

Aiken City Council Minutes

May 8, 2000

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Pete Frommer, Larry Morris, Ed Evans, Stanley Quarles, Terry Rhinehart, Anita Lilly, Sara Ridout, Adam Burton of the Aiken Standard, Katie Throne of the Augusta Chronicle and about 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 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 April 24, 2000, and the special meeting of May 1, 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.

ADDITIONS TO AGENDAAppointmentsConstruction Loan

Mayor Cavanaugh stated Council needed to consider two appointments to boards and commissions and asked that Council consider making an addition to the agenda for an appointment. He also stated Council needed to consider a construction loan to Aiken Corporation for construction of the Westinghouse Government Services Building.

Councilman Radford moved, seconded by Councilman Cunning that the two items be added to the agenda.

BOARDS AND COMMISSIONSAppointmentEnvironmental CommitteeAll, PeggyGeneral Aviation CommissionJohnson, Barry

Mayor Cavanaugh stated Council needed to make some appointments to the various boards and committees.

Mr. LeDuc stated at this time Council needs to consider two appointments, one being the reappointment of Peggy All to the Environmental Committee. Ms. All has served on the Environmental Committee for many years. This appointment is suggested by Councilman Radford. On approval by City Council this would be reappoint of Peggy All to the Environmental Committee, with the term expiring on December 31, 2001.

Mr. LeDuc stated Councilman Anaclerio had suggested that Barry Johnson be appointed to the General Aviation Commission to replace Al Tyler who had resigned. This term would expire September 1, 2000.

Councilman Radford moved, seconded by Councilman Sprawls and unanimously approved, that Council reappoint Peggy All to the Environmental Committee with the term to expire December 31, 2001.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council appoint Barry Johnson to the General Aviation Commission to fill the unexpired term of Al Tyler with the term to expire September 1, 2000.

ANNEXATION - ORDINANCE 05082000Reeves, OpalBonner Street 405Virginia AcresTPN 30-058.0-02-008

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 405 Bonner Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .25 ACRES OF LAND, MORE OR LESS, OWNED BY OPAL REEVES AND LOCATED AT 405 BONNER STREET AND TO ZONE THE SAME SINGLE-FAMILY RESIDENTIAL (RS-10).

Mr. LeDuc stated Opal Reeves, owner of the property at 405 Bonner Street, is requesting annexation. The site is occupied by a single family home, and the applicant has expressed interest in receiving city services including garbage, yard debris pick up and sewer. The proposed zoning is RS-10 and the lot meets the minimum requirements of 10,000 square feet. Bonner Street fronting this site is already within the Aiken city limits.

The Planning Commission reviewed this application and unanimously approved the annexation under the RS-10 zoning.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve on second reading an ordinance to annex property at 405 Bonner Street to be zoned RS-10 Single Family Residence with the ordinance to become effective immediately.

REZONING - ORDINANCE 05082000A

Brookhaven Drive 1000
Aiken County School Board
Aiken County Board of Education
Zoning
TPN 00-158.0-01-197

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone 6.59 acres on Brookhaven Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY THE AIKEN COUNTY BOARD OF EDUCATION FROM LIMITED PROFESSIONAL (LP) TO OFFICE/INSTITUTIONAL (O).

Mr. LeDuc stated that with the adoption of the new Zoning Ordinance several properties automatically became Limited Professional (LP). The proposed ordinance is a rezoning of the property occupied by Aiken County Board of Education on Brookhaven Drive from Limited Professional to Office/Institutional.

The Planning Commission recommended unanimously that the zoning be changed from Limited Professional to Office/Institutional for the property owned by the Aiken County Board of Education on Brookhaven Drive.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second reading an ordinance to amend the zoning of 6.59 acres owned by the Aiken County School Board on Brookhaven Drive from Limited Professional to Office/Institutional with the ordinance to become effective immediately.

REZONING - ORDINANCE 05082000B

Aiken/Barnwell Mental Health Center
Aiken Center
Gregg Highway
Richland Avenue W.
Lokey Drive
SC Highway 118
By-Pass
Zoning
TPN 00-104.0-01-170

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone the property occupied by the Aiken/Barnwell Mental Health Center and the Aiken Center off of Gregg Highway.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY AIKEN BARNWELL MENTAL HEALTH CENTER AND THE AIKEN CENTER FROM LIMITED PROFESSIONAL (LP) TO OFFICE/INSTITUTIONAL (O).

Mr. LeDuc stated that with the adoption of the new Zoning Ordinance, several properties automatically became Limited Professional (LP). The proposed ordinance is a rezoning of the property occupied by the Aiken/Barnwell Mental Health Center and the Aiken Center. It encompasses 45.5 acres bounded by Gregg Highway, Lokey Drive, Richland Avenue W. and SC Highway 118.

Two individuals spoke in opposition to this rezoning at the Planning Commission meeting. However, the Planning Commission recommended unanimously to approve the rezoning from Limited Professional to Office/Institutional for the property occupied by Aiken/Barnwell Mental Health Center and the Aiken Center.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on second reading an ordinance to rezone 45.5 acres of property bounded by Gregg Highway, Lokey Drive, Richland Avenue and SC Highway 118 from Limited Professional to Office/Institutional with the ordinance to become effective immediately.

ANNEXATION - ORDINANCE 05082000C

Stratford Hall Subdivision
Whiskey Road
Antietam Drive
Estates at Stratford Hall
Woodside Plantation
Regions Bank
TPN 00-158.0-01-312

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 55.15 acres off Antietam Drive behind Stratford Hall Subdivision.

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 55.15 ACRES OF LAND, MORE OR LESS, OWNED BY REGIONS BANK AND TO ZONE THE SAME SINGLE-FAMILY RESIDENTIAL (RS-15).

Mr. LeDuc stated that Regions Bank has requested the annexation of 55.15 acres located off of Antietam Drive behind Stratford Hall Subdivision to be zoned Single Family Residential RS-15. The site is contiguous to Woodside Plantation Planned Unit Development and west of Stratford Hall Subdivision. Taking into account allowances for roadways, approximately 120 single family homes on minimum 15,000 square foot lots could be developed at this site. There is a possible question concerning the status of the street right of way through Stratford into this subdivision, but we feel this is a matter which should not be a factor in Council's decision as far as annexation is concerned since this is a private matter between the developer of Stratford Hall and the property owner. The city has been maintaining these streets and right of ways for several years although they were never deeded to the city due to the bankruptcy of the developers of this subdivision. He said a letter had been received on May 8 from the attorney for Regions Bank stating they would limit the building of the second phase to a maximum of 83 homes, and they would make their restrictive covenants as restrictive or more restrictive than those currently in Stratford Hall Phase I.

At the Planning Commission meeting two people from the Stratford Hall Subdivision spoke in opposition to this request. The Planning Commission voted to approve this annexation with the condition that a strip of land about 75 feet deep adjacent to Woodside Plantation be deeded to the Woodside Plantation property owners.

Mr. LeDuc pointed out the ordinance requires the 75 foot deep buffer adjacent to Woodside Plantation. However, the ordinance would need to be amended to limit the home sites to 83 and the restrictive covenants being as restrictive or more restrictive than Stratford Hall Phase I.

Councilman Radford moved, seconded by Councilman Sprawls and unanimously approved, that Council amend the proposed ordinance to limit the number of home sites to a maximum of 83 and add that the restrictive covenants must be as restrictive or more restrictive than the covenants of Stratford Hall Phase I. Councilman Cuning did not participate in the voting.

The public hearing was held.

Mr. Dick Lamar, Executive Director of the Woodside Property Owners Association, 165 Sweet Gum Lane, stated the Association had had a good relationship with the developer of the property and appreciated the cooperation. He pointed out that the 75 foot buffer was actually a 100 foot buffer and had been included in the agreement with the developer.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved that the ordinance be amended to reflect a minimum of a 100 foot buffer along side Woodside Plantation. Councilman Cuning did not participate in the voting.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that Council approve on second reading the ordinance annexing 55.15 acres of property owned by Regions Bank off Antietam Drive behind Stratford Hall to be zoned Single Family Residential RS-15, as amended, including a 100 foot buffer along Woodside Plantation, limiting the home sites to 83 and requiring the covenants to be as restrictive as Stratford Hall Phase I. Councilman Cuning did not participate in the discussion nor the voting on the ordinance because of a possible conflict of interest.

COUNCIL ON AGING - ORDINANCE 05082000D

Morgan Street
Barnwell Avenue
Housing
City Property
Elderly Housing
Senior Citizens Home

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to donate approximately 1 1/2 acres at Barnwell Avenue and Morgan Street to the Council on Aging.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE DONATION AND CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON MORGAN STREET.

Mr. LeDuc stated the Council on Aging would like to build a home for senior citizens similar to the existing Croft House. This would be constructed on property owned jointly by the City and County located west of Morgan, just north of Barnwell Avenue. The property is approximately 1.1 to 1.15 acres and would need to be surveyed or a quit claim deed developed for the Council on Aging. If the Council on Aging is not able to obtain the property from the County or should they not be able to receive HUD Section 202 funding, then the ordinance would cease and the property will remain in the City's name.

The Croft House currently has a waiting list of several years and there is a demonstrated need within our community for additional affordable elderly housing. For this reason, we recommend approval of donating this property to the Council on Aging for a house similar to Croft House. Mr. LeDuc pointed out the restrictions on this property would be that if the County does not deed the property to the Council on Aging and if they do not obtain the funding under Section 202 that this property would revert to the City of Aiken.

The public hearing was held.

Mr. George Alexander, Executive Director of Aiken Council on Aging, thanked Council for what they were doing for the community. He pointed out that the County Council had a time restriction and would not be able to deed the County property to the Council on Aging until later because of public hearings. However, they had agreed to a 99 year lease pending the actual deeding of the property to the Council on Aging.

After a brief discussion, it was pointed out that the proposed ordinance does not give a date for the County to deed the property to the Council on Aging so the transaction could occur later as long as within six months the property is obtained and funding is received from the Housing and Urban Development Section 202 funding.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved that Council pass on second reading an ordinance to donate property owned by the City of Aiken off of Morgan Street to the Council on Aging for senior citizens housing with the stipulation that if Aiken County does not donate adjacent land for the project that the City's property will revert to the City of Aiken.

CONSOLIDATED PLAN

Community Development Block Grant Block Grant Funds

Mayor Cavanaugh stated Council needed to consider approval of the Consolidated Plan.

Mr. LeDuc stated five years ago the city was granted approval to receive on a yearly basis Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD). This allows the City of Aiken to receive the CDBG money each year automatically rather than having to compete for it with other cities. In order to receive this money the city has to submit an Annual Action Plan setting forth how the city intends to spend the money. In addition every five years a Consolidated Plan must be sent to the Department. This plan explains the local programs which have been developed to serve low income citizens and how to upgrade substandard neighborhoods. Within this plan the city assesses what other agencies within our community are doing to meet the needs of low income citizens and neighborhoods and how they are cooperating. It also helps promote cooperation between these jurisdictions and agencies and to develop joint activities to meet these needs.

The City has received information from the Aiken Housing Authority, Helping Hands, the Salvation Army, the Tri-Development Center, Council on Aging, the Aiken, Barnwell, Lexington Community Action Commission, Aiken, Barnwell Mental Health, The Aiken Center and the Aiken County Mental Health Association as well as other state agencies to help us put together this plan. Previous to this meeting we advertised in the Aiken Standard for comments concerning the Consolidated Plan. No comments were received from the general public.

Prior to adopting this plan City Council needs to hold a public hearing to receive any input and then a formal approval is necessary before sending this to HUD.

A public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the five year Consolidated Plan concerning the city's use of the Community Development Block Grant Funds and assessment of the needs of the low income citizens and neighborhoods within our community.

AIKEN ELECTRIC COOPERATIVE - ORDINANCE

Easement Reynolds Pond Ventures Industrial Park Industrial Park

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to grant an easement to Aiken Electric Cooperative.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO GRANT AN EASEMENT TO AIKEN ELECTRIC COOPERATIVE, INC.

Mr. LeDuc stated in order to provide electric power to Ventures Park, Aiken Electric Cooperative needs an easement on City property located off of Reynolds Pond Road. In exchange, they will abandon the currently conveyed 20 foot easement through the property. This will allow them to upgrade the power needs for the park where Newman Technology is currently constructing their

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building. A drawing was presented to Council showing where the new easement is proposed along the existing gas right of way and where the existing easement will be eliminated.

Councilman Anaclerio moved, seconded by Councilman Cunning and unanimously approved, that Council pass on first reading an ordinance conveying an easement along the existing gas right of way to Aiken Electric Cooperative for power to Ventures Industrial Park with the elimination of the existing easement in the same area and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

INTERNET TAX

Moratorium Resolution

Mayor Cavanaugh stated Council needed to consider a resolution opposing extension of the Internet Tax moratorium.

Mr. LeDuc stated at the last work session Council briefly discussed the internet tax issue that is now in Congress. Bills have been introduced in both the U.S. House and Senate to extend the current tax moratorium for five more years or for a permanent extension of the moratorium on internet tax. This bill restricts the authority of states and local governments to collect taxes which preempts a fundamental right that local governments have to finance themselves. As the internet sales continue to increase, this would lock-in the unlevel playing field between local retailers and e-tailers. In the end, this could have a major effect on the mainstreet businesses in Aiken and the amount of local funding support that we get from the state. It is felt this is a very important issue that could have ramifications for years to come. If the proposed resolution is approved it would be sent to both the Representatives and Senators letting them know how Council feels about the internet tax moratorium.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve the resolution asking Congress to delay action on the bill which would extend the moratorium for five years or to permanently place a moratorium on any internet taxes and ask that Congress deal with this issue and allow the states the right to use existing tax sale systems that could apply to internet sales and that copies of it be sent to our U.S. Senators and U.S. Representatives regarding this issue.

SALES TAX COMMISSION

Use Tax Commission Resolution Capital Projects Anaclerio, Michael Aiken County Appointment

Mayor Cavanaugh stated Council needed to consider appointment of a member to the Capital Project Sales and Use Tax Commission.

Mr. LeDuc stated last Tuesday County Council passed a resolution which established a Commission to look at a 1 cent sales tax county-wide. This Commission would consist of six members--3 from the county, 1 from North Augusta, 1 from Aiken, and 1 representing all the other cities within the county. A part of the law requires that a six member commission be developed to determine the list of projects to appear on the ballot. According to the resolution approved by County Council Tuesday, May 2, the City of Aiken has the responsibility of selecting a citizen to sit on this Commission to determine the projects to be submitted to the County this summer. If the 1 cent sales tax is approved by the voters in November, the City of Aiken should be able to eliminate the 2% hospitality tax and possibly lower the property tax while still completing the capital projects which were developed last year which includes the baseball and soccer fields at Citizens Park, the \$1.5 million commitment to the playhouse theater, the 16 court tennis complex, the skate park, and the new substation for Public Safety.

Councilwoman Price moved, seconded by Councilman Radford and unanimously approved, that Council appoint Michael Anaclerio as a member of the Aiken County Capital Sales Tax Commission to represent the City of Aiken and to determine the projects to be included on the ballot in November.

AIKEN CORPORATION - ORDINANCE

Construction Loan
Westinghouse Government Services Group
Loan
Newberry Street

Mayor Cavanaugh stated Council had added to the agenda consideration of first reading of an ordinance for a construction loan of \$3.5 million to the Aiken Corporation for the construction of the Westinghouse Government Services building.

Mr LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE AIKEN CORPORATION TO BORROW \$3,500,000.00 FROM THE CITY OF AIKEN'S FUNDS FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF THE NEW WESTINGHOUSE CORPORATE OFFICES AND THE AIKEN COMMUNITY PLAYHOUSE.

Mr. LeDuc stated the Aiken Corporation had been working with the local banks to put together a funding package for construction of the new Westinghouse building that the city will jointly be building with the Aiken Corporation for the Community Theater Playhouse on Newberry Street. To do this the Aiken Corporation will need approximately \$3.5 million to start construction. Once the building is completed the loan can be paid back probably within a one year period. The staff has suggested that Council approve Aiken Corporation borrowing up to \$3.5 million internally from the city's Holding Funds and that Aiken Corporation be charged an interest rate equal to what the city is currently receiving in interest.

Councilman Cuning expressed concern about an unequivocal take out for the construction loan. He said the city should not fund the loan unless there is a take out commitment from some source. Councilman Cuning stated a take out is a permanent take out, unequivocal, it cannot be pulled out at any particular time. A take out is a signed commitment from whatever institution or entity to which the loan is going and it is enforceable. He said he was concerned about having a construction loan that would flow into a permanent loan which Council does not want. He said the intent is to have a temporary, one year, construction loan. He suggested that before the city funds the loan he would like for the city's attorney to check out a permanent take out.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council allow the use of city Holding Funds to establish a loan to the Aiken Corporation in the amount of approximately \$3.5 million for a construction loan with a permanent take out for the Westinghouse Government Services Building on Newberry Street at the interest rate the city would normally receive from interest on the money. The loan is being authorized because of the time involved in getting a group of banks to agree to a fixed rate for a construction loan because of the work involved in granting a loan and because of the time factor involved in getting the building constructed. Further, the money is being loaned to Aiken Corporation for the purpose of economic development within the community. The Aiken Corporation is to pay the city back for the loan within twelve months. Councilwoman Price did not participate in the voting to avoid the appearance of a conflict since she works with Westinghouse.

Councilman Anaclerio stated he wanted the citizens to understand that the city is not building the building only loaning the money to the Aiken Corporation which is paying the loan back with interest.

MONUMENT

Geodetic Control Monument
Jones, Charles M.
Mayor
Surveyor
Marker

Mayor Cavanaugh stated Council needed to consider approval of a Geodetic Control monument in honor of former Mayor Charles M. Jones.

Mr. LeDuc stated the Aiken Chapter of the Professional Land Surveyors would like to honor former Mayor Charles M. Jones and long time surveyor within the Aiken area with a geodetic control monument. This South Carolina Geodetic Survey Marker would replace the bent nail at the original center of Aiken at Park Avenue and Union Street with a new control monument with the name of

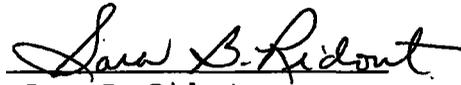
Charles M. Jones on it. Should City Council approve this monument the Professional Land Surveyors of Aiken County will hold a dedication in his honor at a later date.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council approve the placement of a South Carolina Geodetic Control Monument at Park Avenue and Union Street named the Charles M. Jones Monument in honor of former Mayor Jones and long standing professional land surveyor in Aiken.

Councilman Anaclerio pointed out that the monument would not obstruct traffic as it would be level with the street.

ADJOURNMENT

There being no further business the meeting adjourned at 8:10 P.M.



Sara B. Ridout
City Clerk