

REGULAR MEETINGJanuary 13, 2003

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

Absent: Mayor Cavanaugh

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Glenn Parker, Anita Lilly, Pete Frommer, Larry Morris, Richard Pearce, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and 38 citizens.

Mayor Pro Tem Clyburn called the meeting to order at 7:35 P.M. in the absence of Mayor Cavanaugh, who was out of town. Mr. LeDuc led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Pro Tem Clyburn stated Council needed to approve the agenda. Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that the agenda be approved.

MINUTES

The minutes of the work session of December 2, 2002 and work session and regular meeting of December 9, 2002, were considered for approval. Councilman Smith moved that the minutes be approved as corrected. The motion was seconded by Mayor Pro Tem Clyburn and unanimously approved.

PRESENTATION**Boards and Commissions****Certificates of Appreciation****Bolton, Ronny****Brodie, Brad****Planning Commission****Carlton, Al****Environmental Committee****Coleman, Mike****Building Code Appeals Committee****George, Alan****Community Development Committee****Hunter, John****Housing Authority****McGhee, Beatrice****Historic Preservation Commission****Newburn, Beth****Radford, Sally****Accommodations Tax Committee**

Mayor Pro Tem Clyburn stated Council would like to recognize those volunteers who had served on various boards and commissions and had rotated off the boards.

Council recognized the following: Ronny Bolton who served on the Planning Commission from November 11, 1991 to November 25, 2002.

Brad Brodie who served on the Planning Commission from March 10, 1998 to November 25, 2002.

Al Carlton who served on the Environmental Committee from March 26, 2001 to June 10, 2002.

Mike Coleman who served on the Building Code Appeals Committee from November 9, 1987 to June 10, 2002.

Alan George who served on the Community Development Committee from August 13, 1990, to October 14, 2002.

John Hunter who served on the Housing Authority from May 11, 1992 to May 13, 2002.

Beatrice McGhee who served on the Historic Preservation Commission from December 12, 1994 to November 25, 2002.

Beth Newburn who served on the Accommodations Tax Committee from January 27, 1986, to June 10, 2002.

Sally Radford who served on the Accommodations Tax Committee from September 11, 2000, to November 25, 2002.

Councilmembers thanked the volunteers for their time and effort in serving the citizens of Aiken on the various boards.

BOARDS AND COMMISSIONS

Appointments

Gibbons, Mark

Williams, Joseph

General Aviation Commission

Stallworth, Robert

Wiland, Kenneth

Board of Zoning Appeals

Yates, Jim

Environmental Committee

McCartney, Robert

Park Commission

Merry, Phillip

Wetzel, Jack

Reynolds, Leland

Historic Preservation Commission

Mayor Pro Tem Clyburn stated Council needed to make some appointments to the various boards and commissions.

Mr. LeDuc stated Council has 12 pending appointments to boards and committees of the city and 7 appointments are presented for Council's consideration.

Councilwoman Price has recommended appointment of Mark Gibbons, of 154 Charleston Row Boulevard, to the General Aviation Commission. If appointed Mr. Gibbons would replace Joseph Williams and the term would expire September 1, 2004.

Councilwoman Clyburn has recommended reappointment of Robert Stallworth, of 640 Jefferson Terrace, to the Board of Zoning Appeals. If reappointed the term would expire December 1, 2006.

Councilman Cuning has recommended reappointment of Kenneth Wiland, of 1129 Dibble Road, to the Board of Zoning Appeals. If reappointed the term would expire December 1, 2005. He has also recommended that Jim Yates be reappointed to the Environmental Committee. If reappointed the term would expire December 31, 2004. He has recommended that Robert McCartney be reappointed to the Park Commission. If reappointed the term would expire December 1, 2004.

Councilman Sprawls has recommended that Phillip Merry be reappointed to the Historic Preservation Commission. If reappointed the term would expire December 31, 2003.

Councilman Smith has recommended that Jack Wetzel, of 494 Powder House Road SE, be appointed to the Historic Preservation Commission to replace Leland Reynolds. If appointed the term would expire December 31, 2004.

According to state law, before considering those individuals recommended for the Historic Preservation Commission, Council needs to allow the public to comment on these appointments, should they desire.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that Council appoint Mark Gibbons to the General Aviation Commission to replace Joseph Williams with the term to expire September 1, 2004; reappoint Robert Stallworth to the Board of Zoning Appeals with the term to expire December 1, 2006; reappoint Kenneth Wiland to the Board of Zoning Appeals with the term to expire December 1, 2005; reappoint Jim Yates to the Environmental Committee with the term to expire December 31, 2004; and reappoint Robert McCartney to the Park Commission with the term to expire December 1, 2004.

Mayor Pro Tem Clyburn stated Phillip Merry had been recommended for reappointment to the Historic Preservation Commission and asked if there were any comments regarding his appointment. No one spoke.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council appoint Phillip Merry to the Historic Preservation Commission with the term to expire December 31, 2003.

Mayor Pro Tem Clyburn stated Councilman Smith had recommended appointment of Jack Wetzel to the Historic Preservation Commission to replace Leland Reynolds and asked if there were any comments regarding his appointment.

Ms. Carol Penix, 620 Banks Mill Road, spoke against the appointment of Jack Wetzel to the Historic Preservation Commission, citing an incident where he had not followed the rules in renovation of a historic property that he owns.

Ms. Janice McGhee, 620 Banks Mill Road, spoke in opposition to the appointment of Jack Wetzel to the Historic Preservation Commission stating Mr. Wetzel had been part of the hiring of a lawyer to represent a group that wanted to force McGhee Mile Track into a historic district.

Mr. Bill McKay, of Woodside, stated he and Jack Wetzel had differences, but they had talked. He said they had each broken the rules of the Historic Preservation Ordinance. He said, however, he did feel that Jack Wetzel would do a good job on the Historic Preservation Commission. He said he felt the matter of the McGhee Mile Track was wrong, but he felt it was now history and everyone had to move on.

Ms. Barbara Nelson, 907 Anderson Pond Road, applauded Bill McKay for his comments. She stated she agreed with him. She agreed that all the politics had to stop and that it was time to move on. She also stated she did not like what happened to McGhee Mile. She stated, however, she also felt that Jack Wetzel would do a good job for the city on the Historic Preservation Commission. She stated she believed that because of the mistakes that Mr. Wetzel had made that he can be understanding and do a good job for the city.

Mr. Wilkins Byrd, 434 Berrie Road, also spoke in favor of Jack Wetzel's appointment to the Historic Preservation Commission. He pointed out Mr. Wetzel had made a mistake in taking down a deteriorated shed without prior approval of the Preservation Commission. However, when he was notified of the mistake he responded promptly and with an appropriate apology. He stated Mr. Wetzel was not the first person to make a mistake, but he resolved the problem like a good citizen should. He asked that Council support the appointment of Jack Wetzel to the Historic Preservation Commission.

Councilman Sprawls stated, after reading a letter dated July, 2001, he felt that Mr. Wetzel had a fairly good understanding of the Historic Preservation Ordinance. He stated he could not support the appointment of Mr. Wetzel.

Councilman Cunning stated he had concerns about the appointment and had talked with Mr. Wetzel. He said after talking with him he felt Mr. Wetzel had made a mistake. He said Mr. Wetzel had assured him that he could be impartial in dealing with citizens on historic preservation matters. Mr. Wetzel had also expressed the feeling that the Historic Preservation Commission could be more helpful to the citizens. He said having been through the process Mr. Wetzel understands how it is to be a citizen going through the process. He said he felt Mr. Wetzel would do a good job.

Councilwoman Price stated she had also talked to Mr. Wetzel and he did make a mistake and he apologized to the Historic Preservation Commission. She said it was very courageous for Bill McKay to stand before Council and say this matter needs to be put behind us and work together and support the appointment of Jack Wetzel.

Councilwoman Vaughters stated she had been on the Historic Preservation Commission for six years. She pointed out at that time there were members on the Commission who had violated the rules of the Preservation Commission, but were appointed by Council. She said that did not mean they could not work together, but it could be a means of understanding the frustrations that some people feel.

Councilman Smith stated other Councilmembers had expressed his feelings. He said, however, he did want to say to the McGhees that he had no intention of doing anything to harm the McGhees. He said he felt Mr. Wetzel would be a good member of the Historic Preservation Commission. He said if any issue concerning the McGhee's Mile came before the Commission he was sure because of the history that Mr. Wetzel would recuse himself from the matter.

Mayor Pro Tem Clyburn stated she felt Mr. Wetzel was a very capable nominee and she would support his appointment. She said she also felt there was a need for public education on historic preservation matters.

Councilman Smith moved, seconded by Councilwoman Price, that Council appoint Jack Wetzel to the Historic Preservation Commission for a two year term to expire December 31, 2004. The motion was approved by a vote of 5 in favor and 1 opposed. Councilman Sprawls voted in opposition to the motion.

REZONE – ORDINANCE

Spencer Drive
ADIZ, LLC
TPN 11-158.0-01-009
Aiken Mall
Doubletree Lane
Singletree Lane

Mayor Pro Tem Clyburn stated an ordinance had been prepared for Council's consideration to rezone 5.72 acres northeast of Spencer Drive from Limited Professional to Residential Multi-Family Low Density.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY ADIZ, LLC FROM LIMITED PROFESSIONAL (LP) TO RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML).

Mr. LeDuc stated ADIZ, LLC would like to rezone 5.72 acres on the north side of Spencer Drive from Limited Professional to Residential Multi-Family Low Density (RML). This is a change from the Planning Commission meeting, when they requested an RMH zoning. With the RML zone they will need to acquire a variance approval from BZA for narrower lots. They propose to build attached single-family housing similar to what they are currently constructing along Spencer Drive in the Single and Double Tree developments, where the minimum lot width is 26 feet. The current LP zoning allows single-family units, but requires a lot width of 60 feet, whereas RMH has a minimum lot

width of 25 feet and RML 35 feet. The property on the southwest side of Spencer Drive is currently zoned PUD, which allows the developer to receive staff and Council approval on this type of development prior to its construction. These units have a minimum lot width of 26 feet. Since property in the city cannot be zoned PUD, the developer, to duplicate this type of housing, would need to rezone this property.

The Planning Commission, at their December meeting, voted 4 to 2 to deny the RMH zoning request. At this meeting, there was a lot of discussion by the commissioners and citizens concerning the construction of Spencer Drive from its current terminus to Target and building a detention pond northeast of Spencer Drive. According to the April 24, 2000 minutes, Council approved the PUD concept plan for the development on the south side of Spencer Drive, stating that once they had developed the housing on the other side of the hill on Spencer Drive, or approximately 1,000 feet, then they would continue the road to Target. The proposed development would not be to that point yet. The detention pond was required, however, it is unclear as to when it needs to be constructed. The proposed pond would involve only a minor amount of stormwater coming from the current developments, but without a lot of engineering it is hard to tell how much would actually go into this basin. Should Council desire to approve the RML zoning, and also desire the pond and/or roadway, they could condition the approval with these improvements being developed by a certain date. This would allow the developer to go forward with the development as he proposes and still allow him to make the necessary improvements that Council may desire, but at a later agreed upon date. He said it appears that the detention pond would not serve any of the area that the developer is currently trying to rezone. He said, however, he could not say that 100% of the water will not go into the area without doing some intensive topography measurements. He said it appears that the pond would not affect the portion which is being requested to be rezoned. He said the staff agrees with the developer that it probably is not necessary that he put the pond in at this time.

Mr. LeDuc stated the staff felt more comfortable with RML versus RMH, because if for some reason the developer decided not to develop the property the zoning would be RMH and an apartment complex could be constructed there. Under the RML there would have to be a similar type development to what is currently being constructed.

According to the current Comprehensive Plan, the property should be Low-Density Residential, and if Council desires to change the zoning, they should give a reason why they are changing from the current Comprehensive Plan. When the land was purchased the zoning was Professional but was later downgraded to the more restrictive LP zone.

For City Council consideration, this is first reading of an ordinance to rezone 5.27 acres northeast of Spencer Drive from LP to RML. Upon City Council consideration, second reading and public hearing will be held at the next regularly scheduled meeting. If approved by Council, the developer will apply to the Board of Zoning Appeals for a variance for smaller width lot to accommodate the townhomes. The developer would be duplicating the development across the street on Spencer Drive.

Councilman Cunning stated, since there was a request for a change in the zoning from that requested to the Planning Commission, he wondered if the request should not go back to the Planning Commission for their input.

Mr. LeDuc pointed out once the Planning Commission makes their recommendation the matter goes to Council for action and Council can make a decision on the matter and the request can be changed. In this case the Planning Commission denied the request 4 to 2. Council has the prerogative to agree, disagree or alter the request that was originally made. He pointed out the developer, after hearing some of the concerns about the proposed zoning of RMH, worked with the staff and made their request for RML zone.

Councilwoman Vaughters stated she also felt the matter should have been returned to the Planning Commission for their review on the proposed change of zoning to RML.

Mr. Woody Belangia, Augusta, Georgia, the developer, stated for the matter to have to return to the Planning Commission would be a time delay for him. He said he was close

to finishing the project across the street, and he would like to keep his people working and start on this project. He said the feeling he received from the Planning Commission was that RML would be acceptable. He said the concern was that apartments not be developed on the property. He said his intention was to replicate the development across the street. He said when he bought the property he could have developed the property the same as Single and Double Tree, as the property was zoned Professional but the zoning was changed to Limited Professional. He said he did not request RML originally because he would have to ask for variances for the property for lot size. He said he would have requested a PUD, but currently PUD's are not allowed inside the city.

Council discussed the process for rezoning if a rezoning is denied by the Planning Commission. They also continued to discuss the request by ADIZ and the change that was made in the zoning since the property was purchased. Council also discussed the need for the detention pond and when it should be required to be constructed. It was pointed out drainage from the proposed construction would not go into the area where the detention pond has been proposed. Mr. Belangia pointed out the property was originally designed for this proposed development and has a detention pond that slows down the drainage. He said the detention pond in question is actually over a rise, and drainage from this development would not go to that pond.

Ms. Kay Brohl of the Planning Commission pointed out that the proposed development fell between the zonings. She pointed out if the property could be zoned PUD there would be no need for the request. However, since the property is already in the city, it could not be zoned PUD. She stated the development is a continuation of the development across the street and there is no change in the plans. She stated the Planning Commission had discussed the RML, RMH and PUD for the property. She stated she did not feel the Planning Commission would be hurt if Council made a decision on the matter. The Planning Commission also discussed the detention pond. It was felt the proposed construction would not cause a problem in the area where there is currently a drainage problem. She stated the developer had followed the rules and gone through the proper channels for rezoning. She felt a developer should be able to know what the rules are and if they follow them be able to get a decision on a request.

Mr. LeDuc stated, if Council wished, they could act on this request on first reading at this meeting. The Planning Commission meets on Tuesday, so Council could ask the Planning Commission to consider the matter at their meeting and consider the RML zoning for the property and any conditions they might feel should be on the property. The Planning Commission's comments could be considered by Council at the second reading.

Council discussed this suggestion and felt they would like the request to go back to the Planning Commission at the Tuesday meeting for their comments. They also asked that the property be posted before second reading before Council.

Councilwoman Vaughters stated that in the future if the request is going to be a different zone from that considered by the Planning Commission she would like for the request to go back to the Planning Commission rather than coming to Council.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to rezone 5.27 acres northeast of Spencer Drive from Limited Professional to Residential Multifamily Low Density and that the Planning Commission be asked to comment on the proposed zoning of RML and that second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION – ORDINANCE

Penland, Margaret I.
Westover Drive 15
Whiskey Road
TPN 30-055.0-09-011

Mayor Pro Tem Clyburn stated an ordinance had been prepared for first reading to annex property at 15 Westover 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 .27 ACRES OF LAND, MORE OR LESS, OWNED BY MARGARET I. PENLAND, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated Peggy Penland the owner of a duplex at 15 Westover Drive consisting of .27 acres would like to annex this property into the city under the RS-6 zoning. The primary reason for this annexation is the need to have an emergency hook-up to the city sewer. The proposed RS-6 zoning is compatible with the surrounding RS-15 zoning to the north and the General Business zoning to the south. The lots meet the minimum standard for RS-6 zone.

The Planning Commission unanimously approved this annexation, with the condition that if the existing building, a duplex, ever needed to be intentionally demolished, it could be rebuilt as a duplex. The condition would run with the land.

Mr. Gary Smith, City Attorney, stated he was concerned with the condition. He said he did not know of a way to do the condition so that it would be enforceable. He said he understands the condition from the Planning Commission requiring Ms. Penland to put a restrictive covenant on the deed that would allow the duplex to be rebuilt. He said Ms. Penland could not do that for her own property. He said he felt the Planning Commission was trying to allow Ms. Penland to annex the property as a duplex, but also give her the assurance that if something were to happen to that duplex or if she wanted to tear it down and rebuilt it that she could rebuild a duplex. He said, however, the only way to do that is to either zone the property in such a way that a duplex would be allowed or do it with the understanding that she would have to comply with whatever the zoning requirements are for the zone for the property. He said the proposed condition is not a proper condition. He said Ms. Penland needs to understand that if she annexes the property she may not be able to rebuild the duplex or the zoning needs to be a zone that would allow the duplex.

Council discussed the proposed condition. Ms. Kay Brohl of the Planning Commission, stated the property needed sewer service on an emergency basis. She pointed out the property is in an area where there are duplexes and single family residential. She stated Ms. Penland was asking that if something happened to the duplex that she be allowed to rebuild the duplex. The Zoning Ordinance says it can only be rebuilt if it is destroyed by an act of God. She said that was the reason for the condition. She pointed out that looking at the neighborhood the Planning Commission felt there were as many duplexes as single family residences. She pointed out when the Planning Commission considered this they were not aware of the legal ramifications.

After discussion Council felt they could proceed with the annexation without the condition and consider the matter at the public hearing.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council pass the ordinance on first reading to annex property at 15 Westover Drive with RS-6 zoning without the condition stipulated by the Planning Commission and that second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION – ORDINANCEHampton Avenue 1215Florida AvenueBell, HoraceTPN 30-025.0-01-005TPN 30-025.0-01-004TPN 30-025.0-01-003TPN 30-025.0-01-002

Mayor Pro Tem Clyburn stated an ordinance had been prepared for first reading to annex property at Hampton Avenue and Florida Street.

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 FOUR (4) LOTS AND 1.19 ACRES OF LAND, MORE OR LESS, OWNED BY HORACE BELL AND LOCATED ON HAMPTON AVENUE AND FLORIDA AVENUE AND TO ZONE THE SAME GENERAL BUSINESS (GB) AND RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML).

Mr. LeDuc stated Horace Bell would like to annex property at 1215 Hampton Avenue, and three additional lots to the rear consisting of 1.19 acres, with a proposed zoning of General Business. The Planning Commission spoke with Mr. Bell concerning the annexation and compromised with him on a unanimous vote to approve the annexation of the two front lots as General Business and the two rear lots as RS-6. They felt this was consistent with other properties along Hampton Avenue and would allow Mr. Bell to develop it as he desires. The property is currently vacant, and the property to the east and west is in the county, whereas the property in the rear and across Hampton Avenue is in the City. According to our Comprehensive Plan, the property in this area is shown as low-density residential. Should Council approve the annexation, they should state why they are changing this from the proposed zoning in the Comprehensive Plan.

Councilman Cuning stated he was concerned that the proposed zoning did not reflect what was in the Comprehensive Plan. He stated the proposed zoning may be what is needed, but perhaps the area needs to be studied and the Comprehensive Plan changed.

Councilman Cuning moved, seconded by Councilwoman Price, that the ordinance be passed on first reading to annex four lots along Hampton Avenue, with two lots towards Hampton Avenue zoned as General Business and the two rear lots zoned as RS-6, and that second reading and public hearing be set for the next regular meeting of Council. He further asked that the area be studied to see if the present designation for the area in the Comprehensive Plan should be changed.

Councilwoman Vaughters stated she was concerned about the project as the Comprehensive Plan designates the area as Residential Low Density. She also stated that she was concerned about empty buildings in the area and was concerned about a new business selling liquor in the area. She expressed concern about the business, but felt the residential units proposed were okay for the area. She also stated she had talked with neighbors in the area, and they were concerned about a business in the area. She pointed out the sign regarding the liquor sales was not posted so neighbors in the area know what is proposed for the area.

Mr. Bell stated he had talked with neighbors in the area and no one expressed opposition to the plans. He also pointed out the property had been posted for the public hearing at the Planning Commission meeting and no one showed up. He said he was trying to do something to improve the area.

Mayor Pro Tem Clyburn pointed out the area presently is in the county, and Mr. Bell can develop the property as he wishes. She stated she would like for the city to look at the Comprehensive Plan. She pointed out a lot of the property in that area is outside the city and the developer can build pretty much anything on the property.

Councilwoman Price stated she shared some of Councilwoman Vaughters' concerns. She pointed out there had recently been some problems in the area and law enforcement had had a big sting in the area. She stated hopefully Mr. Bell's business would in the long term be good for the area.

Ms. Kay Brohl, representing the Planning Commission, stated Mr. Bell's property is in the county and if the city denies the request Mr. Bell could do whatever he chooses for the property and the city would have no control.

Councilman Smith pointed out, under the new Comprehensive Plan, if there is a variance from the Plan, the Planning Commission is supposed to go back and study the area to see if the Plan should be changed.

Mayor Pro Tem Clyburn called for a vote on the motion to approve the ordinance on first reading. The motion was approved by a vote of 5 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

REZONING – ORDINANCE

Equity Investments, LLC
York Street NE 969
Hazlett, Roberta
Emel, Sharon
TPN 30-081.0-03-003
Rutland Drive
CVS

Mayor Pro Tem Clyburn stated an ordinance had been prepared for first reading to rezone 1.93 acres at 969 York Street NE.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF 1.93 ACRES OF LAND, OWNED BY ROBERTA HAZLETT AND SHARON EMEL FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB).

Mr. LeDuc stated Equity Investments, LLC is requesting the rezoning from Light Industrial to General Business for a 1.93 acre lot at 969 York Street, NE. The site currently is partially developed as a car lot and the applicant wishes to develop the entire lot for retail use. The property to the north is occupied by CVS, and across the street is the Winn-Dixie Shopping Center. Development on the northside has recently increased and, although the property is currently zoned Light Industrial, most of the development within the area is General Business, which is consistent with the Comprehensive Land Use Plan. The Planning Commission voted unanimously to approve the rezoning of this property.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council approve on first reading an ordinance to rezone 1.93 acres at 969 York Street from Light Industrial to General Business and that second reading and public hearing be set for the next regular meeting of Council.

REZONING – ORDINANCE

Richland Avenue
Beaufort Street
R&H Maxxon, Inc.
CW Retail Development, Inc.
TPN 00-155.0-01-121

Mayor Pro Tem Clyburn stated an ordinance had been prepared for first reading to rezone property at Richland Avenue and Beaufort Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF 1.03 ACRES OF LAND, OWNED BY R & H MAXXON, INC. FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB).

Mr. LeDuc stated E. Palmer Hudson, representing C.W. Retail, is requesting the rezoning of property at the northwest corner of Richland Avenue and Beaufort Street from Light Industrial to General Business. The 1.03 acre lot is currently vacant and the applicant wishes to develop the lot for retail use. The property is currently in the study area of the Old Aiken Master Plan which is now in progress and therefore future zoning for this area is unclear, although General Business zoning is consistent with the current plan. The Planning Commission voted 5 to 1 in favor of this rezoning request.

Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that Council approve on first reading an ordinance to rezone property at the intersection of Richland and Beaufort Street from Light Industrial to General Business and that second reading and public hearing be set for the next regular meeting of Council.

AIRPORT – ORDINANCE

Lease

Reassignment

Wyatt, Weldon

Wyatt Development Co., Inc.

Aiken Aviation Enterprises, Inc.

BW Airplane, LLC

Sport Plane, Inc.

AV Serv, LLC

Assignment

Mayor Pro Tem Clyburn stated an ordinance had been prepared for first reading to reassign a hangar lease at the Airport.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE ASSIGNMENT OF A LEASE BETWEEN BW AIRPLANE, LLC WITH SPORT PLANE, INC. (NOW KNOWN AS AIKEN AVIATION ENTERPRISES, INC.) TO AV SERV, LLC.

Mr. LeDuc stated several years ago Weldon Wyatt, of Wyatt Development Co., Inc., built a hangar at the Aiken Airport, which is located on property in the leased area of our Fixed Base Operator (FBO). This project involved a sublease between BW Airplane, LLC and Sport Plane, Inc. (now Aiken Aviation Enterprises, Inc.), the FBO. According to Article X of the lease agreement between the Fixed Base Operator and the City of Aiken, all sublease agreements need to be approved by the city. Av Serv, LLC who owns a hangar adjacent to the BW Airplane hangar would like to purchase this hangar, and City Council needs to formally approve the reassignment of this sublease.

John F. Gibson, III on behalf of Av Serv, LLC has made the request for the reassignment of the sublease.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance approving the reassignment of the sublease agreement between Aiken Aviation Enterprises and BW Airplane, LLC to Av Serv, LLC and that second reading and public hearing be set for the next regular meeting of Council.

AIKEN ELECTRIC COOPERATIVE

Grant
Rural Development Act
Economic Development
Ventures Park
Infrastructure
Spec Building

Mayor Pro Tem Clyburn stated Council needed to accept a grant from Aiken Electric Cooperative.

Mr. LeDuc stated the Aiken Electric Cooperative through the Rural Development Act of 1996 awards grants to communities for economic development for investment in infrastructure and other qualifying projects to help encourage development within the area. Over the last three years, the city has received over \$800,000 which was used to help build the Airport Terminal and to provide infrastructure to Ventures Park. Last year the Aiken Electric Cooperative provided us with \$200,000 towards land improvements for a potential new building. This year they would like to continue with this commitment and have awarded us an additional \$200,000. These funds, along with a commitment from the County, will help us construct a building for this park to bring industrial clients to our area. With this improvement we are optimistic that other industrial prospects will soon follow. The money from the sale of this property would provide funding for our portion of the runway extension and strengthening and to overlay the secondary runway.

For City Council consideration this is acceptance of a grant in the amount of \$200,000 for a potential building at Ventures Park. The Aiken Electric Cooperative was under a very short timetable in developing this grant and in determining the actual funding amount. Therefore, it was not known until the last part of December what this amount would be, and we have already accepted the \$200,000 check subject to final approval by City Council.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council accept a grant in the amount of \$200,000 from Aiken Electric Cooperative for a potential building at Ventures Park.

SCANA

Grant
South Carolina Electric & Gas Company
SCANA
Willow Run Business Park
Economic Development
Beaufort Street
Water
Sewer
Roads

Mayor Pro Tem Clyburn stated Council needed to accept a grant from SCANA for the Willow Run Business Park.

Mr. LeDuc stated over the last several years SCANA has assisted the city with several grants to further our economic development in various industrial parks. This includes grants to Summit Business Park and Verenes Industrial Park. This year SCANA would like to continue their contribution for economic development for the Willow Run Business Park off of Beaufort Street. This park is similar to the Summit Business Park and consists of small lots under 5 acres for light manufacturing and distribution.

City Council approved this park last year, and Aiken Corporation is currently under contract to build a 25,000 square foot speculative building at this park.

SCANA Corporation would like to give the City of Aiken \$150,000 towards water, sewer and roads for this new park. This coupled with the \$100,000 they gave last year for

infrastructure and the \$107,161 towards the construction of a spec building should provide the necessary improvements needed for the park.

For City Council consideration, this is acceptance of a grant in the amount of \$150,000 from SCANA for infrastructure improvements at the Willow Run Park. SCANA was under a short timetable in developing this grant and determining the actual funding amount that would be available. Therefore, it was not known until the latter part of December what this amount would be, and we have accepted this check subject to final approval by City Council.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council accept a grant in the amount of \$150,000 from SCANA for infrastructure improvements at the Willow Run Park.

JURY BOX 2003

Municipal Court

Mayor Pro Tem Clyburn stated Council needed to adopt a Jury Box for the year 2003.

Mr. LeDuc stated Sara Ridout serves as the City Clerk for the City of Aiken, and each year prepares a jury box, and submits this Jury Box for City Council approval.

Under our form of government, the members of City Council are the jury commissioners for the Municipal Court for the city. Each year City Council must approve the preparation of a Jury Box during the first 30 days, and the jury box contains two compartments designated as compartment "A" and compartment "B." The names of all registered voters in the city are placed in compartment "A" and during the year jurors are randomly selected from compartment "A." After selection for a particular term of court, the names are then placed in compartment "B" so that the names are not selected again during that calendar year. We have a total of 14,412 registered voters in the city. We lost about 1,342 voters from last year as the state purged those who had not voted in two years.

Mayor Pro Tem Clyburn moved, seconded by Councilman Cunning and unanimously approved, that Council approve the preparation of the Jury Box for 2003.

UTILITY REQUEST

Water Service

University of South Carolina-Aiken

USC-Aiken

Bell, Robert M. Parkway

Convocation Center

Mayor Pro Tem Clyburn stated Council needed to consider a utility request from the University of South Carolina Aiken for water service.

Mr. LeDuc stated the University of South Carolina in Aiken has requested water for 50 acres along the Robert M. Bell Parkway. This request is for relocation of their baseball field, a future athletic complex, and convocation center. The Planning Commission, at their December meeting, unanimously approved their receiving water. Currently, the University is receiving water at outside City rates for their entire campus. Over the years, a number of buildings and athletic fields have been constructed using City water without additional conditions attached. They have requested water at this site asking for the same conditions of not having to sign an annexation agreement, but are more than willing to comply with the City's sign and landscaping regulations. Due to the past history, the City staff is recommending water per the long standing agreement of not requiring an annexation agreement. The Planning Commission did require the following conditions:

1. compliance with the City of Aiken sign standards for an Office Zone which allows along Robert Bell Parkway one monument sign no more than 12 feet in height and no more than 60 square feet in area or two monument signs no more than 12 feet in height and no more than 32 square feet in area;

2. approval of the water service design by the City Engineer; and
3. compliance with the City of Aiken landscape provisions in the Zoning Ordinance including (a) installation of the landscaping for the area around the proposed baseball field and the front planting strip along Robert Bell Parkway to be installed prior to water service being provided; (b) installation of landscaping on the remainder of the site prior to water service being provided to the proposed Convocation Center or within three years of the date of approval of water service by City Council, whichever comes first; and (c) preservation of as many Pine trees as possible in the planting strip along Robert Bell Parkway;

Councilwoman Vaughters moved, seconded by Mayor Pro Tem Clyburn and unanimously approved, that Council approve water service to the University of South Carolina Aiken for their athletic complex and convocation center with the conditions recommended by the Planning Commission.

RESOLUTION

Williamsburg Street
Barnwell Avenue
Cagle, John

Mayor Pro Tem Clyburn stated Council needed to consider a resolution approving donation of property at Williamsburg Street and Barnwell Avenue to the City.

Mr. LeDuc stated for several months the city has been discussing the demolition of the old quick shop located at the southwest corner of Barnwell and Williamsburg. The property owned by John Cagle was in disrepair, and he had asked for assistance from the City in removing this structure. After much discussion concerning this property and its removal, Mr. Cagle, as requested by City Council, is willing to donate the land to the City of Aiken in order for us to remove this building. We received a deed from him on December 31, 2002, and would like to formally request Council's acceptance of this donation. The property is valued at over \$11,000 according to the tax appraisal, and Mr. Cagle is willing to donate the property to the city.

For City Council consideration, this is acceptance of property located at the southwest corner of Barnwell Avenue and Williamsburg Street formerly owned by John Cagle. Once the city has accepted this property donation we will tear down the building and grass the site until the city determines what proper use should be made of the vacant property.

Mayor Pro Tem Clyburn moved, seconded by Councilman Cuning and unanimously approved, that Council accept donation of the property at the southwest corner of Barnwell Avenue and Williamsburg Street owned by John Cagle.

EXECUTIVE SESSION

Legal Matter
Newberry Street
Washington Center
Taxes

Mayor Pro Tem Clyburn stated Council needed to go into executive session to discuss a legal matter.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss a legal matter regarding the appraised value of the Washington Center.

Council went into executive session at 9:25 P.M. After discussion Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that the executive session end. The executive session ended at 9:55 P.M.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:55 P.M.



Sara B. Ridout
City Clerk