

HORSEPLAY

Donation
Horses
Auction
Gala Auction
Public Art
Downtown

Mr. LeDuc stated that for the past three and one-half months 31 horses have been displayed throughout Aiken as public art and have been a huge success for our community. Daily we have seen families smiling, touching and photographing the horses and they have brought many visitors to our downtown and Hopelands Gardens. On March 19, 2004, the Horseplay Gala Auction will be held for all 31 horses. We have been asked by the sponsors of Horseplay whether these horses could be donated to the City by those purchasing them at the auction. If Council is open to this suggestion, as many as ten horses could be donated to the City and placed throughout the downtown area and Hopelands Gardens as public art. The City in turn would attach a permanent marker identifying the person, business or organization that donated the horse to the City for public display. We have reviewed the instructions concerning the painting and sealing of the horses and found that they should withstand weathering for at least ten years. The original Chicago Cows have been on display for the past five years in extreme weather conditions and have shown no evidence of deterioration. He said he had placed on the agenda a resolution for Council to consider concerning the acceptance of these horses as a donation.

Council discussed the proposal. Councilmembers asked if the donated horses could only be placed in the downtown area and Hopelands. Mr. Reynolds responded that location of the horses would be up to the city. Mr. LeDuc pointed out that currently the horses are placed in the downtown and public areas. He said this had seemed to be good for the downtown and visitors to the community.

Aiken City Council MinutesREGULAR MEETING

February 2, 2004

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Anita Lilly, Ed Evans, Pete Frommer, Larry Morris, Sara Ridout, Philip Lord of the Aiken Standard, and about 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:15 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 Cuning moved, seconded by Councilman Smith and unanimously approved, that the agenda be approved.

MINUTES

The minutes of the work session and regular meeting of January 12, 2004, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilman Cuning and unanimously approved.

BOARDS AND COMMISSIONSCommunity Development CommitteeLloyd, Ossie

Mayor Cavanaugh stated Council needed to consider one appointment to the various boards and commissions of the city.

Mr. LeDuc stated there is one pending appointment to boards and committees of the city and one appointment is presented for Council's consideration.

Councilwoman Clyburn has recommended reappointment of Ms. Ossie Lloyd to the Community Development Committee. If reappointed her term would expire September 2, 2005.

Councilman Sprawls moved, seconded by Councilwoman Price and unanimously approved, that Council reappoint Ms. Ossie Lloyd to the Community Development Committee with the term to expire September 2, 2005.

Councilwoman Vaughters stated that her appointment to the Historic Preservation Commission, Len Cherry, had resigned and that she would like to appoint Ms. Rosamond McDuffie to fill the unexpired term. This appointment will be on the next agenda

ANNEXATION – ORDINANCE 02022004River of Life ChurchChurchUS 1 NTPN 00-154.0-01-015Crosland ParkColumbia Highway 1429Battlefield Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property of the River of Life Church located on US 1 North.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY THE RIVER OF LIFE CHURCH AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the pastor of the River of Life Church, John Zimmermann, would like to annex the church's property, located on US 1 opposite Crosland Park. The proposed RS-10 zoning is compatible with the properties surrounding this area and is consistent with the Comprehensive Land Use and Transportation Plan. The right-of-way to the south of this property is in the City, and the entire site of the church and parsonage is included in this annexation. He said they would like to build a new sanctuary on the property and to have the services of the City of Aiken.

The Planning Commission at their December meeting unanimously approved the annexation with two conditions:

1. there should be only be one curb cut on US 1 and one curb cut onto Battlefield Road from the property occupied by the church sanctuary (a one-way in and a one-way out could be considered as one curb cut); and
2. that trees would be planted on the tract occupied by the church sanctuary along the frontage of US 1 and Battlefield Road in accordance with 4.6.7.B of the Zoning Ordinance.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading an ordinance to annex property on US 1 opposite Crosland Park for the River of Life Church as RS-10 zoning.

ANNEXATION – ORDINANCE 02022004A

Pinecrest Avenue 1105
McKie, Levi and Carrie
TPN 30-025.0-12-001
Hampton Avenue
Washington Circle

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 1105 Pinecrest Avenue.

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 0.17 ACRES OF LAND, MORE OR LESS, OWNED BY CARRIE AND LEVI MCKIE, SR., AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated that the owners of property located at 1105 Pinecrest Avenue, Carrie and Levi McKie, Sr. would like to annex their property into the city of Aiken under the proposed zoning of RS-6. They own a 0.17 acre lot and desire the property to receive City garbage and trash pickup along with other services available to City residents. The area is served by City water, but sanitary sewer is presently not available for this property. The Planning Commission unanimously approved this annexation request.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Price and unanimously approved, that Council approve on second and final reading an ordinance to annex property at 1105 Pinecrest Avenue to be zoned RS-6.

Councilwoman Clyburn returned to the Council meeting at this point.

REZONING – ORDINANCE

Colony Parkway
Kings Grant Drive
TPN 30-056.0-01-035
Whiskey Road

Mayor Cavanaugh stated that an ordinance had been prepared for Council's consideration to rezone property at Colony Parkway and Kings Grant Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON COLONY PARKWAY FROM GENERAL BUSINESS (GB) TO RESIDENTIAL MULTIFAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated that a 0.45 acre property at the corner of Colony Parkway and Kings Grant Drive is proposed for rezoning from General Business to Multi-Family High Density (RMH). The proposed zoning would allow up to seven dwelling units on this property. The property surrounding this area is primarily General Business, with the exception that the property to the east has been developed as an office and is west of a protective Open Space. The property appears to be more suitable for Multi-Family residential, with the Colony Apartments close to this area. The developer is proposing four condominium units.

The Planning Commission reviewed this request and unanimously approved the rezoning from General Business to Multi-Family High Density (RMH).

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to rezone 0.45 acres at the corner of Colony Parkway at Kings Grant Drive from General Business to Multi-Family High Density (RMH) and that second reading and public hearing will be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Vaucluse Church of God
University Parkway 1761
By-Pass
Shaffer, Henry B. Sr.
TPN 00-130.0-01-380
Church

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex the Vaucluse Church of God property at 1761 University Parkway.

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 5 ACRES OF LAND, MORE OR LESS, OWNED BY VAUCLUSE CHURCH OF GOD, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated that Henry B. Shaffer, the Pastor of the Vaucluse Church of God, has requested annexation of their property at 1761 University Parkway (By-Pass). This property is located just to the west of the recently annexed 70 acre residential gated community.

The Planning Commission unanimously approved this request with the following conditions:

1. Comply with the Tree Protection and Landscape provisions of the Zoning Ordinance including irrigation.
2. The signage complies with the Zoning Ordinance.
3. Limit the curb cuts to one off University Parkway.

Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to annex property owned by the Vaucluse Church of God to be zoned Residential Single Family RS-6 and that second reading and public hearing be set for the next regularly scheduled meeting.

ALCOHOL – ORDINANCE

Hours of Operation

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the ordinance regarding the hours of operation for establishments serving alcohol.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6-5, AIKEN CITY CODE, TO SET THE HOURS OF OPERATION FOR ESTABLISHMENTS SERVING ALCOHOL FOR ON-PREMISES CONSUMPTION.

Mr. LeDuc stated that several years ago the City of Aiken approved an ordinance which set the hours of operation for establishments serving alcohol for on premise consumption. At the time the ordinance was developed the City did not allow alcohol sales on Sunday. However, in the General Election of 2002 the citizens approved the Sunday sale of alcohol in the city. The approval by the voters necessitates some changes to our

ordinance which became apparent in some recent court hearings. He stated that much of the language about holiday hours was deleted as this does not apply any more because the city allows alcohol sales on Sunday.

Our City Staff Attorney Richard Pearce has amended Section 6.5 of the Aiken City Code which will set the sale of alcohol at these establishments on a daily basis from 10 A.M. to 2 A.M. the following day. These changes fully comply with the state law and takes out any ambiguity that existed in the previous ordinance passed by City Council.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that Council pass on first reading an ordinance setting the hours of operation for establishments serving alcohol for on-premise consumption from 10 A.M. to 2 A.M. the following day and that second reading and public hearing will be set for the next regularly scheduled meeting.

TOOLE HILL - ORDINANCE

Sell Property

Dillon Avenue 806

TPN 30-026.0-11-005

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to sell a lot on Dillon Avenue.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF PROPERTY OWNED BY THE CITY OF AIKEN AND LOCATED NEAR THE INTERSECTION OF MORGAN STREET AND DILLON AVENUE, AT 806 DILLON AVENUE NW, BEARING AIKEN COUNTY TAX PARCEL NUMBER 30-026.0-11-005.

Mr. LeDuc stated that in this year's budget the city added a component to help with the marketing of properties on the northside. As a result, we now have contractual agreements on four properties, two in Asheton Oaks and two in Toole Hill. The City built three houses in the Toole Hill area and sold one about a year ago.

This is the sale of a second house in Toole Hill at 806 Dillon Avenue. This home was built by the City using state HOME funds as part of the construction cost. The staff is requesting City Council to approve the sale of this home for \$75,000 and to pay up to 3% closing costs with the HOME funds paying for the first \$20,000 of this amount. The funds received by the City will be used to help build additional homes on the northside. Mr. LeDuc stated the City is seeing interest in purchase of homes on the northside. He said he felt the city's work in the Toole Hill area was creating interest in housing on the northside.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the sale of a home at 806 Dillon Avenue for \$75,000 and to pay up to 3% closing costs, and that second reading and a public hearing will be set for the next regularly scheduled meeting.

ZONING ORDINANCE – ORDINANCE

Amendment

Board of Zoning Appeals

Orders

BZA

Mayor Cavanaugh stated an ordinance had been prepared to amend the Zoning Ordinance regarding Board of Zoning Appeals Orders.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO PROVIDE FOR BOARD OF ZONING APPEALS WRITTEN DECISIONS TO BE

SIGNED BY THE BOARD MEMBERS PRESENT AND VOTING, AND SENT TO APPLICANTS BY CERTIFIED MAIL, NO LATER THAN WITHIN 48 HOURS OF ITS NEXT SCHEDULED MEETING.

Mr. LeDuc stated that last fall City Council approved a change to the Zoning Ordinance which allowed the Board of Zoning Appeals 31 days to sign the Orders. They have found that it's still difficult to get the Order back in time to meet this schedule.

They are now proposing a slight change to allow an additional two days which will allow them to have the signed Order mailed to the applicant no later than 48 hours after the next regularly scheduled meeting. This will allow them to get most, if not all of the signatures, at the next meeting and then to be able to mail it out within the 48 hours. This gives a greater amount of flexibility to both the BZA and the staff and should not cause any more inconvenience to those applicants appearing before the Board of Zoning Appeals.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that Council approve on first reading an ordinance to extend the amount of time for an Order to be mailed to an applicant by two additional days and that second reading and public hearing will be set for the next regularly scheduled meeting.

ASHETON OAKS – ORDINANCE

Edrie Oaks Circle 142
Edrie Oaks Circle 146
Sell Property
TPN 30-083.0-03-002

Mayor Cavanaugh stated ordinances had been prepared for Council's consideration to sell lots at 142 and 146 Edrie Oaks Circle in Asheton Oaks Subdivision.

Mr. LeDuc read the title of the ordinances.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF A TRACT OF PROPERTY OWNED BY THE CITY OF AIKEN KNOWN AS 142 EDRIE OAKS CIRCLE, ASHETON OAKS SUBDIVISION, IN AIKEN, SOUTH CAROLINA KNOWN AS A PORTION OF TAX PARCEL NUMBER 30-083.0-03-002.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF PROPERTY OWNED BY THE CITY OF AIKEN KNOWN AS 142 EDRIE OAKS CIRCLE, ASHETON OAKS SUBDIVISION, IN AIKEN, SOUTH CAROLINA KNOWN AS A PORTION OF TAX PARCEL NUMBER 30-083.0-03-002.

Mr. LeDuc stated that a few years ago the City of Aiken purchased property formerly known as the Camellia Trailer Park. This property was improved and five homes were recently constructed on this property. The City has marketed these properties and would like Council's approval to sell two lots as part of the contractual agreement for the sale of these homes.

The first lot is at 142 Edrie Oaks Circle and the lot would be sold to H. G. Reynolds for \$9,900 along with a second lot at 146 Edrie Oaks Circle also for \$9,900. Our goal is to receive between \$9,000 and \$10,000 for each of these lots. State HOME funds should also be available to help us with some of our other development costs as we move forward with the sale of property at Asheton Oaks. Revenue from the sale of these homes will be placed in a fund to help with the continued redevelopment of the northside. There will be a dedication of the subdivision on February 8, 2004, at 3 P.M. and all of Council is invited.

Mr. LeDuc stated H. G. Reynolds has sold two houses in Asheton Oaks, but to finish the contract the City needs to sell the lots to H. G. Reynolds. He said the City owns the land, and contractors are building houses on the lots for sale. He said the staff was trying to consider a way that the sale of each lot will not have to come to Council for approval. He

said depending on the price of the house and for the contractor to get their price for the house, the land may be sold somewhere between \$9,000 and \$10,000, and, unless Council gives the staff authority to have the flexibility to sell a lot in the range each sale will have to come back to Council for approval. He said Council needed to discuss whether they wanted to give the staff approval to sell the lots in the \$9,000 to \$10,000 range.

Mr. LeDuc stated if a minimum of \$9,000 for the land could be set by Council then the staff would not have to come back to Council every time a lot is sold. He pointed out that the lots are basically the same size and the value would be the same. He said if Council is agreeable with a minimum lot sales price of \$9,000 this will be placed on the agenda for Council's action at the next agenda.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading ordinances to sell lots at 142 and 146 Edrie Oaks Circle for \$9,900 each to H. G. Reynolds and that second reading and public hearing will be set for the next regularly scheduled meeting.

SALES TAX

Referendum

Capital Project Sales Tax

Committee

Sales Tax Committee

Aiken County

Smith, Richard

Mayor Cavanaugh stated Council needed to consider selection of a Councilmember to represent the City of Aiken on the Capital Projects Sales Tax Committee.

Mr. LeDuc stated that at a recent Aiken County Council meeting they created a Capital Projects Sales Tax Commission and appointed three County Councilmembers Eddie Butler, Scott Singer and Kathy Rawls as their representatives. Under their formula the City of Aiken can make one appointment to the Commission. In year 2000 the Aiken City Council representative was Michael Anaclerio. This individual would meet on a regular basis with the Committee over the next several months to finalize the capital projects to be placed on the November referendum. The Committee will also consist of a Councilmember from North Augusta and from the municipalities at large. Together these six members will begin meeting in February to complete the information needed for the referendum.

Councilman Sprawls moved, seconded by Councilwoman Price and unanimously approved, that Council appoint Richard Smith as Councilmember to represent the City of Aiken on the Capital Projects Sales Tax Committee.

HORSEPLAY

Horses

Public Art

Downtown

Donation

Mayor Cavanaugh stated Council needed to consider acceptance of donation of some of the Horseplay horses.

Mr. LeDuc stated as discussed earlier in the work session, the Horseplay horses will be sold at an auction scheduled for March 19, 2004. A number of individuals, businesses and organizations in Aiken have expressed an interest to donate some of these horses to the City for permanent display. Should the City accept the horses they could be displayed throughout the downtown area and Hopelands Gardens or possibly other areas with the exact location to be determined later. The City would be responsible for the maintenance of the horses which, based on information from the manufacturer, should last for ten or more years without any deterioration. Upon accepting these horses as

public art, a plaque would be placed at the base of each horse identifying the person, business or organization which purchased the horse at the auction.

Horseplay has been a huge success for our community and hopefully this can continue in some manner with the city's agreement to accept some of these horses as public art.

Mr. Reynolds stated at this time he did not know how many horses might be donated to the city. He stated, however, a number of people had commented to him that they would be willing to buy a horse, but they did not have a place to put it. He said he felt that taking the horses away from the downtown would leave a void, as the horses had added a lot to the downtown in terms of tourism.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve acceptance of some Horesplay horses as a donation to be displayed on public right of way in the downtown area, Hopelands Gardens or other areas. The gift would be accepted by the City as a donation and the sponsor identified through a plaque placed at the base of each of these horses with the exact location to be determined at a later date.

EDGEWOOD COMMUNITY

Fuller, Willie

Matthews, James

Mayor Cavanaugh stated members of the Edgewood Community wanted to make a report to Council on their community.

Mr. Willie Fuller, President of the Edgewood Community Association, appeared before Council and thanked Council for the improvements that had been made in the community along Hampton Avenue, including streetscape, storm drainage, parkways and sidewalks. He said, however, there were some concerns in the community that he wanted to bring to Council's attention. He said the residents would like to have more street lighting in the area. He said they are concerned about the dark areas and crime. He pointed out the 300 block of Chesterfield Street needs lights and drainage work. He said the residents were also concerned about cleanup in the area. He said there were some lots on Chesterfield Street near the water tank where houses were demolished that need to be cleaned up. He said much of the material was pushed back into the bushes rather than removed from the area. He pointed out other areas in the community that need to be cleaned up.

Mr. Fuller also stated there were some concerns in the community about the city's letters which had been received by some residents in the community regarding cleanup of their lots. He pointed out some of the places need paint, but painting can't be done this time of year.

Mr. LeDuc stated the staff is trying to enforce the ordinance adopted by Council regarding cleanup of the area and letters had been sent to residents in the area asking them to do some work on their property to improve the appearance. He said the staff is willing to work with the people, but they need to contact the city regarding the matters.

Mr. Fuller stated most of the people who had contacted him were elderly residents, and they did not have the money or means to do the repairs. Mr. LeDuc pointed out there are groups who can provide some help for these people if they will work with the city on the matters.

Council discussed the matters with Mr. Fuller and stated the city wanted to work with the residents to help get the area cleaned up.

Mr. Fuller stated the Association also wanted to put a building that was built in 1840 on the National Register of Historic Places. The building use to be a laundry and is located on the 600 block of Horry Street. He stated the city is asking that repairs be made to the building.

Council discussed the matter and Mr. Fuller was informed that staff in the Planning Department would work with the owner to complete papers for the designation to the National Register or the Aiken Historic Register.

Mr. LeDuc stated Mr. Fuller had mentioned more street lights in the area. He pointed out the city's policy for years has been that street lights are placed at intersections only unless the block is very long or there are curves in the area. He said street lights are placed at intersections unless the block is longer than 600 feet and then the city looks at putting a light mid-block. He said unless there is a safety issue involved this policy is followed. He pointed out presently the city pays \$250,000 a year for street lighting. He said if street lights are put closer then the street lighting cost will probably go to \$400,000 a year or more. He said this is a policy decision that Council needs to decide. He said the policy can change, but the cost will increase.

Council discussed the matter and asked that Public Safety look at the areas and the records to see if there is a safety problem in these areas.

Mr. James Matthews also appeared before Council and stated he would like for the City to use Community Development funds to help in the neighborhoods to clean up the areas. He stated he would like to start a neighborhood coalition with representatives from each neighborhood to help neighborhoods all over the city.

ICE STORM

SCE&G

City Departments

Mayor Cavanaugh stated he would like to mention that South Carolina Electric & Gas Company did a very good job in working to restore power during the ice storm last week as well as Aiken Electric Cooperative and city employees. Mayor Cavanaugh read a note from Janice and Ken Akin who stated that they were very pleased with the city workers during the severe ice storm as they went about helping people and cleaning up downed limbs and trees.

Councilwoman Clyburn expressed thanks to Pete Frommer for his help at a house fire several years ago and again at the same house last night. She said the person was so impressed with the help and caring attitude of Mr. Frommer.

SIGN

Union Street

Bridge

Royal, Elizabeth

Councilwoman Vaughters asked if there was anything that could be done about the big sign in Ms. Royal's yard about the big speed hump at the Union Street bridge.

Mr. LeDuc stated they had dealt with the SC Department of Transportation on this matter since Union Street is in the highway system. He said SCDOT requires a sign when there is a speed hump. Their regulations require this size sign. The city had asked that a smaller sign be erected, but the answer was if the hump is to be there, the sign must be there. He said the staff would check to see if the sign could be moved a few feet. He said, however, that a sign of this size has to stay in the area if the hump is to stay.

EXECUTIVE SESSION

Property

Purchase of Property

Sale of Property

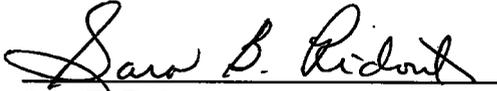
Mayor Cavanaugh stated Council needed to go into executive session to discuss a contractual matter and a legal matter regarding the sale and purchase of property.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss a contractual matter and a

legal matter regarding sale and purchase of property. Council went into executive session at 8:45 P.M. After discussion Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that the executive session end. The executive session ended at 9:45 P.M.

ADJOURNMENT

There being no further business the meeting adjourned at 9:45 P.M.


Sara B. Ridout
City Clerk



