

Aiken City Council Minutes

January 22, 2001

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Pete Frommer, Terry Rhinehart, Ed Evans, Al Cothran, Richard Pearce, Sara Ridout, Adam Burton of the Aiken Standard, and about 13 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 January 8, 2001, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Historic Preservation Commission

McGhee, Beatrice

Environmental Committee

Gladden, John

Park Commission

Hammond, T. A.

Board of Zoning Appeals

Ogletree, Lawrence

Accommodations Tax Committee

Allewelt, Richard

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

Mr. LeDuc stated Councilwoman Price has recommended reappointment of Beatrice McGhee to the Historic Preservation Commission with the term to expire December 31, 2002. She has also recommended reappointment of John Gladden to the Environmental Committee with the term to expire December 31, 2002; reappointment of T. A. Hammond to the Park Commission with the term to expire December 1, 2002; and reappointment of Lawrence Ogletree to the Board of Zoning Appeals with the term to expire December 1, 2002.

Councilman Radford has recommended reappointment of Richard Allewelt to the Accommodations Tax Committee with the term to expire March 25, 2003.

Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that Beatrice McGhee be reappointed to the Historic Preservation Commission with the term to expire December 31, 2002; John Gladden to the Environmental Committee with the term to expire December 31, 2002; T. A. Hammond to the Park Commission with the term to expire December 1, 2002; Lawrence Ogletree to the Board of Zoning Appeals with the term to expire December 1, 2002; and Richard Allewelt to the Accommodations Tax Committee with the term to expire March 25, 2003.

ZONING ORDINANCE – ORDINANCE 01222001

Amendment
Written Decisions
Decisions
Planning Commission
Board of Zoning Appeals
Notification

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding written decisions.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6 OF THE ZONING ORDINANCE REGARDING WRITTEN DECISIONS OF THE PLANNING COMMISSION AND THE BOARD OF ZONING APPEALS.

Mr. LeDuc stated at the September Board of Zoning Appeals meeting, the members asked that the number of days for a decision to be mailed to an applicant be increased from the current fifteen days to thirty days for both BZA and the Planning Commission. The Planning staff discussed this further, and recommends that twenty-five days is an adequate time for the final decision to be mailed. They also stated that the notices should be sent by certified mail since the State law has language which requires this type of notification.

At the December 12, 2000 Planning Commission meeting, the Commission unanimously approved revising the two sections within the Zoning Ordinance to reflect that when an approval, or one with modifications or conditions is granted, the decision shall be communicated in writing by certified mail within twenty-five days.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on second and final reading an ordinance regarding the time period and mailing of decisions of the Board of Zoning Appeals and the Planning Commission and that the ordinance become effective immediately.

AIRPORT – ORDINANCE 01222001A

Lease
Fixed Base Operator
Robbins, Royal
Laver, Mike
FBO
Land Swap
Hangars
T-Hangars

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to modify the Fixed Base Operator Lease at the Airport.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO LEASE AGREEMENT AND FIXED BASE OPERATOR AGREEMENT FOR THE AIKEN MUNICIPAL AIRPORT.

Mr. LeDuc stated at the work session on December 11, 2000, our FBO operators, Royal Robbins and Mike Laver, asked that the city consider modifying the existing Fixed Base Operator lease.

On February 8, 1999, City Council passed on second reading a new lease agreement with the FBO. This allowed the city to gain revenue from fuel fees and for the FBO to

improve the airport property as the market dictates. They are now prepared to build new barn hangars and a new T-hangar costing approximately \$600,000. In order to do this they would like to swap some of the property that is currently controlled by the FBO with the property that the city controls. This mutually agreeable land swap would allow them future flexibility to build additional hangars and the city to market more land closer to US 1.

In addition they would like to add a 10 year option to the lease which would be mutually agreeable by both parties to give them the ability to obtain financing and the time to recover their investment. With these changes they would then be able to move forward with these improvements. Since approval of the agreement in 1999, the City has received additional revenue from the airport and the FBO has confidence that with the improvements that have been made and are currently being completed there is a need for these hangars.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance to modify the existing FBO lease to add a 10 year option to the lease and to swap some of the property with the City with the ordinance to become effective immediately.

ACCOMMODATIONS TAX - ORDINANCE

Local Accommodations Tax Hospitality Tax

Mayor Cavanaugh stated an ordinance had been prepared to amend the Hospitality and local Accommodations Tax.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 21-24 AND SECTION 21-25 OF THE CODE OF THE CITY OF AIKEN REGARDING THE HOSPITALITY AND ACCOMMODATIONS TAXES.

Mr. LeDuc stated in the November, 2000 general election, the citizens of Aiken County adopted the local option sales tax by referendum. With this approval the City of Aiken had proposed that the capital development projects that were funded by the Hospitality and Accommodations tax could now be funded by the proceeds derived by the local option sales tax. Council at that time said they would eliminate the Hospitality Tax and review the Accommodations Tax at a later date.

At the last City Council meeting, a public hearing was held to receive information concerning the continuance of the Accommodations Tax. At the public hearing, several individuals spoke in favor of continuing the Accommodations Tax. A few of the motel owners questioned the increase from the current \$.10 per dollar to the \$.11 per dollar and asked Council to consider reducing the Accommodations Tax from \$.03 to \$.02 thus allowing it to remain at its current level. Based on this year's receipts, we are receiving approximately \$75,000 for every percent of taxes received from accommodations. Therefore by reducing it from 3% to 2% would mean a reduction of approximately \$75,000 or approximately 1 mill of taxes. Additionally over the next several years we will have reduced revenues of approximately \$500,000 from the vehicle tax and up to \$200,000 from the telecommunications fees, and state revenue which would amount to about \$800,000 in the future. Hopefully some of this will be made up by growth within our community; however, this is a major concern as we try to balance future budgets.

We have modified the previous ordinance which was passed on March 22, 1999, and have totally eliminated the local hospitality tax from this ordinance. The accommodations tax portion of this ordinance has been modified to eliminate those portions which tie these funds to specific projects. Should Council approve the continuance of these funds, a portion of the revenues could establish an individual to promote tourism. In addition, funds could also be used for specific projects that routinely

seek Council's approval and are important to the well being and quality of life in our City. Any remaining revenues could then be used to offset tourism-related projects that are currently budgeted thus offsetting a portion of the revenues lost from the vehicle and telecommunications fees reductions. For these reasons, we have kept the Accommodations Tax at the maximum 3% but should Council desire, it could be reduced to a lower amount.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh, that the ordinance be passed on first reading to amend the current ordinance regarding the Hospitality and Accommodations Tax and that second reading and public hearing be set for the next regularly schedule meeting of Council.

Councilman Cuning stated when he studied the matter he was thinking about the Accommodations Tax going to 2% rather than 3% which would not be an increase overall. He said, however, with the cuts in revenue for the city that will be happening from the reduction in vehicle tax and the telecommunications fees he felt the Accommodations Tax should remain at 3%. He pointed out the requirement is that the Accommodations Tax funds must be spent on tourism related projects; however, many of these tourism related projects have been paid out of the General Fund in the past. With the thought that the Accommodations Tax funds could be used to pay for some of the projects which have been funded out of the General Fund to help offset some of the cuts in revenue, he would support the 3%. He pointed out if the fee remains at 3% it does not put the motels at a competitive disadvantage with Augusta, North Augusta or surrounding areas.

Mayor Cavanaugh stated at the last meeting some of the motel owners seemed to think that the 3% versus 2% would make a big difference, but he could not understand that because the fee increase is for everybody and in most cases those paying the fees are from out of town. He pointed out with the fee remaining at 3% the city will not be raising the fee because it is presently at 3%.

Councilman Radford pointed out that the fee does affect some in-city residents as some residents do stay in motels at times. He said he would like to see the Accommodations Tax be reduced from 3% to 2%.

Councilman Clyburn also stated that for various reasons in-city people do have to stay in motels at times, and she also would like to see the Accommodations Tax reduced from 3% to 2%.

Councilwoman Price stated she had had some positive feedback regarding the Accommodations Tax. She said one comment was that the gas price has gone up tremendously and people still use gas and say nothing, but when there is something that benefits the city as a whole there is a lot of comment.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance on first reading with the public hearing set for the next regular meeting. The motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Radford and Sprawls opposed the motion.

ZONING ORDINANCE – ORDINANCE

Amendment

Board of Zoning Appeals

Terms

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance concerning terms for Board of Zoning Appeal members.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO PROVIDE FOR A MINIMUM THREE (3) YEAR TERM OF MEMBERSHIP ON THE BOARD OF ZONING APPEALS.

Mr. LeDuc stated the State law under Section 6-29-780-B states that the Board of Zoning Appeals members should serve overlapping terms of not less than three nor more than five years. Our current Zoning Ordinance states under 7.1.6.B.2 that all members shall be appointed for a two-year term.

The Planning Commission voted unanimously to revise the wording under Section 7.1.6.B.2 on page 7-3 to read as follows:

“All members shall be appointed for overlapping three year terms.”

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that Council approve on first reading an ordinance to amend the Zoning Ordinance to allow for three year overlapping terms for the Board of Zoning Appeals members and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

ZONING – ORDINANCE

Mallard Lake Subdivision

M. K. Builders

Robin Road

Thoroughbred Run

TPN 00-157.0-01-143

Robinwood Subdivision

Mayor Cavanaugh stated an ordinance had been prepared for consideration to rezone 4 acres in the Mallard Lake Subdivision.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY DEVCOM, INC. FROM RESIDENTIAL SINGLE FAMILY (RS-8) TO RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML).

Mr. LeDuc stated M & K Builders has requested that 4 acres east of Robin Road north of Thoroughbred Run be rezoned from Residential Single Family (RS-8) to Residential Multi-Family High Density (RMH). Over the past couple of years they have been constructing attached single family residences in the area zoned multi-family. This has been very successful, and they are now requesting that 4 additional acres of land located between this multi-family area and Robin Road be rezoned so they can continue this type of development.

The Planning Commission has reviewed this request and has approved it unanimously with the proviso that it be rezoned as Residential Multi-Family Low Density. The applicant's development meets this requirement for low density and high density would not be appropriate for this area since they plan to construct 60 single family units and this number of units would comply with the city's Comprehensive Low Density Plan. If the RMH were approved, they could build up to 160 units versus the 60, which they are currently requesting. The proposed 60 units would have a far less impact on the neighborhood and its infrastructure.

Councilman Cuning moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on first reading an ordinance to rezone 4 acres of property east of Robin Road and north of Thoroughbred Run from Residential Single Family (RS-8) to Multi-Family Low Density (RML) and that second reading and public hearing be held at the next regularly scheduled meeting.

ADDITIONS TO AGENDA

Incentive
Historic Properties
Rehabilitation
Manufactured Homes

Mayor Cavanaugh stated he would like for Council to consider adding to the agenda a proposal to support the proposed state income tax credits for rehabilitation of historic properties, both commercial and residential.

The second addition is a letter of support to support the present wording in the legislation on manufactured homes.

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

INCENTIVE

Historic Properties
Rehabilitation
Legislation
State Income Tax Credit
Tax Credit
Historic Preservation Commission

Mr. LeDuc stated he would like for Council to approve writing a letter to the local Legislative Delegation letting them know that Council is in favor of and supports the bill that is currently before them that would allow state income tax credits for renovation of historic properties, both commercial and residential. This is particularly important to citizens in Aiken because Aiken is one of nineteen governmental agencies in South Carolina that has a local entity that looks at historic property.

Mr. LeDuc stated the Historic Preservation Commission had recommended that Council support this legislation. This recommendation is based on the fact that projections of the impact of the proposed tax credits on South Carolina's economy show that the State could gain between \$8.4 million and \$14.1 million a year from additional investments in the rehabilitation of historic properties. Also revenue would be generated in Aiken from an increase in construction activities related to needed rehabilitation of historic properties.

The City of Aiken has several historic properties that could use rehabilitation and this would defray some of the cost of this rehabilitation in the form of tax credit to the owners of these properties. For income producing properties the state is proposing a 20% income tax credit and for owner-occupied buildings a 25% credit.

It is proposed that if Council supports the state approving this tax credit that the Mayor send a letter of support to the Legislative Delegation.

Councilwoman Clyburn moved, seconded by Councilman Cunning and unanimously approved, that Council authorizes the Mayor to send a letter of support to the Legislative Delegation in support of the state income tax credit for rehabilitation of historic properties.

MANUFACTURED HOMES

Legislation
State Legislation

Mr. LeDuc stated last year Council discussed concerns about manufactured homes. This past spring Council discussed the Manufactured Homes Bill that was before the South Carolina Senate. Because of the letter from the City of Aiken and other municipalities, this Bill has been revised and the language that affected the ability of the local government to zone on a local basis has been deleted. Therefore, the Municipal Association is recommending that all cities support the current Bill that is before the

House and Senate. They still feel that some time in the future the Manufactured Homes Association will be introducing additional legislation concerning the zoning of manufactured homes within cities, but at this time the current bill before the House is acceptable. Since the city corresponded with the legislature previously concerning the manufactured homes, it is recommended that the city send a letter of support concerning the current bill before the House and Senate.

Councilman Cunning moved, seconded by Councilman Anaclerio and unanimously approved, that Council authorize the Mayor to send a letter of support for the current legislation regarding manufactured housing.

UTILITY REQUEST

Water Service

Duplex

Hudson Road 281

Jackson, Johnny

Trolley Line Road

TPN 00-130.0-01-001

Joshua Downs Apartments

Mayor Cavanaugh stated a request had been received for water service to a duplex development on Hudson Road north of Trolley Line Road.

Mr. LeDuc stated Johnny Jackson who owns a 9-acre parcel of land on the west side of Hudson Road north of Trolley Line Road is requesting city water for his duplex development. He currently wants to develop 1.5 acres beginning with four structures totaling 8 units. The Planning Commission unanimously approved this request based on the following conditions.

1. Prior to service provided by the City:
 - (a) executes an annexation agreement
 - (b) have water design approved by City Engineer
 - (c) City Engineer and Public Safety approve road design
 - (d) A site and landscape application should be submitted to the City Planning Department for approval and landscaping installed prior to the water hookup for the fourth duplex building
2. Comply with the sign regulations in the city Zoning Ordinance including obtaining a permit from the City Planning Department.
3. Submit utility as-builts to the Public Works Department prior to water hookup of the fourth duplex building.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the request for water service to a 1.5 acre tract on Hudson Road to be developed into duplexes with the provision that they meet the conditions recommended by the Planning Commission.

CABLEVISION

Glinski, Ray

Governors Lane 164

Mr. Ray Glinski, 164 Governors Lane, appeared before Council concerning the cable TV service received from the Northland Cable Company. His complaint concerned the volume signal on the channels so the volume would be the same when changing channels. He also complained about the increase in cable rates and the increase on the basic charge and not on the premium channels. He also complained about the tiers being offered and the basic tier being eliminated which is about \$15 per month. He asked Council's support in writing to the Senators and Congressmen and FCC regarding the fees charged by the cablevision company. He was concerned about the persons on limited income and the cablevision service not being affordable for them.

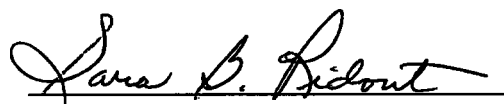
Councilwoman Price pointed out the citizens need to write letters to the cablevision company, letters to the editor, and FCC if there is concern by the citizens regarding the rates and service being offered.

Mr. Glinski stated he had written letters, and he knew other citizens had written also, but they are individuals making a complaint. He felt, however, that City Council representing the citizens could make an impact much more so than individuals.

Mayor Cavanaugh stated the city could get a cost comparison of surrounding communities' fees so the city would have something with which to compare the rates.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 P.M.


Sara B. Ridout
City Clerk