

Aiken City Council Minutes

REGULAR MEETING

February 28, 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, Krista Zilizi of the Augusta Chronicle, and about 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:19 P.M. Councilwoman Price 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. Mr. LeDuc stated he would like to ask that the item regarding the request to rename Toole Hill be deleted from this agenda, as it will be discussed further with the property owners. Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that the agenda be approved with the item regarding renaming Toole Hill being deleted as requested.

MINUTES

The minutes of the Old Aiken Master Plan work session of February 10, 2005, the work session and regular meeting of February 14, 2005, and the Old Aiken Master work session meeting of February 23, 2005, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Board of Zoning Appeals

Krippner, Henry

Wiland, Kenneth

Accommodations Tax Committee

Schisler, Joan

Allewelt, Richard

Erb, Sam

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

Mr. LeDuc stated there are 9 pending appointments to boards and committees of the city and 3 appointments are presented for Council's consideration.

Councilman Cuning has recommended appointment of Henry Krippner to the Board of Zoning Appeals to fill the unexpired term of Kenneth Wiland. If appointed his term would expire December 1, 2005.

Councilman Smith has recommended appointment of Joan Schisler to the Accommodations Tax Committee to replace Richard Allewelt. If appointed his term would expire March 25, 2007.

Councilman Sprawls has recommended reappointment of Sam Erb to the Accommodations Tax Committee. If reappointed his term would expire March 25, 2007.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council appoint Henry Krippner to the Board of Zoning Appeals to fill the unexpired term of Kenneth Wiland with the term to expire December 1, 2005, appoint

Joan Schisler to replace Richard Allewelt on the Accommodations Tax Committee and Sam Erb to the Accommodations Tax Committee with the terms to expire March 25, 2007.

Mayor Cavanaugh stated he would like to nominate Mark Hudgins to the Environmental Committee to replace Bill Inman, who has resigned. If appointed the term would expire December 31, 2006.

Councilman Cuning asked for clarification on appointments. He said he understood that appointments should be city residents unless there is an unusual situation.

Mr. LeDuc stated that on all committees, the first requirement is that they be a resident of the city unless there is a particular reason. He stated appointments may own a business or property inside the city. He pointed out there are some committees, such as the Airport Committee, for which a special skill is needed.

AIKEN GOLF CLUB – ORDINANCE 02282005

Amendment

Lots

Highland Park Country Club

Reardon, Kenneth

McNair, James

Golf Course

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend an ordinance authorizing the use of lots on Aiken Golf Club.

Mr. LeDuc read the title of the ordinance.

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

Mr. LeDuc stated that in 1996 City Council approved an ordinance which allowed the owner of the then Highland Park Country Club to sell 4 lots from the country club property, and to sell one nonbuildable lot to serve as an extension of an existing lot owned by Kenneth Reardon. Kenneth Reardon would like to combine a portion of his current property with the nonbuildable lot to make it into a buildable 15,000 square foot lot. Jim McNair, owner of the Aiken Golf Club, states that he has given the Reardons preliminary permission to proceed, conditioned upon approval by City Council. The City staff has reviewed this request and feel this would pose no problem to the golf course or adversely affect the surrounding area. In 1996 Council placed several restrictions on the other four buildable lots, and these restrictions should also apply to the Reardons' lot. Mr. McNair is also asking that the Reardons not be able to sell the lot without a written release from the Aiken Golf Club.

Mr. LeDuc stated that Mr. McNair stated at a previous Council meeting that he intends to come back to Council for release on an additional lot in a different area. This is being reviewed by staff and will be brought to Council at a later date.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance lifting the nonbuildable restriction on a lot sold to Kenneth Reardon from the Aiken Golf Club property, formerly the Highland Park Golf Course and that the ordinance become effective immediately.

ARTS COMMISSION – ORDINANCE 02282005AAppointment
Establishment
By-Laws

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to form an Arts Commission.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-142 OF THE AIKEN CITY CODE TO ESTABLISH THE ARTS COMMISSION AND APPROVING ITS PROPOSED BY-LAWS.

Mr. LeDuc stated one of City Council's goals is to form an Arts Commission, whose mission would be to foster coordination among the cultural organizations in Aiken. A committee consisting of nine individuals representing the arts community, higher education, business, government and the religious community met to discuss what form this organization should take. They presented to Council late last year a format consisting of seven individuals who represent arts, education and the business community as permanent members for the commission.

At the last meeting Council discussed the format for selecting these individuals, and what representative each Council member would appoint. A copy of the by-laws recommended for the commission, which would be staffed by the city's Recreation, Parks & Tourism Department, was given to Council for review. He pointed out that definitions of a Visual Arts Artist and a Performing Arts Artist were included in the by-laws. He reviewed the seven categories for appointment.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance to establish an Arts Commission and approve its by-laws be passed on second and final reading, with the ordinance to become effective immediately.

Mr. LeDuc stated since Council had approved establishing the Arts Commission, Council can now make their appointments. He said at the last meeting some Councilmembers had suggested some appointments.

Councilman Smith stated he would like to appoint Kay Taylor to represent the Visual Arts. Councilman Sprawls stated he would like to appoint Mary Ellen Krippner to represent the Arts Organization.

Mr. LeDuc asked that as Council members contact individuals who may be interested that the names be given to the City Manager's Office to be included on the next agenda for approval by Council.

INTERFUND LOAN – ORDINANCE 02282005BAgreement
Loan
Meter Reading Devices

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to establish an interfund loan agreement for the purchase of the meter reading devices.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO LEND UP TO \$1,056,967.70 TO PROVIDE FINANCING TO FUND THE ACQUISITION OF THE BADGER METER ORION PROJECT.

Mr. LeDuc stated in last year's budget we funded the replacement of the radio-read devices for our water meter system. Our goal was to help recover from 5% to 10% of the revenue being lost due to under reads or meters not being read at all. Through Council's approval of this ordinance we will officially be able to fund this replacement through various Special Holding Accounts. He pointed out this meter replacement was discussed in last year's Horizons.

We anticipate borrowing up to \$1,056,967.70 and repaying the General Fund loan over a seven year period. Interest will be repaid at a rate of 1% above the average SC Local Government Investment Pool. He said if extra funds come in, the loan will be paid off earlier.

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 approve an Interfund Loan Agreement for replacement of the reading devices for the water meters, and that the ordinance become effective immediately.

Mr. LeDuc thanked Ms. Anita Lilly, Finance Director, and Larry Morris, Public Works Director, for the work they had done in moving the project forward and for their staff's work on the project. He also pointed out that Dick Lamar, a retiree, was hired for the project and worked many weeks in getting the project completed.

VENTURES INDUSTRIAL PARK - ORDINANCE

Airport

Industrial Park

Sale of Property

U.S. 1 N.

Spec Building

Lot 16

SC Metal Products, LLC

TPN 00-151.0-01-148 (portion of)

Mayor Cavanaugh stated an ordinance had been prepared for first reading to approve the sale of property at the Ventures Industrial Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO TRANSFER ALL OF ITS RIGHT, TITLE AND INTEREST IN ITS SPEC BUILDING LOCATED IN VENTURES INDUSTRIAL PARK TO SC METAL PRODUCTS, LLC.

Mr. LeDuc stated a couple of years ago City Council approved funding to proceed with the construction of a spec building in the Ventures Industrial Park. Last June we completed the construction of a 50,000 square foot building, expandable to 130,000 square feet. This building is located at the end of A.B. Miles Drive on a 15 acre lot. The City paid for this construction through the combination of funding from an Aiken Electric Cooperative grant, a SRRDI loan and City Holding funds.

The City recently received a contract proposal for the purchase of this building for \$890,000. SC Metal Products, LLC would like to purchase the building within the next 30 to 45 days, and intends to start operations later this spring. We recommend approval of the contract subject to final approval by our Attorneys.

Mr. LeDuc stated funds from the sale of the building would be used to help pay off the \$270,000 loan with SRRDI, and the remaining funds would be used to pay off the loan for the overlay of the secondary runway, the work on the primary runway in lengthening the runway, and overlay. He said the staff hoped to use the remaining funds to help with an ILS and for another Spec building in the park.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council approve on first reading an ordinance to sell property at Ventures Industrial Park to SC Metal Products, LLC for \$890,000 and that second reading and public hearing will be set for the next regularly scheduled meeting.

PARKWAY SOUTH SUBDIVISION – ORDINANCE

Dedication

Utilities

Roads

Streets

Water

Stormwater

Sewer

Sanitary Sewer

Hitchcock Parkway

SC 118

Varden Drive

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration 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 request regarding the dedication of the roads and utilities in Parkway South is one of the most unusual situations in which he had been involved. He said the Parkway South Subdivision is located at the corner of Varden Drive and Hitchcock Parkway, and each property is individually owned within the development. He said because of the way Parkway South was originally laid out, the property lines go to the center of the road. 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 to developing a proper deed of dedication is present. 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 the proposed document 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 he and Gary Smith and Richard Pearce had met with Phil Woolhiser to work out this agreement, which is acceptable to all parties. We all know this is an unusual situation, and that it will take several years to acquire the necessary signatures. He said because the city is not able to get a deed of dedication in its pure form, a maintenance agreement had been prepared which states that if any maintenance is needed on the road, water or sewer line, the property owners are giving the city the right to do the maintenance. He said over a period of time as property sells and mortgages are paid off, the city will get the remaining signatures necessary to get the true and proper deed of dedication for the infrastructure. He said the deed of dedication will come at a later time when the signatures have been obtained.

Councilman Smith asked since the city will not own the property out right and just have a maintenance agreement, what effect would that have on the city's liability insurance.

Mr. LeDuc pointed out that for the last 20 years the city has been doing the maintenance anyway. He said the staff does feel that the maintenance agreement needs to be formalized so the city will eventually get a deed of dedication and it would give the city more of a legal right to be there. He said the city wants to help the citizens where possible.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance accepting the maintenance of the roads, water, sewer, and storm drainage in the Parkway South Subdivision, and that second reading and public hearing be set for the next regularly scheduled meeting.

HISTORIC REGISTER – ORDINANCE

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 an ordinance had been prepared for Council's consideration 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.

Councilwoman Price moved, seconded by Councilwoman Vaughters and unanimously approved, that Council pass on first reading an ordinance to designate Hopelands Gardens to the Aiken Historic Register, and that second reading and public hearing be held at the next regularly scheduled meeting.

HISTORIC REGISTER – ORDINANCE

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 an ordinance had been prepared for Council's consideration 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 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 recommend approval of the Landmark status for the designated structures at Rye Patch at 100 Berrie Road.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to designate Rye Patch to the Aiken Historic Register and that second reading and public hearing be set for the next regularly scheduled meeting.

RESOLUTION

Ministerial Recorder
McKinney, Crystal
Municipal Court
City Court

Mayor Cavanaugh stated Council needed to approve the appointment of the Ministerial Recorder.

Mr. LeDuc read the title of the resolution.

A RESOLUTION APPOINTING CRYSTAL MCKINNEY AIKEN MUNICIPAL COURT MINISTERIAL RECORDER.

Mr. LeDuc stated last fall City Council established the Office of Municipal Court Ministerial Recorder. This allowed our Public Safety Director to hire an individual who would be empowered to set and accept bonds and recognizance, issue summons,

subpoenas, arrest warrants, and search warrants and to do so in all criminal cases as currently provided by the County Magistrate.

The City recently hired Crystal McKinney who is currently completing the tutorial requirements by Court Administration, to the Office of Ministerial Recorder. We recommend Ms. McKinney as the Aiken Municipal Court Ministerial Recorder and are seeking City Council's approval of the resolution appointing her as the Aiken Municipal Court Ministerial Recorder. Ms. McKinney was present and was introduced to Council.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Crystal McKinney be approved by Council to serve as the City of Aiken's Municipal Court Ministerial Recorder, as established by a previous ordinance.

ELECTION SCHEDULE

2005 Election

City Council

District 2

District 4

Mayor Cavanaugh stated Council had received as information the schedule for the 2005 election for Council.

Mr. LeDuc stated Sara Ridout, City Clerk, has reviewed the ordinance for the election schedule, and has provided the schedule for conducting the upcoming election as follows:

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| 1. Opening of filing for nomination petitions and entry of candidates for primaries | August 1, 2005 |
| 2. Closing of entry of candidates for primaries | August 8, 2005 |
| 3. Municipal Party Primaries or Conventions | September 13, 2005 |
| 4. Closing of entries for nomination by petition | September 23, 2005 |
| 5. Municipal Party Primary Run Offs, if necessary | September 27, 2005 |
| 6. Last day for certifying candidates to Election Commission | October 7, 2005 |
| 7. Election Day | November 8, 2005 |

The schedule is presented to Council as information and to give Council notice of the election. This year Councilmembers Cunning, Price, Smith and Vaughters will be eligible for reelection. This election includes the two at-large seats as well as seats for Districts 2 and 4.

The schedule was accepted as information.

EXECUTIVE SESSION


Legal Matters

Mr. LeDuc stated he would like to ask Council to consider going into executive session to discuss legal matters with City Attorney Gary Smith.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss some legal matters. Council went into executive session at 7:52 P.M. After discussion Councilman Sprawls moved, seconded by Councilwoman Price and unanimously approved that the executive session end. The executive session ended at 9:25 P.M.

ADJOURNMENT

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


Sara B. Ridout
City Clerk