

Aiken City Council Minutes

March 12, 2001

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Pete Frommer, Terry Rhinehart, Ed Evans, Stanley Quarles, Richard Pearce, Anita Lilly, Sara Ridout, Adam Burton from the Aiken Standard, Margaret O'Shea from Augusta Chronicle and about 85 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of February 26, 2001, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

PRESENTATION

Aiken Elite Cheerleading Team  
Cheerleaders

Mayor Cavanaugh stated Council would like to make a presentation to the Aiken Elite Cheerleading Team.

Mr. LeDuc stated the Aiken Elite Cheerleading Team is composed of young girls in grades 6 through 9 for junior competition and 9 through 12 for senior competition. The Aiken Elite All Star Cheerleaders recently attended the CHEERSPORT National Championship 2001 from January 26 – 28 held at the Georgia International Convention Center in Atlanta, Georgia. The Aiken Elite All Star Juniors competing for the first time ever were selected as the 2001 National Champions as they competed against 23 teams from across the country. This was not only their first year competing at the nationals, but also as a junior competition squad consisting of 20 cheerleaders. The Aiken Elite All Star Seniors, who were the national champions in 2000, came in third against some very tough competition. The coach of the team, Barbara Kneece, was present to present to City Council the National Junior Champions for the United States.

Mayor Cavanaugh asked that the Aiken Elite All Star Juniors come forward and introduce themselves as well as the coaches who work with them. He presented to the Aiken Elite All Star Juniors a plaque honoring them and recognizing their accomplishment.

PRESENTATION

Aiken Choral Society

Mayor Cavanaugh stated the Aiken Choral Society wanted to make a presentation to Council.

Mr. LeDuc stated last year City Council passed a resolution designating March 4, 2000, as Aiken Choral Society Day and Bill Collins of the Aiken Choral Society was present to make a presentation to Council.

Bill Collins of the Aiken Choral Society presented to the city a compact disc in honor of the first anniversary of Aiken Choral Society Day. This is a recording of their performance at the 1999 Piccolo Spoleto. This particular recording has been played several times on the South Carolina Public Radio Broadcast System and was released last year by the Aiken Choral Society. This year they have been invited back to perform at the Piccolo Spoleto Festival for their fourteenth appearance. Mr. Collins stated the Aiken Choral Society wished to express their appreciation to the City of Aiken for the support they have given to the Choral Society consistently over the years.

## BOARDS AND COMMISSIONS

### Appointments

Brohl, Edward C.

Strack, Barbara

Community Development Committee

Redd, Tim

Bradley, Walter

Building Code Appeals Committee

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

Mr. LeDuc stated Councilman Sprawls has recommended appointment of Edward C. Brohl, 188 Sandstone Boulevard, to the Community Development Committee. This appointment would replace Barbara Stack. If appointed, Mr. Brohl's term would expire September 2, 2002.

Councilwoman Clyburn has recommended appointment of Tim Redd to the Building Code Appeals Committee. This appointment would replace Walter Bradley and would fill his unexpired term. If appointed, Mr. Redd's term would expire May 12, 2002.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council appoint Edward C. Brohl to the Community Development Committee to replace Barbara Strack with the term to expire September 2, 2002, and that Tim Redd be appointed to the Building Code Appeals Committee to fill the unexpired term of Walter Bradley with the term to expire May 12, 2002.

## ANNEXATION – ORDINANCE 03122001

Hamilton Drive 1515

Findley, James E.

Findley, James R.

Silver Bluff Road

TPN 30-037.0-01-040

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 1515 Hamilton Drive.

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 1.34 ACRES OF LAND, MORE OR LESS, OWNED BY JAMES E. FINDLEY AND JAMES R. FINDLEY AND LOCATED AT 1515 HAMILTON DRIVE AND TO ZONE THE SAME RESIDENTIAL MULTIFAMILY LOW DENSITY (RML).

Mr. LeDuc stated James E. and James R. Findley would like to annex property at 1515 Hamilton Drive. This property consisting of 1.34 acres would be zoned RML Residential Multi-Family Low Density in order for the applicant to construct six duplexes totaling twelve units. The section of Hamilton Road in front of this property is unpaved. There are currently other multi-family properties along Hamilton Drive and this zoning would be appropriate for that area.

The Planning Commission considered this item at their February 13, 2001, meeting and have recommended approval of the annexation to Council based on the following conditions:

1. That the zoning be RML instead of RMH as originally requested. The RML would allow 16 units and fits well within the request of the 12 units which they desire.
2. That Hamilton Drive be paved in front of their development or the applicant contribute to the City of Aiken money equal to the cost of paving that section of the roadway. If they choose this methodology then the City of Aiken would pave this portion of the roadway at a later date.

3. That the right of way in front of this property also be included in the annexation.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance to annex 1515 Hamilton Drive to be zoned RML be passed on second and final reading and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE 03122001A

Westwood Subdivision

Aiken Estates

Whiskey Road

Cedarwood Park 129

Baker, Ronald W and Linda L

TPN 30-019.0-01-041

Westwood Drive 115

DeMass, James G and Alisa F

TPN 30-019.0-01-038

Westwood Drive 116

McCormick, Leach S

TPN 30-019.0-02-005

Westwood Drive 119

Reed, Shawn R and Nancy C

TPN 30-019.0-01-037

Evans Road 1330

Baumann, Norman P and Elizabeth W

TPN 30-019.0-01-012

Evans Road 1333

Cole, Mary C

TPN 30-019.0-02-003

Evans Road 1334

Harmon, Harold and Retha B

TPN 30-019.0-01-013

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex seven lots in Westwood Subdivision located in the Aiken Estates area.

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 SEVEN (7) LOTS TOTALING 5.9 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL PROPERTY OWNERS AND LOCATED IN WESTWOOD SUBDIVISION, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated seven different owners of single family residential property totaling 5.9 acres in the Westwood Subdivision desire to annex into the City of Aiken. These properties are located at 129 Cedarwood Park, 115, 116 and 119 Westwood Drive, 1330, 1333 and 1334 Evans Road. The proposed zoning for the property is RS-15 which is consistent with the surrounding properties. The owners are interested in receiving general city services and understand that sewer service is not available and will remain unavailable for the near future. The right of way would not be annexed in front of these properties.

The Planning Commission voted unanimously that these properties be approved for annexation to the City of Aiken.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance to annex seven properties in the Westwood Subdivision to

be zoned RS-15 be passed on second and final reading and that the ordinance become effective immediately.

#### AIRPORT – ORDINANCE

FBO

Robbins, Royal

Laver, Mike

Fixed Base Operator

Airport Boulevard

Land Purchase

R. L. Enterprises

Mayor Cavanaugh stated an ordinance had been prepared for first reading to sell land at the airport to the Fixed Base Operator.

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 REAL ESTATE, COMPRISING .67 ACRES, MORE OR LESS, LOCATED AT THE AIKEN MUNICIPAL AIRPORT TO RL ENTERPRISES.

Mr. LeDuc stated our FBO at the airport, Royal Robbins and Mike Laver, have reassigned their lease at their current building. To facilitate this move they would like to purchase approximately .67 acres of property located at the corner of Airport Boulevard (the entrance into the airport) and the roadway which travels to the hangar operation on the northside of the airport. Based on an appraisal report completed in August, 1998, by Hollingsworth Appraisal Company out of Augusta, the property adjoining the airport (but not fronting U.S. 1) has a value of approximately \$14,000 per acre. Assuming an increase of 2 ½% per year, the FBO operator and the city agree the fair market value of the property should be \$14,700 per acre. Thus the price of the land which they would like to purchase will be \$9,849 for this acreage. Presently the FBO is uncertain as to the exact configuration of that acreage and would like City Council to approve this sale based on the \$14,700 price per acre for the approximately .67 acres of land which they will need. Once the property is surveyed the price would then be adjusted for the acreage they desire based upon this price.

Councilman Anaclerio stated he hoped the façade of the proposed building would be compatible with the façade of the new terminal building at the airport.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance for the sale of approximately .67 acres of land to the Fixed Base Operator at \$14,700 per acre with the stipulation that the plans for the building be presented to Council for review for compatibility with the new airport terminal building and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

#### ZONING ORDINANCE – ORDINANCE

Horse District

Tack Shops

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration regarding allowing Tack Shops in the Horse District. He stated Council was asked by Mr. Bruce McGhee that the proposed ordinance be removed from the agenda. Mr. McGhee had originally asked for several amendments to the Zoning Ordinance to allow various activities at McGhees Mile Track. Mayor Cavanaugh asked what Council would like to do.

Councilman Radford moved, seconded by Councilman Sprawls and unanimously approved, that Council remove from the agenda first reading of an ordinance to allow a tack shop in the Horse District zone under special exception.

Mr. Smith, City Attorney, pointed out that the Zoning Ordinance does require Council to review proposed amendments to the Zoning Ordinance within a reasonable period of time so the matter should be considered by Council in the near future. He suggested that Council consider the matter at least by April.

#### ANNEXATION – ORDINANCE

##### Incentive

##### Large Tracts

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration for annexation of large tracts of land.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE ESTABLISHING INCENTIVES FOR THE ANNEXATION OF LARGE TRACTS OF REAL ESTATE INTO THE CITY OF AIKEN.

Mr. LeDuc stated several months ago, Council discussed providing incentives in exchange for the annexation of large tracts of real estate of 500 acres or more. This ordinance would allow property which is contiguous to the city of 500 acres or more to apply for the annexation incentive program. It would require the owner to file an annexation petition with the City of Aiken's Planning Department, with a deed showing the applicant's property to be annexed, a description of the common areas proposed for development and what portions would not be developed. The property would then be presented for annexation to City Council following review by the Planning Commission. If approved by City Council the incentive payment would be based on the property being annexed up front and fundable for up to three years. Moreover, it would be based on the number of acres owned by the owner at the end of each year multiplied by the acreage or lot appraised value multiplied by .06 multiplied by the applicable millage rate. Thus after the taxes are paid, the land owner would receive an incentive payment for that property which is still not sold and owned by the applicant. At the end of a three year period, the incentive payment would cease, whether or not the property had been sold by the applicant. Each year, the number of acres entitled to the incentive payment would be reduced by the number of acres or lots sold by the owner in each of the previous calendar years. It is up to the owner to provide a copy of each of the deeds for all real estate sold by them during each year. These properties would also be clearly delineated upon a plat which is presented to the city. In no event shall the owner be entitled to this incentive for more than three years except for property which is developed as a golf course which would be entitled to this incentive for up to a five year period.

Councilman Radford asked if possibly the acreage for the tract to receive the incentive could be lower, possibly 100 acres or something smaller than 500 acres.

Mr. LeDuc responded that Council could consider a lower acreage, but usually acreages of 200 acres or less are annexed at the same time so there was no reason to offer an incentive for smaller acreages. He pointed out Woodside was a large area and they have been annexing the property piecemeal.

Council discussed the proposed ordinance briefly asking questions about the size of the property for the incentive and how the incentive would be figured.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to establish an incentive for the annexation of large tracts of real estate into the City of Aiken and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

DEVELOPMENT AGREEMENT – ORDINANCE

Woodside Development  
Agreement  
Utility Services

Mayor Cavanaugh stated an ordinance had been prepared for first reading concerning a Developers Agreement with Woodside Development Co.

Mr. Cunning stated he felt he had a conflict of interest on this item since the bank for which he works holds the loan for Woodside. He left the Council Room while this item was discussed and did not participate in the vote.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A DEVELOPMENT AGREEMENT WITH WOODSIDE DEVELOPMENT, LP.

Mr. LeDuc stated Woodside Development would like to enter into a Developers Agreement with the City of Aiken for approximately 700 acres of land contiguous to the City limits. The owner agrees to annex all the property within this area, including the golf course, based on the incentive ordinance for large tracts of land. All water, sewer, streets, curbing, and storm drainage will be constructed as per the City of Aiken specifications. If the owner satisfies all of the requirements of the City's Land Development Regulations, it would be entitled to the \$8.00 per linear foot reimbursement as set forth within those requirements. The owner shall retain ownership of all storm drainage facilities located on the property of the project until they are transferred to the property owner's association. Likewise, the owner will also retain ownership and be responsible for maintaining all the streets located in the project until they are also transferred to the property owner's association. The developer's agreement details other items which are typically in agreements that the City has signed for other residential developments. Our attorneys and staff have worked with Woodside on this agreement and the staff recommends its approval to City Council.

Mr. LeDuc pointed out the \$8 per linear foot for installing water, sewer, storm drainage, curb and gutter, etc. according to city regulations is an incentive and does not pay the entire cost of the improvements. Council discussed briefly whether the incentive was adequate at this time or if the incentive of \$8 was getting further away from the actual cost since the fee was established several years ago.

Councilwoman Price asked for clarification of the incentive for annexation of large tracts and the developers agreement and reimbursement for installation of curb and gutter, etc. according to city regulations.

Mr. LeDuc reviewed the proposed annexation incentive for large tracts and the reimbursement for installation of curb and gutter in developments.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance concerning a developer's agreement between the City of Aiken and Woodside Development and that second reading and public hearing be set for the next regularly scheduled meeting.

Councilman Cunning returned to the Council Chambers at this point.

STREET

SC Department of Transportation  
Highway Department  
South Carolina Department of Transportation  
Pine Log Road  
Huntsman Drive  
Casaba Drive  
Turn Lanes

Mayor Cavanaugh stated Council needed to review the plans for the addition of turn lanes off Pine Log Road onto Huntsman Drive and Casaba.

Mr. LeDuc stated City Council reviewed in the work session the South Carolina Department of Transportation plans for the addition of left turn lanes off of Pine Log Road onto Huntsman Drive and Casaba Drive. These plans have been reviewed through public hearings by the Department of Transportation, and they are now submitting the plans for final review and approval by City Council.

In the work session Council reviewed these plans, and the Department is now requesting City Council approval to allow this project to move forward with construction to take place later this year. We have received several complaints over the years by citizens about this intersection, and these plans should resolve most, if not all, of these complaints.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council accept the plans for adding left turn lanes and traffic signals at the intersection of Pine Log Road at Huntsman Drive and Casaba Drive as proposed by the S.C. Department of Transportation.

UTILITY SERVICE

Aiken County Detention Center  
Water Service  
Sewer, Sanitary  
Fire Service  
Wire Road 435  
Annexation Agreement  
Agreement  
TPN 00-177-01-002

Mayor Cavanaugh stated Council has received a request from Aiken County for utility services to the new Aiken County Detention Center on Wire Road.

Mr. LeDuc stated the County of Aiken desires water, sewer, and fire service at their new Aiken County Detention Center on Wire Road. The City has entered into an annexation and service agreement to provide these services. At the February 12 meeting, Council discussed this agreement and the need for the County to have these services at the facility. The County is willing to build a gravity sewer line from the current lift station at the Lower Savannah Release Center to this location and a force main which would run under Highway 1 beyond the water treatment plant and enter into our existing main sewer system. The lift station located at the Lower Savannah Release Center would be removed and a new one built at the new detention center. This new lift station, force main, and gravity line will be sized to serve the center and the entire surrounding area while eliminating an older lift station. For this reason, the City will be contributing \$75,000 towards the construction of these facilities. The annexation and service agreement has been signed by the County.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the request of Aiken County to receive water, sewer, and fire service at the Aiken County Detention Center on Wire Road.

RESOLUTIONCapital Projects Sales Tax  
Local Option Sales Tax  
Sales Tax  
Distribution

Mayor Cavanaugh stated that Council needed to consider a resolution requesting Aiken County to distribute the Capital Projects Sales Tax (Local Option Sales Tax) on a prorata basis.

Mr. LeDuc stated at the last City Council meeting Gary Smith discussed the city's concern about the distribution of the recently approved 1 cent Capital Projects Sales tax in Aiken County. City Council authorized him to proceed with North Augusta and the other municipalities in working with the County through the court system to have a judge declare how the money should be distributed to the various municipalities.

Since our last meeting the attorneys from North Augusta and Aiken have discussed this further and feel a better first step could come about through asking the County Treasurer to distribute on a quarterly basis the proceeds from the 1 cent Capital Projects Sales tax. This would be in accordance with the decision of the Tax Commission and the understanding that the Aiken County Council and each of the municipalities had concerning the funding for these projects. The City of North Augusta has already approved a resolution and upon City Council's approval this resolution would be sent to the Aiken County Treasurer to comply with the original intent of the Aiken County Tax Commission, of which Mike Anaclerio was the city's representative. This would be to distribute the sales tax on a quarterly basis as the Tax Commission set up the proposed sales tax.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council approve a resolution to the Aiken County Treasurer requesting the Capital Projects Sales Tax proceeds be distributed on a prorata basis to all participating Aiken County governments.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 P.M.

  
Sara B. Ridout  
City Clerk