

WORKSESSION MINUTES

Tuesday, March 3, 2009

6:00 pm

1. Pending Appointment Resolutions

- a. Council submitted Mr. Tom Greene as an appointee to the Savannah River Site Redevelopment Authority.

2. Clarification and Discussion of Agenda Items

- a. The following change was made to the agenda:
 - 1. Add New Business Item 1 – Proposed Resolution To Implement a Hiring Freeze, Countywide, Effective Immediately until June 30, 2009. If Any Positions become Vacant Prior to the End of the Fiscal Year, the Matter will be Presented to County Council.

3. Status of Contingency Funds

- a. The following allocations were made from the FY 2009 County Council Contingency Fund:
 - 1. American Red Cross \$600 Heroes Campaign
(Young \$100, Smith \$200, Barton \$200, Bunker \$100)
 - 2. Special Project \$441 Barton Assist with project
 - 3. Palmetto Kiwanis \$1000 Young Sponsor programs
 - 4. Pine Lawn Cemetery \$400 Hightower Roast
(Young \$100, Singer \$100, Barton \$100, Bunker \$100)

4. Census Bureau Meeting

- a. Chairman Young invited Council to the March 5, 2009, 2:00 p.m. Census Bureau Meeting at the County Council Building with Ms. Doris Jones.

5. ARTS Update

- a. Councilman Singer and Mr. Strohminger, Director, Planning and Development, discussed the funding, \$2.9 million, with potentially \$6 million long term, which Aiken County will be receiving from the Federal government for “shovel ready” transportation projects.

Councilman Singer also asked for feedback on restructuring the criteria for the receipt of Federal Enhancement Funds; \$165,000 annually. Currently the County does not receive any of the funds.

6. Quarterly Financial Reports

(Mr. Terry Bodiford, Director, Finance)

- a. Mr. Bodiford distributed and reviewed the report ending December 2008. Mr. Bodiford stated that the General Fund remains in excellent condition. Council and staff discussed the impact of the pending State budget and the current national economy on the County finances.

Respectfully submitted,

SIGNED:

Tamara Sullivan, Council Clerk

Ronnie Young, Chairman

MINUTES

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

COUNCIL CHAMBERS, 736 RICHLAND AVENUE, W., AIKEN, S. C.

REGULAR MEETING – MARCH 3, 2009 – 7:00 P. M.

(A) CALL TO ORDER

Determining that a quorum was present, Chairman Young called the meeting to order.

Council Members present:

Chairman Ronnie Young
Kathy Rawls
Scott Singer
LaWana McKenzie
Chuck Smith
Eddie Butler
Charles Barton
Gary Bunker
Willar H. Hightower, Jr.

Also present:

J. Clay Killian, County Administrator
James M. Holly, County Attorney
Tamara Sullivan, Council Clerk

(B) INVOCATION

Councilman Hightower led in the invocation.

(C) PLEDGE OF ALLEGIANCE

Councilman Bunker led in the Pledge of Allegiance.

(D) APPROVAL OF MINUTES

1. February 3, 2009 Worksession
2. February 3, 2009 Regular Meeting
3. February 17, 2009 Special Meeting
4. February 17, 2009 Worksession
5. February 17, 2009 Regular Meeting

- a. Councilman Smith made a motion for the approval of the minutes. Councilman Butler seconded.
- b. The minutes were approved by unanimous vote.

(E) APPROVAL OF AGENDA

- a. Councilman Butler made a motion to amend and approve the agenda as follows:
 1. Add New Business Item 1 – Proposed Resolution To Implement a Hiring Freeze, Countywide, Effective Immediately until June 30, 2009. If Any Positions become Vacant Prior to the End of the Fiscal Year, the Matter will be Presented to County Council.
- b. Councilwoman McKenzie seconded the motion. The amended agenda passed by unanimous vote.

(F) PUBLIC HEARINGS

1. Resolution to Authorize the Council Chairman to Execute Amendment Number Two to the Lease Agreement with Toyota Motor Engineering and Manufacturing North America Inc. (TEMA) for Office Space at the Center for Hydrogen Research.
 - a. No comments were made.

(G) OLD BUSINESS

1. Proposed Ordinance to Authorize the Aiken County PRT to do National Background Checks on Coaches, and Volunteers; and to Rent PRT Buildings in 4-Hour Increments.
(Development Committee) (Third Reading)

(For PRT to do national background checks on coaches, volunteers, and managing agency board members and to rent buildings in 4-hour increments)
 - a. Councilwoman McKenzie made a motion for the approval. Councilman Singer seconded.
 - b. Passed by unanimous vote.
2. Proposed Ordinance to Amend the Aiken County Code of Ordinances Chapter 16 Parks and Recreation, Article I, Section 16-2(b)(23) to Add a Park to the List of Parks that are Opened from Sunrise to Sunset.
(Development Committee) (Third Reading)

(To amend the Aiken County Code of Ordinances)
 - a. Councilman Singer moved for the adoption. Councilman Smith seconded.
 - b. Passed by unanimous vote.
3. Proposed Ordinance to Amend Chapter 15 of the Aiken County Code of Ordinances to Add Article VIII, Alcoholic Beverages and Section 15-200, Hours of Operation for Establishments With On-Premises Consumption of Alcoholic Beverages.
(Judicial and Public Safety Committee) (Third Reading)

(To amend the Aiken County Code of Ordinances relating to bar closings. There are two options of the ordinance, marked "A" and "B", attached for consideration)
 - a. Councilwoman Rawls made a motion for the approval of the Ordinance with the amendments shown in Option B. Councilwoman McKenzie seconded.
 - b. Councilman Butler made a motion to amend Section 15-200 (a) of the Ordinance by changing the opening time to 7:00 a.m. for beer and wine, Monday through Saturday. Councilman Hightower seconded the motion to amend.
 - c. The amendment was approved by unanimous vote with Councilman Singer abstaining.
 - d. Councilwoman McKenzie made a motion to amend Section 15-200 (b) of the Ordinance to read "All establishments described in Section 15-200 (a) that are substantially engaged in the preparation and serving of meals may open at 5:00 a.m. to prepare and serve meals, but shall not sell or offer beer or wine until 7:00 a.m. or liquors or other alcoholic spirits or beverages until 10:00 a.m. for on-premises consumption to any person on Monday through Saturday." and amend Section 15-200 (c) of the Ordinance to read "All establishments described in Section 15-200 (a) that are engaged primarily and

substantially in renting of lodging to the public on a regular basis may operate twenty-four (24) hours each day, but shall not sell or offer beer, wine, liquors or other alcoholic spirits or beverages for on-premises consumption to any person except during the times set forth in Section 15-200 (a).”

- e. Councilman Butler seconded the motion to amend. The amendment was approved by unanimous vote.
 - f. Councilman Hightower made a motion to amend the Ordinance to allow establishments to remain open until 4:00 a.m. if they employ law enforcement personnel to police the establishment and the parking lot. Councilman Bunker seconded the motion to amend.
 - g. The amendment failed by majority vote with Councilman Singer, Councilman Bunker and Councilman Hightower voting in favor. Councilwoman Rawls, Councilwoman McKenzie, Councilman Smith, Councilman Butler, Councilman Barton and Chairman Young voted in opposition.
 - h. Councilman Bunker made a motion to amend the Ordinance with the following:
 - 1. In Subsection (a) insert between the words “establishment” and “shall” the words “that meets the conditions set forth in Section 15-200 (e)”.
 - 2. In Subsection (a) amend all closing times to midnight.
 - 3. Strike Subsection (e) and in its place insert “If a business establishment described in Section 15-200 (a) is the location of a commission of a felony offense under the laws of the State at any time or the subject of more than two violations of the laws of the State regulating the operation of establishments licensed to serve beer, wine, liquor and other alcoholic spirits or beverages for on-premises consumption in any consecutive six (6) month period it shall be subject to the operating times set forth in Section 15-200 (a)”.
 - i. Councilman Hightower seconded the motion to amend. The amendment failed by majority vote with Councilman Bunker and Councilman Hightower voting in favor. Councilwoman Rawls, Councilman Singer, Councilwoman McKenzie, Councilman Smith, Councilman Butler, Councilman Barton and Chairman Young voted in opposition.
 - j. The Ordinance, as amended, passed by unanimous vote.
4. Proposed Ordinance to Authorize the Lease of Land at Sage Mill Industrial Park to the Economic Development Partnership for Aiken and Edgefield Counties, Inc. for the Construction and Operation of a Hydrogen Fueling Station.
(County Council) (Third Reading)
- (To lease property at Sage Mill Industrial Park)
- a. Councilman Butler made a motion for the approval. Councilwoman McKenzie seconded.
 - b. Approved by unanimous vote.

(H) CONSENT AGENDA

I. REGULAR CONSENT AGENDA

1. Proposed Resolution to Appoint One Member to Designated Boards, Commissions and Committees with Terms of the Appointees to Run Concurrent with that of the Councilmember from Districts At-Large 2, 3, 4, 5, 6, and 7.
(Young, Singer, McKenzie, Smith, Butler, Barton, Bunker)

(To appoint members to standing committees created by Council.)
2. Proposed Resolution to Approve the Allocation of Funds for Various Non-Profit Agencies from the FY 2009 Council Contingency Fund.
(County Council)

(Council has a certain amount of money allocated in the budget which can be used for projects at its discretion. This resolution distributes some of the money.)
3. Proposed Resolution to Authorize the Council Chairman to Execute Amendment Number Two to the Lease Agreement with Toyota Motor Engineering and Manufacturing North America Inc. (TEMA) for Office Space at the Center for Hydrogen Research.
(Administrative Committee)

(To award an amendment number two to a lease agreement for office space at the Center for Hydrogen Research)
4. Proposed Resolution to Authorize the Council Chairman to Execute a Contract Renewal with the Aiken Center for Participation in the C&RE Program.
(Administrative Committee)

(To award an contract to the Aiken Center for employee assistance program services)
5. Proposed Resolution to Authorize the Council Chairman to Enter into a Preferred Ambulance Agreement with Blue Cross/Blue Shield of South Carolina.
(Judicial and Public Safety Committee)

(To award a contract for a preferred ambulance provider with Blue Cross/Blue Shield of South Carolina)
6. Proposed Resolution to Authorize the Submission of a Grant Application to the South Carolina Emergency Management Division of the Office of Adjutant General for Emergency Management Funds.
(Judicial and Public Safety Committee)

(To submit a grant application for emergency management funds)
7. Proposed Resolution Requesting the South Carolina Public Service Commission Conduct Public Hearings on the Proposed Rate Increases for the Avondale Water and Sewer System.
(County Council)

(Request the South Carolina Public Service Commission to conduct public hearings on the proposed rate increases for the Avondale Water and Sewer System)
8. Proposed Resolution to Authorize the County Treasurer to Accept from the Department of Energy a Payment in Lieu of Taxes for 2008.
(County Council)

(To accept a payment in lieu of tax for 2008 from the Department of Energy)

9. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning Map Atlas to Rezone Tax Parcels 136-07-01-002, 136-07-01-003, 136-07-01-004, 136-07-01-010, 136-08-01-001, 136-08-01-002, 136-08-01-003, 136-08-01-004, 136-08-01-005, 136-11-03-001, 136-11-03-002, 136-11-03-003, 136-11-03-004, 136-11-03-005, 136-11-03-006, 136-11-04-001, 136-11-05-001, 136-11-08-001, 136-11-09-004, 136-11-09-005, 136-11-09-006, 136-11-09-007, 136-11-09-008, 136-12-01-001, 136-12-01-002, 136-12-02-005, 136-12-02-006, 136-12-02-007, 136-12-07-002, 136-12-09-001, 136-15-02-002, 136-15-02-003, 136-15-02-015, 153-05-01-001, 153-05-01-001, 153-05-01-003, and 153-05-01-008 (601.17 Acres) Located Along New Bridge Road (S-206) and Wheat Road (S-1022), Aiken, SC in Council District 6 from RD to AP.
(Barton) (Second Reading)

(To rezone land located along New Bridge Road and Wheat Road for agricultural preservation)

- a. Councilman Smith made a motion to approve the Consent Agenda. Councilwoman McKenzie seconded.
- b. The Consent Agenda was approved by unanimous vote.

(I) NEW BUSINESS

1. Proposed Resolution To Implement a Hiring Freeze, Countywide, Effective Immediately until June 30, 2009. If Any Positions become Vacant Prior to the End of the Fiscal Year, the Matter will be Presented to County Council.
 - a. Councilman Butler made a motion to approve the Resolution. Councilman Barton seconded.
 - b. Councilwoman McKenzie made an amendment motion that the approval of hiring be addressed by the County Administrator rather than County Council. Following discussion, the amendment died for lack of a second.
 - c. The Resolution passed by unanimous vote.

(J) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

1. Fiscal Year 2009 Aiken County Contingency Report as of February 18, 2009.

(K) INFORMAL MEETING OF WHOLE

- a. In response to comments and questions, it was clarified that the Ordinance addressing the operating hours of establishments with on-premises consumption of alcoholic beverages would be effective on March 4, 2009.
- b. Councilwoman McKenzie made a motion to recess for Executive Session. Councilman Barton seconded.
- c. The motion to recess passed by unanimous vote.

RECESSED – 8:00 P. M.

(L) EXECUTIVE SESSION

1. Legal Matters:

- a. Status Report on Pending Litigation, Legal Claims and Legal Advice.
(County Attorney) (Verbal)
2. Contractual Matters:
3. Personnel Matters:

RECONVENED – 8:39 P. M.

- a. Councilman Smith made a motion to adjourn the meeting. Councilman Hightower seconded.
- b. The motion to adjourn passed by unanimous vote.

(M) ADJOURNMENT – 8:40 P. M.

Respectfully submitted,

SIGNED:

Tamara Sullivan, Council Clerk

Ronnie Young, Chairman