

March 10, 2003

It was also felt that the \$75 fee for customers not on city water should also be increased to \$100.

Mr. Chris Randall, Chukker Creek, stated he felt there are people in the coverage area who are not on city water that are not being billed for fire service. He said he had not been paying the fire fee until just recently, when he discovered that he should be paying, but had not been billed for the service.

Mr. LeDuc stated the staff would check on this matter to be sure the city is billing all customers.

Aiken City Council Minutes

REGULAR MEETING

March 10, 2003

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Glenn Parker, Anita Lilly, Pete Frommer, Larry Morris, Richard Pearce, Sara Ridout, Mark Gibbons of the Aiken Standard, and 20 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M.. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Smith 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 February 24, 2003 and the joint work session of Council and the Planning Commission of February 25, 2003, were considered for approval. Councilman Smith moved that the minutes of February 24, 2003 be approved as written and that the minutes of February 25, 2003, be approved as corrected. The motion was seconded by Councilwoman Vaughters and unanimously approved.

RECOGNITION

Boy Scouts

Troop 146

Mayor Cavanaugh recognized Troop 146 of the Boy Scouts who were present at the meeting.

PRESENTATION

Award

Character Award

Linton, Kathy

Mack, Mamie

Mayor Cavanaugh stated Council would like to make two presentations for Character Awards.

Mr. LeDuc stated over the last several years, City Council selected as one of their top goals the continued development of the City as a Community of Character. Again this year this goal was listed as a priority for our city. Several months ago, the City asked our community to nominate individuals whom they felt were deserving of the Citizen of

Character Award. He said Council would like to recognize two individuals. These are Kathy Linton, a community leader and school teacher at East Aiken Elementary School and one of the first involved in the Community of Character in 1998, and Mamie Mack, a community role model and first woman to work in the City of Aiken's Public Works Department.

Mayor Cavanaugh read the plaque which had been prepared for Mamie Mack and made the presentation to her.

Mayor Cavanaugh then read the plaque which had been prepared for Kathy Linton and presented the plaque to her.

Councilwoman Price suggested that the pictures and information be placed on Channel 4, and that possibly they be entered in some kind of state award.

BOARDS AND COMMISSIONS

Appointment

Allewelt, Richard

Accommodations Tax Committee

Mayor Cavanaugh stated Council needed to make an appointment to the various boards and commissions.

Mr. LeDuc stated there are 3 pending appointments to boards and committees of the city and 1 appointment is presented for Council's consideration.

Councilman Smith has recommended reappointment of Richard Allewelt, of 213 Wrights Mill Road, to the Accommodations Tax Committee. If reappointed, Mr. Allewelt's term would expire March 25, 2005.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council reappoint Richard Allewelt to the Accommodations Tax Committee for a two year term with the term to expire March 25, 2005.

SEWER SERVICE

Bulk Sewer Service

Gem Lakes

Carolina Water Service

Resolution

South Carolina Utilities, Inc.

Councilman Cuning left the Council Chambers and did not participate in the discussion of this matter because of a potential conflict of interest, since the bank for which he works is involved in partial ownership of Carolina Utilities.

Mayor Cavanaugh stated Council needs to consider a resolution to approve providing bulk sewer service to Carolina Utilities for the existing sewer system in Gem Lakes.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTH CAROLINA UTILITIES, INC. FOR IT TO UTILITIZE THE AIKEN SEWAGE COLLECTION SYSTEM.

Mr. LeDuc stated in 1990 the City of Aiken built a pumping station and force main in the Gem Lakes area to receive sewage from the Woodside area and other development in the southeast quadrant of the city. This system was designed and built to handle all of the sewer from the vacant property and Gem Lakes area in the coming years.

Last year, the sewage treatment system owned by Carolina Water Service in Gem Lakes began to fail, and the Department of Health and Environmental Control (DHEC) asked them to rectify these problems. They in turn asked the City of Aiken to consider a bulk

sewer service agreement. To determine the proper rate to charge, we asked our auditors to determine the actual cost to provide sewer service to our city residents. They determined this cost at \$2.82 per 100 cubic feet.

The staff is recommending to City Council approval of a resolution and agreement with Carolina Water Service to provide bulk sewer service to this private company. They will need to purchase capacity either from the city or the Public Service Authority for the estimated daily sewer volume. We have estimated this cost at \$30,624. The yearly cost for the bulk service is approximately \$80,000 to pay for the daily pumping of this sewage to the Horse Creek Plant and its treatment.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the resolution authorizing an agreement with South Carolina Utilities, Inc. (Carolina Utilities) for the City of Aiken to provide bulk sewer service for the Gem Lakes area.

Councilman Cunning returned to the meeting.

TENNIS COURT FEES

Fees
Virginia Acres Courts
Tennis Court

Mayor Cavanaugh stated Council needed to consider approval of the fees for the tennis courts at Virginia Acres.

Mr. LeDuc stated the 12 new tennis courts will be opening up in the next couple of weeks. These new courts will have a usage fee associated with them based on a 90 minute timeframe. All existing courts in the City will still have no fees associated with them. Over the last several months, the Parks and Recreation staff and a committee of citizens have reviewed fees from the two state area for similar type courts and operation. At a previous meeting, the staff presented a listing of proposed fees for an interim period until the Tennis Center is completed, which should occur sometime early next year.

These fees are set up so individuals and families would have the ability to purchase a year long membership that would allow them unlimited play at no charge. There will also be fees available for single play or for guests to use during visits. The proposed fee schedule was presented to Council for approve of the interim fees.

INTERIM TENNIS COURT FEES

Membership Rates	Junior	Adult	Senior	Family	Senior Family
Aiken City	\$100	\$125	\$105	\$200	\$150
Non-City	150	175	155	300	250
Visitor Pass	4	6	5	15	10

	Court Reservation Rates	Aiken City		Non-City	
		Hard	Clay	Hard	Clay
Adults	Before 5 P.M.	\$2	\$3	\$3	\$4
	After 5 P.M.	3	4	4	5
Juniors	Before 5 P.M.	1	2	2	3
	After 5 P.M.	2	3	3	4

The membership fees are good for one year from the date of purchase. By purchasing a membership, a person would not have to pay the individual court reservation fees. The Junior fees are defined as anyone up to age 18; Adult is anyone over the age of 18 and

Seniors begin at age 50. Family includes anyone living at home or in school up to the age of 21. This change from the Junior age of 18 was done to accommodate those still in college and living at home.

The Court Reservation rates are for 90 minute time blocks and are a per person rate. The Tennis Committee determined that most matches last over one hour and 90 minutes gives players time to warm up and complete their match.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the interim tennis court fees presented for the new Tennis Courts at the Virginia Acres Park at the Weeks Center.

PLANNING COMMISSION

Action Agenda

Mayor Cavanaugh stated Council needed to consider approval of the Planning Commission Action Agenda for 2003.

Mr. LeDuc stated every year the Planning Commission develops an Action Agenda for their upcoming year. These projects are identified as those needing action during the Fiscal Year starting July 1. City Council and the Planning Commission met on Tuesday morning, February 25, 2003, to discuss these items, and based on these discussions the Planning Commission is recommending the following Action Agenda.

1. Complete Overlay District for Whiskey Road.
2. Complete Master Plan for Old Aiken.
3. Amend the Zoning Ordinance to change the Planned Commercial provisions pursuant to Objective 2.2 of the Comprehensive Land Use and Transportation Plan regarding development in the Whiskey Road corridor.
4. Complete the amendments necessary to the Land Development Regulations regarding the requirements of concrete curb and gutter for new subdivisions.
5. Amend the Zoning Ordinance to allow property in the City to be rezoned Planned Unit Development, except in sensitive areas such as the Historic District or Horse District. As part of this process, the standards for the design of Planned Unit Development needs to be evaluated to make sure they are adequate.
6. Amend the Land Development Regulations to require separation of detention ponds in single-family residential projects from adjacent residential areas and require adequate vegetation screening of the ponds.
7. Complete the Big Box Ordinance.
8. Complete the changes needed for parking of commercial vehicles in residential zones.
9. Develop Design Standards for new buildings in accordance with objective
 - 4.10 Encourage innovative placement of new shops that would create a more attractive streetscape; and
 - 5.4 Encourage development of architectural minimum design standards to apply to all new multifamily residential and commercial property not governed by the Historic District ordinance or within the Horse/Hitchcock Woods District.

Within this area Council has also asked that they review some of the housing design standards for areas on the northside.

10. Expand the Comprehensive Plan to cover all areas within the utility system outside of the City. This item should be started by the Planning Commission upon completion of the Old Aiken Master Plan.
11. Revise regulations for inoperable vehicles, especially at automobile repair shops.
12. Adopt tighter regulations to control curb cuts. This project to be completed by a consultant engineer.

Upon approval, staff will determine a time schedule, staffing, and plan of action for each of these items.

Mr. LeDuc pointed out Item 10 regarding expansion of the Comprehensive Plan to cover all areas within the utility system outside of the city is still number 10. He said the reason this item was not moved to Item 3 was that Council discussed that once the Old

Aiken Master Plan is completed then Item 10 would be the next item undertaken. He said no one is sure when the Old Aiken Master Plan will be completed and Items 4, 5, 6 or 7 might start before that time.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved that Council approve the Action Plan for the Planning Commission for Fiscal Year 2003-04.

CABLEVISION – ORDINANCE

Reassignment

Franchise Agreement

Agreement

Northland Cable Television

Southland Cable, LLC

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to reassign the cable franchise agreement from Northland Cable Television to Southland Cable, LLC.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE TRANSFER AND ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE GRANTED BY ORDINANCE NUMBER 092297A FROM NORTHLAND CABLE TELEVISION, INC. TO SOUTHLAND CABLE, LLC.

Mr. LeDuc stated the City of Aiken on June 29, 1993, developed a franchise agreement with Robin Cable Systems for cable television within the city limits. This agreement was later transferred in 1997 to Northland Cable Television, and they have been operating it for the last six years. They now want to sell their franchise to Southland Cable, LLC and this requires a reassignment and approval by City Council. Southland Cable is also buying all of Northland's cable systems throughout the western part of South Carolina.

Gary Smith has discussed the various elements involved with this reassignment and has talked to their attorney and feels comfortable with the reassignment of the franchise agreement.

Southland Cable has agreed to honor all of the previous agreements that we have with Northland, including the use of a government channel and the city's use of the cable system throughout their buildings.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to transfer the cable TV franchise agreement from Northland to Southland Cable, LLC and that second reading and public hearing will be set for the next regularly scheduled Council meeting.

ALCOHOL SALES – ORDINANCE

Hours of Operation

Sale of Alcohol

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration regarding the hours of operation for establishments that serve alcohol.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6-5, AIKEN CITY CODE, TO SPECIFY THE HOURS OF OPERATION FOR ESTABLISHMENTS SERVING ALCOHOL FOR ON-PREMISES CONSUMPTION.

Mr. LeDuc stated that in 2001 the City amended Section 6.5 of our Code to allow businesses serving alcohol to remain open after 2 A.M. as long as they did not continue the alcohol service. This was requested by a southside business owner who adhered to

this ordinance, but is no longer in business. There are several other businesses, however, that are staying open past 2 A.M., and it is causing problems especially on the west side of the city. We have found in some cases the sale of alcohol and although they have been verbally warned, given warning letters and finally charged, they seem to continue to not strictly adhere to the amended law from 2001. This has caused problems not only at these locations but for surrounding businesses as individuals are congregating long past the 2 A.M. time period.

Staff is recommending in the ordinance a return to our original statute, which states that all business establishments catering to the public and selling beer, wine, liquor or other alcoholic spirits for on-site consumption shall be closed at 2 A.M. We feel with this change it will avoid many of the current problems that we are experiencing.

Mr. LeDuc stated the city is experiencing some major problems with some violations in trying to get the businesses to obey the law. He said closing the businesses at 2 A.M. will help Public Safety and the rest of the city to avoid some of the problems.

Council discussed the proposed ordinance and some of the problems being caused by the crowds congregating and the continued sale of alcohol after 2 A.M.

Chief Frommer stated probably 95 % of the businesses are closed at 1 A.M. He said, however, since the ordinance was changed in 2001 there are about five businesses that stay open to 3, 4 or 5 A.M. He said they are continuing to sell alcohol and this causes problems for Public Safety. He said Public Safety had warned them, charged them and sent letters, but they continue to sell alcohol.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that the proposed ordinance amending Section 6.5 of the City Code requiring business establishments that cater to the public and sell beer, wine, liquor or other alcoholic spirits for on-site consumption to be closed at 2 A.M., and that second reading and public hearing will be set for the next regularly scheduled meeting.

Councilwoman Vaughters expressed real concern about the situation and the danger being caused for citizens and Public Safety. She was concerned about shots being fired at the business and the harm that might be caused to anyone in the area. It was pointed out that there had been about 155 calls to the business in about 18 months.

Mr. LeDuc stated under the present Code the City can go ahead and suspend a person's business license. The only recourse the business has is to appeal to Council to obtain the business license again. He said this had never been done before. He said the staff had always been able to talk to people and get them to work with the city and to change their operation. He said in this case the city has not had a lot of cooperation in the matter. He said the staff is presently giving the particular business involved one last chance by giving them a warning letter stating the law and that if they do not comply the business license will be revoked.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance on first reading. The motion was unanimously approved.

DEMOLITION PROGRAM – ORDINANCE

Substandard Housing

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Code regarding the Demolition Program.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 10-4, AIKEN CITY CODE, THE "UNSAFE BUILDINGS, DWELLINGS, APARTMENT HOUSES AND ROOMING HOUSES ORDINANCE".

Mr. LeDuc stated that at the last meeting Council discussed the city's current program for the demolition of substandard housing. Houses are added to this list under one of the following three scenarios. 1) An owner requests the city to remove a substandard home due to its condition, recent fire or desire to construct new housing on this property (similar to the Second Baptist Church program.) 2) Neighbors register a complaint about an abandoned home and ask the city to do something about it. 3) City inspectors through their daily routine identify a home which has been abandoned for a period of time and is substandard.

Prior to the \$200 Demolition Program the city required the owners to make improvements within 120 days or remove the house. If they did not make improvements within this timeframe, they had a hearing with our Building Official. If after several more months went by and they still did not fix up the home the case would go back to the Building Official and eventually a hearing occurred. The Demolition Order would generally give owners additional time to fix up their homes; however, eventually most homes had to be torn down after two or more years of intervention. In most of these cases the homeowner was required to pay thousands of dollars to remove the home or the city removed it. A lien was then placed on the property. With the new program the city has dealt with a lot of dilapidated homes that needed to be removed without the strife between the city and the owner. However, there are occasions when good houses (like the one at York and Barnwell) are placed on this list after being abandoned for many years. We currently do not have a procedure to deal with basically sound structures that, due to neglect, are scheduled for demolition. In several of these cases we found the titles are clouded, i.e. the house cannot be easily sold.

The city currently has two ways to handle substandard homes. 1) Use code enforcement, and let the City Building Official and the court system deal with these houses. 2) Use the Demo 200 Program as necessary to remove these homes. With either of these two processes, we don't account for homes that are decent and could be fixed up by others if titles are cleared or when the City helps facilitate their rehabilitation through us purchasing them (i.e. yellow house).

Two homes currently on the demolition list at 519 Sumter Street NE and 536 Hampton Avenue are good examples of homes that could be rehabilitated. Both of these buildings are in sound condition, but have been abandoned and are a nuisance to the neighborhood. It is our understanding that there are individuals who would like to buy these homes and fix them up. However, they cannot obtain a clear title. For these reasons, we may want to add a third procedure for these types of homes. We could either use eminent domain authority, or file a civil suit to clear the property title. Then we can condemn the homes to sell them to another party or as a last resort fix them up ourselves for resale. This procedure would pay the owner a fair value for these homes but clear the title by a court order.

We are recommending to City Council the modified procedure for our current program as follows:

1. When a substandard home is identified the Code Enforcement Inspector would evaluate its condition.
2. If a house is dilapidated and structurally unsound the Inspector would talk to the owner about removing it under the existing \$200 Demo Program and post the property for 30 days to allow another party to purchase it for rehabilitation or removal to another site.
3. If the house appears to be structurally sound, the inspector would approach the owner about rehabilitating it or placing it up for sale. If they are willing to fix it, the case would remain open until the rehabilitation is complete. If they want to sell it, the city may either assist them in getting a clear title or condemning the property and possibly buying it if necessary. If either of these scenarios is necessary, we would bring it back to Council for review and approval.

To incorporate the changes stated above City Council needs to revise the provisions of Section 10-4(i) of the Aiken City Code. This will allow the Code Enforcement Inspector to post the buildings for sale that will be demolished for a period of not less than 30 calendar days. It also gives City Council the ability to review apparently sound buildings to determine whatever assistance may deem appropriate to avoid their demolition.

Councilwoman Clyburn stated Mr. William McGhee had given her a list of items from the Schofield Community Association. She said one of the items mentioned is that they would like to see the houses on the list checked to make sure they are not historically significant and if they are worth preserving.

Mr. LeDuc pointed out that Wilkins Byrd of Historic Aiken Foundation had looked at the 10 houses on the original list and made a determination in his opinion what was historically significant. He stated each person's opinion is different as to what is historically significant.

Councilwoman Price stated Mr. McGhee and his Association are asking that the City look at anything that was built prior to 1940 and determine historical significance. She stated they are also concerned about preserving homes rather than tearing them down, particularly those that can be rehabilitated.

Councilman Cuning stated that meant the discussion is about trying to save or somehow work out structurally unsound historic houses. He pointed out the proposed ordinance gives the city a way to try to save a structurally sound house. He said this discussion is now on an historical house which is unsound. He said that would be very difficult and costly. He said that would not make sense economically. He said the city would do everything possible to save sound houses, but if the houses are unsound he did not see how they could be saved.

Mr. LeDuc pointed out that every house on the last list of about 18 homes was older than 1940. He said, however, only two of those houses were selected as having historical significance and being sound houses. He said the others may have had some historical significance, but they were not structurally sound.

Council discussed the information presented from the Schofield Community at length. Councilwoman Vaughters stated perhaps the city should ask the Schofield Association to help the city and identify homes in the neighborhood that are historic. She said the Historic Aiken Foundation could not do all the research by themselves. She said they could be shown how to look up the information to prove that it is historical and why. She said she did not feel the city had the capacity to do the research on every house.

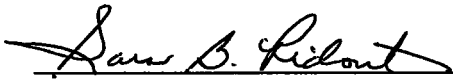
Councilwoman Clyburn stated she was only interested in saving structurally sound houses. She said she had looked at many structures that looked like they should not be salvaged, but demolition had been held up and the houses have become a nuisance and some have burned. She said when they become a problem she is in favor of the houses coming down, especially if that is what the owner wants. She said the proposed ordinance would deal with cases where there are problems with the owner. She said the information she presented was given to her to mention to Council and she was mentioning it as a representative from the area. She also pointed out that two of the houses that have been mentioned as being sound structures need to be acted on immediately before the houses become structurally unsound or get burned.

Councilwoman Price stated the group wants to take a home and demonstrate that a structure that the city may determine cannot be preserved can be preserved. They are still working out the mechanism as to how this can be done.

Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to revise the provisions of Section 10-4(i) of the Aiken City Code and that second reading and public hearing will be set for the next regularly scheduled meeting.

ADJOURNMENT

There being no further business the meeting adjourned at 8:34 P.M.


Sara B. Ridout
City Clerk