

WORKSESSION MINUTES

Tuesday, July 21, 2009

6:00 pm

1. Pending Appointment Resolutions

a. No appointments were made.

2. Clarification and Discussion of Agenda Items

a. The following changes were made to the agenda:

1. Move Consent Item 16 to Old Business Item 3.
2. Amend Consent Item 3 – Add one Legal Secretary for the Magistrate’s Office, add one Constable for the Magistrate’s Office.

3. Status of Contingency Funds

a. The following allocations were made from the FY 2010 County Council Contingency Fund:

- | | | | | |
|-----|--|----------------------|---|--------------------------------------|
| 1. | Town of Salley | \$1,000 | Young | Sponsor Annual Chitlin Strut |
| 2. | Belvedere Fire Dept. | \$1,000 | Butler | Trailer to transport foam |
| 3. | Arts and Heritage Center
of North Augusta | \$1,000 | Butler | Audio visual equipment |
| 4. | Belvedere Dixie Girls
Softball League | \$1,000 | Butler | Concession stand and fence repairs |
| 5. | Wagener Garden Club | \$500 | Rawls | Entrance markers |
| 6. | Salley Recreation and
Tourism | \$1,000 | Rawls | Assist with tourism promotion |
| 7. | Cedar Lodge 184 | \$500 | Rawls | Masonic Lodge project |
| 8. | Olde Towne Preservation
Society | \$1,000 | Smith & Butler | Annual Colonial Times event |
| 9. | Friends of the NRA | \$170 | Singer | Sponsor educational programs |
| 10. | Christian Aid Ministries | \$500 | Butler | Support housing projects |
| 11. | Andrews Masonic Lodge | \$1,000 (\$500 each) | McKenzie & Young | Building repairs |
| 12. | Valley Alliance | \$1,000 (\$500 each) | McKenzie & Young | Sponsor programs |
| 13. | Midland Valley First
Church of the Nazarene | \$700 (\$100 each) | Rawls, Singer, McKenzie, Barton,
Hightower & Young | Bunker
Driven by the Spirit event |

- 14. Pine Lawn Cemetery \$500 Hightower Cemetery restoration project
- 15. Shiloh Heights Community \$500 (\$250 each) Barton & Hightower 3rd Annual Reunion
- 16. Gregg Park Dixie \$850 Assist with tournament cost
Youth Baseball Butler, Barton & Young (\$250 each), Hightower (\$100)
- 17. Aiken County Public Works \$600 McKenzie Crusher run for Clearwater Fire Dept.

4. Position Vacancy Report

- a. The Vacancy Report was distributed and reviewed. Staff recommended the following:
 - 1. Add one Legal Secretary for the Magistrate's Office
 - 2. Add one Constable for the Magistrate's Office

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 - JULY 21, 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. June 9, 2009 Special Meeting
2. June 16, 2009 Worksession
3. June 16, 2009 Regular Meeting
4. July 7, 2009 Special Meeting

- a. Councilman Smith made a motion to approve the minutes. Councilwoman McKenzie seconded.
- b. The minutes were approved by unanimous vote.

(E) APPROVAL OF AGENDA

- a. Councilwoman McKenzie made a motion to amend and approve the agenda as follows:
 1. Move Consent Item 16 to Old Business Item 3.
 2. Amend Consent Item 3 – Add one Legal Secretary for the Magistrate’s Office, add one Constable for the Magistrate’s Office.
- b. Councilman Butler seconded the motion. The amended agenda was approved by unanimous vote.

(F) PUBLIC HEARINGS

1. Proposed Ordinance Amend the Aiken County Code of Ordinances by Adding Chapter 19.6, Stormwater Management Program, for the Purpose of Regulating Stormwater Runoff Resulting from Land Development Activities and by Repealing any Ordinances in Conflict Therewith.
 - a. Mr. Lee Rhodes commented that Stormwater management was a necessity and raised questions about the Stormwater Division and its function.
2. Proposed Ordinance to Amend Section 11-95.1 of the Aiken County Code of Ordinances so as to Allow the Aiken County Commission on Alcohol and Drug Abuse to Incur Debt Secured by Real Property Owned by it Under Certain Conditions.
 - a. No comment was made.
3. Proposed Ordinance Suspending the Application of Sunday Work Prohibitions and Sunday Operating Prohibitions Contained in Chapter 1, Title 53, of the Code of Laws of South Carolina, Adding Section 13-4 to the Aiken County Code of Ordinances to Effect Such Suspension, and Dealing With Other Matters Related Thereto.
 - a. Council listened to 30 citizens voice their opinions on the suspension of the Sunday work prohibition. Citizens spoke both in favor and in opposition to the proposed legislation. Those in favor of repealing the Sunday work prohibition discussed local businesses, tax revenue for the schools, the economy, and the loss of retail sales to the neighboring state of Georgia. Those in opposition to rescinding the Sunday work prohibition based their opinions on religious beliefs and community values.
 - b. Several Councilmembers voiced support of the proposed Ordinance citing the current diluted state of the Blue Laws, and what would be fair and equitable for the community as a whole. Councilman Bunker voiced his opposition to the Ordinance based on religious convictions and family values.
4. Proposed Ordinance to Amend Chapter 24, Land Management Regulations, of the Aiken County Code of Ordinances to Make Corrections and Changes.
 - a. No comment was made.
5. Request for Approval of a Proposed Amendment to the Aiken County Official Zoning Map Atlas to Rezone Tax Parcels 124-20-01-004 (a Portion of), 124-20-01-005, and 140-17-02-001 (a Portion of) (19.45 Acres) Located at 4629 Whiskey Rd (SC 19), Aiken, SC in Council District 2 from RC to RH5B.
 - a. No comments were made.

(G) OLD BUSINESS

1. Removal from the Table of a Proposed Ordinance Amend the Aiken County Code of Ordinances by Adding Chapter 19.6, Stormwater Management Program, for the Purpose of Regulating Stormwater Runoff Resulting from Land Development Activities and by Repealing any Ordinances in Conflict Therewith.
(County Council) (Third Reading)

(To add a new chapter to the Aiken County Code of Ordinances)
 - a. Councilman Barton made a motion to remove the Ordinance from the Table. Councilman Butler seconded.

- b. The motion to remove from the Table passed by unanimous vote.
 - c. Councilman Bunker made a motion to Table the Ordinance and to send it back to Development Committee. Councilwoman Rawls seconded.
 - d. The motion to Table and return the Ordinance to Development Committee passed by unanimous vote.
2. Proposed Ordinance to Amend Section 11-95.1 of the Aiken County Code of Ordinances so as to Allow the Aiken County Commission on Alcohol and Drug Abuse to Incur Debt Secured by Real Property Owned by it Under Certain Conditions.
(County Council) (Third Reading)

(To allow the Aiken County Commission on Alcohol and Drug Abuse to incur debt secured by real property owned by it under certain conditions)

- a. Councilman Bunker made a motion for the approval. Councilman Smith seconded.
 - b. The Ordinance was approved by unanimous vote.
3. Proposed Ordinance Suspending the Application of Sunday Work Prohibitions and Sunday Operating Prohibitions Contained in Chapter 1, Title 53, of the Code of Laws of South Carolina Adding Section 13-4 to the Aiken County Code of Ordinances to Effect Such Suspension, and Dealing With Other Matters Related Thereto.
(County Council) (Second Reading)

(To suspend the Sunday work prohibitions in Aiken County)

MOVED FROM CONSENT ITEM 16

- a. Councilman Hightower made a motion for the approval. Councilman Butler seconded.
- b. Councilman Hightower made a motion to amend Section 1 (b) of the Ordinance with the following:

“Notwithstanding any other provision of this ordinance, this ordinance shall not affect the rights provided employees or other persons by Chapter 1 of Title 53 of the Code of Laws of South Carolina, 1976, as amended, or by any other applicable state or federal laws, and no employee of a business that operates on Sunday who conscientiously object to working on Sunday shall be required to work on Sunday, and any such employee of a business operation on Sunday has the option of refusing to work in accordance with the provisions of Sections 53-1-5, 53-1-100 and 53-1-60 of the Code of Laws of South Carolina, 1976, as amended.”
- c. Councilwoman McKenzie seconded the amendment motion.
- d. The amendment was approved by unanimous vote.
- e. The amended Ordinance was approved on second reading by majority vote with Councilwoman Rawls, Councilman Singer, Councilman Smith, Councilman Butler, Councilman Barton, Councilman Hightower and Chairman Young voting in favor. Councilwoman McKenzie and Councilman Bunker voted in opposition.

(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 2010 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 Filling of Certain Vital Positions Previously Restricted by the Hiring Moratorium.
(County Council)

(To fill certain vital positions frozen during the hiring freeze)

AS AMENDED

4. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Hewitt Coleman for Third Party Administrator.
(Administrative Committee)

(To award a contract with Hewitt Coleman for third party administrator)

5. Proposed Resolution to Authorize the Acceptance of Grants from the South Carolina Department of Health and Environmental Control, Office of Solid Waste Reduction and Recycling for Recycling Projects in Aiken County.
(Development Committee)

(To accept grants from SCDHEC for recycling projects)

6. Proposed Resolution to Authorize the County Administrator to Execute Change Order #1 to its Contracts with Hussey Gay Bell & DeYoung of Columbia, SC for the Redesign Alternative Needed on Pontoon Sapp Drive (C-429) and Scott Simmons Road (C-509).
(Development Committee)

(Change order to contract with Hussey Gay Bell & DeYoung for Pontoon Sape Dr and Scott Simmons Rd)

7. Proposed Resolution to Authorize the Addition of Two Vehicles for Civil Process in the Sheriff's Office and a Donated Horse Trailer for Animal Control in the Public Works Department to the County Fleet.
(Development Committee)

(To add vehicles and a trailer to the County fleet)

8. Proposed Resolution to Assign the Official Road Name to Existing Un-Named Private Roads in County Council Districts 1, 2, 3, 6, 7 and 8.
(Rawls, Singer, McKenzie, Barton, Bunker, Hightower)

(To assign names to private roads)
9. Proposed Resolution to Authorize the Council Chairman to Execute an Agreement with the South Carolina Department of Juvenile Justice for the Provision of Certain Services.
(Judicial and Public Safety Committee)

(To award a contract with the SC Dept of Juvenile Justice for the provision of certain services)
10. Proposed Resolution to Authorize the Submission and Acceptance of an Edward Byrne Memorial Justice Assistance Grant to Purchase Mobile Data Terminals for Patrol Vehicles for the Sheriff's Office.
(Judicial and Public Safety Committee)

(To submit and accept a grant for the purchase of mobile data terminals for the Sheriff's Office)
11. Proposed Resolution to Authorize the Council Chairman to Execute a Renewal Lease with FLLI, LLC (Ziff Properties, Inc) for Kalmia Mall.
(Administrative Committee)

(Renew lease with FLLI, LLC for space at Kalmia Mall)
12. Proposed Resolution to Authorize the Council Chairman to Execute Documents to Allow Bridgestone to Relocate Certain Equipment Subject to Fee in Lieu of Tax Obligations.
(County Council)

(To allow Bridgestone to relocate certain equipment)
13. Proposed Resolution Accepting Dedication of the Turn-Around Located at the End of Kellogg Drive.
(Development Committee)

(To accept dedication of a turn-around located at the end of Kellogg Drive)
14. Proposed Resolution Authorizing the Council Chairman to Execute an Agreement Between Aiken County and Beech Island Water and Sewer District for the Relocation of a Sewer Line.
(Development Committee)

(Agreement with Beech Island Water and Sewer District for the relocation of a sewer line)
15. Proposed Ordinance to Amend Chapter 24, Land Management Regulations, of the Aiken County Code of Ordinances to Make Corrections and Changes.
(County Council) (Second Reading)

(To amend the Code of Ordinances)
16. **MOVED TO OLD BUSINESS ITEM 3**

(I) INTRODUCTION OF ORDINANCES FOR FIRST READING

1. Proposed Ordinance to Issue Capital City Ambulance a Renewal Franchise to Operate a Private Ambulance Service in Aiken County for a Three Year Period Ending October 31, 2012.
(Judicial and Public Safety Committee)

(To renew a private ambulance franchise with Capital City Ambulance)

2. Proposed Ordinance to Amend Article IX of Chapter 11, Aiken County Code of Ordinances, Regarding Private Ambulance Service Franchising Standards and Procedures.
(Judicial and Public Safety Committee)

(To amend the Aiken County Code of Ordinances)

3. Proposed Ordinance to Declare Certain Property, Known as the A.L. Brodie Park, Located in the Town of Perry, as Surplus and to Authorize Its Transfer to the Town of Perry.
(Development Committee)

(To declare A.L. Brodie Park surplus and donate it to the Town of Perry)

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

(J) NEW BUSINESS

1. Request for Approval of a Proposed Amendment to the Aiken County Official Zoning Map Atlas to Rezone Tax Parcels 124-20-01-004 (a Portion of), 124-20-01-005, and 140-17-02-001 (a Portion of) (19.45 Acres) Located at 4629 Whiskey Rd (SC 19), Aiken, SC in Council District 2 from RC to RH5B:

- A. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning Map Atlas to Rezone Tax Parcels 124-20-01-004 (a Portion of), 124-20-01-005, and 140-17-02-001 (a Portion of) (19.45 Acres) Located at 4629 Whiskey Rd (SC 19), Aiken, SC in Council District 2 from RC to RH5B.
(Singer) (First Reading and Public Hearing)

or

- B. Proposed Resolution to Disapprove a Proposed Amendment to the Aiken County Official Zoning Map Atlas to Rezone Tax Parcels 124-20-01-004 (a Portion of), 124-20-01-005, and 140-17-02-001 (a Portion of) (19.45 Acres) Located at 4629 Whiskey Rd (SC 19), Aiken, SC in Council District 2 from RC to RH5B.
(Singer)

(To rezone land located at 4629 Whiskey Road for residential – horse business)

- a. Councilman Singer made a motion to approve the Ordinance under Option A. Councilwoman Rawls seconded.
- b. The first reading of the Ordinance under Option A was approved by unanimous vote.

(K) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

1. Fiscal Year 2010 Aiken County Contingency Report as of July 1, 2009.

(L) INFORMAL MEETING OF WHOLE

- a. Ms. Jane-Page Thompson asked how the recent State legislation addressing vehicles parked along the State right-of-way's was to be enforced.
- b. Mr. Holly responded that the State Department of Public Safety was charged with the enforcement.
- c. Councilman Smith made a motion to recess for Executive Session to discuss litigation, personnel matters and contract negotiations. Councilman Butler seconded.
- d. The motion to recess for Executive Session passed by unanimous vote.

RECESSED – 9:22 P. M.

(M) 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 – 10:20 P. M.

- a. Following Executive Session Councilwoman McKenzie made a Voice Motion to accept a power line easement to be acquired by the Central Electric Co-op at Boyd Pond Park and Harrison Caver Park at the appraised price plus 10%. Councilman Butler seconded the Voice Motion.
- b. The Voice Motion passed by unanimous vote with Councilman Hightower abstaining.
- c. Councilman Smith made a motion to adjourn the meeting. Councilwoman McKenzie seconded.
- d. The motion to adjourn passed by unanimous vote.

(N) ADJOURNMENT – 10:21 P. M.

Respectfully submitted,

SIGNED:

Tamara Sullivan, Council Clerk

Ronnie Young, Chairman