

Aiken City Council Minutes

January 14, 2002

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

Absent: Councilman Cuning

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Pete Frommer, Anita Lilly, Ed Evans, Richard Pearce, Sara Ridout, Phillip Lord and Karen Daily of the Aiken Standard, Josh Gelinias from the Augusta Chronicle, and about 26 citizens.

Mayor Cavanaugh called the meeting to order at 7:40 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. He said the applicant had withdrawn the item under New Business concerning first reading of an ordinance to rezone 0.3 acres at 573 Lincoln Avenue.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be accepted as amended, deleting first reading of an ordinance to rezone 0.3 acres at 573 Lincoln Avenue.

MINUTES

The minutes of the regular meeting of December 10, 2001, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsStanley, RoscoePlanning CommissionBarber, Thaddeus

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

Mr. LeDuc stated Council has nine pending appointments to boards and commissions of the city and one appointment is presented for Council's consideration.

Councilwoman Price has recommended appointment of Roscoe Stanley, who lives at 514 Edgefield Avenue NW, to the Planning Commission with the term to expire December 1, 2003. If appointed Mr. Stanley would replace Thaddeus Barber on the Planning Commission.

Councilwoman Price stated Mr. Stanley was present at this meeting. She said he was a native Aikenite and had worked in New York for a number of years. She said he had returned to Aiken and refurbished his family's home place on Edgefield Avenue.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council appoint Roscoe Stanley to the Planning Commission to replace Thaddeus Barber with the term to expire December 1, 2003.

RESOLUTIONMutual Aid  
Agreement  
State  
South Carolina

Mayor Cavanaugh stated Council needed to consider a resolution approving a state-wide mutual aid agreement.

Mr. LeDuc stated the staff and Council met last week in the Emergency Operations Center and went through a simulated disaster situation. Mr. LeDuc stated the South Carolina Code requires that all cities and counties cooperate in developing and maintaining a plan for mutual assistance in emergencies. Since the national disaster on September 11, 2001, the state has put together a mutual aid agreement for catastrophic disaster response and recovery and has requested that all counties and cities participate in this program. The City of Aiken has individual mutual aid agreements with several communities and this agreement will broaden this to all agencies throughout the state. The would ensure that if a disaster happened that Aiken could call on other communities for help and in turn if they had a problem, working through the state, Aiken could provide help to them. The agreement sets out the period of assistance, who would request aid, the procedures for this aid, and how assistance can be made directly to the city. In addition the agreement also specifies the necessary food, housing and reimbursable expenses the assisting party would bill the requesting party.

The staff feels that this is a good agreement and one which will help both Aiken and the state long term should we face any major disaster in the future.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the state-wide mutual aid agreement for catastrophic disaster response and recovery.

ANNEXATION – ORDINANCECollier Street 116  
Hill, Jacqueline Miller  
Virginia Acres  
East Pine Log Road  
TPN 30-058.0-02-002

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 116 Collier Street.

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 .24 ACRES OF LAND, MORE OR LESS, OWNED BY JACQUELINE MILLER HILL AND LOCATED AT 116 COLLIER STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated Jacqueline Miller Hill would like to annex her property at 116 Collier Street consisting of .24 acres to be zoned RS-10. In 2000 City Council approved installing sewer lines in the Virginia Acres area and several properties at that time agreed to annex to the city. The city has just recently completed the installation of sewer lines in this area and Ms. Hill is interested in providing sewer to this house. The original intent of providing sewer to this area was to have people voluntarily agree to annex to the city when they desired certain city services.

The Planning Commission unanimously voted to recommend to Council approval of this annexation.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that the ordinance to annex .24 acres at 116 Collier Street to be zoned RS-10

be passed on first reading and that second reading and public hearing be set for the next regular meeting of Council.

#### UTILITY REQUEST

Murrah Avenue 941

Lever, Kim T.

Dougherty Road

Utility Request

Water

Annexation

TPN 30-038.0-09-009

TPN 30-038.0-09-014

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 941 Murrah Avenue.

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 .68 ACRES OF LAND, MORE OR LESS, OWNED BY KIM T. LEVER AND LOCATED AT 941 MURRAH AVENUE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated that Kim T. Lever was required to request annexation of her property at 941 Murrah Avenue in exchange for the city providing water to her residence. Because the property is contiguous to the Sandstone Subdivision it couldn't be a utility request but instead was an annexation request. The property is isolated and would require both city garbage and police service to go out of the way to reach this property. For this reason the Planning Commission unanimously denied this request.

City staff has reviewed the request and is recommending that Council approve a utility request for this property and require an agreement to annex to the city when annexation is requested.

If Council agrees with the staff recommendation, they should deny the annexation request on first reading and instead approve this as a utility request.

Ms. Lever would prefer not to annex to the city but would like to continue to receive water service. She only applied for annexation because it was required to do so.

Council discussed the request briefly agreeing that the property is some distance away from other properties in the city and to provide city services would require that the city go some distance to provide services.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Council deny the request of Kim Lever to annex 941 Murrah Avenue at this time since the property would make a hardship for the city to provide city services such as police protection and garbage service.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council provide water service to 941 Murrah Avenue, but that a condition for water service is that the property owner sign an annexation agreement.

#### ZONING – ORDINANCE

Lincoln Avenue 573

Pendergrant, LLC

SC 19 North

Rezoning

TPN 30-040.0-01-006

Mayor Cavanaugh stated an ordinance to rezone 0.3 acres at 573 Lincoln Avenue owned by Pendergrant, LLC had been removed from the agenda at the applicant's request.

AIKEN ELECTRIC COOPERATIVE

Grant  
Ventures Park  
Rural Development Act  
Economic Development  
Infrastructure  
Road  
Water Lines  
Sewer Lines

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from Aiken Electric Cooperative.

Mr. LeDuc stated the Aiken Electric Cooperative through the Rural Development Act of 1996 awards grants to communities for economic development for investment in infrastructure and other qualifying projects to help encourage development within the area. Over the last three years the city has received over \$600,000 which was used to help build the airport terminal and to provide infrastructure to the new Ventures Park.

This year Aiken Electric Cooperative would like to continue helping Ventures Park and has committed \$200,000 towards infrastructure and land improvements. This will include the construction of the roadway and water and sewer lines next to the land purchased by Coca Cola and the clearing, grubbing and leveling of several of the platted properties. With these improvements we are very optimistic that industrial prospects will soon follow. The money that we receive from the sale of the land from this park is used for improvements at the airport which hopefully this upcoming year will include runway rehabilitation and lengthening.

The Aiken Electric Cooperative was under a very short timetable in developing this grant and determining the actual funding amount. Therefore, it was not known until the last week in December what this amount would be, and we have already accepted the \$200,000 check subject to final approval by City Council.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council accept a grant in the amount of \$200,000 for infrastructure improvements at Ventures Park

SCANA

Beaufort Street  
Willow Run Road  
Aiken Corporation  
Grant  
Water  
Sewer  
Spec Building

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from SCANA.

Mr. LeDuc stated over the last several years SCANA has assisted the city with several small grants to further our economic development at various industrial parks. This includes grants to Summit Business Park and Verenes Industrial Park. This year SCANA would like to make a major commitment for economic development for a new park proposed by Aiken Corporation off of Beaufort Street. This park would be similar to Summit Business Park and would be located at the corner of Beaufort Street and Willow Run Road and would consist of lots under five acres for light manufacturing and distribution. It's Aiken Corporation's intent to come before Council on January 28<sup>th</sup> to discuss the park in greater detail and to execute a developer's agreement with the city. This agreement would be similar to the one we had with Summit Business Park where the city assisted with the infrastructure within this development.

SCANA would like to give the City of Aiken \$100,000 towards water and sewer for this new park and \$107,161 towards the construction of a spec building at the park. The spec

building would be 25,000 square feet or larger and would be similar to the one which Aiken Corporation recently sold at Summit Business Park. SCANA would like the city to accept the spec building grant and then pass the \$107,161 on to the Aiken Corporation.

SCANA was under a very short timetable in developing this grant and determining the actual funding amounts that would be available. Therefore it was not known until the last week in December what this amount would be and we have accepted these two checks subject to final approval by City Council.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council accept two grants, one in the amount of \$100,000 from SCANA for water and sewer installation at Willow Run Park and \$107,161 for assistance with the construction of a spec building at this park.

Councilman Sprawls recognized Keith Coones with SCANA for working with the city to obtain these grants and thanked him for his efforts.

### SEWER

#### Resolution

#### Rate

#### Sanitary Sewer

Mayor Cavanaugh stated Council needed to consider amending the winter base sewer policy.

Mr. LeDuc stated for the past year the City of Aiken has been in a drought which is projected to last for several more months. He said currently the sewer winter base rate takes into account the months of January, February and March and the amount of water that is consumed at a residential location during those three months is averaged and that determines the sewer charge that is received for the next 12 months of the year. These months are what the city considers the lowest usage time of the year as very little watering of lawns and shrubbery takes place during this time. The city has received several requests from citizens asking that the city amend our winter sewer rate averaging policy for this year. This would allow them to continue watering their landscape material and not worry about this affecting their next year's sewer rate average. Therefore instead of determining a new sewer rate in April, 2002, the city would continue with the existing sewer rate for the coming year for all city customers.

The staff has reviewed this and it appears to be a reasonable approach which would allow our sewer customers to continue watering their plant material during this drought period without raising their sewer rate. The proposal would amend our sewer rate averaging policy for 2002 only by continuing with the 2001 rate. Beginning in 2003 the city would return to its original policy of averaging the sewer rate based on water consumption for the months of January, February and March. He said this change in policy would help some customers, but it may not help some others who currently have a high sewer bill.

Councilwoman Vaughters moved, seconded by Councilman Smith and unanimously approved, that Council approve a resolution allowing staff to amend the city's sewer rate averaging policy for 2002 only by continuing with the 2001 rate and returning to the original policy of averaging the sewer rate based on water consumption for the months of January, February and March for 2003.

### HOUSING REHABILITATION PROGRAM

#### Housing

#### Rehabilitation Program

#### Historic Homes

#### Purchase

Mayor Cavanaugh stated Council needed to consider a proposed Housing Rehabilitation Program.

Mr. LeDuc stated the city has developed a number of projects to build, enhance and rehabilitate housing on the north side. This includes the construction of approximately 40 new homes in Chesterfield North and along Sumter Street, Kershaw, Williamsburg and Jefferson Terrace, rehabilitation of owner-occupied housing, the renewal of several neighborhoods and the demolition of substandard housing. He said in doing these programs a number of substandard houses were torn down. He said there are some significant or historically important homes in these areas that citizens would like to save. He said the staff had met with the Historic Preservation Commission and the Commission has reviewed 20 homes that are currently on the city's demolition list that have been declared substandard by the Inspection Department. He said the Historic Preservation Commission is recommending that the city look at saving up to nine of the homes on the demolition list. He said to do this it was hoped that private investors would come forward to rehabilitate the homes, but none have so far. He said the staff has been looking at an alternative program. He said the idea is that as the area within the north side continues to improve and as the property values continue to increase then the private sector will come forward and want to rehabilitate the homes similar to what was done in the South Boundary-Colleton area of the city. He said to start the program he would like Council to consider the establishment of a program which would allow the city to purchase and renovate old historic and architecturally featured homes on the north side. He suggested that Council authorize \$150,000 be set aside for the purchase of existing substandard homes which are scheduled for demolition and to renovate these homes for future sale. Initially many of these homes may be sold at a net loss, but within some time the program should reverse itself and create a market for individuals to purchase and renovate homes using private funding. He said the money would be to specifically purchase three lots on Barnwell Avenue at York Street on which two homes are located. The house at 204 Barnwell Avenue is a two story house and the city would start with that house. Once the house is rehabilitated the city would sell it to a private owner and use the money to rehabilitate another house. He said the city had talked to the School District about the Career Center being involved in helping with the rehabilitation such as carpenter work and electrical wiring.

Councilman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve \$150,000 to be used for a city housing rehabilitation program on the north side, specifically to purchase the houses at 204 and 208 Barnwell Avenue and an adjacent vacant lot.

Councilwoman Vaughters stated Council had discussed having the Historic Preservation Commission look at the city's plans for the houses. She said she would like for the Commission to look at the plans and approve them to be sure the city is following the regulations the same as private citizens when they rehabilitate property in the historic district. She said she was excited about the project, but she wanted to be sure the city was following the same regulations as others. She said she hopes these homes will eventually be in a historic district and felt that the homes should be done in a way that would be compatible with a historic district.

Mayor Cavanaugh stated he had no problem with the Historic Preservation Commission looking at the plans, but not having final approval. It was pointed out these homes are not in an historic district. Councilwoman Price agreed that looking at the plans would be okay, but she was not sure about final approval.

Attorney Smith stated that until the housing is actually in a historic district, the Historic Preservation Commission would not have jurisdiction to approve the plans.

Councilwoman Vaughters then suggested that the Historic Preservation Commission look at the plans with the city.

Councilwoman Price then stated that she was very proud of the city with the investment that has been made throughout the city and especially the changes that have been made on the north side of town. She applauded the Mayor, City Manager and the staff for their leadership in the changes.

JURY BOX 2002Municipal Court

Mayor Cavanaugh stated Council needed to adopt a Jury Box for 2002.

Mr. LeDuc stated Sara Ridout serves as the City Clerk for the City of Aiken, and each year prepares a jury box, and submits this Jury Box for City Council approval.

Under our form of government, the members of City Council are the jury commissioners for the Municipal Court for the city. Each year City Council must approve the preparation of a Jury Box during the first 30 days. The Jury Box contains two compartments designated as compartment "A" and compartment "B." The names of all registered voters in the city are placed in compartment "A" and during the year jurors are randomly selected from compartment "A." After selection for a particular term of court, the names are then placed in compartment "B" so that the names are not selected again during that calendar year. We have a total of 15,754 registered voters in the city and the names have been placed in the Jury Box for 2002.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the preparation of the Jury Box for 2002.

REGIONS BANKParking LotNewberry StreetChesterfield StreetResolutionAgreementLease

Mayor Cavanaugh stated Council needed to consider a resolution regarding leasing of the parking lot at Regions Bank between Chesterfield Street and Newberry Street.

Mr. LeDuc stated last fall, the Washington Group Performing Arts Center opened and although parking is generally not a problem during the day, there will be times when additional parking will be needed during the night and on weekends. He said the playhouse will be finished this year. In October City Council discussed the possibility of leasing the Regions Bank parking lot during off hours to provide parking for guests, invitees, volunteers, employees of the city, Aiken Community Playhouse and Washington Group. When plays are not scheduled at the center, the city will rent out the facility and guests could park in the Regions Bank parking lot. This will also be true during times when festivals and other events are held on Newberry Street.

Mr. LeDuc stated the public will park at the most available and closest parking places they can find. In this case it will be the Regions Bank parking lot even though it is a private lot. The staff has discussed the parking dilemma with Regions Bank and how we can minimize legal problems for the bank. The State of South Carolina holds cities harmless in situations like this, and to assist the bank we both agreed we need to enter into a leasing agreement for these times when events are held. Richard Pearce, staff attorney, has initiated this effort and has developed an agreement with them to use the parking lot during these off hours. If people park in the Regions Bank lot and are injured the bank assumes liability for the injury. However, if the city leases the parking lot from Regions Bank and someone parks in the area and gets hurt the bank will not have the liability for the injury. If the city leases the parking lot the police can patrol it and can use the parking lot for events during agreed times.

Before City Council is a resolution approving a lease agreement with Regions Bank for a 10 year period to use this parking lot with the provision to extend this agreement on a one year basis as long as neither party objects. Two of the specific provisions within the lease agreement would require the city to make improvements such as parking lot lighting and to provide liability insurance to protect the bank against any injuries or problems that may arise through the use of the parking lot. In exchange, the city under the lease agreement would be able to use the parking lot from 6 P.M. to 6 A.M. Monday

through Friday and all day Saturday and Sunday unless Regions Bank gives the city written notice otherwise. We feel this is a good agreement for both sides and will provide the city with additional parking not only when events are held at the Performing Arts Center, but also when festivals and other events are held by the city at the Newberry Street Festival site.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the resolution for the city to enter into a lease agreement with Regions Bank for use of the parking lot between Newberry Street and Chesterfield Street during agreed upon hours.

#### EXECUTIVE SESSION

##### Contractual Agreement Aiken Corporation

Mayor Cavanaugh stated Council needed to go into Executive Session to discuss a contractual agreement with the Aiken Corporation.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss a contractual agreement with the Aiken Corporation.

Council went into executive session at 8:25 P.M. Present at the executive session were Mayor Cavanaugh, Councilmembers, Clyburn, Price, Smith, Sprawls and Vaughters, City Manager Roger LeDuc, Attorney Gary Smith, Assistant City Manager Bill Huggins, Finance Director Anita Lilly, City Clerk Sara Ridout and Wade Brodie of the Aiken Corporation and Leasa Segura, city staff.

After discussion of the matter Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council go out of executive session and report Council's action in open session. The executive session ended at 9:30 P.M. and Council went back to the Council Room to report action.

Mayor Cavanaugh stated the purpose of the executive session was to discuss a contractual agreement with the Aiken Corporation. He asked Mr. LeDuc to summarize Council's action.

Mr. LeDuc stated that in November, 2000, Council passed an ordinance giving the city the ability to lend \$3.5 million to the Aiken Corporation for the purpose of a construction loan for the Washington Group portion of the building on Newberry Street. He said the loan was due in November, 2001. Council allowed a 90 day extension which would expire February 6, 2002. At the executive session Council discussed the pay back of the loan. Council authorized the City Attorney and the City Manager to work with the Aiken Corporation to set forth the particulars of extending the loan for \$3.5 million on a permanent basis with the city and with the banks. The details would be worked out as far as interest rates and a proposed ordinance would be presented for first reading at the next regular meeting of Council.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 P.M.

  
Sara B. Ridout  
City Clerk