

Aiken City Council Minutes

September 14, 1998

EXECUTIVE SESSION

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

Absent: Councilwoman Price

Others Present: Steve Thompson, Gary Smith, Bill Huggins, Roger LeDuc, Sara Ridout, Gary Stooksbury, Bill Inman, and Rob Tyson from Aiken Electric Cooperative.

Mayor Cavanaugh called the meeting to order at 5:32 P.M. Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council go into executive session to discuss a contractual matter regarding a franchise for electric power. After discussion, Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the executive session end. The executive session ended at 6:55 P.M. Then a pre-Council session was held for discussion of agenda items.

REGULAR MEETING

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

Absent: Councilwoman Price

Others Present: Steve Thompson, Gary Smith, Bill Huggins, Anita Lilly, Terry Rhinehart, Ed Evans, Carrol Busbee, Roger LeDuc, Sara Ridout, Tom Smith of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, and 10 citizens.

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 August 10, 1998, and the special meeting of August 24, 1998, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

ANNEXATION - ORDINANCE 091498

New Covenant Presbyterian Church

Church

Hitchcock Parkway 526

By-Pass

Tax Parcel No. 00-105.0-01-073

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to annex 11.019 acres owned by the New Covenant Presbyterian Church.

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 11.019 ACRES OF LAND, MORE OR LESS, OWNED BY NEW COVENANT PRESBYTERIAN CHURCH AND LOCATED AT 526 HITCHCOCK PARKWAY AND BEING ALSO KNOWN AS TAX MAP PARCEL NUMBER 00-105.0-01-073 AND TO ZONE THE SAME R-1 SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated a request had been received from the New Covenant Presbyterian Church, located at 526 Hitchcock Parkway, to annex into the city.

The church has asked for annexation of an 11.019 acre parcel fronting on Hitchcock Parkway. The Planning Commission has reviewed this and recommends approval under the R-1 Single Family Zone. The property is contiguous by the Hitchcock Parkway, and is located adjacent to Cornerstone Baptist Church, which is presently within the city. Service to this property would not pose a problem for the city, and the Planning Commission included a condition that additional trees be planted in a planting strip along Hitchcock Parkway.

The public hearing was held and no one spoke.

Councilman Anaclerio stated he would like to see a time limit of one year placed on the condition for planting of additional trees in the Planting Strip.

Mr. Don Byerley, Secretary of New Covenant Presbyterian Church, stated the church had no problem with the requirement for planting of trees and the church plans to plant the trees in October.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on second and final reading an ordinance annexing the New Covenant Presbyterian Church, with the condition that additional trees be planted in a planting strip along Hitchcock Parkway within one year from this date and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE 091498A

Aiken Church of Christ  
Church  
Whiskey Road 2006  
Corporate Parkway  
Tax Parcel No. 30-059.0-01-002

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to annex property of the Aiken Church of Christ on Whiskey 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 4.51 ACRES OF LAND, MORE OR LESS, OWNED BY THE AIKEN CHURCH OF CHRIST AND LOCATED AT 2006 WHISKEY ROAD AND BEING ALSO KNOWN AS TAX MAP PARCEL NUMBER 30-059.0-01-002 AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS (NB).

Mr. Thompson stated City Council has received a request from the Aiken Church of Christ at 2006 Whiskey Road, asking the city to annex the church site on Whiskey Road.

The Aiken Church of Christ is located on a 4.51 acre parcel fronting on the east side of Whiskey Road, and the church has requested annexation under the Neighborhood Business zone. The property does appear to be consistent with this zone.

The Planning Commission reviewed this request, and recommended annexation on the condition that trees be planted in the planting strip along Whiskey Road and along the south property line as required by the City Horticulturist.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 2006 Whiskey Road, with conditions recommended by the Planning Commission with the additional trees to be planted within one year and meeting the Horticulturist's recommendations and that the ordinance become effective immediately.

GARBAGE - ORDINANCE 091498B

Commercial Garbage Service  
Contractor  
Solid Waste  
Sanitation

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Code regarding commercial garbage service options.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 18-6 OF THE CODE OF THE CITY OF AIKEN TO ALLOW PRIVATE FIRMS TO PERFORM COMMERCIAL GARBAGE COLLECTION IN THE CITY OF AIKEN.

Mr. Thompson stated over the past few years we have discussed many ways that the City works with private contractors for the delivery of city services.

One of the areas that we have discussed possibly moving to a private operation is the commercial garbage service now offered by the city. Most of our customers would not find that their service would be improved or that the cost would be reduced through the use of a private commercial garbage hauler, but there are some businesses that would benefit from having this option available. We are proposing that we amend the city ordinance to allow commercial customers with dumpster pickup service the ability to choose who they would like to provide commercial garbage collection services.

The current ordinance requires all commercial properties to use the services of the City of Aiken, but there are a few customers, including the larger grocery stores, that use private haulers for containerized or compacted waste and recyclables. We work with these companies on a case by case basis, and have discussed expanding this to allow these customers to choose a private hauler instead of the use of the city's commercial collection system. We do not expect this to dramatically increase or decrease our expenses, but instead this would be a service and an alternative for these customers. In time, if we have enough customers move to private service, Council may wish to consider making further changes to commercial collection services in Aiken.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on second and final reading an ordinance allowing commercial customers, with commercial dumpster service, to select private collection firms for disposal of garbage and waste and that the ordinance become effective immediately. Council asked that the pilot program be reviewed in 6 to 9 months.

#### ANNEXATION - ORDINANCE

1981 Whiskey Road

Bojangles

Rufo, Raymond T.

Mazio's

Tax Map Parcel No. 30-059.0-02-001

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property at 1981 Whiskey Road, the present location of Bojangles.

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 1.45 ACRES OF LAND, MORE OR LESS, OWNED BY RAYMOND T. RUFO AND LOCATED AT 1981 WHISKEY ROAD AND BEING ALSO KNOWN AS TAX MAP PARCEL NUMBER 30-059.0-02-001 AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS (NB).

Mr. Thompson stated City Council has received a request to annex the property presently occupied by Bojangles Restaurant on Whiskey Road. This property was required to sign an annexation agreement as a condition of city services in 1991. The owners are willing to move forward with this commitment, and have submitted an annexation petition on this property.

The Planning Commission has reviewed this annexation and is recommending that the annexation be approved on the following conditions:

1. the front Planting Strip be planted with as many trees as possible with a caliper of at least three inches as approved by the City Horticulturist to compensate for the smaller Planting Strip that the Commission has allowed; and
2. the Bojangles's pole sign be brought into conformance with the sign standards found in the Zoning Ordinance within one year.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance approving the annexation of the property at 1981 Whiskey Road into the City of Aiken, with conditions as recommended by the Planning Commission be passed on first reading and that second reading and public hearing be set for the next regular meeting of City Council.

ANNEXATION - ORDINANCE

Excel Inc.  
Whiskey Road  
Stratford Drive  
Watson, James  
Traughber, Dianne W.  
Office Building  
Tax Parcel No. 00-158.0-01-699

Mayor Cavanaugh stated since he was an independent representative for Excel, he would not participate in the discussion or vote on the item regarding amending the annexation ordinance for the Excel property. Mayor Cavanaugh left the room at 7:40 P.M.

Mayor Pro Tem Perry stated an ordinance had been prepared to amend the ordinance annexing property located at the southwest corner of Whiskey Road and Stratford Drive, the site of the Excel office building.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO AMEND AN ORDINANCE ANNEXING TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 27.5994 ACRES OF LAND, MORE OR LESS, OWNED BY JAMES S. WATSON, JR. AND DIANNE W. TRAUGHBER AND LOCATED AT THE SOUTHWEST CORNER OF WHISKEY ROAD AND STRATFORD DRIVE AND BEING ALSO KNOWN AS TAX MAP PARCEL NUMBER 00-158.0-01-699 AND TO ZONE THE SAME PROFESSIONAL (P).

Mr. Thompson stated that at the August 24, 1998, meeting of City Council, Council approved the annexation of the site proposed for the new Excel Communications facility. Excel has asked that City Council amend this ordinance slightly, and this is presented for first reading consideration.

Mr. Thompson stated the annexation ordinance previously approved allowed the annexation to be effective on September 15, 1998, and was intended to allow closing on the property prior to annexation. The company has asked that annexation of the property be delayed until September 28, 1998, to allow more time prior to closing.

The previous annexation ordinance also specified buffers along different parts of the property, and the owners have asked to change the buffer requirements to allow a detention pond and berm within this buffer area. The staff has reviewed this and is recommending that City Council amend the annexation ordinance to change the condition to require an untouched buffer at least 100 feet deep along the western boundary except where the Stormwater Management System is proposed by the applicant to be constructed, on the condition that evergreen shrubbery is planted along the entire length of the western slope of the berm as approved by City staff.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance amending the earlier conditions of annexation on the Excel Communications site, located at Whiskey Road and Stratford Drive and that second reading and public hearing be set for the next regular meeting of Council.

Some residents of the Stratford Hall Neighborhood Association appeared before Council and stated they had some concerns about the proposed ordinance and changes. They were informed that the public hearing on the ordinance would be held on September 28, 1998, and both sides would be able to present their information.

Mayor Cavanaugh returned to the room at 7:45 P.M.

AIKEN MALL - ORDINANCE

Metropolitan Life Insurance Company  
Sign  
Whiskey Road  
East Gate Drive  
Easement

Mayor Cavanaugh stated an ordinance had been prepared to grant an easement to Metropolitan Life Insurance Co., owners of the Aiken Mall, to provide access to and maintenance of the sign at the Aiken Mall.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO GRANT AN EASEMENT TO METROPOLITAN LIFE INSURANCE COMPANY AT THE AIKEN MALL.

Mr. Thompson stated City Council has received a request from the Metropolitan Life Insurance Company, owners of the Aiken Mall, asking the city to grant an easement to the company, to provide access to and maintenance of the sign at the Aiken Mall. The proposed ordinance will allow that easement.

Mr. Thompson stated the Mall sign was built within the right of way of East Gate Drive, and this right of way was later conveyed to the city. Generally signs would not be placed within the right of way, but in this case the sign was, and the insurance company needs the city's permission to leave the sign in place and to maintain the sign. Gary Smith, the City Attorney, has worked with the company to develop an easement for this purpose.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance authorizing an easement to Metropolitan Life Insurance Company for access and maintenance of the sign at the Aiken Mall and that second reading and public hearing be set for the next regular meeting of City Council.

At 7:45 P.M. Councilwoman Clyburn entered the meeting.

AIRPORT

Sub-lease  
BW Airplane, LLC  
Hangar  
Resolution

Mayor Cavanaugh stated Council needed to consider approval of a sub-lease to BW Airplane, LLC at the airport.

Mr. Thompson stated the Fixed Base Operator (FBO) has a lease for a portion of the property at the Aiken Municipal Airport, and any sub-lease within that leased area requires approval by City Council.

Mr. Thompson stated Aiken Aviation, the city's FBO, has asked City Council to approve a sub-lease with BW Airplane, LLC, to build a corporate hangar at the airport. This has been discussed by the General Aviation Commission. The staff has met with the developers concerning location and is recommending approval to City Council. The hangar would not increase the debt at the airport and would not affect the airport in any negative ways. It does generally meet the city's master plan for development at the airport.

Under this sub-lease, the FBO is leasing the property to the company at a cost of \$11,652.30 per year, for the remaining 14 years available to the FBO under the present lease with the City. The sub-lease also includes a provision for extension of the lease based on new extensions of the FBO's lease.

Mr. Thompson stated the staff has met with the FBO and with the company, and is satisfied that we can meet all of the requirements of location and design at the airport, and recommends this sub-lease to Council. The General Aviation Commission has not had an opportunity to review the final draft of this sub-lease, and the staff suggests that Council make approval of the sub-lease contingent on approval by the General Aviation Commission, and that Council allow the City Attorney to review and modify the final document to incorporate additional changes in the sub-lease. The staff is recommending that Council approve a separate letter of agreement between the City and BW Airplane, the company building the hangar, to give the company some assurance that after the end of the lease with the present FBO that the City will continue a lease for this property on which a corporate hangar is to be built. This does give the company some assurance that they will have a lease for a term of at least fourteen years, and we suggest that this letter of agreement assure continuation of the lease on the same conditions and payments of the lease between the company and the FBO. This is in keeping with other corporate leases at the airport. He stated BW Airplane was concerned that at the expiration of the lease with the present FBO whether or not Aiken Aviation is the next FBO, that they reserve the right to continue to operate their hangar.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve the resolution granting the sub-lease at the Aiken Municipal Airport between Aiken Aviation and BW Airplane, on the condition that the General Aviation Commission provide final approval and that the City Attorney be given authority to modify and approve the final document prior to execution. In addition the City Manager is given approval to execute a letter of agreement with BW Airplane approving future lease arrangements.

#### AIRPORT - ORDINANCE

##### Easement

##### Hangar

##### BW Airplane, LLC

##### Corporate Hangar

##### Municipal Airport

##### Wyatt, Weldon

##### Airport Boulevard

Mayor Cavanaugh stated an ordinance had been prepared to grant an easement to provide access to a corporate hangar to be constructed by BW Airplane at the Airport.

Mr. Thompson read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO GRANT AN EASEMENT TO BW AIRPLANE, LLC AT THE AIKEN MUNICIPAL AIRPORT.

Mr. Thompson stated the city has a request for an easement for access to the new corporate hangar proposed by the FBO and by BW Airplane.

Mr. Thompson stated this is an example of the complications that we face when we have a city-owned road outside of the city limits, and in this instance Aiken County is requiring that the City grant BW Airplane an easement over both Airport Boulevard and over the present gravel road that we have developed for access to this hangar and to the other hangars at the airport. By granting this non-exclusive easement, you will solve a temporary problem at the airport, but as we develop additional hangars at the airport, we may have to revisit this easement issue if the airport remains outside of the city.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado, that the ordinance granting access to BW Airplane on both Airport Boulevard and on the gravel road between the boulevard and the corporate hangars at the airport be passed on first reading and that second reading and public hearing be set for the next regular meeting of City Council. The motion was approved by a majority vote with Councilman Radford opposing the motion. He stated he did not understand the County making this requirement.

#### BIDS

##### Training Ground Repairs

##### Public Safety Department

##### Dupont Drive

##### Firing Range

##### Burn Building

##### Gayle Avenue

Mayor Cavanaugh stated Council needed to consider the bids for training ground repairs.

Mr. Thompson stated for several years the staff has discussed the need to repair the indoor firing range and the multi-purpose burn building located on Dupont Drive. We have taken bids for these repairs, and are recommending acceptance of the low bid of \$43,003, submitted by Two State Construction.

This project includes repairs to the floor and ceiling in the indoor firing range, replacement of doors and knobs at the range, and replacement of shutters at the indoor firing range. This also includes replacement of ceiling and wall concrete in the burn building, along with painting and replacement of lights and tiles in both structures.

We distributed a total of three bid invitations on this project, and received responses from all three vendors. These responses include complete bids of Two State Construction, out of Thomson, Georgia, and by H. G. Reynolds, Inc., of Aiken. Stewart Builders, also of Aiken, submitted a partial bid on this project, but we need to channel these repairs through a single company to

allow us to have a single company responsible for all repairs and for the quality of this work. The bids received were as follows:

	<u>Two State</u>	<u>Reynolds</u>	<u>Stewart Builders</u>
Phase I - Repairs to Floor & Ceiling	\$ 5,395	\$ 9,590	\$7,501
Phase II - Replacement of 5 doors, hinges, closure, and knobs lever	5,695	5,300	3,500
Phase III - Shutter Repairs	2,197	4,500	1,800
Phase IV - Burn Room Insulation	19,301	19,800	--
Phase V - Firing Range Repairs and Improvements	10,415	5,000	--
Total	\$43,003	\$44,190	

The staff is recommending acceptance of the low bid of Two State Construction, with a total bid of \$43,003. Funds are available in the current budget for this repair.

Councilman Radford moved, seconded by Mayor Cavanaugh and unanimously approved, that Council accept the low bid of Two State Construction in the amount of \$43,003 for repairs to the training grounds for Public Safety.

#### BIDS

##### Spreader Top Dresser Recreation Department

Mayor Cavanaugh stated Council needed to consider the bids for purchase of a spreader for the Recreation Department.

Mr. Thompson stated with the tournament fields at Citizens Park, the city has to maintain a level playing surface, and we have bid the purchase of a top dresser/spreader to help us with this task. The staff is recommending acceptance of the low bid of Gordon Bannerman, Ltd., with a total of \$14,339.30.

We distributed a total of six bid invitations on this purchase, and received only the single bid of Gordon Bannerman. We have discussed this with several of the vendors, and are satisfied that the bid specifications were not too tight, and that the equipment bid does meet our specifications and will meet our needs.

This item was requested through the budget process, but was not funded, as the priority at that time was for funding instead for a vacuum at the tournament complex. Terry Rhinehart has asked that the priority change, and has asked that you fund the spreader instead of the vacuum for this fiscal year. Mr. Rhinehart understands that there is no commitment for a vacuum in future years if he substitutes this equipment. The staff is recommending that Council approve the purchase of a top dresser/spreader.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council accept the low, and only bid, of Gordon Bannerman, Ltd., in the amount of \$14,339.30 for the purchase of a top dresser/spreader for use in the Recreation Department.

BIDS

Playground Equipment  
Recreation Department  
Gyles Park  
Park Avenue  
Bliss Products & Services

Mayor Cavanaugh stated Council needed to consider the bids received for purchase of playground equipment for Gyles Park.

Mr. Thompson stated the city has taken bids for the purchase of a multi-play unit for Gyles Park. The staff is recommending acceptance of the second low bid of \$15,592.53, submitted by Bliss Products & Services.

The proposed unit is very similar to the play units that we have installed in the other parks around the city, and this is part of our ongoing efforts to upgrade these parks.

We received a total of three bids on this purchase, and are recommending acceptance of the second low bid. We reviewed these bids at length with the Department of Parks and Recreation and with the bidders, and were not satisfied with the efforts by the company that submitted the low bid to address safety and warranty issues. Mr. Thompson stated he was recommending that Council not accept the low bid, but instead accept the second low bid, submitted by Bliss Products and Services. Funds are available in the budget for this purchase, and we are satisfied that the equipment does meet our specifications and needs. The bids received were as follows:

Architectural & Recreational Products, Inc.	\$13,095.00
Bliss Products & Service	15,592.53
Leisure Lines, Inc.	18,396.75

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve the bid of Bliss Products & Services for the purchase of a multi-play unit for Gyles Park, with a total bid of \$15,592.53 as recommended by the staff.

RESOLUTIONSeat Belts

Mayor Cavanaugh stated a resolution regarding use of seat belts had been prepared for Council's consideration.

Mr. Thompson stated Aiken County is supporting an initiative to encourage the use of seat belts and child safety restraint devices for all Aiken County citizens, and asked City Council to consider adopting a similar resolution.

Mr. Thompson stated the use of seat belts is important to our citizens and our residents. Increasing seat belt usage is the single most effective way to save lives and reduce injuries and crashes on America's roadways, and the Aiken City Council has previously supported this by adopting a city-wide policy of seat belt usage for all employees, and encouraging residents of Aiken to use seat belts. The resolution before Council emphasizes that policy of usage.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council adopt the resolution supporting and encouraging the use of seat belts and child safety restraint devices for residents of Aiken.

Councilwoman Papouchado pointed out the proposed resolution was great but the situation will not really change until the State Legislature passes a seat belt law that allows officers to make the non-use of seat belts a stoppable offense. She felt changing of the state law needs to be a focus in order to make a change in highway safety.

Mayor Cavanaugh suggested that a letter be addressed to the state legislators asking for support to change the law to allow the non-use of seat belts to be a stoppable offense in South Carolina.



MEETING SCHEDULE

Mr. Thompson stated the annual International City Management Association's Conference is scheduled for October 24 - 28, 1998, in Orlando, Florida, and this conflicts with the City Council meeting of October 26. In the past City Council has cancelled the regular meeting of City Council if it conflicts with this conference. Mr. Thompson stated he was recommending that Council cancel the second meeting of October of this year.

As with all meeting changes, if this meeting cancellation dramatically impacts an active issue, we will try to set up an alternate meeting date. Otherwise, we would hold only a single meeting in October.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Council only meet on October 12, 1998, and that the meeting scheduled for October 26, 1998, be cancelled.

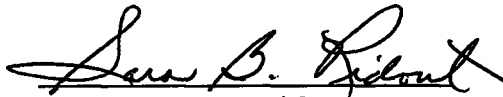
EXECUTIVE SESSION

Mayor Cavanaugh stated Council needed to go into Executive Session to discuss potential purchase of property.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council go into executive session to discuss the possible purchase of some property. Council went into executive session at 8 P.M. After discussion Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the executive session end.

ADJOURNMENT

There being no further business the meeting adjourned at 8:15 P.M.

  
Sara B. Ridout  
City Clerk