subdivisions.

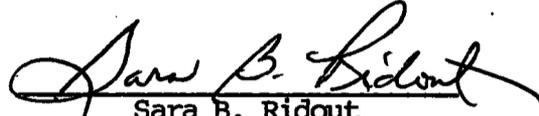
Mr. Thompson stated Mr. Waters is asking the city to amend the reimbursement agreement with Sandstone Subdivision to allow the developer to be reimbursed for curb frontage for all curbs along Bedford Place, Jackson Trace, Sandstone Boulevard and Travellers Lane.

Council discussed the request but felt this would be setting a precedent because they had not reimbursed other subdivisions for common properties.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the request from Mr. Jerry Waters for reimbursement for curb and gutter placed along common areas in Sandstone Subdivision be denied as this would be setting a precedent and Council had not reimbursed other subdivisions for common areas.

ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the meeting adjourn. The meeting adjourned at 10:50 P.M.


Sara B. Ridout
City Clerk

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