

February 9, 2004

Aiken City Council Minutes

REGULAR MEETING

February 9, 2004

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Larry Morris, Ed Evans, Pete Frommer, Leasa Segura, Sara Ridout, Philip Lord of the Aiken Standard, and about 85 citizens.

Mayor Cavanaugh called the meeting to order at 7:15 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. He suggested that Item 3 under New Business regarding Option for Property on York Street be moved to Item 1 under New Business. Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved.

MINUTES

The minutes of the work session and regular meeting of February 2, 2004, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

BOARDS AND COMMISSIONS

Historic Preservation Commission

McDuffie, Rosamond

Cherry, Len

Mayor Cavanaugh stated Council needed to consider one appointment to the various boards and commissions of the city.

Mr. LeDuc stated there is one pending appointment to boards and committees of the city and one appointment is presented for Council's consideration.

Councilwoman Vaughters has recommended appointment of Ms. Rosamond McDuffie to the Historic Preservation Commission to fill the unexpired term of Len Cherry who has resigned. If appointed her term would expire December 31, 2005.

Councilman Vaughters moved, seconded by Councilman Smith and unanimously approved, that Council appoint Ms. Rosamond McDuffie to the Historic Preservation Commission to fill the unexpired term of Len Cherry with the term to expire December 31, 2005.

REZONING – ORDINANCE 02092004

Colony Parkway

Kings Grant Drive

TPN 30-056.0-01-035

Whiskey Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to rezone property on Colony Parkway at Kings Grant Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON COLONY PARKWAY FROM GENERAL BUSINESS (GB) TO RESIDENTIAL MULTIFAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated that a 0.45 acre property at the corner of Colony Parkway and Kings Grant Drive is proposed for rezoning from General Business to Multi-Family High Density (RMH). The proposed zoning would allow up to seven dwelling units on this property. The property surrounding this area is primarily General Business, with the exception that the property to the east has been developed as an office and is west of a protective Open Space. The property appears to be more suitable for Multi-Family residential, with the Colony Apartments close to this area. The developer is proposing four condominium units.

The Planning Commission reviewed this request and unanimously approved the rezoning from General Business to Multi-Family High Density (RMH).

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to rezone 0.45 acres at the corner of Colony Parkway at Kings Grant Drive from General Business to Multi-Family High Density (RMH) and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE 02092004A

Vaucluse Church of God
University Parkway 1761
By-Pass
Shaffer, Henry B. Sr.
TPN 00-130.0-01-380
Church

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex the Vaucluse Church of God property at 1761 University Parkway.

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 VAUCLUSE CHURCH OF GOD, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated that Henry B. Shaffer, the Pastor of the Vaucluse Church of God, has requested annexation of their property at 1761 University Parkway (By-Pass). This property is located just to the west of the recently annexed 70 acre residential gated community.

The Planning Commission unanimously approved this request with the following conditions:

1. Comply with the Tree Protection and Landscape provisions of the Zoning Ordinance including irrigation.
2. The signage complies with the Zoning Ordinance.
3. Limit the curb cuts to one off University Parkway.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to annex property owned by the Vaucluse Church of God on University Parkway to be zoned Residential Single Family RS-6 and that the ordinance become effective immediately.

ALCOHOL – ORDINANCE 02022004BHours of OperationAlcohol SalesSale of AlcoholServing HoursClosing Time

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the ordinance regarding the hours of operation for establishments serving alcohol.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6-5, AIKEN CITY CODE, TO SET THE HOURS OF OPERATION FOR ESTABLISHMENTS SERVING ALCOHOL FOR ON-PREMISES CONSUMPTION.

Mr. LeDuc stated that several years ago the City of Aiken approved an ordinance which set the hours of operation for establishments serving alcohol for on-premise consumption. At the time the ordinance was developed the City did not allow alcohol sales on Sunday. However, in the General Election of 2002 the citizens approved the Sunday sale of alcohol in the city. The approval by the voters necessitates some changes to our ordinance which became apparent in some recent court hearings. He stated that much of the language about holiday hours was deleted as this does not apply any more because the city allows alcohol sales on Sunday.

Our City Staff Attorney Richard Pearce has amended Section 6.5 of the Aiken City Code which will set the sale of alcohol at these establishments on a daily basis from 10 A.M. to 2 A.M. the following day. These changes fully comply with the state law and takes out any ambiguity that existed in the previous ordinance passed by City Council.

The public hearing was held and no one spoke.

Councilman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance setting the hours of operation for establishments serving alcohol for on-premise consumption from 10 A.M. to 2 A.M. the following day and that the ordinance become effective immediately.

TOOLE HILL – ORDINANCE 02022004CSell PropertyDillon Avenue 806TPN 30-026.0-11-005Morgan StreetJohnson, Peter A.Northside Redevelopment ProgramHOME Program

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell property on Dillon Avenue.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF PROPERTY OWNED BY THE CITY OF AIKEN AND LOCATED NEAR THE INTERSECTION OF MORGAN STREET AND DILLON AVENUE, AT 806 DILLON AVENUE NW, BEARING AIKEN COUNTY TAX PARCEL NUMBER 30-026.0-11-005.

Mr. LeDuc stated that in this year's budget the city added a component to help with the marketing of properties on the northside. As a result, we now have contractual agreements on four properties, two in Asheton Oaks and two in Toole Hill. The City built three houses in the Toole Hill area and sold one about a year ago.

This is the sale of a second house in Toole Hill at 806 Dillon Avenue. This home was built by the City using state HOME funds as part of the construction cost. The staff is requesting City Council to approve the sale of this home for \$75,000 and to pay up to 3% closing costs, with the HOME funds paying for the first \$20,000 of this amount. The funds received by the City will be used to help build additional homes on the northside. Mr. LeDuc stated the City is seeing interest in purchase of homes on the northside. He said he felt the city's work in the Toole Hill area was creating interest in housing on the northside.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on second and final reading the sale of a home at 806 Dillon Avenue for \$75,000 and to pay up to 3% closing costs, and that the ordinance become effective immediately.

ZONING ORDINANCE – ORDINANCE 02022004D

Amendment

Board of Zoning Appeals

Order

BZA

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding Board of Zoning Appeals Orders.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO PROVIDE FOR BOARD OF ZONING APPEALS WRITTEN DECISIONS TO BE SIGNED BY THE BOARD MEMBERS PRESENT AND VOTING, AND SENT TO APPLICANTS BY CERTIFIED MAIL, NO LATER THAN WITHIN 48 HOURS OF ITS NEXT SCHEDULED MEETING.

Mr. LeDuc stated that last fall City Council approved a change to the Zoning Ordinance which allowed the Board of Zoning Appeals 31 days to sign the Orders. They have found that it's still difficult to get the Order back in time to meet this schedule.

They are now proposing a slight change to allow an additional two days which will allow them to have the signed Order mailed to the applicant no later than 48 hours after the next regularly scheduled meeting. This will allow them to get most, if not all of the signatures, at the next meeting and then to be able to mail it out within the 48 hours. This gives a greater amount of flexibility to both the BZA and the staff and should not cause any more inconvenience to those applicants appearing before the Board of Zoning Appeals.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve on second and final reading an ordinance to extend the amount of time for an Order to be mailed to an applicant by two additional days and that the ordinance become effective immediately.

ASHETON OAKS – ORDINANCE 02022004EOrdinance 02022004FEdrie Oaks Circle 142Edrie Oaks Circle 146Sell PropertyTPN 30-083.0-03-002Williamsburg StreetCamellia StreetReynolds, H. G. Co.Camellia Trailer Park

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on ordinances to sell lots at 142 and 146 Edrie Oaks Circle in Asheton Oaks Subdivision.

Mr. LeDuc read the title of the ordinances.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF A TRACT OF PROPERTY OWNED BY THE CITY OF AIKEN KNOWN AS 142 EDRIE OAKS CIRCLE, ASHETON OAKS SUBDIVISION, IN AIKEN, SOUTH CAROLINA KNOWN AS A PORTION OF TAX PARCEL NUMBER 30-083.0-03-002.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF PROPERTY OWNED BY THE CITY OF AIKEN KNOWN AS 146 EDRIE OAKS CIRCLE, ASHETON OAKS SUBDIVISION, IN AIKEN, SOUTH CAROLINA KNOWN AS A PORTION OF TAX PARCEL NUMBER 30-083.0-03-002.

Mr. LeDuc stated that a few years ago the City of Aiken purchased property formerly known as the Camellia Trailer Park. This property was improved, and five homes were recently constructed on this property. The City has marketed these properties and would like Council's approval to sell two lots as part of the contractual agreement for the sale of these homes.

The first lot is at 142 Edrie Oaks Circle, and the lot would be sold to H. G. Reynolds for \$9,900, along with a second lot at 146 Edrie Oaks Circle also for \$9,900. Our goal is to receive between \$9,000 and \$10,000 for each of these lots. State HOME funds should also be available to help us with some of our other development costs as we move forward with the sale of property at Asheton Oaks. Revenue from the sale of these homes will be placed in a fund to help with the continued redevelopment of the northside.

Mr. LeDuc stated H. G. Reynolds has sold two houses in Asheton Oaks, but to finish the contract the City needs to sell the lots to H. G. Reynolds. He said the City owns the land, and contractors are building houses on the lots for sale. He said the staff was trying to consider a way that the sale of each lot will not have to come to Council for approval. He said, depending on the price of the house for the contractor to get their price for the house, the land may be sold somewhere between \$9,000 and \$10,000, and, unless Council gives the staff authority to have the flexibility to sell a lot in the range, each sale will have to come back to Council for approval. He said Council needed to discuss whether they want to give the staff approval to sell the lots in the \$9,000 to \$10,000 range.

Mr. LeDuc stated if a minimum of \$9,000 for the land could be set by Council, then the staff would not have to come back to Council every time a lot is sold. He pointed out that the lots are basically the same size, and the value would be the same. He said if Council is agreeable with a minimum lot sales price of \$9,000 this will be placed on the agenda for Council's action at the next agenda.

The public hearing was held and no one spoke.

Councilman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading ordinances to sell lots at 142 and

146 Edrie Oaks Circle for \$9,900 each to H. G. Reynolds and that the ordinances become effective immediately.

Mr. LeDuc stated, if agreeable, he would place an item on the next agenda stating that the lots may be sold by the staff for a minimum of \$9,000 so each lot sale will not have to come to Council for approval.

MUSEUM

York Street NE 120

Resolution

African-American History Arts and Cultural Center

Franklin, J. W.

TPN 30-045.0-03-015

Immanuel Institute

Salvation Army

Mayor Cavanaugh stated Council needed to consider approval of an option to purchase property at 120 York Street NE.

Mr. LeDuc stated at the City Council Horizons Retreat, Council received information from individuals representing the Center for the African-American History Arts and Cultural Project. Representing this Committee at the January 31, 2004, meeting were Reverend Doug Slaughter, Harvey Ramseur, Michael Anaclerio and Wade Brodie of the Aiken Corporation. At that meeting Reverend Doug Slaughter spoke to Council about their plan to convert the property, formerly known as the Immanuel Institute and most recently housing the Salvation Army on York Street, into this center.

They have had several discussions concerning the purchase of this building with the owner, J. W. Franklin. In the proposed agreement with Aiken Corporation, Mr. Franklin is willing to option the property for \$15,000 for one year with the sales price at \$360,000. They asked Council to place \$360,000 in the 1 cent sales tax to purchase this building and to give the Committee \$15,000 for the option. If they receive this funding, they intend to solicit private funding and grants. Reverend Slaughter also stated they will need to obtain year-round operating expenses for the facility, which could be received through a variety of different means.

Mr. LeDuc stated if City Council agrees to approve this option, funds in the amount of \$15,000 can be taken from the City's Contingency Account, which has approximately \$35,000 remaining. He pointed out Council will be discussing the 1 cent sales tax at the February 23, 2004, meeting and the projects to be included in the listing.

Reverend Doug Slaughter, Pastor of Second Baptist Church, stated he was present representing some citizens about what he felt was a very important vision and opportunity for the city. He said many of the people he had talked with in the community have a historic relationship with the building on York Street, which was built in 1870. He pointed out that the building at one time was the Immanuel Institute, which was the first school for newly freed slaves. It was partially supported at that time by two former slaves who both saved up \$10 apiece to go towards constructing the building. Since then, the building has been a school for African-Americans through St. Gerard. At one time it was the black theater in town where some of Aiken's older citizens went to see movies as children. He said he felt the building was a tremendous historical landmark for the community. He said the group was interested in the building becoming a center for African-American history, art and culture. He said the group felt the center should be in that building because of the historical nature of that site in particular. He said he recognized there may be other places where the center could be housed, but they felt it was important to preserve the historical structures in the community. He said he could not think of a more historically important and valuable building that the city should want to preserve and to restore to its historical significance. He said someone had asked about a budget for the project. He said at this time the group has a vision. He pointed out all across the country there are centers very similar to the proposed project which are very successful and very self-supporting. He pointed out that the Avery Center in Charleston, SC is very similar to the proposed project. He mentioned several other locations across

the US similar to the proposed project. He pointed out these centers are very high tech and interactive, educational/historical centers that chronicle, display and teach a very important part of African-American and American history. He said the group does not see this project as a black project. He said this is a community project. He pointed out the board is a very diverse team. He said he felt the project would be something important, not only for the City of Aiken, but for South Carolina, and felt it could be a tourist attraction for others across the country. He said in working with other communities he had discovered that very strong communities are diverse, and the stronger the recognition of that diversity the stronger the community. He said the group sees this as a tremendous opportunity to highlight another component of the Aiken community. He pointed out the horse tradition of Aiken is very much a part of the culture of Aiken, and Hitchcock Woods is a very important part of the community. He said he felt Aiken did a good job of honoring the various diversities of the community. He said he felt the proposed project could have a very good effect on Aiken.

Reverend Slaughter stated about 10 years ago he came to talk about a vision for the northside where there could be street lights, sidewalks, trees and flowers, etc. so the northside could have a different look. He said that vision became a reality because the community and the city worked together. He said the proposed project is another vision. He said the committee had only been meeting officially for four months. He said they have obtained a partnership with the Aiken Corporation. He said Willa Hightower is present to express County support for the project. He said they need the building at 120 York Street to make the vision possible because of the history of that particular building and its importance to so many of the citizens on the northside of Aiken. He said they come asking Council to support the project and to have faith in a vision that will become a reality. He said not only will the City of Aiken benefit from the project, but also the State of South Carolina.

In response to a question by Councilman Cuning regarding who would own the property and take care of operating the center, Reverend Slaughter stated they had not done a lot of research yet. He said he felt it was important to talk to some of the other successful models to see how they are operating and what has worked or not worked. He said there are some successful models out there. He said the group wants to be sure they get the building so they can begin the work of identifying models for on-going support and operation of the property. He pointed out that if people don't vote for the 1 cent sales tax the project can't become a reality. He said there would be a solid, acceptable budget and plan for the building. He said this would take time, but in the meantime they wanted to be sure to get the building.

Reverend Slaughter stated he was not proposing a museum. He said in the 21st century children need a different approach to learning. He said they envision a center that would be high tech with computers, video, and persons coming in to do hands on demonstrations in the area of arts and music and culture. He said they envision a living theater where actors would reenact history of South Carolina for summer camps, craftsmen and artisans who may do basket weaving for example. He said they want to partner with the Schofield group to capture the history of Schofield. He said Aiken County has a rich history of its founding. He said they want to take the best in the arts and culture and partner with organizations such as the Playhouse to bring in plays, artists for the Center for the Arts, etc. He said he envisions the center to be a very interactive, multi-faceted center.

Councilwoman Vaughters pointed out the Aiken County Museum has room and more African-American information is needed in the Museum. She said she would like for the museum which is a public facility to be used more and not just for some of the population. She said she admired the vision, but she did not think the City of Aiken needed to be in the museum business. She pointed out that Hitchcock Woods had been mentioned as being included in the 1 cent sales tax. She pointed out the money proposed for Hitchcock Woods was for storm drainage which comes from all parts of the city and goes into the Woods and has caused great damage to the Woods. The project is to help a problem which has been caused in the Woods.

Reverend Slaughter stated they envision the center to be more interactive and not necessarily a museum. He said the focus would be African-American history, art and culture in relationship to Aiken and the United States.

Councilman Smith stated he felt the city had to distinguish between needs and desires. He said he felt the proposed project comes under the heading of desires rather than needs. He pointed out City Council had recognized the needs of the northside in terms of reconstruction and renovations. He pointed out the Toole Hill project and the Chesterfield Street projects. He said he felt the renovations had a better chance of improving the life style, comfort and quality of life for all of the residents of the northside. He said the proposed project is a narrower focus. He said he liked the idea, but there is not a bottomless pit of money.

Reverend Slaughter stated part of the development and the ability to make someone's life better does not lie only in the kind of housing that a person lives in. He said there is a debate in the role that art and culture play in the ability of a person to succeed and to better their station in life. He said art and history have always been a vehicle to help people become better citizens. He said he did not feel that you could do one to the neglect of the other. He said he felt you had to embrace any means necessary to try to raise and strengthen a community. He pointed out Second Baptist is very much committed to building homes and schools. He said he serves on the public school board, the ADDA Board, and the Aiken Center Board, all of which are components to try to make life better for others. He said he felt the proposed project is just as important. It is not the only way, but it is another aspect of trying to improve the quality of life for people.

Councilman Cunning stated he felt it was very important to know who is going to fund the project after the property is bought—who is going to fund the operation of the project. He said he felt this needed to be resolved before the purchase of the property gets to the 1 cent sales tax list. He said he felt the project was very important, but there are many people who have dirt roads that they want paved. He pointed out the projects will be prioritized and judged on the chances of being successful. He said this needed to be answered because that would give more ammunition to get the project approved both by the County and the City to be placed on the ballot.

Mayor Cavanaugh stated he was not opposed to the project. He said what bothered him is why not bring the history together with the existing history at the Aiken County Museum. He pointed out there is unused space at the Museum that could be used and the Museum site is central to the city. He said when he thinks of the community he thinks of all the people. He said he felt to bring the people together this project should be brought together with the current museum. He said he recognized the group was focused on the historic aspects of the building on York Street, but there is only a limited amount of money available. He pointed out Mr. McGhee had just made a presentation of what needs to be done in the Schofield neighborhood. He said the city is working on Toole Hill and Chesterfield Street and there is only so much money. He pointed out the city is about \$1 million short in the budget this year because of unfunded mandates. He said there had not been a city tax millage increase in 15 years and he did not want to increase the millage rate. He said there is only so much money and the community has to reason together. He said he felt the goal was to have the cultural center and for it to be educational. He was concerned as to whether the cultural center was the goal or the building was the goal. He said he wanted to look out for the whole community and do whatever possible to pull the whole community together. He said he felt the number one goal should be the center and not necessarily the building. He said he felt the building was over-priced. He felt the item should be continued at this time and not voted on by Council at this time. He felt some details needed to be worked out before voting on the matter. He said many people feel the project should be combined with the County Museum. He said he felt Council needed more information.

Reverend Slaughter stated his group had only been working for about four months and should have more information in a few months. He said a lot of people are attached to the building on York Street. He pointed out Aiken is so committed to preserving historical structures and he felt this building has much historical significance.

Council continued to discuss with Reverend Slaughter the cost of the building, how the center would operate, and the significance of the building.

Councilwoman Price stated she applauded the vision explained by Reverend Slaughter. She pointed out there are many aging citizens who have a significant tie to this historic structure. She said the building does have a wonderful history and she can see the potential of how this building could really advance the community in a significant way. She felt the building was a treasure and she would hate to lose the opportunity to obtain the building for the proposed project.

Councilman Smith stated he felt the building was worth saving, and he would support a move to designate it as a landmark or historic building. He said, however, the budget was a concern. He said if this is a dream of a group he felt the group should provide the first \$15,000 seed money and not the city.

Councilman Cuning stated the Aiken Corporation was designed for this type of entity and for economic development. He felt the request should be taken to the Aiken Corporation Board for their consideration.

Mayor Cavanaugh stated he felt the building was over-priced. He said he wanted the goal to happen. He said he was concerned about the building and budget for operation of the center. He said he did not want the city to get into funding for the center every year. He said he did not want to raise taxes any more while he was Mayor. He said taxes had not been raised in 15 years, and he would do most anything for taxes not to be raised.

Mr. Wade Brodie, 422 York Street SE, Chairman of the Aiken Corporation, stated the Aiken Corporation in the past agreed to work with two projects which they felt would benefit the City of Aiken greatly, both of which relate to the history of the City of Aiken. He said he also had been interested in both personally for years. He said one project was the reproduction of the Old Railroad Depot and getting the old St. Gerard's building and rehabilitating it, looking at it from a historical standpoint. He pointed out the black community played a major role in the organization and operation of Aiken County shortly after the Revolutionary War. He said the building is not insignificant, and he felt it needs to be preserved for perpetuity. He said the Aiken Corporation feels this facility could be a tremendous tourist attraction. He said he understood the concerns about budget and operation. He said this would be a moot point if the matter is discussed for several years and the building is sold. He said the building is a very important part of the project. He said the Aiken Corporation is supporting the project. He pointed out the Aiken Corporation does not have \$15,000 in uncommitted funds or he would recommend that the Aiken Corporation commit the funds. He said the Aiken Corporation Board voted to use its 501(c)3 status to assist these two entities. He said if the money is approved the money would go to the organization or the Aiken Corporation because the Corporation is the tax free entity. Mr. Brodie stated the worth of the lot is fairly valuable and the historic value of the building is difficult to put a figure on as it is the only building. He said he had negotiated on the building for two years trying to purchase it.

Councilman Cuning stated he felt the \$15,000 request should be voted on by the Aiken Corporation and the Corporation has a meeting on Wednesday.

County Councilman Willar Hightower stated he represented the County of Aiken. He first commended the City of Aiken on how it handled the recent ice storm. He also commended the city for the work that it has done on the northside in making it look impressive for people coming into Aiken on the northside. He said he was pleased with the efforts that have been made. He said he knew that the improvements had not been made without people objecting to money going to the northside. He said, however, people on the northside understand that a lot of this money being spent on the northside is catch up money as they have been behind for years.

Mr. Hightower stated the presentation on the project had been made to County Council. He said he had been aware of the movement for this project and the building for sometime. He said he was not aware until recently how much history that the building

has. He said it was very obvious to him when he learned how long the building had been there and how it got built and what it has meant to the black community that it was an important building. He felt the building would be the place for the proposed center. He pointed out the County Museum is a museum and is nice, but the museum sits in an area where black people had been servants in the area and perhaps in the museum building. He said that is not a negative, but is part of history. He said no matter what is done to the museum it would always be the museum in the area where black people used to be servants. He asked if the City could, in faith, put up \$15,000 so this vision that Reverend Slaughter has described could become a reality. He pointed out the group behind the project is behind it with a passion. It is not something just thought up overnight. He said he would like to see the city provide \$15,000 for the option and for the group to come back with details on the project. He pointed out the group is requesting that the project be placed on the 1 cent sales tax list and this is not property taxes. He said this is a tax that the citizens don't have to pay unless they pass the Local Option Sales Tax again. He said this project, along with other projects could very well be on the list and would cause support if everyone feels like they have something in this 1 cent Local Option Sales Tax which the County must put on the ballot. He said unless the sales tax passes, the whole discussion about the \$360,000 will not become a reality. He said County Council has not approved anything as it relates to this project, but, just based on the conversation he had with Chairman Young, he feels good about the project. He said Chairman Young feels good about placing it on the ballot and that it will cause the 1 cent Local Option Sales Tax to pass with a larger margin than last time. He said he was asking Council to help the City of Aiken include everyone in this 1 cent Local Option Sales Tax and try to help this committee do a very positive project, not only for the black community, but also for the whole City of Aiken. He said at one time he was a City Councilmember so he understands budget matters. He said this is not a budget matter, but a 1 cent Local Option Sales Tax item. It will only come true if the 1 cent Local Option Sales Tax passes. He said he felt that the 1 cent Local Option Sales Tax would pass if everybody feels like they have an interest in it passing. He asked that Council consider the request.

Councilmembers suggested that County Councilman Hightower ask Aiken County Council to provide a portion of the Option money. Reverend Slaughter stated if the City provided \$5,000, the County \$5,000 he was sure the community could provide \$5,000 towards the option.

Council continued to discuss the matter. They were concerned about operation of the proposed center, the cost of the property and many other matters.

Councilwoman Vaughters pointed out that projects for the 1 cent Sales Tax would be discussed on February 23, 2004 and she encouraged the citizens to express their feelings about what projects they want. She pointed out there is not enough money to do all the projects so they will have to be prioritized.

Councilwoman Clyburn stated she felt Council should consider the request which is \$15,000 from the Contingent Fund and make a decision on the request. She pointed out Councilman Smith will work with the County on the requests that City Council will provide to him. She said the issue tonight is the request for \$15,000 for the option on the property. She felt Council should do what they can to help in this effort because it is very hard to put a price on history. It is hard to put a price on what something means to someone else. She said the building appears to be very valuable in the hearts and minds of a lot of people. She felt the city should do what they could possibly do to help. She pointed out the city purchased the Parker property which cost about \$300,000. She said she was appalled at the time, but looking at the property now she sees the benefits to the city from purchasing the property. She pointed out the city had stepped out in faith in the past on a lot of projects and she did not think the city should treat this request differently. She felt if this many people believe in something that Council should consider the merits of the request. She said they are willing to raise the money needed for the day to day operation. She asked that Council not look at the exorbitant price that Mr. Franklin is asking for the building, but look at what it is worth to the people who are trying to get it. She said they are saying they do not want a museum, but a center that will have life and programs. She said from what she has observed when children are exposed to art test scores go up and it makes a difference in their lives. She said providing some form of

artistic education in that building will go a long way to all the children of the county. She felt Council should look at the request from that aspect. She said Council needs to look at what it is worth in the hearts and minds of the people who came out to address Council on this matter. She said the City has the money in the Contingent Fund.

Councilwoman Price stated she was embarrassed that they almost have to beg for \$15,000. She said as a Councilmember she votes on projects that benefit all people of the city.

Councilwoman Clyburn moved, seconded by Councilwoman Price, that Council approve the request for \$15,000 for the option to purchase property at 120 York Street NE.

Councilwoman Vaughters stated she had voted for every project on the northside that had a budget. She said she did not want the City of Aiken to do what the State of South Carolina did in using one time money for something that was going to be a large on-going expense with no notion of where funds were to come from. She said there has to be a plan for the proposed project and what the cost will be.

Mayor Cavanaugh stated he felt the focus should be on the goal and not so much the building if there is not enough money. He said he understands the goal to be to train, support and encourage not only young people but the adults and the whole community. He said he has a passion for using resources that the city has. He said the Aiken County Museum is a resource that needs to be used. He said his focus is to keep taxes as low as possible.

Mayor Cavanaugh called for a vote on the motion to approve the request for \$15,000. Those in favor were: Councilmembers Clyburn and Price. Opposed were: Mayor Cavanaugh, Councilmembers Cunning, Sprawls, Smith and Vaughters. The motion failed.

Councilman Cunning moved that Council ask the Aiken Corporation as a body to provide funds in the amount of \$5,000 towards the \$15,000 option price for the building at 120 York Street NE, with Aiken County providing \$5,000 and the community providing \$5,000. The motion was seconded by Councilman Sprawls. The motion was approved by a vote of 5 in favor and 2 opposed. Opposed was Councilmembers Clyburn and Price.

PARKING LOTS - ORDINANCE

Parking

Shopping Centers

Police Jurisdiction

Public Safety

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the ordinance regarding Public Safety parking lot jurisdiction.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 1-14, AIKEN CITY CODE, TO REVISE THE PROCEDURE TO PLACE PARKING LOTS IN THE CITY LIMITS UNDER PUBLIC SAFETY DEPARTMENT JURISDICTION.

Mr. LeDuc stated a decision was made by City Council a number of years ago to allow Public Safety to have jurisdiction over private parking lots. To allow this the owner of the parking lot petitions the Director of Public Safety to exercise police jurisdiction over the parking lot. A sign is then erected showing Public Safety has that authority. We recently had a court case where a Judge threw out a loud noise ticket because the sign was missing previous to this violation.

Staff Attorney Richard Pearce and Public Safety would like to amend our ordinance which would state that once the owner has petitioned Public Safety for this authority that the parking lot would immediately be under Public Safety's jurisdiction. The Department would still erect signs but as stated in the previous case if the sign were removed by

vandals or knocked down for whatever reason, the lot would still come under our jurisdiction until the new sign could be erected. This would prevent these dismissals from happening again.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance amending the regulations regarding Public Safety parking lot jurisdiction and that second reading and public hearing be set for the next regularly scheduled meeting.

REZONING – ORDINANCE

Hayne Avenue 1406

Tisdale, Andy

Tisdale, Erica

Photography Studio

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property at 1406 Hayne Avenue.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED AT 1406 HAYNE AVENUE FROM RESIDENTIAL SINGLE FAMILY (RS-15) TO LIMITED BUSINESS (LB).

In January the Planning Commission received a request from Andy and Erica Tisdale to rezone property at 1406 Hayne Avenue from Residential Single Family to Limited Business. The applicant states that they hope to use the existing house for a photography studio.

The Planning Commission received several e-mails and one person spoke in opposition to this at their January meeting. The Planning Commission at this meeting voted unanimously to recommend its denial.

As Council is aware once a property is rezoned it can also be used for a variety of other businesses in the future. These could include under Limited Business eating establishments, banks, convenience stores, grocery stores and several other uses. The Comprehensive Land Use Plan shows property in this area as residential, and a notation states that along Hayne Avenue the residential character should be strengthened.

Ms. Erica Tisdale, owner of the property, appeared before Council. She said when they purchased the property they understood that it was commercial. She also pointed out that many of the neighbors stated they did not mind if the property was zoned Professional, and if they conducted a photography studio in the home they just didn't want any businesses in the neighborhood. She pointed out her business is not retail, but professional. She said they only have three to five customers in the studio in a week. She wondered if there was some way they could have their photography studio in the home and follow the law. She asked if the property could be restricted so other businesses could not be conducted on the property, just her photography studio. She pointed out the property is on the corner of Hayne adjacent to a commercial parking lot where there are many cars daily. She pointed out the two houses behind her house are both zoned commercial. She said she felt it would be better for the neighborhood for her to be able to have the photography studio there than have the house as a rental. She asked that Council consider her request.

Council discussed the request at length. It was pointed out that the property was rezoned in 1992 from Professional and Multi-family to Single Family Residential. It was pointed out that the Comprehensive Plan shows this property as residential and Council had recently been through many hearings on the Plan.

City Attorney Gary Smith stated Council had had requests in the past for rezoning to a certain zone and then trying to restrict the property so only certain things could be allowed, even though the zone would allow other uses in the particular zoning district.

He said his opinion is that Council should not restrict uses on property when the zoning for the property allows other uses in the zoning district. He said he did not feel it was proper to rezone property and then exclude some uses that are allowed in the zone.

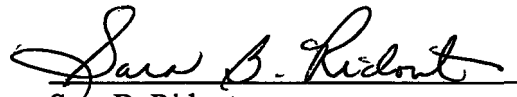
Council discussed whether Ms. Tisdale could conduct a home occupation in her home. It was pointed out that for a home occupation a person must live in the home and the floor area of the business must not exceed 25% of the total floor area of the house. A home occupation must be approved by the Zoning Board of Appeals. Ms. Tisdale stated she did not live in the house and the business would use more than 25% of the house for the business.

Councilwoman Vaughters moved, seconded by Councilman Smith, that Council deny the request for rezoning of the property at 1406 Hayne Avenue from Residential RS-15 to Limited Business (LB) on first reading because the request does not conform with the Comprehensive Plan. The motion for denial was approved by a vote of 5 in favor with Councilwoman Clyburn opposing the motion and Councilwoman Price not voting on the request.

Council suggested that perhaps Ms. Tisdale could pursue a home occupation.

ADJOURNMENT

There being no further business the meeting adjourned at 9:25 P.M.


Sara B. Ridout
City Clerk