

Aiken City Council Minutes

October 25, 1999

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

Others Present: Roger LeDuc, Gary Smith, Anita Lilly, Ed Evans, Bill Huggins, Pete Frommer, Stanley Quarles, Terry Rhinehart, Sara Ridout, Tom Smith of the Aiken Standard, Katie Throne of the Augusta Chronicle, and about 60 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of October 11, 1999, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

PRESENTATION

Schofield Middle School
National History Day

Mayor Cavanaugh stated Council wanted to recognize some students from Schofield Middle School who had won first place in their division at National History Day.

Mr. LeDuc stated the staff had prepared a plaque for presentation to Schofield Middle School and a resolution for presentation to each of the three Schofield Middle School students who participated in the National History Day finals.

Betty Skeen, Jack Jenkins, and Christine Lumans of Schofield Middle School were among 400 students, teachers and parents who competed at National History Day in the South Carolina state finals and then they were among 30 South Carolina students who represented the state at National History Day at the University of Maryland. Their performance won them the national championship in their division at National History Day.

The three students, Betty Skeen, Jack Jenkins, and Christine Lumans along with their history teachers Mark Roberts, Alecia Wagoner and Principal Beatrice McGee were present for the presentation by City Council.

Mayor Cavanaugh presented a resolution to each of the students and a plaque to the school.

PRESENTATION

Citizens Park
Distinguished Service Award

Mayor Cavanaugh stated Mr. Wayne Rinehardt, Executive Vice President for the United States Specialty Sports Association, is present to present the award won by Citizens Park.

Mr. LeDuc stated Citizens Park earlier this month received the 1999 Distinguished Service Award given by the United States Specialty Sports Association (USSSA) who develops major softball tournaments throughout the United States. This award is given to a South Carolina Sports Complex every year for the work the staff does with USSSA during the weekend tournaments and it is an honor for Aiken to receive it the second year in a row.

Mr. Wayne Rinehardt, Executive Vice President for the United States Specialty Sports Association, stated it had been his pleasure to work with the staff at Citizens Park and the Recreation Department in bringing in some tournaments. He said people from all over always leave in awe of the Southern hospitality in Aiken, the beautiful complex and the way the complex is run by the staff. He said Citizens Park was awarded the Complex of the Year Award in South Carolina last year. He said he had traveled all over the country and Citizens Park is at the top of the list. He said they look forward to bringing many more fine events to Aiken. He said he was present to present to the city the Distinguished Service Award. The award presented to Citizens Park was for a variety of reasons including the cordial attitude of the entire staff to the tournament participants, the appearance of the Park, the willingness of the

staff to work with USSSA officials and the overall well run tournaments at this facility.

BOARDS AND COMMISSIONS

Appointments

Smith, Greg

Historic Preservation Commission

Bristol, Joan

Earle, Tom

Park Commission

Anderson, George

Zoning Board of Adjustment

Mayor Cavanaugh stated Council needed to consider several appointments to the various boards and committees of the city.

Mr. LeDuc stated at the last Council meeting former Councilman Perry recommended reappointment of Greg Smith to the Historic Preservation Commission. On approval by City Council, the term for this position would expire December 31, 2001.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council reappoint Greg Smith to the Historic Preservation Commission with the term to expire December 31, 2001.

Mr. LeDuc stated Mayor Cavanaugh has recommended reappointment of Ms. Joan Bristol to the Park Commission, and Councilman Anaclerio has recommended reappointment of Mr. Tom Earle. On approval by City Council, the terms for these positions would expire December 1, 2001.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council reappoint Joan Bristol and Tom Earle to the Park Commission with the terms to expire December 1, 2001.

Mr. LeDuc stated Councilman Anaclerio has recommended reappointment of George Anderson to the Zoning Board of Adjustment, and on approval by City Council, this term would expire December 1, 2001.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council reappoint George Anderson to the Zoning Board of Adjustment with the term to expire December 1, 2001.

CONDITIONAL USE

Horses

Barn

Paddocks

Penmar Street

Thompson, Mark and Pam

Sellers, Howard and Marilyn

Williams Drive

Hickory Ridge Road

Houndslake North

TPN 00-133.0-01-214

Mayor Cavanaugh stated Council needed to consider a conditional use request for horses, barn and paddocks near Penmar Street.

Mr. LeDuc stated that at the last Council meeting Council heard a request for horses, barns and paddocks by Mark and Pam Thompson to allow up to 24 horses for private use on 12 plus acres of land zoned Single Family Residential. The Planning Commission voted unanimously to recommend approval of this use off of Penmar Street which is located on property behind the houses on Williams Drive and Hickory Ridge and owned by Marilyn and Howard Sellers. Due to the fact that many residents had not heard of the request and needed further time to review the facts and to talk to the owner, Council delayed their decision to this meeting.

The property is surrounded by single family development on all sides and some vacant lots. The applicants intend to build a home and barn on this property and presently have five horses. Their goal is to subdivide the property some time in the future and retain the horse use on the remaining lot.

The maintenance standards for allowing this type of use require that all manure be removed two times per week. Because of the size of the property the Thompsons feel this may be very difficult and are requesting that this be done in the paddocks and barn area only. The Planning Commission also recommended that fencing be placed to keep children out of the pasture area and that the fence be erected 10 feet from the property line for protection of the neighboring children.

The applicants are objecting to the request for the fence to be located 10 feet inside the property line and would like this portion removed from the request.

The public hearing was held.

Mr. Jeffrey Lietzow, 166 Aberdeen Drive, spoke in opposition to the conditional use request. He said his property joins the property where the Thompsons plan to place up to 24 horses. He said the request had been postponed at the last meeting to allow all parties to gather additional information. He said he had over 100 signatures from concerned citizens on a petition in opposition to the request. He said the citizens represent the surrounding area of four neighborhoods, including Aiken Estates, Woodwinds Estates, Houndslake North, and Hickory Ridge. He said the petition asks that the conditional use be denied. Mr. Lietzow stated several individuals visited the Thompsons' current residence. He presented to Council two plats, one showing the Thompsons' existing and associated surrounding area and the area surrounding the 12.7 acres in question. He pointed out the plat surrounding the Thompsons' present property shows lots of between 5 and 6 acres. The plat showing the area around the 12 acres where the conditional use is requested shows residential single family lots of less than one acre. In the area around where the Thompsons are presently located horses are allowed. In the proposed area horses are not allowed. He said the proposed area is not designed for horses. He said the residents had invited city staff and Council to visit their area to see their concerns, and he was not aware of anyone visiting his property. He said he had received the Thompsons' letter, but it did not change their mind about the request. He said a horse farm/business does not belong in the area. He said he had received a letter from Ed Evans regarding the information used by the Planning Commission in determining the recommended approval of the conditional use request. He pointed out that no environmental data was used in making the decision by the Planning Commission which the residents find unacceptable. He said they believe that environmental issues and the health and safety of the citizens and children should be protected. He said the residents had documents with over 100 signatures of support for rejecting the conditional use request. He said residents had visited the Thompsons' property, researched the plats, requested environmental assessment data and found what was utilized, researched the health concerns associated with keeping horses, held meetings, talked about future property values and safety of the children. He said the residents do not want a horse farm/business in the single family neighborhoods for the reasons stated.

Mr. Grady McElmurray, 153 Aberdeen Drive, stated he used to live in the country, but had moved to the city and this was the last place he would have moved if he wanted horses. He said his concern was property values in the area, and he was concerned about children in the area.

Mr. Don Krafnick, 149 Aberdeen Drive, stated Aiken was a great place to live. He pointed out there are communities in Aiken established as horse communities. He stated however, the 12 acres proposed for the horse farm lies within four residential neighborhoods. He pointed out the surrounding citizens feel the area should remain residential. He said the residents bought property with the understanding that the area was designated single family residential. He said with the proposed use, the residents are being forced to accommodate one couple so they can build their dream home and have up to 24 horses. He asked Council to deny the request.

Ms. Nita Martin, 405 Northwood Drive, stated she felt changing the zoning of the area would change the character of the neighborhood.

Mr. Joe Kinney, 141 Aberdeen Drive, spoke in opposition to the conditional use request for 24 horses. He felt this was too many horses for this area, and he felt the proposed farm would be a business. He said he was concerned about the environment and diseases which might be caused with horses in the area. He said there seems to be a void in some of the common environmental,

engineering, and public health concerns with the proposed items and a lack of information provided to the city to make a responsible and informed decision. He was also concerned about drainage in the area and natural springs and high volume outfalls present in the area. He was concerned about the population in the area, geography of the area, and the amount of traffic near the area of concern. He said he felt a horse farm is not an appropriate use of the land and the majority of homeowners in the area are concerned that a horse farm in the area is not in their best interest. He said they were concerned about adverse impacts to their personal property. He was concerned that the city enforce all building codes, environmental standards and city ordinances. He asked that Council deny the request.

Mr. Chuck Seitter, 402 Northwood Drive, stated he was concerned about safety with horses in the area, about diseases from the animals, drainage from the property, and about the proposed use being a business in the area.

Ms. Pam Thompson pointed out they do breed their horses and if they don't sell them they will have more horses. She said, however, this does not make it a commercial operation. She said they are not asking for a public stable. She said the conditional use is for horses for private use. Ms. Thompson pointed out the plat which had been presented did not show the house in the area where they intended for it to go. She said they wanted to put the house on the highest part of the land which would be several hundred feet towards the Sellers' property. She said the paddock fence would be at least 200 feet from the nearest property line and the barn would be at least 300 feet from the nearest property line. She said presently there is a buffer of trees and brush around three sides of the property, those being behind the Williams Street side, Aberdeen Street, and Hickory Ridge Street side. She said they did not plan to cut or clear any of the area as they wanted it for a privacy buffer. She said the area behind the Aberdeen lots would be their fenced back yard and the fence would be in front of the trees. There would be no horses in that area. She said they planned to leave the trees on the property. She felt the neighbors would not even know they were on the property as the property is secluded. She said they do not have much traffic to their property. She pointed out lawn maintenance service companies pull trailers as big as their horse trailer every day through the neighborhood and the homeowners with boats, jet skis, and travel trailers pull their property up and down the streets. She said the value of their property with their house, barn, fencing, pastures and pond would be one of the most expensive properties in the area. She said there had been concern about drainage in the area. She pointed out the neighbors had pointed out they already have drainage problems and she did not feel it was their responsibility to solve those problems. She said there are other horse properties in the neighborhood. She said at this time there are at least six properties zoned R-1H in Houndslake North so their property would not be the first horse property in the neighborhood. She said their request is within the regulations of the City of Aiken and they deserve to be treated fairly under the regulations. She said unsubstantiated fears and opinions and untrue rumors are not proper grounds to deny a request. She said in an effort to reassure the neighborhood that they are responsive to their concerns she would like to offer to make the following concessions. She said they would agree to the 10 foot setback on the property line for the fences. The plat has been corrected to accurately indicate where the house, barn and paddocks would be, placing them much farther from the adjoining properties than originally had been indicated. She said they would accept a ruling of two horses per acre on the acres used for the horse facility which she estimates to be two horses per acre on eight acres or a maximum of 16 horses. She said they do not run a public stable. She said they want the same rights that other horse properties in Aiken at this time were granted. She read letters of support from her current neighbors in Bralock stating they had no problem with horses on the current property.

Mayor Cavanaugh stated Council did approve a conditional use for horses on Dibble Road at the last meeting, but at other times Council has denied requests for horses.

Councilman Radford stated one of the concerns he had was the stream that runs down the center of the property. He asked if there were plans for the stream. Ms. Thompson stated they hoped to put a pond near the spring head close to the house which would stop the stream from going down the center of the property. Councilman Radford said he was concerned about the safety of the children in the area, but he felt he would be more concerned for safety if the children wander off on to the property with the stream.

Ms. Nita Martin stated the neighborhood does currently have a drainage problem in the area, and the neighbors are concerned about drainage from the property if horses are on the property. She said the Thompsons have stated they plan to trailer their horses to Hitchcock Woods. She said the only egress from the property is Penmar, and she felt this would cause traffic in the area. She felt if the horses are sold, then this is a business and this is a residential area.

Mr. LeDuc was asked to comment about drainage in the area. He said there are a number of springs that come off the hillside along Northwood Drive. The city has put in a large amount of french drains to pick up a lot of the water off Northwood. He said the city had not done anything off the Williams Drive area where the two major drainage culverts come through because those are in the county. He said these culverts carry water from Williams, Loving, Idlewild, etc. He said there is erosion from those areas and the erosion could be controlled probably using rip rap or gabions in those areas.

Mr. Don Krafnick, 149 Aberdeen Drive, stated the Thompsons' plans sound beautiful, but he pointed out changes occur over the years as plans change. He was concerned that changes would be made from the plans presented at this time with trees being cut down, more horses, etc. He asked that Council not allow the use.

Mr. Jeff Lietzow, 166 Aberdeen Drive, pointed out Ms. Thompsons' present neighbors do not object to the horses, but he said they understood in the beginning that horses are allowed in Bralock. He said the lots are four and five acres, not one acre or less. He said they had a choice. He said the neighbors in the Penmar area are saying they don't want the horses in their area.

Ms. Marie Jackson stated she had purchased Lot 3 on Penmar Street that will be next to the property in question. She said they have two small children, ages 5 and 2. She said she and her husband do not have a problem with having the proposed use next to her house. She said they would look forward to having the children grow up next to a horse pasture.

Mr. Howard Sellers, owner of the property, stated he felt the issue before Council should be one of law and logic, not politics. He said the ordinance states the permissible number of animals on the property. He said the Thompsons' dream was originally his dream with about three horses. He said he was surprised with the animosity that the request had generated. He said there had been a question as to whether the Thompsons run a business. He pointed out there are stables in the City of Aiken under permitted use that are leased by the owners. He asked if that was a business. He said he did not want to break the area up into a lot of small lots where there would be a lot of families and houses in the area. He said he felt the issue was not what the Thompsons would do with the property, but what the law allows and what the city regulates for future use on the property. He said if the Thompsons do not buy the property he would continue to make the request. Mr. Sellers stated he had obtained detailed topographical maps of the property to look at the drainage and the elevations to address some of the concerns. He said the drainage issues that have been raised upset people but the issues are not built around the facts of the topography of the land. He said the drainage on the hillside is at a higher elevation draining a different direction. He said the majority of the drainage coming through his property is from Woodwind Estates. Mr. Sellers stated every issue raised about the conditional use is a valid consideration for every permit in the city such as environmental issues, etc. He said if Council chooses not to follow the ordinance, then perhaps a new ordinance needs to be drafted.

Mr. Gary Smith, City Attorney, pointed out there were seven factors involved in granting the conditional use and he reviewed the requirements. He also pointed out that Council could add additional conditions if they desired such as additional setbacks, buffers, or they could reduce the extent or quantity of the conditional use such as only 10 horses, etc.

Councilwoman Clyburn moved, seconded by Councilman Radford, that the conditional use for horses requested by the Thompsons be approved. Councilman Radford stated he felt the matter was an emotional issue. He said there must be some basis for approval and separate the emotions. He said he felt the request met the criteria for approval.

Councilman Anaclerio stated he had walked the Sellers' property and he felt the property meets the requirements. However, looking at the property is not the only issue and he felt one must consider the character of the neighborhood. He said this is a residential area. He said conditional uses in the past have been for one or two horses. He said he felt the number of horses requested is beyond the character that would fit into the neighborhood.

Councilwoman Papouchado stated in the past she has almost always supported conditional uses for horses because she felt it was in the character of Aiken. However, she said in the past she felt that if something did not work out Council could change the ordinance, but she now feels that if there is a problem Council cannot always take care of it. She said, however, due to the volume of horses she felt the request did not fit the neighborhood.

Councilwoman Price stated she had been in the neighborhood and had looked at the area. She stated she tried to place herself in the neighbors' position. She pointed out she had received many phone calls and letters opposing the conditional use. She said several people had indicated there is already a drainage problem in the area and she did not want to compound the problem. She was concerned about the safety issue and the character of the neighborhood.

Mayor Cavanaugh stated he was concerned about the citizens in the area and this was a major issue in his decision. He said he was concerned about safety, environment, and property values in the area. He said this conditional use would be something totally different in the neighborhood.

Mayor Cavanaugh called for a vote on the motion to approve the conditional use. Those in favor were Councilmembers Clyburn and Radford. Opposed were Mayor Cavanaugh, Councilmembers, Anaclerio, Papouchado and Price. The motion was defeated by a vote of four opposed and two in favor.

ACCOMMODATIONS TAX 1999

Recommendations 1999

Mayor Cavanaugh stated the Accommodations Tax Committee had made a recommendation to Council regarding funding for projects from Accommodations Tax funds.

Mr. LeDuc stated yearly the City of Aiken receives funding from hotels, motels, and camp grounds in Aiken to help fund projects that generate tourism and overnight stays. This year the City of Aiken received \$50,107.41. This is the money remaining after it is divided among several different pools including funding to the City, 20/20, the Chamber of Commerce, and to other groups. A certain percentage every year is allocated to a local body which is designated for tourism and promotion and a number of years ago the City selected the Chamber for this role. This is the last year of our commitment of \$25,000 for the Aiken 20/20 fundraiser. There is nearly a 25% increase in the funds we received this year versus last year which indicates that we are definitely generating more tourism and overnight stays in our community, and we feel a large part of that is due to the tournaments that have been held at Citizens Park.

The Accommodations Tax Advisory Committee reviewed 16 requests which totaled \$197,185, and has recommended funding 12 of them with this money. The Committee's recommendations are as follows.

<u>Organization</u>	<u>Activity/Event</u>	<u>Amount Requested</u>	<u>Amount Recommended</u>
City of Aiken/ Public Safety	Training Conference	\$ 25,610	\$.00
Aiken County Sports Council	Marketing	10,000	4,500.00
Center for the Arts	Renovation	40,000	5,500.00
Aiken Soccer Club	Soccer Tournaments	15,000	2,000.00
Friends of Hopelands/ Rye Patch	Iselin Foundation	10,000	6,000.00
Aiken Community Playhouse	Downtown Relocation	25,000	10,000.00
Aiken Parks & Rec.	Tournament Bid Fees	27,800	6,000.00
Aiken Steeplechase	Fall Meet	10,000	2,000.00
Aiken Downtown Dev.	Downtown Brochure	2,300	2,107.41

<u>Organization</u>	<u>Activity/Event</u>	<u>Amount Requested</u>	<u>Amount Recommended</u>
Aiken Downtown Dev.	International Festival	2,000	.00
Battle of Aiken	Advertising	12,000	8,000.00
Academic Booster Club	Challenge Meet	5,075	1,500.00
Marine Corps League	Convention	7,500	.00
USCA	Hoffman Piano Comp.	1,000	1,000.00
Aiken County Museum	Quilt Show	1,000	.00
Lobster Race	Advertising	2,900	1,500.00
Totals (16 Requests)		\$197,185	\$50,107.41

Council discussed the requests briefly with Council deciding to vote on all the recommendations as a whole except for the requests on the Battle of Aiken and the Aiken Community Playhouse which would be voted on separately. Councilwoman Clyburn asked that the Battle of Aiken and the Aiken Community Playhouse requests be voted on separately.

Mayor Cavanaugh stated if Council approved the \$10,000 request for the Aiken Community Playhouse he would like for the money to be held in abeyance until the Playhouse has raised the rest of the money necessary to make the theater location a viable project.

Councilman Anaclerio pointed out that the request is to use the money for generation of publicity to raise money for the relocation.

Ms. Jan Cwalina, a member of the Accommodations Tax Committee, stated it was her understanding that they want to use the money to get a capital campaign underway to raise the money for the project.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve the requests for the 1999 Accommodations Tax Funds as recommended by the Accommodations Tax Committee except for the Battle of Aiken and the Aiken Community Playhouse requests which are to be voted on separately.

Council then considered the Battle of Aiken request. Councilwoman Clyburn said she questioned whether the City of Aiken should spend Accommodations Tax funds on the Battle of Aiken. She pointed out it is not held in Aiken, and she felt it did not generate that much overnight stays. She said it is a very large event but it is held outside of Aiken. She said it may generate restaurant business. She also questioned why it was still being funded after receiving funds for several years. She felt the project should be on its own merits by now. She said she thought Council was funding projects for several years and then the projects would be on their own.

Mayor Cavanaugh stated Council had discussed some of these matters, but had never put these thoughts into a policy. He pointed out the Accommodations Tax Committee is to make a policy recommendation to Council for funding projects.

Mr. Sam Erb stated the Accommodations Tax Committee did not commit funding on the project the first year but did recommend funding after seeing the impact that the Battle of Aiken made on Aiken. He said it was estimated that 11,000 people attended the Battle of Aiken last year. He pointed out that the event was listed in several magazines to get out of town people to attend. The Committee felt the event had a major impact in bringing tourists to Aiken.

Mr. Pete Peters, with the Battle of Aiken, stated an admission fee is charged for the event, but the actors are not charged anything. He pointed out the actors come from all over the U.S. He said 700 actors came last year. He said the event costs about \$35,000 each year. Mr. Peters reviewed the project with Council and answered questions regarding the project. He said the funds requested had been designated for advertising only. He said advertising is necessary to make the project successful. He said the reason for asking for more money this year is that this is the 135th anniversary of Sherman's march and the Battle of Aiken. Mr. Peters stated the Battle Committee works hard all year long to raise money for the event. He said they were asking for Council's support to advertise the event. Mr. Peters pointed out the event was not held within the City of Aiken because of the type event with canyons and noise, and finding an area large enough and parking for so many people.

Councilman Anaclerio moved, seconded by Councilman Radford that Council approve \$8,000 for the Battle of Aiken as recommended by the Accommodations Tax Committee. The motion was approved by a vote of five in favor with Councilwoman Clyburn opposing the motion.

Mayor Cavanaugh asked Council to consider the request by the Aiken Community Playhouse for funds.

Council discussed the request with the Accommodations Tax Committee members present. The question was raised whether Council had appropriated \$1.2 million for relocation of the Playhouse downtown. Council pointed out the funds for the relocation were dependent upon the Playhouse raising funds for the project.

Mr. Erb pointed out the \$10,000 request was to start the capital campaign. He said they have a plan for the fundraiser. It was pointed out that the Playhouse has designated a \$10,000 match from their capital improvement program to supplement the capital campaign so they can raise money for the relocation. It was stated the money is not for construction. It was pointed out also that the city had said they would fund \$1.2 million only if the Aiken Community Playhouse comes up with \$400,000. He said the Accommodations Tax request is to start the campaign to raise the \$400,000. Mr. Erb stated he felt the relocation of the Community Playhouse downtown had the greatest potential to make an economic boom for the downtown.

The concern of Council was that the Playhouse contribute to the project and raise funds for the relocation rather than the city funding the project. It was pointed out that the \$10,000 request was a one time request for funds for the capital campaign.

Councilwoman Clyburn thanked the Accommodations Tax Committee for all their efforts and work in making recommendations for the tax funds.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council approve the \$10,000 request for the Community Playhouse from Accommodations Tax funds for the purpose of a capital campaign.

REZONING - ORDINANCE 102599

Silver Bluff 223
Thomas Street
Woltz, Ed
Upton, Mary
TPN 30-035.0-04-012

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at 223 Silver Bluff Road from R-1A to Professional.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT 223 SILVER BLUFF ROAD FROM R-1A SINGLE FAMILY RESIDENTIAL TO P PROFESSIONAL.

Mr. LeDuc stated that at the September 14, 1999, Planning Commission meeting the Planning Commission recommended unanimous approval of the rezoning of a lot at 223 Silver Bluff Road from R-1A to Professional. The property is located on the northeast corner of the intersection of Silver Bluff Road and Thomas Street, and is currently occupied by a single family dwelling unit.

The property currently fronting on Silver Bluff Road between Whiskey and Pine Log Road is fairly evenly split between being inside and outside the city limits. Also the property in this area has several single family homes especially on the west side of Silver Bluff Road, but over the past few years several office buildings and other professional uses have occurred along this roadway. The current Comprehensive Land Use and Transportation Plan recommends retail commercial uses along much of Silver Bluff Road with a notation that limited office and retail use may be appropriate in this corridor if they have residential appearance.

The draft Zoning Ordinance will have a category listed as limited Professional which would not allow any retail uses, but at this time the only designation available is Professional which would allow some relatively intense uses such as drug stores, florists, optical goods and funeral homes. The limited

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Professional option is not available at this time and the Planning Commission voted unanimously to approve the rezoning to Professional for this piece of property.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance rezoning a .41 acre tract at 223 Silver Bluff Road at the northeast corner of the intersection of Silver Bluff and Thomas Street from R-1A Single Family Residential to P Professional and that the ordinance become effective immediately.

TELECOMMUNICATIONS TAX COLLECTION PROGRAM ORDINANCE 102599A

Municipal Association of S.C.

Collection Program

Telecommunications

Tax Collection Program

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance authorizing the city to enter into an agreement with the Municipal Association to participate in the Telecommunications Tax Collection Program.

Mr. LeDuc read the title of the ordinance:

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE LEVYING A BUSINESS LICENSE TAX ON TELECOMMUNICATIONS.

Mr. LeDuc stated the City of Aiken desires to enter into an agreement with the Municipal Association of South Carolina (MASC) for the Telecommunications Tax Collection Program. The proposed ordinance sets forth the rates due the City of Aiken for a license tax due in years 1999 through 2004 at .3% of the gross income for all companies currently not paying the city. After year 2004 this would be increased to .75% of the gross income. We would also be authorizing the Municipal Association to begin collecting our long distance services at 5% as we currently have been doing, except for Bell South. MASC would be the collection agency for all the telecommunications, including cellular phones and pagers and long distance, except for our current franchise agreement with Bell South which the city will collect for the next five years after which time Bell South will go to .75%.

Under the proposed agreement the contract will last until December 31, 2000, and can be terminated with a written notice of 90 days in advance so the City of Aiken will not be tied to a long term agreement. We feel that the Municipal Association with their extensive data base will make this new program successful, but we need to be a member of this program to use their data base and collection abilities. For the city to develop this type of extensive data base on our own would take a great deal of time and resources which we feel we do not presently have.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on second and final reading an ordinance authorizing the city to enter into an agreement with the Municipal Association of South Carolina to participate in the Telecommunications Tax Collection Program and that the ordinance become effective immediately.

CENTRE SOUTH EXECUTIVE PARK - ORDINANCE

Dedication

Streets

Detention Pond

Wyatt Development Co.

Silver Bluff Road

CSEP Limited Partnership

Mayor Cavanaugh stated an ordinance had been prepared for first reading to accept dedication of the streets and detention pond at Centre South Executive Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF REAL PROPERTY OWNED BY CSEP LIMITED PARTNERSHIP I.

Mr. LeDuc stated a number of years ago Wyatt Development Co. constructed a commercial subdivision just south of Centre South Shopping Center. They currently occupy a couple of the sites with their business and a few other businesses are located within this Park. The City of Aiken generally accepts these utilities and easements one year or later after the construction has been completed and upon inspection by the Public Works Department. The Public Works Director, Larry Morris, indicates that after correcting a few problem areas the property is in order and complies with the city's requirements. Therefore, he recommends acceptance of the deed of dedication for these utilities and easements.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance to accept the streets and utilities at Centre South Executive Park and that second reading and public hearing be scheduled for the next regularly scheduled City Council meeting.

CENSUS

Proclamation

Mayor Cavanaugh stated a proclamation had been prepared encouraging citizens to participate in the 2000 Census.

Mr. LeDuc stated the Aiken County Complete Count Committee, made up of a group of citizens from all areas of the county, has been meeting to discuss ways to encourage all citizens to participate in the Census. The Census will take place in April, 2000, and they have asked Council to encourage participation in the census.

Councilwoman Price moved seconded by Mayor Cavanaugh and unanimously approved, that Council approve the proclamation encouraging all citizens to participate in next year's census.

RESOLUTION

Aiken Downtown Development Association

Downtown

Great American Main Street Program

Mayor Cavanaugh stated a resolution of support for the revitalization efforts in the downtown area had been prepared.

Mr. LeDuc stated the Aiken Downtown Development Association (ADDA) is requesting a resolution in support of an award that they are applying for under the Great American Main Street Program. ADDA has done a tremendous job this past year in their recruitment and in maintaining the vitality throughout our downtown area. We continually get comments from visitors and residents alike about how beautiful our downtown looks and how vibrant it is. This resolution will support their application to be recognized for the downtown revitalization activities that have been accomplished in Aiken.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council approve a resolution of support recognizing the Aiken Downtown Development Association's revitalization efforts.

ARTS

Augusta Regional Transportation System

TIF Plan

ARTS Long Range Plan

Mayor Cavanaugh stated Council needed to approve the ARTS Long Range Plan

Mr. LeDuc stated at the last two City Council work sessions Council discussed the ARTS 5 Year TIF Plan and Long Range Transportation Plan for Aiken. The TIF projects are already in the planning cycle and Council needs to determine what the priorities should be in our long range plan. Ed Evans has listed the priorities and approximate cost for each of these as follows:

1. Dougherty Road widening from Silver Bluff to Whiskey Road (\$1.2 million)

2. S.C. 19 widening from Rutland Drive to I-20 (\$5.75 million)
3. Richardson's Lake Road extension from Silver Bluff to Anderson Pond Road (\$7.3 million)
4. Old Dibble Road extension from Anderson Pond Road across Whiskey Road tying into Old Dibble Road. (\$3.2 million)
5. Silver Bluff Road widening from Indian Creek Trail to city limits (\$1.75 million)
6. Silver Bluff Road widening from city limits to Richardson's Lake Road (\$2.7 million)

Depending on funding available one or more projects may need to be deleted based on what other projects are included from other areas on this list at the ARTS Committee meeting. Upon City Council's approval, this would give our ARTS committee members Councilmember Mike Anaclerio and Mayor Fred Cavanaugh the city's priorities.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the list of six priorities for the ARTS Long Range Plan.

TRAFALGAR STREET

Street

Right of Way

Mayor Cavanaugh stated Council needed to consider a request to reduce the right of way of Trafalgar Street.

Mr. LeDuc stated that at the last meeting Council discussed the fact that Trafalgar Street currently has a 100 foot right of way and that many of the property owners along the street desire the ability to reduce the right of way in front of their property. This requires a letter from City Council to the Highway Department stating that the city has no objections to the reduction of this right of way width. The city would require a 5 foot utility easement on either side of this right of way thus in actuality reducing the available property for the roadway to 50 feet of Highway Department right of way and an additional 10 feet for utility easements. The additional width will allow the property owners to place parking and landscaping in front of their businesses and houses and to have greater control over these two elements. Once the right of way has been reduced the property owners would need to work individually with the Highway Department in preparing a Quit Claim deed to acquire this additional area from them. The City could assist the homeowners with whom to contact, however, it would be up to them to work with the Highway Department in whatever manner they desire for the owners to increase their property by 20 feet on either side of the roadway.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that Council request the South Carolina Department of Transportation to reduce the right of way along Trafalgar Street from 100 feet to 50 feet.

CONDITIONAL USE

Caterer

Mayfield, James and Kelley

Lominick's Pharmacy

Richland Avenue W. 829

TPN 30-027.0-11-006

Mayor Cavanaugh stated a request had been received for a conditional use to allow a catering business in a Professional zone on Richland Avenue W.

Mr. LeDuc stated James and Kelley Mayfield have asked for a conditional use request to allow catering in a Professional Zone. It is to be located in a single family house with a detached apartment garage in the rear located between Lominick's Pharmacy and a single-family home on Richland Avenue W. The Mayfields wish to live in the home and operate a small catering service from the kitchen which would operate through a back door. Catering is allowed as a conditional use within the Professional Zone. The property is accessed through Lominick's Pharmacy's driveway and the applicant states that the catering service contact would be by appointment and that no food would be served to the public from the premises.

The Planning Commission unanimously recommended approval of this request with the condition that the city staff receive a copy of an easement guaranteeing access to the property across the adjacent Lominick's lot.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve the conditional use request for catering at 829 Richland Avenue W. with the condition as recommended by the Planning Commission.

EXECUTIVE SESSION

Industrial Park

Sale of Land

Ventures Industrial Park

Mayor Cavanaugh stated Council needed to go into executive session to discuss the sale of property in the Ventures Industrial Park.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss the sale of property in the Ventures Industrial Park. Council went into executive session at 9:45 P.M. After discussion Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the executive session end. The executive session ended at 10:05 P.M.

ADJOURNMENT

There being no further business the meeting adjourned at 10:05 P.M.



Sara B. Ridout
City Clerk