

Aiken City Council MinutesREGULAR MEETINGOctober 13, 2003

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Ed Evans, Larry Morris, Anita Lilly, Glenn Parker, Pete Frommer, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and about 50 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session of September 16, 2003 and the work session and regular meeting of September 22, 2003 were considered for approval. Councilman Sprawls moved that the minutes be approved as corrected. The motion was seconded by Councilwoman Price and unanimously approved.

RECOGNITIONS

Mayor Cavanaugh recognized students present at the meeting attending from Mr. Mac Hanna's Government class at Aiken High School. He pointed out Melissa Pearce, Drum Major for Aiken High, was present as well as Daryl Coleman, and Joseph Williams from Mr. Hanna's government class.

BOARDS AND COMMISSIONSAppointmentsGiobbe, Edward N.Planning CommissionHall, Miles

Mayor Cavanaugh stated Council needed to consider an appointment to the city's boards and commissions.

Mr. LeDuc stated we have 16 pending appointments to boards and committees of the city and 1 appointment is presented for Council's consideration.

Councilman Smith has recommended that Edward N. Giobbe, of 541 Grace Avenue, be appointed to the Planning Commission to fill the unexpired term of Miles Hall, who has resigned. If appointed Mr. Giobbe's term would expire December 1, 2004.

Mayor Cavanaugh stated he understood there were citizens present who wanted to make comments regarding the proposed appointment.

Councilman Smith moved, seconded by Councilwoman Vaughters, that Edward N. Giobbe be appointed to the Planning Commission to fill the unexpired term of Miles Hall with the term to expire December 1, 2004.

Mr. Howard Wayt, of 3432 Arbutus Drive, appeared before Council opposing the appointment of Mr. Giobbe to the Planning Commission feeling that Mr. Giobbe represented the Smart Growth group in Aiken and that he would be promoting strict

control of growth through a Traffic Management/Impact Ordinance and a Big Box Ordinance, Impact Fees on new development, and increased regulation through and strict adherence to the Comprehensive Plan, the Old Aiken Master Plan and the Zoning Ordinance. He felt that these controls would be anti-citizen and anti-business. He asked that Council not approve the appointment of Mr. Giobbe to the Planning Commission.

Mr. Channing Jones, 131 Riverbirch Road, stated he was speaking in support of the appointment of Ed Giobbe to the Planning Commission. He said he felt Mr. Giobbe had the business and communications skills necessary to serve on the Planning Commission. He asked that Council give Mr. Giobbe the opportunity to serve the citizens of our community.

Mr. Jim Hedlund, 230 Knox Avenue, stated he felt the citizens of Aiken were blessed to have someone of Mr. Giobbe's experience and his dedication. He felt that Mr. Giobbe would be a credit to the city through his service on the Planning Commission.

Ms. Eleanor Krisch, 831 Calhoun Place, stated she had lived in Aiken for 32 years and that Aiken had developed beautifully because there had been good people to help through situations. She asked Council to support the appointment of Ed Giobbe to the Planning Commission as she felt he was very well qualified for the position.

Mr. Tom Walters, 707 Cardinal Drive; Mr. Frank Shallo, 169 Double Eagle Court; Ms. Betty Witham, 306 Grace Avenue; Mr. Jack Wetzel, 494 Powderhouse Road; Mr. Charles Maxwell, Anderson Pond Road; Mr. Jack Syage, 154 Hunters Run Drive; Ms. Nita Martin, 73 Troon Way; and Ms. Bernadette Davisson, 134 Summerwood Way; asked that Council vote in favor of Mr. Giobbe as they felt he was very qualified, intelligent and has a great background in areas that would serve the city well with future development and in preserving the downtown area. They felt he would be a valuable asset and resource for the city and urged Council to vote for Mr. Giobbe.

It was pointed out that Councilmembers have been given two other applications for Planning Commission appointment. Mayor Cavanaugh stated that each Councilmember has an opportunity to nominate a person for each board. He said this appointment was Councilman Smith's nomination. He said if the nomination is not approved, then Councilman Smith has the opportunity to nominate another person until a nomination is approved. He said the nomination sheets given to Council could be placed in the file for future reference.

Councilwoman Price stated she was concerned about the politics involved in the appointment of volunteers on boards and commissions. She felt appointments had become so contentious and that appointments should not be that way for someone who wants to volunteer their time and service. She said she had received threats if she did not vote a certain way, and she did not respond well to that. She said she had never experienced this in the past. She said this is not the city she can be proud of when citizens call and threaten. She said if Mr. Giobbe is the better candidate let him stand on his merit. She said there is a fear of people who are connected with Smart Growth as they think they stand for no growth. She said somehow the rumors have to be dispelled about what Smart Growth is about. She said some of the rumors are that there will be no more growth on the North side.

Councilman Cunning stated a lot of people had called him asking him to vote against Ed Giobbe. He said these people had supported him in the past. He said he had called Mr. Giobbe and had met with him and discussed his feelings on issues. He said he understood Councilwoman Price's feelings. He said he felt there was a perception in the community of the appointment being getting back at them. He said he did not feel that Ed Giobbe wants to be on the Planning Commission to get back at anyone. He said in talking with him he feels that Mr. Giobbe believes a lot of the same things that he does. He said he wished Councilman Smith had chosen someone from his district. However, he has always supported each Councilman's right to nominate whom they feel represents their point of view. He said in talking with Mr. Giobbe he felt he would be a good member of the Planning Commission and he was going to vote for Mr. Giobbe.

Councilman Sprawls stated he had also received a number of calls about opposing the appointment of Mr. Giobbe. He said his concerns about Mr. Giobbe's appointment are his lack of time living in Aiken and for his lack of knowledge of Aiken. He said he was aware of how qualified and educated Mr. Giobbe is. He pointed out that Councilman Smith had stated in 2002 that Councilmembers should exert every effort to propose individuals who broadly represent the Aiken community. He said at the present time he did not feel that Mr. Giobbe represents the entire Aiken community. He said his second problem is the potential conflict of interest with a member of the Planning staff and Mr. Giobbe's apparent connection with Smart Growth. He said for these reasons he did not feel that he could vote in favor of Mr. Giobbe's nomination at this time.

Councilwoman Vaughters pointed out that two other members of the Planning Commission—Mr. Roscoe Stanley and Mr. Bill Reynolds—were appointed to the Planning Commission after recently moving to Aiken and there were no comments about their not being able to make decisions that were appropriate. She did not feel that length of time in Aiken was a valid argument. She felt that employees of the city on their own time have a right to do what they feel they must do as citizens. She did feel that they should not be involved in political campaigns on city time.

Councilwoman Clyburn stated she had been on Council since 1988 and had seen a lot of campaigns, but she was very surprised to be told that there were Councilmembers out soliciting for candidates in opposition to those already on Council. She said that is not something that is unheard of but she felt this was the first time she had heard of it in the way that it was being done. She said, however, when the election is over the Councilmembers have to work together if we want the city to continue to grow in a positive way. She felt the Councilmembers should do things that promote growth after elections. She said a few months ago she had some appointments to various boards and commissions. She said they were people that she thought were good and qualified just as Councilman Smith thinks that Mr. Giobbe is good and qualified. However, her individuals were personally held under scrutiny because they did not meet criteria of other Councilmembers. She said an appointment to the Historic Preservation Commission was controversial. She said she feels that a Councilmember reserves the right to appoint someone that they feel will do a good job for the common good of the city. She said she wanted her fellow Councilmembers to understand that all Councilmembers put people up for appointments and if they want to reserve the right to slam her appointments then she wants the right to slam other appointments. She said, however, that is not what she wants to do. She said she wanted to cooperate. She said Councilmembers have the right to appoint any person they feel is qualified to serve, but she said she wanted the same right for her appointments and she did not want it in a controversial way because she does not give it in a controversial way. She said she supports other Councilmembers appointments and she will do that for Mr. Giobbe. She said, however, she wanted Councilmembers Sprawls and Smith to remember the selection and to remember the Golden Rule—to do unto others as we have them do unto us. She said if this is done the city will grow in a positive way. She said she would support Mr. Giobbe. She felt he was a decent man. She said, however, when she brings someone up for appointment she wanted other Councilmembers to do the same thing. She said she tries to find the best candidates possible for her appointments and she felt that other Councilmembers should understand that all deserve respect.

Mayor Cavanaugh stated he was in Aiken about 50 years ago and moved away and came back in 1978. He said there had been quite a change during that time and many changes since that time. He said he felt the diversity of people on the boards and commissions over the years, coming from all walks of life had been responsible for the changes. He said he felt the diversity made Aiken strong and the best place in the world to live. He said he had talked with Ed Giobbe and he was convinced that Ed would do a good job on the Planning Commission. He said he was not a "no growth" person. Mayor Cavanaugh stated that Aiken's charm was not because of uncontrolled growth. He said Aiken has had planned growth in the past and he commended the volunteers on the boards and commissions who have given their time to make those tough decisions that make Aiken a better place to live. He said he felt Mr. Giobbe may bring some new ideas to the Planning Commission, but it was good to have different ideas. He said he supported Ed Giobbe for appointment to the Planning Commission.

Councilman Smith stated City Council and Aiken has grown wonderfully over the years. He said the problems are being addressed. He said there are cooperative efforts to get a good product on the Big Boxes and to help plan and control the growth better than in the past. He pointed out he did not think Ed Giobbe would be parochial. He said he had told Councilman Sprawls that his proposed appointment was not personal.

Mayor Cavanaugh called for a vote on the motion to appoint Edward N. Giobbe to the Planning Commission to fill the unexpired term of Miles Hall with the term to expire December 1, 2004.

The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Sprawls was opposed to the motion.

Councilman Sprawls stated that he would like to recommend reappointment of Gail Smiley to the Environmental Committee, Phillip Merry to the Historic Preservation Commission, and W. A. Beasley to the Park Commission.

Councilwoman Price stated she would like to recommend reappointment of Roscoe Stanley to the Planning Commission.

Councilwoman Clyburn stated she would like to recommend reappointment of James Holland to the Planning Commission.

CITY PROPERTY – ORDINANCE 10132003

Dicks, Nathaniel

Jones Street

Laurens Street

Edgefield Highway

S.C. Highway 19 N

TPN 30-040.0-02-005

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell a lot owned by the City of Aiken on Jones Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED AT THE CORNER OF JONES AVENUE AND LAURENS STREET (ALSO KNOWN AS EDGEFIELD HIGHWAY OR S.C. HIGHWAY 19) IN AIKEN, SOUTH CAROLINA, TAX PARCEL NUMBER 30-040.0-02-005.

Mr. LeDuc stated that Mr. Nathaniel Dicks would like to purchase a parcel of land owned by the City of Aiken adjacent to his office at the corner of Jones and Laurens Street. The estimated value of this property based on an appraisal in the 1990's by Aiken County is \$6,000. He is offering the City \$10,000 for this property and intends to construct an office on the property within the next twelve months. The only request he has of the City is that we remove the concrete pad from the previous home that was on this property prior to his purchase. He pointed out that at the last meeting Council asked about the zoning of this property. He said the property is zoned Limited Professional so it is suitable for an office.

Staff has reviewed this request and feels it is a good offer and recommends its approval.

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 sell property at the northeast corner of Jones and Laurens Street to Nathaniel Dicks for \$10,000 and that the ordinance become effective immediately.

SOUTH MEADOWS – ORDINANCE 10132003ADedicationWater LinesSewer LinesUtilitiesSewer EasementsEasementsLift StationWhiskey RoadWaters, JerryTPN 00-159-01-454TPN 00-159-01-022

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to accept water and sewer utilities at South Meadows.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF THE WATER AND SANITARY SEWER, EASEMENTS AND EQUIPMENT OWNED BY JERRY WATERS BUILDER, L.L.C. IN SOUTH MEADOWS PHASE ONE "A," PHASE ONE "B," PHASE TWO, AND ON A PORTION OF A 91.97 ACRE TRACT.

Mr. LeDuc stated Jerry Waters, developer of South Meadows, has requested the City to accept the water and sewer lines, sewer easements and lift station within the South Meadows development. It is customary for the City one year after the construction of these utilities to accept these lines after inspection by our Public Works Department.

The Department has field reviewed all these easements and lines and recommends that the City accept them into our system. The development began over three years ago, and most of these lines have been installed for over two years, which is beyond the minimum of one year that the city requires. Mr. LeDuc stated for developments in the city the city also accepts the streets, but since this development is in the County, the staff is only recommending acceptance of the water and sewer lines, sewer easements and lift station in South Meadows.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to accept the water and sewer utilities shown on a plat of South Meadows, and that the ordinance become effective immediately.

Councilman Cunning expressed concern about the annexation agreement and whether each property owner is aware that there is an annexation agreement on this property. He asked that there be some research on the annexation agreement to be sure that each property owner is aware of the annexation agreement when the property is sold to individual property owners. He wanted to be sure that it is on record when the individuals buy the house that they know about the annexation agreement. It was pointed out the agreements are recorded and are public record and that the agreement binds their assigns. Council's concern was that when the property becomes contiguous that the 300 property owners in the subdivision will be surprised and not want to annex the property even though it is a part of their deed.

HIDDEN HAVEN – ORDINANCE

City Property
Payne, Beverly
TPN 00-134.0-01-106
TPN 13-401.0-01-106
Sirius Drive
Silver Bluff Road
Sale of Lot

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to sell some land owned by the city in Hidden Haven.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON SIRIUS DRIVE, HIDDEN HAVEN SUBDIVISION, IN AIKEN, SOUTH CAROLINA, KNOWN AS A PORTION OF TAX PARCEL NUMBER 00-134-01-106 FORMERLY KNOWN AS 13-401.0-01-106.

Mr. LeDuc stated a couple of months ago City Council approved the sale of property in Hidden Haven consisting of .69 acres for \$16,000. Since that time the prospective buyer decided not to follow through with this purchase.

Mrs. Beverly Payne who adjoins this property would like to purchase a portion of this property which had formerly been used for the septic field for this development. This purchase would encompass the sanitary sewer easement and allow her to expand her lot to a legal size for that particular zoning and will allow the remaining portion of the property to be used as an additional lot in the future. She has offered the City \$7,000 for this 0.26 acre portion which is slightly more than the appraised value based on the overall cost for the property. After reviewing this proposal we are recommending to City Council the sale of a portion of this lot to Mrs. Beverly Payne.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to sell a 0.26 acre lot owned by the City in Hidden Haven to Ms. Beverly Payne for \$7,000 and that second reading and public hearing will be set for the next regularly scheduled meeting.

PENSION PLAN

Retirement Plan
City Employees
Amendments

Mayor Cavanaugh stated Council needed to consider approval of revisions to the city's employee pension plan.

Mr. LeDuc stated that at the work session on September 22, 2003, Warner Anthony reviewed with City Council our Pension Plan. He stated that several changes had been made through IRS and Federal laws, and we need to modify our plan. The IRS changes require us to incorporate the GUST statutory changes, which refer to six different federal laws, and the EGTRRA laws, which incorporate the changes in the Federal Economic Growth and Tax Relief Reconciliation Act. The new plan will incorporate all other changes from 1993 to 2001. Most of these are technical, but there are a couple of new changes which will be incorporated in the plan. The new document plan will incorporate a previous change to the plan of early retirement at 28 years from 30 years to match the State's retirement plan, the contractual agreement that you have with the City Manager and will allow City Councilmembers to opt out of the plan should they desire. There will also be a phase in over a five year period of a new benefit formula that provides offsetting Social Security benefits received by all participants, so that upon retirement all retirees would receive with their Social Security payment approximately 92% of their salary.

The City appointed Pension Committee has reviewed these changes, and recommends their approval by City Council. A copy of the summary plan was given to Council for their information.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve a resolution approving the changes to the new Pension Plan.

TOOLE HILL

Purchase

Northside Development

Resolution

Hartley, Cheryl

TPN 30-026.0-11-016

Holland, James

TPN 30-026.0-12-017

Gloster, Irma

Hendricks, Majorie

TPN 30-026.0-12-015

TPN 30-026.0-05-022

Hickson, Bruce T.

TPN 30-026.0-11-020

Hickson, Kenneth S.

TPN 30-026.0-11-003

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to purchase 5 parcels on Toole Hill for the northside development project.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL ESTATE PROPERTY LOCATED IN THE CITY OF AIKEN.

Mr. LeDuc stated that at the last two City Council meetings Council approved the purchase of 21 parcels of property in the two block area of Toole Hill. At tonight's meeting, staff would like Council's approval to purchase an additional five pieces of property, four of which are vacant and one occupied by a house which is inhabitable and will be removed. We have set aside \$600,000 in the budget to purchase the property within the two block area and to begin the streetscape work throughout. The value of the 21 properties purchased to date total \$187,500. Tonight we are asking for Council's authorization of \$33,000 for five properties, which upon their subdivision will be occupied by seven homes. We are still working on acquiring four additional homes within these two blocks and three vacant pieces of property. It is our goal to acquire these parcels within the next 30 to 60 days.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve a resolution authorizing the purchase of five pieces of property consisting of one home and four vacant lots in the Toole Hill area for a total of \$33,000.

ANNUAL REPORT

FY 2002-2003

Mayor Cavanaugh stated Council needed to accept the Annual Report for fiscal year 2002-03.

Mr. LeDuc stated each year all the departments prepare a summary of their previous year's activity highlighting the various achievements made by each of them. This Annual Report includes a tremendous amount of information which you can use over the next year as we discuss various issues and projects. Each of the departments have put a lot of work into the report and as Council reviews it, they will see many of the accomplishments made by each of them.

Council briefly discussed the Annual Report.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council accept the Annual Report for fiscal year 2002-2003.

CHILDREN'S PLACE

Barnwell Avenue

Councilman Cuning stated he did meet with someone regarding the house at Children's Place located on Barnwell Avenue which was discussed at the last Council meeting. He said the person is interested in moving the house on a lot which he owns on Chesterfield Street and will renovate the house.

ADJOURNMENT

There being no further business the meeting adjourned at 9:15 P.M.



Sara B. Ridout
City Clerk