

Aiken City Council Minutes

December 11, 1995

REGULAR MEETING

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Perry, and Radford.

Absent: Councilmember Price

Others Present: Steve Thompson, Gary Smith, Frances Thomas, Roger LeDuc, Ed Evans, Carrol Busbee, Terry Rhinehart, Stanley Quarles, Andy Anderson, Sara Ridout, Chastiti Kirkland of the Aiken Standard, Chandra McLean of the Augusta Chronicle, and 20 citizens.

Mayor Cavanaugh called the meeting to order at 7:40 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the November 20, 1995, and the regular meeting of November 27, 1995, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

PRESENTATIONCertificates of Service

Paulus, John

Law, McDonald

Burkes, Gregory

Hammond, Ted

Rapp, Tom

Mayor Cavanaugh stated Council wished to recognize several members of boards and committees for their service to the city.

Mayor Cavanaugh read the certificates which had been prepared. He stated Mr. John Paulus had served on the Environmental Committee since the inception of the committee in 1991. Mr. Paulus served from December 9, 1991, to December 31, 1995.

Mr. McDonald Law has served the City of Aiken for four years as a representative on the Planning Commission. Mr. Gregory Burkes has served on the Annexation Study Committee from October 28, 1991, to November 27, 1995. Mr. Ted Hammond has served the city for two years as a representative on the Planning Commission from November 22, 1993, to December 1, 1995. Mr. Tom Rapp served as a member of the Park Commission for three years from January 27, 1992, to November 27, 1995. Mayor Cavanaugh stated Council wanted to thank each one for their service on the committees and asked that the Certificates be sent to the members since they were not present at this meeting.

RECOGNITIONThurmond, Strom

Mayor Cavanaugh stated Council wanted to recognize Senator Strom Thurmond who celebrated his 93rd birthday on December 6, 1995. Mayor Cavanaugh stated he was proud of Senator Thurmond and wanted to send a letter to Senator Thurmond expressing Council's appreciation for what he has done all these years in serving the country and state.

BOARDS AND COMMISSIONSAppointments

Planning Commission

Annexation Study Committee

Park Commission

Environmental Committee

Assistant City Judge

Mayor Cavanaugh stated Council needed to consider several appointments to various boards and commissions.

Planning Commission
Raiford, Charlotte

Mr. Thompson stated Charlotte Raiford had asked that Council consider finding someone to serve out the balance of her term on the Planning Commission, expiring December 1, 1996.

The consensus of Council was to continue this appointment to the next regular meeting of Council.

Annexation Study Committee
Slaughter, Doug
d'Entremont, Rachel

Mr. Thompson stated Reverend Doug Slaughter has stated that he will not be able to accept his appointment to the Annexation Study Committee, and at the last meeting Council appointed Rachel d'Entremont to the Planning Commission. This leaves two vacancies on the Annexation Study Committee. Mr. Thompson pointed out the terms of Rachel d'Entremont and Reverend Doug Slaughter will expire May 20, 1996, and Council may wish to consider making the appointments for an additional three years to avoid an immediate reconsideration of these appointments.

Council continued these appointments to the next regular meeting of Council.

Park Commission
Hammond, T. A.
McCartney, Robert

Mr. Thompson stated the terms of T. A. Hammond and Robert McCartney expire December, 1995, on the Park Commission. Council needs to consider appointments for the Park Commission.

Councilwoman Papouchado moved, seconded by Councilman Perry and unanimously approved, that T. A. Hammond and Robert McCartney be reappointed to the Park Commission for three year terms to expire December, 1998.

Environmental Committee

Mr. Thompson stated Council needed to make an appointment to the Environmental Committee to replace Mr. John Paulus. Mr. Paulus' term expires December 31, 1995. The Environmental Committee will consider a recommendation to Council for appointment to the Environmental Committee.

The appointment was continued to the next regular meeting of Council.

Assistant Judge
Diggs, Lester

Mr. Thompson stated the term of the Assistant Judge, Lester Diggs, will expire January 1, 1996. The judge serves as a replacement for the City Judge during vacation and other absences. The term for the Assistant Judge is for four years.

Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that Council reappoint Lester Diggs as Assistant Judge for a four year term to expire January 1, 2000.

ZONING ORDINANCE - ORDINANCE 121195

Rezoning
S.C. 118
Wire Road
By-Pass
Sibley, William
Rutland Drive
Irvin, Warren & Company
Shopping Center
Tax Parcel No. 00-154.0-01-056

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance amending the ordinance rezoning property at Rutland Drive and Wire Road.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT THE INTERSECTION OF RUTLAND DRIVE (S.C. 118) AND WIRE ROAD, A PORTION OF TAX MAP PARCEL NUMBER 00-154.0-01-056, FROM PLANNED SHOPPING CENTER TO NEIGHBORHOOD BUSINESS.

Mr. Thompson stated that in October Council approved rezoning of property at the intersection of Wire Road and Rutland Drive to allow development of a shopping center under the Neighborhood Business zone. The approval included a stipulation, as recommended by the Planning Commission, that the property would be used only for a shopping center of the description that the owners gave to the Planning Commission. The developers would like to sell off two outparcels and had assumed that this would be consistent with a shopping center development. However, in reviewing the Planning Commission's discussion of the original rezoning request, outparcel development was not approved for this property. The developers would like to sell off outparcels of this tract and have asked Council to consider amending the conditions of the original rezoning ordinance to allow development of these outparcels. Mr. Thompson stated the request to amend the condition on the rezoning ordinance came to Council at the November 13, 1995, meeting, however, it was denied on first reading and referred to the Planning Commission.

At the November 14 Planning Commission meeting, the Planning Commission considered the request from the developer, Warren Irvin and Company, to amend the condition that had been placed on the property regarding outparcels. Mr. Irvin explained the reason for the outparcel development request was that his loan commitment was predicated upon being able to build a food store, three or four more shops, and to be able to sell the two outparcels. Mr. Irvin also pointed out to the Planning Commission the permitted use restrictions which the major shopping center tenant had placed on the two outparcels.

Mr. Thompson stated the Planning Commission discussed the request at length and the suitability of outparcels at this location. Concern was expressed about the lack of public notice and the feelings of surrounding residents who might object to the additional development along Rutland Drive. After much discussion the Commission voted to recommend that the condition of the rezoning ordinance be amended to allow two outparcels in addition to the main shopping center with the condition that public notice signs be placed on the property announcing the matter for consideration before City Council. At the last Council meeting Council passed the ordinance amending the ordinance rezoning the property at the intersection of Wire Road and Rutland Drive on first reading to allow two outparcels in addition to the main shopping center. Advertisement was made for second reading and public hearing on the ordinance.

The public hearing was held.

Mr. Mike Farmer, Attorney for Mr. and Mrs. Sibley, owners of the property, stated he had spoken to about 100 people who live in the area and who are in favor of the proposed use for the area. He stated he knew of no opposition to the request. Mr. Farmer stated Mr. Warren Irvin, developer of the property, was present at the meeting.

Councilwoman Clyburn pointed out she lives near the property and that she nor her neighbors had been contacted regarding the proposed use. She stated there are some people who live in the area who are somewhat opposed to the development and bright lights in the area.

Councilwoman Papouchado moved, seconded by Councilman Radford, that the ordinance to amend the ordinance rezoning property at Rutland Drive and Wire Road to allow the sale of two outparcels be passed on second and final reading to become effective immediately. The motion passed by a vote of 5 to 1 with Councilwoman Clyburn voting in opposition.

AIRPORT - ORDINANCE 121195A

Regulations

Minimum Standards

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to authorize the City Manager to establish airport regulations and minimum standards for the Aiken Municipal Airport.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF AIKEN TO ESTABLISH AIRPORT REGULATIONS AND MINIMUM STANDARDS REGULATING THE USE OF THE AIKEN MUNICIPAL AIRPORT.

Mr. Thompson stated over the last several months the General Aviation Commission had been reviewing formalized Airport Regulations and Minimum Standards for the airport. The aviation consultants, Wilbur Smith Associates, prepared the regulations and standards. He said the standards were common procedures at general aviation airports around South Carolina. The regulations reflect FAA suggested guidelines with the primary intent being to ensure safety and safe operations on and around the airport.

The General Aviation Commission held several work sessions to review the regulations and standards and distributed copies to aviation businesses using the airport and the Fixed Base Operator. Most of the regulations reflect existing, unwritten policies and just good sense, but it is felt that with the planned increased activity around and on the airport, it was important to have regulations and standards in place. Therefore, the General Aviation Commission is recommending that the city formally establish airport regulations and minimum standards for the airport. He said airport regulations constantly need adjustment and interpretation. He said the staff suggestion based on the Aviation Commission's recommendation is that Council approve the process to allow the City Manager's Office to approve the airport regulations working through the Aviation Commission. He said proposed regulations had been prepared, however, he did not expect the regulations to remain the final regulations.

Mr. Thompson stated the city had received a letter from Reginald D. Simmons, a local attorney representing the FBO, Aiken Aviation, and had some concerns about the proposed airport regulations. Aiken Aviation was provided a copy of the draft airport regulations and minimum standards in June, 1995, and representatives from the company have attended the meetings to review and revise the regulations. The city has not had any indications that they were concerned or dissatisfied with the regulations, and their comments during the review process were addressed by the General Aviation Commission. Mr. Simmons has emphasized that the airport regulations should not replace the lease with Aiken Aviation. The members of the General Aviation Commission did not receive any specifics on this concern, but the members emphasized that this is a public airport and that the FBO should not receive an exemption from the regulations. On December 1, the city received a letter outlining the FBO's concerns with the airport regulations. The Aviation Commission does need to review these comments, but has emphasized that Aiken Aviation does not have an exclusive lease at the airport and that any FBO would be expected to comply with airport regulations. Mr. Thompson stated if Council approves the process for establishing regulations, the issues and comments from Mr. Simmons would go back to the Aviation Commission to be addressed.

The ordinance before Council does not adopt the regulations, but instead adopts a process for development of regulations. The actual rules would be developed by the General Aviation Commission, and changes would also be submitted through the Commission.

Mr. Thompson stated the staff is recommending that Council consider authorizing the City Manager to establish the airport regulations and minimum standards for the Aiken Municipal Airport and be permitted the flexibility to interpret and update these regulations as necessary to ensure safety at the city's airport. Mr. Simmons would take his specific concerns to the Aviation Commission for action, and the regulations and minimum standards would not come back to Council unless there were significant revisions.

Council discussed the proposed regulations. Councilman Anaclerio asked if there was an appeals process to the Aviation Commission.

Mr. Bud Coward, Chairman of the Aviation Commission, stated there were provisions for appeals in some sections of the proposed regulations but not an appeal for every section of the regulations.

Mr. Thompson pointed out the Fixed Base Operator does not have an exclusive lease. The FAA has taken the position that the city cannot have an exclusive lease.

The public hearing was held.

Mr. Reginald Simmons stated he represented Aiken Aviation, Inc. presently the FBO at the airport. He said his concern was that there be nothing in the regulations to attempt to rewrite the existing lease for the FBO. He said he would like to establish at this meeting that in transferring authority that it be made clear that nothing in the regulations rewrite the existing lease.

Mr. Thompson pointed out the General Aviation Commission's suggestion was that no FBO should receive a blanket exemption from the regulations. He said the Aviation Commission needs to go through the specifics with the FBO and work out the operating issues. The Aviation Commission does not see the regulations as countering the lease or attempt to rewrite the lease. The Commission felt there should not be a blanket exemption from the operations regulations at the airport.

Councilman Anaclerio asked if there was a conflict between the lease and the regulations since the lease was established first would the lease be the overriding factor.

Mr. Gary Smith stated the lease was established some time ago and one problem is that some things have changed since that time. He pointed out presently the FBO is required to have a \$500,000 liability policy. Presently, \$500,000 is not enough. The proposed regulations require \$1,000,000, however, the city would not be able to require the present FBO under the lease to have a \$1,000,000 bond because the new regulations require it. This would not be imposed on the FBO. If there are specific items in the lease in favor of the present FBO, that would not be changed by the regulations. The present lease with the FBO would override the proposed regulations for the airport until the lease expires.

Mr. Simmons also pointed out he felt the regulations should have an avenue for appeal, not just for appeal from some sections.

Mr. Thompson stated that under the proposed ordinance the interpretation of the regulations would be the decision of the City Manager, so the appeal from the Aviation Commission would be through the City Manager and then through City Council. Mr. Thompson pointed out that with any ordinance a person has the right of appeal through City Council. He said most of the operating regulations would not be something that Council would be involved in, but would be something that the General Aviation Commission would be involved in to resolve operating issues. The proposed ordinance considers the process of establishing regulations and not the details of the regulations. The General Aviation Commission has worked on the details of the regulations.

Mr. Bud Coward, Chairman of the General Aviation Commission, stated the proposed regulations were developed by Wilbur Smith & Associates, who are very familiar with airport regulations and what the airport industry is using, and they are very familiar with FAA regulations concerning airport regulations. Then the General Aviation Commission reviewed the regulations and made their recommendation to Council. He said the regulations are basic regulations and puts in writing what has been done and what is required for everyone.

It was pointed out by Council members that if there is a problem that Council can always look at the ordinance and change the ordinance.

Mr. Simmons stated he just wanted to be protected in the event an appeal is necessary. Also, the FBO wanted to be certain that in the event there was a conflict between the existing lease which still has 17 years to go and the regulations that the lease would prevail.

It was pointed out by the City Attorney that the existing lease with the FBO would prevail if there is a conflict with the proposed regulations.

Councilman Anaclerio stated he felt Council did not want people to appeal to Council when there were regulations for the operation of the airport. He felt this was the function of the General Aviation Commission and the City Manager. However, if there was a need for a particular ordinance, then Council would be involved.

It was pointed out that the lease with the FBO was passed in 1967 and expires in 2012. Mr. Thompson stated the lease was initially a 15 year lease with two automatic renewals of 15 years each.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn, that Council pass on second and final reading the ordinance authorizing the City Manager to establish operating regulations for the Aiken Municipal Airport and that in those cases where the lease is in conflict with any regulations, except in the case of safety issues as deemed by the City Manager, that the lease with the current fixed base operator would override the regulations. The motion was passed by unanimous vote to become effective immediately.

SUBDIVISION REGULATIONS - ORDINANCE 121195B

Minor Subdivisions

Staff Approval

Amendment

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Subdivision Regulations.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 3.1 OF THE SUBDIVISION REGULATIONS OF THE CITY OF AIKEN ALLOWING PLANNING STAFF APPROVAL FOR CERTAIN MINOR SUBDIVISIONS.

Mr. Thompson stated over the last few years city boards and committees and the staff have been evaluating ways in which the review process could be streamlined to be more timely and efficient for applicants as well as the staff and boards. Changes have been made in several areas such as with the landscaping and tree ordinance, historic preservation and industrial park development to streamline the process to better serve the citizens and customers.

The Planning Commission is recommending that Council amend the Subdivision Regulations to allow Planning Department staff approval of minor subdivisions which are zoned for residential use or property within a Planned Unit Development or PUD area if the property is shown on the approved conceptual master plan as being used for residential uses. The Planning Commission retains approval if the Planning Director refers the minor subdivision to the Planning Commission or if the property involves property for which another minor subdivision has been approved within the previous three years to determine if it is in the best interests of the city, or if a variance from the Subdivision Regulations is required. He stated minor subdivisions include four or fewer lots with no new streets created, no extension of city facilities and no conflict with the comprehensive plan. Overall the changes to the State planning laws allowed the Planning Commission to make the recommendation that minor subdivisions be approved on the staff level. This recommendation is consistent with the city's desire to streamline the review process.

Currently the Subdivision Regulations require all subdivisions to be approved by the Planning Commission and this requirement was in line with state law affecting local planning. Amendments to the state legislation in 1994, however, permit subdivision approval to be delegated to staff. While the Planning Commission should continue to approve all major subdivisions, they feel that staff could be given the authority to approve minor subdivisions.

With this recommendation the Commission is requesting that Section 3.1 of the Subdivision Regulations be amended to allow approval by the Planning Director and Chairman of the Planning Commission or their designees of minor subdivisions involving property zoned:

- 1) with a "R" (residential) designation or
- 2) Planned Unit Development if the subject property is shown on the approved Conceptual Master Plan as being used for residential purposes.

Planning Commission review would still be required if:

- 1) the Planning Director refers the minor subdivision to the Commission at his discretion;
- 2) the request involves property for which another minor subdivision has been approved within the previous three years to determine if it is in the best interests of the city; or
- 3) a variance from the Subdivision Regulations is required.

At the last meeting Council had a request from Jerry Waters that approval of minor subdivisions include minor residential subdivisions as well as minor commercial subdivisions as this is allowed by state law.

Mr. Thompson stated if Council is interested in allowing staff approval of minor commercial subdivisions as well as minor residential subdivisions, then Council may consider a motion amending Section 1 of the ordinance allowing approval by the Planning Director and the Chairman of the Planning Commission or their designees of minor subdivisions which would include all minor subdivisions, residential as well as commercial.

The public hearing was held and no one spoke.

Mayor Cavanaugh stated he felt minor commercial subdivisions should be included in staff approval as well as minor residential subdivisions.

Councilman Radford moved that the proposed ordinance be amended to allow approval by the Planning staff of minor commercial as well as minor residential subdivisions. He said he felt the reason to allow this was to expedite the process for businesses in Aiken. The motion was seconded by Councilman Anaclerio.

Councilwoman Papouchado stated she was not opposed to including minor commercial subdivisions for staff approval but she was concerned about Council going against a recommendation of the Planning Commission to exclude minor commercial subdivisions from staff approval without discussing the matter with the Planning Commission to get their reasons for the recommendation. She felt it would be good to have a procedure that after a Planning Commission meeting someone from the Planning Commission meet with Council to give the Commission's reasons for actions. She said she could not find in the Commission's minutes their reasons for excluding minor commercial subdivisions from staff approval. She stated she was concerned about Council's relationship with the Planning Commission.

Mr. Evans, Planning Director, stated there were no specific reasons stated for the Commission's recommendation to exclude minor commercial subdivisions. He said he felt their reason was that commercial developments tend to be more controversial than residential.

Mayor Cavanaugh called for a vote on the motion to amend the proposed ordinance to allow staff approval of minor subdivisions, including commercial and residential. The motion was unanimously approved.

Councilman Radford moved that the ordinance to allow staff approval of minor subdivisions as amended to include minor commercial and minor residential, be approved on second and final reading to become effective immediately. The motion was seconded by Councilman Anaclerio and unanimously approved.

ACCOMMODATIONS TAX ADVISORY COMMITTEE

Recommendations

Mayor Cavanaugh stated Council needed to consider the recommendations of the Accommodations Tax Advisory Committee for funding requests.

Mr. Thompson stated each year the Accommodations Tax Advisory Committee reviews projects submitted for funding under the Accommodations Tax revenues. These revenues are generated from fees associated with overnight stays in hotel and motel rooms and in campgrounds within the city. The State of South Carolina requires that these businesses charge an additional two percent on the base fees to help fund tourism-related projects. The Advisory Committee has completed this review and has made a recommendation to City Council that the city fund projects totaling \$41,900. After discussion at the last meeting Council delayed action on the recommendation until this meeting of Council.

The Accommodations Tax Advisory Committee received \$229,492.78 in requests but only had \$41,456.08 in available funding. The Committee's recommendation for distribution of these funds is as follows:

Parks & Recreation Department	\$14,600
Chamber of Commerce	5,000
Aiken Steeplechase Assoc.	5,000
Aiken Center for the Arts	8,000
Friends of Hopelands	1,000
Aiken County Historical Museum	1,700
USC-A/Josef Hoffman Piano Competition	700
Aiken Choral Society	900
Battle of Aiken Festival	<u>5,000</u>
	\$41,900

Mr. Thompson stated the city has requested \$25,000 per year over the next four years in support of the city's commitment to Aiken 20/20 objectives, but this is not part of the Committee's funding recommendation. For some time, Council has discussed the use of \$25,000 of Accommodations Tax funds annually over a four year schedule to assist with 20/20's community development mission. The community development objectives include projects such as the Visitor's Center, Center for the Arts and downtown streetscape improvements. At City Council's June 26, 1995, meeting, Council voted to commit \$25,000 of Accommodations Tax funds for four years to Aiken 20/20 to support these specific projects. Sam Erb of the Accommodations Tax Committee was notified about Council's decision to commit these funds to Aiken 20/20.

Mr. Thompson pointed out reducing the funding by \$25,000 will leave \$16,000 available for other projects. If Council chooses to designate \$25,000 of the funds to 20/20 based on Council's earlier commitment, then Council may wish to take such action at the Council meeting. Council can then request the Accommodations Tax Advisory Committee to reconsider their recommendation based on the availability of \$16,900 in funds to distribute and ask the Committee to come back with another recommendation to Council. If Council prefers they may wish to discuss the funding further with the Accommodations Tax Committee during a work session. Council does make the decision as to how the funds are to be distributed, and the Accommodations Tax Committee serves in an advisory capacity to Council on this issue.

At the last meeting Councilman Perry pointed out the Accommodations Tax Committee received requests for a tremendous amount of money, but only had \$41,900 available. He pointed out the city had committed in June to using \$25,000 of the Accommodations Tax Funds or \$100,000 of the funds over the next four years for Aiken 20/20. He said Council wanted to see if there was some way to fund the projects that the Accommodations Tax Committee had recommended and fund the monies Council committed to Aiken 20/20. Councilman Perry said the City Manager had stated \$16,000 was allocated but not used for Aiken 20/20 in a previous year and these monies would be available.

Councilman Perry moved, seconded by Councilman Anaclerio, and unanimously approved, that Council use \$16,000 which had been designated for Aiken 20/20 previously which would leave a \$9,000 shortfall and that Council ask the Accommodations Tax Committee to hold a special meeting to determine which requests would be reduced to make up the \$9,000 needed to complete the \$25,000 commitment to Aiken 20/20.

SOUTH CAROLINA OUTDOOR SHOOTING CENTER

Department of Natural Resources

Performance Bond

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance authorizing an agreement with the South Carolina Outdoor Shooting Center.

Mr. Thompson stated Council had approved on first reading a request from the South Carolina Outdoor Shooting Center (SCOSC) for the city to back a bond required under a contract with the South Carolina Department of Natural Resources.

Mr. Thompson stated at the last meeting Council had passed the ordinance on first reading authorizing an agreement if the city was given a first mortgage by the current owner of the property and the city is protected by the current owner of the property in a written guaranty agreement with the city for reimbursement of any payment made by the city in the event the terms of the performance bond are violated.

Mayor Cavanaugh stated Council had agreed to continue the request to the next regular meeting of Council in order to get more information on the request.

TREE PROTECTION AND LANDSCAPING ORDINANCE

Trees

Hardwood Trees

Mayor Cavanaugh stated an ordinance had been prepared to amend the Tree Protection and Landscaping Ordinance.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 3.2.2 B(ii) OF THE CITY OF AIKEN TREE PROTECTION AND LANDSCAPING ORDINANCE.

Mr. Thompson stated that in January, 1995, the Tree Protection and Landscaping Ordinance was amended to allow hardwood trees that are saved to be deducted from the inches of trees cut that have to be replaced. A portion of the wording of an earlier amendment was inadvertently omitted from the ordinance. The staff is recommending that Council adopt an ordinance replacing this wording in the Landscape Ordinance.

Mr. Thompson stated that Ed Evans, Planning Director, had pointed out that on September 23, 1993, the Tree Protection and Landscaping Ordinance was amended to add wording that allowed trees required by other parts of the Ordinance to count as replacement trees for those removed. On January 23, 1995, the Tree Ordinance was amended to allow hardwood trees that are saved to be deducted from the inches of trees cut that have to be replaced. However, it has been discovered that the amendment in January omitted the wording added by the September 23, 1993, amendment. The records do not show any intent by the Planning Commission to rescind the first amendment.

Mr. Thompson stated that in the earlier version of the Landscape Ordinance, developers and local horticulturists asked that trees that are required for planting under the Landscape Ordinance be counted as replacement trees for trees that have been cut. The Planning Commission and City Council both reviewed this and agreed that the ordinance should allow these trees to be counted in the replacement requirement. Mr. Smith, City Attorney, has prepared an ordinance replacing the wording that was inadvertently omitted. This does help developers and horticulturists, but preserves the intent of the Landscaping Ordinance.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance be passed on first reading amending the Tree Protection and Landscaping Ordinance to allow required trees to be counted as replacement trees under the ordinance and that second reading and public hearing be set for the next regular meeting of Council.

ZONING ORDINANCE

Banners

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance regarding banners.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF AIKEN TO ALLOW THE USE OF BANNERS.

Mr. Thompson stated Council had asked the Planning Commission to review the present portion of the Zoning Ordinance which deals with banners within the city. The Planning Commission has returned with a recommendation that Council change the Zoning Ordinance to allow banners, under limited situations.

The Planning Commission spent a great deal of time on this issue, and a subcommittee of the Commission met with representatives of different businesses in Aiken to obtain full public input on this process. The Planning Commission and the Banner Subcommittee returned with a list of issues that they recommended for consideration by Council. The City Attorney has prepared an ordinance adopting these recommendations which incorporates the comments of City Council.

The proposed ordinance would allow banners within the city limits. Presently banners are allowed for grand openings. Under the proposed ordinance the time period for grand opening banners would be extended to 21 days or three weeks. The business could also have an unlimited number of non-illuminated balloons not exceeding 50 feet in diameter on the roof of the building.

Mr. Thompson stated Section i of the proposed ordinance outlines different stipulations placed on these banners, but reflects the comments of Council to support the business use of banners. The following would be allowed under the proposed ordinance.

1. One banner would be allowed per street frontage per business, with a maximum of 60 square feet for the banner.
2. The name of the business is allowed on the banner as long as it is not the only text on the banner.
3. The banner must be located on the property where the business is located.
4. A banner is permitted on the building, attached fences, or canopy, but not permitted above the roof line of the structure to which it is attached and may not be attached to a free standing sign, between a free standing sign and a canopy, or between a canopy and a building.
5. Banners may stay up indefinitely as long as they are maintained in good condition. If the banner is placed to promote a specific event, the banner must be removed within 48 hours of the end of the event.
6. The banners must be securely fastened and in good condition, and not allowed to flutter except to allow minor movement by the wind, and must be professionally prepared.
7. The ordinance will apply only to banners visible from the street.
8. Businesses celebrating a grand opening would be allowed to have a 75 square foot banner on the facade of the building for up to 21 days. The city would not regulate the use of small balloons in business or residential areas.
9. National flags, flags of political subdivisions, and corporate flags are not regulated under the ordinance.
10. Special event banners are allowed for governmental or civic organizations at the entity's main location or at the location of the activity promoted on the banner.
11. Banners are to be allowed in the street right of way by the City of Aiken only. (Council has directed the staff to obtain information from other cities on this policy.)
12. The ordinance defines canopies for the purposes of these regulations.

Councilman Anaclerio stated he would like for Council to delete item 11 which allows banners on street right of way from the ordinance at this time until further information is obtained and definite regulations recommended. He said he remembered when banners were allowed on South Boundary at Whiskey Road and he did not want to get in that situation again.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that item 11 regarding banners to be allowed in the street right of way be deleted from the ordinance at this time until there is further information and definite regulations for the banners to be allowed.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance amending the Zoning Ordinance regarding banners, as amended, be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

LOT CLEANUP ORDINANCEAmendmentBuilding Inspection

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

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 13-9, THE "LOT CLEANUP ORDINANCE" OF THE CODE OF THE CITY OF AIKEN.

Mr. Thompson stated the staff had been working lot cleanup and code enforcement very aggressively over the past several years. The Inspectors working lot cleanup have found that the present lot cleanup statutes are extensive and excessive. The Inspectors are recommending that the lot cleanup ordinance be amended to reflect the same time schedule required under the commercial maintenance code. The proposed ordinance adopts the same time schedule as provided under the commercial code.

Under the present lot cleanup ordinance, the Inspector must give the property owner 30 days notice of a problem with the lot, a hearing must be scheduled with the building official, and the building official must give the property owner another 30 days in which to bring the property into compliance before the city can have the expenses charged to the owner. Under the commercial maintenance code, Public Safety would simply notify the owner of the problems and conditions of the lot, and inform the owner that the conditions must be corrected within 30 days. The proposed ordinance also includes an appeals process that will allow a property owner to appeal through the building official for any cleanup actions.

The proposed ordinance will reduce the amount of time necessary to have a lot cleaned up from 70 to 90 days down to about 30 days. This should be much more effective and still give the property owner adequate notice. Public Safety emphasizes working with the property owners, and the department would continue to try to allow reasonable extensions when requested to achieve voluntary compliance.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance be passed on first reading changing the lot cleanup ordinance to reflect the time schedule of the commercial maintenance code and that second reading and public hearing be set for the next regular meeting of Council.

GREATER AIKEN INFORMATION NETWORKGAINBulletin BoardElectronic MailInternet

Mayor Cavanaugh stated an item regarding the Greater Aiken Information Net Work (GAIN) had been added to the agenda.

Mr. Thompson stated that for the last year City Council had talked about establishing a community electronic net work for the residents in Aiken. The home page which is presently on the Internet was the first step in this process. The home page lists the assets and the services of not only the City of Aiken but also the Chamber and many of the businesses in Aiken. He said it seems to be a success. The next step in the electronic net work process is to develop a community bulletin board and electronic mail. The staff has discussion this with the company that developed the home page. The company has returned with a proposal. Their suggestion is that the city invest \$30,000 as a short term loan to the company to allow them to purchase a server to serve the Aiken area with local telephone numbers. In many ways this would meet City Council's expectations for the community net work and make the next step possible for local dial-in service to the community net work. This also opens up issues on Internet access through another provider. However, that would be a contractual matter between the individual customer and the company.

Mr. Thompson stated Councilwoman Papouchado had been very active on the committee in setting up this step. He said the issue had been addressed over the past two years. He said Council has reviewed some of the demonstrations

on this project. He said Council needs to consider approval of the GAIN net work.

Mayor Cavanaugh pointed out the expansion would be a great asset in the community for attracting business and improving communications. He stated Council saw a demonstration in the work session, and he felt it would be fantastic. He felt it was the wave of the future. He pointed out the city would make up the \$30,000 investment in three years plus interest. This would lead to the city having accounts on the system through which the city would earn some revenue. He said he felt it would be a real plus for the community.

Councilwoman Papouchado stated she also felt this was the way to go and that the city should proceed with the net work.

Councilman Anaclerio stated he was surprised to hear that there was a tremendous potential usage of the system being proposed. He said there were about 4,000 to 5,000 residents of the city who are computers users on a daily frequency. He said this was about 25% of the population of Aiken. He felt this was a significant part of the city that would like the service.

Councilwoman Clyburn stated she wanted to be sure that the quality of the service with the company continues to be of a very high quality. She stated she would like to see something worked out so the schools can get a good rate. She felt there could be a lot of benefit for the school children through the system.

Mr. Pete Baumgarten stated he was a computer user. He asked about the financial arrangements. He asked if the city had to go out for bids for a contract and also if the system would be a public utility that would charge the users of Aiken net a certain amount such as the TV cable net work.

Mr. Thompson stated that under the City Code and South Carolina Code the system would not have to be bid since this would be a professional service. He said the public utility question is an issue. He said in this case the city is not creating a public utility, but communities could be getting into a utility issue with something similar to this. He said the city's intent is to create a service net work with direct dial and access at no or nominal cost for the customers to get into the city's home page, a community bulletin board, and E-mail, but not to use it as a revenue opportunity or a utility.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that Council approve expansion of the GAIN system to include \$30,000 in funding towards the total project cost as a non-secured loan.

SIGN ORDINANCE

Moratorium

Mayor Cavanaugh stated Council was also adding extension of the sign moratorium to the agenda.

Mr. Thompson stated in October Council adopted a moratorium on enforcement of the sign ordinance within the downtown, under guidelines developed through the Planning Commission. The moratorium expires on December 24, 1995, and Council may wish to extend the moratorium through March 24, 1996, or at the adoption of the new ordinance by City Council, which ever is earlier. The Planning Commission is expecting to have a recommended ordinance for Council by March, 1996.

Councilman Anaclerio moved, seconded by Councilman Perry and unanimously approved, that Council extend the moratorium on signs in the downtown as approved by Council on October 9, 1995, through March 24, 1996, or at the adoption of a new ordinance by Council which ever is earlier.

BIDS

Weeks Center
Whiskey Road
Virginia Acres
Walking Track
Jogging Track
Beam's Pavement

Mayor Cavanaugh stated Council also needed to add consideration of bids for extension and widening of the walking track at the Weeks Center to the agenda.

Mr. Thompson stated consideration had been given to ways to improve the walking track at the Weeks Center. Some suggestions were resurfacing of the walking track, correcting some of the drainage problems, widening the track and extending the length of the track to a full mile. At the November 13, 1995, meeting Council considered bids from Beam's Pavement for widening and resurfacing the track. At that time Council also discussed further widening the track to accommodate bicycles and roller blades and extending the track to a full mile. Council asked the staff to negotiate with Beam's Pavement, the lowest bidder, for widening the track with a lane for bicycles and roller blades and extension to a full mile with the bid to come back to Council for final action if the bid was over \$50,000.

Mr. Thompson stated Beam's Pavement had given the city a price of \$64,779.25 for a 12 foot wide track, a full mile in length with a divided lane by striping for bicycles and roller blades.

Councilman Radford stated he felt the walking track was a very worthwhile project and moved, seconded by Councilman Perry and unanimously approved, that Council approve the bid of \$64,779.25 to widening and lengthen the walking track at the Weeks Center.

MENTAL HEALTH ASSOCIATION

Entitlement Funds

Nurture Home

Teenage Mothers

Group Home

232 Greenville Street NW

Mayor Cavanaugh stated a request had been received from the Mental Health Association for Entitlement Funds.

Mr. Thompson stated Council has received a request from Ms. Constance Shepard, Executive Director of the Mental Health Association of Aiken County, asking the city to consider allocating \$32,000 in funding under the Entitlement Funds that the city receives from the Department of Housing and Urban Development.

The Mental Health Association is asking for Entitlement funds to go toward the operation of Nurture Home, the home for homeless teenage mothers which Council recently approved to be located at 232 Greenville Street. The Association would like to have money from the current Entitlement funds, or would like to be considered for inclusion in the next application.

Mr. Thompson stated Council approved the use of Entitlement Funds in April for a series of projects, including funding for the Eustis Park improvements, street renovations on Hampton Avenue and York Street, and economic development funds. A large portion of these funds have been obligated, and the staff suggests that the Mental Health Association bring this back for the next round of funding in April. He stated Council does have the pending request of "Talk to Me" for future consideration as well.

Mr. Thompson stated since the city will probably continue to receive requests for assistance using Entitlement funds from social service agencies, HUD has encouraged the city to set up a process to handle the requests. The staff has suggested that a deadline be set for submission of requests. Since applications are normally due about June 1, to allow sufficient lead time, the deadline for requests is suggested as March 1. It is also suggested that a committee, such as the Housing Committee, review the request and make a recommendation to Council.

Council discussed the request and felt it was a worthy project. Mayor Cavanaugh stated since the funding has already been allocated for this year his proposal would be for the Mental Health Association to submit an application through the Housing Committee by March 1, 1996, for future Entitlement funding requests.

Mayor Cavanaugh moved, seconded by Councilman Anaclerio and unanimously approved, that Council convey to the Mental Health Association that the Nurture Home is a worthy project, but funds have already been allocated for Entitlement Funds for this year, and suggest that Mental Health apply for Entitlement funds by March 1, 1996, to be included in the request for funds.

AIKEN RESCUE SQUADRequest for Funds

Mayor Cavanaugh stated a request had been received from the Aiken Rescue Squad for funds.

Mr. Thompson stated Council has received a request from Mr. Bob Besley, representing Aiken Rescue, Inc. The Rescue Squad received a grant from the United Way for the purchase of a new rescue truck. They are asking the city to assist with \$2,500 for completion of the vehicle. The money would be used to purchase the brackets and metal plates for the Rescue Squad. The Squad would also request the use of the Department of Public Safety for the installation of this equipment. Mr. Thompson pointed out the truck had been purchased through assistance from United Way and the Rescue Squad was asking for city assistance to complete the truck.

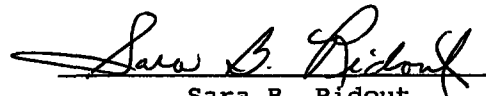
Mr. Thompson stated the city assisted the Aiken Rescue Squad with a contribution in 1990 of \$10,000 for the purchase of a new ambulance. The rescue truck serves the Aiken area out to Interstate 20. Aiken County provides the Squad with \$75 per call in Aiken County.

Council discussed the matter and asked where funds would come from to pay for completion of the vehicle. Councilman Perry pointed out that in 1990 when Council granted a contribution of \$10,000 toward the purchase of an ambulance Chief Busbee had stated that the Rescue Squad was a great backup for the city.

Councilman Perry moved, seconded by Councilwoman Clyburn and unanimously approved, that the request of the Aiken Rescue Squad for \$2,500 for completion of the vehicle and use of the Department of Public Safety for installation of the equipment be approved.

ADJOURNMENT

There being no further business, Council adjourned at 9 P.M.


Sara B. Ridout
City Clerk