

Aiken City Council MinutesREGULAR MEETINGMay 10, 2004

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

Absent: Councilman Smith.

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Anita Lilly, Larry Morris, Glenn Parker, Ed Evans, LaLita Ashley, Sara Ridout, Kenneth Cook, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and about 52 citizens.

Mayor Cavanaugh called the meeting to order at 7:04 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. Mayor Cavanaugh stated that Council agreed to move the item regarding the Savannah River Site Historic Preservation resolution up on the agenda after the presentations. Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved as changed.

MINUTES

The minutes of the special meeting of April 20, 2004 and the work session and regular meeting of April 26, 2004 were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

PRESENTATIONSimons, Whitney

Mayor Cavanaugh stated Council would like to honor Whitney Simons who has excelled both as a leader in our community and on the golf course. She is the daughter of Judge Charles E. Simons and Betsy Simons and is the Senior Class President at Aiken High School and president of the Methodist Fellowship of St. John's Church. For the past three years she has won the High School Class 4-A Golf Regional Championship and for the last two years has won the High School 4-A Golf State Championship. She has played in the U.S. Junior Golf Championship and the U.S. Women's Amateur Golf Championship and next year will be attending the University of South Carolina on a full scholarship. He stated she has exhibited character traits of endurance, diligence, determination and faith. City Council recognizes Whitney Simons as a citizen of character in the City of Aiken.

Mayor Cavanaugh presented Ms. Simons with a plaque. Ms. Simons thanked City Council and stated she was proud to be from Aiken, South Carolina.

PRESENTATIONMorris, Larry
Public Works Leader

Mayor Cavanaugh stated this presentation was for Larry Morris being recognized as one of the top ten leaders in the United States.

Mr. LeDuc stated that the APWA recently honored Larry Morris with their highest award recognizing him as a Top Ten Public Works Leader in North America. Included in the selection process are all Public Works employees and engineers throughout Canada,

United States and Mexico from national, state, and local government plus all private firms.

Mr. Morris was recognized for his outstanding career service achievements, both in the public and private sectors. Larry Morris developed a program called "We Help Out Aiken" (WHOA) that was aimed at having young persons work in the Public Works field, while training them through work experiences and teaching them how to build job skills along with the meaning and value of public service. He also developed a program to certify employees through the operation of equipment and cross-training in other job areas. This has resulted in a work force that is more skilled and motivated to achieve proficiencies in all aspects of Public Works. The City of Aiken received the Municipal Cup Award from the Municipal Association of South Carolina for both of these programs. Outside of his work, he has been involved in numerous teaching positions to help Public Works and Utilities employees throughout South Carolina achieve their full potential. In Aiken he has been a teacher and board member for over a decade with the American Red Cross. As an instructor he teaches others to be certified on CPR and various other Red Cross topics.

Bill Spearman from the National Public Works Organization stated how much he has enjoyed working with Larry Morris and was honored to present him with the Top Ten Award. Mr. Spearman read the plaque he presented to Mr. Morris.

Larry Morris thanked City Council for their support and stated he could not do his job without his staff.

Mayor Cavanaugh thanked Mr. Morris for his dedication and stated Council was proud of him.

SAVANNAH RIVER HERITAGE CENTER

Resolution

Historic Preservation

Savannah River Site

Nuclear Technology

Mayor Cavanaugh stated the next item was consideration of a resolution of support for the Savannah River Heritage Center.

Mr. LeDuc stated that at the work session Todd Crawford and Walt Joseph made a presentation concerning the Savannah River Site's historic preservation. They would like City Council to support the establishment of a Savannah River Site Heritage Center to preserve the history of the Savannah River Site. This is to educate the public on nuclear technology and to provide resources for historical research and to promote heritage tourism. They are not asking for any funding from the City for this center, but only for the City's support at this time.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council approve the resolution in support of establishing a Savannah River Site Heritage Center.

BOARDS AND COMMISSIONSBuilding Code Appeals CommitteeBallentine, SidneyRedd, TimothyBouknight, AndrewAccommodations Tax CommitteeSanders, BerniceRamseur, HarveyMcNair, Jr., JamesHousing AuthorityGallman, James

Mr. LeDuc stated there were 7 appointments to the Boards and Commissions for Council's consideration.

Mayor Cavanaugh has recommended reappointment of Sidney Ballentine to the Building Code Appeals Committee with the term to expire May 12, 2006.

Councilwoman Clyburn has recommended reappointment of Timothy Redd to the Building Code Appeals Committee. If reappointed his term would expire May 12, 2006. She has also recommended reappointment of Harvey Ramseur to the Accommodations Tax Committee with the term to expire March 25, 2006.

Councilman Cunning has recommended reappointment of James McNair, Jr. to the Accommodations Tax Committee with the term to expire March 25, 2006.

Councilwoman Price has recommended reappointment of James Gallman to the Housing Authority. These terms are for five years by State Law and if reappointed the term would expire May 28, 2009. She has also recommended reappointment of Andrew Bouknight to the Building Code Appeals Committee with the term to expire May 12, 2006. Councilwoman Price has recommended reappointment of Bernice Sanders to the Accommodations Tax Committee and if reappointed the term would expire March 25, 2006.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council reappoint Sidney Ballentine, Andrew Bouknight, and Timothy Redd to the Building Code Appeals Committee with the terms to expire May 12, 2006, reappoint Harvey Ramseur, James McNair, Jr., and Bernice Sanders to the Accommodations Tax Committee with the terms to expire March 25, 2006, and reappoint James Gallman to the Housing Authority with the term to expire May 28, 2009.

ANNEXATION – ORDINANCE 05102004Henry Street 776Wilhoit, JaniceTPN 30-057.0-01-014Virginia Acres

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex property at 776 Henry Street.

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 .24 ACRES OF LAND, OWNED BY JANICE WILHOIT, AND LOCATED AT 776 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the owners of a 0.24 acre parcel of land at 776 Henry Street are requesting annexation under the RS-10 zoning. All city services are available to the property, including sanitary service. The Planning Commission at their April meeting unanimously approved this annexation. City Council unanimously approved this annexation on first reading at their April 26, 2004 meeting.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 776 Henry Street under the proposed RS-10 zone.

REZONING – ORDINANCE 05102004A

Peninsula at Woods Edge

Zoning

Houndslake North

TPN 00-132.0-01-165

Trail Ridge Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to rezone the Peninsula at Woods Edge in Houndslake North.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE KNOWN AS THE PENINSULA AT WOODS EDGE FROM RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML) TO RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated we recently received a petition from the Peninsula Homeowners Corporation with the signatures of 37 of the 38 property owners. They are requesting that the Peninsula at Woods Edge be rezoned from Residential Multi-Family to Residential Single-Family (RS-15). Two of the lots are vacant and do not meet the RS-15 minimum lot size for this zoning. However, their nonconformity would not prevent constructing houses on them as long as they can meet the setback requirements, which are the same for both the RS-15 and RML zones. The Planning Commission reviewed this request and unanimously approved the rezoning of property to RS-15.

The public hearing was held.

Mr. James Davis, Jr. of 2 Dunbridge Road, stated his concern was that there is no interest in the neighborhood for anything but single-family residence and he felt the property should all be zoned for Single-Family Residential.

Councilman Cuning expressed concern about the two lots that will not meet the minimum lot size for the RS-15 zoning. He was concerned that the two lots may not be buildable with the new zoning. It was pointed out that the owners signed the petition for rezoning the area and are aware of the requirements. The current zoning has the same setback requirements as the RS-15 zone.

Mr. Greg West, President of the Peninsula Homeowner Corporation, stated that one of the two lots is his house and that lot is already built on and there were no problems with zoning and setbacks.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to amend zoning of the Peninsula at Woods Edge from Residential Multifamily Low-Density RML to Residential Single-Family RS-15.

ZONING ORDINANCE – ORDINANCE 05102004B

Big Boxes

Retail, Large

Commercial Projects

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding large retail projects.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING LARGE RETAIL PROJECTS.

Mr. LeDuc stated the Planning Commission has been reviewing the Zoning Ordinance in relationship to large retail projects, which are sometimes referred to as big boxes, for the last several months. The Planning Commission has received a large amount of input on this ordinance from members of the Chamber of Commerce, developers, and citizens in finally arriving at these changes. The changes involve all large retail projects and their permanent locations, character design, architectural controls, landscaping, delivery and loading areas, signage, traffic, and other minor requirements. The Planning Commission voted unanimously to recommend the approval of the large retail projects (big box) ordinance.

The public hearing was held.

Mr. Tad Barber, 334 Walker Avenue, thanked and commended the Planning Commission for allowing input into this ordinance. He stated his concern was that Council consider increasing the size requirement from 40,000 square feet to something larger to accommodate larger businesses. He feels a lot of developments will be hindered by this size requirement.

Councilman Cunning stated he did not see anything that would adversely affect development.

Mr. Barber stated that from the standpoint of redevelopment there may be a situation such as Mitchell Shopping Center which may not be able to meet buffers and setbacks. There are some issues that need to be interpreted by the Planning Director, but he felt over time this part of the ordinance will be modified again. Mr. Barber stated a grocery store will automatically start out over 40,000 square feet.

Mayor Cavanaugh stated he felt the ordinance should stay at 40,000 square feet and if the need arises it can be amended. He stated in looking at ordinances from various cities the numbers ranged from 10,000 – 150,000 square feet and that was one of the problems deciding what was best for our city. At one time it was 70,000 square feet and after more discussion and investigation Planning Commission decided on 40,000 square feet.

Councilwoman Clyburn asked what type of proposed structures Mr. Barber thought might be affected by this amendment.

Mr. Barber stated that starting out on the low end of square footage may affect the development of a grocery store with out parcels, such as the northside Bi-Lo. More square footage is needed to allow for setback and buffer requirements. Mr. Barber stated that 40,000 square feet is just a small amount of space when talking about development.

Councilman Cunning asked if there was anything in the new amended ordinance that would have prohibited the northside Bi-Lo construction. Mr. Barber stated there was not a problem with that development.

Councilman Cunning stated the point was that this provision would give better architecturally and aesthetically designed developments. He stated he believed that 40,000 square feet is what it needs to stay at and if a particular development has a problem then City Council can review that particular project and waive any requirements as needed.

Councilwoman Vaughters suggested taking a trip to Charlotte, North Carolina. She stated there are many properties that are much smaller than what Council was talking about. She stated they have berms in front of the commercial property and you cannot see the buildings from the road. She stated that is what Council is trying to work towards.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance regarding large retail projects.

ZONING ORDINANCE – ORDINANCE 05102004C

Planned Commercial Zone

Lighting

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding lighting in the Planned Commercial Zone.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING LARGE OUTDOOR LIGHTING AT COMMERCIAL DEVELOPMENTS.

Mr. LeDuc stated during the discussion of the large retail project (big box), the Commission discussed the need for regulations to control outdoor lighting in commercial developments. The Commission brought together several people who had expertise in lighting to develop this set of regulations. The proposed lighting provisions would be inserted in the section of the Zoning Ordinance dealing with the Planned Commercial zone. This section should assist developers with the appropriate lighting for commercial developments. The Planning Commission voted unanimously to approve the outdoor lighting ordinance.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance regarding large outdoor lighting at commercial developments.

WOODSIDE PLANTATION PHASE III

Concept Plan

TPN 00-135.0-01-007

Silver Bluff Development, Inc.

Silver Bluff Road

Richardson's Lake Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Concept Plan for Woodside Plantation Phase III.

Councilman Cuning left the Council Chambers and did not participate in the discussion or voting on this matter since he could have a potential conflict of interest in the matter since the bank where he is employed is involved with the developer of the project. He submitted a letter of explanation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED IN WOODSIDE PLANTATION, PHASE III AND OWNED BY SILVER BLUFF DEVELOPMENT, INC.

Mr. LeDuc stated in June of 2001 City Council approved the concept plan for Woodside Plantation Phase III. The development company would like to revise the concept plan, which the Planning Commission reviewed in December, 2003, and unanimously approved at their April 13, 2004 meeting. The reason the Planning Commission continued the matter from their December meeting was to receive further information from their traffic engineer and to have a more legible concept plan. Both the traffic study and the new concept plan were given to the Planning Commission for their review, and they have approved it based on the following conditions:

1. all the traffic remediation called for in the traffic study would be paid for by the developer, including the traffic signal.
2. that there be sufficient landscaping in the buffer to shield the adjacent properties, and that the landscaping would extend beyond the minimum 25 foot depth as called for by the Planning Director. (The Planning Director recommends a 30 foot buffer in these areas.)
3. that a crash gate is installed behind the golf cart storage area to provide emergency access to lots southwest of Fairways 17 and 18 prior to final plan approval for those lots.
4. that the pond in 100 foot buffer be relocated out of the buffer.
5. that a new concept plan for all of Phase III be submitted removing the word "villas" and replace them with "detached single-family residential," and restating the breakdown of residential units so there are not more than 980 units as approved in 2001.
6. that the revised concept plan for Phase III include a statement that all conditions imposed by City Council on the approval of the annexation in the initial concept plan for Phase III on June 25, 2001 will be met.

Our on-call Traffic Engineer, Roger Dyar, has reviewed the traffic study and agrees with what the traffic remediation calls for in the traffic study along Silver Bluff Road.

Council has also stated that they are going to ask, in a letter to ARTS, that the widening of Silver Bluff Road be moved up on the project list which would move it to number 2. Mr. LeDuc stated hopefully work will be started on this project in the next couple of years.

The public hearing was held.

City Attorney Gary Smith stated that Councilman Cunning had previously announced his potential conflict with this particular item and filed a letter with the City Clerk stating so. He stated he had left the room and would not be participating in the vote. Mr. Smith stated that the amendments Council requested at first reading of this ordinance had been incorporated into the draft of this ordinance, so if Council approves this ordinance they would be adopting a revised ordinance.

Mr. Mark Graham of Southern Partners stated he was concerned about Item #4 on the memo to Council and Item #5 on the ordinance. Mr. Graham stated he would like some clarification on why the wording in the ordinance would be changed from villas to detached single-family residential in Phase III. He stated that Phase III included the Moyer tract which has villas and multi-family in it.

Mr. Ed Evans, Planning Director, stated that the concept plan adopted in 2001 showed a lot of villas inside the gate. He stated this revised plan shows villas being moved outside the gate. Planning was concerned that if villas were built both inside and outside the gate then the phase could possibly end up with more villas than were approved in 2001 so this is just revising the concept plan to make sure there are not more than 980 dwelling units which is the maximum approved in 2001.

Councilwoman Vaughters asked what was meant by the letter in the agenda that states there has been a 56% increase in density.

Mark Graham stated he had not written the letter but that the overall density has not been changed. He stated there were more units in the Moyer tract outside the gate and that may be what the letter was referring to.

City Attorney, Gary Smith, asked Mr. Graham if it would be acceptable for condition #5 in the ordinance to read "That a new concept plan for all of Phase III be submitted restating the breakdown of residential units so that there are not more than the 980 units approved in 2001."

Councilwoman Price asked if Council would address the concerns of Dr. John Veldman.

Dr. John Veldman, of 352 Magnolia Lake Court, stated his concern was that in the original plan that was discussed in 2001, things like green space, buffer areas, and balance between residential and commercial development were all key issues that Council discussed. He stated he was a supporter of the annexation and convinced his neighbors to support it based on the fact that he thought the developer had presented a quality concept and he felt the City, under City ordinance, would maintain the quality. One of the things that disappointed him about the revisions was the two areas, Tract B & C of the Moyer tract, which were originally shown as wooded areas and will now have multi-family units. Dr. Veldman stated the second thing he wanted to point out was that originally in the Woodside Phase III annexation there were 237 villas on 41.9 acres which is a density of 5.7 units per acre. He stated there was no multi-family, it was villas. In the revised concept plan, all of the villas and multi-family are now packed into the outside the gate portion of the Moyer tract. He stated that the villas that were once sprinkled inside the gate are now outside the gate except for the 14 that Mr. Graham noted. He stated that is a 56% increase in density on that acreage that is going to hold those villas. He stated that is quite a difference from what he thought would happen. Dr. Veldman stated that there are a lot of plans concerning traffic in this area. There was an addendum to the first traffic study that showed that there would not be a significant impact of moving 200 villas outside the gate to where they have no access to or from Woodside but through the Richardson Lake intersection. He stated that future growth was not included in the traffic study. He stated he wanted to suggest a compromise to the ordinance. He stated he would like to limit the density on the tracts to 5.7 units per acre which would make it a villa type of concept which is what he convinced his neighbors to agree to with the annexation. He stated that the people with the horse farms would like to see more buffer space. He stated there is currently 50 feet of buffer space on the southside of the tract. He believes 100 feet would be more reasonable between development and a horse farm. Dr. Veldman stated his suggestion is to limit the density of development on any of these tracts A, B, or C, to the original 5.7 units per acre and to offer the horse farm people on the southside of this development 100 feet of planted buffer.

Councilwoman Vaughters asked what Dr. Veldman thought of the buffer that has been proposed between Magnolia Lake Court and the development.

Dr. Veldman stated that buffer was what he was proposing for the horse farm side. He stated he had the 75 foot utility easement plus the 50 feet that was provided originally. He stated he felt that Council was responsive to some concerns on that side of the property and he thinks the horse farms on the other side felt there would be more trees as shown on the plan.

Dr. Veldman stated he had a problem with more than 12 units per acre on one of the tracts and felt it was inconsistent with what was originally proposed.

Mr. Terry Meadors, of 220 Honey Hills Drive, located on the south side of the Moyer tract, stated his concern was with the buffer. He stated he was asking for a 100 foot buffer. He stated he would like to see this buffer extended around the driving range and down the power line easement. He stated he would like for Tracts B & C to be rejected. He understood it would be left as green space originally as a buffer for the commercial. He asked why the units could not remain inside the gated area.

Mark Graham stated the plan that was given to City Council addressed only the commercial area, but out of 100, acres 69 was to be used for commercial. The rest was intended to be used, but the area was undesignated at the time of the approval.

Mr. Meadors stated he had a concern for the people who would be living in the villas. He stated they would have to drive out of Woodside onto Silver Bluff Road and drive the long way around to get their children to Chukker Creek School. He also stated the berm area that had been planted for his eastern border was dying. He asked who was responsible for keeping the planted berms alive.

Mayor Cavanaugh pointed out that Tract A and B were not on Mr. Meadors border. He stated that it was never said the Concept Plan could not change. He stated if Council

agrees, then the plan can be changed. The green space has been rearranged but it is still 69%. He asked Mr. Graham what would be lost if the buffer was made 100 feet.

Mr. Graham stated that nothing would be lost. He stated that at the Planning Commission meeting, they extended it to 50 feet, per their request. He stated the density could not be decreased but the buffer could be increased to 100 feet. He stated that the driving range buffer could not be extended, but the length of the property line up until the driving range can be extended to 100 feet. He stated that if trees had been removed, that were not to be removed, then Woodside would put them back. Mr. Graham stated the shrubbery that was planted for Mr. Meadors was the responsibility of Woodside Development Company.

Dr. John Veldman again stated he was concerned about the whole concept, as the concept was sold as a whole. He pointed out he was concerned about the density in the area and 15 units per acre on Tract B and the small buffer on Tract C. He said his concern was the density which he feels misrepresents the original quality of the development.

Mr. Meadors again expressed concern about maintenance of the plantings on the berm.

Councilwoman Vaughters stated the maintenance needed to be talked about.

Mayor Cavanaugh stated that there were several things in the original concept that Council stipulated that would not be built on these tracts and that would not be changed.

Mr. Bill McKay, a consultant to Rick Stihl, Woodside Development owner, stated that if the berm that Mr. Meadors was speaking of is not cared for then Mr. Stihl knows about it immediately. He stated as far as the maintenance, that Woodside had been outstanding as far as their landscaping and landscaping care. He stated that the landscaping for the commercial area would be taken care of by Silver Bluff Development, which is part of Woodside Development. He stated that the medical facility landscaping will be taken care of by their own area. He stated that the horse owners do not need buffers. He pointed out that none of the downtown horse owners have buffers of 100 feet.

Councilwoman Vaughters asked the real reason why the villas are being put outside the gate. She stated it made sense to her to want traffic to go by the shopping center, and if they are inside the gate they will not.

Mr. McKay stated they want to put them outside the gate because a lot of land inside the gate is not able to be built on. He stated the topography is steep and there is a lot of water that stands in certain areas.

Councilwoman Vaughters stated she is very concerned about the definition of Planned Unit Development. She stated there was supposed to be a plan that everybody agreed to and now it is not being adhered to.

Mr. LeDuc asked Mr. Evans if the drainage ditch that was spoken of on the driving range needed more trees as a buffer.

Mr. Evans stated that along the driving range he was not sure about the trees but the staff would take a look and make sure. He stated he was out there two weeks ago and there seemed to be a great number of trees along the boundary, but he would check on them. He stated he would take another look at the trees. Mr. Evans also stated that Council needed to specify if buffers are required, whether or not the buffers would be vegetated or not.

Mayor Cavanaugh asked what was required with the buffers.

Mr. Evans stated that all that is required in the PUD is a 25-foot buffer. He stated the entire 25 feet needs to have vegetation planted, but if you go to a 50 or 100-foot buffer, then just the 25 feet is required to have vegetation unless otherwise specified. Mr. Evans stated that the buffer on Mr. Meadors eastern boundary did not grow as it should have.

He stated that something additional needed to be done to that berm. He stated possibly irrigation might be considered to help that shrubbery grow and prosper.

Councilwoman Vaughters asked how tall the berm was and what was on the other side of the berm.

Mr. Meadors stated the berm was about 6 or 7 feet. He stated that the berm started out a lot larger than that, but it has not flourished. He stated there were power lines on the other side of the berm. He stated it was wide open space to the clubhouse.

Mayor Cavanaugh asked if it was specified how high the berm would be and what type of vegetation it would be.

Mr. McKay stated it was specified that there would be a berm and that there would be plantings.

Mr. Graham stated that this berm was not a planned berm. He stated the electric company had cleared the property to Mr. Meadors property line for the power lines, and he stated that they did what Mr. Evans asked them to do concerning the berm. He stated maybe some more needed to be done, and that they could speak with Woodside to get it fixed.

Mayor Cavanaugh asked what could be done to fix the berm.

Mr. Graham stated that it could be added onto the current motion or he could come up with some other plans.

Mayor Cavanaugh asked if Council agreed to have a 100-foot buffer on Tract C on the south side along the property line up to the driving range. He asked if Mr. Evans would take a look at the trees along the driving range. He asked if the greenery met what Council had approved originally.

Mr. Evans stated it meets the 25-foot buffer requirements.

Mr. LeDuc read what Council had agreed on so far. He stated that there would be 100-foot buffer along Tract C and that along the driving range would be adequately landscaped according to our Planning staff. He also stated that the shrubs on the berm would either be replaced or nourished.

Councilwoman Vaughters stated that she would like to specify the berm be increased in height.

Mr. LeDuc stated there was no way to increase the height of the existing berm without taking the trees down.

Mr. Graham stated that irrigation would help the situation. He stated the plants would have to be removed to raise the berm.

Mayor Cavanaugh stated that if the berm has decreased in height then it should be increased to its original height. He asked if the rains have washed the berm down.

Mr. Meadors stated that the plants are in packed clay and that the rain has washed the berm down and the plants are not thriving since they are in packed clay.

Mr. Graham asked to leave that issue to Mr. Evans since he brings such situations to his attention.

Councilwoman Vaughters stated it needs to be stated what type of vegetation needs to be in the berms and buffers.

Councilwoman Price stated she wanted a compromise between both parties. She wants to do as much as possible for each party. She asked if irrigation would help the berm grow.

Mr. Meadors stated he simply wanted a buffer to shield his property from the car headlights and noise from the clubhouse. He stated that he was willing to give up some of his property for a fence to help shield him from the clubhouse.

Mr. Graham stated it was possible to put a fence on the property but he would not want to tear the trees down. He stated that a fence could be constructed along Tract C. He stated it was constructed on the northern side, so it could be done on the southern side. He stated it would be a five-foot no climb fence. He stated a fence could be constructed on Tract C, and around the driving range. He stated that in the future we will probably see a fence on the eastern side where the clubhouse is located.

Mr. LeDuc stated that along the eastern side which contains the power line, that Mr. Evans needs to make sure that whatever is needed, such as irrigation or fertilizer, is provided to get the berm to the proper height. He also asked Mr. Graham to clarify that a fence would not be erected on that side at this time, but some time in the future as the lots near the area are developed.

Mr. Graham stated it could be five years before a fence is placed there. He stated that fences have not been required in Woodside, but they have put the fences up because the property owners wanted them.

Mr. McKay stated that a fence could be put up now around the driving range and around Tract C as it is developed.

Mayor Cavanaugh asked Mr. Graham to talk about the density of the villas per acre. He asked why it went from 5.7 to 12 units per acre.

Mr. Graham stated that when Woodside found areas they could not use because of wetlands or very steep slopes they had to move the construction. He stated the green space is greater because of this. They were trying to keep the 980 units, while using the usable land.

Mayor Cavanaugh asked why there was so much change from the original concept plan. He asked Mr. McKay to address this question.

Mr. McKay stated that when the golf course was being built, that DHEC came in and started designating areas that could not be used for building. This was after the land planners had come and gone. He stated they were here all last year.

Mayor Cavanaugh asked if the City knew about these changes.

Council continued to discuss the density issue at length.

Mr. Graham stated that the Corp of Engineers required them to do a study on endangered species and environmental study. He stated this was not required before. He stated it required them to make some changes to adhere to their regulations requiring wetlands.

Mayor Cavanaugh asked if there was a report stating that certain things could not be done on that land.

Mr. Graham stated there was such a report and he could give Mr. Evans a copy of that report.

Mayor Cavanaugh asked Mr. Graham what would be done if the number of units per acre was reduced. He asked where the units would be placed.

Mr. Graham stated that they would have to put a higher density in certain areas. He is not sure if they could accept that or not because he has not discussed that with the developer.

Mr. McKay stated he did not want the units to be reduced. He stated it was a bad idea.

Councilwoman Clyburn expressed concern about families that might live in the development outside the gated area and have to drive all the way around Woodside to get to the Chukker Creek School. She asked what impact this might have on traffic on Silver Bluff, Dougherty Road, and Whiskey Road.

Councilwoman Price recommended that they come to a compromise and approve the plan for 9 units per acre.

Councilwoman Vaughters stated she felt it their responsibility to provide a correct plan that will work. She stated that this proposal does not meet the spirit of the original plan accepted in 2001. She stated for a PUD we need to have a plan of exactly what is going to be done. She stated she would have a problem approving a plan where she does not know where the remainder of the units will be placed.

Mayor Cavanaugh stated he was not comfortable with approving the plan either until he sees a plan of what would be done with the rest of the units to reach 980. Mayor Cavanaugh stated after thinking about the plans, he realizes that the change from 5.7 units per acre to 12 per acre is a big change. He said he felt, in all fairness, that the density should be reduced somewhat. He said from Council's discussion, it seemed that a compromise of 9 units per acre might be considered for Tracts A, B, and C.

Mr. Graham stated some of the places could be made three-story and also some patio lots could be built. He said a lot is based on the market at the time. He stated that each time the plan has changed that it has come back before the Planning Commission. He stated some different types of units could be used. He stated that changing the units around would not change the way the plan looks.

Mayor Cavanaugh stated that consideration of the approval of the concept plan should be continued until the next meeting.

City Attorney Gary Smith stated that it would be good to continue this item so he could write all the changes and present an amended ordinance for City Council to approve.

Mr. LeDuc pointed out from the discussion he understood that Council may consider a density of 9 units or less for any tract in Woodside Phase III.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council continue second and final reading of an ordinance to revise the concept plan for Woodside Plantation Phase III to the next regularly scheduled meeting.

Councilman Cuning returned to the meeting at 9:19 P.M.

ASHETON OAKS – ORDINANCE 05102004D

Reynolds, H. G.
Lease/Purchase
Camellia Street
Williamsburg Street
Hampton Avenue

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to sell property in Asheton Oaks under a lease/purchase sales agreement.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE LEASE WITH OPTION TO PURCHASE, AND CONVEYANCE OF UP TO THREE YEARS AFTER LEASING, LOTS, OWNED BY THE CITY OF AIKEN, LOCATED ON EDRIE OAKS CIRCLE, IN ASHETON OAKS SUBDIVISION, IN AIKEN, SOUTH CAROLINA, BEING A PORTION OF TAX PARCEL NUMBER 30-083.0-03-002.

Mr. LeDuc stated what the City would do is similar to what the Aiken Corporation did recently when they said they would lend money with no interest for a couple of years. Council is saying that they will let a buyer go under a lease purchase plan and once that is satisfied then the City will get their money from that property. That gives the City another way to sell property.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to sell property in Asheton Oaks under lease/purchase agreement.

GIRL SCOUTS - ORDINANCE

Lease

Dupree Street

Girl Scout Hut

Girl Scouts Central Savannah River Council

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to lease property off Dupree Place to the Central Savannah River Girl Scout Council for a period of 25 years.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR, WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE A DOCUMENT LEASING THE PROPERTY KNOWN AS A PORTION OF COKER SPRING PARK TO THE CENTRAL SAVANNAH RIVER GIRL SCOUT COUNCIL FOR TWENTY-FIVE (25) YEARS.

Mr. LeDuc stated this was the same document that was approved 10 years ago and also 5 years previous to that. He stated that nothing has been changed in the document. He stated Council may want to consider the fact that Council has the right to tell the Girl Scouts to leave the premises in 30 days. He pointed out that the City had the same type of agreement with the American Red Cross and gave them a 12-month notice which he feels is more adequate for the Girl Scouts. He recommended that City Council consider a 12-month notice instead of a 30-day notice to cancel the lease.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to approve a lease of property off Dupree Place to the Central Savannah River Girl Scout Council for a period of 25 years with a 12-month notice to vacate the premises and that second reading and public hearing will be set for the next regularly scheduled meeting.

LAND CONSERVATION EASEMENT – ORDINANCE

Land Conservation Easement

ACOLT

Aiken County Open Land Trust

Wetlands

Shaws Creek

Conservation Easement

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept a donation of land and then grant a conservation easement to the Aiken County Open Land Trust.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ACCEPT A DONATION OF LAND THEN GRANT A CONSERVATION EASEMENT TO THE AIKEN COUNTY OPEN LAND TRUST.

Mr. LeDuc stated that over the last couple of years the City has been trying to obtain a 36-acre tract of wetlands along Shaws Creek. Mr. Waters recently donated this property to Aiken County Open Land Trust (ACOLT) and in turn they would like the City to accept this land and grant a conservation easement back to ACOLT. The proposed conservation easement is almost identical to the agreement the city accepted for the 14 acres in Carolina Bay. One of City Council's goals concerns the acquisition of property along Shaws Creek for the protection of our water supply and to create a green space on the Northside. This property lies to the east of Shaws Creek just north of the Shiloh Heights pump station and south of Reynolds Pond Road. This is the first of hopefully many other donations or easements to be obtained along Shaws Creek. By protecting this land through this donation and conservation easement, the City will have a critical portion of the Shaws Creek water shed protected.

Mr. Richard L. Pearce stated that on Page 8 of the Conservation Easement that the arbitration rule has been lined through and the City will use the South Carolina Uniform Arbitration Act. He stated an ordinance was done because the city is accepting the land and then authorizing the Conservation Easement to be granted.

Councilman Cuning asked if the city needs to be involved in this Conservation Easement.

Mr. LeDuc stated that ACOLT does not want to own the property and the liability that goes along with it, but they want to make sure the land stays as is and the water shed is protected.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to accept land and to grant a conservation easement to the Aiken County Open Land Trust for 36 acres along Shaws Creek and that second reading and public hearing be set for the next regularly scheduled meeting.

YARD TRASH – ORDINANCE

Leaves

Limbs

Fee

Refuse Collection

Trash

Yard Refuse

Material Collection Procedure

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the City Code regarding yard refuse and materials collection procedures.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 32-5, THE CODE OF THE CITY OF AIKEN TO SET FORTH YARD REFUSE AND MATERIALS COLLECTION PROCEDURES AND RESPONSIBILITIES AS WELL AS TO ESTABLISH RATES FOR REFUSE COLLECTIONS.

Mr. LeDuc stated that for the last several years the staff has been looking for better ways to collect yard waste. One problem is large mixed piles, especially when people are moving from a location. People that are having construction done at their residence are putting out mixed piles. It was always the City's intent that commercial operations make arrangements for their piles to be picked up. Under the ordinance, there are a number of things the City will not be collecting unless a special pick up is arranged with a fee associated with it. Mr. LeDuc stated that all white goods, furniture, and other non-compostable material are to be collected by special pick up. These special pick ups will be scheduled with Public Works and assessed a fee that will be added to their water bills. These fees are set forth in Item 6 of Section 32-5 with a special pick up fee of \$25.00 for a single item to \$200.00 for a full trailer load. Construction material will not be picked up, and instead the City would require contractors or homeowners to haul this material to

a drop off site or landfill. If construction debris were left on the street, the city would charge an extra fee ranging from a minimum of \$150.00 for a quarter trailer load to \$400.00 for a full trailer load. Through the use of roll carts, much of this material can be placed in the cart during the weekly collection of our garbage.

Mr. LeDuc stated the other part of the ordinance deals with how long the materials can be put out on the street or curb. He stated he had received a lot of phone calls, some e-mails, and mail saying 48 hours is not enough time. He stated that as the ordinance is set up, 48 hours is the length of time before pick up that the materials can be placed at the curb. He stated that if the white goods, furniture, construction and other non-compostable materials were eliminated then that would solve a lot of the problem. Mr. LeDuc stated this will hopefully clean up neighborhoods.

Upon Council's approval of this new ordinance, the Public Works Department would inform the public of the new program and work with them over the next several months during this transition period. During this period we will report to Council any necessary changes to meet the residents' needs to provide the best possible service for keeping our neighborhoods clean.

Councilwoman Price moved, seconded by Councilwoman Vaughters to deny this ordinance.

Councilwoman Price stated she received a number of phone calls saying that 48 hours is not enough time for them to get their materials out. Many of them work all week and can only work in the yard on Saturday and do not get home in time to put the materials out the day before. She stated they are asking that Council look at a 7-day rotation.

Councilman Cunning asked if it would be easier to leave the ordinance as it is and write an ordinance relating to the problem the City is having with white goods.

Councilwoman Vaughters stated we need to really make clear that if the yard clippings are mixed up with junk then it is a mixed pile. She stated people that really care what their yard looks like will not mix their piles.

Councilman Cunning stated that mixed piles are a violation of the current ordinance. He stated the ordinance needs to be worded in such a way that it can be enforced.

Ms. Al Payne, 1415 Wyman Street, stated she would never complain about yard clippings, but if piles are mixed then the homeowner must be fined. She stated there has been a big difference in the way debris is put out in the last several weeks because of information put in the newspapers about different ways to fix this problem. She stated that realtors are a problem. She stated that they clean out homes on Monday and put all the materials by the road and the garbage trucks come by and do not pick it up because the pile is mixed.

Mr. LeDuc stated that in Exhibit A, if Item #4 is removed then the ordinance will read as Council wants it, for yard clippings and under Item 6 there will be a charge for special pick up of white goods.

Councilwoman Vaughters stated a question she has been asked is if there is a place that the City can designate as a place for this non-compostable material to be dropped off. She stated the answer to that is there are the landfills. She stated that it should be put in the newsletter where these places are and how they like their materials to be separated. She stated there is no need to pay for another site when we have the landfills already.

Councilman Cunning stated that Item #8 needs to stay in the amendment. Mr. LeDuc stated that Item #4 is the only item that will be revised.

Councilwoman Price and Councilwoman Vaughters agreed to withdraw the motion to deny the ordinance. They agreed to instead make a motion to adopt the ordinance with revisions discussed.

Jan Smith of Dogwood Road stated that people who do not have curbs have to put their materials in their yard. She stated the City needs to have a program of repairing the yards when the machinery causes damage while picking up the yard debris. She stated this is an expensive problem because it happens frequently. She stated the reason people put their debris in the street is because they do not want their yard damaged. She stated she agreed with Mr. Cuning that this ordinance should be separated into two ordinances. She stated that white goods are a definite problem. She stated that the mixed piles that are occurring are because the City has not enforced their ordinance.

Councilwoman Vaughters stated the debris could not be put in the street because cars would run into it.

Ms. Payne stated that the Public Works Department could have someone with a rake move the debris onto the street when they come to pick it up to avoid yard damage. Ms. Smith stated that would not work because of the amount of material people put in the yard. She stated the City needs to prosecute the people that place their debris in the street.

Councilman Cuning stated that Council needs to have the proposed ordinance so the fees can be added to water bills and enforced in that manner.

Councilwoman Price stated that she had some complaints about yards being damaged during pick up of yard debris and she said the problem was fixed by Public Works going back to that location and putting new top soil in the damaged area of the yard.

Mr. LeDuc stated that it will take time to work through all the problems that may arise.

Larry Morris stated that the equipment does gouge the yards, and he has worked with Mr. LeDuc concerning a new piece of equipment which may help the problem. He stated this piece of equipment will be used for the special pick ups and if it works then it will be phased in over the next 3 years. The new equipment will be a truck that the operator sits in and is actually over the debris instead of coming in from the side. This should cut down on some of the damage. Mr. Morris stated that Public Works repairs a lot of damaged yards. Mr. Morris stated that this ordinance is needed because the existing ordinance is not enforceable.

Mr. Morris stated that part of Item #4 needs to remain in the ordinance. He stated the part that reads "No more than 5 cubic yards of yard refuse may be placed by the curb in one week." He stated that 5 cubic yards is the equivalent of 5 standard size four-burner stoves. He stated that this ordinance does not need to be broken into two ordinances. He stated that one ordinance will work. He stated that if we have a fee structure then it becomes easier to manage. If a driver sees a pile that is mixed then the supervisor will be notified and a door hanger will be left at the home stating what will happen.

Councilman Cuning asked if it was true that 50% of the people put yard debris in the street. Mr. Morris stated that is probably true but it is not a problem because it is not in the way of traffic. If there is a pile that is in the way of traffic, then Public Safety or the homeowner is notified.

Mayor Cavanaugh stated that the ordinance may need to be revised stating what the equivalent of 5 cubic yards is so that citizens will know.

Councilwoman Clyburn asked if in Item #4 wording could be added telling what 5 cubic yards is equal to. Mr. Morris stated he would put the descriptive language in there so citizens will know exactly what is meant.

Councilwoman Price moved, seconded by Councilwoman Vaughters and unanimously approved, that Council pass on first reading an ordinance to set forth new procedures for the collection of yard refuse and the establishment of collection rates for refuse collection with a revision to Item #4 taking out the 48-hour limit and leaving the final sentence with regard to the size of the debris pile and describing what 5 cubic yards is equivalent to and that second reading and public hearing be set for the next regularly scheduled meeting.

SOLID WASTE – ORDINANCEChargesGarbageRecyclingTrashRoll Cart ProgramTrash Collection

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish new charges for residential and small business garbage service.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING NEW CHARGES FOR RESIDENTIAL AND SMALL BUSINESS GARBAGE SERVICE.

Mr. LeDuc stated that every year staff reviews the various service fees the City charges to determine if we are recovering our full costs for these services. At this year's Horizons meeting we discussed various options for the City's collection of garbage, recycling and trash for our residents. The existing cost for the service is over \$16 per month and the City's current charge is \$11.25. It was suggested at that meeting that Council may want to consider implementing whole cost recovery over the next four years.

Even though the City will lower expenses by starting a roll cart program and implementing changes in our trash collection, we still need to raise our fees to over \$15 to recover all of our costs. By raising our rates from \$11.25 to \$12.50 we are still lower than Tyler and Ridgeway Sanitation which collect garbage outside the city at \$13.50 per month. North Augusta's fee for the exact service that we will be providing is currently at \$15.80 per month. Augusta is proposing this year to charge over \$19 per month for the collection of garbage, recycling and trash.

This garbage fee will be reviewed again next year, since we are still not fully recovering all of our expenses for the service. For this year's budget though staff is recommending a \$1.25 increase for solid waste services to all city residents.

Councilwoman Vaughters stated she wanted to wait to raise the fee until we see what difference it makes with the new program first. She has been told by several people that there is no reason for this raise.

Councilman Cunning asked Mr. LeDuc if this raise is incorporated into the budget. Mr. LeDuc stated that \$1.25 is approximately equivalent to \$125,000 which still keeps us far short of the funding we are losing because of the cuts from the state level.

Mayor Cavanaugh stated that residents are not paying even close to what the services cost. He stated that North Augusta has the service we are suggesting and they are at \$15.80. He stated that we need to raise the cost and review it later to see what can be done.

Mr. LeDuc stated that Councilwoman Vaughters was correct in stating the changes we are suggesting will reduce the costs. The cost may be less than \$16.00 in future years, but we will not save \$475,000 by reducing the level of pick up for solid waste and yard waste. He stated that \$1.25 still does not bring the City close to recovering the costs.

Councilman Sprawls moved, seconded by Councilwoman Price, that Council pass on first reading an ordinance to establish new charges for solid waste fees and that second reading and public hearing be set for the next regularly scheduled meeting. The motion was approved by a vote of 5 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

MILLAGE RATE – ORDINANCE

Budget
FY 2004-05
71 Mills

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration setting the millage rate for the City of Aiken for fiscal year 2004-05.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES AND FOR CAPITAL DEVELOPMENT PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, SET THE MILLAGE THEREFOR AT SEVENTY-ONE (71) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. LeDuc stated that every year City Council adopts a budget for the following year and also a separate ordinance which establishes the millage rate to meet the budget needs. For City Council consideration this is an ordinance establishing the millage rate at 71 mills for the next fiscal year. With the adoption of this millage rate you will have experienced 16 consecutive fiscal years without a millage rate increase. Over the 16 year period we have actually reduced the millage rate on four separate occasions, three times as a result of reassessment from 120 mills to the current 71 mills, or over 40%. Although we have to pay careful attention to keep funding at an adequate level to continue the city services, we are happy that we have been able to control raising taxes for 16 years, and we contribute the success to your careful stewardship of these funds.

Councilwoman Vaughters asked when the next reassessment would be. Mayor Cavanaugh stated that reassessment should be in 2006 which would make it effective in 2007.

Councilman Cuning stated that the value of the mill is extremely important. He stated that as the mill increases the amount of revenue increases. He stated the City is doing a good job.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to set the millage rate for Fiscal Year 2004-05 at 71 mills and that second reading and public hearing be set for the next regular meeting of Council.

BUDGET – ORDINANCE

FY 2004-05

Mayor Cavanaugh stated an ordinance had been prepared to adopt a budget for the City of Aiken for Fiscal Year 2004-05.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADOPTING A BUDGET PROPOSED BY THE CITY MANAGER, CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, AND DECLARING THAT THE SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR.

Mr. LeDuc stated that each year City Council adopts a budget for the City of Aiken presenting the policies and goals for the City's upcoming year. We have prepared and are recommending the budget for Fiscal Year 2004-2005 for City Council's acceptance which meets the goals that you have established.

At the budget review session on May 4, 2004, Council had the opportunity to review the budget in detail and discuss several of the goals included in this year's budget. As in year's past the budget has been developed based on the needs and services adopted by the

City Council to serve the citizens plus the goals which you adopted from the Horizons session.

Two major factors are affecting this year's budget--a \$550,000 reduction in the telecommunication fees and a \$350,000 loss in vehicle taxes. These two losses are equivalent to losing 9 mills in taxes or eliminating over 26 Public Safety Officers from the budget. Within this budget are several major capital development projects which you have initiated over the past few years. These include the Tennis Center at Virginia Acres, continuation of the Public Safety Car Take Home Program, new fire truck, the rewiring and sprinkler improvements at the Caretaker's House and Doll House, the streetscape program on Hayne and Kershaw, the landscaping and enhancement improvements along Whiskey Road from Pine Log to Hopelands, and funding to complete the strengthening of the major runway at the airport. Within this budget we are recommending two new employees at Public Safety and two Cadets, one Public Works and Utility employee, changing one part time employee to a full time employee, and several part time employees. We are continuing to look for ways to use part time versus full time employees and to cross train our employees whenever possible to job share. In addition we are working to better enhance our relationship with other local agencies and businesses to improve our level of service and to increase our efficiency.

We are also putting on hold the need to increase water and sewer by 5%. We have recently completed our meter change out program, and we are hoping for higher than normal usage this summer. The meter change out program will allow for a more accurate measure of the water usage which should allow us to receive higher revenues. We, therefore, recommend waiting on any potential increase till this fall.

We feel that this budget should meet your expectations in the coming year with the services you desire for both yourself and the citizens of Aiken.

Councilwoman Vaughters stated she cannot vote for this budget because she can not vote for the raise in solid waste charges and she felt that something needed to be done about business license taxes.

Mayor Cavanaugh stated that in regard to business license taxes that the comparison of cities shows Aiken average or below average in every category. He stated he believes the system should be changed but that he understands that is being looked at. He stated that will raise some taxes and lower some taxes.

Councilwoman Vaughters stated that she was not in favor of raising anyone's taxes. She stated the Business License is a regressive tax.

Mayor Cavanaugh stated he did not see any businesses packing up and leaving the City, but felt the city was growing with new businesses.

Councilman Cuning asked Mr. LeDuc if the business tax included the insurance portion. He pointed out that the city must get license money or the city will have to cut something.

Councilwoman Vaughters stated that Council seems to be able to do a lot of things so why can't Council give businesses the relief they need.

Mayor Cavanaugh stated the staff has done a good job with the budget and he would like to cut taxes too, but money is needed for the budget.

Councilwoman Price moved, seconded by Councilman Cuning that Council pass on first reading an ordinance to approve a budget for the City of Aiken for fiscal year 2004-05 and that second reading and public hearing be held at the next regularly scheduled meeting. The motion was approved by a vote of 5 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

BILLBOARD LEGISLATIONSignsResolutionSouth Carolina LegislatureBillboards

Mayor Cavanaugh stated a resolution had been prepared opposing new billboard legislation.

Mr. LeDuc read the title of the resolution.

A RESOLUTION OPPOSING BILLS PENDING IN THE SOUTH CAROLINA
LEGISLATURE REGARDING THE ABILITY OF LOCAL JURISDICTIONS TO
REGULATE BILLBOARDS.

Mr. LeDuc stated there are two bills currently in the South Carolina legislature, H4556 and S381 which limit the ability of local governments to require elimination of non-conforming billboards as a condition of approval for annexation.

The City of Aiken does not allow billboards inside the city and the pending bill would require local governments to pay compensation for their removal as part of the process for annexation. The Municipal Association opposes this bill and the Planning Commission recently passed a resolution regarding the ability of local jurisdictions to regulate billboards.

We are requesting Council to approve a resolution opposing the bills pending in the South Carolina legislature. If Council approves this resolution, the Mayor will directly contact all of our senators and legislators concerning the city's opposition to this bill.

Representative William Clyburn stated that the bill has been discussed and has been transferred back to the House and to the Committee. He stated that he feels very strongly about it. He stated under the proposed bill if there is a sign anywhere in the City and the City wants the sign moved, then the City will have to compensate the owners. That could be very expensive. He stated he believes the Bill will die in the Committee.

Mr. LeDuc stated he didn't think it would pass, but he wanted the City to send support stating it should not pass.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the resolution opposing bills pending in the South Carolina Legislature regarding the ability of local jurisdictions to regulate billboards.

TOOLE HILLPurchaseResolutionSettles, ErvinSettles, DarrylTPN 30-026.0-12-014Tyler, LarryBell, SammieTPN 30-026.0-05-024Rudnick, MorrisRapoport, Helen R.TPN 30-026.0-13-007

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to purchase 3 parcels on Toole Hill for the northside development project.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL ESTATE
PROPERTY LOCATED IN THE TOOLE HILL SECTION OF THE CITY OF AIKEN

Mr. LeDuc stated that over the past year City Council has approved the purchase of 34 properties in the Toole Hill area. He said staff would like Council's approval to purchase 3 additional houses in this area. With the purchase of these properties only 1 house remains to be acquired on Morgan Street.

We have completed the lot layout for the entire area and currently have 42 lots available for sale at \$10,000 each. With the purchase of the 3 additional homes for a total of \$66,000, the City will have spent \$411,300 out of a total of \$600,000 set aside in the budget. Through the sale of the 42 lots the City will recover the full amount of the expenditure for these properties. Two of the houses the City is purchasing are in very poor condition and will be torn down, while the third one will be evaluated for possible rehabilitation.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council approve the resolution authorizing the purchase of 3 pieces of property located in the Toole Hill area for \$66,000.

EXECUTIVE SESSION

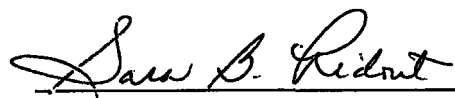
Airport
Runway 6/24

Mayor Cavanaugh stated Council needed to go into executive session to discuss a legal matter regarding the airport.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss a legal matter regarding the airport runway. Council went into executive session at 10:34 P.M. After discussion Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that the executive session end. The executive session ended at 10:55 P.M.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 P.M.



Sara B. Ridout
City Clerk