

Aiken City Council Minutes

October 27, 1993

SPECIAL MEETING

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

Absent: Councilmembers Price and Radford.

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Roger LeDuc, Larry Morris, Stanley Quarles, Sara Ridout, Philip Lord of the Aiken Standard, Michael Lee of the Augusta Chronicle, and 6 citizens.

Mayor Cavanaugh called the meeting to order at 5:35 P.M. He stated the meeting was called to consider bids for utilities to serve the proposed Beaulieu Carpet Fiber Plant.

BIDS

- Water
- Sanitary Sewer
- Utilities
- Beaulieu Carpet Fiber Plant
- U. S. 1 North
- Interstate 20

Mr. Thompson stated the staff had been working under City Council's guidance with a new industry at the intersection of Highway 1 and I-20, the Beaulieu Carpet Fiber Plant. As part of the agreement with the State Development Board, the City, the County, and the Lower Savannah Council of Governments, utilities for the plant are to be in place to serve the industry very shortly. Mr. Thompson stated the Beaulieu Plant needs the utilities fully operational by December 4 so installation of the utilities must get under contract immediately.

The second issue is the Community Development Block Grant that will actually pay for the utilities. He said the process for the bid is that it is submitted through Aiken County and through the Lower Savannah Council of Governments. The City of Aiken is the sub-recipient on the grant funds. Aiken County will reimburse the City of Aiken after the work is completed. The schedules on the Community Development Grant detail when the bids can be let and how soon the construction can start. He said the time schedule required that the bids be let immediately so construction could begin so the utilities could be in place by December 4, 1993.

Mr. Thompson stated the staff is recommending that bids for materials and installation be awarded to the lowest bidders meeting specifications as follows:

<u>Service or Good</u>	<u>Company</u>	<u>Total Award</u>
Sewer Installation	W. L. Carey Contractors	\$ 78,970.00
Water Line Installations -		
Division I	W. L. Carey Contractors	185,399.00
Division II	Perry M. Hartley Co.	91,586.00
Sewer Pump Station	Mechanical Equipment Co.	15,085.00
Fire Booster Pump	Hardwick-Morrison Corp.	81,540.00
Pipe Materials	Pump and Lighting Co.	158,433.77

Mr. Larry Morris, City Engineer, explained the recommendation on the pipe materials bid. He pointed out that bids on pipe materials could be broken down into two divisions. If so, Division I would consist of valves, fitting, hydrants, and ductile iron pipe. Division II would consist of PVC pipe, double check valve assemblies, and post indicators. If the bid were split this way, U. S. Pipe would be the low bidder on Division I with a bid of \$146,739.74, while WaterPro would be the low bidder on Division II with a bid of \$8,380.60. Mr. Morris

pointed out that U.S. Pipe did not bid all items. The total for both Divisions would be \$155,120.34.

Mr. Morris pointed out, however, that the shipping date for U.S. Pipe is 4 to 6 weeks after receipt of order. Shipping for WaterPro is up to 6 weeks after receipt of order. He stated he had received a letter today from WaterPro modifying their bid, stating they could reduce their shipping of the materials to 2 weeks after receipt of order. Mr. Morris pointed out his recommendation was that the bid be awarded to Pump and Lighting Co. as they had stated in their original bid they could ship the materials in 10 days after receipt of order. He stated Pump and Lighting's bid would be \$3,460.32 more than the combined bids of U.S. Pipe and WaterPro. However, Pump and Lighting had submitted a complete bid and had originally met the bid specifications of delivery within 10 days. Mr. Morris stated his recommendation was that the bid be awarded to Pump and Lighting as being the lowest bid meeting specifications. He pointed out meeting the delivery dates was critical in meeting the schedule to provide the utilities to Beaulieu. Mr. Morris stated Pump and Lighting had assured him they could meet the delivery date of 10 days. Mr. Morris pointed out Addendum 1 to the bid specifications stated that all materials must be delivered within 10 days after receipt of order.

Council discussed the recommendations asking several questions about enforcement of the shipping of the materials so the date for providing the utilities can be met. Mr. Morris explained the purchase order would contain the statement that the bid was accepted subject to delivery within the time period submitted on the bid. Mr. Holly stated if the delivery was not adhered to it would be a breach of contract.

Mr. Thompson stated the lowest bids meeting specifications were being recommended to Council for acceptance subject to approval by the State of S. C. under the Community Development Block Grant Program and subject to approval by Aiken County. He pointed out money for the project will come through Aiken County.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the bids for materials and installation of the utilities for the Beaulieu Plant be accepted as recommended by the staff, those being the lowest bids meeting specifications, subject to approval by the State of South Carolina under the Community Development Block Grant Program and Aiken County.

#### REZONING - ORDINANCE

Richland Avenue  
Gregg Avenue  
Royal, Celeste  
U. S. 1 South  
Tax Parcel No. 30-002-02-004

Councilman Perry moved, seconded by Mayor Cavanaugh, that Council reconsider the action taken at the regular meeting on October 25, denying first reading of an ordinance to rezone the northeast corner of Richland and Gregg Avenues from R-1 Single Family Residential to R-2 Multi-Family Residential and that the matter be placed on the agenda for the November 8, 1993, meeting of Council for consideration for first reading.

Councilman Perry stated he felt Council should give first reading to the proposed rezoning ordinance and allow a public hearing on the matter.

Mayor Cavanaugh stated since the rezoning request had been denied first reading at the regular meeting on October 25, in order for the matter to be considered by Council again someone who voted on the prevailing side needed to make a motion to bring the matter before Council again. He pointed out Councilman Perry had voted at the last meeting of Council to deny first reading of the proposed rezoning ordinance and this was the motion which was passed by the majority of Council. Mayor Cavanaugh stated also that a motion to reconsider the matter again can be taken up as long as two members of Council are not opposed to the matter being brought up without being on the agenda.

Councilwoman Papouchado stated she objected to the matter being reconsidered again for first reading and she objected to the matter being placed on the agenda again. She said her reason was that the project was not a viable project according to the way the Planning Commission rejected the project and the Zoning Board of Adjustment rejected the request for reduction in parking spaces. She felt the project could not physically be built. She said by rejecting the

project on first reading, this gives Mr. Bolton the opportunity to return to the Planning Commission and put together a viable project.

Councilman Perry stated his reason for requesting the matter be reconsidered for first reading is that Council has, in most cases, given everyone, whether controversial or not, the right to have a public hearing for their project. He said the only times he remembers denying first reading was when something was illegal and the project was withdrawn. He said he felt to be fair that Council should give Mr. Bolton and Ms. Royal the chance to have a public hearing on their project.

Councilman Perry stated he had not heard a presentation on the project, and he would like to hear the presentation on the project.

Mayor Cavanaugh stated he felt Council should hold a public hearing on the project so Council could hear the facts. He said the developer had not had an opportunity to make a presentation to Council.

Councilwoman Clyburn asked if Mr. Bolton would revise his plans before the matter is presented to Council or would he have to present the same project which had been presented to the Planning Commission.

Mr. Holly stated if the overall project stays the same and there are minor modifications to the proposal, Council could consider the project on the merits with the modification or send it back to the Planning Commission for review. If the project is revised to the point that it is significantly different from what was presented to the Planning Commission, he felt the project would have to go back to the Planning Commission for review.

Mr. Holly stated that a matter can be considered at a Council meeting even if it is not listed on the agenda unless two members of Council object to the matter being considered. If two members of Council object then it cannot be considered as an unlisted item for consideration.

Mr. Holly pointed out that if the pending motion for reconsideration of the rezoning request at Richland and Gregg passes, then the matter would be placed on the agenda for the next regular meeting of Council, which is November 8, for first reading. The matter would have to be passed on first reading at the November 8 meeting to be considered for second reading and public hearing at the next regular meeting of Council. He said if the motion before Council now for reconsideration of the matter does not pass, the matter must go back to the Planning Commission before it can come back to City Council for action.

Mr. Holly pointed out at this point only one member of Council had expressed objection to the matter being reconsidered without being on the agenda so Council could vote on the motion for reconsideration. He read from the City Code that matters not on the agenda may be considered upon request of a member unless two members object. If two members object, the matter cannot be placed on the agenda or considered at a meeting.

Mr. Holly pointed out the city's policy on most issues had been that if a member of Council asks that a matter be placed on the agenda, it is placed on the agenda by the City Manager.

Mayor Cavanaugh called for a vote on the motion that the request for rezoning of 4.10 acres at the corner of Richland and Gregg be placed on the agenda for consideration for first reading at the November 8, 1993 meeting. The motion passed by a majority vote. Those voting in favor of the motion were: Mayor Cavanaugh, Councilmembers Clyburn and Perry. Opposing the motion were Councilmembers Anaclerio and Papouchado.

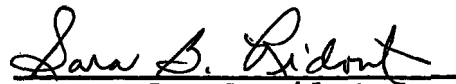
Mr. Holly stated the motion to reconsider the proposed rezoning and to place it on the agenda for first reading on November 8, 1993, had passed by a majority vote. He said at the November 8 meeting there would be no public hearing and if the proposed ordinance does not get a majority vote at that time, the matter is ended.

Mr. Holly explained that if a matter has already been defeated on first reading, there would have to be a motion to reconsider to get the matter back on the agenda. He stated a rezoning matter that is disapproved by Council and which has come through the Planning Commission process required by state law would have to have a motion to reconsider rather than just a Councilmember asking the City Manager to place the item on the agenda as may be done with most matters.

ADJOURNMENT

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved that Council go into executive session to discuss a contractual matter. Council went into executive session at 5:55 P.M.

After disucssion no action was taken. Councilman Anaclerio moved, seconded by Councilwoman Papouchado, and unanimously approved that the meeting adjourn. The meeting adjourned at 7 P.M.

  
Sara B. Ridout  
City Clerk