

Aiken City Council Minutes

January 11, 1999

EXECUTIVE SESSION

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

Absent: Councilwoman Price

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Richard Pearce, and Sara Ridout.

Mayor Cavanaugh called the meeting to order at 6:00 P.M. and stated Council needed to go into executive session to discuss sale of property in Aviation Business Park and the proposed franchise/lease agreement for electric service for the city.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council go into executive session to discuss a proposed land sale in the industrial park, the proposed franchise/lease agreement for electric service for the city, and lease agreement for the airport. After discussion Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council adjourn the executive session. The executive session ended at 6:50 P.M. Council then held a work session with a report from the Aiken 2000 Committee on events proposed for the Year 2000 and a report from Wolpert Engineering on drainage in Hitchcock Woods.

REGULAR MEETING

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

Absent: Councilwoman Price

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

Mayor Cavanaugh called the meeting to order at 7:30 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 December 14, 1998, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

BOARDS AND COMMISSIONSHousing AuthorityCraig, HenryDicks, NathanielEnvironmental CommitteeMcKenzie, TimBrown, CharlieBoyardus, BrianPlanning CommissionKnowles, LucyHammond, ReillyZoning Board of AdjustmentStallworth, RobertDukes, Nancy

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

Mr. LeDuc stated Councilmember Clyburn has recommended Henry Craig to the Housing Authority. He would be replacing Nathaniel Dicks and his term would expire on September 2, 2003. Terms on the Housing Authority are five years by state law.

Councilmember Mike Anaclerio recommends the reappointment of Tim McKenzie, Councilmember Beverly Clyburn recommends the reappointment of Charlie Brown and Mayor Cavanaugh recommends the reappointment of Brian Bogardus to the Environmental Committee and on approval by City Council these terms would expire on December 31, 2000.

Councilwoman Papouchado recommends appointment of Lucy Knowles to the Planning Commission to replace Reilly Hammond who is retiring from the committee. On approval by City Council this position would expire on December 1, 2000.

Councilwoman Clyburn has recommended reappointment of Robert Stallworth and Councilmember Radford recommends reappointment of Nancy Dukes to the Zoning Board of Adjustment. On approval by City Council these terms would expire December 1, 2000.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado, that the persons suggested be appointed or reappointed to the various boards and commissions with the terms expiring as noted. The motion was approved by a vote of 5 in favor and 1, Councilman Perry, opposing.

#### ZONING ORDINANCE - ORDINANCE 011199

##### R-1M Zone

##### Manufactured Homes

##### Annexed Areas

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to amend the Zoning Ordinance to allow the R-1M zone in newly annexed areas.

Mr. LeDuc read the title of the ordinance:

#### AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO ALLOW THE R-1M ZONING DISTRICT TO BE UTILIZED IN NEWLY ANNEXED AREAS.

Mr. LeDuc stated Council received a request from the Planning Commission asking that the Zoning Ordinance be amended to allow R-1M in newly annexed areas. Earlier this year City Council adopted the R-1M zoning which allows manufactured houses to be located on property which is subdivided and which has single ownership. This was primarily to address the situation in Hidden Haven where lots had been created for manufactured homes, but the area was zoned R-1C. He pointed out there was no provision in the R-1M zone to allow areas that are outside the city to be annexed under the R-1M Zone. A minimum of 10 acres is required under the R-1M zone. He stated there are many areas outside the city which could be annexed under the R-1M zone. However, Council has the authority to control the zoning as areas are annexed to the city.

Mr. LeDuc reviewed what can be placed in an R-1M zone versus an R-4 Zone which is zoning for manufactured parks under a single ownership where the lots are leased versus R-1 zone. An R-4 zone would require 3,600 square feet for a unit versus 6,000 square feet for an R-1M, versus 15,000 square feet for an R-1. Also, the minimum lot width is double for an R-1M versus R-4. Roadways in R-1M must meet the requirements of the Subdivision Regulations and there must be a landscaped median at the entrance. Many of the requirements are very similar to an R-1 zone in a subdivision development.

The amendment to the R-1M regulation is to allow the city the ability to zone property coming into the city under the R-1M zone. Currently the R-1M ordinance does not allow the city to annex property under this type of zoning. The zoning would still require that a minimum of 10 acres be developed and that the individual lots within this subdivision would be for single family dwelling units and owned by individual property owners.

The public hearing was held.

Mr. Buzz Jackson, a member of the Planning Commission, stated he had been chairman of the Manufactured Housing Subcommittee, the group that had recommended the R-1M Zone. He pointed out that at the last meeting Councilman Perry had some questions about the differences and similarities between the Department of Housing and Urban Development and the Southern Building Code requirements and safety issues. He pointed out a Florida Study had been done a few years ago which compared the two. He stated basically the differences are narrow between the Southern Building Code and the HUD Code. Most of the walls in manufactured homes are 2 x 4's and some 2 x 6. Those that are not

are interior wall bearing walls or common walls where the two halves of a double wide unit meet. He stated a group from the city had taken a tour of a manufacturing facility. It was surprising what the similarities were between the construction methods. He said a manufactured home today is very different from those constructed in the 1950's. He pointed out the R-1M zone would be a manufactured home subdivision which is 10 acres or more where the ownership is individual. He said the R-1M zone is not a mobile home park. The unit and the land are not leased. It is owned by the occupants. The proposed ordinance recommends that the house be located with the long side parallel to the street to make it similar to a stick built subdivision; that it be set on a permanent foundation of either brick or block; that the axles and towing mechanisms be removed, and that the subdivision meet a lot of the requirements in a stick built home subdivision.

Councilwoman Papouchado asked if a person could buy some land and have it zoned R-1M, place manufactured homes on the property and lease the homes. It was pointed out that was possible, but not practical for a developer as the lot size would have to meet the regulations of R-1M.

Mr. Jackson pointed out that Councilman Perry had expressed concern about the safety issue. He said under the HUD code today manufactured homes are constructed very similar to a stick built home, but there are other requirements that are more stringent in that there are fire code requirements for a lot of the materials, etc. which require that they do not combust. It was pointed out that the Public Safety Department felt comfortable with the safety of manufactured homes as long as they meet the guidelines for manufactured homes.

Mr. Jackson pointed out the structure cost for a manufactured home would be about half of the cost of a stick built home. He said one of the reasons these homes are affordable is that the cost per square foot to build is approximately half of the cost to build a stick built home. He said the Planning Commission feels that the proposed ordinance will satisfy the legal requirements and make a provision for a new type of affordable housing.

Council discussed the proposed zone and requirements at length.

Councilwoman Clyburn stated the homes are very nice, but are cheaper than a stick built home. She felt this type housing was something needed, but just wanted to be sure that the city was doing it right.

Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance amending the Zoning Ordinance to allow the R-1M Zone in newly annexed areas.

#### FRANCHISE - ORDINANCE 011199A

KMC Telecom, Inc.

AT&T Commercial Finance Corporation

Collateral Assignment

Telecommunications Services

KMC Southeast Corporation

Fiber Optic

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance for the city to consent to a collateral assignment by KMC Telecom, Inc. to AT&T Commercial Finance Corporation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE GRANTING KMC TELECOM, INC. (FORMERLY KNOWN AS KMC SOUTHEAST CORPORATION) THE CONSENT OF COUNCIL FOR COLLATERAL ASSIGNMENT BY KMC TELECOM, INC. TO AT&T COMMERCIAL FINANCE CORPORATION AND TO AUTHORIZE THE CITY OF AIKEN TO EXECUTE A CONSENT TO COLLATERAL ASSIGNMENT UNDER THE TERMS OF THE FRANCHISE AGREEMENT WITH KMC TELECOM, INC. (FORMERLY KNOWN AS KMC SOUTHEAST CORPORATION).

Mr. LeDuc stated KMC had been before Council on several occasions. He said the city has a franchise agreement with KMC for fiber optics. He said they are in the telecommunications business. They are trying to get a loan and are having difficulty. The proposed ordinance would consent to a Collateral Assignment by KMC Telecom, Inc. to AT&T Commercial Finance Corporation. The consent of Council is needed for this Collateral Assignment pursuant to Section 22 of the Franchise Agreement executed by the City of Aiken with KMC

Southeast Corporation, now known as KMC Telecom, Inc. It would appear that the city's consent to the Collateral Assignment would be in the best interest of all parties concerned. KMC feels this collateral assignment is the only way they can get the needed loan so they can move forward with their franchise agreement.

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 granting consent to Collateral Assignment by KMC Telecom, Inc. to AT&T Commercial Finance Corporation with the ordinance to become effective immediately.

#### CITIZENS PARK - ORDINANCE 011199B

Power Lines

Right of Way

Easement

South Carolina Electric & Gas Co.

SCE&G

Pine Log Road

Recreation Department

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to grant a right of way power line easement to S.C. Electric & Gas Co. for lines at Citizens Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE GRANTING SOUTH CAROLINA ELECTRIC & GAS COMPANY AN EASEMENT OVER TWO TRACTS OWNED BY THE CITY OF AIKEN CONTAINING 41.39 ACRES AND 75.23 ACRES, SUCH EASEMENT BEING 28 FEET IN WIDTH, TO ALLOW CONSTRUCTION OF POWER LINES.

Mr. LeDuc stated the easement to SCE&G was not for new power lines, but basically involved the relocation of power lines in connection with the widening of Pine Log Road. This easement, twenty-eight feet in width, would allow SCE&G to construct and maintain power lines across the Citizens Field complex, relocating the existing power lines outside the road right of way of Pine Log Road. SCE&G would pay for the right of way. The easement would be non-exclusive which means the city will also be allowed to use the easement for any utilities the city may want to install. The city will receive \$10,236 for the easement.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Radford and unanimously approved, that Council approve the ordinance on second and final reading granting a right of way easement across Citizens field with the ordinance to become effective immediately.

#### TRACTOR TRAILER - ORDINANCE

Trucks

Streets

Parking

Mayor Cavanaugh stated an ordinance had been prepared for first reading to restrict tractor trailer parking on city streets.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 22-59 TO THE CODE OF THE CITY OF AIKEN TO PROHIBIT THE PARKING OF CERTAIN COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

Mr. LeDuc stated the city has received complaints over the last several years from residents concerning the parking of tractor trailer rigs on city streets, especially for long periods of time, which causes a safety problem with traffic trying to get around the trucks. Mrs. Dorothy Sires, of Crosland Park, has complained about tractor trailers parking on the streets in Crosland Park. This causes a problem with appearance plus blocks a portion of the roadway. The proposed ordinance would restrict those vehicles from parking on the street between 10:00 P.M. to 8:00 A.M. or they must be parked somewhere behind the front of the resident's house. We currently have restrictions concerning motor homes parking on public streets. This would be a similar addition to our ordinance.

Council discussed the proposed ordinance briefly. It was pointed out that currently there are no regulations for the parking of the tractor trailers and the proposed ordinance is a first step in providing regulations for the parking of large trucks in residential areas. It was also pointed out that the ordinance needed to be corrected to include the wording that a tractor trailer cannot park on the streets between 10 PM and 8 AM but they may park behind the front of the resident's house as currently required for motor homes.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on first reading an ordinance restricting tractor trailer parking on city streets between 10 PM and 8 AM with the provision that the tractor trailer may park behind the front of the resident's house and that second reading and public hearing be scheduled for the next regular meeting of City Council.

#### ANNEXATION - ORDINANCE

East Pine Log Road 924  
Rampersad, Praduman and Rupa  
R & P Tyre Shop  
TPN 00-157.0-01-379

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex 924 East Pine Log Road and zone it Neighborhood Business.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .5 ACRES OF LAND, MORE OR LESS, OWNED BY PRADUMAN AND RUPA RAMPERSAD AND LOCATED AT 924 EAST PINE LOG ROAD AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS (NB).

Mr. LeDuc stated the city has received a request from Praduman and Rupa Rampersad owners of the property at 924 East Pine Log Road for annexation of their automobile garage and tire shop into the City of Aiken. This has been reviewed by the Planning Commission and is recommended for approval.

Mr. and Mrs. Rampersad have requested annexation as Neighborhood Business to allow them to have a business on the south side of East Pine Log Road between Banks Mill Road and Caldwell Court. The lot is contiguous to the city on the north side. Neighboring zones are Neighborhood Business to the north and Urban Development which is an Aiken County standard on the remaining three sides. The half-acre lot exceeds the minimum lot size of 6,000 square feet.

A landscape plan has been submitted for the project which complies with the Tree Protection and Landscape Ordinance.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on first reading an ordinance approving annexation of property at 924 East Pine Log Road and that second reading and public hearing be scheduled for the next regularly scheduled meeting of City Council.

#### GRANT

Aiken Electric Cooperative  
Economic Development  
Airport  
Terminal Building

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from Aiken Electric Cooperative.

Mr. LeDuc stated the Aiken Electric Cooperative through the Rural Development Act of 1996 can give grants to communities for economic development for investment in infrastructure and other qualifying projects to help encourage development within their area. Last year the Aiken Electric Cooperative gave the City of Aiken \$8,000 to help towards the expense of the development of the Aviation Business Park. Over the last 30 days Mr. LeDuc said he had met with Aiken Electric Cooperative on numerous occasions and talked to them about the terminal building that the city would like to build at the airport.

To encourage future development the Aiken Electric Cooperative would like to give the City of Aiken a grant in the amount of \$109,166.67. This would be used for the construction of the terminal building located at the Aiken

Airport. According to the grant contract, this money needs to be used for the infrastructure improvements at this terminal and if the terminal were not built we would have to refund the money to the State and to the Cooperative.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the city accept a grant in the amount of \$109,166.67 from the Aiken Electric Cooperative contingent upon approval of the project by the State.

Councilman Perry stated he would like for the City Attorney to be sure that acceptance of the grant would be legal since the city is negotiating with Aiken Cooperative for a franchise agreement.

#### GRANT

##### Historic Preservation

##### S.C. Department of Archives and History

##### Design Manual

##### Brochure

##### Web Site

Mayor Cavanaugh stated Council needed to consider acceptance of a grant in the amount of \$5,850 from the S.C. Department of Archives and History.

Mr. LeDuc stated in 1990 the Planning Department put together a design manual which includes the standards for historic preservation of the homes and businesses in Aiken. The Planning Department would like to develop a brochure and put this information on the city web page. This information continually needs to be updated and with this update we will frequently distribute this to the affected residents as needed. A few months ago we wrote a grant asking for \$5,850 from the Archives and History Department of South Carolina. This would help update our manual and to develop a brochure and web page. We recently were informed that we were approved for this 50% grant with the remaining money to be matched by the city. The matching \$5,850 is in this year's budget for the update of this material. Since 1990 when the manual was originally developed we have updated it a couple of times, and this would be our third update.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council accept a grant in the amount of \$5,850 from the South Carolina Department of Archives and History to revise the city's design manual and develop a brochure for historic preservation of homes and businesses in the Aiken area and to help in the development of our city web site.

#### FRANCHISE FEE

##### Resolution

##### Home Rule

##### Municipal Association of S.C.

##### Telecommunications

##### BellSouth

##### Business Licenses

##### Cellular Phones

##### Streets

##### Right of Way

Mayor Cavanaugh stated Council needed to consider adoption of a resolution in support of Home Rule regarding franchise fees.

Mr. LeDuc stated a resolution had been prepared asking City Council to approve the city's right to Home Rule authority concerning franchise fees. Recently the South Carolina Attorney General condemned the ordinance concerning franchise fees specifically concerning telecommunications and the Municipal Association being used to collect this fee for the municipalities. Upon adoption of this resolution the staff will send this to each of the local legislators and to the Municipal Association to let them know how we feel concerning utility providers using public right of way and the franchise fees that are associated with them. We feel local elected officials are in the best position to decide for local governments how best to deal with local issues especially concerning franchise fees.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that Council adopt a resolution to the Aiken Delegation regarding Home Rule authority concerning franchise fees and the collection of fees by the Municipal Association.

ADDITION TO AGENDA

Mayor Cavanaugh stated he would like for Council to add two items to the agenda. He stated one item was a resolution to name the Public Safety Station on Laurens Street after Carrol Busbee, Public Safety Director. The second item was acceptance of the engineering study by Wolpert Engineers regarding storm drainage in the Hitchcock Woods.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the two items be added to the agenda.

RESOLUTION

Busbee, J. Carrol Building  
Public Safety Station 1  
Headquarters Station

Mayor Cavanaugh read a resolution to name the Public Safety Headquarters building on Laurens Street the "J. Carrol Busbee Public Safety Headquarters Building."

Councilman Anaclerio moved, seconded by Councilman Radford, that Council approve the resolution to name the Headquarters Station as the J. Carrol Busbee Public Safety Headquarters Building. The motion was approved by vote of 5 in favor with Councilman Perry opposing the motion. Councilman Perry stated his opposition had nothing to do with Carrol Busbee, but he had made a stand years ago not to name things after living people.

Mayor Cavanaugh presented Chief Busbee with a drawing of the proposed sign for the building.

DRAINAGE

Wolpert Engineering Study  
Hitchcock Woods  
Stormwater

Mayor Cavanaugh stated Council needed to accept the Woolpert Engineering Study for stormwater drainage in the Hitchcock Woods.

Mr. LeDuc stated the city had been studying the Hitchcock Woods stormwater drainage for a number of years. He said several improvements had been made at the entrance into the woods for stormwater to slow the water and to try to retain the existing size of the stream bed. The staff is asking for approval of the Wolpert Study which suggests several ways to handle the stormwater coming from the city especially the downtown area by using a combination of man-made and natural methods called bio-engineering. If the report is accepted, it will be made available to the Hitchcock Woods Foundation. The staff would discuss the report with them and work out a plan of implementation over the next 5 to 10 years.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that Council accept the Wolpert report on Hitchcock Woods stormwater and that the city program implementation of the recommendations.

WATER SERVICE

Reynolds Pond Road 1030  
SC 19 N  
Ramsey, Shirley  
TPN 00-129.0-01-141

Mayor Cavanaugh stated Council needed to consider extension of water service to 1030 Reynolds Pond Road.

Mr. LeDuc stated the city has received a request for city utilities to serve two duplexes proposed for construction at 1030 Reynolds Pond Road about two miles north of the city limits.

The lot consists of 6.04 acres and two duplexes totaling four units are being developed on the site. The area falls within the requirements of the R-2 zone which they are requesting. A large electrical substation abuts the site to the west on which a row of abandoned cars line up along the common wire fence. On the other side there is a mixture of manufactured homes and stick built houses.

The owners have signed an agreement to annex and will extend a water line from Reynolds Pond Road approximately 780 feet to the site where they will connect to the line.

There are several stipulations included in this recommendation from the Planning Commission including the following:

1. That the owners comply with the Subdivision Regulations regarding the water extension and that it must meet City Engineer's approval;
2. That the multi-family project comply with the city sign regulations;
3. The property owner must comply with the Tree Protection and Landscaping Ordinance. There is adequate buffer on the eastern and southern sides of the property lines and therefore only a planting strip is required on the western side of the boundary. On the western side is the substation, and the Commission has recommended granting a waiver to planting of trees and instead will allow planting shrubbery to screen the substation.
4. That the property owner execute an annexation agreement.
5. An additional fire hydrant be installed as deemed appropriate by the Department of Public Safety on the 6 inch water line which they will be installing.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the extension of water service to the site located 780 feet south of Reynolds Pond Road at 1030 Reynolds Pond Road.

#### COMPREHENSIVE ANNUAL FINANCIAL REPORT

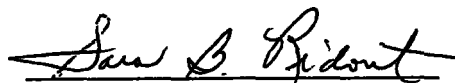
Mr. LeDuc pointed out that a copy of the Comprehensive Annual Financial Report had been given to Council for their information. Mr. LeDuc stated a lot of time and effort had gone into preparation of the CAFR and the report contained a tremendous amount of data in the report.

#### GUESTS

A group of young people from South Aiken High School attended the meeting. Mayor Cavanaugh asked them to introduce themselves.

#### ADJOURNMENT

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



Sara B. Ridout  
City Clerk