

Aiken City Council Minutes

November 13, 2000

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

Absent: Councilman Radford

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Richard Abney, Larry Morris, Ed Evans, Anita Lilly, Terry Rhinehart, Susan Mimmie, Adam Burton of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle and about 35 citizens.

Mayor Cavanaugh called the meeting to order at 7:50 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of October 23, 2000, were considered for approval. Councilman Anaclerio moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

PRESENTATION

- Award
- Recreation Department
- Agency of the Year Award
- Outstanding Agency of the Year Award
- South Carolina Recreation and Parks Association
- Hall, Lisa
- Merit Award
- Parker, Glenn
- Professional of the Year

Mayor Cavanaugh stated the Recreation Department had won several awards and Mr. Jim Headley was present to make the presentations.

Mr. LeDuc stated this was the fifth year in a row that the Parks and Recreation Department has received the Agency of the Year Award. Over the past 14 years they have won this award 12 times. This is a unique honor and accomplishment for the department and speaks volumes concerning the work that our dedicated employees accomplish day in and day out in serving all the citizens of our community.

He stated that this year two staff members were also recognized for their service to the South Carolina Recreation and Parks Association.. Glenn Parker was presented the Professional of the Year, the highest individual award that can be achieved on the state level for the Association.

Also, Lisa Hall was honored and presented the Merit Award for her service to the Association. The city and these employees received these awards at the South Carolina Recreation and Parks Association Annual Conference this past fall.

Mr. Terry Rhinehart, Recreation Director, stated he was very proud of the department and the employees. He introduced Mr. Jim Headley, Executive Director of the S.C. Recreation and Parks Association, who made the presentations. He presented the 2000 Agency of the Year Award for Class II to the City of Aiken Parks and Recreation Department for providing outstanding facilities, programs, and services for the citizens. He also presented the Professional of the Year Award to Glenn Parker and the Merit Award to Lisa Hall.

Council expressed appreciation to the Recreation Department staff and those who won awards for their dedication and all they do for the city.

BOARDS AND COMMISSIONSAppointmentsPlanning Commissiond'Entremont, RachelHistoric Preservation CommissionMerry, Jr. Phillip R.Davis, JanePlanning CommissionGiradeau, EdKnowles, LucyBoard of Zoning AppealsCoones, KeithStrack, John

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

Mr. LeDuc stated Mayor Cavanaugh has recommended reappointment of Rachel d'Entremont to the Planning Commission. If reappointed the term for this appointment would expire December 1, 2002.

Mayor Cavanaugh moved, seconded by Councilman Anaclerio and unanimously approved, that Rachel d'Entremont be appointed to the Planning Commission with the term to expire December 1, 2002.

Councilman Sprawls has recommended appointment of Phillip R. Merry, Jr., Hutson-Etherredge Company, to the Historic Preservation Commission. If appointed Mr. Merry would replace Jane Davis on the Commission and the term would expire December 31, 2002.

Councilman Sprawls moved, seconded by Councilwoman Clyburn, that Philip R. Merry, Jr. be appointed to the Historic Preservation Commission with the term to expire December 31, 2002. The motion was approved with 5 in favor and Mayor Cavanaugh opposing the appointment.

Mayor Cavanaugh pointed out Council's system is that each Councilmember has an appointee for each committee, but he expressed concern about replacing persons on a committee without talking to them prior to appointing someone else.

Councilman Sprawls has recommended appointment of Ed Giradeau, Aiken Appraisal Service, to the Planning Commission. If appointed Mr. Giradeau would replace Lucy Knowles on the Commission and the term would expire December 1, 2002.

Councilman Sprawls moved, seconded by Councilman Anaclerio, that Ed Giradeau be appointed to the Planning Commission with the term to expire December 1, 2002. The motion was approved with 4 in favor and Mayor Cavanaugh and Councilwoman Price opposing the appointment.

Also, Councilman Sprawls recommended appointment of Keith Coones, SCANA, to the Board of Zoning Appeals. If appointed Mr. Coones would replace John Strack on the Commission and the term would expire December 1, 2002.

Councilman Sprawls moved, seconded by Councilwoman Clyburn, that Keith Coones be appointed to the Board of Zoning Appeals with the term to expire December 1, 2002. The motion was approved with 5 in favor and Mayor Cavanaugh opposing the appointment.

ANNEXATION - ORDINANCE 11132000GCRWNorthgate InvestmentWaters, JerryYork Street NEUS 1 NRutland DriveTPN 00-154-01-013 (portion of)TPN 00-154-01-014 (portion of)TPN 00-154.0-01-065

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 41.23 acres on York Street zoning 37.92 acres Residential Multifamily High Density (RMH) and 3.31 acres General Business.

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 41.23 ACRES OF LAND, MORE OR LESS, OWNED BY GCRW OF AIKEN, LLC, AND TO ZONE THE SAME GENERAL BUSINESS (GB) AND RESIDENTIAL MULTIFAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated the city has received an application to annex 41.23 acres from GCRW of Aiken, LLC. This group of investors is headed by Jerry Waters, and they intend to develop 55.56 acres of property located off York Street opposite Crosland Park, just north of the city limits. They requested that 37.92 acres of the 41.23 acres of property be zoned as Residential Multifamily High Density (RMH) and 3.31 acres fronting on York Street as General Business (GB). They met with City Council in a June work session to give us a better understanding as to what they were proposing. The application for annexation was approved on a 5 to 2 vote at the Planning Commission meeting of October 10, 2000. He pointed out the next item on the agenda also involves this project with this item requesting annexation since it is outside the city and the other item rezoning some property.

It has been the city's desire for many years to create more housing and business opportunities on the north side of Aiken. The Comprehensive Plan which has been developed for this area agrees with this plan except there is some concern about the possible strip commercial businesses fronting along Highway 1 and this is why two of the members had objections to this development. Earlier this year Council approved a shopping center which will be adjacent to this development with entrances off of York Street and Rutland Drive and at that time Council suggested that an entrance be created between the residential subdivision and the shopping center. It was also recommended that they create a central detention pond to encompass this development and the shopping center so as to create one stormwater pond instead of a series of smaller ponds.

The ordinance was approved on first reading with the following conditions:

1. The developer connects a driveway between the residential development and the shopping center to the south.
2. A common detention pond will be built for the entire development west of York Street.
3. The Planning Commission should review the area along York Street as it relates to the Comprehensive Plan.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance be passed on second and final reading to annex 41.23 acres consisting of 37.92 acres as Multifamily High Density (RMH) and 3.31 acres as General Business (GB), with the requirement that access be created between the residential subdivision and the commercial area, that one central detention pond be established for all the property and that the Planning Commission review the area along York Street as it relates to the Comprehensive Plan, and that the ordinance become effective immediately.

ZONING - ORDINANCE 11132000A

York Street NE  
Rutland Drive  
GCRW  
Waters, Jerry  
US 1 N  
Northgate Investment  
TPN 00-154.0-01-065

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone 14.32 acres located on York Street north of Rutland Drive from RS-10 to General Business and Residential Multifamily High Density (RMH).

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF 14.33 ACRES OF LAND, OWNED BY GCRW OF AIKEN, LLC, FROM RESIDENTIAL SINGLE FAMILY (RS-10) TO GENERAL BUSINESS (GB) AND RESIDENTIAL MULTIFAMILY HIGH DENSITY (RMH).

November 13, 2000

Mr. LeDuc stated GCRW of Aiken, LLC, an investment group headed by Jerry Waters, would like to develop a 55.56 acre parcel of property for residential development and general business along Highway 1. Of this total acreage 14.33 acres is within the city limits and is currently zoned Single Family (RS-10). They would like to rezone the portion fronting York Street to General Business consisting of 2.88 acres and the portion to the rear of this property Residential Multifamily High Density consisting of 11.45 acres. The remaining 37.92 acres is a part of the parcel which is requesting annexation to the city under similar zoning.

At the October 10, 2000, meeting the Planning Commission recommended approval of this rezoning on a 5 to 2 vote. The same concerns and conditions which were discussed in the item for the portion to be annexed should be considered for this rezoning petition. These items would consist of connecting a driveway between the residential development and the shopping center, a common detention pond for the entire region, and reviewing the Comprehensive Plan for the area along York Street.

The first reading approval was based on the following conditions:

1. The developer connects a driveway between the residential development and the shopping center to the south.
2. A common detention pond will be built for the entire development west of York Street.
3. The Planning Commission should review the area along York Street as it relates to the Comprehensive Plan.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading an ordinance to rezone 14.33 acres of property west of York Street across from Crosland Park with 11.45 acres to be zoned Residential Multifamily High Density and 2.88 acres to be rezoned General Business with the conditions that a driveway between the residential development and the shopping center be provided, a common detention pond for the entire region be established and that the Planning Commission review the Comprehensive Plan for the area along York Street and that the ordinance become effective immediately.

LICENSE ORDINANCE - ORDINANCE 11132000B

Business License  
Insurance Companies  
Municipal Association of South Carolina  
Agreement  
Contract

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Business License provision for insurance companies.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE (NO. 040896A) PROVISIONS FOR INSURANCE COMPANIES TO PROVIDE A PAYMENT DUE DATE OF MAY 31 FOR LIFE, ACCIDENT AND HEALTH INSURANCE COMPANIES AND APPROVAL OF CONTRACT WITH THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA TO COLLECT LICENSE FEES.

Mr. LeDuc stated the City of Aiken currently retains the South Carolina Municipal Association to help in the collection of business license fees for fire, casualty title insurance and on brokers for fire and casualty insurers. This has been in effect for approximately five years and the collection process has worked very well for the city.

Currently City staff collects business license premiums for life, health and accident insurance. This has become time consuming and more difficult to track as new companies continue to begin operations in South Carolina. Currently we collect approximately \$570,000 in business license premiums. If the Municipal Association began the collection of business license premiums for the City of Aiken, this would reduce the amount of time that Al Cothran would have to spend on this process. We are one of only seven cities in the state who currently do some or all of the collection with city staff. Our Finance Office feels that the Municipal Association could more than increase the collection from companies that we currently are not receiving premiums

from to pay for this service, which is 4% of the premiums. To help us evaluate this process the Municipal Association will allow us to enter into the program for one year at the 4% fee, but with a provision to rebate the city at 3% or 75% of the fees collected at the end of the first year. We would then be able to evaluate whether or not we should continue using them as our collection agency. If we decide to continue using the Municipal Association to collect our fees, then the fee thereafter would be 4% and this agreement would be able to continue from year to year until either one of the parties decided to terminate it. We recommend the use of the Municipal Association of SC to begin collecting our business license premiums.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance to enter into an agreement with the South Carolina Municipal Association for collection of our business license premiums for life, health, and accident insurance and that the ordinance become effective immediately.

TAXES - ORDINANCE 11132000C

Penalty Dates

Fiscal Year 2000-01  
2000-2001

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set the penalty dates for payment of taxes for fiscal year 2000-01.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO TEMPORARILY AMEND CHAPTER 21, CODE OF ORDINANCES OF THE CITY OF AIKEN, SOUTH CAROLINA, ENTITLED "TAXATION," BY AMENDING SEC. 21-9 THEREOF FOR FISCAL YEAR 2000-2001.

Mr. LeDuc stated the City of Aiken obtains tax information from Aiken County which is used yearly to send out tax notices to our citizens. For the last several years the city has received this information later than normal, as typically tax bills would have been completed in September. We have now received the tax bill information and have had an opportunity to review it and the Finance Department would like to have the bills in the mail by mid-November.

The staff is recommending that Council change the due dates on taxes for fiscal year 2000-01 to January 18, 2001 without penalty and that taxes paid after January 18, 2001 be subject to penalties as listed in the ordinance.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance to adopt a payment and penalty schedule for taxes for fiscal year beginning July 1, 2000, and establishing penalty dates for late payment after January 18, 2001, and that the ordinance become effective immediately.

SPECIAL TAX ASSESSMENT - ORDINANCE 11132000D

Historic Property

Rehabilitation

Tax Assessment

Taxes

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the approval authority for Special Tax assessment of rehabilitated Historic property.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 21-22(c) OF THE CODE OF THE CITY OF AIKEN TO ALLOW THE CITY OF AIKEN HISTORIC PRESERVATION COMMISSION TO ASSUME APPROVAL AUTHORITY FOR APPLICATIONS FOR SPECIAL TAX ASSESSMENTS OF REHABILITATED HISTORIC PROPERTIES.

Mr. LeDuc stated at the City Council work session of October 9, 2000, Council discussed the preservation of historic properties in Aiken. Everyone agreed

November 13, 2000

that it was very important that historic properties not fall into neglect. One way is to help owners of historic property when they undergo major rehabilitation by granting special tax property assessment relief for the qualified historic buildings.

In 1994 the city adopted an ordinance which offered tax incentives for rehabilitated property to be taxed at either 40% of the post rehabilitation assessment or 100% of the pre-rehabilitation assessment, whichever is greater, for eight years. At the end of the eight year period, the property taxes would then be based on the post rehabilitation assessment. To date only four properties in Aiken have taken advantage of this tax assessment, which is possibly due to the fact that they need to apply for this relief through the South Carolina Department of Archives and History.

The South Carolina Department of Archives and History has now given the city the ability to approve these applications and will provide the necessary training so it can be done on the local level. The staff is recommending a new policy which would be implemented by our historic preservation personnel, who would review these applications based on our standards for rehabilitation. If the standards are met and the owner proceeds with the work based on these standards, then the property would be eligible for this tax relief through the Historic Commission. Our staff could help in this process and make it less intimidating and hopefully increase interest by more property owners to rehabilitate historic properties in Aiken. Mr. LeDuc pointed out the proposed tax breaks would apply to both city and county taxes for the approved properties.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to amend Section 21-22(c) of the Code of the City of Aiken to allow the City of Aiken Historic Preservation Commission the ability to approve applications for special tax assessment of rehabilitated historic properties and that the ordinance become effective immediately.

#### ZONING ORDINANCE - ORDINANCE 11132000E

##### Historic Preservation Commission Appeals

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance regarding reconsideration of final decisions of the Historic Preservation Commission.

Mr. LeDuc read the title of the ordinance.

##### AN ORDINANCE REPEALING SECTION 5.1.5.I OF THE CITY OF AIKEN ZONING ORDINANCE REGARDING RECONSIDERATION OF FINAL DECISIONS OF THE HISTORIC PRESERVATION COMMISSION.

Mr. LeDuc stated that on September 11, 2000, City Council gave first reading to a proposed amendment to the Zoning Ordinance to delete 5.1.5.i. regarding reconsideration of decisions by the Historic Preservation Commission on Certificates of Appropriateness.

The Historic Preservation Commission voted unanimously to repeal that section as recommended by our Staff Attorney. This section provides for reconsideration by the Commission of a final decision that has been made on applications. However, the South Carolina Court of Appeals ruled recently that the provision is outside the scope of the State enabling legislation and so is unenforceable. South Carolina Code Section 6-29-900 requires appeals of final decisions of the Commission in the Common Pleas Court. The applicant still has other provisions when trying to appeal a decision of the Historic Preservation Commission. These include reapplying after one year an appeal to the Circuit Court seeking reconsideration of the hearing asking that the matter be continued when the decision is made and withdrawal of the application prior to a final vote.

At the October 10, 2000, Planning Commission meeting, the Commission recommended approval on a 6 to 1 vote. Commissioner Ronny Bolton voted against the motion stating that he thinks this is just another step towards removing the right of the citizens to appeal to City Council. Since this is

the ruling of the state's Court of Appeals we feel there is no other choice, however, and are recommending Council's approval.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to repeal Section 5.1.5.I of the Zoning Ordinance regarding reconsideration of final decisions of the Historic Preservation Commission and that the ordinance become effective immediately.

#### SAVANNAH RIVER SITE

##### Proclamation 50th Anniversary

Mayor Cavanaugh stated a proclamation had been prepared recognizing the 50th Anniversary of the Savannah River Site.

Mr. LeDuc stated the Savannah River Site is celebrating its 50th anniversary this year and many feature articles about the plant have been run in the newspaper. We have prepared a proclamation for Council's approval in support of the Savannah River Site. The SRS has been a very vital part of our community since the 1950's, and we are very proud of their accomplishments and their contributions to our country's welfare.

Councilman Cunning moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve the proclamation congratulating and supporting the Savannah River Site on its 50th Anniversary.

#### MOTEL - ORDINANCE

Holiday Inn Express  
Colony Parkway  
Whiskey Road  
Shah, Ramesh  
Marriott-Fairfield Inn  
Fairfield Inn  
RAS of Aiken, LLC  
TPN 30-055.0-11-009

Mayor Cavanaugh stated an ordinance had been prepared to amend the ordinance which extended the time for construction of an extension to the Holiday Inn Express on Colony Parkway.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING ORDINANCE NUMBER 031196A AND ORDINANCE NUMBER 051099B.

Mr. LeDuc stated several years ago the city granted the owners of the Holiday Inn Express rezoning of the property located east of the Holiday Inn from Professional to Neighborhood Business for the expansion of the motel property.

In 1999 when they asked for an extension of the time, the city gave them until the end of 2000 to construct the building. They ran into some difficulties with the expansion of the Holiday Inn but now have a firm contract and funding to build a Marriott-Fairfield Inn & Suites on the vacant property next to them. Should Council approve this ordinance they will begin the design phase and start construction by late winter.

With the change in scope and designation as a Marriott, Mr. Ramesh Shah, owner of the property, is requesting that the City of Aiken extend this agreement to allow him to construct the motel with construction to be completed in year 2001.

City staff, after reviewing this issue, would like to recommend that Council consider amending the previous two ordinances relating to the rezoning of the property in order to remove the conditions that were imposed on the rezoning at that time. Under the proposed ordinance there would no longer be a time restriction on the construction of the intended improvements. In addition, the owner would be allowed to construct a separate hotel structure rather than simply extending the existing structure as is allowed under the earlier ordinance. This gives the owner the flexibility to move forward with the Marriott-Fairfield project. However, this amendment would also permit any other commercial use allowed under the General Business category. Council had

imposed the earlier restrictions on the commercial rezoning in order to ensure that other uses that might not be appropriate for this sensitive area would not be permitted on the property.

Councilman Cuning moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on first reading an ordinance amending Ordinance 031196A and Ordinance 051099B to remove the conditions previously imposed by City Council on the rezoning of the property adjacent to the Holiday Inn Express on Colony Parkway in order for the owner to construct a Marriott-Fairfield Inn and Suites adjacent to the Holiday Inn Express on Colony Parkway and that second reading and public hearing be set for the next regular meeting of Council.

#### ADDITION TO AGENDA

Mayor Cavanaugh stated Council wanted to add an item to the agenda regarding abolishing the Annexation Study Committee.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council add the abolishment of the Annexation Study Committee to the agenda.

#### ANNEXATION STUDY COMMITTEE

##### Boards and Commissions

##### Abolishment

##### Appointments

Mayor Cavanaugh stated Council discussed in the work session abolishment of the Annexation Study Committee since there was no need for the Committee at this time. This committee was appointed several years ago, but it has not been active for two or three years and there is no reason to think it will be used in the next several years.

Councilman Anaclerio moved, seconded by Councilman Cuning and unanimously approved, that Council approve the abolishment of the Annexation Study Committee as there was not a need for the Committee at this time.

#### EXECUTIVE SESSION

Mayor Cavanaugh stated Council needed to go into executive session to discuss a contractual matter and a personnel matter.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss a contractual matter and a personnel matter.

Council went into executive session at 8:30 P.M. After discussion, Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the executive session end. The executive session ended at 9:35 P.M.

#### ADJOURNMENT

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



Sara B. Ridout  
City Clerk