

PLANNING COMMISSIONAction Agenda

Mr. LeDuc also asked that Council consider meeting with the Planning Commission on April 19, at 6:30 P.M. to develop the Action Agenda for 2005-06 fiscal year.

BUSINESS LICENSE

Mr. LeDuc stated he will be scheduling a meeting about the second week in April concerning the Business License review.

Aiken City Council MinutesREGULAR MEETING

March 14, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Glenn Parker, Anita Lilly, Richard Pearce, Pete Frommer, Larry Morris, Sara Ridout, Philip Lord of the Aiken Standard, and about 61 citizens.

Mayor Cavanaugh called the meeting to order at 6:59 P.M. Mr. LeDuc 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. Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session and regular meeting of February 28, 2005, and the Old Aiken Master Plan work session meeting of March 2, 2005, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

PRESENTATIONRecognitionHenry, JimResolution

Mayor Cavanaugh stated Council would like to recognize and honor someone who had obtained a high level of recognition. He said Council would like to congratulate Jim Henry, who was honored in the Sports Section of the Aiken Standard. He said Miles Hall had called this to the City's attention.

Mayor Cavanaugh stated that Jim Henry was honored in the sports section of the Aiken Standard on Friday, February 25, 2005. He moved to Aiken about 10 years ago after retiring as a Vice President in manufacturing. He was recently inducted into the Indiana Basketball Hall of Fame, and was a former All State Player at the New Albany High School in Indiana. He later went on to play basketball with the Vanderbilt University and was a First Team Southeastern Conference Player in 1958 and 1959 and later was selected as an Honorable Mention All American.

Mayor Cavanaugh stated Council would like to recognize Jim's accomplishments and to congratulate him on his many achievements throughout his basketball career and later in life with his successful manufacturing business.

Mayor Cavanaugh read the resolution which had been prepared to honor Jim Henry for his accomplishments.

Mr. Henry thanked Council for the honor and stated it was a real thrill to be recognized. He stated he was very proud to call Aiken his home.

BOARDS AND COMMISSIONS

Appointments

Environmental Committee

Inman, Bill

Hudgins, Mark P.

Arts Commission

Visual Arts

Taylor, Kay

Arts Organization

Krippner, Mary Ellen

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

Mr. LeDuc stated there are 12 pending appointments to boards and committees of the city, including the 7 appointments to the Arts Commission, and 3 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended appointment of Mark P. Hudgins, of 2025 Alpine Drive, to the Environmental Committee, to replace Bill Inman who has resigned. If appointed his term would expire December 31, 2006.

Councilmember Dick Smith has recommended appointment of Kay Taylor to the Arts Commission, representing the Visual Arts category. This appointment would be for a two year appointment.

Councilman Sprawls has recommended appointment of Mary Ellen Krippner to the Arts Commission, representing the Arts Organizations category. This appointment would be for a two year appointment.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council appoint Mark P. Hudgins to the Environmental Committee with the term to expire December 31, 2006, appoint Kay Taylor to the Arts Commission, representing the Visual Arts category and Mary Ellen Krippner to the Arts Commission, representing the Arts Organizations category with two year appointments.

Councilman Cuning stated he would like to recommend the appointment of Gwen Schwallie as an at large member on the Arts Commission.

Councilwoman Price recommended the appointment of Karen Gordon to the Arts Commission, representing the Performing Arts Artist category.

Councilwoman Clyburn recommended appointment of Keisha Lloyd-Kennedy, Director of the Lloyd-Kennedy Charter School and the Aiken Academy for the Performing Arts, representing the Education category.

PARKWAY SOUTH SUBDIVISION – ORDINANCE 03142005DedicationUtilitiesRoadsStreetsWaterStormwaterSewerSanitary SewerHitchcock ParkwaySC 118Varden Drive

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing to accept dedication of utilities and roads in Parkway South Subdivision.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF ROADS, WATER UTILITIES, SANITARY SEWER UTILITIES, STORMWATER UTILITIES, AND RELATED EQUIPMENT IN THE PARKWAY SOUTH SUBDIVISION.

Mr. LeDuc stated the Parkway South Subdivision is located at the corner of Varden Drive and Hitchcock Parkway, and each property is individually owned within the development. The roads, water, sewer, and storm drain utilities are all located on property individually owned by these property owners. The City has historically approved acceptance of the deed of dedication of the roads, water, sewer, and storm drainage within similar subdivisions one year after their construction. However, in this particular situation, because the property lines of each of these units extends to the middle of the road, an impediment is presented to developing a proper deed of dedication. Although all of the existing homeowners who own their property have signed the agreement, some of the property owners were not able to get permission from their mortgage companies to sign this deed. For that reason, we would like to accept the deed of dedication of the utilities from those individuals who have currently signed the petition, knowing that it may take several years to get all the owners to sign the necessary documents. Until that time a document has been prepared that will allow the property owners to execute a maintenance agreement which allows the City to perform the necessary maintenance of these facilities.

Mr. LeDuc stated that Gary Smith, Richard Pearce and he had met with Phil Woolhiser to work out this agreement, which is acceptable to all parties. He said this is an unusual situation and that it will take several years to acquire the necessary signatures.

The public hearing was held.

Mr. Phil Woolhiser, attorney, stated he had worked with the residents to make this happen. He said this matter concerned about 350 yards of roadway. He said the effort to develop the subdivision started in the early 1980's. He said the subdivision was probably set up to be a private facility with limited access, but it did not work out. He said the area was not developed as a closed, or gated community. He said the property owners had worked hard for about three years to get the streets and utilities dedicated to the city.

Mr. Bill Peacock 28 Parkway South, thanked Council for working with the subdivision to accept the streets and utilities.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on second and final reading an ordinance accepting the maintenance of the roads, water, sewer, and storm drainage in the Parkway South Subdivision.

HISTORIC REGISTER – ORDINANCE 03142005A

Hopelands Gardens
Aiken Historic Register
Brick Wall
Historic Site
Thoroughbred Racing Hall of Fame
Doll House
Caretaker's Cottage
Landmark
Whiskey Road 755
TPN 105-16-01-011
TPN 30-053.0-01-003

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to designate Hopelands to the Aiken Historic Register.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE DESIGNATING CERTAIN BUILDINGS AND THE BRICK WALL AT HOPELANDS GARDENS TO THE AIKEN HISTORIC REGISTER AS HISTORIC SITES.

Mr. LeDuc stated the City of Aiken asked the Historic Preservation Commission and the Planning Commission to designate the Hopelands property as a Historic Site. This would include the Thoroughbred Racing Hall of Fame, the Doll House, the Caretaker's Cottage, and the perimeter brick walls as Landmarks. This property has been a significant part of Aiken's history, and its unique architecture and cultural setting has made a significant contribution to our history. The property, although located within the Historic District, is a city park and currently does not need any approvals for alterations, demolition or relocation. By approving this ordinance, this property would be given Landmark status and therefore would need review and approval by the Historic Preservation Commission before making any changes.

The Planning Commission and the Historic Preservation Commission enthusiastically recommend the Landmark status for the designated structures at Hopelands at 775 Whiskey Road.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to designate Hopelands Gardens to the Aiken Historic Register.

HISTORIC REGISTER – ORDINANCE 03142005B

Rye Patch
Historic Register
Historic Site
Guest Cottage
Stables
Paddocks
Carriage Museum
Brick Wall
Landmark
Whiskey Road
Berrie Road
TPN 105-16-01-011
TPN 30-053.0-01-002 (old)

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to designate Rye Patch to the Aiken Historic Register.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE DESIGNATING CERTAIN BUILDINGS AND THE BRICK WALL
AT RYE PATCH TO THE AIKEN HISTORIC REGISTER AS HISTORIC SITES

Mr. LeDuc stated the City of Aiken asked the Historic Preservation Commission and the Planning Commission to designate the Rye Patch property as a Historic Site. This would include the main house, the Guest Cottage, the stables and the paddocks, the Carriage Museum and the perimeter brick walls as Landmarks. This property has been a significant part of Aiken's history, and its unique architecture and cultural setting have made a significant contribution to our history. The property, although located within the Historic District, is a city park and currently does not need any approvals for alterations, demolition or relocation. By approving this ordinance, this property would be given Landmark status, and therefore would need review and approval by the Historic Preservation Commission before making any changes.

The Planning Commission and the Historic Preservation Commission recommend approval of the Landmark status for the designated structures at Rye Patch at 100 Berrie Road.

The public hearing was held and no one spoke.

Councilwoman Vaughters moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance to designate Rye Patch to the Aiken Historic Register.

Councilwoman Vaughters pointed out the Archives and History Department in Columbia is having their annual conference on preservation at the Archives and History Office. She said since the city has some buildings designated and facing some of the issues to be addressed in the conference she felt someone may want to attend the conference.

AIKEN GOLF CLUB – ORDINANCE

Amendment

Lots

Highland Park Country Club

McNair, Jr., Jim

Valley Green Drive

Chafee Spring Road

Restrictions

Historic Preservation Commission

Harper, Will

Valley Green Drive 1040

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to remove restrictions on a lot at Aiken Golf Club.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE OWNER OF A RESTRICTED LOT, PART
OF THE FORMER HIGHLAND PARK COUNTRY CLUB, NOW KNOWN AS
AIKEN GOLF CLUB, TO REMOVE THE RESTRICTION AGAINST BUILDING ON
IT.

Mr. LeDuc stated that recently Jim McNair, Jr. asked City Council's consideration to remove all restrictions on Lot 47, located at the corner of Valley Green and Chaffee Spring Road. This lot was originally considered by Council in 1996, but due to objections by one of the neighbors, it was removed from consideration. He has recently spoken to his neighbors and, according to Mr. McNair, they are in agreement with this lot being released so a new home can be constructed on the .63 acre parcel of land bordering the golf course. He feels that if you approve this lot for residential use, it will pose no adverse safety or aesthetic concern for the golf course or the neighborhood. He also understands that all construction plans will be subject for review by the Historic

Preservation Commission, and a certificate of appropriateness will be required. The adjoining property owner at 1040 Valley Green, Mr. Will Harper, has given his verbal approval for a home on this site.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance to authorize the removal of restrictions against building a home on Lot 47 located at the corner Chaffee Spring Road and Valley Green Drive, and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Gem Lakes Subdivision

Carolina Utilities

Sewer

Sanitary Sewer

Silver Bluff Road

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property at Gem Lakes.

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 THREE HUNDRED THIRTY TWO LOTS, AND LOCATED IN GEM LAKES SUBDIVISION AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (RS-15).

Mr. LeDuc stated that for the last eight months, City Council has been discussing with residents of Gem Lakes the purchase and maintenance of the sanitary sewer system in Gem Lakes. The individuals currently on the system would repay the city for the system. At a previous meeting, Council decided to authorize the staff to go ahead and start the negotiation process with Carolina Utilities for the purchase of the system after receiving a petition from the residents of Gem Lakes. We recently received a petition signed by almost 89% of the property owners asking the City to purchase this system if they agreed to reimburse the City over time for the purchase. Larry Morris has been meeting with Carolina Utilities to negotiate this purchase and hopefully will have something to discuss with Council in the near future. Over the last several months, an annexation petition has circulated throughout the area served by the sewer. Seven different petitions were circulated in this area and six of those are presented to Council for annexation of 332 lots in the Gem Lakes Subdivision.

Council has three choices concerning the annexation. One option is Council could receive the petition as presented and annex only those individuals who have signed the petition. This would involve approximately 86% of the homes. The second choice is to invoke the state law that says that if 75% or more of the landowners and 75% of the value of the land sign a petition to be in the city then the city can annex 100% of the area. He said the petition received contains 88.2% of the property owners owning 87.3% of the valuation of the land. The third choice is to not annex the area at all. He said the petition submitted by Gem Lakes was for annexation by the petition method.

The Planning Commission heard from several residents and decided to recommend that the entire area be annexed. There are some residents that did not sign the petition that are waiting to see what happens with the sanitary sewer agreement before signing a petition to come into the City. Over the last several annexations, Council, when presented with a petition has not invoked the 75% rule. However, if Council would like to move forward with the 75% ruling, staff will notify all the residents 30 days prior to the second reading and advertise information concerning a public hearing. A second reading will not be held on the annexation until final negotiations have been completed concerning the sewer system. At that time staff will present the purchase of the system to City Council along with the annexation agreement simultaneously. Once Council has agreed to purchase the property, the city will then need to hold an election of all city residents to affirm this purchase.

Mr. LeDuc pointed out a map showing the area which has signed a petition for annexation. The recreation area is included in the annexation area. He pointed out there are about 45 donut holes in the area who did not sign the petition for annexation. He said some of the residents who have not signed the petition for annexation are concerned about the purchase of the sewer system and wanted to make sure that the sewer system is going to be purchased by the City of Aiken. He said the agreement made with the residents of Gem Lakes is that the city will not present the second reading of the annexation until the city is able to fully negotiate the purchase of the sewer system from Carolina Utilities, and the matter has been discussed with the Gem Lakes residents as to what the purchase price will be and what their monthly fees will be.

Mayor Cavanaugh stated with the number of citizens present he assumed some residents would like to speak on the issue. Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that the rules be suspended and that Council allow citizens to speak on the issue.

Mr. Michael Davenport, 584 Lakeside Drive, stated residents of Gem Lakes had petitioned for annexation and had approached the city regarding purchase of their sewer system after Carolina Utilities had filed and was awaiting approval from the Public Service Commission on a 365% rate increase they stated was necessary to cover operational expenses and the cost of capital upgrades necessary to address a consent degree with DHEC. The consent degree required them to tie their outflow into the City of Aiken's pumping facility on Lakeside Drive and to close down their processing ponds and spray fields. While Gem Lakes residents were fighting the proposed rate increase, it became apparent that unless something else was done the battle with Carolina would be a yearly activity. The residents approached the city asking the city to consider purchasing the sewer system and operating it. After discussions, the proposal to the city was that the sewer system residents agree to pay for the cost of the sewer purchase over a number of years through a monthly fee and annex into the city. The city agreed, contingent upon the city residents agreeing to purchase the system at a referendum, and Carolina Utilities, current owner, agreeing to the sale of the sewer system at a reasonable price. With this information, meetings were held with residents of Gem Lakes and petitions were circulated for annexation. He pointed out during the meetings care was taken to explain both the 100% and 75% annexation rules. This was done because neighbors were concerned about forcing annexation upon their neighbors. The annexation petitions were drafted, along with a parallel sewer system purchase petition. The residents understood that if the city were to purchase the system that the city would impose a fee to recover the costs associated with the purchase of the sewer system. He said the annexation petition was done in such a way that the residents gave City Council the option to invoke either the 100% or 75% annexation rule. He said, however, in the cover letter to the City, the residents did request that Council only annex 100% of the people who signed the petition and not force anyone into the city against their will. He asked that Council proceed with the annexation of only those persons requesting annexation on the petition.

Councilwoman Vaughters expressed concern about allowing donut holes. She was concerned if everyone who signed the petition was committed to annexation or that if donut holes are allowed that others may not want to annex and withdraw their name from the petition if they could have sewer service without annexing.

Mr. Davenport stated that people who signed the annexation petition are committed to annexation and want the city to buy the sewer system. He said they felt the only solution to their problem with the sewer system was to have the city involved. He said the residents do not have the continuing resources, the time or energy to constantly fight the company before the Public Service Commission.

Mr. Bill Busser, 102 Savannah Drive, stated he owns one of the donut holes on the map. He said he had worked with Jerry McCarty and had worked on the sewer issues and worked with DHEC and the Public Service Commission. He pointed out Mr. Jerry McCarty had withdrawn his name from the petition. He said he did not object to the annexation, but objected to annexation of 100% of the property. He said he had moved

out of the city some time ago and preferred to live in the county. He said he preferred less government.

Mayor Cavanaugh asked what fees someone that is on the sewer system would pay if they do not annex.

Mr. LeDuc stated someone on the sewer system that does not annex would pay double the water and sewer rates of city residents. He said the rate to purchase the system would be the same for those inside or outside the city, however the maintenance fee for sewer service would be double inside city rates.

Councilman Cuning expressed concern about only annexing those on the petition and creating donut holes. He said having the donut holes would be a problem for garbage collection and police protection.

Mr. Gary Smith, City Attorney, stated if Council goes forward under the 75% method of annexation, the statutes do not provide for Mr. McCarty to withdraw his name from the petition. However, if Council goes forward with the 100% method Council can do what they choose to do.

Ms. Karen Skiff, of 412 Lakeside Drive, stated she was one of the donut holes. She stated the reason she did not sign the petition is because she is not on city water nor is she on the sewer system, and she did not feel that she would benefit from annexation at this point. She asked that her property not be annexed.

Mr. Sundstrom, 602 Chestnut Court, stated some residents of Gem Lakes are on fixed income, and he feels this is one of the reasons some do not want to annex. He suggested that when people in the donut holes get ready to sell their property that the city require annexation, so eventually all of Gem Lakes would be annexed.

Mr. Gary Smith, City Attorney, stated he feels that the present City Council has the legal right to adopt such a policy that when a property outside the city is a donut hole and is sold, the city has the right to require annexation.

Mr. Harry Douglas, Huckleberry Drive, pointed out that 100% annexation would be more like 500 houses rather than 300 houses. He pointed out Huckleberry Drive is not in the area for annexation. He wondered if the city could require annexation of this area. Mr. Gary Smith pointed out if property becomes contiguous Council can require annexation.

Mr. Malcolm Kyle, 274 Springwood Drive, stated he was also one of the donut holes. He said his major concern was what would happen if the city is not able to purchase the sewer system from Carolina Utilities, and Gem Lakes is already annexed. He was concerned that city residents might not vote to purchase the sewer system. He suggested that the sewer system election be held first, and then the annexation of Gem Lakes so the residents would be assured the sewer system would be purchased. He was concerned about being annexed and having to pay city and county taxes and the city not purchasing the sewer system. He said the area proposed to be annexed is only one portion of Gem Lakes. He said he would like to see the entire area considered for annexation as opposed to a donut inside Gem Lakes.

It was pointed out the election to vote to purchase the sewer system would be a special election. Mayor Cavanaugh stated there was some risk, but he did not feel it was a great risk that the city would vote not to purchase the system.

Mr. LeDuc stated one of the reasons for having the annexation of Gem Lakes first was so the residents of Gem Lakes could vote and assure that the city is authorized to purchase the sewer system. He stated there may be ways for the city to operate the system if residents do not vote to purchase the system. It was pointed out the city wants to do what they can to help the residents, and if the area is annexed the city will do what it can to protect and help the citizens.

Mayor Cavanaugh stated the City of Aiken wants to be good neighbors. He said he felt it was great that 86% of the citizens in this part of Gem Lakes were asking to be annexed to the city. He said he felt it was a win-win for all. He said this is a partnership. He said he was in favor of the petition method and annexing those who have signed the petition for annexation. He said he was not in favor of the 75% rule and forcing people to annex. He said he did not want people in the city if they were going to be negative about the city. He said the city has a small annexation request at almost every Council meeting. He said he felt others in Gem Lakes may want to annex once the sewer system is fixed and they see how the city operates. He said the city wants to be good neighbors.

Councilman Cunning stated he was concerned about having the donut holes. He was concerned about the efficiency for city taxpayers with so many donut holes. He pointed out his concern was the garbage pickup and police protection and how city personnel would know what area to serve with city services.

Mr. Larry Morris, Public Works Director, stated that with the roll cart system the garbage workers would know which houses to pick up garbage. He said in looking at the area to be annexed city workers will have to drive all streets. He said the main problem for Public Works will be trash pickup, including limbs, grass clippings, etc. He said the workers would not know if the house is in the city or not if the trash is at the curb. He said some county residents would probably get city services. He pointed out the charge for services would be set up through computers for in-city services and outside city services.

Councilwoman Clyburn stated previously she had stated that she was concerned about forcing people to annex who did not want to annex. She said Mr. LeDuc goes 130% to try to help solve problems. She was concerned about people backing out that have signed the petition if the city does not force annexation. She was concerned that residents may say they don't want to annex if they don't have to get the sewer service. She pointed out one resident had already asked that his name be removed from the petition. She was concerned that others may do the same thing. She asked at what point does Council say that those on the petition will be annexed, or will Council allow others to withdraw from the petition.

Councilwoman Vaughters asked about the condition of the Gem Lakes sewer system. She stated some of the negative comments she had heard were that some areas already in the city have sewer problems that are not being solved.

Mr. Morris stated the city had televised some of the sewer system, and most of that televised did look fairly good. There were some roots in the system. He said there would be normal maintenance problems to take care of which should have been done over the years. He said under the Freedom of Information Act with DHEC the city did find out that there are a couple of sections that are in fairly poor condition with backups. He said the city would have to spend some money on the system. He said part of the budget in looking at purchase of the system was to allow about \$100,000 in capital projects to be used to bring the system up to standards.

Councilwoman Price stated she had heard comments from the Toole Hill area that they have sewer problems in their area. She said their concern was their pipes, and that the pipes were "made of cardboard."

Mr. Morris stated staff had not found any main lines in the Toole Hill area to be Orangeburg pipe. He stated the Orangeburg pipe is cardboard soaked with tar. He said they had found some house services to be Orangeburg pipe. He said the Orangeburg pipe had been popular for 4" and 6" house services some time ago. He said where the city is revitalizing Toole Hill, the city has replaced all the sewer services to the homes to be constructed. He said the city has replaced lines to the property line, but it is up to the home owner to replace from the property line to the house. He then described the problems the city has had with Crosland Park, with the sewer lines at the back of the property lines. He said the city has been replacing these lines in Crosland Park each year and has spent about \$500,000 in Crosland Park over the last 5 years.

Councilman Cuning asked about the streets in the area. It was pointed out some are state streets and some county streets. He pointed out if the streets become city streets, and a street needs to be paved, how does the city handle the paving with the donut holes in the area. He said those outside the city would be receiving the benefit of city services.

Council continued to discuss the problems involved pro and con with just annexing those who signed the petition and making donut holes versus the 75% rule and annexing all the properties in the area.

Public Safety Director Pete Frommer stated the Public Safety Department deals with donut holes every day. He said computers are programmed to mark the in-city and out-of-city properties. Those properties inside the city would be programmed through 911 to call Public Safety rather than the Sheriff's Office.

Councilman Smith stated he felt that the petition method was the way for Council to annex Gem Lakes. He said he realized that 86% of the residents had petitioned for annexation, but he felt the percentage would be lower if they were not asking the city to purchase the sewer system. He felt the only reason they were asking for annexation was because of the problems with the sewer system. He said he would like to amend the ordinance and for Council to accept the annexation by petition method, annexing only those who had signed the petition rather than the 75% method.

Councilman Smith stated he would like to move that Council amend the proposed ordinance for annexation of Gem Lakes, and that the annexation be done by the petition method rather than the 75% rule, annexing only those properties that have signed the annexation petition. The motion was seconded by Mayor Cavanaugh.

Councilwoman Vaughters asked what Council was going to do about Mr. Jerry McCarty, who had signed the petition for annexation, but had now requested that his name be withdrawn from the petition.

Council expressed concern that others may also want to withdraw their names from the petition if Council allows some to withdraw.

Mr. Gary Smith, City Attorney, stated that in the past Council has had an annexation ordinance where one property owner was attempting to annex one piece of property and that owner has withdrawn that annexation petition, and Council has allowed that to happen.

Mayor Cavanaugh stated if Council allows someone to withdraw this time does not mean that Council has to do that every time. He said he felt Council could allow Mr. McCarty's name to be withdrawn from the petition at this time, as he had written a letter making the request. He said however, after Council passes the ordinance on first reading he felt the petition should remain as is with all the properties submitted for annexation remaining on the petition.

Mr. Gary Smith stated his understanding of the amendment to the ordinance is that Council is moving to annex only those properties whose owners have signed the petition. He said presently Mr. McCarty has signed the petition.

Councilwoman Clyburn moved that Council accept the removal of the name of Jerry McCarty from the annexation petition for Gem Lakes. Councilman Smith and Mayor Cavanaugh accepted the amendment to the motion.

Councilwoman Clyburn expressed concern about others wanting to withdraw their names from the petition.

Mr. LeDuc pointed out that others have added their names to the petition for annexation so the number has changed increasing the number. He said others may want to sign the petition between now and the second reading.

Mr. Gary Smith stated state law requires that those signing the petition must sign within 6 months of the date of the petition. He pointed out the petition is dated November 1, 2004, so signatures must be within six months of November 1, 2004.

It was pointed out that Council has the prerogative not to annex the property on second reading if they choose. Council expressed concern about having the figures for purchase of the system by second reading of the ordinance.

Mayor Cavanaugh called for a vote on the motion to amend the proposed annexation ordinance to annex only those properties whose owners have signed the petition and allowing Mr. Jerry McCarty to withdraw his name from the annexation petition. The motion was approved by a majority vote with Councilman Cuning opposing the motion. Councilman Cuning stated he was in favor of the annexation, but was opposed to donut holes.

Councilman Smith moved, seconded by Councilwoman Price, that the ordinance as amended for the annexation of properties in Gem Lakes, annexing only those who signed the petition and withdrawing the name of Jerry McCarty, be approved on first reading and that second reading and public hearing be set after negotiations have been completed for purchase of the sewer system. The motion was approved by a majority vote with Councilman Cuning opposing the motion because he is opposed to having donut holes.

AIKEN AVIATION ENTERPRISES, INC. – ORDINANCE

Fixed Base Operator

Lease

Darden, Lisa

Hangar

Wyatt, Weldon

Weldon Wyatt Hangar

Airport Improvement Plan

Aiken Hangar, LLC

Mayor Cavanaugh stated an ordinance had been prepared for first reading to approve a sublease at the Aiken Airport.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING A SUBLEASE OF A PORTION OF THE LEASED AREA BETWEEN THE CITY OF AIKEN AND AIKEN AVIATION ENTERPRISES, INC. TO AIKEN HANGAR, LLC.

Mr. LeDuc stated the City's fixed base operator at the airport, Aiken Aviation Enterprises, Inc., would like approval for a hangar on their leased ground. According to the original agreement with City Council, any subleases at the airport must be approved by City Council. Ms. Lisa Darden would like to build a new hangar adjacent to the existing Weldon Wyatt hangar. This hangar conforms to our Airport Improvement Plan, and staff has reviewed this proposal, and recommends its approval.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve on first reading an ordinance for a lease agreement between Aiken Aviation Enterprises, Inc. and Aiken Hangars, LLC to build a hangar on the leased property at the airport, and that second reading and public hearing be set for the next regularly scheduled meeting.

INCENTIVES – DOWNTOWN - ORDINANCE

Building Facades

Commercial Buildings

Façade

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish incentives for building facades in the downtown area.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING INCENTIVES FOR THE IMPROVEMENT OF BUILDING FACADES IN THE DOWNTOWN AREA OF THE CITY OF AIKEN.

Mr. LeDuc stated that at the recent Aiken Horizons, staff discussed with City Council a façade grant incentive program. This incentive would promote the restoration and maintenance of commercial building facades for property located in the downtown area. The front facades of these older buildings occasionally need restoration to preserve and promote an attractive looking downtown area. These improvements will stabilize the area and increase the property values and attract new businesses and development in the downtown.

The incentive is a 50% matching grant up to \$5,000. The owner is responsible for one half of the façade cost or up to \$5,000 maximum. The owner would initially pay the cost to restore the façade, and the city would then reimburse them once they have completed the project according to any design guidelines or city standards. This is a grant program, and the incentive funds would not have to be repaid. The façade grant funding could be used for exterior improvements, correction of code violations, painting, exterior repairs, door and window replacement, trim work, entranceways, and display windows. All of these would need to meet the design standards for façade improvements that are in keeping with the City's design guidelines for the downtown area.

Mr. LeDuc pointed out the city does not have design standards or guidelines yet for the downtown area. He said staff had talked to Randy Wilson, who had been preparing the design guidelines, and they would be ready within the next two weeks. The design guidelines would be brought to Council for review in a work session, probably on April 11. Once the guidelines have been put in place, they would have to be followed to receive the façade incentive.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council pass on first reading an ordinance to approve a façade grant program for the downtown area.

Councilwoman Price asked if design standards would be in place before any incentives are granted, and if the incentive was a one time grant.

Mr. LeDuc stated the incentive would be granted when passed by City Council on second reading, if there were a request. When the design standards are adopted, then they would have to be followed before an incentive would be granted. The incentive would be a one time grant of up to \$5,000. He said if Council were concerned about not having the design standards in place yet, Council could have first reading of the ordinance and then wait on second reading until after the design standards are adopted.

Councilman Cunning stated he felt that in order to qualify for an incentive the person must submit plans for the façade.

Mr. LeDuc suggested that if Council wants to go ahead with the incentive ordinance, the Historic Preservation Commission could review any requests for façade improvement incentives.

Mayor Cavanaugh stated why rush. He said a committee has been working on design guidelines for some time, and he felt Council should wait until design guidelines are adopted before adopting the incentive ordinance. He did not like approving any façade incentives until the guidelines have been adopted.

Councilwoman Vaughters stated she had asked one of the preservation architects working in the city to look at the facade at 224 Park Avenue SW that Dr. Davor Sklizovic wants to demolish. She said she was very upset with the article that the Aiken Standard published about how the façade was going to fall. She said the footings of the way buildings were built at that time, particularly commercial structures, have a dirt floor, and if you wanted to shore it up you could dig it out and shore it up relatively easily. He said that is not

what Dr. Sklizovic wanted to do, so that was not the point of view Council got. She said she did not think the statements about the front of the building falling were true. She also stated she did not think \$5,000 was a lot of money if Council really wanted someone to preserve an historic façade.

Mr. LeDuc stated staff had surveyed other cities and the incentives ranged from \$3,000 to \$10,000. He said the average was \$5,000.

Councilwoman Clyburn asked if the incentive only applied to the downtown area or could it be other historic buildings. She pointed out there are buildings in other parts of Aiken that are just as old as downtown that would qualify. She asked that Council consider this as Council goes through the Old Aiken Master Plan and what has been suggested for some of the old structures.

Mr. LeDuc pointed out the ordinance was written for downtown only, the DB zone. He said staff feels downtown is very important, and that something needs to be done soon. He stated another incentive plan to be presented to Council concerns a tax credit for renovations on the northside.

Mayor Cavanaugh asked if the incentive was for one time per building or by the owner if owners change.

Ms. Cissy Sullivan, 1205 Two Notch Road SE, asked what Council was trying to achieve, trying to preserve the historic buildings or have owners maintain their facades regardless of whether it's a new building or an historic building. She suggested that there may be some buildings that should be incorporated into the Historic District so they would be preserved historically. She said she preferred having guidelines prior to having people apply for incentives. She asked if people who make building changes would have to follow the design guidelines, whether or not they apply for an incentive.

Mr. LeDuc stated that not every structure downtown would be historic, but Council would want to have the design guidelines or incentive for all structures, whether they are historic or not. He said this incentive was for exterior improvements, which could be windows or painting, etc. He said if the improvement does not meet the standards, they would not get the grant whether it is a historic building or a modern building.

Mayor Cavanaugh asked for a motion to suspend the rules so the public could speak. Councilman Smith moved to suspend the rules. The motion was seconded by Councilwoman Clyburn and unanimously approved.

Mr. Wade Brodie, 422 York Street, stated he would like to congratulate Council for the proposal. He suggested that the incentive amount be raised to \$10,000. He felt \$5,000 was low. He said he would also like to see some guidelines adopted before the incentive is given, even if they were temporary guidelines. He said it might take some time to adopt the guidelines, and there may be requests in the meantime.

It was suggested that the incentive could be \$5,000 for downtown buildings except for those that are designated as landmarks, which could be \$10,000.

Mr. Ed Giobbe, 541 Grace Avenue, stated he felt there were several issues. One is the immediate question of an incentive for a façade improvement whether the structure is historic or just an improvement to a building downtown. He felt it would be a mistake to allow grants to be made without some oversight. He felt the design guidelines should be adopted before the incentives are granted, not just temporary guidelines. He suggested that Council take a broader view of the whole issue of the downtown. He pointed out there would probably be opposition to historic status for the downtown, but he felt it would be worthwhile, and over a period of time would enhance property values in the downtown. He said downtown is unique and is one of the selling points of Aiken. He said to lose that character because of the inability to impose guidelines as to what the downtown should look like could destroy the character of the downtown. He said he understood the natural opposition to having a historic district downtown, but he also felt that Council and the citizens would come to the conclusion that there is something called

the greater good, which is preserving the character of the downtown. He felt it was extremely important that Council think about how they want downtown to be and to take the appropriate measures to insure that in years to come we have a downtown that is still the place that we enjoy now. He said he felt to give grants prior to adoption of design guidelines would be a mistake.

Councilman Smith stated he basically agreed with incentives. He said \$5,000 for downtown buildings and \$10,000 for historic buildings downtown sounded good. He said he had a problem with a person receiving an incentive to fix up property and then selling it for more than he put into it. He said the incentive does not have to be repaid. He asked if there could be a requirement that if the property is sold within 6 months of receiving the incentive that the incentive would have to be repaid to the city.

It was pointed out that the improvement, whether repaid or not, could be a good thing for the downtown because it improves the property. The focus is not on who gets reimbursed, but the focus is getting the façade repaired. Another question was what becomes general maintenance and what becomes a façade improvement. It was felt the guidelines should be adopted before the incentive program is adopted.

Ms. Coleen Reed, 207 Brandon Road, stated if the repairs were extensive that could cost \$100,000, would there be some way the property owner could be assisted through a tax abatement program in conjunction with the incentive program.

It was pointed out that could not be done, and none of the proposed incentive programs would allow that.

Councilwoman Vaughters stated the easiest thing to do to make the buildings downtown eligible for other incentives is to have an historic district where buildings are either contributing or non-contributing. She felt this was an opportunity to combine some kind of historic designation along with the incentive program.

Council continued to discuss the proposed ordinance at length.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on first reading to approve a façade grant program for the downtown area with the amendment to provide an incentive of up to \$10,000 and that second reading and public hearing not be held until design guidelines have been approved for the downtown area.

INCENTIVES – EMPTY BUILDINGS - ORDINANCE

Redevelopment

Empty Buildings

Large Buildings

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish incentives for redevelopment of empty buildings.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING INCENTIVES FOR THE REDEVELOPMENT OF EMPTY BUILDINGS IN THE CITY OF AIKEN.

Mr. LeDuc stated that at the recent Horizons meeting, City Council decided to establish an incentive program to encourage the redevelopment of large empty buildings located throughout the city. These buildings would need to be vacant for a minimum of 24 months and could receive an incentive multiplier based on the number of years that it was vacant. This program will help the new owner reduce overhead costs and the number of vacant buildings located throughout the city. It will help to preserve and promote an attractive looking city and enhance the value of real estate throughout our community. Additionally, it will help to reduce development sprawl by encouraging existing buildings to be used, since water, sewer, and other infrastructure is already available to these unoccupied buildings.

The owner would be entitled to the incentive based on the difference of the current assessed value of the property and the total assessed value of the property when construction is completed. The difference in the two values would be multiplied by a multiplier based on the number of years the property was vacant. Any property that was vacant for less than two years would not qualify. For two to three years, the multiplier would be 1. For three to four years the multiplier would be 2 and over four years the multiplier would be 3. The buildings must have been last used for commercial purposes and have a minimum size of 30,000 square feet of heated space. Any design guidelines in place must be met in order for the owner to qualify, and the incentive cannot be taken in conjunction with the downtown Aiken façade program.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to establish an incentive for the redevelopment of empty buildings in the City of Aiken, and that second reading and public hearing be held at the next regularly scheduled meeting.

INCENTIVES – REDEVELOPMENT - ORDINANCE

North Side

U.S. Department Housing and Urban Development Guidelines

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish an incentive for the redevelopment of property on the north side.

Councilwoman Clyburn left the Council Room because of a potential conflict of interest. She indicated she was planning a redevelopment project on the northside.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING INCENTIVES FOR THE DEVELOPMENT OF PROPERTY ON THE NORTH SIDE OF THE CITY OF AIKEN.

Mr. LeDuc stated at City Council's Horizon meeting, Council discussed the need to encourage the revitalization and growth of some areas on the north side of the City. Many of these areas have been under developed or have been in economic decline for the last several years. In order to stimulate growth and redevelopment, the City would implement an incentive program to encourage investment in low to moderate income neighborhoods, as identified by the U.S. Department of Housing and Urban Development Guidelines. The incentive payment would be based upon the difference between the current assessment value of the property and the assessed value after improvements have been completed. This sum would be multiplied by 3 to determine the total incentive payment. This incentive would apply to any new commercial or residential building in the qualified area or with an existing building which has increased the assessed value of the property by more than 50%. A map showing the area identified for the incentive was given to Council for information.

Mayor Cavanaugh asked how the number three was determined.

Mr. LeDuc responded that the figure is an arbitrary figure. It could be two or four. He said the reason he used three is that three years on a \$100,000 home would be enough money to pay for the impact fee for water that is set up for the northside. He said one of the concerns of Councilmembers Price and Clyburn was stifling growth on the northside by imposing sewer and water impact fees. He said this incentive would cover the impact fee.

Councilman Cunning asked who would get the incentive, the buyer or the developer.

Mr. LeDuc stated Council had this discussion at Horizons. He said if the developer gets the incentive it is hoped that he will lower his cost of the house. He is the one to pay for the impact fees for water and sewer. If the incentive is given to the buyer, maybe people will buy the homes more quickly. The proposed ordinance gives the incentive to the developer or builder, or if an owner renovates a building it would be the owner. He said

the proposed incentive is to encourage building and renovation on the northside. After discussion, Council stated the incentive would not be available to those who are already receiving funds through the Aiken Corporation loan program.

Council discussed the program at length. Mr. LeDuc asked that Council look at the map and the area covered.

Councilman Cuning moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance establishing an incentive for the development of properties on the north side, with the amendment that the incentive would not be available to those who are already receiving funds through the Aiken Corporation loan program, and that second reading and public hearing be held at the next regularly scheduled meeting.

Councilwoman Clyburn returned to the Council Room.

UNPAVED ROADS - ORDINANCE

Speed Limit

Dirt Roads

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish speed limits on unpaved roads.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 42-42, CODE OF THE CITY OF AIKEN, TO ESTABLISH A 15 M.P.H. SPEED LIMIT UPON UNPAVED ROADS IN THE CITY OF AIKEN.

Mr. LeDuc stated for the last several months staff has been reviewing safety conditions on our unpaved roads within Aiken. Based on various conditions due to the unpaved roads' design, deterioration by rain, and other natural causes, we feel the speed limit for these roads should be 15 mph or as may be otherwise posted.

City Council's approval of this measure will allow the city to conform with State law and will allow us to establish the slower speed limit on Aiken's unpaved roads.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to establish a 15 mph speed limit upon unpaved roads in the City of Aiken, and that second reading and public hearing be held at the next regularly scheduled meeting.

AIKEN'S MAKIN

Chamber of Commerce

Parkways

Park Avenue


Mayor Cavanaugh stated Council needed to consider the request from the Chamber of Commerce for use of the parkways for their annual Aiken's Makin.

Mr. LeDuc stated The Greater Aiken Chamber of Commerce would like to request Council's permission to use the parkways on Park Avenue, starting at Chesterfield Street to Union Street, on the following dates: Thursday, September 8, 2005 after 6:00 p.m., Friday, September 9, 2005 and Saturday, September 10, 2005 for the annual craft show. In addition, they would like to use Gyles Park again for entertainment throughout the day on Friday until 10:00 p.m. and again on Saturday throughout the day. The festival was moved further to the east to better accommodate the concerns of the merchants in the downtown area. Public Safety has worked with them for over 25 years and will continue to provide the necessary safety measures to protect both the pedestrians and vehicular traffic going through that area.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve the request of the Chamber of Commerce for use of the parkways along Park Avenue and Gyles Park for September 8 – 10, 2005.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:39 P.M.


Sara B. Ridout
City Clerk