

Aiken City Council Minutes

REGULAR MEETING

October 27, 2003

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

Absent: Councilwoman Price

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Larry Morris, Glenn Parker, Pete Frommer, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and about 20 citizens.

Mayor Cavanaugh called the meeting to order at 7:45 P.M. Mayor Cavanaugh 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 Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session and regular meeting of October 13, 2003 were considered for approval.

Councilmembers Vaughters and Smith questioned a statement in the minutes by Councilwoman Price concerning receiving threats. They wanted to postpone approval of the minutes pending Councilwoman Price explaining if the minutes reflected what she said and explaining what she meant by receiving threats. After much discussion Councilmembers felt the minutes were accurate in reflecting what was said.

Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Mayor Cavanaugh and approved by a vote of 4 in favor and 2 opposed. Those opposing were Councilmembers Smith and Vaughters.

BOARDS AND COMMISSIONS

Appointments

Smiley, Gail

Environmental Committee

Merry, Philip

Historic Preservation Commission

Beasley, W. A.

Park Commission

Stanley, Roscoe

Holland, James

Planning Commission

Mayor Cavanaugh stated Council needed to consider five appointments to the city's boards and commissions.

Mr. LeDuc stated there are 15 pending appointments to boards and committees of the city and 5 appointments are presented for Council's consideration.

Councilman Sprawls has recommended reappointment of Gail Smiley to the Environmental Committee with the term to expire December 31, 2005; reappointment of Philip Merry to the Historic Preservation Commission with the term to expire December 31, 2005; and reappointment of W. A. Beasley to the Park Commission with the term to expire December 1, 2005.

Councilwoman Price has recommended reappointment of Roscoe Stanley to the Planning Commission with the term to expire December 1, 2005, if reappointed.

Councilwoman Clyburn has recommended reappointment of James Holland to the Planning Commission with the term to expire December 1, 2005.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council reappoint Gail Smiley to the Environmental Committee with the term to expire December 31, 2005, Philip Merry to the Historic Preservation Commission with the term to expire December 31, 2005, W. A. Beasley to the Park Commission with the term to expire December 1, 2005, Roscoe Stanley and James Holland to the Planning Commission with the terms to expire December 1, 2005.

Mayor Cavanaugh stated he would like to recommend reappointment of Bill Reynolds to the Planning Commission.

Councilman Cunning stated he would like to recommend reappointment of Leland Reynolds to the Historic Preservation Commission.

Councilwoman Vaughters stated she would like to recommend reappointment of Catherine Shirley to the Parks Commission, Arthur Andersen to the Board of Zoning Appeals, and Len Cherry to the Historic Preservation Commission.

The recommended appointments will be on the next agenda for Council's consideration.

HIDDEN HAVEN – ORDINANCE 10272003

City Property

Payne, Beverly

TPN 00-134.0-01-106

TPN 13-401.0-01-106

Sirius Drive

Silver Bluff Road

Sale of Lot

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell some land owned by the city in Hidden Haven.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON SIRIUS DRIVE, HIDDEN HAVEN SUBDIVISION, IN AIKEN, SOUTH CAROLINA, KNOWN AS A PORTION OF TAX PARCEL NUMBER 00-134-01.0-106 FORMERLY KNOWN AS 13-401.0-01-106.

Mr. LeDuc stated a couple of months ago City Council approved the sale of property in Hidden Haven consisting of .69 acres for \$16,000. Since that time the prospective buyer decided not to follow through with this purchase.

Mrs. Beverly Payne who adjoins this property would like to purchase a portion of this property which had formerly been used for the septic field for this development. This purchase would encompass the sanitary sewer easement and allow her to expand her lot to a legal size for that particular zoning and will allow the remaining portion of the property to be used as an additional lot in the future. She has offered the City \$7,000 for this 0.26 acre portion which is slightly more than the appraised value based on the overall cost for the property. After reviewing this proposal we are recommending to City Council the sale of a portion of this lot to Mrs. Beverly Payne.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls, that Council pass on second and final reading an ordinance to sell a 0.26 acre lot owned by the City in Hidden Haven to Ms. Beverly Payne for \$7,000 and that the ordinance become effective immediately. The motion was approved unanimously by the 5 members present. Councilwoman Vaughters was not present in the Council Chambers at the time of the voting.

STRATFORD HALL – ORDINANCE

Dedication

Streets

Stratford Drive

Water

Sewer

Storm Sewer

Detention Pond

Roads

Utilities

Shaffer Builders

Mayor Cavanaugh stated ordinances had been prepared to accept the roads and utilities in Stratford Hall Subdivision.

Mr. LeDuc read the title of the ordinances.

AN ORDINANCE ACCEPTING THE DEDICATION OF STRATFORD DRIVE OWNED BY STRATFORD HALL HOMEOWNERS ASSOCIATION, INC.

AN ORDINANCE ACCEPTING THE DEDICATION OF ROADS AND UTILITIES OF STRATFORD HALL SUBDIVISION OWNED BY SHAFFER BUILDERS, INC.

Mr. LeDuc stated that in 1990 the Stratford Hall Subdivision was built and several homes started. Shortly thereafter the developer of the subdivision went bankrupt, with the bank taking over completion of the subdivision. Since that time, Shaffer Builders, Inc. purchased the remaining lots and finished construction of homes within that development. There has been much confusion since then as to who owns the utilities and the roads within that area. With the original developer being unavailable, and the inability of the subdivision to maintain the utilities and roads, the city has responded to requests to maintain the streets and utilities as necessary. To clear up this confusion the Homeowners Association and Don Shaffer, President of Shaffer Builders, Inc., have agreed to formally deed the utilities and the roads to the City of Aiken. This will help clear up any inconsistencies as to the ownership of this property and allow the City to maintain the utilities and streets as we have provided in all other subdivisions that have developed since the late 1980's in Aiken.

Based on the recommendation by the Public Works Director and our City Attorney, we are recommending City Council approve the acceptance of the streets, water, sewer, and storm sewer system, along with the detention pond, in Stratford Hall Subdivision and Stratford Hall Drive leading to the subdivision.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to accept Stratford Drive and the roads and utilities within Stratford Hall Subdivision and that second reading and public hearing be held at the next regularly scheduled meeting.

Councilman Cuning expressed concern about having policies in place to make sure something like this does not happen again. He was concerned about the roads and utilities being built but then not dedicated to the city and the taxpayers then being exposed for losses. He felt there should be a maintenance bond on the roads and the bond called if the streets need repairs.

Mr. Larry Morris stated the city requires a one year bond based on construction cost for maintenance. He said a letter is sent out to the developer at the end of the one year period

regarding the city accepting the streets and utilities. He said the Subdivision Regulations give Council the option to accept or reject any improvements. He pointed out there was a major water main break in Phase 3 of Sandstone, and none of that area has been dedicated to the city. He said, however, the city responded and took care of the damage. He said there had not been a deed of dedication and the developer has been notified that they need to do a deed of dedication. He said the city likes to have the streets and utilities dedicated to the city so there is a transfer of these streets and utilities to the city so the city has the legal right to work on the streets and utilities. He pointed out the bond on this particular area had expired.

Councilman Cunning stated his concern was that the city may need to require a longer bond if the developer does not submit the streets and utilities for dedication to the city. He pointed out in the case described by Mr. Morris the city taxpayers had to pay for the damage, but it should have been the developer's bond taking care of the problem. He said he felt the bond should be in force until the streets and utilities are dedicated to the city. He said he would like for the staff to look at this matter to see if there was some way to have a bond or Letter of Credit in effect on streets and utilities in a subdivision until they are dedicated to the city.

MEETING TIME

Council Meeting

City Council

Mayor Cavanaugh stated Council needed to consider changing the meeting time for the Council meetings.

Mr. LeDuc stated that at our last worksession City Council discussed the possibility of starting the meetings at 7 P.M. Traditionally we have always started our regular meeting at 7:30 P.M. preceded by a worksession. The worksessions vary in length from a half an hour to an hour and a half. Most of the Councilmembers said they would agree to starting the meetings at 7 P.M. with the worksessions to begin no earlier than 5:30 P.M.

We have researched the City Code and, although it states that the Council meetings will be on the second and fourth Mondays, it does not specify a beginning time for the start of these meetings. For this reason City Council can therefore set whatever time they would like to have these meetings start. Once you have approved a new starting time Council can review at a later date whether or not this new time meets your expectations and those of the citizens.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that Council move the start time for City Council meetings from 7:30 P.M. to 7:00 P.M.

ACCOMMODATIONS TAX

Recommendations

Mayor Cavanaugh stated Council needed to consider the recommendations of the Accommodations Tax Committee.

Mr. LeDuc stated that yearly the City of Aiken receives funding from motels and hotels in Aiken which is used for projects that increase tourism and overnight stays. This year the City received \$156,332. Of this amount \$25,000 goes to the General Fund and of the balance 65% is allocated to the special fund for tourism related expenditures, 30% formerly went to the Chamber and now to the City for tourism, and 5% of the balance to the General Fund. This year the City has \$87,335.78 available for the projects which will be held during this next year. With the unspent funds from previous years and the Contingency Fund, there is \$134,963 available for the 27 requests which total over \$195,598.25.

Recently the State of South Carolina set up a Tourism Expenditure Review Committee to make certain that the guidelines and procedures are followed by each of the communities. For this reason the city's committee requested that the State first review all the itemized

requests to be certain that they were all eligible. The State's primary focus is to make certain that the event will draw tourists from outside a 50 mile radius of Aiken. In addition, the Accommodation Tax money cannot be used to purchase food, pay for salaries, performance fees, operating materials for special events, dues or membership fees for professional organizations, instrumental rental, travel costs, or local advertising. Based on the new procedures the City of Aiken's Accommodations Tax Committee has to be more careful as they review the funding submitted by these organizations. Listed for Council's review is the requested amount, the total eligible and the suggested award in comparison to last year's awarded amount.

This year the Committee recommends funding \$92,662.15 in comparison to under \$68,000 for last year. Based on the interpretation of the new state law the Accommodations Tax Committee recommends funding 24 out of the 27 requests. If Council awards the funding in the amount of \$92,662.15 it will leave \$42,300.85 in the Accommodations Contingency fund for any additional requests that may still occur in 2004. Mr. LeDuc pointed out there were 12 new requests for funds this year.

ACCOMMODATIONS TAX COMMITTEE RECOMMENDATIONS

<u>PROJECT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT ELIGIBLE</u>	<u>AMOUNT AWARDED</u>	<u>AWARDED LAST YEAR</u>
Battle of Aiken	\$16,000.00	\$16,000.00	\$13,450.00	\$12,029.00
S.C. Watercolor Annual Exhibition	10,000.00	10,000.00	7,000.00	.00
Aiken Center for the Arts - Antiques in the Heart of Aiken	9,062.15	9,062.15	6,422.15	7,100.20
Aiken Center for the Arts- Operations	25,000.00	25,000.00	9,000.00	9,724.80
Aiken County Museum- Quilt Show	800.00	350.00	350.00	.00
Aiken Symphony Guild	2,000.00	1,800.00	1,800.00	.00
Master Gardeners- Horticulture, History & High Society	8,000.00	.00	.00	.00
Aiken Camellia Show	1,400.00	530.00	530.00	800.00
Aiken Civic Ballet- The Tempest	975.00	975.00	650.00	.00
Hitchcock Foundation- Aiken Horse Show	3,989.10	2,189.00	2,189.00	1,134.00
American Red Cross Sporting Days in Aiken	11,905.00	8,905.00	3,000.00	.00
Memorial Day Parade	7,000.00	.00	.00	5,000.00
Aiken Soccer Cup Tournament	18,880.00	6,900.00	6,900.00	5,880.00
Aiken Downtown Assoc.	3,650.00	1,900.00	1,900.00	.00

USC-Aiken Polo Round				
Robin Tournament	3,800.00	2,600.00	2,600.00	.00
Aiken Highland Games/ Celtic Festival	3,000.00	3,000.00	2,000.00	.00
Aiken Area Council on Aging Equestrian Day	10,000.00	10,000.00	5,000.00	.00
Aiken Steeplechase- Spring Race	7,795.00	3,960.00	3,960.00	.00
Aiken Steeplechase- Fall Race	7,795.00	7,795.00	3,960.00	6,495.00
Aiken Choral Society	5,480.00	426.00	426.00	390.00
Dixie Boys Baseball World Tournament	2,140.00	2,140.00	1,565.00	.00
Christmas in Hopelands	2,720.00	2,720.00	1,435.00	.00
Christmas Craft Show	1,500.00	1,500.00	550.00	.00
City of Aiken – Triple Crown Street Fair	3,000.00	3,000.00	2,075.00	.00
City of Aiken – Tournament Bid Fees	20,000.00	20,000.00	15,000.00	10,000.00
Aiken Downtown Dev. Assoc.-Operations	14,760.00	.00	.00	9,724.80
City of Aiken – Knights of Columbus State Basketball	<u>1,000.00</u>	<u>900.00</u>	<u>900.00</u>	<u>.00</u>
TOTALS	\$201,651.25	\$141,652.15	\$92,662.15	\$68,277.80

Councilwoman Clyburn moved, seconded by Councilman Smith, that Council approve the awarding of the Accommodations Tax Commission funds as recommended by the Committee.

Councilman Cunning expressed concern about the funding for the Aiken Center for the Arts Antiques in the Heart of Aiken which he stated was well attended last year and brings people in from out of town. He also pointed out his concern that the Memorial Day Parade was not eligible for any funds. He also questioned the funding for the Aiken Steeplechase-Spring Race and Fall Race.

Ms. Lisa Hall, who works with the Accommodations Committee, was present to answer any questions. In response to a question by the Mayor, Ms. Hall stated the organizations were not notified of the recommendations of the Accommodations Tax Committee. She stated the organizations are notified after approval by City Council. In the past there have been some problems if Council changes the recommendations of the Accommodations Tax Committee, as some of the organizations had felt when the Accommodations Tax Committee made their recommendations the monies were committed to them. Mayor Cavanaugh stated he felt the organizations should be notified of the amounts recommended by the Accommodations Tax Committee so they would know what is recommended to City Council. Ms. Hall responded that the Committee could change their procedure and notify the applicants of their recommendation.

In reference to the Memorial Day Parade Ms. Hall pointed out that the surveys did not indicate that people from a 50 mile radius were attending the parade, but that it was a local event.

Council continued to discuss the state's rules for qualifying for Accommodations Tax Funds, the advertisement of events, and the process for applying for the funds. It was pointed out that the Accommodations Tax Committee will probably have another meeting in a few months to consider other requests. Mr. Parker pointed out he knew there would be one more request for the bike race that held an event in Aiken last year. He said a group from Aiken Downtown would be submitting that request to A-Tax for funds.

Mayor Cavanaugh asked if anyone present wanted to speak regarding the Accommodations Tax Committee recommendation for funds.

Ms. Barbara Sue Brodie, President of the Board of Directors for Aiken Area Council on Aging, appeared before Council regarding their request for Accommodations Tax funds. She stated they had requested \$10,000 for their fundraiser and were only recommended to receive \$5,000. She said they needed \$10,000 in order to be able to fund their event. She said this was a new event this year, but they hoped to set a footprint for an event that they can do year after year to bring people to Aiken. She said they were planning a big event, but it was hard to plan for the event not knowing how much money they will have. She pointed out the funding is close to the actual event so this makes it hard also to really develop the event. She said the event is planned for March 6, 2004. She said they had scheduled use of Rye Patch and Hopelands and they plan to have an elegant picnic. They plan to unveil the new logo for the Council on Aging. She said they were developing the event as a bus trip, a day trip, for churches and senior groups to come and enjoy the beautiful facilities in Aiken, a tour of Hopelands, the Thoroughbred Racing Hall of Fame, and were trying to add a tour of some winter colony homes, carriage rides, etc. She said the event is called Equestrian Day, because they will spotlight the horse industry in Aiken. She said they had contacted travel agencies and church groups who do tours for their senior groups and had had a great response. She said they were starting out with a small event, and depending on the success, they hope to make it a two day event.

Mr. Parker stated the request for \$10,000 from the Council on Aging was eligible, but normally when there is a new event the Committee would like to see the event prove itself. After it proves itself they may increase the funding.

Ms. Rosamond McDuffie also spoke on behalf of the Council on Aging event and asked that Council give their full backing on this event.

Mayor Cavanaugh stated he felt it sounds like a good project and he would like to support it.

Council stated they would like the Accommodations Tax Committee to look at the funding for the events again. They expressed the feeling that they would like to see some of the events receive the funding for which they are eligible and at least receive what they received last year.

Mr. Wade Brodie appeared before Council regarding funding for the Aiken Community Playhouse. He stated that about two years ago the Playhouse went to the Accommodations Tax Committee when they were concerned about paying for the new building. They asked the Committee for a \$75,000 commitment, with \$15,000 per year for 5 years. The Committee felt they could not give a 5 year commitment, but indicated that if the Playhouse came back on an annual basis they would consider the \$15,000 request each year. He said when we were looking at how we were going to pay for the building, the city had an obligation, the Playhouse had an obligation, sale of the old Playhouse and \$75,000 was put in the total figure to pay for the new building. Last year a request was made for \$15,000 and \$5,000 was approved. He said this year they were requesting \$25,000 which would be a catch up.

Mr. Parker stated the Aiken Community Playhouse did not submit an application this year, but an application packet was sent to them. He said since the application was not submitted to the Accommodations Tax Committee and the committee did not have an opportunity to review it he was sure they would want to discuss the matter.

Mr. Parker pointed out that with a \$42,000 balance if \$15,000 was award to the Playhouse and some to the Bike Club there would not be much left to increase the funding for the other requests such as the Council on Aging, Arts Center, etc.

Mayor Cavanaugh stated several things had been mentioned. He said there had been mention about asking the Committee to review the Council on Aging, the Center for the Arts, the Memorial Day Parade, the Aiken Civic Ballet and the Playhouse requests. He said Council had also asked that those who had made requests for funds should be notified of the recommendation of the A-Tax Committee.

Ms. Hall stated the A-Tax Committee would review those requests which Council had mentioned.

Mayor Cavanaugh stated that Council would consider the Accommodations Tax Committee recommendations after the Committee has met and reviewed those questioned by Council. Ms. Hall stated the recommendations of the Committee should be ready for the November 10, 2003, Council meeting.

Mr. LeDuc pointed out that if the requests were funded for the amount eligible there would not be enough funds and there would be no funds for the Bike Race or the Playhouse at all.

Councilwoman Clyburn stated that after discussion of the matter she would like to amend her motion to state that the recommendations of the Accommodations Tax Committee for funds be continued to the next meeting of Council to give the A-Tax Committee a chance to review the requests again. The motion was seconded by Councilman Smith and unanimously approved.

LOCKE LANE PROPERTY

Resolution

Taxes

Hart, Deborah

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to settle the lien on some Locke Lane property.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING SETTLEMENT OF A PROPERTY CONDITION ABATEMENT LIEN AGAINST CERTAIN REAL ESTATE.

Mr. LeDuc stated that at our last work session Council discussed the city needing to remove a structure on Locke Lane due to the safety condition of the building. Unfortunately, the cost to remove asbestos from this house cost the city approximately \$7,500. Since the value of the property is only assessed at \$5,000 we are asking City Council to reduce the amount of the lien from its current amount to \$5,000. Should Council approve this reduction, we would then offer the new owner, Deborah Hart, a clear title upon payment of \$5,000.

By reducing the lien to \$5,000 the city will eliminate having to ultimately go through the tax sale process which takes several years and involves a minimum of several hundred dollars for advertising, research and preparation for the sale of a property. If it should go to court, several thousand dollars more could be expended in this process. To avoid the complications and expenses involved in a tax sale the staff is recommending that the city consider reducing the lien on this property so Deborah Hart could have a clear title upon payment of \$5,000.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the resolution reducing the lien on property at Tax Parcel 30-087-01-002 to \$5,000.

ADJOURNMENT

There being no further business the meeting adjourned at 9:00 P.M.

A handwritten signature in cursive script, reading "Sara B. Ridout".

Sara B. Ridout
City Clerk