

Aiken City Council Minutes

September 27, 1993

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Perry, Price and Radford.

Others Present: Steve Thompson, Jim Holly, Frances Thomas, Roger LeDuc, Carrol Busbee, Ed Evans, Terry Rhinehart, Stanley Quarles, Anita Lilly, Sara Ridout, Philip Lord of the Aiken Standard, Michael Lee of the Augusta Chronicle, and 6 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag.

Councilwoman Papouchado stated that on behalf of Council she would like to extend condolences to the family of Polly Sears. She pointed out Polly's husband, Dick Sears, had served on the Planning Commission for many years. She stated Polly had been quite involved with the SPCA and had worked with the city in obtaining a contract for the SPCA to take the animals picked up by the city. She stated Polly had lived well, fought well, loved well, and had great compassion. She stated Polly was largely responsible for taking care of the animals in Aiken. She stated Polly would be sorely missed in the community.

The minutes of the regular meeting of September 13, 1993, were considered for approval. Councilman Anaclerio moved that the minutes be approved as corrected. The motion was seconded by Councilwoman Papouchado and unanimously approved.

YOUTH ADVISORY COMMISSION

Appointment

Anderson, TaKaya

Mayor Cavanaugh stated Council wished to make an appointment to the Youth Advisory Commission. He stated the Youth Advisory Commission had recommended that Miss TaKaya Anderson be appointed to the Youth Commission. Mayor Cavanaugh stated she has been attending the meetings and participating in their discussions.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado and unanimously approved, that TaKaya Anderson be appointed to the Youth Advisory Commission.

The consensus of Council was that the Youth Advisory Commission establish their own membership number, with the members to be appointed by Council.

SIGN MORATORIUM - ORDINANCE 092793

Extension

Free Standing Signs

Signs

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance extending the moratorium on free standing signs.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE EXTENDING THE MORATORIUM ON ISSUANCE OF ALL CITY PERMITS, LICENSES, AND APPROVALS RELATING TO FREE STANDING SIGNS AND SIGN STANDARDS IN ALL BUSINESS, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS UNTIL DECEMBER 13, 1993.

Mr. Thompson stated that at the September 13, 1993, meeting City Council voted to extend the moratorium on free standing signs and sign standards in all business, commercial and industrial zoning districts for 90 days. The proposed ordinance extends the moratorium through December 13, 1993. Council asked the Planning Commission and the Sign Ordinance Review Committee to work together to develop a new ordinance or new recommendations to Council for free standing signs and possibly for the full comprehensive sign ordinance. The study committees have been asked to provide a recommendation on signs by December 1, 1993.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance extending the sign moratorium through December 13,

1993, be passed on second and final reading, effective retroactively to September 13, 1993.

HIDDEN HAVEN - ORDINANCE 092793A

Streets
Dedication
Silver Bluff Road
Woodside Plantation

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to accept ownership of the streets and rights-of-way in Hidden Haven Subdivision.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF THE STREETS AND RIGHTS-OF-WAY OF HIDDEN HAVEN SUBDIVISION AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS THEREFOR.

Mr. Thompson stated Hidden Haven Subdivision had been annexed into the city recently. The city has accepted ownership of the utilities serving Hidden Haven, but there had been some questions regarding the streets and rights-of-way. This matter has been cleared and the Homeowners' Association is asking the city to accept dedication of the streets and rights-of-way in Hidden Haven. The question about the streets involved Polaris Drive becoming a through street to serve property behind Hidden Haven. Under the restrictive covenants of Hidden Haven, the residents do not have the ability to restrict access to property in the rear of Hidden Haven. The homeowners association has asked the city to accept the streets as public streets and accept ownership of the streets.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance accepting ownership of the streets and rights-of-way in Hidden Haven by the City of Aiken be passed on second and final reading to become effective immediately.

ZONING ORDINANCE - ORDINANCE 092793B

Amendment
Accessory Uses
Accessory Buildings
Industrial Zones
Planned Unit Development Zone

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to allow accessory uses in the Industrial and PUD zones.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION II.B.1. AND SECTION VII.B. OF THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW ACCESSORY BUILDINGS OR USES IN THE PLANNED UNIT DEVELOPMENT, LIGHT INDUSTRIAL, AND SUBURBAN INDUSTRIAL ZONING DISTRICTS AND PROVIDING THE BUILDING INSPECTOR AUTHORITY TO INCREASE THE SETBACK THEREFOR BEYOND SEVEN FEET IN THE LIGHT INDUSTRIAL AND SUBURBAN INDUSTRIAL ZONING DISTRICTS.

Mr. Thompson stated the city had received a request that a storage shed be allowed in the Light Industrial Zone. Accessory buildings are allowed in most zones in the city, however the laundry list for Light Industrial does not include accessory buildings. The Planning Commission has reviewed this and has recommended that the Zoning Ordinance be amended to allow accessory buildings and accessory uses in the Light Industrial, Suburban Industrial, and Planned Unit Development zones.

An accessory building or use is a building limited to no more than two stories. The building must be located at least seven feet from the side and rear lot lines. The Planning Commission recommended that in the Light Industrial and Suburban Industrial zones that accessory buildings be allowed with the stipulation that the Building Inspector may increase the setback to more than seven feet if he feels that a greater setback is necessary. The Department of Public Safety has been concerned that the proposed ordinance could result in a lesser setback requirement within the Suburban and Light Industrial zones. Adequate setback is needed to allow fire equipment to get between buildings. An amendment has been suggested

that would give the Building Inspector greater flexibility on this, but retaining the minimum of seven feet for side and rear setbacks.

Mr. Holly stated a proposed amendment had been made to the ordinance to state that the Building Inspector initially determines the setback in the Light Industrial and Suburban Industrial zones, but in no event shall the setback be less than seven feet. He said the ordinance was initially drafted to state that the setback in the Light Industrial and Suburban Industrial zoning districts was seven feet, but the Building Inspector could require more than seven feet. Mr. Holly stated the Building Inspector will consider the proposed use for the accessory building in determining how much setback should be required. The Building Inspector determines the setback for the accessory building, but it cannot be less than seven feet from the property line.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the amendment to the ordinance amending the Zoning Ordinance regarding setback for accessory buildings be approved.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending the Zoning Ordinance regarding accessory uses in the Light Industrial, Suburban Industrial and the Planned Unit Development zones, as amended, be passed on second and final reading to become effective immediately.

TREE PROTECTION AND LANDSCAPE ORDINANCE 092793C

Amendment
Tree Ordinance
Landscape Ordinance

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to amend the Tree Protection and Landscaping Ordinance.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN TREE PROTECTION AND LANDSCAPING ORDINANCE (ORDINANCE NO. 060892) ADOPTED BY THE COUNCIL OF THE CITY OF AIKEN ON JUNE 8, 1992, TO DECREASE THE DEPTH OF THE REQUIRED PLANTING STRIP, DECREASE THE SIZE OF LARGE TREES REQUIRED TO BE PLANTED, REQUIRE PLANTING AREAS ALONG THE SIDE AND REAR PROPERTY LINES, ENLARGE THE AUTHORITY OF THE CITY HORTICULTURIST, CHANGE THE LANDSCAPED AREA REQUIREMENTS FOR VEHICULAR USE AREAS, PROVIDE FOR ADDITIONAL APPEALS, CLARIFY THE APPLICATION OF THE ORDINANCE TO EXISTING DEVELOPMENTS, PROVIDE FOR EXPIRATION OF LANDSCAPE PLAN APPROVALS, AND MAKE OTHER CHANGES THERETO FOR THE PURPOSE OF FURTHERING THE EFFECTIVENESS AND PRACTICABILITY OF THE ORDINANCE.

Mr. Thompson stated Council had adopted a Landscape Ordinance in June of 1992. As part of that ordinance Council asked that the Planning Commission review the effects of the ordinance after six months of operation. The proposed ordinance is a result of the study. The Planning Commission has recommended some changes to the ordinance, easing somewhat the restrictions for landscaping and tree protection within the city. The amendments will decrease the depth of the planting strip, will allow property owners to use three inch trees instead of four inch trees, will require a planting strip along the side and rear property lines, will give the City Horticulturist authority to approve landscaping in the planting strips and the islands, and will allow landscaped areas adjacent to parking areas to be counted to meet the landscape requirements.

Mr. Holly pointed out the ordinance still contains provisions that allows a neighbor to an area being developed who has a substantial interest in what is going on, to appeal to the Planning Commission or City Council if a variance is granted on the project from what the ordinance requires. The proposed ordinance also gives the City Horticulturist more flexibility and discretion in setting the number of trees planted in a planting strip, parking islands and other places. The ordinance does allow a person with substantial interest who will be affected by the project to appeal to the Planning Commission their disagreement with whatever the City Horticulturist decides is the maximum number of trees to be in a planting strip or island.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance amending the Tree Protection and Landscaping Ordinance be passed on second and final reading to become effective immediately.

PUBLIC SAFETY VOLUNTEERS - ORDINANCE 092793D

Handicapped Parking
Volunteers
Public Safety Department

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on the ordinance authorizing the appointment of volunteer enforcement officers for special duties.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-72 OF THE AIKEN CITY CODE SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO APPOINT VOLUNTEER ENFORCEMENT OFFICERS WITH LIMITED DUTIES UNDER SPECIAL CIRCUMSTANCES.

Mr. Thompson stated several suggestions had been made that senior citizens serve as volunteers to police handicapped parking spaces. He pointed out several cities had adopted such a program. He said the staff had reviewed this proposal and felt there was a potential for a problem with the program, but also felt the program could be very positive in working with volunteers and in eliminating parking problems for disabled citizens.

The proposed ordinance would allow the Director of Public Safety to designate volunteers to serve in the program with limited police powers. The volunteers would write parking citations for individuals that violate the handicapped parking space laws.

Councilmembers expressed some concern about the handicapped parking spaces being clearly marked so citizens will know the spaces are marked for handicapped persons. It was stated one of the first things the volunteers will do is to survey the parking spaces to be sure they are clearly marked and contact the businesses if the spaces need to be remarked. Council also asked about the city's liability if a volunteer were to get hurt ticketing illegally parked cars. Mr. Thompson stated the city will require that the volunteers sign a release from any liability in performing their duties.

The public hearing was held and no one spoke.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance authorizing the Public Safety Director to appoint volunteer enforcement officers with limited duties under special circumstances be passed on second and final reading to become effective immediately.

AIRPORT - ORDINANCE 092793E

Land Acquisition
Southeastern Clay Company
Aiken Municipal Airport

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance authorizing the purchase of 1.8 acres from Southeastern Clay Co.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 1.8 ACRE TRACT OF LAND LOCATED ADJACENT TO THE AIKEN MUNICIPAL AIRPORT FROM SOUTHEASTERN CLAY COMPANY SO AS TO COMPLY WITH FEDERAL AVIATION ADMINISTRATION RUNWAY PROTECTION REQUIREMENTS AND AUTHORIZING THE MAYOR, BY AND WITH THE ATTEST OF THE CITY CLERK, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE.

Mr. Thompson stated under Federal Aviation Administration laws the city must maintain an obstruction-free zone going into the runways at the Aiken Airport. Over the years the city has struggled to keep trees out of the obstruction-free zones. About five years ago the free zone was expanded into an area that the city had no control over as the city did not own the property. The FAA has offered the city a grant of \$57,150 to purchase property near the airport to help protect the clear zone. The City of Aiken negotiated with the property owners, Southeastern Clay Company, to purchase 1.8 acres adjacent to the airport for \$55,980. The city had spent about \$7,000 in other expenses including appraisals, plat preparation,

etc. which will make the expenditure the amount of the grant plus the 10% match which the city has to provide.

Mr. Thompson stated the ordinance authorizes the purchase of the 1.8 acre tract from Southeastern Clay Company for \$55,980 to protect the flight zones of the Aiken Municipal Airport.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance authorizing the purchase of 1.8 acres from Southeastern Clay Company for \$55,980 to protect the flight zones of the Aiken Municipal Airport be passed on second and final reading to become effective immediately.

BUS SERVICE

Best Friend Express
Dial-A-Ride
Funds
Aiken County

Mayor Cavanaugh stated Council had added an item to the agenda concerning funds for the Best Friend Express bus service operated by Aiken County. He stated Council had held a work session with the Chairman of the Transit Commission, Kit Galton, prior to the Council meeting and discussed the request for funding from the City of Aiken to support the bus service.

Mr. Thompson stated Kit Galton, Chairman of the County Transit Commission, was present and could answer any questions by Council. Mr. Thompson stated City Council reviewed the funding request in June, 1993, from Aiken County requesting \$11,000 for the bus service. He said Council had supported the transit system for the past three years. This year Council felt the city should not continue funding of the mass transit system, but was interested in assisting with funding for transportation for the disabled. Council asked that representatives from the Aiken County Transit Commission meet with Council and try to work out some type of voucher system or other formula to allow the city to help with services for the disabled. Mr. Thompson stated the staff had met with Mr. Galton, Mr. Shepherd, Aiken County Administrator, and other members of the county staff and had provided City Council with the budget and breakdown of the services for the bus service.

Mr. Thompson pointed out the budget for the Transit System is \$366,316. This total includes 80% funding by the state and federal governments, 4% funding by United Way, 4% funding through fares, \$2,400 through miscellaneous, and 8% funding by Aiken County. The Transit System is asking the city to fund 3% of the total budget, or \$11,000.

An analysis of the ridership indicates that approximately 100 people in Aiken are certified as disabled for the system and participate in the Dial-A-Ride program. The Dial-A-Ride program costs approximately \$25,000 per year. The Best Friend Express costs a total of \$341,316, and of this total approximately 15% are disabled. According to Transit System figures approximately 43% of the passengers board or exit the system in Aiken. Mr. Thompson pointed out the ridership figures indicate that the system primarily serves the disabled, the elderly and the low income residents of Aiken and Aiken County.

Councilman Anaclerio stated he had been very vocal about city support of the bus service because of the dual tax payments, as the citizens of Aiken are citizens of Aiken County so they basically pay twice for the service. He said he does feel that the need for the service has been shown, especially for handicapped individuals. He said the cost of the service seems to increase and the request for funds from the Transit System increases. He stated he would like to provide a fixed rate which the Transit System can expect the City of Aiken to pay rather than expecting to get an increase in funds each year. He said he would support a contribution of \$9,000 to the Transit System, the same amount the city provided three years ago for the transit system.

Councilman Perry quoted some figures stating initially the cost for the service was \$12.73 of taxpayers money less 4% per ride in 1991. In 1992 the figure went up to \$15.87 less 4%; in 1993 the cost will be \$18.91. He stated he was in favor of helping the handicapped and according to figures given by the City Manager it was felt the city's portion for the Dial-A-Ride would be about \$5,000. He said he questioned the value of the transit program with the cost involved. He said the transit system is being subsidized by about \$300,000 per year.

Councilman Anaclerio pointed out in most cases a bus service will never pay for itself or make money. He said his suggestion, in order to help the citizens of Aiken, was that the city arrive at a set level of subsidy for the service.

Councilwoman Papouchado stated she could not argue with the points made. However, the city is in the middle of the strategic planning process and the issue of mass transit was discussed by several of the study committees, and this issue will be discussed more as the city goes through the planning process. She said since the program is in place and it is very difficult to get a federal program back if it is lost, perhaps the city should try to keep the service for at least another year. She stated she would be willing to support funds of between \$5,000 and \$9,000.

Mayor Cavanaugh also pointed out a transit system will never pay for itself, however it is a service, especially for the handicapped and the elderly. He said if the city continues to be a retirement area, the city will need a better public transit system or some means of helping people get around. He pointed out the figures presented show that 46% of the riders of the Best Friend Express exit in Aiken and use services in Aiken so this does provide benefits to the City of Aiken. He said he was in favor of supporting the bus service and felt the city should continue its support at the \$11,000 level. He felt this was a small amount of money for this service compared to money spent on other things.

Councilwoman Papouchado stated she was confused about how the constituents react. She said if Council were proposing a 40 cent increase in a city service, many citizens would protest. She pointed out, however, that Councilman Perry's figures indicate that the citizens are paying a large amount of money for the bus service and no one is complaining. She said she has to assume that people are willing to support the bus service.

Councilwoman Clyburn stated she felt if the city took any other service and looked at the actual cost to each citizen, such as the cost for each fire engine and each call, or the cost for providing a swimming pool and the cost involved for each person using the service, that there would be a lot of things the citizens would feel were too expensive. She said, however, looking at the overall effect of having the bus service versus not having the bus service the citizens of Aiken understand that the service is something needed. She felt the citizens look at the bus service more as a humanitarian gesture rather than a waste of taxpayer funds and feel that the service is helping some citizens. She stated she was in favor of funding \$11,000 for the bus service.

Councilman Radford pointed out the increase in cost for operating the bus service had been \$200,000 in four years. He felt this was not managing money properly. He stated he supported the Dial-A-Ride for the handicapped, but he did not support the Best Friend Express.

Councilwoman Price stated she did not support the request for funds at the meeting in June. However, she would support the request at this time, but not because she was happy with the way it is managed. She said she was not happy with the efforts to increase ridership. She said she would support the request for funds because of her benevolent feeling about the service. She felt the bus service would never pay for itself, but the feeling is that the service does help people who need rides to medical services, the mall area, and to places of employment.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council approve funding in the amount of \$11,000 for the Aiken County bus service for fiscal year 1993-94 as requested by Aiken County. The motion passed by a majority vote of 5 to 2, with Councilmembers Perry and Radford opposing the motion.

Mayor Cavanaugh pointed out the figures show that 40% of the people riding the bus are from the City of Aiken and 46% of the riders get off in Aiken. He said the City of Aiken is being asked to provide 3% of the budget. He pointed out the total cost of operating the system has gone up, however the City of Aiken has not been increasing its contribution to the system correspondingly. He stated the City of Aiken has contributed \$9,000 for one year, \$9,600 another year and one year at \$11,000.

Mr. Thompson stated Councilman Anaclerio had suggested the city consider setting the city's contribution at a certain amount to be continued in future years so the County would know they could count on that certain amount from the City of Aiken. He asked if the intent of Council was to make a \$11,000 contribution to the bus service each year or would Council like to consider the request each year and make a decision each year based on circumstances.

After discussion, it was the consensus of Council that Council consider the funding request each year for the bus service as circumstances may change and Council may want to commit more or less or none to the system.

ANNEXATION - ORDINANCE

1343 Hampton Avenue
Wooden, D. C.
Tax Parcel No. 30-015-002-015

Mayor Cavanaugh stated an ordinance had been prepared for annexation of 1343 Hampton Avenue.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.43 ACRES OWNED BY D. C. WOODEN, GLORIA WILLIAMS, AND BARBARA GANT LOCATED AT 1343 HAMPTON AVENUE AND TO ZONE THE SAME R-1A.

Mr. Thompson stated the city has received a petition from D. C. Wooden, Gloria Williams, and Barbara Gant, requesting annexation of 1343 Hampton Avenue which consists of a 0.43 acre lot. The owners are asking for annexation to bring the home into the city and under the city's Homeownership Program. The Homeownership Program assists income eligible buyers with the down payment and closing costs for homes inside the city limits. The property is contiguous to the city across Hampton Avenue. The Planning Commission has recommended approval of annexation.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to annex 1343 Hampton Avenue be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

ZONING ORDINANCE - ORDINANCE

Home Occupations
Amendment

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance regarding home occupations.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION VII.B. OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF AIKEN SO AS TO ALLOW HOME OCCUPATIONS IN THE R-1H, R-1S, AND PLANNED UNIT DEVELOPMENT ZONING DISTRICTS UPON REVIEW AND APPROVAL BY THE ZONING BOARD OF ADJUSTMENT AND SUBJECT TO THE RESTRICTIONS IN SECTION VI.A.3. OF THE COMPREHENSIVE ZONING ORDINANCE AND TO ALLOW HOME OCCUPATIONS AS A PERMITTED USE IN THE PROFESSIONAL, CENTRAL BUSINESS, AND NEIGHBORHOOD BUSINESS ZONING DISTRICTS SUBJECT TO THE RESTRICTIONS IN SECTION VI.A.3. OF THE COMPREHENSIVE ZONING ORDINANCE.

Mr. Thompson stated the Planning Commission had suggested that Council amend the sections of the Zoning Ordinance concerning home occupations. He pointed out when a home occupation is allowed in a zone, the owner is able to live in the home and operate the approved business out of the home. Home occupations are allowed in the Zoning Ordinance in all of the residential zones. He pointed out, however, the Zoning Ordinance does not clearly allow a home occupation in the R-1H, R-1S, Planned Unit Development, Neighborhood Business, Central Business District or the Professional Zones, even though residences are allowed in all of those zones.

Mr. Thompson stated Debra Lista, a local CPA, lives on Newberry Street and would like to operate her business out of her home which is located in a Professional Zone. As pointed out the Zoning Ordinance does not clearly allow a home occupation within the Professional Zone.

The Planning Commission unanimously recommended that the Zoning Ordinance be amended to allow home occupations in the Professional, Central Business District, and Neighborhood Business zones by right, subject to the restrictions of Section VI.8.3 of the Zoning Ordinance. The Planning Commission also recommended that the Zoning Ordinance be amended to allow home occupations in the R-1H, R-1S, and Planned Unit Development zones upon approval by the Zoning Board of Adjustment and subject to the restrictions of Section VI.8.3. of the Zoning Ordinance.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance amending the Zoning Ordinance regarding home

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

ACCOMMODATIONS TAX

Recommendations

Mayor Cavanaugh stated the Accommodations Tax Advisory Committee had made recommendations for expenditures from the Accommodations Tax revenues.

Mr. Thompson stated the Accommodations Tax Advisory Committee had reviewed the requests for funding from the Accommodations Tax revenues. Mr. Thompson pointed out the city receives 2% on the cost of all hotel and motel rooms rented in the City of Aiken. During last fiscal year the city received \$77,774.90 from Accommodations Tax revenues. Of that amount the City of Aiken received \$27,638 in the General Fund to offset the city's operating expenses in serving tourism to defray the cost of garbage, police, and other direct city services. Of the balance 30% is to be used for advertising and promotion. The city has designated the Chamber of Commerce to administer the advertising funds. The balance is to be used for tourism related projects. The balance from the funds was \$34,303.68 for project funding. Combined with a carry over of \$51,309.66 and earned interest of \$2,746.20 a total of \$99,243.90 was available for projects. The committee received eleven requests for funding and has recommended funding of \$82,365. This will leave a total available to be carried over into the next funding cycle of \$16,878.90.

The requests received and the recommendations of the Accommodations Tax Advisory Committee are as follows:

<u>Organization</u>	<u>Project</u>	<u>Requested</u>	<u>Recommended</u>
City of Aiken	Multi-Complex Promotion	\$37,500	\$37,500
	Tennis Court Renovation	20,000	20,000
	Christmas in Hopelands	5,065	5,065
	Christmas Craft Show	1,300	1,300
Aiken Steeplechase	Spring/Fall Shows	10,000	10,000
St. Thaddeus	History Book Publication	17,000	00
Aiken Driving Club	Driving Event	3,500	3,500
Friends of Museum	Dollhouse & Miniatures Show	800	800
Lobster Race	Lobster Race & Oyster Fest	2,200	2,200
Hitchcock Rehab.	Triathlon/Biathlon	500	500
Aiken Choral Society	Tours of Homes	1,500	1,500
Totals		\$99,365	\$82,365

Mr. Thompson pointed out the requests include four projects for the city including promotion of the multi-field complex, renovation of the tennis courts at the Weeks Center to promote tournaments, assistance with Christmas lights in Hopeland Gardens and assistance with the Christmas Craft Show promotion. The only project not funded was the publication of the book by St. Thaddeus. The Committee's emphasis has been on funding projects that will bring people into Aiken for overnight stays. It was felt that all the projects with the exception of the St. Thaddeus project would bring in overnight stays.

Councilman Perry pointed out several of the requests are annual requests. He stated he liked getting projects started, but felt they should become self-supporting and not depend on the Accommodations Tax funds each year. He felt this was something for the Accommodations Tax Committee to consider in their discussions. Council felt there should be some way to measure the benefits received from the projects funded. Mr. Thompson suggested the Committee could develop a policy on funding projects.

Councilwoman Papouchado stated she would like to propose that \$5,000 be used from the Accommodations Tax Funds to promote the Mile Track. She pointed out the Mile Track would impact the city's budget and she felt the Mile Track is certainly

tourism related. She suggested that \$5,000 be used for a video promoting the Mile Track and for promotional brochures.

After discussion, Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that \$5,000 be funded from Accommodations Tax Funds to promote the Aiken Mile Track through a video, brochures, and other promotional means.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that the recommendations of the Accommodations Tax Advisory Committee be accepted for expenditure of the Accommodations Tax funds in the amount of \$82,365, plus \$5,000 for the Aiken Mile Track promotion.

ZONING ORDINANCE - ORDINANCE

Amendment Recreational Vehicles Corner Lots

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance regarding visibility of recreation vehicles on corner lots.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION III.P.2. OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF AIKEN DEALING WITH THE PARKING OR STORAGE OF RECREATION VEHICLES IN RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH ADDITIONAL REQUIREMENTS FOR PARKING SUCH VEHICLES ON CORNER LOTS.

Mr. Thompson stated several years ago Council adopted standards requiring that recreation vehicles be parked behind the front roof line of a home, but it did not take into consideration corner lots where the recreation vehicle parked on the side would be fronting another street.

Mr. Thompson stated the Planning Commission has reviewed the ordinance and has recommended that Council amend the section of the Zoning Ordinance concerning parking of recreation vehicles. The Commission has recommended that recreation vehicles parked on a corner lot either be in the rear yard, enclosed in a building, or in the side yard not projecting beyond the front of the building if completely screened by evergreen vegetation.

Review of parking of recreation vehicles developed out of several complaints received concerning the location of recreation vehicles. The complaints were that recreation vehicles were parked in compliance with the city's ordinance but the city's ordinance did not address the visibility of these vehicles on corner lots. On a corner lot, one could actually park the recreation vehicle behind the front line of the building, but the vehicle would then face on the adjacent side street and would be very visible to nearby property owners.

Councilman Anaclerio stated he felt the proposed regulations for recreation vehicles on corner lots was an oversight in the original adoption of the ordinance. Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance setting regulations for recreation vehicles on corner lots be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

FAIR HOUSING ORDINANCE

Amendment Community Development Block Grant Housing Ordinance

Mayor Cavanaugh stated an ordinance had been prepared to amend the city's Fair Housing Ordinance.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN FAIR HOUSING ORDINANCE DESIGNATED AS ORDINANCE NO. 062893C AND ADOPTED BY THE COUNCIL OF THE CITY OF AIKEN ON JUNE 28, 1993, SO AS TO CONFORM WITH RECOMMENDATIONS FROM THE OFFICE OF THE GOVERNOR RELATING TO THE OPERATION OF THE CITY OF AIKEN'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND WITH THE SOUTH CAROLINA FAIR HOUSING LAW.

Mr. Thompson stated in June the city had received a recommendation from the Governor's Office asking the city to revise the City Code including a section on

the Fair Housing Act to comply with requirements for Community Development Block Grants. In June, at the request of the Governor's Office, Council adopted a Fair Housing Ordinance. The Governor's Office, however, has asked that the city amend the ordinance adopted in June, 1993, to state that all complaints on fair housing be submitted through the South Carolina Human Affairs Commission (SCHAC) instead of through the city.

Mr. Thompson stated this requirement removes any complaints from the local level and places this with the State Human Affairs Commission. He stated the city had also included a section that complaints should also be submitted through the City Manager's Office so the city can track any potential problem in the Aiken community.

Mr. Holly stated the Governor's Office had advised him that the State Human Affairs Commission is one of only a few state agencies in the country certified to handle complaints. The state's implementation requirements are that complaints have to go through the State Human Affairs Commission. Mr. Holly stated he had also included a section to state that the city's Fair Housing Law should be identical to the state law and if there is any difference the state law governs. He said this statement was to make sure the city's ordinance was not more restrictive than state law.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that the amendment to the Fair Housing Ordinance be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION - ORDINANCE

Woodside Plantation Silver Bluff Road

Mayor Cavanaugh stated an ordinance had been prepared to amend annexation Ordinance 020893D for Woodside property.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING CITY OF AIKEN ORDINANCE NO. 020893D ANNEXING CERTAIN PROPERTY OWNED BY WOODSIDE DEVELOPMENT COMPANY OF AIKEN, INC. LOCATED ADJACENT TO WOODSIDE PLANTATION SO AS TO CORRECT THE ACREAGE THEREIN.

Mr. Thompson stated that in February, 1993, Council approved annexation of 133.09 acres of Woodside Development Company, located off Silver Bluff Road. One of the conditions of the annexation ordinance was that the city limit line include Spalding Lake and follow the eastern shore of the lake. In order to meet this condition the plat and annexation petition had to be redrawn to include the lake in the boundaries of the annexation description. The new plat which includes the acreage for Spalding Lake increases the total acreage from 133.09 acres to 148 acres, more or less. An ordinance has been prepared to correct the acreage annexed in the original ordinance in February.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending Ordinance No. 020893D annexing Woodside property changing the acreage from 133.09 acres to 148 acres, more or less, be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

SETOFF DEBT COLLECTION

Agreement Municipal Association of S.C. Resolution

Mayor Cavanaugh stated a resolution had been prepared authorizing the city to adopt the setoff debt collection system administered by the Municipal Association of S.C.

Mr. Thompson stated that during the 1993 legislative year, the State Legislature adopted the Setoff Debt Collection Act as proposed by the Municipal Association. He said the city had reviewed this program with the Municipal Association and is recommending that Council adopt a resolution authorizing the Mayor to enter into an agreement with the Municipal Association for the Setoff Debt Program.

Under the Setoff Debt Collection Act, the city is able to collect delinquent fines and fees through the individual's income tax refund. The city is planning to work first on unpaid fines owed the Department of Public Safety. Under the system the city will file a lien against the individual's income tax refund, and the City, the

State and the Municipal Association will each collect \$25 in addition to the money owed to the city to defray collection costs.

Mr. Thompson stated the proposed resolution would authorize the Mayor to enter into an agreement with the Municipal Association for the collection of delinquent debt owed to the City of Aiken and to participate under the Setoff Debt Collection Program.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado that Council adopt the resolution authorizing the Mayor to enter into an agreement with the Municipal Association for the collection of delinquent debt owed to the City of Aiken through the Setoff Debt Collection Program. The motion was approved by six voting in favor, and Councilwoman Price abstaining.

BIDS

Smith-Hazel Recreation Center Building Renovations

Mayor Cavanaugh stated bids had been received for renovations to the Smith-Hazel Center.

Mr. Thompson stated over the last several months the city has been making improvements to the Smith-Hazel Activity Center. Improvements have already been made to the exterior of the building and the park. Bids have been accepted for the construction of new tennis courts. He said the city also has plans to make renovations to the interior of the building. He said the plans basically call for a divider wall in the large meeting space at Smith-Hazel to allow the meeting space and the other offices to be used at the same time and for improvements to the ceiling and lighting. Invitations to bid were sent out to ten contractors, and only one bid was received. The bid was from Fred Key Construction with a bid of \$13,861.46. The staff has reviewed the bid and is satisfied with the proposal and Mr. Key's previous work for the city.

Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved, that the bid of Fred Key Construction in the amount of \$13,861.46 be accepted for renovations to the Smith-Hazel Activity Center.

HABITAT FOR HUMANITY

City Right-of-Way Sumter Street Housing

Mayor Cavanaugh stated a request had been received for use of city right-of-way on Sumter Street.

Mr. Thompson stated the city had received a letter from John Elliott, representing Aiken County Habitat for Humanity, requesting that the city donate the 100 foot right of way on Sumter Street between Abbeville and Edgefield Avenues to Habitat for construction of seven homes for Habitat projects. Mr. Elliott also requested that the property be rezoned from R-1B to R-1C to allow a higher density development which would allow a total of nine lots on the property.

Mr. Thompson stated he had discussed the request with the department heads, and the staff is recommending against the request. He said there was a question as to whether the city should give up right of way along the streets, including a street that has been blocked by the construction of Schofield Middle School. He pointed out the city may want to continue the parkway system in this area and probably will want to develop a bike path and pedestrian pathway system as a result of the Strategic Plan. The right of ways of the streets throughout the city will be important to this concept. The city may or may not want to use Sumter Street for a portion of this system in the future. Even though the Highway Department does have some control over the property, the city could conceivably use the land in the future for a parkway or other public purpose.

Mr. Thompson stated another question is whether the city would want to concentrate this type of housing within one area. He said the move nationwide has been to disperse public housing to avoid building future slums. He said the staff could not recommend the city participating in lumping these projects together. He suggested that the city may wish to use its authority to require that homes built by Habitat be dispersed or constructed on larger lots to reduce the amount of concentration of these homes.

Mr. Thompson stated the Habitat concept has been a wonderful issue nationwide, but the city may not want to encourage concentrations of Habitat homes within one single area. He also stated the staff was recommending against giving up control over the right of way.

Councilman Perry stated he felt the city needed to decide whether they would ever really use the street right of way. He also pointed out the Habitat housing is for people with low incomes, but the type of people they have been putting in the houses are people who take pride in the houses and who are making payments on the houses. He pointed out someone had given some land in the area to Habitat, and it would be a shame for Habitat not to be able to use the land for housing.

Mayor Cavanaugh stated he would like a thorough discussion as to why the city should or should not give the right of way to Habitat and whether it would be setting a bad precedent.

Councilman Anaclerio pointed out if the city were to give up the right of way it would be compromising the parkway system. He said one day the city may again layout the parkway in the area. He said the city had been very cooperative with Habitat in finding land throughout the city. He said he felt the city should maintain the parkways and right of way to provide a parkway where ever possible.

Councilwoman Price stated she applauded the good work of Habitat and supported their efforts. She said she had talked with several people regarding the proposal from Habitat for housing in the Sumter Street area. She said one of the concerns and objections of people living in the area is the concentration of identical homes in such a small area. It is felt that often we breed problems by having high concentration and identical housing which gives the impression of low income. She said perhaps there should be diversity in terms of size and more space for housing.

Mr. Elliott stated the houses proposed would be similar to houses previously built, using basically the same design. He pointed out Habitat builds homes for people who have never owned a home before. He said each home is assigned a shepherd who gives guidance to the family in taking care of their home. Mr. Elliott pointed out for the property on Sumter Street the problem is the depth of the right of way to get to the property. He said if the city retains the right of way in the area, the driveways to the lots would be 125 feet long. He said this would make it very impractical as it would cost so much to pave the driveways to the houses. He suggested if the city did not want to give up the right of way that the city go ahead and put the roadway and parkway in for the area so access to the property would not be so far. He said putting in the road would eliminate Habitat's problem of the long driveways. Mr. Elliott suggested if the city did not feel the plan was good, possibly the city could buy the property from Habitat at appraised value and add the property to the wetlands for the recreation area.

After discussion of the request the consensus of Council was that the matter be postponed at this time to give Council more time to look at the area and discuss the request.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the request by Habitat for city right of way on Sumter Street be continued indefinitely.

STREET NAMES

Woodside Plantation
Shell Bark Road
Sugarberry Road

Mayor Cavanaugh stated a request had been received to change the name of a street in Woodside Plantation.

Mr. Thompson stated the city had received a request from Woodside Plantation Property Owners Association asking that the name of Shell Bark Road be changed to Sugarberry Road. The Association feels that the Shell Bark Road designation is confusing for residents along the street. Aiken County has recommended that the street be renamed Burden Lake Road. The Planning Commission has recommended changing the road name to Sugarberry Road as requested by the Homeowners Association.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Shell Bark Road in Woodside Plantation be changed to Sugarberry Road as requested by the Homeowners Association.

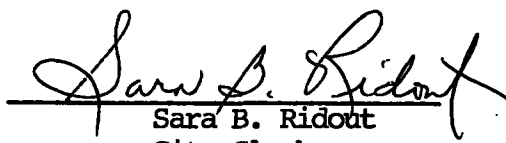
EXECUTIVE SESSION

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Council go into executive session to discuss a contractual matter. Council went into executive session at 9:10 P.M.

After discussion, the executive session adjourned.

ADJOURNMENT

There being no further business, Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the meeting adjourn. The meeting adjourned at 9:20 P.M.


Sara B. Ridout
City Clerk