

Aiken City Council Minutes

March 8, 1999

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Pete Frommer, Larry Morris, Ed Evans, Anita Lilly, Stanley Quarles, Richard Pearce, Sara Ridout, Nina Nidiffer of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, and 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Roger LeDuc led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of February 22, 1999, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsAccommodations Tax CommitteePenland, RobbieBuilding Code Appeals CommitteeMoormann, Hank

Mayor Cavanaugh stated Council needed to make some appointments to the various boards and committees of the city.

Mr. LeDuc stated Councilmember Anaclerio has recommended reappointment of Robbie Penland to the Accommodations Tax Committee with the new appointment to expire March 25, 2001. Councilman Anaclerio has also suggested reappointment of Hank Moormann to the Building Code Appeals Committee with a new term to expire May 12, 2001.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council reappoint Robbie Penland to the Accommodations Tax Committee with the term to expire March 25, 2001, and reappoint Hank Moormann to the Building Code Appeals Committee with the term to expire May 12, 2001.

ANNEXATION - ORDINANCE 030899Rosemary Drive 9, 11, 12, 13 and 14Aiken EstatesChick, MartinTimmons, HomerMcLellan, TomGilmer, WoodrowDuryea, MadelineTPN 30-035.0-08-003, 004, 013; 30-035.0-06-013, 014

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex five lots on Rosemary Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF FIVE (5) LOTS AND 1.65 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED ON ROSEMARY DRIVE AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1A).

Mr. LeDuc stated a request had been received from five property owners on Rosemary Drive for annexation under the R-1A zone. These lots along with several other lots were approved for annexation by the Planning Commission on November 10, 1998, and denied by City Council on first reading on November 23, 1998.

The lots are contiguous to the city limits on the north and west boundaries. The five parcels are at 9, 11, 12, 13 and 14 Rosemary Drive. This is a 100%

annexation effort by the homeowners and is consistent with the zoning of the surrounding neighborhood.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex five lots on Rosemary Drive with R-1A zoning and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE 030899A

Two Notch Road 1416 and 1506

McGuire, Reed W.

Lackey, James M.

Hammond Drive

TPN 30-056.0-07-009 and 010

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 1416 and 1506 Two Notch Road.

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 TWO (2) LOTS AND .85 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED ON TWO NOTCH ROAD AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1).

Mr. LeDuc stated a request had been received for annexation of two lots. The first lot is at 1416 Two Notch Road owned by Reed W. McGuire and the second is at 1506 Two Notch Road owned by Maurine H. and James M. Lackey. These lots are single family units and both are owner occupied and are contiguous on the east and south boundary lines by the City of Aiken. The lots were a portion of a larger annexation brought to City Council on December 14, 1998, which was denied.

The zoning request for the area to be annexed is R-1 Single Family Residential which is consistent with the zoning and established land use of the neighboring property in the city. Both lots meet or exceed the minimum lot size for the R-1 zone. The proposed zoning is consistent with those of low density residential use for the property. The Planning Commission voted unanimously to recommend annexation of this property.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on second and final reading an ordinance approving annexation of property at 1416 and 1506 Two Notch Road with R-1 zoning and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE 030899B

Pine Log Road 1922

Carroll, Dendy Lewis

Huntsman Drive

TPN 00-106.0-01-031

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 1922 Pine Log Road.

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 .68 ACRES OF LAND, MORE OR LESS, OWNED BY DENDY LEWIS CARROLL AND LOCATED AT 1922 PINE LOG ROAD AND TO ZONE THE SAME SINGLE FAMILY RESIDENCE (R-1).

Mr. LeDuc stated a request had been received from Dendy Lewis Carroll to annex the lot at 1922 Pine Log Road. This lot is on the north side of Pine Log Road just east of Huntsman Drive and has a single family dwelling unit on the property.

The Planning Commission voted unanimously to recommend annexation to the City. The lot exceeds the minimum area and width required for the proposed R-1 zone.

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The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on second and final reading an ordinance approving annexation of the property at 1922 Pine Log Road with R-1 zoning and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE 030899C

Palm Drive 507  
Johnson, Nile and Barbara  
TPN 30-056.0-07-002

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 507 Palm Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .62 ACRES OF LAND, MORE OR LESS, OWNED BY NILE AND BARBARA JOHNSON AND LOCATED AT 507 PALM DRIVE AND TO ZONE THE SAME SINGLE FAMILY RESIDENCE (R-1).

Mr. LeDuc stated a request had been received from Nile and Barbara Johnson to annex their single family residential lot at 507 Palm Drive. Three sides of the property are contiguous to the city.

The Planning Commission voted unanimously to recommend to City Council that this request be approved. This lot was part of a larger annexation proposal recommended for approval but denied by City Council on second reading on December 14, 1998.

The lot exceeds the minimum size area and width for the R-1 zone which is being requested for the annexation.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on second and final reading an ordinance approving annexation of the property at 507 Palm Drive with R-1 zoning and that the ordinance become effective immediately.

HOSPITALITY TAX - ORDINANCE

Accommodations Tax  
Restaurants  
Motels  
Hotels  
Local Accommodations Tax  
Local Hospitality Tax  
Tax

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the City Code to adopt the local Accommodations Tax and local Hospitality Tax.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE CITY OF AIKEN TO ADOPT THE LOCAL ACCOMMODATIONS TAX AND THE LOCAL HOSPITALITY TAX.

Mr. LeDuc stated the City of Aiken has the ability under the laws of South Carolina to establish a hospitality and accommodations tax to be used for tourism and cultural related activities plus any roads, advertisement or infrastructure necessary for these items. Council discussed the proposed taxes at the Horizons meeting and asked that the proposal be placed on the agenda for Council's vote.

The proposed 2% Hospitality Tax would be imposed on the gross revenues derived from the sale of prepared meals and beverages sold in establishments licensed for on-premise consumption of alcoholic beverages and for those businesses furnishing food and beverage services. In addition the hospitality tax would be imposed on all food and beverages prepared or modified by convenience stores, fast food service outlets, or grocery stores in the City of Aiken.

The Accommodations Tax of 3% would be placed on all businesses engaged in providing accommodations with six rooms or more and would be placed on any rental which provides lodging to transients for a period of 90 days or less.

All proceeds from the Accommodations and Hospitality Tax would be used for the promotion of tourism and cultural related projects. These consist of baseball and soccer fields at Citizens Park, a tennis complex, skate park, additions to the airport terminal, a public safety station and downtown theatre. In addition to this would be yearly expenses for beautification, road resurfacing, tourism and promotion and underground wiring. The purpose of this tax is to finance these particular projects, and once these projects have been fully paid and the debt service on these projects satisfied, this tax will be repealed by an ordinance passed by City Council. The City Manager shall annually report to City Council regarding the fees received from this tax, the annual expenditures, and give a projection regarding the anticipated termination date for these taxes.

The proposed Capital Projects to be funded by Local Hospitality Tax and Local Accommodations Tax are as follows:

<u>Projects</u>	<u>Estimated Cost</u>
Citizens Park Baseball & Soccer Fields	\$ 7,000,000
Tennis Complex	2,300,000
Skate Park	200,000
Additions to Airport Terminal	300,000
Public Safety Station	300,000
Downtown Theater	<u>1,500,000</u>
Total	\$11,600,000
<u>Other Yearly Expenditures</u>	<u>Estimated Cost</u>
Beautification	\$ 150,000
Road Resurfacing	50,000
Tourism/Promotion Personnel	50,000
Underground Wiring	<u>60,000</u>
Total	\$ 310,000

Councilwoman Price moved, seconded by Councilwoman Papouchado, that Council pass on first reading an ordinance to impose a 3% Local Accommodations Tax and a 2% Local Hospitality Tax for the purpose of providing capital projects as listed and that second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Perry opposed the motion.

Mayor Cavanaugh stated Council would review each of the projects listed in the ordinance and each project would stand on its own merit. He said if any of the projects were not approved, then they would be deleted from the list.

SOUTH CAROLINA ELECTRIC & GAS CO. - ORDINANCE

Franchise Fee  
SCE&G

Mayor Cavanaugh stated an ordinance had been prepared for first reading to establish a franchise fee for South Carolina Electric & Gas Co.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING THE FRANCHISE FEE FOR SOUTH CAROLINA ELECTRIC & GAS COMPANY.

Mr. LeDuc stated that in January City Council extended the franchise agreement to SCE&G for 20 years with one of the provisions allowing the City of Aiken to increase the SCE&G fee to 5%. At the Horizons retreat Council discussed several capital projects which they would like to move forward with along with several yearly programs like beautification, roadway improvements, underground wiring, and tourism and marketing promotion. To pay for these improvements the staff recommends that the City of Aiken increase the franchise fee for SCE&G to 5%. This would raise an additional sum of \$460,000 yearly. With this money and the accommodations and hospitality tax the city would be able to pay off the capital projects in approximately eight years.

It was pointed out that the city currently has a 5% franchise fee on the cablevision, water and sewer, long distance service, and for Aiken Electric Cooperative.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado, that the ordinance to set the franchise fee for SCE&G at 5% with said increase to commence on July 1, 1999, be passed on first reading and that second reading and public hearing be set for the next regularly scheduled meeting of City Council. The motion was approved by a majority vote with Councilmembers Perry and Radford opposing the motion.

Councilman Perry pointed out that there was not another city that has electric service by a private company like SCE&G in North Carolina, South Carolina or Georgia that has a 5% franchise fee. He felt Council needed to give more thought on the effect of the increase on people on limited income, on businesses, and on economic development. He pointed out Council had passed on first reading three ordinances to increase taxes.

Mayor Cavanaugh stated he did not feel that the city was doing anyone a favor by raising taxes. He said the city has had a good history of improving the community over a number of years. He said the citizens seem to be supportive of improvements. He said the idea was to continue improvements in the community which in turn will bring in additional business through tournaments, etc. He said to make improvements the city either has to increase property taxes or through an alternative tax. He pointed out that surrounding communities such as Augusta, North Augusta, and Columbia already have hospitality and accommodations taxes.

#### ANNEXATION INCENTIVE PROGRAM - ORDINANCE

Incentive Program

Annexation

Aiken 2000 Program

Mayor Cavanaugh stated an ordinance had been prepared for first reading terminating the Annexation Incentive Program.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE REPEALING THE AIKEN 2000 PROGRAM.

Mr. LeDuc stated that during the summer of 1997 the city began an annexation incentive program based on recommendations from the Annexation Task Force Committee. Letters were sent to 6,900 property owners asking them to sign annexation agreements wherein they would receive a portion of their taxes abated or a cash incentive of one-half to be paid at the time of the signature and one-half at the time when they would actually be annexed.

Approximately 450 annexation agreements were signed with 35 properties having been annexed into the city. The staff has spent over 5,000 man hours working on this and over 250 volunteer hours circulating petitions for annexation.

A meeting was held recently with City Council to discuss our program, and it was decided at that meeting to end the annexation program as it is now in place. Based on this discussion, the city will continue to pursue annexation through the utility policy of providing water, sewer and fire service to those properties wishing to come into the city. If a property owner does not wish to have these services, then they would remain outside the city limits and would not receive these services. Currently the incentive program would end on January 1, 2000, and the staff recommends that the program end 30 days from the date of the second reading of this ordinance amendment which would be March 22, 1999. This would mean that April 22, 1999, would be the end of the annexation program.

Councilwoman Clyburn moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading the ordinance terminating the annexation incentive program thirty (30) days from the second reading, and that second reading and public hearing on the ordinance be set for the next regularly scheduled meeting of City Council.

CHARACTER FIRST PROGRAMResolutionCommunity of Character

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration declaring Aiken a Community of Character.

Mayor Cavanaugh stated the community has an opportunity to emphasize the basic character principles. He said today some of these character values or qualities are missing. He pointed out the schools are working on this. He said the initiative is to emphasize these principles in the community working with the schools, businesses, faith community, and civic organizations. He said the plans are to emphasize a different character trait on a billboard each month. He said several communities around the country have such a program. He said a steering committee had been formed and plans were moving forward for the program. A kickoff is planned for March 25, 1999. Mayor Cavanaugh stated that at the City Council Horizons Retreat Council discussed Aiken being one of many agencies within our area being an active and leading partner for the Character First Program. The City of Aiken will be the first city within South Carolina developing this program, one which we feel will have a significant impact upon our community as the entire Aiken area becomes a community of character. Other cities are looking at this program including North Augusta and Augusta.

Mayor Cavanaugh asked that Council consider adoption of the resolution declaring Aiken a Community of Character.

Councilman Perry moved, seconded by Councilwoman Clyburn and unanimously approved, that Council adopt the resolution declaring Aiken a Community of Character.

BIDSGarbage TruckPublic Works DepartmentMcNeilus Truck and Body

Mayor Cavanaugh stated Council needed to consider acceptance of bids for a commercial garbage truck.

Mr. LeDuc stated he had discussed with Council in February that one of the front load garbage trucks had caught fire and could not be salvaged due to the severe damages to the truck and body. He stated the city had gone out on an emergency bid asking for prices on a combined body and chassis that could be delivered to the City of Aiken within a short period of time.

The city received nine bids on this vehicle, and the staff is recommending the fifth lowest bid. This bid was submitted by McNeilus for \$141,830.35. The low bid was for \$137,984 or a difference of \$3,846.35. The staff is not recommending the low bid due to the fact that the truck was a demo and had nearly 10,000 miles, and it is felt that the Heil body quoted by McNeilus is superior to the Leech body quoted on the other model. The McNeilus body has a five year warranty on the cylinders versus one year on the other body which is one of the major components that we have difficulty with on these types of trucks. This truck can be delivered within a couple of days where the other lower bids were anywhere from 45 to 60 days delivery. We feel it is important that we have this truck as soon as possible, as a rental unit is \$680 per day, and this truck can be delivered in three days. There are other pluses to the McNeilus body versus the others such as its lift capacity, the strength of steel in the side walls, and larger body capacity. The city currently has two McNeilus bodies on their rear loaders and have had excellent results. None of the bidders are local.

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The bids received were as follows:

Heil Environmental	\$ 141,390.00
Heil	146,690.00
Carolina Trucks & Equipment	138,580.00
McNeilus Truck and Body	141,830.35
Amick Equipment	137,984.00
Amick Equipment	145,585.00
Lodal-South	141,684.00
Nu Life Environmental	143,192.00
Nu Life Environmental	146,750.00

Mr. LeDuc stated funds are available for the purchase of the truck from reimbursement from the insurance company and from depreciation funds.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado, and unanimously approved, that Council approve the bid of McNeilus Truck and Body for the purchase of a commercial garbage truck in the amount of \$141,830.35 as recommended by the staff.

#### GOALS 1999-2000

##### Management Plan

##### Horizons

##### City Council

Mayor Cavanaugh stated Council needed to formally consider adoption of goals for the fiscal year 1999 - 2000.

Mr. LeDuc stated the following new goals were given to city staff to work on during the 1999-2000 fiscal year. These are:

1. Bring forth alternative resources and revenues to support the new capital projects needed within the city.
2. Develop a city neighborhood team to deal with neighborhood revitalization and to develop leaders within those neighborhoods.
3. Support and develop a Character First Program within the city.
4. Develop a Health Assessment of city employees and begin a program to deal with the problems determined by the assessment.
5. Bring together a committee of citizens who would deal with our ongoing litter problem and develop ways to deal with this both short and long term.
6. Begin meeting with the County and other governmental agencies to develop more regional cooperation between them and the City of Aiken.
7. Continue our Strategic Planning process and review the possible update of this plan in the beginning of year 2000.

City Council also agreed that we should continue the goals which we have instituted in prior years.

1. To support new missions at the SRS through active City participation by the Mayor and other City representatives in the Washington visits and other efforts on behalf of the Site.
2. To diversify business and industry in the Aiken area. In this effort we will obtain 5 articles on Aiken in national magazines, apply for 3 awards, expand our economic development pages on the Internet, and track the change in the number of businesses licensed in Aiken.
3. To continue community policing and the emphasis on community services. In this effort we will build or obtain 1 downtown public restroom.
4. To increase the legislative emphasis on Home Rule.
5. To resolve issues facing the youth of this community, with the input of the youth of this community.

6. To expand on the community's electronic network.
7. To consider innovative revenues instead of taxes and fees, and to generate revenues from the technology-based services of the City, including GIS and mapping services.
8. To continue leadership in the Healthy Communities movement.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council adopt the goals as listed for fiscal year 1999-2000.

#### CONDITIONAL USE

Kylie Park  
Apartments  
Varden Drive  
Trail Ridge Road  
Houndslake Corporation  
TPN 00-133.0-01-113

Mayor Cavanaugh stated this was the time advertised for public hearing on a conditional use request for apartments at Varden Drive and Trail Ridge Road.

Mr. LeDuc stated the Planning Commission received a request to locate a 96-unit apartment complex on 6.7 acres of land in a Neighborhood Business zone at the southeast corner of the intersection of Varden Drive and Trail Ridge Road to be known as Kylie Park.

Neighborhood Business zoning will allow apartments, but only with City Council permission. The zoning surrounding this property is single family residential on the north side, to the west is the former NUS now Tetra Tech Industries, to the south is the St. Paul's Lutheran Church, and to the east is Fairway Ridge Apartments.

The proposed density is less than the maximum allowed in a R-3 zone, and the development will include 8 three-story apartment buildings, a community center, swimming pool, tot lot and volley ball court. The entrance will be off Trail Ridge Road which is signalized at Hitchcock Parkway. The site currently is vacant and heavily wooded with a mixture of evergreens and hardwoods.

The Planning Commission voted unanimously to recommend to Council approval on the condition that all exterior lighting be directed away from the nearby residential areas so there would be no glare from the development.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve the proposed 96-unit apartment complex to be placed in a Neighborhood Business zone at the southeast corner of Varden Drive and Trail Ridge Road with the condition as recommended by the Planning Commission.

#### EXECUTIVE SESSION

Mayor Cavanaugh stated Council needed to go into executive session to discuss the possible purchase of some land. Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council go into executive session to discuss a possible purchase of land. Council went into executive session at 8:10 P.M. After discussion Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the executive session end.

#### ADJOURNMENT

There being no further business the meeting adjourned at 8:35 P.M.

  
 Sara B. Ridout  
 City Clerk