

Aiken City Council Minutes

March 9, 1998

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

Absent: Councilmember Price

Others Present: Steve Thompson, Gary Smith, Bill Huggins, Roger LeDuc, Carrol Busbee, Anita Lilly, Stanley Quarles, Andy Anderson, Sara Ridout, Tom Smith of the Aiken Standard, Sean Lengell of the Augusta Chronicle, and 9 citizens.

Mayor Cavanaugh called the meeting to order at 7:45 P.M. Steve Thompson led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of February 23, 1998, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilman Anaclerio and unanimously approved.

VERENES INDUSTRIAL PARK - ORDINANCE 030998

Ventures Industrial Park
Aviation Business Park
Airport
Industrial Park
Verenes Industrial Complex

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to change the name of Ventures and Aviation Business Parks to Verenes Industrial Complex.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE RESTRICTIVE COVENANTS AND DEVELOPMENT STANDARDS FOR AVIATION BUSINESS PARK AND AIKEN VENTURES PARK.

Mr. Thompson stated the city developed Verenes Industrial Park in 1972, and has developed and sold lots within the Park to industries, based on the restrictive covenants for the Park. In 1996 City Council also developed two additional industrial parks within this same airport complex, and with passage of the proposed ordinance, the names of Ventures and Aviation Parks will change to reflect their inclusion within the Verenes Industrial Complex.

Ventures Industrial Park and Aviation Business Park were developed to serve a different niche from that served by the present Verenes Industrial Park. Ventures will emphasize more of an upscale park, with underground wiring, curbing, and limited access to the airport facilities. Aviation Business Park was intended to serve industries that primarily need direct access to the runways and taxiways of the airport. The restrictive covenants for both sections are slightly different, but very similar to the covenants of Verenes Industrial Park. We have been working with the Aiken Corporation to develop a way to market this entire airport complex under a single name, and the staff is suggesting that we call the entire complex the Verenes Industrial Complex, and the Aiken Ventures Park will be known as the Aiken Ventures Park at the Verenes Industrial Complex. Aviation Business Park will be known as Aviation Business Park at the Verenes Industrial Complex.

These changes will allow the city to tie all of these properties together into a single complex, and simplify location of the sites when conducting a national search. This will also allow us to highlight the slightly different niche between the parks. We discussed this at length with Fred Humes of the Economic Development Partnership, and Fred felt that there is value in keeping different names for the different sections of the park. By keeping the individual names of the different sections, and tying these into the Verenes Industrial Park, we are hoping to meet the goals of both groups. We will meet different niches with these parks, and we will tie these into a single complex, called the Verenes Industrial Complex.

At the last meeting City Council approved on first reading an ordinance to change the name of the industrial parks to Verenes Industrial Park. The staff

is suggesting in order to reflect some of Mr. Humes' suggestions and to combine the recommendations with those of the Aiken Corporation that the ordinance passed on first reading be amended to retain the names of Ventures Industrial Park and Aviation Business Park but reflecting that they are within the Verenes Industrial Complex to find the sites, but also emphasizing the different niches for the parks.

Mr. Thompson pointed out the proposed ordinance would change the names for the parks to Verenes Industrial Park. The staff has suggested to retain the names of Aviation and Ventures Parks that Council amend the present ordinance to reflect the proposed ordinance changes to retain the names of Ventures and Aviation Parks in the Verenes Industrial Complex. If the changes are approved, the second step would be public hearing approving the amended ordinance to change the names of the parks.

Mayor Cavanaugh stated he felt the input was very good. Council discussed the proposed changes. Councilman Perry pointed out the whole area would be the Verenes Industrial Complex with sections called Aviation and Ventures which would be similar to Woodside and Houndslake with different sections in each of the subdivisions. Councilman Perry suggested that the names of Aviation and Ventures be changed. Mr. Thompson pointed out those names were used because Council had not chosen any other names for the parks.

Councilman Anaclerio moved that Council amend the proposed ordinance changing the names of the sections within Verenes Industrial Complex from Phase II and III to Aviation Business Park and Aiken Ventures Park. He pointed out Council may wish to change the names of Aviation and Ventures in the future. The motion was seconded by Councilwoman Clyburn and unanimously approved.

Councilman Anaclerio moved that Council adopt the name Verenes Industrial Complex to reflect the name of the entire complex available for industrial development. The motion was seconded by Councilwoman Clyburn and unanimously approved.

The public hearing was held on the amended ordinance and no one spoke.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh and unanimously approved, that Council adopt on second and final reading the ordinance as amended which will amend the restrictive covenants for Aviation Business Park and Aiken Ventures Park as being located in the Verenes Industrial Complex.

MUNICIPAL ASSOCIATION OF S.C.

Resolution

Business License

Catawba Insurance Company

Insurance Companies

Mayor Cavanaugh stated Council needed to consider adoption of a resolution ratifying action of the Municipal Association.

Mr. Thompson stated the Municipal Association is involved in a collection proceedings against Catawba Insurance Company, to collect the business license fees due from Catawba. The Municipal Association collects the business license fees from the insurance companies, and the Association is asking each of the 218 cities involved in this process to adopt a resolution confirming and ratifying the position of the Municipal Association, on behalf of the cities.

The cities, including Aiken, have a contract with the Municipal Association to collect these business license fees, and we are suggesting that City Council adopt a resolution ratifying the Municipal Association's suit with Catawba Insurance Company, and confirming the Association's position in collecting these fees.

Council discussed the request and questioned why Catawba Insurance Company felt they should not pay the license fee like other insurance companies. Mr. Thompson stated Catawba is a re-insurance company and the State defines re-insurance separately. Catawba is saying as a re-insurance facility they are not required to pay a business license fee in South Carolina.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council adopt a resolution ratifying the action of

the Municipal Association's suit with Catawba Insurance Company and confirming the Association's position in representing the city in collection of the business license fee.

INORDINATE BURDEN BILL

Resolution

Environmental Regulations

Planning Regulations

Zoning Regulations

Takings Legislation

Mayor Cavanaugh stated Council needed to consider a resolution opposing the Inordinate Burden Bill.

Mr. Thompson stated that City Council is aware of the bill that has been passed by the South Carolina House of Representatives, concerning inordinate burden that environmental and planning regulations place on property owners. The Historic Aiken Foundation has passed a resolution opposing this legislation, House Bill H.3591, and City Council may wish to consider whether or not to take a position on this bill.

Mr. Thompson stated he had provided Council with information on the bill and the issues in opposition to the Bill. He also pointed out the information he had provided on comparison of how this same legislation has affected local governments in Florida. He said the Municipal Association has listed this legislation as a critical issue and strongly opposes passage.

Mr. Thompson stated one question is the use of the words "inordinate burden" and defining what the burden is.

Mayor Cavanaugh stated he felt this was an issue that would have a devastating effect on the community as far as zoning. He felt the bill would almost do away with zoning. He said he supported passing a resolution opposing the bill.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio, that Council adopt a resolution opposing the Inordinate Burden Bill. The motion was approved by a vote of 5 to 1, with Councilman Perry opposing the motion.

Councilman Perry stated he did not have any information in favor of the bill, and he would like to know the other side of the issue. He said he did not see anything that harmful in the bill, but felt it would make Council responsible for their action. He felt the bill did not have anything to do with zoning. He pointed out the Courts have upheld that zoning is legal.

Mr. Smith explained the position of the Municipal Association and the Municipal Attorney's Association on the Inordinate Burden bill and the concerns of the Associations.

BOBBY JONES EXPRESSWAY

Resolution

Augusta Regional Transportation Study

ARTS

Transportation Study

Mayor Cavanaugh stated Council needed to consider a resolution supporting the Bobby Jones Expressway.

Mr. Thompson stated the South Carolina representatives on the Augusta Regional Transportation Study project have voted to support the Bobby Jones Expressway extension near North Augusta. The ARTS Commission is asking that the Aiken City Council also support and endorse this project, and a resolution supporting the Bobby Jones Expressway has been prepared for Council's consideration.

Mr. Thompson stated the proposed resolution endorses the Aiken County Council application for financial assistance to the State Infrastructure Bank for construction of the Bobby Jones Expressway Extension in the North Augusta, Belvedere, and Clearwater areas of Aiken County. The County would be submitting an application to the infrastructure bank for financing of the Bobby Jones Expressway.

The Bobby Jones Expressway is the single largest project presently listed in the Transportation Study, and would connect the Augusta Airport with Highway 1

and 78. Ultimately the Expressway will tie into I-20, and certainly will support development in the North Augusta and Clearwater areas.

Councilman Anaclerio stated probably a lot of people feel that if an easy connection is built to the Interstate that a lot of people will go from Aiken County to Augusta to shop. He said it may just as well be the other way around and people would come from Augusta to Aiken to shop. He felt the proposed road would open the area for a lot of industrial development.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that the resolution supporting and endorsing the construction of the Bobby Jones Expressway North in Aiken County and supporting the application for financial assistance from the State Infrastructure Bank to build the Bobby Jones Expressway Extension be approved.

MANAGEMENT PLAN AND GOALS

Horizons

Goals 1998-99

City Council

Mayor Cavanaugh stated Council needed to consider adoption of the proposed Goals and Management Plan for Fiscal Year 1998-99 as discussed at Council's Horizons Retreat.

Mr. Thompson stated each year City Council adopts goals for the upcoming year. The staff applies the goals and sub-goals to the budget process to make sure the budget and the actions of the city comply with the formal goals of City Council. These goals are part of the Management Plan that are used to guide the services and issues of the city. The Management Plan includes the vision, goals, beliefs, and ethics policy.

The goals are as follows:

1. To support new missions at the SRS, with support for the consultants retained by the Economic Development Partnership and through active city participation by the Mayor and other city representatives in the Washington visits and other efforts on behalf of the Site.
2. To diversify business and industry in the Aiken area. In this effort we will obtain 5 articles in national magazines on Aiken, apply for 3 awards, expand our economic development pages on the Internet, and track the change in the number of businesses licensed in Aiken.
3. To complete the next section of goals outlined in "Preserving Our Ways of Life," Aiken's Strategic Plan.
4. To continue community policing and the emphasis on community services. In this effort we will update the City "Owner's Manual" and build or obtain 1 downtown public restroom.
5. To increase the legislative emphasis on Home Rule.
6. To resolve issues facing the youth of this community, with the input of the youth of this community.
7. To expand on the community's electronic network.
8. To consider innovative revenues instead of taxes and fees, and to generate revenues from the technology-based services of the City, including GIS and mapping services.
9. To continue leadership in the Healthy Communities movement.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the Management Plan and Goals as listed be adopted by Council for fiscal year 1998-99.

ADDITION TO AGENDA

Mayor Cavanaugh asked that Council consider adding authorization for the Municipal Association of S.C. to represent the city in a suit against the S.C. Department of Juvenile Justice to the agenda.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council add the item regarding the detention center charges to the agenda.

MUNICIPAL ASSOCIATION OF S.C.Department of Juvenile JusticeDetention Center ChargesJuveniles

Mayor Cavanaugh stated Council needed to consider a motion authorizing the attorneys for the Municipal Association to represent the city in a suit against the S.C. Department of Juvenile Justice.

Mr. Thompson stated the Municipal Association is also involved in a lawsuit with the South Carolina Department of Juvenile Justice. The Constitution and State Law require the State and the counties to maintain the detention system in South Carolina. Detention is one of the four reasons that counties were created, and the other reasons include streets, health, and police services through the sheriff's office. In 1995, the General Assembly tried to find a way to raise funds to pay for detention of juveniles, and adopted legislation requiring the governing body of the law enforcement agency having original jurisdiction where the offense occurred to be responsible for paying two-thirds of the cost of using the facilities of the Department of Juvenile Justice's Juvenile Detention facility. The Municipal Association has taken the position that the wording in the legislation and the State Constitution require the State and the Counties to house juveniles and that this is not a municipal charge or mission. The Municipal Association has advised the cities in South Carolina not to pay the detention charges. The State Department of Juvenile Justice has notified the cities that the Department is moving forward with collection efforts for this debt, and the Municipal Association is preparing to oppose payment of the charges through the court system.

Mr. Thompson stated if Council chooses to support the Municipal Association, the motion would be to authorize the attorneys for the Municipal Association to represent the City of Aiken in this suit against the S. C. Department of Juvenile Justice and the State Treasurer to challenge legality of pre-trial detention charges for juveniles. If the city is forced to pay for the cost of juvenile detention, the city's cost will be \$27,588 to date for juveniles which have been housed by the DJJ since 1995.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that Council authorize the attorneys for the Municipal Association to represent the City of Aiken in a suit against the South Carolina Department of Juvenile Justice and the State Treasurer to challenge the legality of pre-trial detention charges for juveniles.

AIKEN'S MAKINChamber of CommerceParkwaysStreets

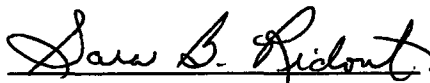
Mayor Cavanaugh stated Council needed to consider a request from the Chamber of Commerce for use of the parkways in the downtown area for Aiken's Makin to be held September 11 and 12, 1998.

Mr. Thompson stated City Council has received a request from the Aiken Chamber of Commerce, asking permission to hold Aiken's Makin in the parkways in downtown Aiken on Friday and Saturday, September 11 and 12, 1998. The Chamber will hold registration and early set up on Thursday evening, September 10, 1998. The Chamber is also requesting use of the Municipal Conference Center on Saturday, September 12, 1998.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved that the Aiken Chamber of Commerce be allowed to hold Aiken's Makin in the parkways in downtown Aiken September 10 - 12, 1998.

ADJOURNMENT

There being no further business the meeting adjourned at 8:30 P.M.

A handwritten signature in cursive script, reading "Sara B. Ridout".

Sara B. Ridout
City Clerk