

Aiken City Council Minutes

October 26, 1992

Executive Session

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

Others Present: Steve Thompson, Frances Thomas, Jim Holly and Sara Ridout.

The meeting was called to order at 6:30 P.M. Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council go into executive session to discuss legal matters regarding election districts, pending litigation, and industrial development. After discussion Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council adjourn the executive session. The executive session adjourned at 7:05 P.M. Council then held a pre-Council discussion session of agenda items.

Regular Session

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

Others Present: Steve Thompson, Frances Thomas, Jim Holly, Roger LeDuc, Anita Lilly, Terry Rhinehart, Carrol Busbee, Ed Evans, Stanley Quarles, Sara Ridout, and 10 citizens and 3 news media.

Mayor Cavanaugh called the meeting to order at 7:30 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 October 12, 1992, were considered for approval. Councilman Anaclerio moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

PRESENTATIONS

Rose Hill
Barnwell Avenue
Jones, Reverend Owen
Phelps, Claudia - House

Mayor Cavanaugh recognized Reverend and Mrs. Owen Jones and presented a letter of appreciation to them for their efforts and the efforts of others in the 18-month endeavor of restoring and refurbishing the Rose Hill Estate on Barnwell Avenue and Greenville Street. Rose Hill, built in 1899 by the Sheffield Phelps family, is now used for a religious house of studies and retreat and was formerly the home of Ms. Claudia Phelps.

Annexation Study Committee
Meyer, Dr. Mark
Certificate of Appreciation

Mayor Cavanaugh stated that Dr. Mark Meyer had resigned from the Annexation Study Committee, and a Certificate of Appreciation had been prepared to recognize his service on that committee of the City. He stated Dr. Meyer had served on the Annexation Study Committee from March 10, 1986 to October 12, 1992.

Awards
Recreation Department
Outstanding Agency Award

Mayor Cavanaugh stated the Aiken Recreation Department had been presented the Outstanding Agency Award again this year.

Mr. Terry Rhinehart, Recreation Director, stated the city had been notified by the South Carolina Recreation and Parks Association that the City of Aiken has again been selected to receive the Outstanding Agency Award for agencies serving populations between 10,000 and 25,000. This is the fourth consecutive year that the City of Aiken has received top honors in this category and the first time an agency, regardless of size, has received this award for more than three consecutive years. Since 1975, the City of Aiken has received this award eight times, and this is more than any other agency in South Carolina. Mr. Rhinehart

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stated the Aiken Recreation Department had also received an Innovative Program Award.

Mr. Jim Headley, Executive Director of the South Carolina Recreation and Parks Association, stated he had appeared before Council in 1989, 1990, 1991 and now 1992, presenting an award to the City of Aiken for the Outstanding Agency of the Year Award for the population category of 10,000 to 25,000. Mr. Headley commended the Aiken Recreation Department for its facilities, programs and dedication of the staff, management and volunteers in obtaining the award again this year. He also commended City Council for its dedication in making decisions and voting on issues regarding recreation matters. He pointed out that recreation facilities are a needed service for the citizens and are a preventive measure for helping to keep young people and others out of trouble by providing good wholesome programs for all segments of the community. He challenged the City of Aiken to continue its good programs and facilities for its citizens. He pointed out the City had won the Innovative Program Award for its Easter Bunny Boogie Program. Mr. Headley congratulated Council, the citizens, staff and Terry Rhinehart for the city's outstanding Recreation Department and for winning the Outstanding Agency Award for the fourth consecutive year. He presented the Outstanding Agency Award and the Innovative Program Award to Mayor Cavanaugh.

HOMEOWNERSHIP PROGRAM

Community Development Housing Grant

Mayor Cavanaugh stated a resolution had been prepared setting up some guidelines for the Homeownership Program approved by Council at its last meeting.

Mr. Thompson stated that at the last meeting Council had approved a Homeownership Program and had asked that the City Attorney prepare a resolution setting up some guidelines for the program as discussed by Council. Mr. Thompson stated the City Attorney had prepared a resolution for Council's consideration.

A RESOLUTION APPROVING HOMEOWNERSHIP PROGRAM FOR THE PURPOSE OF UTILIZING COMMUNITY DEVELOPMENT PROGRAM INCOME TO MAKE LOANS TO LOW AND MODERATE-INCOME RESIDENTS OF THE CITY OF AIKEN TO PAY DOWN PAYMENTS AND CLOSING COSTS FOR THE PURCHASE OF HOMES WITHIN THE CITY OF AIKEN.

Mr. Thompson stated the resolution included the following provisions:

1. Loans shall be made only to residents of the City of Aiken to purchase houses located in the City of Aiken for their own occupancy.
2. Loans shall be secured by a second mortgage at no interest.
3. The principal amount of the loan shall be reduced on a pro rata basis at the rate of 20% per year for each year the borrower resides in the house after closing. Reductions for periods of less than a year may be pro rated by the Housing Committee on a per diem, weekly or monthly basis.

Mr. Thompson stated the Homeownership Program is to be a loan program, and an owner would receive credit in the amount of one-fifth of the total loan for each year of ownership. For example, if a homeowner lives in the home for three years and sells the home, the homeowner would be responsible for reimbursing the city for two-fifths of the original loan amount. The loan will be secured by a second mortgage, with no interest. The resolution also includes Council's decision that the Housing Committee would have the ability to waive the outstanding balance of the loan for hardship conditions.

Mr. Thompson stated the resolution had been prepared for Council's consideration, setting some guidelines for the Homeownership Program through the use of Program Income Funds.

Councilman Anaclerio stated he appreciated the hard work put into the program by the Housing Committee. Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the resolution adopting guidelines for the Homeownership Program be adopted.

RECREATION FEESRecreation Study Group
Outside City Residents

Mayor Cavanaugh stated Council needed to consider appointment of a Recreation Study Group to look at fees charged for recreation programs, especially for outside city residents.

Mr. Thompson stated that at the last meeting Council had asked that the staff submit a list of names for Council's consideration for appointment to a citizens group to study and evaluate programs and fees for recreation programs and activities with particular study on fees for non-residents. The Committee would also evaluate the present programs to determine whether or not these services are appropriate for the city to provide. He stated a list of names had been provided for Council's consideration and that Council members had suggested several other names. The names suggested for the committee are as follows: Nancy Hansen, Jane Ann Royal, Sherman Hickson, Karen Wyont, Jimmy Hanna, Mark Taylor, Barry Johnson, Steve Waack, Tamara Perry, Barbara Thomas, Donnie Campbell, Troy Toney, and John Dingle.

Mr. Thompson stated the action would be appointment of a Recreation Advisory Committee. He stated Council had not established the size of the committee. He suggested that the committee would be an ad hoc committee to serve for the duration of the recommendation on programs and fees of the Recreation Department and would not be an on-going committee.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council establish an ad hoc recreation advisory study committee to evaluate the city's policy for non-resident fees for recreation programs, the rate structure of the instructors, and to evaluate the appropriateness of each program or service offered through the Department to determine whether or not this is a service the city should be providing.

Council discussed the names presented for appointment to the study committee. Councilman Perry pointed out that most of the persons suggested for the committee live outside the city, and he expressed concern since a part of the study involves a study of fees charged to non-residents of the city participating in the recreation programs.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that Council appoint Nancy Hansen, Jane Ann Royal, Sherman Hickson, Karen Wyont, Jimmy Hanna, Mark Taylor, Barry Johnson, Steve Waack, Tamara Perry, Barbara Thomas, Donnie Campbell, Troy Toney and John Dingle to the ad hoc recreation advisory study committee on programs and fees.

SUBDIVISION REGULATIONS - ORDINANCE 102692Streets
Dead-End Streets
Utility Policy
Water
Sewer

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to amend the Subdivision Regulations regarding the length of dead-end streets and the continuation of principal streets.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 5.6.1(e) OF THE CITY OF AIKEN SUBDIVISION
REGULATIONS SO AS TO REQUIRE DEVELOPERS TO PROVIDE RIGHTS-OF-WAY FOR FUTURE
EXTENSION OF PRINCIPAL SUBDIVISION ROADS TO ADJACENT PROPERTIES AND AMENDING
SECTION 5.6.2.c(i) THEREOF SO AS TO REQUIRE ROADS TO END IN PAVED CUL-DE-SACS
PENDING FUTURE EXTENSIONS.

Mr. Thompson stated this was an ordinance changing the city's Subdivision Regulations to affirm the city's policy requiring developments to limit the length of dead-end roads to 1,000 feet, and to require developers to take a street right-of-way to the edge of the developer's property.

Mr. Thompson stated the Subdivision Regulations restrict a dead-end street to a maximum of 1,000 feet, however the city continues to receive requests for a waiver from this requirement. The Planning Commission has reviewed this issue and feels that the 1,000 foot limit is reasonable and should be applied to all

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subdivisions receiving city utilities unless there are unusual circumstances justifying a waiver.

The Subdivision Regulations also allow the Planning Commission and the city to require principal streets to be continued to the edge of the property. The Planning Commission feels that this policy should be maintained, but feels that the city may require the developer to provide the right-of-way only rather than the actual street construction to meet the requirements for a "stubbed out" street. They also feel that all paved streets should comply with city standards.

Mr. Thompson pointed out that at the last meeting Council incorporated the proposed changes in the city's water and sewer utility policy. The proposed ordinance changes the city's Subdivision Regulations to affirm the city's policy regarding the length of dead-end roads and requiring developers to take a street right of way to the edge of the developer's property.

Mr. Thompson stated that the City Attorney had recommended an amendment to the ordinance as approved on first reading. Mr. Holly feels that the term "principal" is undefined and may confuse the definition of roads. Mr. Holly recommends deleting the word "principal."

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the proposed ordinance be amended by deleting the word "principal" in referring to roads in a subdivision as recommended by the City Attorney.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the amended ordinance amending the Subdivision Regulations regarding the length of dead-end streets and the continuation of streets be adopted on second and final reading to become effective immediately.

AUDIT 1991-92

Baird & Company

Mayor Cavanaugh stated the 1991-92 Audit Report had been submitted to Council.

Mr. Thompson stated Council had received a copy of the audit report for the fiscal year 1991-92 prepared by Baird & Company. He pointed out that this is the "cleanest" audit the city has received in the past ten years. The auditors did point out a continuing weakness in the city's accounting system, and the staff is working to correct this problem. The auditors pointed out the need for additional controls in the Utilities inventory system. This is a minor comment, and the auditors have stated the audit is an improvement over past years.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the audit report for 1991-92 be accepted as information.

Mr. Thompson pointed out the auditors had been helpful to the staff. He said the audit includes a great deal more information than in the past. He said Anita Lilly, Finance Director, had been working with the auditors to qualify for the Certificate of Achievement under the Governmental Finance Officers Association.

VIDEO POKER MACHINES

Zoning Ordinance Regulation

Mayor Cavanaugh stated Council needed to consider whether they wished to consider regulation of video poker machines.

Mr. Thompson stated that several members of Council had asked about the city's ability to regulate video poker machines and the location of such machines. He pointed out there was a pending law suit between the video poker machine operators and the City of North Augusta regarding regulations on poker machines. Mr. Thompson stated the City Attorney has researched this extensively and feels that the city may be able to regulate the location of the machines through the Zoning Ordinance, and that Council may wish to ask the Planning Commission to review this matter.

Councilman Perry stated that in view of the fact that the City of North Augusta has a law suit pending regarding video machines, he would like to wait to see what happens before the City of Aiken takes action on the matter.

Councilman Anaclerio stated he agreed with Councilman Perry, but in the meantime he would like to ask the Planning Commission to review the matter, but not make a recommendation until the suit in North Augusta is settled. He said asking the Planning Commission to study the regulation of video poker machines at this time would be putting the citizens on notice that the City of Aiken is working on this, but will not be taking an official position at this time.

Mr. Holly pointed out that the decision in North Augusta involves the issuance of a preliminary injunction which may give the City of Aiken some guidance on the legal issues. However, it is possible that there may be further litigation and court proceedings involving North Augusta that could go up to the State Supreme Court and may take 6 months to a year. He said his interpretation from Council's comments as far as guidance to the Commission is that Council would like the Commission to await the judge's initial decision on the preliminary injunction to see what guidance that may give, then proceed based on what the courts say in making a recommendation to Council.

Mayor Cavanaugh stated he supported asking the Planning Commission to review the matter at this time, but not to make a recommendation until there is some guidance from the North Augusta suit.

Council discussed the matter briefly, stating that they would like the citizens to know that Council is aware of the matter and would like for the Planning Commission to study regulation of the video machines. The staff will also look at charges for a business license fee for video poker machines and whether income from the machines is included in gross revenue of the store owner.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that consideration of the zoning regulation of video poker and similar machines be referred to the Planning Commission for review with no immediate action or recommendation from the Planning Commission until after the initial decision on the suit against North Augusta is received so there will be some guidance to the Commission as to what municipalities may do as far as the zoning regulation of the video poker and similar machines.

Mr. Henry Lee, a citizen, stated that the video poker machines are in convenience stores and that children are using these machines. He stated he felt there should be some age limit for use of the video poker machines.

SANDSTONE SUBDIVISION - ORDINANCE

Whiskey Road
Aiken Mall
Waters, Jerry
Dedication of Streets
Utilities

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept the streets and utilities of Section 3 of Phase I of Sandstone Subdivision.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING DEDICATION OF STREETS AND CERTAIN UTILITIES LOCATED IN SECTION 3 OF PHASE I OF SANDSTONE SUBDIVISION.

Mr. Thompson stated Jerry Waters, President of Sandstone Properties, had requested the city to accept the streets and utilities of Sandstone Subdivision, Section 3 of Phase I. He said the city does accept the utilities and streets after the city is satisfied that the utilities and streets were properly installed and maintained. He said the City Engineer has reviewed the project and is recommending that the city accept the streets and utilities in Phase I, Section 3 of Sandstone Subdivision.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to accept the utilities and streets in Phase I, Section 3 of Sandstone Subdivision be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

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ANNEXATION - ORDINANCE

Powderhouse Road
Early, Elise
Handy, Dr. Lisa

Mayor Cavanaugh stated that the request from Elise Early for annexation of 5.02 acres on Powderhouse Road and zoning as R-1S Residential had been requested to be removed from the agenda. Dr. Lisa Handy who is proposing to buy the property and construct an equine hospital on the property requested that the annexation request be removed from the agenda.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that first reading of the ordinance for annexation of 5.02 acres on Powderhouse Road owned by Elise Early be removed from this agenda as requested by Dr. Lisa Handy and that the matter be continued indefinitely.

SCHOOL NURSE BILL

Schools
Health Care

Mr. Thompson stated that Councilmember Papouchado had suggested that City Council might support the School Nurse Bill that was proposed in last year's legislative session.

Councilwoman Papouchado stated the School Nurse Bill had received a lot of support in the legislature last year and was introduced by Senator Nell Smith who is retiring. She stated someone was needed to help reintroduce the bill and support it in the next legislative session. She suggested that Senator Tommy Moore be asked to reintroduce the bill. She felt it would be beneficial to have City Council's support on the bill. She said there was one county in South Carolina that has no school nurse. Aiken County has one school nurse to serve over 24,000 students. She felt that something needed to be done about that ratio. It was suggested that since Greg Ryberg will be representing the Aiken area that he also be asked to support and reintroduce the School Nurse Bill.

Councilwoman Papouchado moved, seconded by Mayor Cavanaugh and unanimously approved, that Council send letters to Senators Tommy Moore and Greg Ryberg asking them to co-sponsor the School Nurse Bill.

ZONING ORDINANCE

Adult Businesses
Nudity
Conditional Use
Suburban Industrial Zone
Adult Entertainment

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance regarding adult businesses.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6.K.2. OF THE COMPREHENSIVE ZONING ORDINANCE SO AS TO PROVIDE FOR ADULT BUSINESSES AS A CONDITIONAL USE IN SUBURBAN INDUSTRIAL ZONING DISTRICTS, PROHIBITTING SUCH USES IN ANY OTHER ZONING DISTRICT, AND OTHERWISE REGULATING SUCH USES.

Mr. Thompson stated that Council had considered amending the Zoning Ordinance to regulate the placement of adult businesses and asked the Planning Commission to review the issue and to make a recommendation. The Planning Commission has reviewed this and is recommending that adult businesses locate only in the Suburban Industrial Zone (SI) as a conditional use.

Mr. Thompson pointed out a conditional use requires review by the Planning Commission and approval by City Council. Also, the Planning Commission is recommending that no adult businesses could be located within 1500 feet of residential zones, any church, any school or educational use, any public playground or park, or within 1500 feet of any lot on which a similar adult business use is located.

Council discussed the proposed ordinance briefly, and expressed concern about such businesses being able to locate in an area near a school and near industry. Mr. Holly pointed out that Aiken County had passed an ordinance which regulates location of adult businesses in the county and probably the city should have

regulations also or the adult businesses could locate anywhere in the city. Council also briefly discussed creating a special zone for such businesses and allowing all such businesses to be one area.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that the ordinance amending the Zoning Ordinance to allow adult businesses as a conditional use in the Suburban Industrial Zone and regulating the location be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

BONDS

Statement of Intent Recreational Facilities Capital Improvement Program General Obligation Bonds

Mayor Cavanaugh stated Council needed to consider a Statement of Official Intent to reimburse recreational facilities capital improvement program expenditures from future General Obligation Bond proceeds.

Mr. Thompson stated the proposed new recreational facilities approved by Council at the October 12 meeting will be funded in part through a bond issue. Most of the immediate expenses will be paid for out of present reserves set up for the project. However, to clarify any expenses for the bond companies, Council needs to adopt a resolution similar to the resolution adopted for the Storm Water Management System. The staff is recommending that Council adopt a Statement of Official Intent to reimburse the Recreational Facilities Capital Improvement Program expenditures from the bond proceeds of the 1993 Bond Issue.

Mr. Thompson pointed out the city will use approximately \$1 million in reserves to start construction of the new gym and the multi-field complex. Some of the immediate expenses may need to be retroactively paid for out of the bond issue. In order to allow this a Statement of Intent needs to be adopted to allow the city to issue bonds for prior expenses.

Mr. Thompson stated the staff is recommending the adoption of the Statement of Official Intent to reimburse Recreational Facilities Capital Improvement Program expenditures from future General Obligation bond proceeds. This is to satisfy the requirements of the bond counsel and allow the city to fund this year's improvements from a bond issue during 1993.

STATEMENT OF OFFICIAL INTENT TO REIMBURSE RECREATIONAL FACILITIES CAPITAL IMPROVEMENT PROGRAM EXPENDITURES FROM FUTURE GENERAL OBLIGATION BOND PROCEEDS.

WHEREAS, City Council has authorized a Capital Improvement Program for the purpose of constructing recreational facilities on the properties known as Citizens Field and the Norman Woodward Tract and enlarging and improving the H. Odell Weeks Recreational Facility, and construction on these projects is expected to begin shortly; and

WHEREAS, the City Council reasonably expects to reimburse expenditures initially made on these projects from the proceeds of a future general obligation bond issue not to exceed \$2.2 million in the original principal amount,

I hereby move that City Council officially enter into the minutes of this meeting a declaration of official intent under Section 1.103-18 of the United States Treasury Regulations that it reasonably expects to reimburse expenditures for construction of recreational facilities on the properties located in the City of Aiken known as Citizens Field and the Norman Woodward Tract and for enlarging and improving the H. Odell Weeks Recreational Facility as part of its Recreational Facilities Capital Improvement Program from proceeds of General Obligation Bonds to be issued hereafter not to exceed \$2.2 million in the original principal amount.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the foregoing Statement of Official Intent be adopted to authorize reimbursement of expenditures for construction of recreational facilities on Citizens Field, the Woodward Tract and at the Weeks Center from proceeds from General Obligation Bonds to be issued in 1993.

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WEEKS CENTERBids
Roof
Virginia Acres

Mayor Cavanaugh stated bids had been received for the replacement of the roof at the Weeks Activities Center at Virginia Acres Park.

Mr. Thompson stated that the city has experienced problems with the roof at the Weeks Center, and bids have been received for replacement of the roof. The staff is recommending acceptance of the low bid submitted by Mock Roofing, Inc. at a price of \$85,175.

Mr. Thompson stated the project consists of taking off the old roof and installing a new built up roof. The bids received were as follows:

<u>Bidder</u>	<u>Price</u>
Mock Roofing, Inc.	\$ 85,175
RoofCo. Inc.	94,763
Lloyd Roofing, Inc.	144,150

Mock Roofing is located in Bath and has done work for the city on other projects. Mr. Thompson stated funds for the work would have to be taken from Holding Funds or placed under the total bond issue if interest rates are low enough to fund this.

Mr. Thompson stated the staff had looked at repairing the roof, but the engineers state that the old roof is completely failing and the entire roof needs to be replaced.

Mr. Thompson stated the staff is recommending acceptance of the low bid of Mock Roofing, at \$85,175 for replacement of the roof at the H. O. Weeks Center.

Council discussed the type roof to be installed. Mr. Thompson stated the new roof would be the same sloped roof as is presently on the building. He said the city had looked at installing a pitched roof, but the cost would be about three times the cost of replacing with a sloped roof. Mr. Thompson stated the materials used in 1977 when the building was built were of poor quality. It is felt that the quality of materials to be used are superior to the materials used in 1977. Mr. Rhinehart pointed out that better drainage for the roof would be installed when replacing the roof. Council discussed the warranty for the proposed roof. It was pointed out that the warranty would probably be the usual one year warranty for workmanship and materials. Council also discussed whether the roof could be worked in with the new construction for the addition to the Weeks Center. It was pointed out that a pitched roof would require additional structural supports which would cost about three times the amount bid for the sloped roof.

Mr. Thompson stated funds for the roof replacement would have to come from Holding Funds and would deplete those funds for recreation. He stated if the bond issue interest rates were low enough perhaps this could be combined with the bond issue.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that the low bid from Mock Roofing, Inc. be accepted for a new roof for the Weeks Center in the amount of \$85,175, with the staff reviewing the warranty and negotiating, if possible, an extended warranty for the workmanship and materials.

DRAINAGEBids
Cedar Lane
Kalmia Hill
Stormwater Improvements

Mayor Cavanaugh stated Council needed to consider the bids for Cedar Lane Stormwater improvements.

Mr. Thompson stated as part of the city's program for stormwater improvements in the Kalmia Hill area, the city needs to replace pipe and some of the stormwater structures along Cedar Lane. Cedar Lane is the short street immediately behind McDonalds off Richland Avenue. Bids have been received on the project, and the

staff is recommending acceptance of the low bid of Cherokee Construction Co. with a bid price of \$163,499.

Mr. Thompson stated the city had had problems with flooding and pipe collapses in the Kalmia Hill area. It is proposed to install a concrete invert inside the existing 72 inch pipe from Richland Avenue for approximately 500 feet. The existing pipe from this point to Cedar Lane would be replaced with a new 72 inch concrete lined steel pipe. The new pipe will be larger than the existing pipe and will provide additional capacity for future upgrading of the line through the Kalmia Plaza. The water from Kalmia Hill flows through the Rollingwood Road storm sewer, and part of the Cedar Lane project will be held until after the Rollingwood Road problem is resolved. However, the improvements proposed will help to eliminate the present pipe problems the city is experiencing in this area. He said this project is one part of the solution to the Kalmia Hill flooding. He said the city would be bringing other bids to Council as the city moves the project along. He said eliminating the problem on Cedar Lane will ultimately help resolve the problem along Richland Avenue in front of Harry's Donuts which will be a separate project and will be brought to Council later. The bids received for the Cedar Lane project were as follows:

<u>Bidder</u>	<u>Price</u>
Cherokee Construction	\$163,499.00
C. E.. Clower.	194,302.38
APAC	215,841.00
McClam and Associates	242,420.50
Plowder	264,058.00

Mr. Thompson stated the staff is recommending acceptance of the low bid of Cherokee Construction Company in the amount of \$163,499. Funds are available through the Stormwater Program.

Councilman Anclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the bid be awarded to the low bidder, Cherokee Construction Company for storm drainage improvements in the Cedar Lane area in the amount of \$163,499.

AIRPORT STOP AND SHOP

Sewer
Epps, John.
2566 Columbia Highway N.
U.S. Highway 1 North
Convenience Store
Interstate 20
Utility Request

Mayor Cavanaugh stated the city had received a request for sewer service for a convenience store on U.S. Highway 1 North.

Mr. Thompson stated the city had received a request for sewer service for the Airport Stop and Shop located at 2566 Columbia Highway (U.S. 1 North). The convenience store is located near I-20 and the Verenes Industrial Park. The Planning Commission reviewed the request and recommended approval with the following conditions:

1. that signs on the site comply with the sign ordinance within five years;
2. that the property owner plant no fewer than four trees that comply with the Tree Protection and Landscaping Ordinance and that should the trees have to be removed due to highway widening that they be replanted on site; and
3. that an annexation agreement be executed stating that the property owner must annex the property if and when it becomes contiguous to the city limits.

Mr. Thompson stated the conditions were consistent with the requirements in the past. He said the property owner was informed that he would have to comply with the annexation requirement to receive a city service. Mr. Thompson pointed out that previously there had been trees on the site, but they were removed by the city crews in compliance with a FAA requirement as the trees were in the glide slope for the airport. He said the Planning Commission was not aware of the city's removal of trees on this site and efforts to limit tree height in this area. He said about five years ago the owners of the Airport Stop and Shop allowed the city to remove four large trees from the site and from the adjacent

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properties. The trees were removed to keep the glide path clear for incoming aircraft to the Aiken Airport. Mr. Thompson stated if the city requires the trees on the site, Council may wish to do so with the requirement that tree planting and placement will be only on approval of the Federal Aviation Administration. He said the owner was very generous with the city during the removal and did not charge the city for the trees. He said tall trees needed to be avoided at this site, but Council may wish to consider smaller trees or shrubs.

Council discussed the request and the condition recommended by the Planning Commission that no less than four trees be planted. Council members stated perhaps the city could relax the requirements since tall trees might interfere with the airport glide slope. Council members stated they would like to see some trees on the property and perhaps the owner could plant some shrubs or trees that do not grow very tall. It was also pointed out the landscaped islands in front of the property are actually right of way for the highway and may be removed when Highway 1 is widened. Mr. Thompson pointed out the County has an ordinance which restricts heights in the area of the airport.

It was pointed out that in order to plant trees on the area concrete would have to be removed from the islands. It was also pointed out there is some dirt area to the left of the building, however, this may not be on the property of the Airport Stop and Shop.

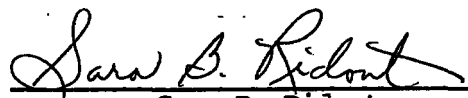
Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council approve sewer service to the Airport Stop and Shop with the conditions as recommended by the Planning Commission, with trees to be planted being small trees and with the understanding that the requirement for tree planting and placement be only on approval of the Federal Aviation Administration.

CONTINGENT FUND

Mr. Thompson informed Council that \$10,000 had been expended from the Contingent Fund during July, 1992, to the Economic Development Partnership. This expenditure was authorized by Council as an annual contribution to promote industry in the Aiken area.

ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the meeting adjourn. The meeting adjourned at 9:10 P.M.


Sara B. Ridout
City Clerk