

## Aiken City Council Minutes

February 26, 2001

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

Absent: Councilman Sprawls.

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Tom Galardi, Terry Rhinehart, Ed Evans, Sara Ridout, Adam Burton from the Aiken Standard, Margaret O'Shea from Augusta Chronicle and about 40 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of February 12, 2001, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

### PRESENTATION

#### Internal Revenue Service Weeks Center

Mayor Cavanaugh stated the Internal Revenue Service would like to make a presentation to Council.

Mr. LeDuc stated representatives from the Internal Revenue Service (IRS) have asked to be present to make a presentation to Council. He said for several years volunteers have used space at the Weeks Center to prepare income tax returns for citizens.

Mr. Robert Overman, representative of the local VITA (Volunteer Income Tax Assistance Program) stated Tim Garvin heads the local group. He said they had already helped over 300 people with their taxes. He said Ms. Nancy Richmon is present from IRS in Greensboro, North Carolina.

Ms. Richmon thanked Council for allowing them to be present. She said the people in Aiken are very fortunate that Council has provided a place for the experienced volunteers to help people with their tax returns. She pointed out that the Aiken VITA is the best-known VITA site in North and South Carolina. She thanked Council for providing the space for the volunteers to work and presented a Certificate of Appreciation to Council.

### PRESENTATION

Certificate of Appreciation  
Boards and Commissions  
Strack, John  
Board of Zoning Appeals  
Bradley, Walter  
Building Code Appeals Committee  
Knowles, Lucy  
Planning Commission  
Davis, Jane  
Historic Preservation Commission  
Brown, Charlie  
Sheeley, Keith  
Environmental Committee  
Smith, Jann  
Stalworth, Robert  
Pressley, Ernestine  
Cook, Tamela  
D'Entremont, Rachel  
Annexation Study Committee

Mayor Cavanaugh stated Council wanted to recognize those individuals who had served on the various boards and commissions of the city and who had left service recently.

Mr. LeDuc stated John Strack served on the Board of Zoning Appeals from September 9, 1996 to December 1, 2000. During this time the board revised the entire Zoning Ordinance.

Mayor Cavanaugh presented a Certificate to Mr. Strack and thanked him for his service.

Mr. LeDuc stated Walter Bradley has served on the Building Code Appeals Committee from September 8, 1975 to February 8, 2001. This committee hears appeals from the Building Code requirements and reviews and recommends updates for the Building Codes. Mr. Bradley has been chair of this committee for many years.

Mayor Cavanaugh presented a Certificate to Mr. Bradley and thanked him for his service through all the years.

Mr. LeDuc stated Lucy Knowles served on the Planning Commission from January 11, 1999 to December 1, 2000, which was her second term and she also serves on the Equine Committee.

Jane Davis served on the Historic Preservation Commission from February 24, 1992 to December 31, 2000. Jane has been a very valuable, hard working and very knowledgeable member of the Historic Preservation Commission.

The Environmental Committee was established to advise Council on environmental issues facing the city and Charlie Brown has served on the Environmental Committee from February 14, 1994 to December 31, 2000. Keith Sheeley served on the Environmental Committee from February 28, 2000 to January 8, 2001.

Mayor Cavanaugh stated the Certificates would be mailed to those volunteers who were not present.

The Annexation Study Committee was established by Council several years ago to promote interest in annexation and identify properties which were good prospects for annexation by the city. Council abolished this Committee in November, 2000. The following persons served on the Annexation Study Committee:

Jann Smith	January 22, 1996	to	November 13, 2000
Robert Stalworth	December 16, 1996	to	November 13, 2000
Ernestine Pressley	December 14, 1998	to	November 13, 2000
Tamela Cook	May 22, 2000	to	November 13, 2000
Rachel d'Entremont	March 11, 1996	to	November 13, 2000

Mayor Cavanaugh presented Certificates of Appreciation to each member and thanked them for their service.

#### ANNEXATION - ORDINANCE

Hamilton Drive 1515

Findley, James E.

Findley, James R.

Silver Bluff Road

TPN 30-037.0-01-040

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 1515 Hamilton Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.34 ACRES OF LAND, MORE OR LESS, OWNED BY JAMES E. FINDLEY AND JAMES R. FINDLEY AND LOCATED AT 1515 HAMILTON DRIVE AND TO ZONE THE SAME RESIDENTIAL MULTIFAMILY LOW DENSITY (RML).

Mr. LeDuc stated James E. and James R. Findley would like to annex property at 1515 Hamilton Drive. This property consisting of 1.34 acres would be zoned RML Residential Multi-Family Low Density in order for the applicant to construct six duplexes totaling twelve units. The section of Hamilton Road in front of this property is unpaved. There are currently other multi-family properties along Hamilton Drive and this zoning would be appropriate for that area.

The Planning Commission considered this item at their February 13, 2001, meeting and have recommended approval of the annexation to Council based on the following conditions:

1. That the zoning be RML instead of RMH as originally requested. The RML would allow 16 units and fits well within the request of the 12 units which they desire.
2. That Hamilton Drive be paved in front of their development or the applicant contribute to the City of Aiken money equal to the cost of paving that section of the roadway. If they choose this methodology then the City of Aiken would pave this portion of the roadway at a later date.
3. That the right of way in front of this property also be included in the annexation.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance to annex 1515 Hamilton Drive to be zoned RML be passed on first reading and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

ANNEXATION – ORDINANCE

Westwood Subdivision

Aiken Estates

Whiskey Road

Cedarwood Park 129

Baker, Ronald W and Linda L

TPN 30-019.0-01-041

Westwood Drive 115

DeMass, James G and Alisa F

TPN 30-019.0-01-038

Westwood Drive 116

McCormick, Leach S

TPN 30-019.0-02-005

Westwood Drive 119

Reed, Shawn R and Nancy C

TPN 30-019.0-01-037

Evans Road 1330

Baumann, Norman P and Elizabeth W

TPN 30-019.0-01-012

Evans Road 1333

Cole, Mary C

TPN 30-019.0-02-003

Evans Road 1334

Harmon, Harold and Retha B

TPN 30-019.0-01-013

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex seven lots in Westwood Subdivision located in the Aiken Estates area.

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 SEVEN (7) LOTS TOTALING 5.9 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL PROPERTY OWNERS AND LOCATED IN WESTWOOD SUBDIVISION, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated seven different owners of single family residential property totaling 5.9 acres in the Westwood Subdivision desire to annex into the City of Aiken. These properties are located at 129 Cedarwood Park, 115, 116 and 119 Westwood Drive, 1330, 1333 and 1334 Evans Road. The proposed zoning for the property is RS-15 which is consistent with the surrounding properties. The owners are interested in receiving general city services and understand that sewer service is not available and will remain unavailable for the near future. The right of way would not be annexed in front of these properties.

The Planning Commission voted unanimously that these properties be approved for annexation in the City of Aiken.

Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance to annex seven properties in the Westwood Subdivision to be zoned RS-15 be passed on first reading and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

GRANT

Urban Youth Corps

Summer Workers

S.C. Department of Transportation

Public Works Department

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from the Urban Youth Corps.

Mr. LeDuc stated last year the Public Works and Public Safety Department entered into a contract with the South Carolina Department of Transportation to hire summer youth to work on enhancing and improving the road right of ways and to paint fire hydrants. They were used primarily in the beautification program, and we were reimbursed approximately \$30,000 for labor, equipment and supplies.

This year we were able to increase the amount of our grant funding to \$33,000 which will allow us to hire approximately 12 youth to continue the work similar to what we did last year. These employees again will be used to help with our beautification program, trimming of trees and general maintenance throughout the right of way, plus maintaining our fire hydrants. We will match the grant by buying plant material and providing transportation and supervision for these individuals. Meanwhile we will also give them some training on basic life skills such as CPR, first aid, defensive driving and other safety programs. This is a plus to our program in that it allows area youth to be employed by the city and yet helps us accomplish many of the programs we have set out as far as beautification to our entrances and parkways.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council accept a grant from the South Carolina Department of Transportation for funding in the amount of \$33,000 to hire youth within our community for the summer.

### ADDITIONS TO AGENDA

Whiskey Road Corridor Study

Consultant

LDR

Suit

Local Option Sales Tax

Sales Tax

Mayor Cavanaugh stated Council needed to consider adding two items to the agenda. He said one item was consideration of hiring a consultant to study the Whiskey Road corridor. The second item was a suit concerning clarification of the funding distribution of the Local Option Sales Tax funds.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the two items be added to the agenda.

### WHISKEY ROAD STUDY

Study

Whiskey Road

Consultant

LDR

Mayor Cavanaugh stated Council needed to consider appointment of a consultant to study the Whiskey Road corridor.

Mr. LeDuc stated at Horizons Council discussed using a consultant to determine the design and landscaping elements needed along Whiskey Road. The staff has been working with the presenter at Horizons, LDR, on a proposal to analyze and propose changes to the Whiskey Road corridor from Pine Log Road to Talatha Church Road. This would include typical cross-sections, size and landscaping details for buffer zones, planned-view drawings, curb cut review, and inter-connections of businesses. Mr. LeDuc pointed out that about 75% of the land in the corridor area from Pine Log to Talatha Church Road is outside the city. As properties request city services the city needs to be able to tell the developers what is needed for the city to accept service for the area such as buffers, sidewalks, curb cuts, etc. The staff has been negotiating with LDR consultants to study the 4 mile length along Whiskey Road to come up with a theme for an entrance corridor arrangement. He asked that Council approve the proposed Whiskey Road Corridor study. He said they would start immediately and probably complete the study within four months. He said the original price was \$120,000, but the city will do some of the surveying and mapping with LDR doing design elements for the plan so the price will be \$56,000.

Councilman Anaclerio stated the property along Whiskey Road is very valuable, and he felt there needed to be a coordinated development plan for the Whiskey Road corridor to protect the area so it does not become like Washington Road in Augusta, GA.

Councilman Anaclerio moved, seconded by Councilman Cuning and unanimously approved, that Council approve LDR as consultants for \$56,000 for a Whiskey Road Corridor Study.

### DECLARATORY JUDGEMENT

Suit

Local Option Sales Tax

Sales Tax

Aiken County

Mayor Cavanaugh asked Attorney Gary Smith to explain the request regarding the Local Option Sales Tax.

Mr. Smith stated there is a concern over how the money that is to be derived from the Local Option Sales Tax that was recently passed by the voters in Aiken County will be distributed. The question is whether it should be distributed first to all the projects in

Aiken County and then to all the projects in the City of Aiken and then down the list or whether it should be prorated as discussed prior to the referendum being passed so that all the municipalities in the County and the Aiken County projects would all be funded at the same time on a percentage basis which he felt was everybody's understanding of the matter. He said he had discussed the matter with the County Attorney and the City Attorney for North Augusta and all of them felt it would be reasonable to file a Declaratory Judgement Action with the Aiken County Court of Common Pleas. Mr. Smith stated he was asking for City Council's approval for the action to be filed. He said the city would be seeking an order from the Circuit Court authorizing the monies derived from the Local Option Sales Tax to be distributed to the various municipalities and the Aiken County projects on a prorata basis.

Mr. Smith stated the County Treasurer has some questions as to whether the referendum authorizes the money to be distributed on a prorata basis or should the money be distributed first to the County and then down the line. He said the lawsuit is to make it clear so the Treasurer will not be violating any state laws if the money is distributed on a percentage basis.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve Gary Smith, City Attorney, participating in the lawsuit regarding the distribution of the Local Option Sales Tax revenues on behalf of the City of Aiken on a prorata basis.

#### RECOGNITION

Boy Scouts

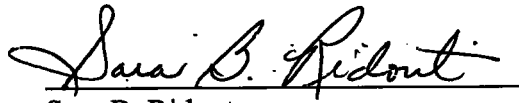
Troop 121

St. John's Methodist Church

Mayor Cavanaugh recognized Boy Scout Troop 121 from St. John's Methodist Church for being present and asked them to introduce themselves.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 P.M.

  
Sara B. Ridout  
City Clerk