

Aiken City Council MinutesREGULAR MEETINGNovember 8, 2004

Present: Mayor Cavanaugh, Councilmembers Clyburn, Cuning, Price, Smith, Sprawls, and Vaughters.

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Larry Morris, Ed Evans, Pete Frommer, Glenn Parker, Richard Pearce, Anita Lilly, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinis of the Augusta Chronicle, and about 30 citizens.

Mayor Cavanaugh called the meeting to order at 7 P.M. and welcomed the group from Leadership Aiken County. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilwoman Price asked that an item be added under Petitions and Requests regarding clarification of the African-American Culture Center concerning funds. Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved with the addition as requested.

MINUTES

The minutes of the work session and regular meeting of October 25, 2004, and the work session of October 27, 2004, were considered for approval. Councilman Smith asked that comments that he made and the Mayor and Councilwoman Price made regarding the Traffic Management Ordinance be included in the minutes of October 25, 2004. Council discussed this matter for 15 minutes regarding what should be included in the minutes. Gary Smith, City Attorney, pointed out that the minutes are a summary of the actions of Council and not a transcript. He said if Council wants a transcript they need to give that direction. Councilman Smith moved that the minutes of October 25, 2004, be amended to include the comments made by Mayor Cavanaugh, Councilmembers Smith and Price in support of the passing of the Traffic Management Ordinance. The motion was seconded by Councilwoman Vaughters and unanimously approved. Councilwoman Clyburn moved that the minutes of October 25 and 27, 2004 be approved with amendments to the October 25, 2004 minutes as requested. The motion was seconded by Councilman Sprawls and unanimously approved.

PRESENTATION

Rahner, Sean
Public Safety
Fire Academy and Criminal Justice Academy
J.P. Strom Award
Award
Chief Robert Frick Award

Mayor Cavanaugh stated Council would like to recognize Public Safety Officer Sean Rahner.

Mr. LeDuc stated that all Aiken Public Safety Officers are required to attend the Fire Academy and Criminal Justice Academy as part of our training. He stated Council just recently recognized another officer for winning the top award at the academy. He said this is the first time Aiken has had an officer to win the top award for the South Carolina Fire Academy.

Chief Pete Frommer stated that he is very proud of the officers. He said currently Public Safety has three officers who have won the J.P. Strom Award. He said, however, Aiken has never had an officer to win the Chief Robert Frick Award. He stated this summer we

hired a police officer who formerly worked for the Springdale Police Department and wanted to return to Aiken. He said Sean Rahner graduated from South Aiken High School. Officer Rahner graduated from the University of South Carolina and, when he attended the South Carolina Criminal Justice Academy, won the J. P. Strom Award for the highest academic average at the school. In October he graduated from the South Carolina Fire Academy and was given the highest honor awarded to an officer, the "Chief Robert Frick Award" for academic success. To win this award Officer Rahner maintained a 98% average on all written and proficiency testing.

Chief Frommer stated we are happy to have Officer Sean Rahner with our Department, and congratulated him on being the first officer with the City of Aiken to receive the Chief Robert Frick Award at the Fire Academy.

Council congratulated Officer Rahner and commended him for his achievement.

RESOLUTION

Farmers Market

Reed, Coleen

Aiken County Farmers Market

Mayor Cavanaugh stated Council also wanted to recognize the Farmers Market.

Mr. LeDuc stated that Council would like to recognize the Aiken County Farmers Market for 50 years of service by this organization. He said the Market had operated continuously at the same location for 53 years. He said Coleen Reed has done an extensive amount of research on the Farmers Market. He said the City wants to recognize the significant achievement and history of the market and its continuous operation since 1951 on Williamsburg Street. Previously, the Historic Preservation Commission also recognized the longstanding accomplishment of the Aiken County Farmers Market through the passage of a similar resolution. Mr. LeDuc stated a resolution had been prepared for this recognition. He pointed out that the Market will be seeking some grants for some upgrades to the Market.

Mayor Cavanaugh read the resolution recognizing the Farmers Market and presented it to Coleen Reed. He said Council was recognizing the Farmers Market for its operation over the past 53 years and Coleen Reed for her leadership.

Ms. Coleen Reed stated, on behalf of the farmers at the Farmers Market, she would like to thank Council for the resolution and the Historic Preservation Commission for their resolution. She thanked Glenn Parker and the Parks, Recreation and Tourism Department for their help and support as well as that of City Council.

Councilwoman Price pointed out that Ms. Reed had really been involved in history and research of farmers markets and was now researching other historical events. She thanked Ms. Reed for her time and efforts.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the resolution recognizing the Farmers Market for its 53 years of operation.

BOARDS AND COMMISSIONSAppointmentsHistoric Preservation CommissionBroderick, DonWetzel, JackPlanning CommissionByrd, WilkinsGeneral Aviation CommissionBolton, RonnyGibbons, Mark

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

Mr. LeDuc stated 3 appointments are presented for Council's consideration.

Councilman Smith has recommended appointment of Don Broderick to the Historic Preservation Commission to replace Jack Wetzel, who has resigned. If appointed, his term would expire December 31, 2006.

Councilwoman Vaughters has recommended reappointment of Wilkins Byrd to the Planning Commission. If reappointed his term would expire December 1, 2006.

Councilwoman Price has recommended appointment of Ronny Bolton to the General Aviation Commission to replace Mark Gibbons, who has resigned. If appointed, his term would expire September 1, 2006.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council appoint Don Broderick to the Historic Preservation Commission to replace Jack Wetzel, with the term to expire December 31, 2006, Ronny Bolton to the General Aviation Commission to replace Mark Gibbons, with the term to expire September 1, 2006, and reappoint Wilkins Byrd to the Planning Commission, with the term to expire December 1, 2006.

Councilman Smith stated he would like to reappoint Mr. Edward Giobbe to the Planning Commission and asked that the appointment be on the next agenda.

REZONING – ORDINANCE 11082004Spencer DriveAiken ExchangeADIZ, LLCTPN 00-158.0-01-009TPN 123-05-02-001Aiken Mall

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the zoning of real estate owned by ADIZ, LLC from General Business (GB) to Residential Multifamily High-Density (RMH).

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY ADIZ, LLC FROM GENERAL BUSINESS (GB) TO RESIDENTIAL MULTIFAMILY HIGH-DENSITY (RMH).

Mr. LeDuc stated ADIZ, LLC is requesting the rezoning of 5.7 acres of property from General Business to Residential Multi-Family High Density (RMH). This tract is approximately 170 feet in width and 1,050 feet in depth. The property is basically located behind the Target Shopping Center. The property right behind the Target shopping center is General Business zoning, and the applicant would like to have that property zoned Residential Multifamily High-Density. Apartments will probably be in this area. In turn, Council had asked that an area which is near the high power lines that

is currently under the PUD zoning for Residential High-Density be Single Family attached units.

The applicant is proposing to build attached single family dwelling units on the west side of the sewer easement similar to what they have built to date on Spencer Drive. They also intend to build multi-family units east of the sewer easement.

The Planning Commission at their October meeting discussed the project at length, especially the rezoning of the multi-family units versus attached single family units. At the meeting, the developer agreed to modify his request to rezone the property to the west of the sewer line and to the east of Spencer Drive as LP. This would allow them to continue building single family attached dwelling units similar to what they have along Spencer Drive. For the section between Spencer Drive west to the sewer line, the Planning Commission unanimously approved the property to be zoned RMH. The area previously under PUD which was planned for RMH southwest of Spencer Drive would now become single family attached. This allows the land just behind Target to accommodate the residential multifamily apartment complex.

Council approved this ordinance on first reading at the October 25, 2004, meeting. For second reading and public hearing consideration, this is an ordinance to rezone property from General Business to Residential Multi-Family High Density between Spencer Drive and the sewer line. For property west of the sewer line and east of Spencer Drive, the property would be rezoned LP.

The public hearing was held and no one spoke.

Councilwoman Vaughters asked if the Tree Ordinance would apply to this property and how high the apartments would be. Mr. LeDuc responded that the Tree Ordinance would apply to the property, and that the buildings would be two stories high. Councilwoman Vaughters also asked about the statement regarding the Comprehensive Plan which stated that the property be Low-Density Residential and a reason to be given if rezoned contrary to the Plan.

Mr. LeDuc pointed out that this would actually be changing one Residential High Density area to another area, eliminating the Residential High Density from one area of the PUD and moving it to a new location behind Target. This would not be changing the Comprehensive Plan overall, just moving it from one area to another.

Councilman Cuning pointed out that usually apartments would be near the commercial. He said the area next to Brookhaven was shifted to residential, which is better planning than what was originally approved.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to rezone property from General Business to Residential Multi-Family High Density between Spencer Drive and the sewer line, and for property west of the sewer line and east of Spencer Drive the property would be rezoned LP.

ZONING ORDINANCE – ORDINANCE 11082004A

Amendment

Planned Unit Development

PUD

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the City of Aiken Zoning Ordinance regarding Planned Unit Development regulations.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE REGARDING PLANNED UNIT DEVELOPMENT REGULATIONS.

Mr. LeDuc stated the proposed revision was one that had been discussed over a year. He said the revision is to amend the PUD provision of the Zoning Ordinance. The PUD concept gives the developer greater flexibility than conventional zoning because there are no minimum lot sizes or widths and no required setbacks. A variety of housing types and mixtures of land use therefore become possible. In exchange for this greater flexibility, City Council must approve a plan for the PUD and can control the details, the design and the layout of the project, including preservation of open space. The Planning Commission made a unanimous recommendation that the proposed change be made. There are two major aspects within the proposed amendment:

1. To allow land in the city to be rezoned PUD, and
2. To strengthen the PUD provisions.

The proposed amendment allows PUDs to be used inside the city limits, whereas currently only newly annexed property can be zoned PUD. There are several other provisions that are also being amended. One of these changes includes allowing a PUD to be a minimum of four acres instead of five acres. The density could be decreased from 12 to 8 units per acre, excluding any required open space. Also, Council can require a buffer when deemed necessary, and no building can be less than 10 feet from an adjoining property line. Council decided at the last meeting to allow up to 5% commercial on sites of 10 or more acres. Additionally, the setback under 4.2.6.E.3 for accessory buildings has been reduced from five feet to three feet. With these changes future PUDs would be called "Planned Residential."

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to amend the Planned Unit Development zoning classification.

ZONING ORDINANCE – ORDINANCE 11082004B

Amendment
Posting
City Council
Meetings
Annexations
Rezoning
Utilities

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding posting of City Council meetings.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6 OF THE ZONING ORDINANCE REGARDING NOTICE REQUIREMENTS FOR ANNEXATIONS, REZONINGS OR THE PROVISION OF CITY UTILITIES TO OUT OF CITY CUSTOMERS.

Mr. LeDuc stated in June, 2003, City Council passed an ordinance asking staff to post signs notifying the public about City Council public hearings. These would involve requests for annexation, rezoning or city utilities. The amendment requires posting 20 days in advance of these hearings. He said there are times when the Planning Commission recommends an item for approval when the staff does not know when that 20 day period should start. He said there are times when an applicant will withdraw an application for a period of time and the first reading before Council gets delayed. He said it has become evident that the time period should be decreased for the following reasons:

1. There are usually 14 days between Council meetings, and therefore the 20 day posting must be done before the first reading. Many times there is a delay as to

when the first reading would be held, and this has caused citizens to come to meetings even when the items were not on the agenda.

2. Also, there have been several times when an application goes on the first agenda, but due to delays or needing additional information a second reading and public hearing is delayed after the signs have been installed for a number of days. Having these signs out this far ahead has caused confusion among interested citizens and complaints to our office.

Mr. LeDuc said there probably have been 10 occasions in the past year when items were posted for public hearing, and the hearing did not happen on the date posted on the sign. He said this has caused confusion for citizens.

Staff would like to propose that the time period for posting be reduced from 20 days to 7 days. The Planning Commission discussed this and unanimously approved this change in the ordinance. He pointed out the items are posted for the Planning Commission meetings, so the public does know when the Planning Commission will be hearing the items.

Mayor Cavanaugh stated he would like Council to consider the time for posting to be 10 days rather than 7 days. He stated he had received several phone calls about the 7 days being too short. He pointed out that previously hearings before Council were not posted at all. He said staff has experience with the 20 days, and it seems that needs to be reduced to avoid some confusion. He pointed out one of the problems with 7 days is that in many cases it does not give the citizens time to get neighbors to sign a petition in protest to a particular item.

Councilman Cuning suggested posting 14 days. He said he had also received calls from citizens stating 7 days is not sufficient time for the posting and for the citizens to take action on items to which they are opposed. He said a shorter posting time would cause problems for the citizens. He felt Council would be better off doing what the citizens want.

Councilman Smith pointed out 7 days posting was trying to solve an administrative problem rather than an informational problem for the public.

Mr. LeDuc stated the staff knows about 7 days in advance what will be on the Council agenda. He said with a 10 day posting there could still be an occasional situation where someone could withdraw an item from the agenda. He said 14 days posting would require posting before the Council meeting for first reading, and the item could be delayed by Council for various reasons. He said he felt the maximum days for posting could be 13 days.

Councilwoman Vaughters pointed out if the posting is 13 days before public hearing, then citizens will not know about first reading and have the opportunity to come to the Council meeting and hear the discussion on the first reading. She felt it would be helpful for citizens to hear comments on first reading to learn more about the matter. She also suggested putting a statement on the sign "meeting date subject to change, please call 642-7654 to verify the date."

Mr. Ed Evans, Planning Director, pointed out that the Chairman of the Planning Commission announces at the Planning Commission meeting the date of the first and second readings of items recommended to City Council.

Mr. LeDuc pointed out that citizens know from the Planning Commission meeting the tentative dates of the readings before Council. However, those dates are subject to change. He pointed out he has about 5 items in a pending file of applications that went to the Planning Commission that Council has asked for additional information or the applicant has withdrawn waiting to give additional information.

Council continued to discuss the matter at length. It was pointed out the matters are posted 20 days before the Planning Commission meeting and then an announcement is made at the Planning Commission meeting of the tentative dates for hearing by City

Council. After much discussion, it was pointed out perhaps 13 days posting would work, as there are 13 days between Council meetings. It was also suggested that the sign be modified pointing out the date is tentative and to call about the matter.

The public hearing was held.

Mr. Linda Lane, 96 Cherry Hills Drive, stated 7 days was not long enough to post hearings before Council. She pointed out she had recently appeared before Council regarding rezoning on Cherry Hills Drive and Ridgemoor in Houndslake. She pointed out it takes time to solicit signatures on a petition and explain the request and the impact on the neighborhood for a particular application. She pointed out signs may be posted, but yet a large percentage of neighbors do not know what is going on. She said many times a person has to visit a home several times before they get to talk to someone about the matter. She felt 7 days posting would not be fair to the citizens and taxpayers, as they would not have time to be prepared to appear before Council on an application.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council amend the proposed ordinance by changing 7 days notice to 13 days notice and modify the sign that is posted to state that the dates are subject to change and to call the city office. Councilman Cuning moved, seconded by Councilwoman Price, that the ordinance as amended pass on second and final reading. The motion was unanimously approved.

INSURANCE TAX COLLECTION – ORDINANCE 11082004C

License

Amendment

Taxes

Business License

Insurance Companies

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Insurance Tax Collection Ordinance.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE PROVISIONS FOR INSURANCE COMPANIES AND FOR BROKERS FOR NON-ADMITTED FIRE AND CASUALTY INSURERS

Mr. LeDuc stated the Municipal Association of South Carolina currently collects all of the legislatively approved business licensing for the insurance companies. This includes life, health, accident, fire and casualty, and title insurance. Each, according to the state legislation, is billed at 2% of the gross premium.

City Council recently amended their business license collection for telecommunications, due to some changes and clarification needed in the current ordinance. Similar changes are needed with our licensing concerning insurance companies.

The Municipal Association has asked all municipalities to adopt the standard ordinance, which would revise the ordinance adding the NAICS Code for insurance purposes, and to use the proper language to describe “agents” and “gross premiums.” These changes will allow the Municipal Association to continue working with the municipalities throughout the state in the collection of these premiums.

Councilwoman Vaughters asked if the proposed ordinance changed the rate for insurance companies. She also asked about the definition of agents and gross premiums.

Mr. LeDuc pointed out that the maximum rate for insurance companies is 2% by state law. Mr. Gary Smith stated he understood the purpose of the definition of agents and gross premiums is to make sure they cover all gross premiums and that there is not a loop hole that allows some gross premiums to escape.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Sprawls, that Council pass on second and final reading an ordinance to amend the Business License Ordinance and the city's insurance tax collection program with the Municipal Association.

Councilman Cunning stated he felt Council should be proactive and work with the Municipal Association and the state legislature to see if the state law could be changed so there could be a maximum business license for companies that are having to pay on the total sales of their company, even though the sales are outside the area. He said he would be glad to work with a committee to see if something could be done about this matter.

Council discussed the matter briefly and felt the matter should be discussed in a work session in December.

ZONING ORDINANCE - ORDINANCE

Amendment Tattoo Facilities

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding tattoo facilities.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING TATTOO FACILITIES.

Mr. LeDuc stated the Legislative body in South Carolina passed a law allowing tattoo facilities. For this reason the Planning Commission has recommended several amendments to the Zoning Ordinance to help with their regulation. The amendments would be similar to those in place for adult businesses, and we would treat tattoo facilities in a like manner.

- (1) The tattoo facility would be added to the Use Table at 3.1.6 and would be permitted in the Industrial District as a Special Exception, requiring approval of the Board of Zoning Appeals.
- (2) Locational restrictions would require a minimum distance of 1,000 feet from churches, schools, and playgrounds. A drawing was given to Council identified all the properties where a tattoo facility could be established and located based on their entranceway.
- (3) A definition would be included of tattoo and tattoo facilities as used in the state laws.

The Planning Commission unanimously approved these amendments in the Zoning Ordinance.

Council approved this ordinance on first reading at the July 12, 2004, meeting. He said Council had asked for additional information on tattoo facilities and where they would be allowed. He said a map had been given to Council showing possible locations for tattoo facilities, based on the proposed ordinance. He pointed out the facilities could be located in the Industrial zones. He also stated if the ordinance were adopted a tattoo facility would be a special exception and would need approval of the Board of Zoning Appeals. A copy of the ordinance adopted by North Augusta was also given to Council for information.

Mr. LeDuc stated staff feels it is important that Council pass an ordinance regarding tattoo facilities. He said there were some agencies who feel if there is no zone for such facilities they would not be allowed. He said, however, information the city has received states if there is no zone for tattoo facilities then the city is saying they can't locate in the city and gives them the ability to sue to find out where they can locate.

The public hearing was held.

Mr. Henry Krippner, 144 Crane Court, stated he felt there was an error on the map. He pointed out he felt a street had been left off the map.

It was pointed out the map should show Williamsburg Street where Marion Street is on the map. It was determined that Marlboro Street should be where Orangeburg Street is shown and the next street would be Orangeburg Street.

Mr. LeDuc pointed out there were several locations which would allow tattoo facilities, with one being on Colleton Avenue at Marlboro Street. Another location where tattoo facilities could be located is on York Street across the street from Sprawls Service.

Council discussed the matter at length. There was concern where the facilities could be located. It was stated perhaps tattoo facilities could be limited to the Industrial Zone. It was also pointed out tattoo facilities could be located one block from Schofield School. Councilwoman Vaughters stated she felt this did not go along with the Old Aiken Master Plan which Council had been looking at.

Councilwoman Price stated she had been looking at the Old Aiken Master Plan map and the map for tattoo facilities. She stated Council had been working so hard to be sure Aiken looks like an All America City. She expressed concern about the possible tattoo facility locations. She stated there is a high concentration in one area of the city. She said she had talked to North Augusta Council, and they had limited their tattoo facilities to commercial areas along the major thoroughfares. She felt the proposed location for tattoo facilities endangers neighborhoods.

Mayor Cavanaugh stated he had talked to Danny Crowe of the Municipal Association. He pointed out an article in the latest bulletin which seems to indicate that the city doesn't have to adopt an ordinance, but as one reads further the article seems to say the city should adopt an ordinance. He stated Council does not have to take action on this matter tonight. He said if Council wants to, they can delay action on this matter and think about it more, add more restrictions, etc.

Councilwoman Clyburn stated she felt putting tattoo facilities in Industrial zones is pretty much putting the facilities out of plain site, which might make it harder to be sure they are following regulations. She said she was not sure where she would want to put them, but felt the proposal for Light Industrial and Industrial did not seem to be good locations for the facilities. She did not feel putting the facilities in the middle of neighborhoods would be good. Councilwoman Clyburn stated perhaps some of the Industrial zones could be rezoned, especially those in the middle of neighborhoods.

Mr. Gary Smith, City Attorney, pointed out the proposed ordinance only allows tattoo facilities to be located in Industrial zones.

Councilwoman Price stated she had been studying the Old Master Plan map and the map showing possible tattoo parlor sites. She stated she was not ready to take action on the ordinance. She said she would like to have a session just to address this issue, as this was a serious issue for her. She said she felt it was important to ensure Council has the proper location for the tattoo facilities.

Councilman Smith stated it seems we want to put the tattoo parlors off somewhere in the dark, but it seems that the idea of using commercial areas and main thoroughfares might be better.

Council discussed whether Aiken County had adopted an ordinance regulating tattoo parlors. Their proposal had been to allow the facilities along major thoroughfares. It was pointed out that Aiken County had not passed an ordinance yet. The proposed ordinance had not come out of committee yet. After much discussion, Council decided they were not ready to adopt an ordinance at this time.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council continue action on the proposed amendment to the Zoning Ordinance regarding tattoo facilities.

Council stated they wanted to discuss the proposed ordinance in a work session. Mr. LeDuc stated he would put this matter on a work session in January. Holding a public hearing on the matter was discussed, but Council members stated no one wanted the facilities in their neighborhood anyway, and neither did Council want to put them in a neighborhood.

Mayor Cavanaugh stated after talking to Danny Crowe he was inclined not to do anything on tattoo parlors. He said Council could always take action later.

Councilwoman Clyburn stated if the matter comes back to Council for second reading after the worksession, and tattoo facilities are still recommended to be in the Industrial zones, that prior to the meeting all residents in these areas be notified of the meeting time and date on the issue.

City Attorney Gary Smith stated that, as part of the worksession on the matter, he would like to have an executive session to talk about the question of whether or not there was a good reason to pass an ordinance or not pass an ordinance.

GARBAGE -ORDINANCE

Residential Garbage Roll Cart Program

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish new residential garbage service.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING NEW CHARGES FOR RESIDENTIAL GARBAGE SERVICE.

Mr. LeDuc stated that in January Council asked that the staff review possible changes to our solid waste system that included our garbage and yard trash. One of the goals that City Council approved at this year's Horizons was to develop a pilot roll cart program. The City began this program in June, with 1,500 roll carts within several neighborhoods throughout the City, including Woodside and Crosland Park. In October we surveyed all the citizens in those areas including those with backyard service, asking whether they wanted to continue the curbside roll cart service or did they want to continue backyard service. Of those surveyed, we received 958 responses, a 60% return rate. Of those, 86% participated in the roll cart program while 14% continued with the backyard service. Of those responding, only 81, or less than 9% preferred to keep backyard service. Also, over 80% wanted to continue with roll cart service using the 90 gallon roll cart, with the rest split between using a 45 or 60 gallon cart. The cost differential between a 45, 60, or 90 gallon is insignificant, and different size carts can be offered to those within the program.

Based on the results of the survey, staff recommends that City Council implement a city-wide roll cart program. Since some of the residents would like to continue with backyard service, we suggest that Council consider a dual rate system for those not wanting curbside roll cart service. We currently charge \$12.50 for our solid waste service, which consists of household garbage, recycling and yard waste collection. Based on actual data for the last two years, our current cost to provide backyard service is \$15.84. For those wanting to continue with backyard service, we recommend an additional fee of \$5.00 per month. If Council decides in the future to raise the \$12.50 base rate for curbside service, then the backyard service would increase by \$5.00 per month over this rate. In the fee comparisons, North Augusta charges \$15.80; Tyler Sanitation, \$13.50 with no recycling or yard trash; Ridgeway Sanitation, \$13.50; Augusta, 16.25; Myrtle Beach \$16.50; Conway \$18.00 and Rock Hill \$16.47 for 1 cart and \$24.70 for 2 carts.

Mr. LeDuc stated for elderly residents who may be physically handicapped, or others who can't take the roll cart to the street, staff feels backyard service should be provided for them at the regular base fee. For those residents who may want two carts, an extra fee of \$65 per year will be charged for the second cart and service to dump it. He also stated that, for those residents who do not take their roll carts or recycling bins from the curb within 24 hours, the city would charge a service fee of \$5 to return the carts or bins to the customer's backyard. Warnings would be given to the residents several times before the fee is charged.

We have made several changes recently concerning our solid waste service in Aiken. For this reason we are uncertain what that rate will be in the future. We know there will be some cost savings by reducing each crew by one toter for curbside service. We should also realize some reduction in overtime by not having to collect non-yard waste items at the curb. Once these two operations have been in operation for several months, we will then be able to determine what our actual costs will be for that service.

Councilwoman Clyburn stated she had not received many complaints from residents in her community about roll carts, as not many of them have roll carts. She stated she does have a roll cart at her house. She stated that many of the roll carts were given to areas that used roll carts before they came into the city. She stated when residents have been in the city for many, many years and are spoiled by backyard pickup, it becomes cumbersome to go to a roll cart system. She said her comments were from a personal point of view. She said it had been a problem for her the few times she had taken the cart to the curb. She said she was having some second thoughts about requiring the roll cart service for all residents. She said she recognized the economic advantages to the city by going to a roll cart system.

Councilman Cunning stated he had been in Aiken all his life. He pointed out it would only cost \$1.15 per week to keep backyard service and have the city personnel roll the cart to the street and back for you. He pointed out those who are physically unable to roll the cart to the curb would not be charged the extra service fee for backyard service. He said going to a roll cart system and curbside service was a matter of trying to be efficient.

Councilwoman Vaughters pointed out the areas where the pilot program was tried were not in old Aiken or downtown, but in areas where they had used roll carts before. She said she had received a letter pointing out that, if we are working hard to enhance the look of the streets, why do we want to put garbage at the curb. She said she was never for roll carts in the beginning. She said, however, the more she reads about how dangerous it is to transfer garbage out of cans, etc. and the danger to the workers, she can see that the roll cart could be a great benefit. She said she felt the city should be saving money by not picking up white goods and mixed piles. She said it would be cumbersome to figure out who is old and who is disabled. She said residents had complained about having to pay extra for pickup of white goods. She said she had explained that it was not fair for everyone to have to pay for the few people who abused that system. She pointed out also that very dangerous items were being placed at the curb. She said she had received a lot of calls about backyard pickup.

Mayor Cavanaugh stated he had a roll cart at his house, and he did not have any problems. He pointed out that the garbage service had not been paying for itself, but had been supplemented by the General Fund. He then pointed out going to a roll cart system was a matter of good business. He pointed out the various revenues the city had lost over the last few years, which include about \$900,000 with a reduction in car taxes, as well as the telecommunications fee. He stated there were reasons to consider the roll cart system. He pointed out the city had not had a tax millage increase in 16 years. He said an alternative to the roll cart system is to raise property taxes in order to maintain the present service.

Councilwoman Clyburn stated she had a hard time explaining the changes and increased cost to residents. She said she understood the reasons why, but it was hard to explain to the citizens. She pointed out the city was making a lot of changes at one time, including changing the pickup of white goods and also going to a curbside garbage pickup with roll cart service. She said she had some personal concerns about the roll cart service.

Mr. LeDuc stated his feeling was that the garbage pickup fee would stay at \$12.50 for curbside roll cart service until the city could determine the costs for the services which were being changed, including the garbage pickup and the white goods service. Mr. LeDuc pointed out that Crosland Park which is an old established neighborhood, with 550 residents in District 2, was included in the pilot program. He said Crosland Park seemed to enjoy the program because it has helped a lot of the trash problems that they were experiencing.

Council continued to discuss the proposed garbage rates and proposed roll cart system at length. It was pointed out the reason for going to a roll cart system was to operate more efficiently and to try to keep costs down. Backyard service is more expensive than curbside service.

Mr. LeDuc stated the city was changing the trash pickup and the garbage pickup, but he did not feel this would be a cost savings that would reduce the cost from \$15.84, the actual cost at this time, to \$12.50, which is the proposed rate for curbside roll cart service. He said there probably would be some increase in the future. He said at this time he did not know what the cost would be until the city has been under the program for several months. He said he hoped it would not go up to \$15.84, but he felt the rate would have to go up some in the future to cover all the costs. He said money to purchase the roll carts would come from the General Fund reserves. The purchase of carts would be over a two to three year period. He said the carts cost about \$37 each. He said the city would have to purchase about 7,500 more carts, for a cost of about \$250,000. He said staff could not provide roll carts to every house immediately, but would plan to put out about 1,000 roll carts each quarter.

Mr. Gary Smith, City Attorney, stated the proposed ordinance does not include allowance for reduced fees for backyard pickup for elderly and those not physically able to roll the carts to the street. He said if that is Council's desire, the motion needs to include that stipulation.

Councilman Cuning moved, seconded by Councilman Smith, that Council pass on first reading an ordinance to establish a new roll cart service in the City, with the ordinance being amended to include the allowance for reduced fees for those not able to roll the carts to the street as determined by the Public Works Director, and that second reading and public hearing be set for the next regularly scheduled meeting. The motion passed by a vote of 5 in favor and 2 opposed. Opposed were Councilmembers Clyburn and Vaughters.

DETENTION POND – RESOLUTION

Dedication

Deed of Dedication

Fitch, Margaret Dr.

Two Notch Road

Palm Drive

Woodlands

Price Avenue

TPN 30-056.0-07-011

TPN 122-05-20-006

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to approve acceptance of a deed of dedication for a detention pond owned by Dr. Margaret H. Fitch near Two Notch Road and Price Avenue.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED OF A DETENTION AREA, A PORTION OF FORMER TAX PARCEL NUMBER 30-056.0-07-011, NOW, A PORTION OF 122-05-20-006, FOR STORM DRAINAGE MAINTENANCE, OPERATION DETENTION, AND RELATED USES, TOGETHER WITH AN

EASEMENT FOR INGRESS, EGRESS, AND REGRESS OVER A PORTION OF THIS TRACT, FOR ACCESS PURPOSES.

Mr. LeDuc stated regional stormwater detention ponds that serve several properties are typically donated to the city for maintenance. These ponds provide a valuable service and are preferred over individual ponds serving only small areas. For approximately 15 years the regional pond located east of Two Notch Road near Price Avenue received water from the Carolina Bay and surrounding area. The water then, Dr. Margaret Fitch, has requested the City to take over the detention pond at the rear of her property on Two Notch Road. We have inspected the pond and find it in satisfactory condition for dedication to the city.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that Council approve acceptance of a deed of dedication for a detention pond owned by Dr. Margaret H. Fitch located near Two Notch Road and Price Avenue.

ACCOMMODATIONS TAX

Accommodations Tax Committee

Recommendations

Aiken Community Playhouse

Triple Crown Street Fair

Mayor Cavanaugh stated the next item was approval of the Accommodations Tax Committee recommendations.

Mr. LeDuc stated this year the State Accommodations Tax Committee had \$102,415.10 available to assist eligible projects. The Committee decided to allocate \$97,415.10, leaving \$5,000 for any future projects. Sixteen projects requested funding totaling \$126,551.03. Based on state guidelines, \$113,757.32 was eligible for funding. The Committee recommends 100% funding on thirteen of those sixteen projects. Two of the projects, the Aiken Community Playhouse and the City of Aiken's Triple Crown Street Fair, were funded at approximately 50%. The Committee was concerned that these two projects do not provide enough overnight tourists to be funded at the full request. The other request that did not receive full funding was the Master Gardener's Horticultural, History, and High Society. This was funded at 42%. The Committee could not gage whether this new event would bring in many overnight stays, and therefore they funded it at only 42% of their request.

The Committee made two separate recommendations. The first recommendation was to fund all the projects as shown on the Accommodations Tax request listing for fiscal year 04-05. The second motion by the Committee was that if the Aiken Center for the Arts does not receive approval by the State Review Committee for the \$7,500 for operations funding, this money would be distributed to the Triple Crown Street Fair to make it 100%, and that the balance would be given to the Aiken Community Playhouse, which would fund their project at a level of 89%. Both votes received unanimous approval. He said the City had just received information from the State Review Committee that \$7,500 could be given to the Center for the Arts for operation funding, so the recommendation as proposed by the A-Tax Committee is recommended to Council. The recommendations were as follows:

ACCOMMODATIONS TAX COMMITTEE
RECOMMENDATION FOR JANUARY – JUNE 2005

| <u>Project</u> | <u>Amount Requested</u> | <u>Amount Eligible</u> | <u>Amount Recommended By A-Tax Committee</u> |
|--|-----------------------------|----------------------------|--|
| Battle of Aiken | \$26,350.00 | \$26,350.00 | \$26,350.00 |
| Antiques in the Heart of Aiken | 10,008.00 | 10,008.00 | 10,008.00 |
| Aiken Spring Horse Classic | 10,415.00 | 10,415.00 | 10,415.00 |
| Aiken Bluegrass Festival | 2,185.00 | 2,185.00 | 2,185.00 |
| ADDA Brochures/Webside/ Calendar of Events | 3,055.00 | 3,055.00 | 3,055.00 |
| Aiken Highland Games/ Celtic Festival | 5,350.33 | 2,047.22 | 2,047.22 |
| Aiken Spring Steeplechase | 7,611.00 | 7,611.00 | 7,611.00 |
| Hitchcock Foundation – Aiken Horse Show | 5,276.70 | 3,683.10 | 3,683.10 |
| Aiken Soccer Club U10 Tournament | 2,200.00 | 2,200.00 | 2,200.00 |
| Aiken Community Playhouse | 12,500.00 | 12,500.00 | 6,214.26 |
| Master Gardeners-Horticulture, History & High Society | 13,190.00 | 13,190.00 | 5,489.26 |
| Aiken Camellia Show | 1,340.00 | 943.00 | 943.00 |
| American Red Cross- Sporting Days in Aiken | 1,650.00 | 1,650.00 | 1,650.00 |
| City of Aiken PRT – CP Tournament Bid Fees | 2,850.00 | 2,850.00 | 2,850.00 |
| City of Aiken PRT – Triple Crown Street Fair | 7,570.00 | 7,570.00 | 5,214.26 |
| Aiken Center for the Arts Operations | <u>15,000.00</u> | <u>7,500.00</u> | <u>7,500.00</u> |
| Totals | \$126,551.03 | \$113,757.32 | \$97,415.10 |

Mayor Cavanaugh asked if anyone wanted to speak concerning the Accommodations Tax recommendations. No one spoke.

Mr. LeDuc stated funds for advertising have to be spent in areas 50 miles or further from the City of Aiken. He said they used to be able to advertise in Augusta, but this can no longer be done. It was pointed out a billboard would have to be more than 50 miles away.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the Accommodations Tax request as recommended by the A-Tax Committee and shown on the Accommodations Tax request form for fiscal year 04-05.

CONNECTOR ROAD

Consulting Firm
Powderhouse Road
Whiskey Road
Day Wilburn Associates
Wilbur Smith Associates
SEPI Engineering Group

Mayor Cavanaugh stated Council needed to approve the selection of consulting firms for connecting roadway studies for Powderhouse and Whiskey Road.

Mr. LeDuc stated in the recent election the 1 cent sales tax was approved. One of the items under the State Sales Tax was to create a roadway from Whiskey Road to Powderhouse and to create another road parallel to Whiskey Road up to Centennial. Earlier this year, City Council agreed to study a proposed connector roadway from Powderhouse to Whiskey Road and a connector from this road to Centennial, paralleling Whiskey Road. Through Aiken County and the ARTS program, these two routes were included in the FY 2005 work schedule. The ARTS program will fund 80% of the study through state funds, with the city providing the other 20%. In accordance with procurement procedures set forth by the South Carolina Department of Transportation, we need to approve the top three firms in order of selection by our Committee. This committee was made up of our on-call engineer Roger Dyar, Assistant City Manager Bill Huggins, and Planning Director Ed Evans. They narrowed the seven proposals to three firms, which were interviewed on October 6. They selected firms in the following order:

1. Day Wilburn Associates
2. Wilbur Smith Associates
3. SEPI Engineering Group

Upon approval by City Council, we would begin negotiations with the top rank firm. If these negotiations were not successful, then we would move to the second highest firm. We are recommending to City Council the approval of these three firms in the order given. Upon approval of the South Carolina Department of Transportation, we would then begin negotiations with the top firm.

In response to a question from Mayor Cavanaugh, Ed Evans responded that the major criteria used in selecting the top firm was experience in a location study, as opposed to designing a road. References were checked. The quality of the proposal was considered, and an indication that the firm could do the work in a timely fashion was considered. Also, the experience of the staff that would be used on the project was considered. It was stated the study should be completed by August 1, 2005. Councilwoman Vaughters stated she would prefer to use a South Carolina firm if possible.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council accept the listing of consulting firms for the proposed roadway studies to connect Whiskey and Powderhouse Road and a parallel road to Whiskey Road in the order recommended by the Committee.

ACCOMMODATIONS TAX FUNDS

African-American Cultural Center

Railroad Depot

Funds

Mayor Cavanaugh stated Mr. Wade Brodie would like to get a clarification from Council on funding of the African-American Cultural Center.

Mr. LeDuc stated in April, 2004, Council approved funding for the African-American Cultural Center at \$75,000 per year for four years and \$60,000 for the fifth year, for a total of \$360,000. They also approved funding for the Railroad Museum at \$50,000 per year for five years, for a total of \$250,000. This funding was approved to come from the Local Accommodations Tax funds. The motion approving the funds stated the city's funds would be matching funds. He said Mr. Brodie was present to clarify the matching funds statement.

Mr. Wade Brodie stated the Aiken Corporation is working with the committee on the Railroad Depot and the African-American Cultural Center. He said in looking at the motion approved for the funding for these projects, the minutes state "with funds being matched by the community." He said he was present to ask that matching funds be defined. He said he interpreted matching funds to be 100% of cash and 90% of unpaid pledges. He said this would help clarify the matter so city staff can disperse funds. He said Aiken Corporation was asking for the \$75,000 matching funds for the African-American Cultural Center for the first year. He said presently they have \$43,000 in cash on hand and about \$250,000 in pledges over a three year period. He pointed out that in

the banking business it is not unusual to use pledges as looking at a source of payment. He pointed out pledges had been used in filing an agreement with the City on the Performing Arts Center. He said the history of pledges in Aiken had been very good. He said United Way typically runs in excess of 90%. He said pledges for the Performing Arts Center were running about 95%. He also pointed out Aiken 20/20 was a 3 ½ million dollar campaign where the pledges came in over 90%.

Mayor Cavanaugh stated, based on what he knew about the pledges, he did not have a problem with the request for matching funds. He pointed out the funds will come from Local Accommodations Tax Funds and will not be paid by local citizens, but paid by tourists who come to Aiken.

Mr. LeDuc stated the matching funds are available from the Local Accommodations Tax funds, but he wanted a clarification to be sure staff was following Council's direction. He said whatever Council does for the African-American Cultural Center, he would also ask that they approve for the Railroad Depot as they would have the same situation.

In response to a question from Councilman Sprawls regarding the status of purchasing the building from Mr. Franklin on York Street, Mr. Brodie stated they would like to go ahead and buy the building in a couple of weeks. Mr. Brodie said if the city funds the \$75,000 for the first year, their intent would be to get a mortgage for the difference between the funds and the purchase price of the building. Then, as funds come in, the mortgage would be paid down. He said he was asking Council to set up a procedure for staff to pay the funds which Council has already approved. He said their recommendation for either the Railroad Depot or the Cultural Center, both of which are being worked through the Aiken Corporation, is that a written request be made to the City that, based on the amount of cash and the pledges, the City advance \$75,000.

Mr. LeDuc stated the staff intends to have one of the city's CPAs or an auditor audit the funds to make sure the cash is in the checking account and that the pledges are made before issuing a check. He said he wanted a letter from the auditor saying the funds are available. He said the question is whether the matching funds are all cash or do they include cash and pledges. The purpose at this time is for Council to establish the policy for funding.

Councilman Cuning stated his intent when approving the motion was that the funds be cash matching funds. He pointed out \$1.3 million is to be raised, and that is a lot of money.

Councilwoman Price pointed out that a firm had committed about \$85,000. Reverend Slaughter's church has committed about \$85,000. She said her church had approved a commitment to the fund, as well as banks and credit unions. She said the budget for some of the firms does not begin until January, 2005, and this is when some of the money will start coming in.

Councilman Cuning stated he felt 90% of unpaid pledges would be too high. He said the motion was matching funds, and he intended for the matching funds to be cash. He said he felt 33% would be a more reasonable figure on unpaid pledges. He felt this would adhere more to the spirit of what was voted on.

Mr. Brodie stated he was looking at the African-American Cultural Center and the Railroad Depot. He said one project is buying a building and the other project is constructing a building. He said such a stipulation might slow up the project for the Depot.

Mr. Brodie stated the major fund drive for the Depot has not started yet and will not start until after January. He said there is a difference between the procedure for building a new building or buying a building and looking at borrowing the money for the projects. He said he felt if a low percentage is use it would slow down the projects, particularly the Depot.

Mr. Mac McClearen stated the Railroad Depot had about \$10,000. He pointed out the City would provide \$250,000, Aiken County \$250,000 and the Committee will raise \$250,000 for the project. He said the Friends of the Railroad had had a car show, which was a fundraiser, but they had not gone out soliciting funds yet.

Councilman Cunning stated the percentage which he had suggested was the percentage as the funds are pledged. He said his proposal would allow the city to pay the first \$75,000 for the Cultural Center as they already have some cash and pledges.

Mr. Brodie stated he felt it would be more workable to have a larger percentage of the pledges. He suggested 75% of the pledges based on the history of pledges in Aiken..

Mayor Cavanaugh stated he could agree with 75% of pledges. He said this would not be taxpayers money. He said this is from money from Local Accommodations Tax funds. He said he did not think this would be a big risk and felt the percentage of unpaid pledges could be lowered to 75%. He said he felt both projects would be funded, would add to the community, be assets to the community and will generate some tourism.

Council continued to discuss the request at length. Councilman Cunning stated his intention when the motion was made was that the matching funds would be cash. He said he believes in the projects and feels they will work.

Councilwoman Vaughters stated when discussing the matter Council talked about cash. She stated she did not support either project and she still does not support the projects. She said there are so many other things that need to be done. She said she was disturbed about paying the money when the cash is not there to match the funds.

Councilman Smith pointed out the minutes state funds and to him funds mean cash. He said 90% of unpaid pledges seems high to him, but he did not feel there would be an impediment in keeping the percent at a more conservative figure.

Gary Smith, City Attorney, stated he would agree that funds is synonymous with cash. He said, however, Council can revisit the issue and redefine what the word means.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that City funds be dispersed for the African-American Cultural Center and the Railroad Depot on the matching basis of 100% of the cash on hand and 75% of the unpaid pledges up to \$75,000 per year for the Cultural Center and \$50,000 per year for the Railroad Depot, as approved by Council on April 20, 2004. The motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Cunning and Vaughters were opposed to the motion.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:36 P.M.


Sara B. Ridout
City Clerk