

Aiken City Council Minutes

October 28, 1996

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

Absent: Councilman Anaclerio.

Others Present: Steve Thompson, Gary Smith, Frances Thomas, Roger LeDuc, Carrol Busbee, Anita Lilly, Ed Evans, Andy Anderson, Sara Ridout, Chasiti Kirkland of the Aiken Standard, Chandra McLean, of the Augusta Chronicle, and 46 citizens.

Mayor Cavanaugh called the meeting to order at 7:45 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of October 14, 1996, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

PRESENTATIONS

American Legion Post 26
Baseball Team
Proclamation
Recognition

Mayor Cavanaugh stated Council likes to recognize athletic teams and also academic teams that win state titles. He said the American Legion Post 26 Baseball Team had won the South Carolina State championship and represented South Carolina in the Southeast Region tournament in North Carolina. Mr. Julian Dunbar, of the American Legion, was present for the presentation. Mayor Cavanaugh read a proclamation which had been prepared honoring the American Legion Baseball team and presented the proclamation to Mr. Dunbar.

SISTER CITY

Presentation
Orvieto, Italy

Mayor Cavanaugh stated Mr. George Custodi, Mr. Bill Weiss, Janet Morris, Art Lader and Domenico Mollo were present to make a presentation from Orvieto, Italy.

Ms. Morris presented a gift to Mayor Cavanaugh from Orvieto and also read a letter of invitation from Mayor Stefano Cimicchi of Orvieto that Councilmembers visit Orvieto.

Mayor Cavanaugh accepted the gift on behalf of Council and said Council would discuss a possible visit to Orvieto.

SCOUTS

Webelos
Cub Scouts
Scouts
Den 11

Mayor Cavanaugh pointed out that Den 11, Pact 110, of the Cub Scouts sponsored by First Presbyterian Church was present at the Council meeting. He read the name of each Scout present. He stated the Scouts were working on their citizens badge.

BOARDS AND COMMISSIONSAppointmentsEnvironmental CommitteeMcKenzie, TimPlanning CommissionBolton, RonnyPark CommissionHagelston, SheronPoe, LeeZoning Board of AdjustmentStallworth, RobertGeneral Aviation CommissionOliver, Gerald

Mayor Cavanaugh stated Council needed to make several appointments to various boards and commissions of the city.

Mr. Thompson stated under the process adopted by Council a few months ago each Councilmember is responsible for a specific appointment to each board and commission of the city. Mr. Thompson stated Councilman Anaclerio had suggested reappointment of Mr. Tim McKinsey to the Environmental Committee. Mr. McKinsey's term expires December 31, 1996.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Mr. Tim McKinsey be reappointed to the Environmental Committee for a two year term expiring December 31, 1998.

Mr. Thompson stated Councilman Anaclerio had also recommended appointment of Mr. Ronald Bolton to the Planning Commission. Mr. Bolton's term expires December 1, 1996.

Councilwoman Clyburn moved, seconded by Councilman Radford and unanimously approved, that Council reappoint Mr. Ronald Bolton to the Planning Commission with the term expiring December 1, 1998.

Mr. Thompson stated Sheron Hagelston had resigned from the Park Commission, and Councilman Radford is responsible for this appointment. Councilman Radford suggested the appointment of Mr. Lee Poe, of Rollingwood Road, to fill the unexpired term of Sheron Hagelston. The term would expire December, 1997.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that Council appoint Lee Poe to the Park Commission to fill the unexpired term of Sheron Hagelston, with the term expiring December, 1997.

Mr. Thompson stated Councilwoman Clyburn had recommended appointment of Mr. Robert Stallworth, of 2925 Tennessee Avenue NW, to the Zoning Board of Adjustment. This would be an appointment for an open position created by the expansion of the ZBA to seven members.

Councilwoman Clyburn moved, seconded by Councilman Perry and unanimously approved, that Council appoint Mr. Robert Stallworth to the Zoning Board of Adjustment with the term expiring December 1, 1998.

Mr. Thompson stated Councilwoman Clyburn had also recommended appointment of Gerald Oliver to the General Aviation Commission. This appointment would be to fill a vacancy created by expansion of the Aviation Commission to seven members.

Councilwoman Clyburn moved, seconded by Councilman Radford and unanimously approved, that Council appoint Mr. Gerald Oliver to the General Aviation Commission with the term to expire on September 1, 1998.

UTILITY RATES - ORDINANCE 102896Water Rates

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to increase the utility rates for water service.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE REVISING RATES FOR WATER SERVICE FOR THE WATER CUSTOMERS OF THE CITY OF AIKEN.

Mr. Thompson stated for the past two years Council has discussed the need for an increase to the utility rates. He said the staff has recommended an increase in water rates. He said for the past two years the city has ended the year with a deficit in the Utilities System, and to correct this there will have to be an increase in water rates.

Mr. Thompson stated there are several reasons for the proposed increase. The city has an older system, and will need to continue to emphasize repairs of the system. The costs of the system are also going up with inflation, and the rates have not been adjusted to recover the inflationary increases on the system and on the mandatory improvements and expenses that the city has had to accept from the Federal Government. For the past five years there has been an increase of \$60,000 in annual costs for chemicals, inspections, and operations of the water plant. Approximately \$300,000 is needed annually to provide for mandatory improvements and expenses required by the Federal Government.

As a result of these expenses, the city ended the most recent fiscal year with a net loss of \$105,520 in the Utilities Fund. The previous fiscal year incurred a net loss of \$459,653. The city cannot continue to absorb the losses in the system, and the staff is recommending adjustment of the rates to keep the system stable. The proposed increase would simply raise the amount of money necessary to address the current issues.

The staff has recommended an increase of \$.50 per water meter for all meters, and a volume increase of \$.03 per 100 cubic feet for residential and business use.

Mr. Thompson stated that 40% of the city's customers used 500 cubic feet or less in May, 1996, and 75% of the customers used less than 1,000 cubic feet for the same period. The proposed rate adjustment will try to keep the impact on lower users as low as possible, but emphasize conservation by maintaining the rate structure that increases the rate with the higher consumption. For the customer using 500 cubic feet or less of water, the rate structure will result in a 2.5% increase in utility fees, or combined water and sewer fees. Totalling everything the customer receives from the city, this will result in a 1.9% increase. Overall this is a nominal rate increase, but the adjustment is necessary to keep the system self-supporting. According to a survey from the Municipal Association, comparing Aiken's rates with cities over 25,000 population, with the size of Aiken's water system, including both in-city residents and out-of-city residents, Aiken's rates are most comparable to other cities.

Mr. Thompson stated the staff is recommending an adjustment to the water rate structure by \$.50 per water meter and \$.03 per 100 cubic feet for all customers inside the city limits and double the increase for outside city customers.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Price, that Council pass on second and final reading an ordinance to increase the water rates with the increase being effective with the December 1, 1996, billing. The motion was passed by a majority vote of 5 to 1 with Councilwoman Clyburn voting in opposition to the motion.

TAXES - ORDINANCE 102896A

Penalty Dates

Mayor Cavanaugh stated this was the time advertise for the second reading and public hearing of an ordinance to set the penalty dates for the collection of taxes for fiscal year 1996-97.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO TEMPORARILY AMEND CHAPTER 21, CODE OF ORDINANCES OF THE CITY OF AIKEN, SOUTH CAROLINA, ENTITLED "TAXATION," BY AMENDING SEC. 21-9 THEREOF FOR FISCAL YEAR 1996 - 1997.

Mr. Thompson stated usually the city sends out tax notices the first of September each year and establishes the penalty dates 45 days after the notices are sent out.

Mr. Thompson stated under state law the city is required to accept and use the tax records from Aiken County. Aiken County is still struggling with the process of appeals of the reappraisal system. The tax records are not ready yet, but the city is hoping to have the notices mailed by November 15. Since the notices will be mailed late, the staff is recommending that the penalty dates be changed. The staff is recommending that the penalty be shifted to start on January 16, 1997. This is very close to the penalty date of Aiken County. Mr. Thompson stated in the past the city has had comments that the city should change the penalty dates to coincide with the County. He said the city found last year that it was difficult for many residents to receive both the city and the county tax notices at the same time. He pointed out the proposed ordinance changes the penalty dates just for fiscal year 1996-97.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Papouchado, and unanimously approved, that the ordinance changing the penalty dates for collection of taxes for fiscal year 1996-97 be passed on second and final reading to become effective immediately.

CHARLESTON ROW SUBDIVISION - ORDINANCE 102896B

Dedication of Streets

Utilities

Stormwater Sewer Lines

Water Lines

Silver Bluff Road

Centre South Shopping Center

Feller, Ron

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to accept the streets, drainage systems, and utilities of Charleston Row Subdivision.

Mr. Thompson stated at the September 23, 1996, meeting Council approved on first reading acceptance of the streets, rights-of-way, easements, and utilities in Charleston Row Subdivision. Mr. Thompson stated the city does accept streets and utilities within subdivision of the city after the streets and utilities have been installed and after a reasonable time to evaluate the condition of the construction. The staff is recommending acceptance of the streets and utilities of Charleston Row to allow the city to provide maintenance and service to the residents in the area.

Mr. Thompson stated the streets in Charleston Row had never been accepted. He said there had been some changes in title in the subdivision and problems with the change in title. He said the present owners are requesting the city to accept the streets and utilities. The staff has evaluated the request and the streets and utilities and has recommended acceptance. Mr. Andy Anderson, Staff Attorney, has been working on questions over the ownership of the streets and utilities. The company of the previous owner went into bankruptcy, and the bank accepted ownership of the lots but did not accept ownership of the streets and utilities. On research Mr. Anderson has found that the previous owner does have the ability to obligate his company and has been working with the different parties involved to execute a quit claim deed on the streets to allow the city to accept ownership of the streets and utilities.

The public hearing was held and no one spoke.

Councilman Perry moved, seconded by Mayor Cavanaugh that the ordinance for acceptance of the streets, drainage systems, and utilities of Charleston Row Subdivision be passed on second and final reading to become effective immediately. The motion was approved by a majority vote of 5 to 1, with Councilman Radford opposing the motion.

REZONING - ORDINANCE

Columbia Avenue
Lawton, Kay
Barton, Shari
McGee, Ruth
Robbins, Royal
Air 1st Aviation Companies, Inc.
Tax Parcel No. 00-154-01-110

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone 24.45 acres on Columbia Avenue from R-1A Residential to NB Neighborhood Business.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON COLUMBIA AVENUE, WEST OF U.S. HIGHWAY NO. 1, A PORTION OF TAX MAP PARCEL NUMBERS 30-067.0-01-002 AND 00-154.0-01-110, FROM SINGLE FAMILY RESIDENTIAL (R-1A) TO NEIGHBORHOOD BUSINESS (NB).

Mr. Thompson stated the city had received a request to rezone 24.45 acres of undeveloped property from Residential (R-1A) to Neighborhood Business (NB) located off Columbia Avenue. The uses within the area are primarily mixed business and industrial. The Planning Commission reviewed the request and recommended the rezoning to Council for approval. The primary concern with the proposed rezoning is that this is a fairly large tract to be zoned Neighborhood Business and the only frontage to the property is on Columbia Avenue. Columbia Avenue presently is not capable of supporting a great deal of traffic. The property may be more suitable to Neighborhood Business than Light Industrial or residential zones. The entire tract may not develop as commercial and neighborhood business, but if the entire tract develops and turns out to be a heavy traffic generator, the developer may be responsible for some of the expenses of upgrading the streets and intersections.

Councilman Perry moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance rezoning 24.45 acres on Columbia Avenue from Residential to NB Neighborhood Business be approved on first reading and the second reading and public hearing be set for the next regular meeting of Council.

PEPPER HILL NURSING CENTER

Planned Unit Development
Concept Plan
Richland Avenue W.
Gregg Avenue
3525 Augustus Drive
Jones, Wade

Mayor Cavanaugh stated Council needs to consider a revision to the concept plan for Pepper Hill Nursing Center located off Gregg Avenue.

Mr. Thompson stated the Pepper Hill Nursing Center was developed under a Planned Unit Development (PUD) concept plan. The PUD zoning allows a great deal of flexibility prior to approval of a plan, but any subsequent changes to the plan have to be brought back to City Council. A request has been received to amend the concept plan for Pepper Hill Nursing Center to allow a driveway to be constructed through the landscaped buffer of the facility.

The driveway would provide alternate access to support service and staff and for public safety to enter this facility. The driveway would be constructed off of the new street named Pepper Hill Way that will be serving the new Kalmia Hill Professional Park. This access would help to relieve some of the pressure on the existing entrance to Augustus Drive. The request has been reviewed by the Planning Commission, and is recommended to City Council on the condition that any concerns of the City Engineer and Building Officials be addressed through the plan and construction review.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that the concept plan for Pepper Hill Nursing Center be amended to allow a driveway through the landscaped median to Pepper Hill Way.

BIDS

Garbage Containers
Commercial Containers
Nu-Life Environmental
Public Works Department

Mayor Cavanaugh stated Council needed to consider the bids for purchase of commercial garbage containers.

Mr. Thompson stated each year the city bids an annual purchase of garbage containers for the businesses in Aiken. The staff is recommending acceptance of the low bid of Nu-Life Environmental at a bid price of \$24,500.

Mr. Thompson stated 17 bid invitations were distributed, including invitations to 3 local metal fabricators. The city received 4 responses, but did not receive any local bids. After review the staff is satisfied that the low bid of Nu-Life Environmental will meet the city's needs and specifications. The city has purchased containers from this company in the past. Funds are available in the current budget.

The bids received were as follows:

<u>VENDOR</u>	<u>BID PRICE</u>
Nu-Life Environmental	\$24,500
Amick Equipment	25,130
Wastequip/LM Industries	26,400
Industrial Refuse Sales	27,600

Mr. Thompson stated the staff is recommending acceptance of the low bid of Nu-Life Environmental.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the low bid of Nu-Life Environmental at a bid price of \$24,500 be accepted for the purchase of commercial garbage containers.

BIDS

Public Safety Department
Station 2
Public Safety Station 2
Silver Bluff Road

Mayor Cavanaugh stated Council needed to consider bids for remodeling of Public Safety Station 2.

Mr. Thompson stated during the budget discussions Council had discussed the need to upgrade Public Safety Station 2 located on Silver Bluff Road. Frank Alexander, a local architect, has prepared plans and specifications to remodel Station 2. The upgraded facility will include three bays for fire apparatus and some office space. The upgrade would allow the city to house fire apparatus which is not possible with the existing structure as the roof is too low. A total of ten bid packets was distributed and nine responses received, including responses from two local firms. The low bid was submitted by A. J. Kellos Construction Company, out of Augusta, Georgia.

Frank Alexander, the architect, and the Public Safety staff have reviewed the bids and are recommending acceptance of the low bid of \$274,228 submitted by A. J. Kellos Construction Company, of Augusta.

The bids received are as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Miles Enterprises	\$274,795
H. G. Reynolds Co.	308,500
Mobley Construction	338,266
Stewart Builders	292,119
A. J. Kellos Const. Co.	274,228
Frank Hall Const. Co.	329,000
R. B. Wright Const. Co.	288,000
Edgefield Const. Co.	347,839
Perry Hartley Const.	326,300

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the low bid of A. J. Kellos Construction Co. in the amount of \$274,228 be accepted for remodeling of Public Safety Station 2 on Silver Bluff Road.

UTILITY REQUEST

Sewer Service
Sewer, Sanitary
U. S. 1 North
West Frontage Road
I-20
Dangerfield, Tim
Ryberg, Greg
2655 Columbia Highway N.
R & H Maxxon, Inc.

Mayor Cavanaugh stated a request had been received for sewer service on U.S. 1 near I-20.

Mr. Thompson stated Council has received a request from R & H Maxxon, Inc. that the city extend sewer services for two lots, totaling 2.13 acres located on U.S. 1 and the West Frontage Road near the interchange with Interstate 20. The present convenience store is served by a septic system and the new owner is preparing to demolish the existing building and would prefer to tie onto the city sewer rather than investing in upgrading the septic system.

The Planning Commission has reviewed the request at length and recommends approval of the request with the following conditions:

1. that an annexation agreement be executed;
2. that any new construction comply with the Tree Protection and Landscaping Ordinance;
3. that the comments of the City Engineer be satisfactorily addressed; and
4. that the applicant be allowed to maintain the existing free-standing signs on the property.

Mr. Thompson stated the area near the airport has been treated under a separate set of guidelines for signs that are included under the utility extension policy. Under the staff interpretation of the sign Ordinance the property owner would be allowed to have an 18 foot high sign, with a total of 75 square feet of advertising area. Under the Utility Policy, the owner would also be allowed to have an 80 foot tall sign. The Planning Commission has recommended that the existing signs be allowed on the property, and the utility extension policy would allow the property owner to go up to 80 feet on one of the signs on the property.

Mayor Cavanaugh moved, seconded by Councilman Perry, and unanimously approved, that Council approve the request from R & H Maxxon, Inc. for extension of sanitary sewer service to property located at the intersection of U. S. 1 and West Frontage Road under the conditions recommended by the Planning Commission.

CONDITIONAL USE

Nursing Home
Art-Wood Architects, Inc.
Palmetto Federal Savings Bank
East Gate Drive
Bedford Place
Sandstone Subdivision
Woodside Plantation Nursing Home
Health Management Resources, Inc.
Tax Parcel No. 00-158-01-172

Mayor Cavanaugh stated a request had been received for conditional use approval for a nursing home in a R-3 zone.

Mr. Thompson stated the city has received a request from Palmetto Federal Savings Bank to allow a developer to construct a nursing home on a 13.3 acre site located at the corner of East Gate Drive and Bedford Place, near the entrance to Sandstone Subdivision. The area is zone R-3, Multi-Family Residential Zone. Nursing homes are allowed within an R-3 zone upon recommendation by the Planning Commission and approval by City Council. At a special meeting on October 25, the Planning Commission reviewed the issue for conditional use approval for a nursing home and recommended approval of the

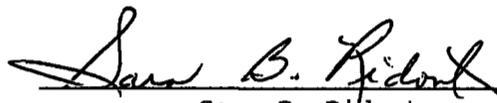
request on the condition that the nursing home have a residential exterior appearance and scale similar to that depicted in the renderings dated October 15, 1996.

Mr. Thompson stated that typically a nursing home has less traffic than other associated commercial developments, and the proposed use in this area should serve as a transition between the commercial development and residential development in the area. The applicant is proposing to build a 60-bed facility (36 rooms) which will be approximately 31,000 square feet.

Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that a conditional use be granted for a nursing home at the corner of East Gate Drive and Bedford Place near the entrance to Sandstone Subdivision with the condition recommended by the Planning Commission that the nursing home have a residential exterior appearance and scale similar to that depicted in renderings dated October 15, 1996.

ADJOURNMENT

There being no further business, Council adjourned at 8:20 P.M.



Sara B. Ridout
City Clerk