

It was suggested that Council use the \$40,000 which was allocated for rehabilitation this year to build new homes and use City money for rehabilitation. Mr. LeDuc pointed out to do this Council would have to reallocate the CDBG money and resubmit the budget to HUD.

Councilwoman Price pointed out some rehabilitations in the past had done a lot of good by fixing certain things like a shower, a roof, or a kitchen. She said these had made the individual's quality of life better. She said the program had done a lot of good and she did not want to see rehabilitation totally disappear.

Mr. LeDuc stated from the discussion he understands that Council would like to keep some kind of rehabilitation program without using CDBG money, because of regulations, but possibly using City funds. He said he would take the matter back to the Community Development Committee and see if there is some way to keep a rehabilitation program going, possibly with volunteers doing the work and the city furnishing materials, maybe working with the United Way or the neighborhood associations to do small things that need to be done, such as repairing a roof, a porch, etc.

CITY COUNCIL

Pamphlet

Mr. LeDuc stated for the last several months staff has been working on a pamphlet which would be available to citizens that attend Council meetings. We have noticed that several citizens are unfamiliar with some of the terminology used during the meeting and what guidelines they should follow when they want to participate at City Council meetings. Therefore, the staff has developed a brochure which would help our citizens understand the proceedings at City Council meetings.

If Council would like, staff will proceed to make copies to have available at future Council meetings. He said one area that he would like Council to possibly review and discuss is Item 3 and 4, under the guidelines which state that comments should be limited to 5 minutes. This has been discussed on several occasions and is incorporated in many other South Carolina City ordinances. We can either keep the statement in its present form, increase the number of minutes, or eliminate it altogether.

Council reviewed the pamphlet and made suggestions for changes to the pamphlet. Council also discussed the possibility of limiting the time for citizens to speak on an issue. Since it was time for the Council meeting, Council decided to talk about the matter further at the next meeting. Staff was asked to make the changes suggested and bring the pamphlet back to Council for review.

Aiken City Council Minutes

REGULAR MEETING

June 23, 2003

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Larry Morris, Anita Lilly, Richard Pearce, Pete Frommer, Glenn Parker, Sara Ridout, Rob Novit of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and about 20 citizens.

Mayor Cavanaugh called the meeting to order at 7:50 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. He said a resolution in support of the Modern Pit Facility at the Savannah River Site needed to be added to the

agenda. Also, he said he would like to move the item regarding second reading of the bond ordinance up on the agenda to be considered after appointments to boards since Mr. Charlton deSaussure needed to get back to Charleston. Mr. LeDuc stated he had just received a fax from Eulalie Salley & Co. concerning the item regarding sale of the lot in Hidden Haven to the Coles, as the offer to purchase had been withdrawn. Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved with the changes suggested.

MINUTES

The minutes of the work session and regular meeting of June 9, 2003 and the special meeting of June 12, 2003, were considered for approval. Councilwoman Price moved that the minutes be approved with the correction as noted by Councilman Smith. The motion was seconded by Councilman Sprawls and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Pelfrey, Lisa

Recreation Commission

Mayor Cavanaugh stated Council needed to consider an appointment to the Recreation Commission.

Mr. LeDuc stated Council has 6 pending appointments to boards and committees of the city and 1 appointment is presented for Council's consideration.

Mayor Cavanaugh has recommended an appointment to the newly created Recreation Commission. His recommendation is Lisa Pelfrey, of 4 Sandshifter Court, for a two year term with the term to expire in 2005.

Mayor Cavanaugh moved, seconded by Councilman Cuning and unanimously approved, that Council appoint Lisa Pelfrey to the Recreation Commission for a two year term with the term to expire in 2005.

Councilwoman Clyburn stated that she would like to recommend that Robert Aaron, of 200 Stone Drive, be appointed to serve on the Recreation Commission.

Councilman Cuning stated he would like to recommend that Suzanne Haslup, 432 Orangeburg Street SE, be appointed to serve on the Recreation Commission.

Councilman Sprawls stated he would like to recommend that Brunson Cromer be appointed to replace Steve Black on the Building Code Appeals Committee.

BOND ISSUE – ORDINANCE 06232003

Refinance

1989

Water Bonds

Sewer Bonds

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to refinance 1989 bonds.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF A SERIES OF WATER AND SEWER SYSTEM REVENUE REFUNDING BONDS OF THE CITY OF AIKEN TO BE DESIGNATED SERIES 2003 IN THE PRINCIPAL AMOUNT OF \$2,815,000 AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF AIKEN ADOPTED JULY 11, 1990; AND OTHER MATTERS RELATING THERETO.

Mr. LeDuc stated recently he and Anita Lilly discussed the city's current water and sewer bonds to determine if any money could be saved by refinancing our current bonds. One of our major bonds was refinanced in the 1990's and, because of this, we cannot refinance it again. However, the 1989 bond thru the State Water Pollution Revolving Fund with the State of South Carolina can be refinanced. The original issue was for \$5,431,598 at 4.5% interest, with a maturity date of June, 2011.

We have been working with our bond attorney Charlton deSaussure, Jr. with the firm of Haynsworth, Sinkler, Boyd, P.A., who suggested the bond be placed with a local financial institution. Letters were sent to several local financial institutions for the purchase of the refunding of the bonds. Three banks offered fixed rates from 2.24% to 3.9%. Another bank offered a floating rate which in today's market was calculated at 1.85%. Our bond attorney is recommending accepting the eight year fixed rate of 2.24%. This approach allows the City to lock in the rate and will save the City \$305,817.23. After subtracting the figures to refinance this bond, our total net savings will be about \$294,845.77 or approximately \$36,500 annually.

Council approved this ordinance on first reading at the June 9, 2003, meeting. He pointed out the proposed ordinance has been modified slightly, and Mr. deSaussure will review these changes for Council. For second reading and public hearing consideration, this is an ordinance to refinance our 1989 Water and Sewer Bond to Bank of America at an interest rate of 2.24%.

Mr. deSaussure stated he was present to discuss an opportunity that was recognized by the city staff to achieve an interest rate savings in some of the city's outstanding revenue debt. He said the proposal will cut the present interest rate by more than one-half. He said the city has a bond from 1989, and the city now has an opportunity in an environment of much lower interest rates to refinance the last eight years that remain on the original bond from 1989. He said the savings will be about \$36,500 annually by refinancing, with a savings of about \$300,000 after expenses. He pointed out four local institutions bid on the proposal. The rates were very competitive, and all produced a savings over the present rate. He said his recommendation is the fixed rate of 2.24% from Bank of America. He said there was a very attractive variable rate offered, but he pointed out we are in an era of such low interest rates that his recommendation is to lock in a fixed rate for the last eight years of the bond. He pointed out a few changes had been recommended in the ordinance and reviewed these changes for Council.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading the revised ordinance as presented at this meeting to refinance the city's 1989 Water and Sewer Bond and accept the bid of Bank of America at an interest rate of 2.24% and that the ordinance become effective immediately.

HIDDEN HAVEN - ORDINANCE

Silver Bluff Road

Sale of Lot

City Property

TPN 134-01.0-01-106

Cole, Irene and Sylvia

Mayor Cavanaugh stated this matter was continued from the last meeting so the staff could research whether the City of Aiken owns the property proposed to be sold. He said it had been scheduled for second reading and public hearing but the city had received information today from Eulalie Salley & Co. that the offer for purchase of the lot in Hidden Haven by Irene and Sylvia Cole had been withdrawn.

Mr. LeDuc stated that at the last Council meeting this issue was continued due to confusion concerning the ownership of the property. Richard Pearce, Staff Attorney, found out that when the property was foreclosed the conveyance was not handed down to the Hidden Haven Homeowners Association, but remained with the Aiken County Bank

(now Carolina First). He worked with Carolina First concerning this issue and the city has now received a quit claim deed that will clear up this title and the city owns the property. He pointed out, however, that the proposed purchaser has now withdrawn the offer and this item has been removed from the agenda.

ANNEXATION – ORDINANCE 06232003A

University of South Carolina – Aiken

USC-Aiken

TPN 00-103.0-01-001

Aiken County Commission for Higher Education

University Parkway

South Carolina Highway 118

Pacer Downs Apartments

Dormitory

By-Pass

SC 118

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 19.84 acres at USC-Aiken.

Mr. Gary Smith, City Attorney, stated he is a member of the USC-Aiken Commission for Higher Education, the owner of the proposed property for annexation. He said he was recusing himself from discussion on this matter and left the Council Room.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY TOTALLING 19.8452 ACRES OF LAND, MORE OR LESS, OWNED BY THE AIKEN COUNTY COMMISSION FOR HIGHER EDUCATION AND LOCATED OFF THE WEST SIDE OF UNIVERSITY PARKWAY AND EAST OF SOUTH CAROLINA HIGHWAY 118, BEING A PART OF THE SITE OCCUPIED BY THE UNIVERSITY OF SOUTH CAROLINA AIKEN CAMPUS AND BEING KNOWN AS PART OF TAX MAP PARCEL NUMBER 00-103.0-01-001, AND TO ZONE IT RESIDENTIAL MULTI-FAMILY LOW DENSITY (RML).

Mr. LeDuc stated the Aiken County Commission for Higher Education is requesting annexation of 19.84 acres of land proposed for new dormitories on the University of South Carolina – Aiken campus. The proposed zoning for this property is residential multi-family low density (RML). This zoning is compatible with the adjacent zoning in the City to the east and north occupied by the Pacer Downs Apartments. They hope to start building these units later this year and to open in the fall of 2004. These units will probably be 4 stories high with about 130 units. The Planning Commission voted unanimously to approve this annexation.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance to annex 19.84 acres as Residential Multi-Family Low Density (RML) on the University of South Carolina-Aiken campus be passed on second and final reading and that the ordinance become effective immediately.

Mr. Gary Smith, City Attorney, returned to the Council Room at this point.

ANNEXATION – ORDINANCE 06232003B

Carter, Karen Goodale
TPN 30-057.0-03-023
Henry Street 783
Bannister, Robert D.
Henry Street 785
TPN 30-057.0-03-001
Skinner, Charman Figgins
TPN 30-057.0-03-002
Clifton Street 100
Gregory, Alan
TPN 30-057.0-03-003
Clifton Street 102
Judd, Charles and Edith
TPN 30-057.0-03-004
Clifton Street 104
Virginia Acres Subdivision
Pine Log Road East

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property on Henry Street and Clifton 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 FIVE (5) LOTS TOTALING 1.07 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL PROPERTY OWNERS AND LOCATED IN THE VIRGINIA ACRES SUBDIVISION, AND TO ZONE THE SAME RESIDENTIAL SINGLE- FAMILY (RS-10).

Mr. LeDuc stated the City of Aiken has received an annexation petition for five properties at 783 and 785 Henry Street along with 100, 102, and 104 Clifton Street all to be zoned Residential Single-Family RS-10. The five owners of these properties in Virginia Acres are requesting annexation, with four of them as part of the incentive program and the other requesting to be in the City to obtain sanitary sewer. The rights-of-way along Henry Street and Clifton Street are part of this annexation request. The Planning Commission voted unanimously to approve this request.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex 5 properties on Henry Street and Clifton Street as Residential Single Family (RS-10) and that the ordinance become effective immediately.

ZONING ORDINANCE

Amendment
Commercial Vehicles
Trucks
Residential Zones
Oversized Vehicles

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning commercial vehicles.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING OVERSIZE VEHICLES IN RESIDENTIAL ZONES.

Mr. LeDuc stated for almost two years now, City Council and the Planning Commission have been reviewing regulations concerning the parking of commercial vehicles in residential areas. After several meetings with commercial business owners and residents, the Planning Commission has developed a set of proposed changes to our current regulations. Major changes included:

- (1) Vehicles over 26,000 pounds, designed to carry 16 or more passengers, or placarded for hazardous materials: Not allowed.
- (2) Vehicles smaller than 26,000 pounds but exceeding 10,000 pounds, 20 feet in length, or 8 feet in height: Are treated like recreational vehicles (i.e., on an interior lot, it must be in an enclosed building or in the rear yard or in the side yard not projecting beyond the front of the house; on a corner lot, same as for interior lot except if parked in the side yard it must be completely screened with vegetation).
- (3) Vehicles smaller than 10,000 pounds and less than 20 feet in length: Unregulated.

There would be a limit of three recreational vehicles and oversize vehicles per lot.

The Planning Commission recommended these changes with a 5-2 vote.

Mr. LeDuc stated currently the ordinance reads that a vehicle over 20 feet in length and 10,000 pounds is not allowed in residential areas. Currently there is nothing in the ordinance concerning the height of the vehicle.

Mr. LeDuc stated Al Payne, from the Crosland Park Neighborhood Association, had presented some information to Council stating the Crosland Park Association was asking that the regulations be 10,000 lbs., 20 feet long, and 8 feet high. The truckers are asking for 15,000 lbs. and 25 feet long. She pointed out the Frito Lay and Little Debbie truck measurements are 12,000 lbs and 23 feet long. She pointed out that if the truckers' request of 15,000 lbs and 25 feet long is granted there will be no change in what is currently happening.

Mr. LeDuc also pointed out a memo from Ed Evans regarding regulations of other cities regarding commercial vehicles in residential areas. He pointed out some cities restrict commercial vehicles but others do not. He said there was no consistency in the type of regulations regarding commercial vehicles in other cities.

Council approved this ordinance on first reading at the June 9, 2003, meeting. For second reading and public hearing consideration, this is an ordinance to amend the Zoning Ordinance concerning oversized vehicles.

The public hearing was held.

Mr. John Wade, 1180 Cornish Street in Crosland Park, stated he wondered if Councilmembers had actually looked at or measured the vehicles that the ordinance proposes to regulate. He stated he had obtained information on the number of houses, vehicles, and issued decals for commercial vehicles in the city. He said the number of houses was based on the number of sewer bills, which is 9,113. The number of taxed vehicles in the city is 17,360. The number of decals that the city issues for commercial vehicles which could also be vehicles not parked in the city is 3,772. He said the number of complaints received regarding commercial vehicles was 12, with most of those being on tractor trailers. He said the complaints were from Crosland Park, Governor Aiken Park, Dexter Park and Colleton Avenue. He said this was a small number of complaints versus the number of vehicles and decals issued for commercial vehicles. He said he had obtained from the various car dealers information regarding their vehicles. He said he had marked all those that would not meet the requirements of the proposed new ordinance. He said there were many vehicles that would not meet the requirements of the proposed ordinance, such as vehicles with handicapped provisions, limousines, etc. He pointed out the proposed ordinance does not address vehicles at multi-family, attached single-family, townhouses, duplex apartments, etc. He pointed out another concern is the total number of vehicles allowed on a lot. He pointed out the ordinance allows three

vehicles, and other vehicles must be housed in a building, but some lots would not allow construction of a building.

Mr. Wade stated that he would like to see a provision in the proposed ordinance that would allow someone to apply before the Board of Zoning Appeals for a variance from the ordinance. He said he would also like to see a grandfather provision allowing the existing non-complying cases that cannot meet the proposed ordinance or that would cost an excessive amount to meet the provisions of the proposed ordinance with a defined dollar for an excessive amount. The grandfather provision would apply for current occupants and would allow for upgrade to new vehicles the same length, height and weight, unless manufacturers no longer offer that vehicle and an upgrade has to be made.

Mr. Wade stated the information presented had been based on research. He said he now wanted to present some personal feelings. Mr. Wade stated he had been issued a plumbing license in 1987 at 1180 Cornish Street. He said since 1987 his plumbing vehicles have not met the commercial vehicles parking in residential zones ordinance as specified in the ordinance adopted in November, 1999. He said presently he has four vehicles that would not meet the proposed ordinance nor the existing ordinance. Three of the vehicles are parked at 1180 Cornish Street. He said he had lived at 1180 Cornish since 1983 and it is a corner lot. He pointed out the requirements for a corner lot are much stricter than interior lots. He said he does not have room to park his vehicles in the back yard or the side yard. Without the ability to be exempt from the current or proposed ordinance he said he would have to move. He said this would be a financial and mental burden that he would be opposed to.

Council continued to discuss the matter at length concerning the weight, length and height of vehicles in residential areas. It was pointed out no one wants to keep someone from earning a living, but there is concern about the appearance of the neighborhoods and where these vehicles can be placed to improve the appearance of the neighborhoods. It was pointed out that corner lots do present a problem because of facing two streets and being limited as to back yard space. It was also pointed out that corner lots would not be the only problems, as some interior lots would not be able to comply either. It was pointed out by Councilmembers that, with the recommendation of 25 feet in length and 15,000 lbs. weight, they were not sure what vehicles would be allowed or disallowed, and if these dimensions were allowed and vehicles could park anywhere on the lot nothing would be accomplished. It was pointed out that for corner lots perhaps shrubbery could help screen the vehicles from the street. Councilmembers discussed possibly continuing the matter until Council can decide what dimensions of vehicles they will allow and where the vehicles can park. It was stated it is not easy to make a decision considering individuals livelihood, but others in the neighborhood don't want all the trucks to make the subdivision look unattractive either. It was also pointed out commercial vehicles in neighborhoods is not a problem just in Crosland Park, but is a problem all over the city.

Mayor Cavanaugh suggested that Council take the present information and what the truckers are asking and compromise on the length, weight, and height. He stated the weight is 10,000 lbs.; the truckers are asking for 15,000 lbs. He said make the weight 12,500 lbs. He said the length is 20 ft. vs. 25 – make it 22.5 ft. He said make the height 9 ft. He suggested grandfather in all the present vehicles that don't meet the specs with the condition that in replacing a truck a person does not replace it with a larger truck, but go smaller.

Mr. LeDuc pointed out that the vehicles are "moving targets". He said the staff does not know where all the trucks are. He said the truck could be moved to another location. He questioned what is grandfathered—the truck, the person, or the location. He said if there is a grandfather clause there has to be some very clear language or the staff will not know how to enforce the matter. He said the staff would need a lot of definition as to what Council wants and what would be identified as grandfathered.

Ms. Al Payne, of the Crosland Park Association, stated the Association had made it very clear that they did not want anyone not to be able to have a job. However, if the length and weight suggested by Mayor Cavanaugh is allowed the Frito Lay truck will still be allowed. She pointed out if the man who has the Frito Lay truck would move a few

things he could take his truck to his back yard, but he doesn't want to do. She said she would also like to invite Council to go to Cornish Street and look at Mr. Wade's situation. She said his problem could also be solved. She said the Association is not being unreasonable. She said there is a problem with commercial vehicles in residential areas, and she felt it would destroy Crosland Park. She pointed out these people do not try to put the vehicles so they would make the area more attractive to their neighbors. She also pointed out that the commercial vehicles are a safety problem, as a person next door cannot see backing out of their driveway if there is a car coming down the street.

Ms. Kay Brohl and Mr. Bill Reynolds pointed out the Planning Commission had taken a long time on a recommendation for the commercial vehicles, as it is very difficult to recommend something that will be enforceable, that will maintain the standard wanted in Aiken, and that will please the majority and yet not penalize someone who is using their vehicle to make a living. Mr. Reynolds stated that after thinking about the matter Council might want to consider going back to the old ordinance, but having a provision that has relief through the Board of Zoning Appeals.

Mayor Cavanaugh moved, seconded by Councilman Cuning and unanimously approved, that Council continue the ordinance regarding commercial vehicles in residential areas to the next meeting.

ZONING ORDINANCE – ORDINANCE 06232003C

Amendment

Planned Commercial

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance concerning planned commercial.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING THE PLANNED COMMERCIAL ZONE.

Mr. LeDuc stated last fall City Council adopted revisions to the Comprehensive Land Use and Transportation Plan involving both the general goals and objectives for planning areas south of Pine Log Road. One of the most significant changes was regarding the Planned Commercial zone. City Council adopted language, under objective 2.2, concerning planned commercial, which has now been incorporated in the language of the Zoning Ordinance. He said basically the proposed ordinance changes the 20% open space to 25% open space for those properties over five acres in size, that there be a traffic impact study for any development along Whiskey Road, that architectural guidelines be established, that multi-family residential would be allowed rather than having to get a special exception, and for lots less than five acres in size the open space could be reduced to 20%. The Planning Commission voted unanimously for the approval of these amendments regarding Planned Commercial development.

The public hearing was held.

Mr. Tad Barber, of 334 Walker Avenue, stated he was opposed to the change for Planned Commercial. He said the amendment for Planned Commercial states there is flexibility for the developer in the layout. He said, however, it gives all the decision making to City Council. He said it states they can set standards for the project at whatever level of detail it desires. He said it is far reaching for the City of Aiken to be involved to the extent that it leaves any detail it desires to the city. He said he feels the change is a step to control development and eventually eliminate development along Whiskey Road. He said he felt the traffic impact study should also apply to residential development, not only commercial. He said a residential development brings in a lot of traffic, so he felt there should be an impact study. He was concerned about the language stating the content of the traffic study shall be required by the Planning Director, and then the developer being directed to a particular traffic engineer by the Planning Director. He was also concerned about the architectural guidelines. He was concerned as to who would dictate what the proper architectural designs should be for commercial development. He said he felt

Planned Commercial is the least flexible from a development standpoint, because any time there is a change it has to go back to City Council for approval. He said there is no use by right in Planned Commercial, as Council has the full authority to approve anything now without adding these items. He felt Council was getting into a micro-management of development. He felt the developer would not be able to afford the prices for development on Whiskey Road.

Councilwoman Vaughters stated she felt anyone looking at Whiskey Road would feel that somebody needs to do something. She felt the development along Whiskey Road was not attractive. She said she had recently been to Macon, Georgia, and had seen three really attractive commercial developments. She said this was due to requiring a certain look for the buildings. She said Council was working toward something that will make developments look better than what we presently have for developments. She did not feel that requiring attractive developments would discourage development, as attractive developments exist in other places.

Council discussed the matter at length concerning development and how development can be attractive and increase the value of property. It was pointed out the proposal was not to stop development, but to have development planned and done the right way.

A statement was made that the proposed ordinance only applied to the Whiskey Road area development, but Mr. Evans, Planning Director, clarified that the proposed ordinance would apply to any place that is zoned Planned Commercial, including any area presently zoned Planned Commercial or future areas zoned Planned Commercial anywhere in the city.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance amending the Zoning Ordinance concerning Planned Commercial development and that the ordinance become effective immediately.

COMPREHENSIVE PLAN – ORDINANCE 06232003D

Amendment

Hampton Avenue

Mayor Cavanaugh stated this was the time advertised for second and public hearing on an ordinance to amend the Aiken Comprehensive Land Use and Transportation Plan.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN COMPREHENSIVE LAND USE AND TRANSPORTATION PLAN.

Mr. LeDuc stated earlier this year, City Council approved the Comprehensive Plan for the areas north of Pine Log Road. During discussion of this plan, Council asked the Planning Commission to review the area for Hampton Avenue. They were concerned about how much commercial development should be located along this roadway between Laurens Street and Six Points.

Mr. LeDuc stated several months ago Horace Bell requested annexation of some lots on Hampton Avenue. After a lengthy discussion with him and the Planning Commission concerning why the lots were recommended for business zoning, the Planning Commission was asked to reconsider the matter and to look at the Comprehensive Plan in general along Hampton Avenue. The Planning Commission agreed that the property fronting on Hampton Avenue should remain as low density residential, except for commercial at either end. The only exception is the three lots on the southside of Hampton Avenue between Laurens and Pendleton, which are currently shown as commercial. These lots are recommended to allow limited professional development.

The public hearing was held and no one spoke.

Councilwoman Clyburn pointed out that at the charette for the Toole Hill property she understood that the planners were talking about Hampton at Morgan Street remaining commercial. She said she just pointed this out as information since the planners were talking about having some commercial to fit into the plan. She said she was just asking if this was considered in making the recommendation.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to amend the Comprehensive Plan for areas along Hampton Avenue and that the ordinance become effective immediately.

DROUGHT ORDINANCE – ORDINANCE 06232003E

Amendment
Water

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

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 44-16 TO THE CODE OF THE CITY OF AIKEN TO REGULATE EMERGENCY DROUGHT AND WATER SHORTAGE RESPONSES.

Mr. LeDuc stated last year the City reviewed and resubmitted to the State a Drought Ordinance for use during drought alerts set up through the State system. The old Drought Ordinance based the alert phase on various scientific indexes, whereas the new ordinance relies on standards set by the City for drought declaration. As before, this ordinance still relies on the Drought Response Committee to set the level of the drought.

The goal for a moderate drought alert would generate an overall 15% reduction in water use city-wide. Our responsibility would be to create a general proclamation to the local media and city customers about the condition of the city's system. In accordance with the new ordinance, a written notification will be required to be sent to the Drought Information Center. Newspaper information would urge all citizens to limit residential use to 75 gallons per person per day, with a maximum of 300 gallons per household, to eliminate all washing of sidewalks, driveways, walkways, parking lots, tennis courts, and hard surface areas, the washing down of buildings, washing of gutters and domestic washing of cars, motor bikes, etc. This phase would also eliminate using water to maintain fountains, reflective ponds, and decorative water, except where needed to support aquatic life. Reduction of plant and lawn watering would also be encouraged.

Under the severe drought phase mandatory restrictions could be placed on all non-residential usage. The previous ordinance suggested voluntary restrictions. The overall goal for these restrictions would be to increase to 20% the overall reduction. The same notifications and responses are required for the severe drought as for the moderate drought.

Under the extreme drought notification, mandatory restrictions are required, with an overall water reduction goal of 25%. This is equivalent to a maximum of 225 gallons of water usage per household and the staggering of watering times and continuation of mandatory restrictions. Both the new and old ordinance address local water shortages due to equipment or distribution system problems and the ability to surcharge residents at \$25.00 per 100 cubic feet of water used if the City of Aiken's Utilities Division deems that adequate conservation measures have not been implemented by the water users. Under the new ordinance, any decisions made by the Public Works Director or City Manager may be reviewed by City Council for possible override. This ordinance is again mandated by the State of South Carolina, and we are complying with much of their language and procedures.

The public hearing was held and no one spoke.

Councilman Smith asked if the Drought Ordinance requirements also applied to usage of well water. Mr. Larry Morris, Public Works Director, stated the ordinance did not apply to use of well water but applied to those on the city water system. He said the city had no way to regulate the use of the wells.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to amend the Drought Ordinance as mandated by the State of South Carolina and that the ordinance become effective immediately.

VENTURES PARK – ORDINANCE

Loan

SRRDI

Spec Building

Aiken Electric Cooperative

Savannah River Regional Diversification Initiative

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to authorize the borrowing of \$275,000 to construct a spec building in the Ventures Industrial Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO BORROW UP TO \$275,000.00 FROM THE SAVANNAH RIVER REGIONAL DIVERSIFICATION INITIATIVE FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SPECULATION BUILDING AT VENTURES INDUSTRIAL PARK.

Mr. LeDuc stated the City of Aiken would like to build a 50,000 square foot expandable to 130,000 square foot speculative building at Ventures Park. We recently received bids from contractors to complete this building by Fitch and Goodwin for \$675,000. The City has a \$400,000 grant in reserve from Aiken Electric Cooperative to help pay for this building. In addition, the City and Aiken County will help in the preparation and grading of this land. In order to complete the building, driveway, and parking lot, the City will need to borrow \$275,000, which would be paid off upon the sale of the building. Typically, most banks require loans to be paid off on a monthly basis. In this case, the Savannah River Regional Diversification Initiative (SRRDI) will allow the City to make a lump sum payment upon the sale of the building. The city should receive over \$500,000 from the sale of the building, which would be available for more projects.

The \$275,000 loan would be at 7% interest, with the principal and interest to be paid as a lump sum within 5 years from the execution of this note. This is the same interest rate that SRRDI has given to other agencies as they have expanded or constructed new industrial sites.

Councilman Cunning stated since he is a member of the SRRDI board he was recusing himself from discussion and voting on the matter.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to borrow \$275,000 to be used for construction of a spec building in Ventures Industrial Park and that second reading and public hearing be set for the next regularly scheduled meeting.

TOWING – ORDINANCE

Wreckers

Public Safety Department

Wrecker Service

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish towing procedures.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 42-11 TO THE CODE OF THE CITY OF AIKEN TO ESTABLISH INVOLUNTARY TOWING PROCEDURES FOR CERTAIN VEHICLES IN THE CITY LIMITS AND TO GRANT FRANCHISES TO PERFORM THIS SERVICE.

Mr. LeDuc stated for over 25 years Public Safety has used a rotation list for involuntary wrecker service. This would involve calling a towing service for an individual who is involved in an accident or break down, and does not know who to call, or when there is a DUI arrest, abandoned, or stolen vehicle that needs to be towed. Currently there are 19 companies on that list, five of which are in the City limits. The companies rotate and the one at the top of the list is called for service when needed. Once they have been called, they are then moved to the bottom of the list and rotate up to the top of the list as needed. Some of the towing companies, located in Aiken County are as far away as Windsor, New Ellenton, Vauluse, and Warrenville. On the average, the department uses this method 780 times during the year. It has recently come to our attention that, due to a South Carolina Supreme Court ruling, an involuntary towing list is now considered a franchise agreement. For this reason, we have developed a Request for Proposal to be given to City towing companies asking if they are willing to meet the specific requirements within this agreement, including an insurance policy of \$1 million, which is a municipal standard. There are also storage and zoning requirements, such as screening, which would be required.

Currently, the towing companies follow a policy which has little enforcement action versus a contract which would be signed by both parties. As part of this new proposal, we are recommending that only in City companies be placed on the list. As a franchise agreement, the City can limit who they use for this type of service. This will also avoid comments which we have received in the past from citizens who state that it is difficult to find these towing companies in the County and their hours of operation are limited when trying to get back their vehicle. Also, one of our officers inspects each of these properties and their equipment twice a year and this will make this inspection procedure much easier for Public Safety.

If Council agrees with the proposed request, we will send out this proposal to all five City towing companies, which include Aiken Paint and Body, Kelly's Collision on York Street, Kalmia Exxon on Richland, Wessley's on Park Avenue, and Parker's Paint and Body behind Krogers. Once we have received the proposals back and they state that they can meet our requirements, a contract would be signed with them to establish the new list.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to establish an involuntary towing franchise agreement and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

AIKEN PREPARATORY SCHOOL – ORDINANCE

Morgan Street

City Property

Barnwell Avenue

Edgefield Avenue

Eustis Park Property

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to donate property along Morgan Street to the Aiken Preparatory School.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE DONATION AND CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON MORGAN STREET.

Mr. LeDuc stated this matter was discussed at the June 9, 2003, meeting in executive session.

He stated the City of Aiken owns approximately 1.1 acres of land along Morgan Street, between Barnwell Avenue and Edgefield Avenue. Adjoining this property to the east are 4.2 acres owned by the Aiken Preparatory School. The school would like to combine these properties to be sold as residential single-family property. Since they are a 501(3)c, they are asking that the City donate the land to them as they have on several other occasions to nonprofits in the area.

The total acreage for the site is 5.2988 acres. The city's donation is 21% of the total land for this project. In discussions with Neil Winter and Tara Bostwick regarding this contract, the city's donation is one-fifth of the total, and they are suggesting that Council have one seat on the Architectural Review Panel and the school have four seats. As they stated in the executive session, the Aiken Preparatory School is committed to the downtown area, however they can't commit future boards and therefore asked to delete the buy-back provision from the contract. The proposed contract has the provision for a Councilmember on the Architectural Review Panel but does not include the buy-back provision. Should Council want to add this back into the contract, we can develop a version that would add this particular language.

This property currently receives no tax dollars, and upon completion of the development, the City will begin receiving approximately \$30,000 per year in taxes and fees and an initial \$30,000 from tap and permit fees. The development also complements the development work the City is doing in the Toole Hill area and the other areas on the north side of the City.

Councilman Sprawls moved, seconded by Councilman Cunning, that Council pass on first reading an ordinance to donate 1.1 acres of land, more or less, to the Aiken Preparatory School for residential development and that second reading and public hearing will be held at the next regularly scheduled meeting.

Councilwoman Price expressed some concerns. She asked what the city would receive for the donation of the 1.1 acres. She said she felt the land had some value. Secondly, she said she thought there was more than one member of Council who wanted to serve on the Architectural Review Board.

Mr. LeDuc stated previously the city thought they owned more of the land. It was thought the city owned 1.5 acres and the Prep School owned 4 acres. The fact that the city now only owns 20% of the land was the reason for the determination of one-fifth representation on the Architectural Review Board, or one person. He said the land does have some value, but in the past the city has donated some land without payment. He said there was some discussion in executive session that if the Prep School was going to commit to stay in the downtown area for a number of years, and if they sold or left the downtown area the Prep School would pay back the value of the land decided on, and there would be a descending value over the next years. He said the Board did not want that provision in the contract and asked that it not be included.

Councilwoman Price pointed out the Aiken Prep School is a private school and there are not many poor people attending the school. She said she has some problems with donating the land to the school without some payment.

Councilwoman Vaughters stated she also has problems with donating the land to the Prep School. She said she did not see how Council can give away an acre of land and not get anything in return. She said the justification to her is that the city wants the school downtown. She said a school is an asset to the downtown area. She said that is why she thought it was reasonable to tie the donation to a condition that if they left in two or five years, the city would get something in return. She said the taxpayers of Aiken own the land, and the Prep School is a private institution. She said if the City is going to give land to a private institution, the City needs to get something in return. She said she would be willing to accept a guarantee that the school would be in the downtown for a certain number of years. She said the fact that the Board says they can't commit for

future boards makes her worry even more that the school may not stay downtown. She did not feel the city has the right to give away city land unless the city can get something in return that they feel is for the civic good of the city.

Councilman Sprawls pointed out that if the land is developed as proposed by Aiken Prep that the city will receive a return on the land through taxes. He pointed out that the city had given away land to other organizations and not received anything for the land. It was pointed out that townhouses are proposed to be built on the land, and that the city will get about \$30,000 per year in taxes from the project.

Mayor Cavanaugh asked if a condition could be attached to the contract that the Prep School must sell the property for a profit-making project in a certain number of years, so the city will receive a return in taxes on the property after development or the property will revert to the city. He felt something should be tied to the contract that the land must be developed so the city will receive taxes from the development. He said then no one could say the city is giving the land away and not receiving anything from it.

Ms. Tara Bostwick, Chairman of the Board of Aiken Prep School, stated Aiken Prep School is a not-for-profit organization, just as the other non-profit organizations that the city has donated land to. She said the Prep School has a strategic plan which is for five years, and they have no plans in the next five years to move. She said actually they have no plans in the distant future to move from downtown. She said as members of the Board it is their fiduciary responsibility to the school to keep the institution going and to further the mission of the school. She said the school counsel has said that it is a gray area to say unequivocally the school will commit to being at the location for another 10 years.

Mr. Neil Winter stated the school's counsel has advised the board that it is a legal gray area to commit the school to serve in a certain location for a certain time. He said the school has a strategic plan and the plans are to be at the location, but legally the school should not enter into a binding agreement that would require the school to stay at the location for a certain number of years. He said the concept of the Prep School moving the campus be tied to a legal agreement with the city and the gift of the land seems to be a problem. He said perhaps there were some other things that could be done.

Councilwoman Price suggested that a value be set for the property for a certain number of years, and if the Prep School leaves before that time the school would owe the city so much for the value of the land for the number of years left on the agreement.

Councilman Cuning stated he understood the reluctance to commit for 10 years, but perhaps the school could commit for five or three years. He said he would feel better about the donation if he knew the school would be there for at least three years.

Mr. Winter stated if a large donation was made to the school then maybe the best opportunity for the school would be to be on a site where the school can have all the facilities they need. He said the board could not commit to being at the site when they don't know what is going to happen. He said if the opportunity arose the board would adjust their strategic plan. He pointed out the city had made donations to other non-profit organizations and the city got nothing in return. He said the donation to the Prep School is an opportunity for the city to give to a non-profit a piece of completely undevelopable property for the property to return an income to the city. He pointed out the city will get tax revenue from the development, and the project meets the city's plan for residential development on the property. He said the city has the opportunity to facilitate the development of the city's plan. He said he has a problem in seeing a down side to the proposal. He said he understands the concern about the school leaving, but he did not think the school was going to leave.

Councilwoman Vaughters stated if the school got a large donation then the school should be able to reimburse the city for the city's donation.

Councilwoman Price pointed out that some months ago Mr. Bill McGhee came before Council and wanted the city to donate some houses to him, and in return he would repair them and fix them up and turn it into an investment to move taxpayers into the residents.

She said the city declined a gift to him for his non-profit organization. She said she was looking for consistency in terms of someone that wants to preserve the neighborhood and wants a house donated versus the request of the Prep School for donation of property. She said she needed some answer as to what the city got for the donation to the school. She said she needed something like there is an agreement that in five years if the school moves or changes their mind the city will get a certain value for the remaining years on the property.

Mr. Winter pointed out that the land requested by the Prep School is just a strip of land 60 feet wide and 600 feet long. It has a flood plain at one end which would have to be a holding area. He pointed out this property will never return a dollar's income to the city. He said it can serve as a green space, but it can't be developed as a park. He said he could not think of a function that the land could perform that would benefit the city. He said the school felt they were presenting something that was to the benefit of the city as well as the Prep School.

Mayor Cavanaugh stated he felt this donation would be a benefit to the school and the city. He said the city could hold the deed to the property until there is some action on developing the property. He said he did not see how the city could tie the donation to the school staying downtown for a certain number of years. He said the city has the property and it is not earning anything for the city. He said there is an opportunity to make \$30,000 in taxes from the property. He said the city has no plans for the property.

Councilwoman Price stated she would go on record supporting the donation, but wanted the records to show that as citizens come to Council asking for donations she wanted the city to give them the same kind of consideration when it will make money for the city. She said this request will give Council room when other requests come to use this as an example.

Councilwoman Clyburn pointed out even if the school moves in the next few years, the proposed project will remain there and will make money for the city in the form of taxes. She pointed out people have requested donations from the city before. Some have been granted and others have not been granted. She said this might give the city the opportunity to be more consistent in looking at the merits of such donations when they come before Council. She felt this request was a worthwhile donation. She said in looking at the map she did not know what could be done with the strip of land. She said if the development will stay on the property whether the Prep School moves or not, then it gives her enough reason to support the request.

Mr. LeDuc pointed out Council has the right whenever there is an annexation or utility request or a donation of land to put whatever conditions they desire. He said in Mr. McGhee's situation Council had a condition that the house would go from a duplex to a single family home and that he would have to get a certain amount of construction done in a certain amount of time and Mr. McGhee was not willing to meet those requirements. He said if he had been willing to meet those requirements and make the house into a single family home, Council might have considered donating the property to his association. He pointed out the house was advertised for sale and several people were interested until they found out the conditions of the sale. He said Council has the right to put conditions on a donation. He said there could be a condition on this donation that if the property is not developed in a certain period of time the property would revert to the City of Aiken, or the deed could be held until they have a developer for the property.

Mayor Cavanaugh pointed out that not only could Mr. McGhee not meet the criteria of the development of the property, but the city sold both of the properties and got the city's investment back from the property.

Mr. LeDuc pointed out there is a cloud on the title to the property that the Prep School is asking for and the city had to go through the court system to get it cleared for the Windham House, which took several months. He said if Council wants to donate the property the city needs to move forward with clearing the title.

Mr. Gary Smith stated the city could go forward with clearing the title and still hold the deed. He said the deed could be delivered when the building permit is issued for the property. Mr. Smith stated from the discussion he felt the contract would need to be modified. He said his understanding is that delivery of the deed would not take place until the issuance of a building permit by the city for the property. Also, to be included in the contract is that the property developer must not be a non-profit corporation. He also pointed out three other minor changes in wording in the contract.

Councilman Sprawls and Cuning agreed to include in their motion acceptance of the modifications to the contract as suggested by Gary Smith, City Attorney.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance on first reading with the modifications to the contract as suggested by Gary Smith to donate 1.1 acres of land, more or less, to the Aiken Preparatory School for residential development, and that second reading and public hearing will be held at the next regularly scheduled meeting. The motion was approved by a majority vote with Councilwoman Vaughters opposing the motion.

SAVANNAH RIVER SITE

Resolution

Modern Pit Facility

SRS

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to support the Modern Pit Facility at the Savannah River Site.

Mr. LeDuc pointed out that City Council over the last several years made their number one goal at Horizons the support of the Savannah River Site. On Monday, July 7, 2003, from 6 to 10 P.M. a public hearing will be held at the North Augusta Community Center concerning the Modern Pit Facility. Individuals are encouraged to support the vital mission of the Modern Pit Facility at this hearing. He said a resolution has been prepared for Council's approval supporting the location of the Modern Pit Facility at the Savannah River Site. For the past 50 years SRS has been the Department of Energy's leader in the production and handling of plutonium, and it should continue to be the key player in future plutonium activities. SRS has trained individuals who specialize in plutonium facilities and have shown successfully the construction and operation necessary for the Modern Pit Facility. He pointed out the Central Savannah River area has been a strong supporter for DOE programs at SRS in the past. For this reason the Savannah River Site feels they are the logical choice for the Modern Pit Facility.

Councilwoman Price pointed out that the turnout for the public hearing is critical for support of the Modern Pit Facility because of the competition facing the SRS. She said it is critical to the future of SRS.

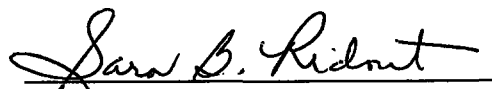
Councilman Cuning moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass the resolution in support of the Modern Pit Facility at the Savannah River Site.

FIREWORKS

Councilwoman Vaughters stated she had had complaints about fireworks being shot in the city limits last year for July 4th. She asked that Public Safety notify residents that fireworks are not legal in the city limits.

ADJOURNMENT

There being no further business the meeting adjourned at 10:50 P.M.


Sara B. Ridout
City Clerk