

Aiken City Council MinutesREGULAR MEETINGApril 14, 2003

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Glenn Parker, Larry Morris, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and about 30 citizens.

Mayor Cavanaugh called the meeting to order at 7:40 P.M... Mr. LeDuc 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 Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session and regular meeting of March 24, 2003, were considered for approval. Councilwoman Clyburn moved that the minutes of March 24, 2003 be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

ELECTION

5-1-1 Plan
Districts
Redistricting
City Council
Council
Referendum

Mayor Cavanaugh stated Council needed to accept the results of the referendum held on April 1, 2003.

Mr. LeDuc stated after each election the Chairman of the City of Aiken Election Commission presents a report on the election to City Council. Richard Johnson, Chairman of the Commission, is prepared to report to Council on the Commission's findings and the results of the Referendum Election held on April 1, 2003, for redistricting the city to a 5-1-1 Plan.

Mr. Richard Johnson, Chairman of the Election Commission, stated on April 1, 2003, the City of Aiken conducted a referendum on the question of whether to change its method of electing members of City Council from four members elected from single member districts and two members elected at large, to five members elected from single member districts and one member elected at large.

The announcement of the referendum was made public by newspaper advertising as prescribed by law.

With 1,185 ballots cast the results are as follows:

Yes	450 votes	No	732 votes	Improper ballots	3 votes
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We hereby certify the election. The referendum failed. Attached is a tabulation of votes by precincts.

Respectfully submitted,
 MUNICIPAL ELECTION COMMISSION
 s/Richard Johnson, Jr.
 H. A. McClearen
 Keith R. Wood

PRECINCT TABULATION

<u>Precinct</u>	<u>Yes</u>	<u>No</u>
Aiken #1	22	90
Aiken #2	34	17
Aiken #3	33	31
Aiken #4	34	10
Aiken #5	42	41
Aiken #6	32	92
Graniteville #16	0	0
Millbrook #20	31	70
Six Points #35	6	10
Six Points #46	46	6
Aiken #47	14	24
Levels #52	15	24
Hollow Creek #53	33	67
Gem Lakes #60	5	7
Hitchcock #66	11	18
Anderson Pond #69	18	43
Sandstone #70	14	26
Levels #72	6	11
Absentee #7	<u>54</u>	<u>145</u>
Totals	450	732

<u>Explanation</u>	<u>Ballots Cast</u>	<u>Votes Counted</u>	<u>Ballots Improperly Punched</u>
Precinct 20	102	101	1
Precinct 70	41	40	1
Absentee Mail In	14	13	<u>1</u>
			3

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that the results of the referendum election as reported by the Election Commission be accepted.

BOARDS AND COMMISSIONS

Appointments

Barnett, Mary

Park Commission

Peterson, Steve

General Aviation Commission

Mayor Cavanaugh stated Council needed to consider appointments to boards and commissions of the city.

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

Councilwoman Clyburn has recommended reappointment of Mary Barnett, of 52 Juniper Loop, to the Park Commission. If reappointed Ms. Barnett's term would expire December 1, 2004.

Councilwoman Vaughters has recommended appointment of Dr. Steve Peterson, of 807 Valley View Street, to the General Aviation Commission to fill the unexpired term of Barry Johnson who passed away. If appointed Dr. Peterson's term would expire September 1, 2004

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Mary Barnett be reappointed to the Park Commission with the term to expire December 1, 2004.

Councilwoman Vaughters moved, seconded by Councilman Sprawls and unanimously approved, that Dr. Steve Peterson be appointed to the General Aviation Commission to fill the unexpired term of Barry Johnson with the term to expire September 1, 2004.

Mr. LeDuc pointed out Mr. Peterson does not live within the city. However, Council has agreed that on the Aviation Commission some of the members may live outside the city.

ANNEXATION – ORDINANCE 04142003

Hamilton Drive 1536
PMG Enterprises, LLC
TPN 30-037.0-01-062
Whittle, Craig

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 1536 Hamilton Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .37 ACRES OF LAND, MORE OR LESS, OWNED BY PMG ENTERPRISES, LLC AND LOCATED AT 1536 HAMILTON DRIVE, AND TO ZONE THE SAME RESIDENTIAL MULTI-FAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated PMG Enterprises, LLC would like to annex .37 acres of land at 1536 Hamilton Drive as Residential Multifamily High Density (RMH). Currently a three-unit apartment building occupies the site, which is contiguous to the city on the eastern border. The applicant would like to receive the reduced utility rates and to have Public Safety's protection along with garbage and trash service.

Several other properties on Hamilton Drive have annexed into the city in the past couple of years, including two recent townhome developments further east on Hamilton Drive. The right of way of Hamilton Drive is currently in the city limits.

At their March meeting, the Planning Commission voted unanimously to approve this annexation.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance to annex .37 acres at 1536 Hamilton Drive as Residential Multifamily High Density, and that the ordinance become effective immediately.

ZONING ORDINANCE – ORDINANCE 04142003A

Historic Preservation
Landmarks

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding Historic Preservation provisions.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF THE CITY OF AIKEN ZONING ORDINANCE DEALING WITH HISTORIC PRESERVATION.

Mr. LeDuc stated that in January the Historic Preservation Commission recommended an amendment to the Zoning Ordinance which would eliminate confusion over the issue of the designation of Landmarks. Currently, Section 5.1.4.a allows a designation to be initiated by the petition of ten city residents. The Commission also recommended several standards for review of projects that were required to receive the Certificate of Appropriateness and different options for designation of an individual property. The main problem is that the term landmark is used in several different ways within our ordinance and district.

The Planning Commission at their March meeting had no problems with the wording changes recommended by the Historic Preservation Commission and also included a change which provides that only a Commissioner or Councilmember can initiate a Landmark designation, thus deleting the initiation by the petition of ten residents of the city. They voted unanimously to approve these changes.

Mr. LeDuc pointed out the proposed changes would change the Zoning Ordinance and the Design Manual.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that the ordinance be passed on second and final reading to make amendments to the Historic Preservation provisions in the Zoning Ordinance and the Design Manual, and that the ordinance become effective immediately.

BOARDS AND COMMISSIONS – ORDINANCE 04142003 *B SR*
Recreation Commission

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to create a Recreation Commission.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-142 OF THE AIKEN CITY CODE REGARDING ESTABLISHMENT OF THE RECREATION COMMISSION.

Mr. LeDuc stated that at this year's Horizons meeting we discussed the development of a Recreation Commission. This commission would advise both the Parks and Recreation staff and Council on various matters. The Commission would be made up of seven voting members and four non-voting students. Seven of the members would be selected by City Council and four students would be selected at large based on recommendations from the Parks and Recreation staff.

The Recreation Commission would be involved in offering input on future development, programs, fees, promotions, and operations and recommend these to staff and Council alike. It is envisioned they would be meeting once a month, with each member having a two year term limit.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to approve the establishment of a Recreation Commission, and that the ordinance become effective immediately.

Councilwoman Vaughters pointed out that a lot of people from outside the city use the recreation facilities and she wondered if one of the Commission members should be from

outside the city. Councilmembers agreed that it would be all right to appoint one member from outside the city for the Recreation Commission.

Mr. LeDuc stated that at the next Council meeting Council would draw for initial terms on the Recreation Commission.

BUILDING CODE – ORDINANCE

International Building Code

National Electrical Code

Electrical Code

Residential Code for One and Two Family Buildings

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

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 10-2, AIKEN CITY CODE TO ALSO ADOPT THE 2000 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS AND THE 2002 NATIONAL ELECTRIC CODE.

Mr. LeDuc stated in January, 2001, City Council approved the new International Building Code along with other codes which apply to the construction of new residential, commercial and industrial buildings. This same code was also approved by Aiken County and the City of North Augusta. The National Electrical Code was recently amended and the International Residential Code for One and Two Family Buildings was approved by the South Carolina Building Codes Council. Both of these codes need to be adopted by all local governments.

Our Building Official and City Staff Attorney have reviewed these new codes and find them to be reasonable and necessary to comply with the state law. We are therefore asking City Council to approve the amendment of Section 10-2 of the Aiken City Code and the adoption of the new Residential and Electrical Code.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to amend Section 10-2 of the Aiken City Code and adopt the new Residential and Electrical Codes as published by the International Code Council, Inc. and that second reading and public hearing will be set for the next regularly scheduled meeting.

ELECTION – ORDINANCE

4-2-1 Plan

City Council

Redistricting

Districts

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to approve a revised 4-2-1 Plan.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 14-1 OF THE AIKEN CITY CODE FOR THE PURPOSE OF ADJUSTING THE BOUNDARIES OF THE FOUR SINGLE MEMBER CITY COUNCIL ELECTION DISTRICTS TO THE 2000 CENSUS.

Mr. LeDuc stated that at the April 1, 2003, referendum election the City of Aiken voters failed to approve a 5-1-1 Redistricting Plan. Thus, a new plan needs to be approved by City Council, at which time it would then be sent to the U.S. Department of Justice (USDOJ) for their review and pre-clearance under the Voting Rights Act. Should Council adopt the redistricted 4-2-1 Plan for second reading on April 28, 2003, the plan would be sent to the U.S. Department of Justice in early May. The USDOJ would have

60 days to review this plan and to either pre-clear it, let the time expire, or request additional information. If they pre-clear it or let the time expire City Council elections can take place under its normal schedule for an election on November 4, 2003. If the USDOJ requests additional information and/or rejects the redistricted 4-2-1 Plan, it may be necessary to ask the Court to delay the November 4, 2003, election until the matter is resolved. Or, Council could consider holding the November 4, 2003, election under the existing 4-2-1 Plan and implementing any new plan at a special election after the new plan is adopted by Council and pre-cleared by the USDOJ.

Each of those options would need to be thoroughly reviewed and discussed, taking into account all circumstances and complications with this matter. However, the next step is to submit the redistricted 4-2-1 Plan Ordinance to the U.S. Department of Justice for their review under the Voting Rights Act.

Councilman Cuning moved, seconded by Councilman Sprawls, that Council pass on first reading an ordinance to approve the redistricted 4-2-1 Plan for election of Councilmembers, and that second reading and public hearing be set for the next regularly scheduled meeting. The motion was approved by a vote of 4 in favor and 2 opposed. Mayor Cavanaugh and Councilmembers Cuning, Smith, Sprawls and Vaughters voted in favor of the motion with Councilmembers Clyburn and Price opposing the motion.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

CDBG Grant Funds

Mayor Cavanaugh stated Council needed to approve funding of Community Development Block Grant Funds.

Mr. LeDuc stated every year the City of Aiken receives funding from HUD for Community Development Projects. The Community Development Committee at their February meeting unanimously approved funding of the projects listed below:

<u>Project Description</u>	<u>Amount</u>
Administration	\$ 44,000
Housing Counseling Services	5,000
Neighborhood Initiatives	10,000
Demo/Lot Clean Up	36,000
Water & Sewer	79,000
Housing Rehab	50,000
Lot Acquisition	<u>39,000</u>
Total	\$263,000

Mr. LeDuc stated the Housing Development Funds will help us with the infrastructure improvements which are necessary for much of the work in the Toole Hill area along with lot acquisition and removal of some homes. We also have funding to provide counseling for first-time homeowners. Funding for rehabilitation has decreased dramatically and may be eliminated altogether in the upcoming year. Primarily, this is because the city has moved forward with new housing versus rehabilitation and since new regulations for asbestos and lead paint removal has lessened our ability to cost effectively rehabilitate older homes.

Mr. LeDuc stated this money will be available in the fall and over the last couple of years has been instrumental in allowing us to complete many projects on the north side, thus enabling us to help in the renewal of several of our neighborhoods.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the distribution of the Community Development Block Grant funds of \$263,000.

FAIR HOUSING MONTHProclamation

Mayor Cavanaugh stated Council needed to consider proclaiming April as Fair Housing Month.

Mr. LeDuc stated the City of Aiken works very closely with HUD and the South Carolina Housing Authority on the development of affordable housing projects. This partnership, especially over the last few years, has allowed the city to construct several new homes at Chesterfield North, Toole Hill, and on Dupont and Gayle. We have also through their funding helped many residents rehabilitate their existing structures. The major goal of the Housing Authority, the State and Federal Government is to provide affordable housing to our residents and to help improve their neighborhoods.

We would like Council to declare April as the city's Fair Housing Month. This proclamation is our way of saying "thank you" to the Housing Authority Board, the State and HUD for all they have done in their efforts to provide the American dream to as many individuals as possible.

This year's theme is, "CDBG: Inspiring, Empowering, Achieving."


Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council proclaim April as Fair Housing Month with the theme of "CDBG: Inspiring, Empowering, Achieving."

BUDGET

Mr. LeDuc stated he would like for Council to meet on May 5 to discuss the proposed budget for 2003-04. Council set the time for meeting at 1 P.M. on May 5.

ADJOURNMENT

There being no further business the meeting adjourned at 8:20 P.M.


Sara B. Ridout
City Clerk