

Aiken City Council MinutesREGULAR MEETINGOctober 24, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Larry Morris, Ed Evans, Pete Frommer, Glenn Parker, Sara Ridout, Betsy Gilliland of the Augusta Chronicle, Tony Baughman of the Aiken Standard, and about 28 citizens.

Mayor Cavanaugh called the meeting to order at 7:02 P.M. Mayor Cavanaugh 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. Mr. LeDuc stated there would be a change to the last item under Petitions and Requests regarding use of Gyles Park. He also stated that he would like to make an announcement regarding the law suit which was recently settled regarding the release of a Public Safety Officer and the amount of the settlement.

Councilwoman Vaughters stated she would like to mention one item regarding the tree issue. She said she understood that the Tree Ordinance did not apply to the LP zone if the property is being used as residential. She pointed out the property at the corner of Barnwell and Morgan is zoned LP but the property is being used as residential, so the Tree Ordinance does not apply to the property. She stated the trees had been removed from this property, and she was concerned about this matter. Councilwoman Vaughters stated she felt that if the property was zoned LP that the regulations for LP zone should apply to that property even if it is used for residential use. She said if the property is changed from LP to residential zoning that would be different. She was concerned about the tree regulations not applying to the property at Morgan and Barnwell.

Mr. LeDuc stated during discussions some questions came up on the property at Morgan and Barnwell which is zoned LP. It was pointed out there was concern about cutting the trees, but under the LP zone if the property is used for residential use, the Tree Ordinance would not apply, and they had the ability to cut the trees at Morgan and Barnwell since the property is being used as residential. Mr. LeDuc stated this was a problem, and the Planning Commission has been discussing this matter and will be considering recommendations to change the Tree Ordinance for the LP zone and also for attached housing. He pointed out Council had asked some time ago that the Planning Commission consider changes in the Tree Ordinance, and possible recommendations may come to Council in December.

Councilwoman Vaughters asked how far in the process do you know that property zoned LP may be used for residential.

Mr. LeDuc stated that regarding the property on Park Avenue which will come before Council on this agenda, Council had asked that the builder submit plans and once it became building permitted then the zoning would be changed to RS-6 from General Business. He pointed out even at that point, the city does not have a 100% guarantee. He said after plans are submitted and a building permit issued, they could change their mind. He said after the property is zoned RS-6 they could build anything allowed in the RS-6 zone and remove trees as allowed.

Councilwoman Vaughters asked if the city could ask that no trees be removed in the LP zone, even though they may say it will be developed as residential, until the Zoning Ordinance is changed.

Mr. Ed Evans, Planning Director, stated that 4.6.4 of the Zoning Ordinance applies and states that prior to issuance of a building permit for non-residential or multi-family residential projects, a landscape plan must be submitted and the project must comply with the Tree Preservation requirements. If the use is single family residential or multi-family residential, attached or detached, the property is exempt from the tree ordinance even though the project may be in an LP zone. Mr. Evans pointed out the Planning Commission is looking at the issue and will probably be recommending that attached single family housing come under the Tree Protection requirements no matter in what zone the project may be located.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be approved with the additions requested by Mr. LeDuc.

MINUTES

The minutes of the work session and regular meeting of October 10, 2005, were considered for approval. Councilman Smith moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Woodrum, Bear

Hogan, Charles Sr.

Meehan, William

General Aviation Commission

Pelfrey, Lisa

Wallace, John

Gibbs, Johanna

Recreation Commission

Reynolds, Bill

Planning Commission

Harrison, Joseph

Community Development Committee

Turner, Judy

Andersen, Arthur

Board of Adjustments and Appeals

Cromer, Brunson

Building Code of Appeals Committee

Mayor Cavanaugh stated Council needed to consider appointments to various boards and commissions.

Mr. LeDuc stated Council has 29 pending appointments to boards and committees of the city and 9 appointments are presented for Council's consideration. He said he had talked to Councilmember Cuning and future Councilmember Don Wells. He said Councilman Cuning will not be making appointments for his pending appointments, but will leave these for Councilmember Wells to make.

Mayor Cavanaugh has recommended that Bear Woodrum be reappointed to the General Aviation Commission, with the term to expire September 1, 2007; that Lisa Pelfrey be reappointed to the Recreation Commission, with the term to expire September 1, 2007; and that Bill Reynolds be reappointed to the Planning Commission with the term to expire December 1, 2007.

Councilwoman Price has recommended that John Wallace be reappointed to the Recreation Commission with the term to expire September 1, 2007; and that Joseph Harrison be reappointed to the Community Development Committee with the term to expire September 2, 2007.

Councilman Smith has recommended that Charles Hogan, Sr. be appointed to the General Aviation Commission to replace Dr. William Meehan, with the term to expire September 1, 2007.

Councilman Sprawls has recommended that Brunson Cromer be reappointed to the Building Code of Appeals Committee with the term to expire May 12, 2007; and that Johanna Gibbs be reappointed to the Recreation Commission with the term to expire September 1, 2007.

Councilwoman Vaughters has recommended that Judy Turner be appointed to the Board of Zoning Appeals to replace Arthur Andersen who has resigned. If appointed the term would expire December 1, 2007.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council reappoint Bear Woodrum to the General Aviation Commission with the term to expire September 1, 2007, Lisa Pelfrey, Johanna Gibbs and John Wallace to the Recreation Commission with the terms to expire September 1, 2007, Bill Reynolds to the Planning Commission with the term to expire December 1, 2007, Joseph Harrison to the Community Development Committee with the term to expire September 2, 2007, Brunson Cromer to the Building Code of Appeals Committee with the term to expire May 12, 2007, and that Charles Hogan, Sr. be appointed to the General Aviation Commission to replace Dr. William Meehan with the term to expire September 1, 2007, and Judy Turner to the Board of Zoning Appeals to replace Arthur Anderson with the term to expire December 1, 2007.

Councilwoman Clyburn stated that she would like to recommend the reappointment of James Holland to the Planning Commission with the term to expire December 1, 2007.

Councilwoman Vaughters stated she would like to reappoint Dr. Gene W. Eidson to the Environmental Committee with the term to expire December 31, 2007, Rosamond McDuffie to the Design Review Board with the term to expire December 31, 2007, and Catherine Shirley to the Park Commission with the term to expire December 1, 2007.

Councilman Sprawls stated he would like to reappoint Philip Merry to the Design Review Board with the term to expire December 31, 2007, W. A. Beasley to the Park Commission with the term to expire December 1, 2007, and Marsha Rodgers to the Environmental Committee with the term to expire December 31, 2007.

WOODSIDE PLANTATION – ORDINANCE 10242005

Concept Plan

The Reserve

Woodside Plantation

Silver Bluff Road

TPN 00-135.0-01-275

TPN 107-20-02-001

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Concept Plan for The Reserve at Woodside.

Councilman Cunning left the Council Room at 7:16 p.m., as he may have a possible conflict of interest because he is the Chief Executive Officer of Sidewood Development, a developer of Woodside.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED IN WOODSIDE PLANTATION, PHASE III, SECTION 8

Mr. LeDuc stated that Council approved at their June 25, 2001, meeting a concept plan for Woodside Phase III. The original plan showed one street ending in a cul de sac, and the revised drawing shows two streets ending in a cul de sac and a stubbed out road with a temporary cul de sac to a proposed neighborhood across Spalding Lake.

The concept change was reviewed by the Planning Commission, and they unanimously recommended approval to revise the plan for The Reserve at Woodside regarding the

layout of the roads. The original concept plan did not indicate the number of units that would be built in this area. Instead, it capped the number of residential units for the entire Phase III of Woodside.

Mr. LeDuc pointed out that an item will be before the Planning Commission on October 11, 2005, proposing to change the ordinance so minor changes in roadway layout would not have to come back to Council, but could be approved by staff.

The public hearing was held and no one spoke

Councilman Smith stated he noticed on the original plan that there was a single cul de sac, longer than the 1,000 feet allowed and now, with the revised plan, there are two cul de sacs longer than 1,000 feet. He was concerned about the length of the cul de sacs.

Mr. Mark Graham stated one cul de sac longer than 1,000 feet was approved previously. He said this matter was not discussed by the Planning Commission with the revised plan. He pointed out that the grade of the property is very severe down by the golf course and the lake. He said the roads were changed because of safety reasons for emergency vehicles to get up and down the hills, so two roads were made. He said because of the grade it was not possible to make the two roads as a loop and meet the city's maximum grade.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve on second and final reading an ordinance to revise the Concept Plan for The Reserve at Woodside and that the ordinance become effective immediately.

Councilman Cuning returned to the Council Room at 7:23 P.M.

REZONING – ORDINANCE 10242005A

Park Avenue

Horry Street

Marion Street

TREO Holdings, LLC

TPN 121-06.13-005 (new)

TPN 30-070.0-08-001 (old)

Zoning

Robinson, Butch

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property along Park Avenue from Horry Street to Marion Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY TREO HOLDINGS, LLC FROM GENERAL BUSINESS (GB) TO RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated the Planning Commission at their September 13, 2005, meeting unanimously approved the rezoning of property consisting of 1.05 acres located on the north side of Park Avenue between Horry and Marion Street from General Business to Residential Single Family, RS-6.

Council recently approved the Old Aiken Master Plan, which shows the future for this area to be small scale retail or office and the rest of the block as Low Density Residential. Goal Number 4 of the Master Plan calls for increasing the number of residents in the old Aiken area and suggests more residential infilling in all areas. Goal Number 5 further stated that detached single family residential development should be preserved and expanded throughout the area.

The applicant intends to build five very nice single family detached houses, and the zoning would have to be changed to build residential units. They have requested RS-6 Residential zoning so they could build five homes. A couple of years ago the City removed several run down single family homes that were on this block. Through proper placing of these homes the developer plans to save all but 2 of the 9 grand trees and 13 specimen trees on the site. He stated the proposed plan is to build narrow houses similar to the Charleston style. He said the proposed plan shows the strength of development on the Northside. Mr. LeDuc stated that at the last meeting Council had asked in the proposed ordinance that before the rezoning to RS-6 takes place that the plans would have to go before the Planning Department and a building permit would have to be obtained indicating that they would be building the units according to the plan submitted. He said two trees would be removed and possibly a third tree which seems to be dying. He said if more than two trees have to be removed they must be approved by the City Horticulturist.

Mr. LeDuc pointed out that if Council passes the proposed ordinance with the houses to be built like the plans submitted, there is no guarantee that the houses will be built. He pointed out that under RS-6 zoning no concept plan is required. He stated the current property owners could sell the property and the new owner may not want to build the houses like the proposed plan. He said he did not think that would happen because the developers had assured Council that they plan to build the houses as shown on the concept plan submitted to Council. He pointed out that this could be guaranteed if the area was zoned Planned Residential. However, under the current regulations, a PR zone has to be at least 4 acres.

Mr. Gary Smith stated under the current regulations and proposed ordinance the developers could obtain a building permit if they submit plans that comply with Council's request. He said once the building permit is issued the rezoning would occur. He said, however, if the development does not get built after the permit is issued, the property is already rezoned RS-6. He said if Council is trying to attach a condition that the property will always be like the plans submitted, that can't be guaranteed. He said in 30 years even if the property is developed like the plans situations could change and the buildings could be torn down. He said there is no way to put a provision that will require the property to stay the same way forever because situations change later. Mr. Smith stated that in order to place a proper condition on a rezoning or an annexation, the condition is only proper if it can be satisfied prior to rezoning or annexation. He said there is no way to put a legal enforceable condition on property that will continue after rezoning or annexation is approved. He said, however, if the property were Planned Residential, it would have to follow the regulations for Planned Residential as long as it is PR. He said if Council agrees staff would ask the Planning Commission to look at amending the Planned Residential to consider smaller areas.

Councilman Smith asked if a performance bond could serve to enforce that the property is developed as submitted.

Mr. LeDuc stated a performance bond is usually for infrastructure. He said if Council really wants to push the issue, they could consider a Letter of Credit, which is basically the developer agreeing that if the developer doesn't do what they say they are going to do, the city will be able to call the Letter of Credit. A Letter of Credit is purchased from a bank for a fee.

Councilman Cunning stated he felt Council was trying to do two different things. One was to have the Tree Ordinance apply to more zones, especially multi-family residential and attached housing. He pointed out, however, the Comprehensive Plan had recommended that this area be residential. He felt Council should move forward with the proposed rezoning of this property. He said he did feel that Planned Residential gives Council more control over a development and the size of the area could be changed for smaller developments. He pointed out these developers had already incurred a lot of expense to comply with Council's requirements for plans before applying for a building permit.

Councilwoman Clyburn pointed out Council considers rezoning of property frequently. She felt rezoning this property on Park Avenue from General Business to RS-6 was positive and follows the Comprehensive Plan. She also pointed out the developer was not required to present concept plans to Council for the development, but he had. She felt Council should proceed with the rezoning and work on the other issues that Council has regarding trees and rezoning.

Mr. Butch Roberson, of TREO Holdings, developer of the property, appeared before Council. He said the plans submitted to Council are the plans for the property. He said they already have reservations for four of the five units. He said the plans submitted to Council are the plans submitted to the potential buyers and they are committed to these plans. He said the only change may be the removal of a third tree which he feels is dying. He said he has no problem submitting the plans to obtain a building permit or having Tom Rapp approve the removal of another tree. He said the plans are set for the development. He said he wants to leave the property as intact as possible, and that is the reason they spent the money to have the units placed around the trees on the property. Mr. Roberson pointed out the property is currently zoned General Business, and if they developed the property under General Business they could remove many of the trees. He said the charm of the property is the trees and they want to leave as many trees as possible.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading an ordinance to rezone property from General Business to Residential Single Family RS-6 on Park Avenue between Horry Street and Marion Street, with the condition that the rezoning will be effective upon the developer submitting a building permit and subdivision plan to the Planning Department that is in conformance with the drawing submitted to Council showing the houses and the trees to be removed.

ZONING ORDINANCE – ORDINANCE 10242005B

Amendment

Accessory Buildings

Structures

Outdoor Storage

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance amending the Zoning Ordinance regarding accessory buildings.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDINGS AND STRUCTURES AND OUTDOOR STORAGE.

Mr. LeDuc stated that over the last several months the Planning Commission has been reviewing proposed amendments to the Zoning Ordinance regarding accessory buildings/structures and outdoor storage. They have recommended revising 3.4.2 in the Zoning Ordinance concerning accessory buildings or structures and 4.33 concerning outdoor storage and are proposing the changes for Council's action. The Planning Commission reviewed the matter because the Board of Zoning Appeals was getting a number of requests regarding storage buildings on property. The major points are as follows:

1. an accessory building would be allowed in a rear yard as well as a side yard, but can be no closer to the street right of way than the principal building on the lot;
2. in a residential zone or the LP and LB zones, no accessory building could be closer to a street right of way than the plane of the front wall of the principal building on an adjacent lot. This provision would prevent an accessory building from being next to the front yard of a neighboring lot, which becomes more likely if such buildings are allowed in the side yard;

3. the height of the accessory building could be no greater than the principal building;
4. the floor area of all accessory buildings could not exceed 50% of the heated gross floor area of the principal building;
5. a swimming pool on a lot occupied by a single family dwelling would have to comply with the same setback and location provisions as accessory buildings, where they do not now; also, a definition of swimming pool has been added;
6. shipping containers can not be used for storage except in the industrial zones.

The Planning Commission unanimously approved these changes to the Zoning Ordinance. At a previous City Council meeting, Council asked the BZA to review these amendments. These were reviewed at their meeting in September, and they agreed unanimously with these changes. The first two items recommended in this ordinance are revisions to our current Zoning Ordinance. Items 3 thru 6 are new recommendations that the Planning Commission felt would enhance the existing ordinance concerning accessory buildings. The number of requests for accessory buildings during 2001, 2002, and 2003, totaled 7. However, in 2004 there were 10 requests, and so far in 2005 through July there have been 4 requests. If Council decides not to include some of the revised portions, staff would suggest that Council consider at a minimum adding those new items to our current regulations.

Mr. LeDuc pointed out that at the last meeting the item of most concern was with an accessory building being allowed 3 feet from the property line instead of the current 10 feet. He said that item had been deleted from the ordinance. He pointed out that items 3 thru 6 are additions to the Zoning Ordinance. He said presently there are no regulations to control the height or floor area of an accessory building, and there is no setback presently for a swimming pool, and there are no restrictions that would prohibit shipping containers from being used for storage. He stated regarding shipping containers, he was referring to a large tractor trailer type trailer. He pointed out, however, there are now portable on demand storage (pods) containers, smaller units about 10 to 15 feet long, 8 feet high and about 10 feet wide. The containers are dropped off and left on the driveway and the container is used for temporary storage. This is a separate issue and something new. He said the Planning Commission will be addressing this issue at a later time.

Council discussed the issue briefly and was concerned about the definition of shipping containers and existing accessory buildings on properties.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council approve on second and final reading an ordinance to amend the Zoning Ordinance regarding accessory buildings and structures and outdoor storage.

ZONING ORDINANCE – ORDINANCE 10242005C

Signs

Banners

Amendment

Board of Zoning Appeals

Variances

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

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING SIGNS IN THE STREET RIGHT-OF-WAY AND TEMPORARY SIGNS AND BANNERS.

Mr. LeDuc stated currently most signs and banners that are placed in the street right of way require approval of both City Council and the Board of Zoning Appeals. This amendment to the Zoning Ordinance will clarify and simplify the approval process for such signs to be considered. The primary goal of the amendment is to minimize the need

for variances from both the Board of Zoning Appeals and City Council and to give Council and staff approval authority. The changes also broaden Council's authority to approve signs and banners not in the street right of way, such as those at a shopping center. Currently this requires BZA approval.

The Planning Commission reviewed these amendments and unanimously recommends the changes to the Zoning Ordinance.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance regarding various signs and banners and that the ordinance become effective immediately.

CITY PROPERTY – ORDINANCE 10242005D

Toole Hill

CDIC

Community Development Investment Corporation

Housing

Northside

TPN 104-16-28-007

TPN 104-16-28-008

TPN 104-20-05-001

TPN 104-20-08-002

TPN 104-20-08-009

TPN 104-20-08-015

TPN 104-20-08-018

TPN 104-20-08-021

TPN 104-16-31-005

TPN 104-20-06-001

TPN 104-20-06-013

TPN 104-20-06-014

TPN 104-20-06-020

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to convey 13 lots to CDIC for housing on the north side.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE CONVEYANCE OF CITY-OWNED PROPERTY CONSISTING OF THIRTEEN LOTS LOCATED ON EDGEFIELD AVENUE, AT THE CORNER OF TOOLE STREET AND DILLON AVENUE, ON DILLON AVENUE, AT THE CORNER OF MORGAN STREET AND COX AVENUE, ON MORGAN STREET, ON MCCORMICK STREET, ON ABBEVILLE AVENUE, AND AT THE CORNER OF LIGON AVENUE AND MCCORMICK STREET.

Mr. LeDuc stated City Council approved a Memorandum of Understanding with the Community Development Investment Corporation (CDIC) about a year and a half ago. The intent of the MOU was to convey 13 lots in Toole Hill to CDIC, or approximately 30%, for single family rental houses. The other two-thirds of the homes would be single family for sale homeownership. These rental homes would be owned and managed by CDIC, and after 15 years would become available to sell as home ownership property. The City along with Aiken Corporation will build single family homes for sale on 28 lots. Each of the homes built by CDIC will use the architectural designs approved for Toole Hill. The homes will be landscaped and have a concrete driveway for parking on the side or the rear of the house.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to convey 13 lots to CDIC for construction of single family homes in the Toole Hill neighborhood.

CAPITAL PROJECTS SALES TAX – ORDINANCE

Borrowing of Funds

Loan

Capital Projects

Transfer of Funds

General Fund

Northside Revitalization Program

Pinelawn Cemetery

Aiken Corporation

Toole Hill

Streetscape

Special Holding

Sales Tax

One Cent Sales Tax

1 Cent Sales Tax

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to borrow funds from the General Fund for some Capital Sales Tax Projects.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM THE CITY OF AIKEN'S GENERAL FUND SPECIAL HOLDING ACCOUNT AS OUTLINED IN THIS ORDINANCE FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF NEW HOMES IN TOOLE HILL; FUNDING THE CONSTRUCTION OF NEW HOMES AND REHABILITATION OF EXISTING HOMES BY THE AIKEN CORPORATION; AND FUNDING IMPROVEMENTS TO PINELAWN CEMETERY.

Mr. LeDuc stated that last fall the voters of Aiken County approved the 1 Cents Capital Projects Sales Tax. Staff is ready to move forward on some of the projects, but the tax funds will not start coming in until some time in 2006. Earlier this year, Council authorized the borrowing from Special Holding Funds for the purchase of the GMT building which would be used for the Parks & Recreation maintenance facilities. A maintenance facility was one of the projects under the 1 Cents Capital Projects Sales Tax. He said \$1,750,000 was set aside in the 1 Cents Capital Projects Sales Tax for renewal and renovation on the northside.

At the last City Council meeting Council asked staff to prepare documents to borrow additional funds to move forward with several projects concerning the revitalization of the north side. These included borrowing \$450,000 for the city to upfront money to build about 5 new homes in Toole Hill, \$250,000 to Aiken Corporation, of which \$170,000 would be for new construction in Toole Hill and \$80,000 for remodeling, and \$170,000 to begin work on the historic Pinelawn Cemetery which would include streetscape, fencing, internal roadways and landscaping.

He stated that at the last meeting he had informed Council that staff had applied for a grant from the State of South Carolina for an additional \$1 million from the Housing Assistance Partnership Program (HAPP) to be used for revitalization of the northside. He said staff had been informed that the City has received that grant, so the City will have additional monies for this project which will help with financing, second mortgages, closing costs, and design features.

Anita Lilly, Director of the Finance Department, recommends that we borrow these funds from the Special Holding account to be paid back at the current interest rate that we receive in the S.C. Local Government Investment Pool plus 1%. The City should begin receiving quarterly approximately \$900,000 next summer from the Capital Projects Sales Tax. Therefore, funding will begin to be available to start paying back some of these loans starting next year.

Councilman Smith stated he understood the loans from the fund would be at 0% interest to the recipients. However, it had been stated that the loans would be paid back at the current interest rate that we receive in the S.C. Local Government Investment Pool plus 1%.

Mr. LeDuc stated in the past when funds are borrowed from Holding Funds, the monies are paid back with interest. He said presently the interest rate is about 2 ½%. He said what usually happens is that when the loan is to be paid back the staff looks at the interest rate over the months of the loan plus 1%, and the loan is paid plus interest. He said in this case the \$250,000 that the City would be lending to Aiken Corporation would have to be paid back to the Holding Fund that typically would have drawn interest. He said at the last meeting Council stated the loan would be at 0% interest to help Aiken Corporation with housing on the northside.

Councilman Cunning asked if the interest rate could be part of the \$1,750,000. Council discussed discounting the loans to cover the interest rate which would mean that, for example, the Pinelawn Cemetery project would not get the full \$170,000, but would receive a smaller amount to cover interest on the loan.

Council discussed the matter and felt that interest should be charged for the loans and agreed with discounting the loans to cover interest on the loans.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to approve borrowing \$870,000 from the Special Holding Fund Account for construction and renovation of new homes on the north side and renovation of the historic Pinelawn Cemetery and that second reading and public hearing be held at the next regularly scheduled meeting.

UTILITY REQUEST

Trolley Line Road 3806
Cameris Hair Studio
Southeastern Pipe and Drain
TPN 104-09-01-013
TPN 00-130.0-01-298
Water
City Service

Mayor Cavanaugh stated a request had been received for city services at 3806 Trolley Line Road.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE PROVISION OF WATER UTILITY SERVICES TO PROPERTY LOCATED AT 3806 TROLLEY LINE ROAD.

Mr. LeDuc stated a hair salon is requesting city services for property consisting of approximately one-half acre which is part of an overall 7.5 acre parcel. The property is located at 3806 Trolley Line Road, and a portion of this parcel is already occupied by Southeastern Pipe and Drain. The land is currently just outside of our Comprehensive Plan for the Northside. However, on the other side of Trolley Line Road, the plan is shown as low density residential. The Planning Commission discussed this at their October meeting and voted 6 to 1 to approve the request for water based on the following conditions:

1. That the granting of water service apply only to the area involved with the hair salon.
2. That proof of recording of a plat creating a property line corresponding to the eastern boundary of the area associated with the hair salon be recorded.
3. That the submitted development plan would be followed.

4. That only uses allowed by right in the limited business zone would be permitted.
5. That an annexation agreement involving only that portion of the property associated with the hair salon be executed and recorded in the RMC Office.
6. That the project comply with the landscaping provisions of the city Zoning Ordinance to the maximum feasible extent as determined by the Planning Director including submission of a landscape plan.
7. That any signage comply with the city sign regulations.
8. That utilities be approved by and an as-built be submitted to the City Engineer.
9. There would be a maximum of one curb cut along Trolley Line Road.
10. That a statement would be placed on the plat that there would be no manufactured housing on the site.
11. That the vested rights provisions of the Zoning Ordinance would apply.
12. That all applicable conditions of approval will be met within 60 days of approval by the City Council, or the granting of city water will be considered null and void and the water meter removed.

Mr. LeDuc stated he plans to talk to the Planning Commission about an issue that has come up. He said some of the Planning Commissioners are concerned about approving utility requests, because the property is outside the Comprehensive Planning area. He pointed out there is a lot of area within the City's water and sewer districts that are not included in the Comprehensive Plan. He pointed out the County and Federal Government had assigned areas for the water and the sewer district and the City is responsible for providing water and sewer in those designated areas. He pointed out even though a property may not be within the City's Comprehensive Plan, the City needs to act on a request for a water or sewer request, because it is within the city's designated utility area. He said he agreed that we do need to speed up the process on the Comprehensive Plan for those areas. He said he felt it was important, since there is no Comprehensive Plan for the areas to look at what conditions Council wants to apply to approval of a request for utility services since the City has a responsibility for services for the designated area.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that water service be approved for the hair salon at 3806 Trolley Line Road with the conditions recommended by the Planning Commission.

GYLES PARK

Thanksgiving Day
Church
Soup Kitchen
George, Eddie
Municipal Conference Center
Conference Center
The Alley
Newberry Street

Mayor Cavanaugh stated a request had been received for use of Gyles Park on Thanksgiving Day to serve a Thanksgiving meal.

Mr. LeDuc stated Eddie George, on behalf of several area churches, had asked for permission to use Gyles Park on Thanksgiving Day to serve meals from 11 a.m. to 2 p.m. They state that they will provide the set up and clean up and only want to use the park. In addition to serving the meal, they will be providing chairs, tables, and seating, plus a raised platform for gospel groups to perform during this time. This park has been used in

the past for other events that have involved music, the latest being Aiken's Makin. The staff feels this would be a very positive event for our community.

Mr. LeDuc stated in the past there have been several organizations that have prepared meals for the community on Thanksgiving Day. He said several churches are trying to put together a community-wide Thanksgiving Day celebration. They have been looking for locations in case there would be inclement weather there would be an alternative location. They had requested use of Gyles Park originally. However, after discussing the location, the committee was concerned about an alternate location in case of bad weather and having public restrooms. He said the committee is asking Council's permission to use The Alley and Bee Lane outside the Municipal Building, where they would set up tables and chairs. For about three hours they would be able to come together and serve the meal. The various churches would cook the meals and bring it to this location and serve it to whoever comes. They felt the area outside the Municipal Building would be a good area, and if the weather was bad the Municipal Building could be used. They would prefer that the Municipal Building be at no cost if they have to use it. He said they don't plan to use it, but if the weather is bad would like for it to be available for use. He said someone from the city staff would volunteer to man the building and open and close the building. He said they would like to have the Municipal Building at no cost. He said Council has not approved use of the building at no cost, because the staff receives so many requests from so many agencies wanting to do very good things for the community. He said this was being brought to Council because it does involve the entire community.

Mr. LeDuc stated the request is for Council's approval to use The Alley and Bee Lane for the Thanksgiving Day community meal and also to give permission to use the Conference Center for a Thanksgiving Day celebration from 11 a.m. to 2 p.m.

Council discussed the request and felt it was a very good thing for the community.

Councilwoman Clyburn stated if the committee plans this event another year and would like to use Gyles Park they could consider use of two churches, Friendship and Cumberland, in the area in case of inclement weather. She felt they would be available for such a community service.

Mr. Don Wells, a committee member, stated in the community in the past two or three churches and maybe one or two non-profit organizations have had a Thanksgiving Dinner for those less fortunate. He said the committee felt this would be a wonderful time for the community to come together and rather than have two or three small Thanksgiving dinners in various locations put all the effort together and have one very nice Thanksgiving dinner that would pull the community together. He said it was felt this would be good for those who have no where to go, but also for the community as a whole.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the use of Bee Lane and The Alley outside the Municipal Building on Thanksgiving Day to serve meals from area churches and provide gospel music to the community and allow the use of the Municipal Building in case of inclement weather from 11 a.m. to 2 p.m.

LAW SUIT

Personnel

Willis, David

Public Safety Officer

Municipal Association

Mr. LeDuc stated that over the past week, an issue regarding the dismissal of a Public Safety Officer in 2001 had been in the newspaper every day. He said the law suit had been settled and the agreement between the parties was that the settlement would not be revealed. He said the newspaper articles were criticizing the city for not revealing the amount of the settlement. He said the City contacted the officer's attorney last week and asked if he would agree with the City to reveal the settlement amount. He said word was

received from the attorney today that they would agree to revealing the settlement amount.

As background Mr. LeDuc stated the case would have gone to court in November, 2005. It was estimated that with the trial and the court time, especially the attorney's time involved in the case, that it would cost the city over \$25,000 just to take the case to trial. He said the City was able to settle the case for \$22,500 as the City's portion. The Municipal Association had set aside some money for their attorney's time of \$22,500. The total amount of the settlement was \$45,000. He pointed out this case had been going on for over four years. He said the City was happy that the case was over, and it was felt that it was an excellent settlement on the part of the City. He pointed out the trial would have cost more than the payment the City has to make. He said another question was where the money would come from for the payment. He said in 2001 when the case first came up, the City set aside in the Insurance Fund some funds to cover the cost of the law suit, which was more than the settlement for the issue. He said the funds would come from the General Fund because the funds would come from the Insurance Fund for liability issues of this type.

PROPERTY TAX

Taxes Legislation

Mayor Cavanaugh stated he had given copies of an article regarding the property tax proposal to the Councilmembers. He stated this will be a hot topic with the legislature when they reconvene in January. He said the Municipal Association feels the article is an excellent write up of the information. He said there will be a lot of talk about this issue, and he felt it would be good for the Councilmembers to have this article for their information. He pointed out the legislation would affect how the cities and towns get their revenue and is a very important issue.

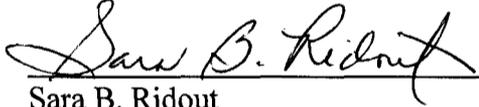
VISITORS

Germany Price, Lessie

Councilmember Price introduced two of her guests from Germany who were present at the meeting. She pointed out they were on vacation and would be with her for 15 days.

ADJOURNMENT

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


Sara B. Ridout
City Clerk