

Aiken City Council Minutes

July 12, 1999

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

Absent: Councilwoman Papouchado

Others Present: Roger LeDuc, Gary Smith, Pete Frommer, Larry Morris, Anita Lilly, Ed Evans, Bill Huggins, Richard Pearce, Sara Ridout, Nina Nidiffer of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, Tim Cox of the Augusta Focus, and 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Mr. LeDuc led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of June 28, 1999, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsMolony, WilliamAiken County Transit CommissionBus ServiceBest Friend Express

Mayor Cavanaugh stated Council needed to consider an appointment to the Aiken County Transit Commission to represent the City of Aiken.

Mr. LeDuc stated Aiken County has asked the City of Aiken to make an appointment to the Aiken County Transit Commission to represent the City of Aiken replacing Johnny Molony, who passed away.

William Molony, Johnny's brother, is willing to serve on this Commission representing the city. Terms on the Transit Commission are for four years. Johnny's term expired June 30, 1999, therefore Billy Molony's term would expire June 30, 2003.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Council appoint William Molony to the Aiken County Transit Commission representing the City of Aiken with the term to expire June 30, 2003.

ANNEXATION - ORDINANCE 071299Robin RoadWellCity of AikenWaterPine Log RoadTPN 00-157.0-01-368

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex the Robin Road well site owned by the City of Aiken.

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 2.2592 ACRES OF LAND, MORE OR LESS, OWNED BY THE CITY OF AIKEN AND LOCATED ON THE WEST SIDE OF ROBIN ROAD AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1B).

Mr. LeDuc stated the City of Aiken purchased 2.259 acres of property along the west side of Robin Road to construct a well to serve the south side of the city. The well site which occupies a small portion of the property is surrounded by a cyclone fence. The parcel is contiguous to the City of Aiken on the west, east, and south side of the parcel. The City is proposing to annex the property and zone the site as R-1B. He said the staff is recommending annexation of all the property, but at some time will probably sell a portion of the property not needed for the well site.

The Planning Commission voted unanimously to recommend approval of the annexation of the Robin Road well site with the condition that the perimeter of the fence be planted with evergreen shrubbery at least three feet in height when planted, to reach a minimum of seven feet in height at maturity. All shrubbery to be placed is to be approved by the City Horticulturist.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve on second and final reading an ordinance annexing 2.259 acres along Robin Road owned by the City of Aiken with the ordinance to become effective immediately.

ANNEXATION - ORDINANCE 071299A

Whiskey Road 1953
Owens, Mildred Tyler
Bojangle's Restaurant
Ryan's Steak House
TPN 30-059.0-02-002

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 2.25 acres owned by Mildred Tyler Owens at 1953 Whiskey Road.

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 2.2566 ACRES OF LAND, MORE OR LESS, OWNED BY MILDRED TYLER OWENS AND LOCATED AT 1953 WHISKEY ROAD AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS (NB).

Mr. LeDuc stated Mildred Tyler Owens has requested annexation of 2.2566 acres located at 1953 Whiskey Road, immediately north of Bojangles Restaurant, to be zoned Neighborhood Business.

This site is located across the street from Ryan's Steak House, which intends to move their operations to this property. The property has frontage on a driveway in the WalMart parking lot to the west and Bojangles is situated to the south with Teresa's Mexican Restaurant to the north. The site is heavily wooded on the sides and rear and the Planning Commission has recommended that as many trees as possible be preserved.

The Planning Commission voted unanimously, with one person abstaining, to recommend approval of this annexation on the following conditions:

1. that trees with a 6" caliper or more along the northern, southern, and western property lines remain except for driveway entrances and essential utility locations to be approved by staff.
2. If possible, a driveway no wider than thirty (30') feet shall be provided to the Wal-Mart property and to each adjacent lot to the north and south of the property as approved by city staff.
3. Within the buildable area, the 18-inch Oak tree, 30-inch Hackberry tree, 18-inch Sugar Maple tree, and 28-inch Pecan tree shall remain.

The public hearing was held.

Mr. Jim Price, of Wyatt Development Company, stated he was present representing the contract purchaser. He said the plans show that Ryan's is asking for Neighborhood Business zoning and for annexation of a donut hole into the city. He said he felt the project would be a good project. He said Ryan's plans are to save 46 trees that are above 6" in caliper. He said they are saving more trees than required by ordinance and will be adding additional planting. He said they hope to get a curb cut into the WalMart facility, which would help alleviate some of the left-hand movements because there would be another exit.

Councilman Radford asked if it would have been possible to save any more trees if the developer were given more flexibility in the placement of parking spaces.

Mr. Price pointed out the side yard properties require a 5 foot setback. The proposed setback will be 15 to 20 feet, because the vast majority of the specimen trees are on the side yards. He pointed out the traffic pattern in the proposed facility would be a smooth flow. He said to save other trees would require a lot of the space, and he was not sure more could be saved. He stated the project would be a beautiful project.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance to annex 2.2566 acres at 1953 Whiskey Road with Neighborhood Business zoning and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE 071299B

Evans Road
Conger Drive
Bailey, Robert
Patterson, Karen
Hedrick, Ernestine
TPN 30-034.0-02-001 and 002
TPN 30-033.0-03-008

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 3 lots at the intersection of Evans Road and Conger 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 THREE (3) LOTS AND 2.12 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED AT THE INTERSECTION OF EVANS ROAD AND CONGER DRIVE AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1).

Mr. LeDuc stated three owners of lots totaling 2.75 acres at the intersection of Evans Road and Conger Drive are requesting annexation. Each of these parcels is occupied by a single family home. The area is contiguous to the City on the east. The proposed R-1 zoning is compatible with that of the surrounding neighborhood and each lot meets the minimum requirement for R-1 zone. The annexation would also include that portion of Evans Road from the existing City limits to the intersection with Conger Drive. The Planning Commission voted unanimously to recommend the annexation of this property and that portion of Evans Road.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on second and final reading an ordinance to annex three lots located at the corner of Evans Road and Conger Drive with R-1 Single Family Residential zoning with the ordinance to become effective immediately.

STREET PAVING PROGRAM

1999 Paving
2000 Paving
City Streets
Paving

Mayor Cavanaugh stated Council needed to consider approval of the proposed street paving project.

Mr. LeDuc stated every year City Council is asked to review a listing of city streets and state streets for paving within the city limits. During November of last year the staff presented Council with the city streets to be paved in the 1998-99 budget and a proposed list for the 2000 budget year. A contract was developed which allowed the city to use the same price to cover both of these budget years. Because of this we were able to reduce our costs significantly, giving them twice the tonnage to pave and reduce the setup costs which are involved when a contractor comes into the City of Aiken.

Most of the streets listed in the 1999 list are already paved because of the special contract. The majority of the streets in the city are State maintained. The City maintained streets were built in the 1970's, '80's, and '90's and are located primarily on the southside. We generally try to pave as

many streets in one area as possible and the proposed list will complete the entire area in Governor Aiken Park, Houndslake Villas and Hidden Haven.

The proposed lists are as follows:

1999 City Maintained Street Paving List

<u>Street</u>	<u>From</u>	<u>To</u>
Carnoustie Court	St. Andrew	End
Brookline	Woodbine	End
St. Andrews Way	Troon	Carnoustie
Perth N & S	St. Andrew	End
Turnberry Court N & S	St. Andrew	End
Jehossee	Monetta	Stewart
Reid	Jehossee	Polo
Polo	Jehossee	Stone
Stewart	Stone	Jehossee
Poplar	Cherry	End
Stone	Jehossee	Monetta
Sirius	Hidden Haven	End
Martin	Croft	End
Wheeler	Gyles	Williams

2000 City Maintained Street Paving List

Houndslake Drive	Pine Log	By Pass
Troon Way	Trail Ridge	Prestwick
Murfield Court	Troon	End
Birkdale Court	E & W	
Prestwick	Troon	End
St. Anne	Troon	End
Polarus	Sirius	End
Deneb	Polarus	End
Inverness East	Houndslake	End
Inverness West	Houndslake	End
Dunovant Court	Sandstone	End
Oakland Hills	Cherry Hill	End

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the 1999 and 2000 paving list for city maintained streets.

DEPARTMENT OF JUVENILE JUSTICE

Law Suit

Municipal Association of S.C.

Jail

Juveniles

Mayor Cavanaugh stated Council needed to consider payment of fees charged by the Department of Juvenile Justice for detaining juveniles.

Mr. LeDuc stated the Municipal Association of S.C., representing 63 cities in South Carolina, has been in a law suit against the Department of Juvenile Justice concerning fees for detaining juveniles. They have reached a settlement which would require the municipalities to pay 80% of the balance owed to the Department of Juvenile Justice as of May 31, 1999. The Department of Juvenile Justice will forgive the remaining 20%. This payment must be received by July 30, 1999, and the municipalities must be responsible for payment in full of the billed amount by the Department of Juvenile Justice for the period beginning June 1, 1999. All of the entire 63 municipalities must agree to the terms.

The Board of Directors of the Municipal Association at its June 23, 1999, meeting agreed to these points and is asking the city to respond to this action no later than July 15, 1999.

The City of Aiken currently owes \$43,354.63. Based on the settlement the City of Aiken would owe \$34,683.70. The City Attorney has agreed that the city should settle under this agreement.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council approve the settlement as proposed by the Department of

Juvenile Justice with the City of Aiken paying \$34,683.70 for previous detainment of juveniles.

BUDGET - ORDINANCE

Amendment
1998-99

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the budget for fiscal year 1998-99.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1998, AND ENDING JUNE 30, 1999.

Mr. LeDuc stated at the end of each fiscal year Council amends the budget to reflect any changes to the budget during the year.

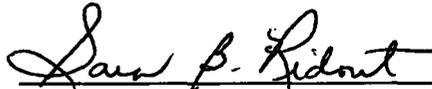
Mr. LeDuc stated a listing of all expenses in the General and Utilities Funds to be included in the budget had been given to Council. This amendment includes an adjustment to the 1998-99 budget increasing the General Fund by \$411,510 and an adjustment increasing the Utilities fund by \$161,400. This adjustment includes four vehicles paid for from the depreciation fund, repairs and renovations to buildings, security systems, and some public safety equipment, plus a picnic shelter.

Many of the expenses for these budget adjustments comply with projects that are extending over several years with the projects funded in one budget year and expenses taking place the following fiscal year.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance amending the budget for fiscal year 1998-99 and that second reading and public hearing be set for the next regular meeting of City Council.

ADJOURNMENT

There being no further business the meeting adjourned at 7:55 P.M.



Sara B. Ridout
City Clerk