

Aiken City Council MinutesWORK SESSIONDecember 12, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Anita Lilly, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle and about 6 citizens.

Mayor Cavanaugh called the meeting to order at 6:34 P.M. He stated Council had one item to discuss in the worksession, which is review of the audit report for 2004-05.

AUDIT REPORT2004-05FY 2004-05Financial StatementElliott Davis, LLC

Mr. LeDuc stated the City has received the results of the audit from the firm of Elliott Davis, LLC, and they are present to present their findings. This is the first year this firm has conducted the city audit, and we have found this to be a good experience for both of us. The city has received an unqualified opinion with no reportable findings or questionable costs. Council will have an opportunity to discuss and ask questions concerning the audit during the work session, and it has been placed on the agenda for first reading approval. The audit is being used as a means to modify our annual budget to reflect the actual spending involved during this past year.

Ms. Anita Lilly, Finance Director, introduced Ms. Laurie Smith, of Elliott Davis, LLC, from the Greenwood office to present the audit report to Council.

Ms. Laurie Smith, of Elliott Davis, LLC, distributed an Executive Summary of the Highlights of the Financial Data for fiscal year 2004-05. Ms. Smith stated her firm would be glad to answer any questions at any time regarding any issues. She stated the firm appreciated the contract to audit the City of Aiken. She pointed out her firm is a large accounting firm and is in the top 50 firms in the United States as far as size. She then reviewed the Executive Summary and the audit results. She pointed out the letter in the summary states that Elliott Davis has issued an unqualified opinion on the city's status. She said that means there is a clean opinion on the financial statements as far as the presentation in accordance with Governmental Accounting Standards. She stated there were no unsuspected adjustments during the course of the audit. She stated they looked at the city's internal controls and found no material weaknesses or reportable conditions in the internal controls. She stated the firm looked at compliance with laws and regulations in conjunction with the Governmental Auditing Accounting Office Yellow Book and found no problems with compliance laws and regs. She pointed out there was a single audit relating to federal funds expended. She stated in testing for the single audit, they found no material weaknesses related to the internal controls around the federal funds expended during the year. She stated Elliott Davis issued an unqualified opinion on the major Federal Alert Program expenses. During the year, a new accounting standard, GASB 40, was implemented relating to additional disclosure on the cash, deposits, and investments. There were no disagreements with management during the course of the audit and no significant concerns from an external audit standpoint. She then reviewed the charts presented in the Executive Summary regarding cash, investments, operating cash reserves, and revenues and expenditures. Ms. Smith then answered questions from Councilmembers regarding the audit.

Council commended the Finance Department and staff for the great audit report.

Aiken City Council MinutesREGULAR MEETINGDecember 12, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Glenn Parker, Richard Pearce, Ed Evans, Anita Lilly, Pete Frommer, Larry Morris, Sara Ridout, Betsy Gilliland of the Augusta Chronicle, Tony Baughman of the Aiken Standard, and about 17 citizens.

Mayor Cavanaugh called the meeting to order at 7:03 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. Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session and regular meeting of November 28, 2005, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsHenry, LynnReynolds, LelandDesign Review BoardBoylston, LeeBoard of Zoning AppealsBristol, JoanPark Commission

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

Mr. LeDuc stated that there are 8 pending appointments to boards and committees of the city and 3 appointments are presented for Council's consideration.

Councilman Wells has recommended appointment of Lynn Henry to the Design Review Board with the term to expire December 31, 2007. Ms. Henry would replace Leland Reynolds on the Design Review Board. There has been a question whether or not Ms. Henry meets the qualifications to serve on this board. According to the qualifications for members of the Design Review Board, at least three members must be knowledgeable in archeology, historic preservation, architecture, or construction, and if possible an historic preservationist and licensed architect should be on the board. Susan French has reviewed this and feels that we have at least three or four members currently that fit within this category, consisting of Rosamond McDuffie, as a historic preservationists, McDonald Law as a licensed architect, and Philip Merry and James Milledge as individuals who are knowledgeable about construction. Lynn Henry states she lives in the Historic District and has owned historic homes in the past and is knowledgeable concerning landscaping design.

Mayor Cavanaugh has recommended that Lee Boylston be reappointed to the Board of Zoning Appeals for a three year term with the term to expire December 1, 2008 and that

Joan Bristol be reappointed to the Park Commission with the term to expire December 1, 2007.

Councilman Smith moved, seconded by Councilman Wells and unanimously approved, that Council reappoint Lee Boylston to the Board of Zoning Appeals with the term to expire December 1, 2008, reappoint Joan Bristol to the Park Commission with the term to expire December 1, 2007, and appoint Lynn Henry to the Design Review Board to replace Leland Reynolds with the term to expire December 31, 2007.

Councilwoman Vaughters stated she appreciated the information about the make up of the committee and the categories and experience of the members.

Councilman Smith stated he would like to recommend appointment of Kay Bodenheimer to the Park Commission to replace Lee Poe.

Councilman Wells stated he would like to recommend John Burckhalter to the Park Commission to replace Robert McCartney.

Councilwoman Vaughters stated her appointee has resigned from the Arts Commission. She stated she had asked several people but they all had problems being able to meet at 9 A.M. on a Monday morning. She pointed out that time was not convenient for a lot of people. She stated she was also concerned that citizens might not be able to come to the meeting at that time either. She asked if the committee could change their meeting time to possibly an evening time to be more convenient for the members and citizens.

Mr. Glenn Parker, Recreation Director, stated the members of the committee had voted to meet at that time, but he would ask the committee members if they could meet at another time.

Ms. Mary Ellen Krippner, a member of the committee, stated other members of the committee are having problems with the meeting time also, and that she would also bring the matter up at the next meeting.

AIKEN DOWNTOWN DEVELOPMENT ASSOCIATION

Appointment

ADDA

Sprawls, Don

Wells, Don

City Council

Mayor Cavanaugh stated Council needs to consider an appointment to the ADDA Board.

Mr. LeDuc stated that at the last meeting City Council appointed Don Sprawls as a Council representative to the Aiken Corporation Executive Board. For the past several years he has been the city's appointment to the Aiken Downtown Development Association (ADDA). At the last meeting there was an indication that Council may want to have an additional member on the ADDA Board similar to the two members we have on Aiken Corporation's Executive Board.

Mr. LeDuc stated that at the December ADDA Board meeting he asked them whether City Council could have a second member, and if there were any current vacancies. They stated there were vacancies, and that they would consider a second Councilmember for their Board.

Councilman Don Sprawls has indicated that he would like to remain on the ADDA Board and therefore if Council would like to suggest another person for this Board, we will ask ADDA at their January Board meeting to consider that individual to be a new Board member.

Councilman Smith stated he would like to nominate Councilwoman Vaughters as a Board member of the ADDA. The motion was seconded by Mayor Cavanaugh. The vote was

three in favor and four opposed. In favor were Mayor Cavanaugh, and Councilmembers Smith and Vaughters. The motion did not pass.

Mayor Cavanaugh pointed out there are other vacancies on the ADDA Board. He stated another Councilmember could be on the Board as long as Council does not have four Councilmembers on the Board since that would be a majority.

Councilman Sprawls stated he would like to nominate Councilman Wells to the ADDA Board to represent Council. The motion was seconded by Councilwoman Clyburn. The vote was four in favor and three opposed. In favor were Councilmembers Clyburn, Price, Sprawls and Wells. Opposed were Mayor Cavanaugh and Councilmembers Smith and Vaughters.

SANITATION – ORDINANCE 12122005

Amendment

Solid Waste

Garbage

Roll Carts

Recycling

Yard Trash

Fees

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance amending Chapter 32 of the City Code regarding solid waste.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 32 OF THE CITY CODE OF AIKEN, SOUTH CAROLINA REGARDING DISPOSAL, RECYCLING, AND HANDLING OF SOLID WASTE IN THE CITY LIMITS.

Mr. LeDuc stated that last year City Council made several changes to our trash collection operation and started a roll cart collection. It has been over a year since we began both of these operations, and we feel we are ready to revise our solid waste codes to reflect all the changes that Council made. He said the ordinances were not changed at that time, as Council and staff wanted to see how the system worked and make any adjustments needed before amending the ordinances. He said the proposed ordinance would ratify what the city has been doing for the last six months.

These changes include the optional \$5 charge to continue backyard service and a fee of \$5 if someone leaves their cart out at the street and we return it to the back yard. Residents are allowed to choose either a 90 gallon or 40 gallon roll cart. Once a year residents have the ability to change the size of their cart should they desire. If an individual desires more than one roll cart, a fee schedule has been set up to accommodate those requests. He pointed out currently the city is not charging the \$5 if someone leaves a cart at the street. The city has been returning them and giving warnings when they are left at the street.

On page 6 item 1 the proposed ordinance states that no roll cart can be serviced by City of Aiken personnel if it requires opening a door, gate or similar obstacle. This would pertain to those individuals who want to continue backyard service, but have a gated backyard. They would be required to bring the cart to a location in front of the gate or to leave their gate open thus acknowledging that there are no animals that could injure our employee or get loose while we are getting the carts.

Under the yard trash service, a special collection fee has been set up to allow the pick up of items not included under this service. This would include items such as furniture, white goods, and other items that a homeowner does not have the ability to take to a collection center.

The Public Works Department has been operating under these regulations for over six months without any problems. In passing the amendments to Chapter 32 of the Solid

Waste Code, Council will ratify the changes that have been implemented by Council one and half years ago.

Mr. LeDuc stated staff will probably ask Council to consider a rate change for garbage pickup in a few months or in the new budget year.

As requested by Councilman Sprawls at the last meeting, a copy of the hardship document was provided to Council as information.

Mr. Morris, Public Works Director, stated that roll carts will be delivered to the remainder of the city residents during the month of December.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approved on second and final reading an ordinance to amend Chapter 32 of the City Code concerning solid waste, and that the ordinance become effective immediately.

Councilwoman Clyburn was concerned about being able to get bags to fit the containers to be able to keep the container cleaner.

Councilwoman Vaughters also asked that the workers be encouraged to take the containers to road and dump them rather than reaching in and getting the trash. She said she was concerned about injury to the workers.

ZONING ORDINANCE – ORDINANCE 12122005A

Amendment

Tree Preservation

Attached Single Family Residential

Residential

Single Family Residential

Duplexes

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding tree preservation for attached single family residential projects.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE REGARDING TREE PRESERVATION

Mr. LeDuc stated that Councilmembers on numerous occasions have brought up the fact that they are concerned about duplexes, triplexes, and quadraplexes—housing that is not multifamily, but actually single family homes, but in an attached housing situation. He said Council was concerned about a developer cutting down all the trees on attached housing projects. He said this had happened on several occasions in Aiken, and an example is the project at Barnwell and Morgan Street.

Mr. LeDuc stated there are several issues that the Planning Commission is currently reviewing concerning amendments for the larger issue of attached housing. At this time the Commission is recommending amendments regarding Tree Preservation, since this is the primary issue of concern. The changes that are recommended would **not** require an attached single family residential project to comply with the requirements for new landscaping, but addresses tree preservation. The proposed changes would require the submission of a tree survey, provision to protect grand trees, the preservation of at least 20% of the inches of significant trees, and provisions to replace the inches removed for any grand and significant trees. The provision would also require any attached single family residential project to provide a buffer at least 10 feet in depth adjacent to a property already zoned single family residential. Lastly, a definition for an attached single family residential project would be added to Chapter 10. The only tree removal

allowed after approval of a subdivision would be associated with the installation of roads and utilities. Once the roads and utility work have been completed, a building permit would not be issued until a tree survey was submitted and the tree preservation provisions were adhered to or a variance obtained. At the last meeting Council asked that the language in the ordinance be changed to include duplexes.

Mr. LeDuc stated Council had received some comments from Deborah Brooks and Pat Cuning concerning the proposed ordinance.

The Planning Commission believes that this ordinance will go a long way towards tree preservation for attached single family residential projects and unanimously approved these changes. He said the Planning Commission may consider a new zone for attached housing in the future.

The public hearing was held.

Mr. Pat Cuning, 113 Mulberry Court and Woodside Development Company, appeared before Council. He said he had some concerns about the proposed ordinance. He said he knew the reason for the proposed ordinance and knew what had happened in a couple of instances with land clearing for projects. He said he supports the concept in general. He said he felt an ordinance should encourage compliance, and he was concerned with land that is currently in the County and which may be developed in the future. He was concerned that developers outside the city may clear the trees on their land before submitting plans for development. He pointed out that good developers like trees. He said he would like for the ordinance to encourage Planned Unit Development--Planned Residential with open/green space. He suggested the city adopt an ordinance encouraging Planned Residential development and exempt the PR from the Tree Preservation Ordinance and a tree survey, but require a landscape plan to be submitted to the Planning staff showing the trees to be removed, and a landscaping plan with trees and landscaping to be added. The landscape plan would be submitted to the Planning Director or staff for approval. He said he believes in landscaping, as it helps sell real estate.

Council discussed at length the concerns of Mr. Cuning and the suggestion regarding developments being Planned Residential with landscaping plans being submitted to the Planning staff for approval. It was pointed out the proposed ordinance would not apply to developments being developed in phases if the overall plan has already been approved.

Councilwoman Vaughters stated she was concerned not only about new areas outside the city, but areas already inside the city. She stated she wanted to be sure Aiken does not have another situation like the one at Barnwell and Morgan Street. She stated she understands Mr. Cuning is suggesting encouraging Planned Residential developments.

Mr. Ed Evans, Planning Director, stated the Planning Commission is looking at the design of units, how they look from the street and trying to get variety, rather than just one plain front in a row. They are also dealing with tree preservation and new landscaping. He said what he had understood from Council's comments was that tree preservation was a most important issue and, rather than wait and deal with all the attached housing issues, go ahead and make a recommendation to Council on tree preservation.

Councilwoman Price stated she understood what Mr. Cuning was saying regarding a Planned Residential development and exempting them from the tree preservation ordinance, but she was not sure this would protect all the areas in Aiken.

Mr. Cuning pointed out that the areas in concern were not Planned Residential projects.

Councilwoman Vaughters pointed out Mr. Evans had stated that presently the Planning Director has the authority to ask a developer to make a building smaller or build around a grand tree in the commercial and multi-family zones. She suggested that Council add the same provision in the attached single family zone as in the commercial and multi-family zones.

Councilman Wells stated he felt the proposed ordinance would penalize the contractors that are doing an excellent job and taking care of the trees by requiring a tree survey. He stated some developers have raped some properties and caused Council to look at the issue. He stated if Council requires the attached single-family residential projects to submit a landscape plan to be approved by the Planning Director, that could do away with having to do the tree survey. He said another concern of his is heavily wooded property where a grand tree may have to be removed. He said the developer would be required to replace the trees, but on a heavily wooded lot where would the trees be placed.

Mr. Evans responded that trees have to be replanted by inches until they run out of room. Then they put money into a tree fund to plant trees on city property. He pointed out that the way the present ordinance is drafted, for attached housing a developer would still have to do a tree survey and provide planting strips along property lines and maybe not take down certain trees. He pointed out the draft ordinance does not require new landscaping. He said the tree preservation part needs to be kept separate from the new landscaping. He said the proposed ordinance deals with tree preservation and protecting existing trees. What new landscaping might be required would be addressed in the issues the Planning Commission will be dealing with in the next few months. The proposed ordinance deals with trying to preserve the trees presently on the property. He said preserving the present trees on property is the main concern of the ordinance. The proposed ordinance is to protect existing trees. Mr. Evans pointed out Council had discussed Planned Residential areas, and if Council wants to get into tree issues for attached housing or other tree issues in the Planned Residential project they could do so. He pointed out; however, the Planning Director has to have some standards to go by in reviewing the landscape plans for attached housing and Planned Residential. He said there has to be some direction to staff as to what Council would like to have for the developments, such as there is in commercial and multi-family zones, if the Planning Director is to review attached housing and Planned Residential.

Mr. Cunning stated he felt the proposed ordinance would be workable if Council added the paragraph that he had submitted which states "Planned Residential Zoning (PUD) shall be exempt from the tree survey ordinance; however, any duplex or greater units must submit a landscape plan showing trees that are to be removed and a landscaping plan with trees and landscaping to be added. The landscape plan shall be submitted to the Planning Director or staff for approval." He was concerned about the cost of doing a tree survey. He said he would rather spend money on landscaping rather than surveying all the trees. He said he did feel that it would work if the developer presented a plan of trees that would be removed and how the tree inches removed would be replaced. He felt this was different from a tree survey of the whole property. He said the proposed ordinance does nothing for property that does not have specimen trees. He said, however, if there are specimen trees the Planning Director has the ability to review the trees to be removed and has the ability to say what to replace and where. He said he could live with that, as he would not have to survey the whole property.

Mr. Evans pointed out that on the tree survey there is flexibility in the ordinance that the Planning Director has in tailoring the survey to the given site. He pointed out if the developer has 20 acres and he is only building on 5 acres, he does not have to submit anything on the 15 acres that he is not touching but only do a survey on the part that is to be developed.

Councilman Wells pointed out the plan submitted with the proposed development on Park Avenue had a plan of all the trees, which made it very nice to review the plan. The plan showed the trees they planned to take out and the ones they planned to replace. He said that would be great to have for the attached single family projects and planned residential projects. He said he loves trees and hates to see them cut down. He said, however, he did not want to burden someone with additional fees or charges if it is not necessary.

Mr. LeDuc pointed out that whatever Council does there needs to be some flexibility, but the Planning Director does need some direction as to what Council wants in reviewing the tree plans.

He stated it seems Council is encouraging PUDS—Planned Residential and Planned Commercial, and with these developments Council can require what they wish within those developments. He pointed out that a PUD has to have 25% open space or green space. He said there has to be some give and take, and the request is that staff have some flexibility to work through minute details.

Council continued to discuss the matter at length.

Mr. Cunning stated if the developer can just designate the trees to be removed and how they plan to replace those trees on the property to be developed, he could do that. He pointed out there is some misconception that the whole property has to be surveyed even if it is not to be developed at this time. He pointed out that developers need to be informed that they only have to do a tree survey of the trees to be removed on the property to be developed at this time and not the whole property.

Mayor Cavanaugh suggested that possibly some wording could be changed on the suggestion submitted by Mr. Cunning and take the wording regarding landscaping out and focus on trees in the wording. He pointed out the Planning Director needs some direction as to what the parameters are in reviewing the trees.

Councilman Smith suggested a sentence: "The standard to be applied in evaluating the submission is the same as for the commercial and multi-family zones."

Mr. Evans stated he understood what Council had suggested, but he was not sure where it would go in the ordinance. He pointed out that the standard for commercial and multi-family trees is that no grand tree can be removed basically unless it is unavoidable. They can't remove more than 80% of the inches of significant trees unless this is unavoidable. He said that would be the requirement if Council brings attached single-family housing under the same standard as commercial and multi-family zones.

Mr. Gary Smith stated if Council wants to modify the language of the ordinance that is before Council tonight, they do need to be specific as to what the language is and where it will go in the ordinance. He suggested that perhaps Council may want to pass the ordinance presented to Council at this time and then have the Planning Director take the proposed amendment to the Planning Commission for review.

Councilman Smith stated it seemed to him that Mr. Cunning got a clarification of the application of the proposed ordinance and seems to be in agreement with the ordinance as proposed at this time.

Mr. Cunning stated he wanted to be sure that he would only have to do a tree survey of the area to be developed and the trees to be removed and how the inches for significant trees are to be replaced.

Mr. Todd Stilp, owner of Enviroscope landscaping company, stated he had been on various committees since the original landscape ordinance was adopted. He said the ordinance is one thing on paper, but he has to actually work with the people, the developer, or landowner in interpreting the ordinance. He said he feels the ordinance is very subjective, and he feels it comes down to one person, the City Horticulturist, or the Planning Director. He said he has had a problem with the system on more than one occasion. He said a statement had been made that something needs to be done to slow them down. He said he feels that it should be done correctly. He said he does not feel that it is a matter of cutting down trees and just adding more. He said it is common knowledge of how big a tree will get and how much span they will need, but he feels they are forced to put too much in places. He said he did not want to see lots cleared either, and he makes a living by selling trees. He said Council creates something on paper to see it today. He said, however, when he goes into the field they have to envision it 5 to 20 years from now. He said a lot of factors have to be considered. He stated he wanted to be sure that the trees planted have space to grow to maturity. He said they need space to grow. He felt there needs to be a committee made of arborists, someone in the tree business, others in landscaping, or master gardeners to look at some plans so there is more than one opinion. He said his concern was in dealing with clients after Council

passes an ordinance. He pointed out sometimes there is no place to put trees on the property. He was concerned about being subjective, what is a grand tree, what is a buffer zone and what belongs in a buffer zone, are we keeping things just to be keeping them, or is a developer doing something just to get by without quality.

Councilwoman Price stated Mr. Stilp had raised some interesting issues for Council to think about.

Ms. Rosamond McDuffie, 5 Oakmont Drive, stated it was important that the restrictions be definite and that Council put some teeth into the ordinance. She asked that Council move forward with the ordinance.

Mr. John Brecht, 743 Chaffee Lane SW, stated he agreed with Ms. McDuffie. He asked that Council have a plain, strong tree ordinance that is enforceable. He said he cares about his neighborhood and the city.

Ms. Ann Bliss, 743 Chaffee Lane SW, stated her concern is that downtown has become very popular and there are some vacant lots. She stated there are a lot of big trees on these vacant lots. She stated people are buying lots, clearing the lots and building big homes on the lots. She stated this changes the whole character of the downtown. She said one of the unique things about downtown is the trees, and it makes her feel like she lives in the country. She stated the trees are good for pollution, sound and privacy. She said the trees add character.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved that Council pass on second and final reading the ordinance as presented to revise the Zoning Ordinance regarding tree preservation for duplexes and attached single family residential projects with the ordinance to become effective immediately. She stated Mr. Cunning had seemed to get a clarification on the proposed ordinance and if there are modifications to be made in the ordinance it can be reviewed and amended in the future.

AUDIT REPORT - ORDINANCE

Fiscal Year 2004-2005

2004-2005

Audit

Elliott Davis, LLC

Financial Statements

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept the Fiscal Year 2004-05 audited Financial Statements.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ACCEPTING THE FISCAL YEAR 2004-2005 AUDITED FINANCIAL STATEMENTS AND AUTHORIZING THE VARIANCES TO THE FISCAL YEAR 2004-2005 BUDGET ORDINANCE.

Mr. LeDuc stated every year City Council approves the authorization of changes to the original budget through the annual audit. This is to reflect the spending needs during the fiscal year which may vary per each individual line item. The audit presented by Laurie Smith, of Elliott Davis, LLC, at the work session showed all the changes to the 2004-2005 budget with respect to the proposed and actual revenue and expenditures. In essence the audit is a reconciliation of what was approved by Council in June, 2004 and what was spent during the fiscal year.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance approving the fiscal year 2004-2005 audit and the variances to the 2004-2005 budget ordinance and that second reading and public hearing be set for the next regular scheduled meeting.

ELECTION - ORDINANCESpecial ElectionAnnexationGem LakesSewer SystemReferendumUUCUnited Utility Company, Inc.

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to set a date for the special election concerning the purchase of the sewer system for Gem Lakes.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE CALLING A REFERENDUM PURSUANT TO SOUTH CAROLINA CODE SECTION 5-31-620 AND 5-31-660, ET SEQ. ON THE QUESTION OF WHETHER THE CITY OF AIKEN SHOULD PURCHASE THE GEM LAKES SEWER SYSTEM FROM UUC.

Mr. LeDuc stated as City Council is aware there will be a special referendum concerning the purchase of the sewer system for Gem Lakes. He said when the city talked about the purchase of the system and the Gem Lakes area was annexed it was hoped to have a referendum no later than the first part of February. He said after talking about it with Jim Holly, who has worked with the city on special elections in the past, it was felt the referendum question needs to be presented to the Department of Justice to make sure they agree with the question, or there could be a possible challenge at some time.

The proposed ordinance sets forth the referendum question as follows:

"Shall the City of Aiken purchase the sewer system currently operated by United Utility Company, Inc. that serves the residents of Gem Lakes Estates Subdivision, who will fully repay the City for this purchase."

The referendum is scheduled to be held on March 28, 2006, and will be advertised to meet the state's 60 day standards. Two requirements remain prior to this election that could result in action from the United States Department of Justice (USDOJ). They have sixty days from the time of the filing of this annexation to pose any objection to the annexation, and they need to review the referendum question. If they choose to do so, this could delay the referendum to a later date. It has been our experience, however, that there have been no objections in the past. However, we wanted you to be aware of this possibility.

Mr. LeDuc stated once the citizens affirm the purchase of the system, it would come back to City Council to ratify the approval and where the money would come from to purchase the system. Then sometime during the month of April there would be a closing to purchase the sewer system.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance calling for a referendum concerning the purchase of the Gem Lakes Sewer System for March 28, 2006, and that second reading and public hearing be held at the next regularly scheduled meeting.

CITY MANAGER REVIEWLeDuc, RogerReviewAnnual Review

Mayor Cavanaugh stated Council needed to report on the annual review of the City Manager, Roger LeDuc.

Mayor Cavanaugh stated City Council met in executive session on November 28, 2005, on a personnel matter--the annual City Manager performance evaluation. Council expressed its appreciation for the work done by the City Manager, his many initiatives, and leadership. Council pointed out it appears that the salaries of several other mid-size South Carolina city managers and administrators average around \$126,198. Therefore, it appears appropriate to give the City Manager a 5% salary increase effective December 10, 2005. His new salary would be \$121,693. A further adjustment to bring his salary within the average for other South Carolina city managers will be made in the next fiscal year budget.

Mayor Cavanaugh pointed out Aiken is a wonderful city and a big part of that is the leadership of the City Manager who is responsible on a day to day basis for the city. He stated Council felt Mr. LeDuc was doing a very good job.

Mayor Cavanaugh moved, seconded by Councilwoman Clyburn, that Council approve a 5% salary increase from \$115,898 annually for Roger LeDuc, City Manager, effective December 10, 2005, for an annual salary of \$121,693.

Dr. Bruce Holdorf stated he had met with Mr. LeDuc about nine years ago because he requested that the street be swept in front of his office at 341 Newberry Street NW. He stated today he had to go to work an hour early to clean the city street. He said he had had to clean the city street for nine years. He said he was doing the city's job. He said the City Manager said it was too difficult to change the route of the street cleaner. He said the street sweeper comes down Newberry Street once a month and this is not good enough. He said he pays a lot of taxes and business license. He said he might seek legal counsel and pay 1/30th of his business license because he thinks that is what Roger LeDuc deserves. He said he did not feel Roger LeDuc was doing a good job.

Mayor Cavanaugh stated he had worked with Roger LeDuc before he became City Manager and he had not received any complaints on him. He said he did not recall Dr. Holdorf talking to him or any other Councilmembers about his complaint. He pointed out no one is perfect. He said, however, the city would look at the schedule. He noted that Dr. Holdorf was walking out of the Council Chambers.

Councilwoman Price pointed out that Bob Young, the Regional IV Director of HUD, was in Aiken on Friday, December 9, 2005. She said he was driven around town and shown the city's housing. He gave the city raving reviews for what has been done in improving housing on the northside. She pointed out that Roger LeDuc had a vision for improving housing on the northside and Council had supported that vision. She said because of that vision the City has received outstanding remarks regarding the housing improvements in Aiken.

Councilwoman Vaughters commended the City Manager for his willingness to talk to the citizens regarding their concerns. She asked when Dr. Holdorf had talked to Mr. LeDuc.

Mr. LeDuc stated he did not remember nine years ago. He did point out that the city's policy is that the downtown is swept on a regular basis once a week. He said the city tries to sweep all the residential streets once a month. He said if the policy is changed the city will need to purchase more street sweepers.

Councilman Smith stated he had found Mr. LeDuc to be extremely helpful, very knowledgeable and provides great leadership.

Councilwoman Clyburn also expressed her thanks to Mr. LeDuc for his hard work. She stated when people ask questions and she says to call Mr. LeDuc he talks to the people about their concerns and helps work out their problems. She said Mr. LeDuc works very effectively with the Department Heads. She said she wants to go on record supporting Mr. LeDuc's efforts. She said if he only gets one complaint in nine years, she thinks he is doing very good.

Councilman Wells stated he had only been a Councilmember for a short time, but he would like to also take his hat off to Roger LeDuc. He said he had been very supportive

of him and had helped him with getting up to speed as far as the issues within the city. He said as far as he was concerned Aiken is second to none, and he felt it was due directly to the leadership that Aiken has.

Mr. LeDuc stated Council had stated a lot of good things, but an individual is only as good as the people he works with. He said direction from Council had been great. He pointed out if it were not for the Department Heads we would not have the city we have today. He said it is those individuals with their staff that really gets the job done. He thanked the staff for their help and effort.

Mayor Cavanaugh called for a vote on the motion to increase the City Manager's salary by 5%. The motion was unanimously approved.

LAND PURCHASE

York Street
Richland Avenue
Aiken Corporation
Green Space
Parking

Mayor Cavanaugh stated a request had been received for the purchase of the lot at Richland and York Street.

Mr. LeDuc stated that a letter had been received from the Aiken Corporation stating they have raised approximately \$20,000 to purchase the lot at the corner of Richland Avenue and York Street to develop green space and a minimal amount of parking.

Mr. LeDuc stated approximately 12 months ago the owner of the property refused the city's offer of \$225,000 for the property and stated the selling price was \$260,000. Aiken Corporation would like the City to raise the offer for the property to \$240,000, and then Aiken Corporation will donate the other \$20,000 towards this purchase for a total of \$260,000. They state they have received donations from over twenty businesses and individuals and have letters of support from the Chamber of Commerce, ADDA, and the Aiken Center for the Arts for the purchase of the property. He said Mr. Michael Anaclerio from Aiken Corporation had worked trying to raise funds, hoping to get \$35,000 to make up the difference from the \$225,000. He said he had raised \$20,000. He said the Aiken Corporation is asking since Aiken Corporation has raised \$20,000 that the City raise their price for the lot to \$240,000 making a total of \$260,000 for the lot.

Mr. LeDuc stated there had been a lot of discussion as to what would be done with the lot. He said he understands that most of the lot would be open space, with probably a fountain, landscaping and some parking. He said the question before Council is that Council authorize \$240,000 for the purchase of the lot at the corner of York and Richland, with the \$20,000 raised by Aiken Corporation making a total of \$260,000 for the lot.

Mr. LeDuc stated money has been set aside in the one cent sales tax for the construction of parks, open space and greenways around the City of Aiken. He said when Council talked about setting aside \$1 million for parks and open space, the lot at York and Richland Avenue was mentioned on more than one occasion. He said he would suggest that if Council does decide to purchase the lot that the majority of the cost would come from the one cent sales account. He pointed out that staff will be coming to Council at Horizons for a plan of action for setting up a priority for developing easements and greenways in and around the city, specifically looking at areas that would protect the city's watershed. He said staff will be coming to Council with an overall plan so Council will know where the money will come from and how it should be prioritized in the future.

Mayor Cavanaugh moved that Council support the purchase of the lot at York and Richland Avenue and provide an additional \$15,000 to make the purchase price \$240,000 from city funds and \$20,000 from Aiken Corporation, for a total of \$260,000 for the lot. The motion was seconded by Councilwoman Clyburn.

Mayor Cavanaugh stated he made the motion to purchase the property because he felt the lot is prime property and could make a beautiful entrance to the city. He felt the City should have control over the lot.

Councilwoman Clyburn stated she had recently attended the National League of Cities meeting in Charlotte, NC and had attended the Smart Growth tour of several small towns. She said she saw some beautiful parks and had taken pictures for Council's review. She said the pictures show a prime example of some things that could be done at the corner of York and Richland.

Mr. Ed Giobbe, 531 Grace Avenue, asked if an appraisal had been made on the property and who presently owns the property.

It was pointed out that Bruce Snipes owns the property and that an appraisal had been made of the property.

Councilman Smith stated when the offer was made a year ago there was a compromise for \$225,000. He pointed out it is prime property, but has been on the market for another year and still has not sold at \$260,000. He said if the owner wants to sell he felt he should negotiate. He asked who would actually make the purchase.

Mr. LeDuc stated if Council authorizes the \$240,000 for the property it would be the City of Aiken making the purchase and the Aiken Corporation would donate the \$20,000 for a total purchase price of \$260,000.

Councilman Wells stated earlier Council had talked about maintaining green space in the city. He said he felt the purchase of this lot would be a prime opportunity for the city to own the lot. He said he felt it could be a beautiful area coming into the city and could be very attractive. He felt Council should approve the purchase. He said Aiken Corporation had raised \$20,000 in good faith to try to help reach the purchase price.

Councilwoman Clyburn stated she felt the purchase of the lot would be a wonderful addition to what the Wesley United Methodist Church had done on their property. She felt this would be a wonderful addition to what the church next door has done and for the corner in Aiken. She felt there was some heart which drives the non-sale of the property waiting to see if the money can be raised to keep the area green space. She felt the city would be remiss if it did not purchase the property and keep it green space. She felt it would be a good area to have trees, park benches, etc.

Mr. Wade Brodie, Chairman of Aiken Corporation, stated the Corporation started working on the project about two years ago. He said since Council had looked at the proposal and made an offer on the property the Aiken Corporation had stayed in touch with the owner, expressing the desire to see the property used as a park. He said he felt this corner is a very historic corner, pointing out First Baptist Church is across the street and adjoining the property is the Imanuel Institute, which is being developed as an African-American Cultural Center and on the east is Wesley United Methodist Church that is an historic structure. He encouraged Council to purchase the property.

Councilwoman Vaughters asked about the size of the lot, and Mr. Wade Brodie responded that he did not know the square footage of the property. Councilwoman Vaughters stated she had a problem when the City is considering spending almost a quarter of a million dollars and there is no plan for the property. She pointed out green space was defined in the one cent sales tax, and there needs to be a lot of green space to comply with the definition of green space. She stated when the Aiken Corporation comes to Council with a proposal she would like to have information such as the amount of land to be bought, an appraisal on record and a drawing of what will be on the property.

Mr. Brodie stated there had been several conceptual plans. He said he hoped if Council buys the property that Council would allow the Design Committee of the Downtown Development Association to work with city staff and develop a plan for the use of the property. He said if Wesley United Methodist Church donates some property for the park, they would also want some representation from the church to serve on the

development committee. He said if the city owned the property, the city would have control over how the property is developed.

Mr. Michael Anaclerio, 306 Colleton Avenue, stated in soliciting funds for the purchase of the property he told them the property would be green space owned by the City of Aiken, not by the Aiken Corporation. He said the area has to be green space.

Councilwoman Vaughters again asked about the size of the lot to which Mr. Anaclerio responded that he thought the property was about three-fourths of an acre, but he was not sure.

Mayor Cavanaugh stated he felt the issue was whether the city wanted the land and to be able to control what is put on the property. He said he felt this was a valuable piece of property. He said the owner has stated that he will sell the property for a certain amount of money. He asked whether Council is willing to take a chance and let someone else purchase the property. He said he felt the City needs to own the property and control what is placed on the property.

Councilwoman Vaughters stated she did not disagree that it is an important piece of property, but felt the price was too much money for the property.

Mayor Cavanaugh called for a vote on the motion to authorize \$240,000 for the purchase of the property at the corner of Richland and York Street with the addition of \$20,000 raised by the Aiken Corporation for a total purchase price of \$260,000. The motion was passed by a vote of 5 in favor and 2 opposed. Voting in opposition were Councilmembers Smith and Vaughters.

HORIZONS

Aiken Horizons
February 3-4, 2006
City Council
Council


Mayor Cavanaugh stated Council needed to schedule their annual Aiken Horizons meeting.

Mr. LeDuc stated annually the City of Aiken holds a two day retreat to review current and future issues and to set goals for next year. The goals adopted by City Council in 2005 have given staff guidance for the past year. These goals will be reviewed and new goals developed for fiscal year 2006-07. We would like to set the dates for this year's Horizons to be held at Rye Patch for February 3 and 4, 2006. The meetings will begin with lunch on Friday and end around noon on Saturday.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council set February 3-4, 2006 as the dates for Council's Horizons Retreat to plan for the next year.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:27 P.M.


Sara B. Ridout
City Clerk