

what the city taxpayers had paid taxes for in her opinion. She said she did not realize her taxes had gone into a fund for this.

It was pointed out each of the requests for assistance of this type comes to Council for approval. Mayor Cavanaugh stated Council could certainly discuss the program and whether they want to continue the program in the future. He did point out that the areas are being redeveloped and then the city will receive increased taxes on the property, whereas the city is receiving very little taxes with the empty buildings on the property.

Mr. LeDuc stated he would like some direction from Council as to what they want to do on this project and others in the future. He said he would like to know what to tell people when they ask about redeveloping some property and tearing down a building that has been empty for some time, such as the old K-Mart on Richland Avenue W.

Councilwoman Clyburn stated she did not think the program had run its course. She said she still sees many other buildings that the city can work with that need to be torn down. She said this was what the fund was for, and these are buildings that look bad and the property needs to be redeveloped. She felt there was a use for the funds.

Councilman Cunning stated that in almost every case that the city has used funds for the demolition the tax base has increased.

Several Councilmembers felt that Kroger should have asked for help before they committed to develop the project. They felt an incentive was to motivate, and Kroger has already committed to the project.

Councilman Sprawls asked that Aiken County be contacted to see if the City can continue to take debris to the landfill for the demolition program.

The general consensus of Council was that there not be a cash contribution, but if help is given it needs to be in-kind services. Mr. LeDuc pointed out that, in the past, Council has not taken a vote on the requests, because there was a general consensus on the request. Also, no city money has been expended except for buying gas and using city crews. He said since there is a difference of opinion on this project, he would suggest that the matter be placed on the agenda for the April 26, 2004, meeting to let Council discuss the matter. He said staff would check with the County to be sure the City could still take demolition materials to the landfill. Council agreed to this approach.

Aiken City Council Minutes

REGULAR MEETING

April 12, 2004

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

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

Mayor Cavanaugh called the meeting to order at 7:10 P.M. 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. Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session of March 15, 2004 and the work session and regular meeting of March 22, 2004, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

RECOGNITION

Iraq  
Anderson, Lee  
Mahoney, Jake  
Herring, Keith  
Breaker, Danny  
Hanson, Donald

Mayor Cavanaugh stated the City was so very glad to have several employees back from Iraq, and Council wanted to recognize those city employees.

Mr. LeDuc stated over a year ago five of our employees Sergeant Lee Anderson, Sergeant Jake Mahoney, Officer Keith Herring, and Volunteer Fire Fighter-Swat Team Medic Donald Hanson all from Public Safety and Danny Breaker from Public Works were called to active duty by their Reserve Unit and deployed to Iraq. All five of these employees have made it back safely and will be released soon from active duty.

At tonight's meeting we would like to recognize these individuals for their effort in the war. We will also receive from Sergeant Anderson and his Unit Commander the City Flag which they took over to Iraq. While serving at Fallujah, Sergeant Anderson proudly hung our City Flag behind his desk while working with the Town Manager of that city during the rebuilding process. We are excited to have each of these individuals back in Aiken, and we would like to recognize them for their heroic effort during this time.

Pete Frommer, Public Safety Director, introduced those returning from Iraq and stated they were very happy to have the officers back. Those present were Keith Herring, Jake Mahoney, Lee Anderson of Public Safety, and Danny Breaker of Public Works.

Lee Anderson presented the flag which he had taken to Fallujah, Iraq, to Mayor Cavanaugh. He said he was working with a group that was responsible for setting up the city government in Fallujah. He said the flag had been through a lot. He said the flag hung behind his desk in Fallujah. He said the flag meant a lot to them, because they knew Aiken was an All America city and the government in Aiken was concerned about the quality of life of its citizens. He said that was what they tried to pass on to the team in Fallujah. He said they considered the flag their battle flag and they thanked Aiken for the use of it.

Mayor Cavanaugh thanked the employees for what they had done for the country and for the city and for representing Aiken. He said we were so glad that they were home safely.

DEVELOPMENT AGREEMENT – ORDINANCE 04122004

Willow Run Business Park  
Aiken Corporation  
Beaufort Street  
By-Pass

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Development Agreement with Aiken Corporation for Willow Run Business Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE REVISING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF AIKEN AND THE AIKEN CORPORATION FOR THE DEVELOPMENT OF WILLOW RUN BUSINESS PARK.

Mr. LeDuc stated that in July, 2002, City Council approved a developer agreement with the Aiken Corporation for the development of the Willow Run Business Park. Since that time, the SCANA Corporation has given the City \$150,000 to be used for installation of infrastructure in the Willow Run Park. Aiken Corporation recently received bids for this work and is ready to proceed. They would like to modify this agreement to reflect the donation from SCANA and a couple of other conditions within the agreement.

The proposed changes to the agreement are as follows:

Under Item 6, they would like to delete the sentence that states "all streets with driveways directly serving the industrial buildings will include curb and gutter."

Item 10, which stated that the City would reimburse Aiken Corporation for all utilities, would be deleted.

Item 14, which states the sign will be installed within 90 days from initiation of the spec building construction in the Park, would be deleted.

Item 8, the amount of funding should be amended to include an additional \$150,000 for a total of \$250,000.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to amend the Development Agreement with Aiken Corporation for the development of Willow Run Business Park, and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE 04122004A

Henry Street 694

Segres, Nathaniel

Segres, Sharon

TPN 30-077.0-01-004

Virginia Acres

Pine Log Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 694 Henry Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .26 ACRES OF LAND, MORE OR LESS, OWNED BY NATHANIEL AND SHARON SEGRES AND LOCATED AT 694 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated Nathaniel and Sharon Segres would like to annex a 0.26 acre residential property at 694 Henry Street with a proposed zoning of RS-10. The applicant would like to receive the services currently offered by the City. The applicant has a Type 2 Home Occupation of caring for young children. There currently is a free-standing sign on the premises which would not be permitted under this zoning, and they would need to seek BZA approval for a Type 2 Home Occupation.

The Planning Commission unanimously approved the annexation with the following two conditions:

1. That the annexation not become effective until the BZA grants a Type 2 Home Occupation; and
2. That the existing free-standing sign be removed prior to annexation taking effect.

Mr. LeDuc stated the Segres had decided not to have a day care center any longer so they will not be going before BZA to seek a home occupation. However, they will still continue with the agreement they had with some of the parents and have their children stay with them through July, 2004. He said the Segres have already removed the day care sign. He said he would suggest that the annexation be approved, but effective August 1, 2004, so they would have time to work out their agreement with the parents whose children they are keeping.

The public hearing was held and no one spoke.

Attorney Gary Smith stated he would suggest that the first condition in the ordinance be amended by adding the following wording "or the day care is closed." He said once they provide proof to the Planning Department that the day care is closed, then the annexation would be approved.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 694 Henry Street under the proposed RS-10 zoning with the wording added to condition one "or the day care is closed" and with the annexation effective when the conditions listed are satisfied.

ANNEXATION – ORDINANCE 04122004B

Whiskey Road 1940

Beam, Clarence

Beam Supply

Barber, Tad

TPN 30-059.0-01-004

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 1940 Whiskey Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.64 ACRES OF LAND, MORE OR LESS, OWNED BY BEAM SUPPLY, INC., AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated Clarence Beam currently owns a business at 1940 Whiskey Road and would like to annex a 1.64 acre lot under the proposed zoning of General Business (GB). The prospective purchaser of the property, Tad Barber, plans to redevelop the site and is interested in receiving city services. The GB zoning is compatible with the adjacent properties currently fronting on Whiskey Road. Recommendations for ROW improvements along Whiskey as proposed by the LDR report and staff were presented for Council's review. He also pointed out there currently is a two-sided billboard on the northwest corner of the site.

The Planning Commission discussed whether or not the billboard should be removed prior to the annexation and decided, since the lease expires in January, 2005, that the annexation should move forward and unanimously approved the annexation under the following conditions:

1. That a copy of a notice to the billboard company, Lamar Corporation, be submitted advising that the lease agreement shall be terminated and the billboard removed on or before January 4, 2005, and a copy of a response from the Lamar Corporation and/or its successors in interest would be received that the billboard would be removed on or before January 4, 2005.
2. That there would only be one curb cut on Whiskey Road.
3. If possible, the stormwater would be designed to be combined with the adjacent property owner's detention in a regional detention pond.
4. That any obstructions would be removed from the right-of-way; and

5. That the right-of-way of Whiskey Road adjacent to the property be included in the annexation.
6. That, within the ROW, the developer will make improvements in accordance with the LDR report and Planning staff recommendations.
7. If curbing and sidewalk cannot be installed at the time of the development, funds would be escrowed with the City for this future work.

Mr. LeDuc stated some of the improvements might be done at the time the development occurs, but others may not be able to be done, such as a small section of curb and gutter. Some of the proposed work may have to be delayed and money escrowed for future development by the city.

Council approved this ordinance on first reading at the March 22, 2004, meeting. For second reading and public hearing consideration, this is an ordinance to annex property at 1940 Whiskey Road under the General Business zoning.

The public hearing was held.

Mr. Tad Barber, purchaser of the property, appeared before Council. He said he was in agreement with the recommendations of the Planning Commission. He said the last two conditions were new, but he did feel that they were workable. He said some of the improvements can be done at the time of development, but the timing may not be right for some of the improvements. He felt they could come to some agreement of either delaying the improvements or escrowing money. He said he would like to negotiate with Lamar to have the billboard taken down sooner.

Councilman Smith asked Mr. Barber if he had a concept plan. Mr. Barber responded that the property has easements across it, and he is in negotiations with the School District to buy an additional piece of property. He showed Council one drawing that he had showing some proposed development for the property. He reviewed the proposed development for Council. He said there would be two tenants on the property; it would not be a strip shopping center. He said he would do his own demolition of the buildings presently on the property. Council discussed the problem with the billboard on the property. They were concerned about the billboard being removed, as there had been problems in the past with removal of a billboard. Mr. Barber stated the billboard is a problem for his development as it would be on the proposed parking lot. He said he needs the billboard removed to proceed with development of the property. Mr. Barber did point out that the property that he proposes to purchase from the School District is zoned RS-15. He pointed out this will need to be rezoned, as he needs the property to complete the development.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 1940 Whiskey Road under the General Business zoning with the conditions as stated.

CHESTERFIELD NORTH – ORDINANCE 04122004C

Sale of Property

James Town Court 112

Gray, Loresa

Community Development and Improvement Corporation

TPN 30-067.0-05-029

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to sell property at 112 James Town Court.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF PROPERTY OWNED BY THE CITY OF AIKEN, AND THE COMMUNITY DEVELOPMENT AND IMPROVEMENT CORPORATION, LOCATED IN CHESTERFIELD NORTH SUBDIVISION AT 112 JAMES TOWN COURT, TO LORESA GRAY.

Mr. LeDuc stated a couple of years ago the City of Aiken entered into a contractual agreement with the Aiken Housing Authority's Community Development Investment Corporation (CDIC). At that time, the Corporation had purchased a tract of land off of Chesterfield Street N. and developed eleven residential lots. Nine of the homes within this development have been purchased, and we seek Council's approval for the sale of another house in this development. This home at 112 Jamestown Court, is for sale at \$96,090.55 to Loresa Gray. The City would use HOME grant money to reduce the cost of this home by approximately \$27,000. Upon the sale of this home, only one other house will remain for sale in this development.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance approving the sale of property at 112 Jamestown Court, and that the ordinance become effective immediately.

#### GARBAGE – ORDINANCE 04122004D

##### Roll Cart Service

##### New Developments

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to require roll cart services for new developments.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING SECTION 32-1, OF THE AIKEN CITY CODE TO REQUIRE PLACEMENT AT AND REMOVAL FROM THE STREET, WITHIN A REASONABLE TIME, OF ROLL CARTS, USED IN LIEU OF GARBAGE CANS, BY RESIDENTS.

Mr. LeDuc stated the proposed ordinance would require the use of roll carts in new developments for garbage service. He said, however, the staff is also asking that Council allow the staff to start a pilot program. The pilot program would not cost the city at this time, unless the city goes forward with a roll cart program, at which time the city would purchase roll carts.

Mr. LeDuc stated that at our recent Horizons Retreat City Council discussed the use of roll carts in a voluntary pilot program. The pilot program would be initiated by our Public Works Department in specific neighborhoods for up to 2,000 homes. Individuals within these developments would be asked to participate in this program and sign an agreement to voluntarily take the roll cart to the curb on their designated day and to return it within 24 hours of their collection. Individuals within the subdivision who don't want to be included in the program would continue to receive backyard garbage service by the City. Most of the residents in these targeted areas already take their garbage to the street, and the roll cart would help facilitate the resident in taking the materials to the curb. The roll carts could also be used by residents for construction materials that are now collected by our trash crews. We feel this will help eliminate some of the trash now being collected at many of these residential locations. Near the end of a six month trial period, the homeowners would be surveyed concerning their satisfaction with the new system. Council would then determine whether or not the program should be expanded.

The proposed ordinance would require all new developments in the City of Aiken to use roll carts for the city's garbage collection program. The new residential customers would be given a roll cart, along with the recycling bin, after they have applied for their water or sewer service. If the resident feels they cannot roll the cart to or from the curb due to age or physical condition, they would request a waiver from the program by completing a form. If the roll cart pilot program is successful, it would be expanded to other areas in the city over the next several years to allow other residents to participate in this program.

As discussed, the use of roll carts will not only help reduce the amount of time necessary to pick up garbage, but will also greatly reduce the number of worker injuries we receive when picking up the material from the cans.

Mr. LeDuc stated he had had calls from residents wanting the city to deliver a roll cart to them. He said he had also had some calls from people who, because of a handicap, would not be able to roll the cart to the street because of a hill. He said a form had been developed so an individual could request back yard pickup because of a handicap. He said if Council approves the ordinance, the city could probably start the program before July, 2004.

Mr. LeDuc stated staff would suggest that if roll carts are not returned to the back yard within 24 hours, city employees would return the cart for a fee of \$5 for the first two occurrences, and then the fee would be \$10, which would be added to the water bill. He said presently there is a law that the recycling bins be returned to the backyard. He said, however, the way the law is written the people have to be taken to court, and this is a very difficult process. He said the staff looked at the roll carts and felt that a fee to assist the residents in returning the carts or bins to the house should be charged on the water bill to encourage these containers to be returned to the yard.

The public hearing was held.

Ms. Al Payne, of Crosland Park, stated she was concerned about the containers being left on the street. She pointed out that presently the law is not being enforced regarding the recycling bins and the containers are left on the streets for weeks.

Councilwoman Clyburn suggested that if the bins are left at the curb that the city pick the bins up and not leave them at the residence.

Councilwoman Vaughters asked questions about the furnishing of the roll carts from a vendor and about the cost if the city keeps the carts.

In response to a question by Councilwoman Vaughters, Mr. LeDuc stated the proposed ordinance authorizes the city to require roll carts in new developments, but the city has also proposed a pilot program for roll carts in certain established subdivisions, which is voluntary and includes Woodside, River Bluff, Governor Aiken Park, Gatewood, and Hidden Haven.

Councilwoman Vaughters also expressed concern about the "Backyard Garbage Service Application" for those who are not able to take a roll cart to the street. She stated she did not feel the city should require a doctor's certificate to verify disability. She said that would be a nightmare for doctors' offices. She felt the form should be modified and leave that statement off, stopping the sentence after the word "furnished." She said she had had calls from residents in established developments that do not want roll cart service.

Councilman Cunning pointed out for clarification that "new developments" includes new sections of existing developments. He said he felt this should be clarified.

Mayor Cavanaugh stated it seems that the result will be a portion of the city wanting roll cart service and a portion not wanting roll carts. He said at some point City Council will have to make a decision whether to go city-wide with roll carts or not. He pointed out if the pilot program is positive, Council will have to make a decision whether to expand the program to the full city. He asked if portions of the city do not want roll cart service whether there would be a two tier service for garbage service, with a higher fee for backyard pickup.

Mr. Morris stated one of the driving forces behind suggesting roll cart service is the number of homes the crews have to pick up and the overtime they are working. He said the roll cart service is not a total solution. He said previously he presented the number of new residential lots in the city, and the increase in numbers would require additional personnel and equipment just because of the growth. He said he felt the proposal is a

good measure at this point for safety of employees and for not adding additional equipment or personnel at this time. He said roll carts could be used in the back yard, which would help some. He pointed out presently city crews take the garbage out of the residents cans and put it into a roll cart to take to the truck at the street. He said the garbage has to be in bags because the crews have to lift the bags out of the cans and put them in a roll cart.

Mr. Bill Hindman, of Amick Equipment Co., stated there are three sizes of roll carts, 40, 65, and 90 gallon containers. He stated the nationally accepted size is 90 gallons. He pointed out the 90 gallon container sometimes is easier to roll because of the center of gravity.

Mr. Morris stated after the pilot program he can present some options to Council as far as cost to pick up garbage at the curb in roll carts or in the backyard in roll carts and what additional personnel and equipment would be needed.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading the ordinance requiring new developments to use roll carts for garbage collection and that a pilot roll cart program be approved for the established subdivisions suggested by Mr. Morris.

#### SALES TAX COMMITTEE

##### Committee

##### Local Option Sales Tax

##### Referendum

##### One Cent Sales Tax

Mayor Cavanaugh stated Council needed to select a member to serve on the One Cent Sales Tax Committee.

Mr. LeDuc stated at the last work session, Council discussed the need to name an individual to the One Cent Sales Tax Committee, since it had been ruled that Councilman Dick Smith could not be on the committee based on a ruling by the Attorney General. Council suggested three names for this committee. These are John Paveglio, Wade Brodie, and Henry Krippner. A ballot has been prepared for Council to make a selection, or Council could vote on them by a show of hands. Mr. LeDuc stated it is his intention to attend these meetings to be a resource to our member and the committee concerning the projects that we desire within our community.

The committee has already had one meeting, and at that meeting they requested the list of projects from each agency be submitted no later than April 28. To meet this schedule he said he would suggest a special meeting for either Monday, April 19, or Tuesday, April 20, at 6 P.M. At that time Council could vote on the projects they desire to have on the ballot in November and place them in priority. He said the committee will be meeting again on Thursday, April 15, 2004, and will probably be meeting weekly through June.

Mr. LeDuc stated Council needed to do two things – select an individual for the committee and set a time for meeting to finalize the list of projects and prioritize the list to be sent to the committee.

Mayor Cavanaugh stated Council had suggested three qualified people for the committee, so Council needs to select one of the three to represent the city on the committee. He asked how Council would like to select one out of the three.

Councilman Sprawls stated he regretted that his nominee, Mr. Henry Krippner, had asked that his name be removed from the list, so this would leave two persons from which to select. He read a letter of resignation from Mr. Krippner. He asked that his fellow Councilmembers support Wade Brodie for the One Cent Sales Tax Committee.

Councilman Smith urged Council to support his nominee, John Paveglio, as he felt he did not have any involvement in any of the proposed projects on the list.

Council continued to discuss the proposed appointment to the committee and the nominees suggested. Council asked the two nominees if they would be willing to support the proposed list that Council finalizes in the committee meeting. Council understands that, according to the law, the committee members can change Council's list and priorities.

Both Mr. Brodie and Mr. Pavegio stated they would be willing to support Council's list and priorities, as Council has spent many hours discussing the projects. They felt the committee should consider seriously Council's list as well as the other agencies' lists since they know what they need for their community and have spent much time discussing the projects. They pointed out there is a law, however, which gives the committee the right to change the lists. They stated in working with the committee sometimes there has to be some give and take, and some decisions may change the list. They stated Council would have to trust the person on the committee to make the best choice for the city. It was pointed out the discussions will be over several weeks, so the committee member should be able to keep Council informed on questions or decisions that have to be made.

Council then discussed how to vote on the committee member whether by secret ballot or raising their hand. The general consensus of Council was for a public hand vote.

Mayor Cavanaugh called for a vote for John Pavelgio. Those voting for Mr. Pavelgio were Councilmembers Cuning, Smith and Vaughters. Those voting for Wade Brodie were Mayor Cavanaugh, and Councilmembers Clyburn, Price and Sprawls. Mr. Wade Brodie was elected as the committee member for the one cent sales tax to represent the City of Aiken.

#### STREET – ORDINANCE

Alley Way  
McClain, Roy  
McClain, Gail  
Chesterfield Street  
Whiskey Road  
South Boundary  
Newberry Street

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to close an alleyway between Newberry Street and Chesterfield Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO QUITCLAIM ANY RIGHT, TITLE AND INTEREST IN A PORTION OF A CERTAIN TEN-FOOT WIDE ALLEYWAY BETWEEN NEWBERRY STREET AND CHESTERFIELD STREET, ON A PRORATA SHARE BASIS, TO THE ADJOINING LANDOWNERS.

Mr. LeDuc stated Roy and Gail McClain would like to purchase property on Chesterfield between Whiskey and South Boundary. This property contains a 10-foot right-of-way belonging to the City of Aiken. In accordance with city regulations, a house cannot be built any closer than 20 feet from a right-of-way. This 10-foot platted alleyway runs from Chesterfield Street to Newberry and adjoins property owned by Robert McCreary, Jill Ryon, and Lynn Henry. Each of them has given the city a letter stating they do not contest the city abandoning this alleyway as long as the property is split evenly amongst all four properties.

Larry Morris, the City's Public Works Director, has investigated this property and feels there is no need for the city to maintain the right-of-way. Instead, he is suggesting that it be deeded as a 10-foot easement for any future water, sewer, or storm drainage needs. This would allow the McClains to build their proposed new house within 10 feet of the new right-of-way line and provide the building space they need. The staff is suggesting that the city provide a quit claim deed for the 10-foot right of way. Five feet would go to the property on the south and 5 feet to the property on the north. Everyone is in

agreement to that, and it works well for the City and allows the McClains, who are interested in buying the property, to be able to build the home in an adequate manner so it does not have to be built 20 feet off of a piece of ground that is not being used.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to approve a quit claim for a 10-foot wide alleyway between Newberry Street and Chesterfield Street being split among the adjacent landowners, and that second reading and public hearing will be set for the next regularly scheduled meeting.

### BUSINESS LICENSE ORDINANCE

#### License

#### Corporate Office

#### Incentive

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Business License Ordinance.

Mr. LeDuc read the title of the ordinance.

### AN ORDINANCE AMENDING SECTION 5 OF THE CITY OF AIKEN LICENSE ORDINANCE.

Mr. LeDuc stated during the early 1990's City Council was concerned about creating incentives for new businesses wanting to locate inside the city limits. For this reason they developed an ordinance which would allow new businesses to transition their payment for a business license fee over a three year period. During the first year, they would pay a minimal amount and then increase this amount incrementally over the next three years, until they were paying the full amount. Also, Council included a condition that any corporate office located inside the city limits would have a cap of \$1,500.

At the Winter Municipal Association meeting Danny Crowe, the Municipal Association Attorney, stated that caps on business licenses were illegal. We asked Gary Smith to review these comments, and he agreed with Danny Crowe's analysis and feels that we need to amend our Business License Ordinance. The proposed ordinance removes these two provisions from the existing Business License Ordinance.

He said he also had had several discussions with Councilwoman Vaughters concerning our Business License program for the City of Aiken. A copy of a memo from Lex Kirkland, our Business License Administrator, was given to Council for review concerning why we have a business license and a listing of the Business License fees we receive from the various categories in the city. Also included is an analysis of our Business License in comparison to several other cities in South Carolina, based on certain types of businesses and their typical fees. It shows that, in most cases, Aiken is much lower for cities our size, and only in a few cases are we slightly higher. The one area that we consistently have lower fees is in the construction category. Each type of business has a rate that was set by Council in the early 1990's, and within each category the rate can be adjusted up or down if Council desires. However, when one rate is lowered, we have to be concerned as to how much we raise another rate to receive the same overall revenue.

The federal government has been, working with Canada and Mexico, and recently developed a new business license code called NAICS, versus the current Standard Industry Classification (SIC) that we now use in South Carolina. Included for Council's information are some scenarios for the differences in the NAICS versus the SIC code as a comparison. If Council would like staff to investigate moving to a different type of code, or adjust the rates within any categories, we need further direction. It would take several hours to redo any part of our business license format, and it needs to be completed by June prior to new business licenses being mailed.

Councilwoman Clyburn moved, seconded by Councilman Sprawls, that Council pass on first reading an ordinance to amend the Business License Ordinance to remove the cap

for corporate offices and the incremental licensing for new businesses, and that second reading and public hearing be set for the next regular meeting of Council.

Council discussed the proposed ordinance and felt that Council could proceed with the ordinance to amend the two items discussed, but felt that study of the whole Business License Ordinance would take some time and thorough discussion. It was felt this should be a separate work session, as this is a very important item and revenue source for the city. There was discussion that possibly the city should change the license classification from SIC to NAICS.

Councilwoman Vaughters stated she wanted to discuss the Business License because the revenue goes into the General Fund. She pointed out there is a one cent Sales Tax Capital Projects referendum proposed, and she wanted to know if there were capital items in the General Fund which could be paid for by the one cent sales tax that would enable the city to lower the Business License tax so the businesses would not be encouraged to establish businesses outside the city limits. She felt the Business License tax is regressive and felt Council should be thinking creatively about how to relieve the pressure on the merchants. She felt the Business License is one of the most disliked taxes. She felt this was an item that Council really needed to study.

Mayor Cavanaugh suggested that Council have a special session to discuss the License Ordinance.

Councilman Cuning pointed out that the study needed to coincide with the budget. He pointed out License revenue is \$4.4 million. He said if the License revenue is lowered the difference has to be made up somewhere. He said to increase property taxes to make up the difference would make a lot of citizens unhappy.

It was pointed out by Mayor Cavanaugh that the city will be receiving \$900,000 less in 2004-05 because of the vehicle tax reduction and also the communications fee reduction.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance on first reading to amend the Business License Ordinance removing the cap for corporate offices and the incremental licensing for new businesses. The motion was unanimously approved.

### HORSEPLAY

#### Horses Donation

Mayor Cavanaugh stated Council needed to consider acceptance of the donation of horses from the Horesplay Program.

Mr. LeDuc stated in February the city received a request from the Horseplay Committee to consider accepting some of the horses which may be donated to the City. We have received four requests. If Council agrees to the donation and the locations requested an appropriate plaque will be placed designating the donors and the name of the horse. The four requests are as follows: (1) "Palmetto/American Equine" donated by Ambrose and Gwen Schwallie currently located behind the Municipal Building. (2) "Patriotism" in memory of Reverend Badon H. Brown, requested to be located at Park and Laurens next to the sidewalk. (3) "Horse of a Different Color," donated by Woodside Plantation and currently located at the Festival site on Newberry Street. (4) "Hav Sum Fun" donated by Peoples Community Bank of South Carolina and the Friends of Hopelands and Rye Patch to be located at the Thoroughbred Racing Hall of Fame in honor of James and Loraine McNair.

Two of the donors have made a specific request as to where they would like to have the horses located, and the other two have not specified a location and we have placed them in a general location where horses were in the past. If City Council would like to consider another location, we could certainly suggest that to the donor.

An addition request has been received from Mr. and Mrs. Robert McNair, owners of the Stonerside horse. They would like to donate the horse to the city and would like for it to

be located in front of the Thoroughbred Racing Hall of Fame. One of their horses, "Congaree" was recently inducted into the Hall of Fame, so there is a strong emotional attachment between the McNair's and the Hall of Fame.

Mr. LeDuc stated also Katrina Becker would like to donate the horse that is currently at Rye Patch near the wetlands pond to the city. She liked that area because there were no trees in that area to fall on the horse.

Mr. LeDuc stated this makes six horses that people would like to donate to the city, and Council needs to consider acceptance of the donations.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Council accept all of the horses donated to the City to be located as requested and authorize the City Manager to accept others that people may want to donate to the city. Councilwoman Clyburn stated she missed the horses downtown and felt that they added to the downtown area.

### SIGNS

#### Bluegrass Festival Parkways Temporary Sign

Mayor Cavanaugh stated a request had been received for temporary signage for a Bluegrass Festival that will be held on Newberry Street.

Mr. LeDuc stated on Saturday, May 1, 2004, a Bluegrass Festival will be held on Newberry Street. The Bluegrass Festival Committee is asking permission to paint patches of blue on the grass in two of the parkways and to put a small two foot sign stating "Aiken Horses Love Blue Grass Coming May 1." The two parkways they would like to do this in are Laurens and Park and Richland and Chesterfield. They have discussed painting the grass blue with Tom Rapp, and he has no problems with this in the parkway. The Bluegrass Festival is being held to support the Star Riding Program. Since this is a first time event, they would appreciate any support that they can receive from the City in its promotion. Ms. Groat is present at the meeting to answer any of your questions.

Council discussed the request at length. They felt the suggestion was a unique idea, but were concerned about other requests for similar signage. They felt if they allowed one organization to do this, a precedent would be set and there would be other requests, making it difficult for the city to deny other such requests. They recalled requests from St. Thaddeus Church for signs for their Strawberry Festival, which was denied by Council, as well as a three day request for Confederate flags at the Confederate Memorial.

Council asked if the Park Commission had been consulted about the request. It was pointed out the request had just come in and there had not been time to present the request to the Park Commission.

Ms. Groat stated possibly the blue grass could be on private property rather than on city property, as this would solve some of Council's concerns. She said possibly Regions Bank would let them paint their grass blue. She also stated possibly flower pots with blue grass could be placed in areas around the city on private property.

Councilman Cunning stated he would talk with others and see if they could paint the grass at Regions Bank to solve the problem for Council.

### ADJOURNMENT

Council adjourned the regular meeting at 9:30 P.M. and then went back into work session to finish the items not completed before the Council meeting.

## WORK SESSION

Mayor Cavanaugh stated Council needed to continue their work session and had three items to discuss, including yard trash service, date for meeting to finalize one cent sales tax list, and meeting date to discuss budget.

### YARD TRASH SERVICE

#### Trash

Mr. LeDuc stated staff needed some direction from Council on how to handle yard trash service and that most any change would involve an ordinance change.

Mr. LeDuc stated that, for the last several years, we have received a large number of complaints concerning yard trash. The biggest two complaints have been individuals placing materials out on the street within hours of their last pickup and large mixed piles being strewn along the streets. As a result, many of our neighborhoods suffer from an aesthetic and safety problems due to this trash.

An historical review of our yard trash service indicates that 18 individuals in the late 1980's collected the material by hand throughout the city every two to three weeks. A mechanized system was put into place in 1990, with a policy requiring all materials to be picked up within a one week period. With the mechanized system, we were able to reduce the man power and collect materials on a regular weekly schedule. Over the years, residents have taken advantage of this and have begun putting out material other than yard trash to be collected. On a regular basis now construction material and other non-compostible material appears within many of our piles. Landlords and homeowners alike consistently place mixed piles at the curb, which requires most of it being landfilled instead composted.

Ironically, County residents who do not have trash service are required to haul all of their materials away, and these neighborhoods tend to be much cleaner than city neighborhoods. One of City Council's goals is to reduce the type of materials left on the street and to help eliminate these neighborhood problems. A proposal from the staff includes not allowing materials to be placed on the curb prior to 48 hours before their pickup day, and that only compostible materials will be picked up on a weekly basis. This proposal also includes the quarterly pickup of all appliances or furniture. If the resident wants a special pickup there would be a minimum charge placed on the water bill. Otherwise, the material could be picked up at no charge during their quarterly pickup schedule. To eliminate these problems, we would also suggest that the city no longer collect any construction debris and, instead, require contractors or homeowners to haul this material off to a drop off site or landfill. Through the use of roll carts, much of this material can be placed in them during the weekly collection of our garbage. If approved, we are recommending that the Public Works Department work with the residents for a six month period informing the residents when material is placed out on the curb inappropriately. After three letters, the resident would then be required to pay for any special pickups through their water bill. This new process is one that other cities have gone to over the last several years, due to the increasing problems inherent with their trash service. During the transition process, we will continue to work with the residents and Council to make any necessary changes to provide the best possible service while keeping our neighborhoods clean. Mr. LeDuc stated some proposed charges for special pickups are: single item \$25, ¼ trailer load \$50, ½ trailer load \$100, ¾ trailer load \$150, and a full trailer load \$200. He said these charges would be placed on the water bill. He said if a resident puts furniture or appliances at the curb and does not call for a special pickup, the city will charge a higher fee. This is to discourage putting materials at the curb unless a scheduled pickup is made.

Mr. LeDuc pointed out change is difficult, and it will take a while to implement a new plan.

Council then discussed the proposed changes at length. Council discussed what is a reasonable length of time before pickup for people to put yard trash at the curb for pickup. Council also discussed the placing of appliances and furniture at the curb for

pickup. Some Councilmembers felt the city should not pick up appliances or furniture, but, if the city does, then people need to pay for this service. They felt trying to pick up furniture, etc. once a quarter would be difficult to manage. Council pointed out that rental houses cause a problem when realtors clean out a house after renters move out.

Mr. Morris, Public Works Director, said the proposal is that if material is put out that is prohibited, except for once per quarter, then there will be a 48 hour notice to move the material. If the material is not cleaned up in 48 hours, the city will clean it up, but we will charge fees higher than a quarterly fee charge. He said the city would set fees higher than local haulers because the city does not want to get into that business. He said absentee landlords would have to pay any fees that have not been paid if the renter moves out and leaves furniture to be picked up. He said the water bill would be flagged and the bill would have to be paid before water can be turned on for the next renter. He said when material is placed in the parkway across from your house, you will be responsible for it. He said then the citizens become the city's eyes and help the city with the problem.

Council discussed the proposal and charging for material put out in front of houses or in parkways. They felt this was the only way to solve the problem, and that charging the fees would bring the matter to their attention very quickly.

Council suggested using no dumping signs in some areas. Other suggestions were to place a sticker on the garbage roll cart stating their pickup date so they don't forget, some graphics showing what the city will pick up and what the city will not pick up. Council suggested the city meet with neighborhood associations and other organizations and go over very thoroughly what the city will pick up. Another suggestion was a yearly calendar showing the quarterly pickup dates for the areas.

Council then discussed whether the city should pick up appliances or furniture even quarterly for free. They stated if people want these items picked up they should pay for the pick up and not have a free quarterly pickup. They pointed out Council is discussing this problem because the city has a cost problem. It was pointed out one way to solve the problem is make the service a user fee. Then the city would not get into the quarterly pickup. It was felt the citizens would not remember their quarterly pickup date and the pickup would become a real problem. After much discussion, the general consensus of Council seemed to be that yard trash would be the only thing the city would pick up. For other items the citizens would call for a special pickup and there would be a fee for the pickup, which would be placed on the water bill. It was pointed out this charge could be placed on the water bill, since it is a fee for a service and not a fine. Council then talked about how many times to notify people if materials are placed at the curb that the city will not pick up before a charge is placed on the water bill. Council felt one notification was enough and then place a charge on the water bill. Council also talked about the length of time that yard trash could be placed at the curb before pickup. After discussion Council felt 48 hours should be sufficient time before pickup to place yard trash at the curb.

It was pointed out this would be a drastic change, and that Council would probably get a lot of calls regarding the change. Mr. LeDuc stated from Council's comments it seems that the only business the City would be in would be picking up yard trash weekly and there would be no quarterly pickup of appliances or furniture. If other items such as appliances or furniture are picked up there will be a service fee for the pickup by appointment.

#### BUDGET

##### FY 2004-05

Mr. LeDuc stated staff has completed the budget for fiscal year 2004-05 and he would like to schedule a time to discuss this with Council. He suggested that Council meet on either Monday, May 3, or Tuesday, May 4, at 3 P.M. for about three hours. After discussion Council decided to meet on Tuesday, May 4, 2004, at 3 P.M. to discuss the proposed budget.

CAPITAL SALES TAX PROJECTS

One Cent Sales Tax  
Sales Tax  
Projects

Mr. LeDuc pointed out that Council needed to meet to decide on the projects for the one cent sales tax referendum and prioritize the list. He said the Committee had asked that the lists be submitted to them by April 29. After discussion Council decided to meet on Tuesday, April 20, 2004, at 6:30 P.M.

ADJOURNMENT

There being no further business the meeting adjourned at 10:30 P.M.



Sara B. Ridout  
City Clerk