

Aiken City Council MinutesWORK SESSIONMarch 13, 2006

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Wendell Hall, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle, and about 11 citizens.

Mayor Cavanaugh called the meeting to order at 6:02 P.M. He stated Council had two items to discuss in the worksession—Hurricane Katrina devastation in Waveland, Mississippi, and Newspaper Display Racks for Downtown Area.

HURRICANE KATRINA

Waveland
Mississippi
Gulf Coast

Mayor Cavanaugh stated Waveland, Mississippi, is on the Gulf Coast and is known as Ground Zero for Katrina. He stated Jack Wetzel and Norma Jones, who helps him, are present to discuss the matter. Mayor Cavanaugh stated months ago Jack Wetzel found out about Waveland, a town of about 7,000 population, and started a fundraiser and food raiser through the Green Boundary Club. Mr. Wetzel has made about 24 trips to the Gulf Coast taking food, etc. to help those who have been misplaced by the effects of the hurricane. Mayor Cavanaugh suggested to Mr. Wetzel some time ago that perhaps the city and the Aiken community could partner with him and Waveland, Mississippi, to help restore the community. Mr. Wetzel had suggested that Mayor Cavanaugh and Mr. LeDuc go with him to Waveland to see the destruction and the help that is needed. Mayor Cavanaugh stated he and Mr. LeDuc went to Waveland about a week ago and toured the city and saw the devastation, which is almost 100%. He stated they talked to some of the government officials in Waveland about how Aiken might help them. He pointed out many other cities have helped Waveland in some way. He stated he wanted to bring the matter to City Council to get their feelings about Aiken helping in some way to help them make a long term difference. He pointed out the help would not be for just a couple of weeks, but it could be for a year or more. He stated it would take many years for them to rebuild their community.

Mr. Jack Wetzel stated Waveland is about 50 miles east of New Orleans. He stated he had taken 24 horse van loads of supplies to the area, which were donations from the Aiken area. He pointed out these supplies and supplies from other areas around the country have kept them going. He pointed out it was amazing what Aiken can do. He stated Mayor Cavanaugh and Mr. LeDuc had gone to Waveland to get a first hand picture of the destruction. He reviewed some of the problems they are having such as breaks in water lines, limited police, and looting. He said he was committed to the Gulf, and that his van and wherewithal were available until they don't need them any more, and he did not see that happening in a long time. He pointed out Mayor Cavanaugh, Roger LeDuc and he had spent 6 hours in the area. He said he thought the Mayor and Roger had come up with some good ideas on how Aiken can assist them. He said they need help with their water system, police force, and help in rebuilding their homes and businesses, as there is nothing left. He stated he would continue to do what he could and he strongly encouraged City Council and the city departments to become involved.

Mayor Cavanaugh stated there are about 20 cities helping Waveland in some way. He stated while in Waveland they talked about coordination of those who are willing to help in order to get the most results from the efforts. He pointed out that a group called Morrell from Utah had set up a tent and dormitories that can hold 600 people. He stated when they were in Waveland they understood that 200 people were coming in from Utah the next day to help with clean up. He pointed out there has been help, but it is not

consistent where a plan can be developed for the work needed to be done. He pointed out it will be years before everything will be brought back to normal. He pointed out if Council is agreeable, Aiken could be involved as long as they wish in the project and could get various businesses and organizations in Aiken involved also. He pointed out that before the storm Waveland had 12 people in the Public Works Department. They now have 3 people, and those people are overworked trying to get the community back in shape.

Mr. LeDuc stated last fall Hurricane Katrina devastated the gulf coast, with the worst destruction occurring in Mississippi in the town of Waveland. Several South Carolina cities and others throughout the country have adopted Waveland and have helped them through their initial clean up and reconstruction. However, none of those cities are currently active in working with the community. Their help was during the first few months after the hurricane. From the beginning, the Green Boundary Club and others in the Aiken community have been sending trailer loads of supplies to assist these residents. He said he, the Mayor, Jack Wetzel, and three other community leaders went to Waveland recently to assess their current status. Although much has been accomplished, they are still several years away from total recovery and need further assistance.

Councilmembers expressed thanks to Mr. Wetzel for what he has done and for his care and concern for Waveland. The general consensus of Council was that they would like to do what they can to help in this situation and asked that staff suggest ways that Aiken can be involved.

Mr. LeDuc stated he felt the project is something to look at on a long term basis. He pointed out the first 3 to 4 months were clean up so they could get into the home sites and the roads cleared. Now they are at the point where they are able to get to the homes and start to do some reconstruction. He said there are many things to be considered in reconstruction such as how high should the new buildings be built off the ground. He stated they are cleaning up many of the lots and debris along the roadways. He said in moving the material, sometimes the water lines and meters are broken. He said they need help in fixing water line breaks. Currently they only have 3 people on their crew to keep the roads passable, work on the water lines, and gas lines. He said the crew cannot keep up with the demands. He said Waveland could use some help with their utilities. He said if Council is willing the city could send crews down for 1 to 2 weeks at a time to work on the utilities. He said some employees have already expressed a willingness to volunteer to go to Waveland. The employees would be paid as normally done, and there would probably be some over time involved both in Waveland and here in Aiken, since our crews would be short too. The materials would be supplied, and we would take some equipment down. They also need help in Public Safety. They have only a few officers left to take care of the same geographical area. He stated their employees are tired and need some relief. A consideration is to send some Public Safety Officers to assist with patrols and anything needed. He suggested the Aiken community could get involved with people going down to help with the reconstruction effort. He said if some homes could be livable, then businesses would be coming back. He said the needs at this point are intense. He said as more people move in, there will be more people to help build the community. There are some things the City can do that would cost very little in cash. He said there are things the City can facilitate through Green Boundary and others to get the community involved to raise money and start sending people to help. He said if Council would like the City to move forward in sending people down, the City could send 4 to 6 people down for a week to two weeks at a time. He said a resolution of support from Council to formally approve assistance is needed, and Council could approve a resolution at this meeting or at the next regular meeting. He said, however, if Council is interested he would like to be able to send crews down in the next week or so.

Council discussed the matter and the general consensus of Council was that the proposal to help Waveland, Mississippi, would be a great thing to do and Aiken has the expertise to do it. Council asked that the matter be placed on this agenda for action by Council, and that a formal resolution be prepared for the next Council meeting to formally approve providing assistance and to involve the greater Aiken community in this effort.

NEWSPAPER RACKSDowntown

Mr. LeDuc stated that at the first meeting in January Council discussed the proliferation of display racks throughout the downtown area on public right of way. Currently there are boxes located at 18 different sites, and the publishers are recommending permitting 6 locations with a total of 81 boxes. A map showing the proposed 6 locations in the downtown area has been given to Council for information. Staff researched the total elimination of the boxes from the downtown area and could not find any city that supports this action. We have talked to the business owners where the racks are proposed to be located, and the merchant at the corner of Laurens and The Alley prefers not to have the rack against their building. They felt that the combined narrow sidewalk and boxes in The Alley may force individuals to walk in the street. The Post Office has no objections to the boxes being in the street right of way in front of the Post Office as long as they are not on their property. The businesses around Pat's Restaurant do not object to a box being placed on Newberry Street, nor do the businesses object to one in The Alley around City Hall. There were some concerns about the location of a box at Laurens and Park near the building of the old Curiosity Shop. Bank of America was concerned about the proposed location on Park near the bank's night depository. He said there were three proposed locations where there is not a lot of concern from the businesses. He pointed out there are some boxes on private property near the New Moon on an easement owned by Eulalie Salley & Co. He said if the owner has no objections to the boxes on private property the city could not control that area, but would work with the owner. The various organizations involved in establishing these boxes will work together to build, maintain and manage the system as per city specifications. The city's role would be to ensure compliance with the ordinance and to assist with the sidewalk installation.

Mr. LeDuc pointed out there are six proposed locations for newspaper boxes, which originally came to Council to allow 81 boxes. He pointed out Council had discussed the proposed ordinance at the January 9, 2006, meeting.

Council then discussed the matter at length. Councilwoman Clyburn stated she too felt the proposed location for boxes near the Bank of America is a matter of concern, with the boxes being near the night depository.

Mr. Scot Newcom, of the Aiken Standard, who has headed up this effort of combining boxes and reducing the number of locations for boxes, stated the group had met recently and was willing to eliminate the boxes at Bank of America. He stated, however, the proposed boxes near Lionel Smith would not be on Laurens Street but would be on the side of the building in The Alley. He pointed out this area has one of the highest pickup rates of all the boxes. He said the group is concerned about losing that location, as this has such a high pickup rate. He pointed out this group of boxes would eliminate the boxes at the Brewery, Charlottes, and in front of Lionel Smith, and the boxes would be on the sidewalk on the side of Lionel Smith. He pointed out presently 81 boxes are at 18 locations in the downtown area. The group had originally recommended six locations for the 81 boxes. After much discussion the group is now recommending four or five locations. He said the group is willing to concede on others, but really wants to keep the location near Lionel Smith's, since this has such a high pickup rate and high traffic area. The Post Office is the highest pickup rate, followed by the Lionel Smith area.

It was pointed out the objection from Lionel Smith is that the sidewalk is narrow and with the boxes it will cause people to have to walk in the street rather than the sidewalk. It was pointed out the boxes could be placed there on a trial basis, and if the sidewalk is too narrow the boxes could be removed. It was also pointed out there would be another group of boxes behind City Hall in The Alley.

Ms. Joanie Schisler stated she operates Amanda's Restaurant on Laurens Street. She asked what publications are being discussed. It was pointed out the discussion was for newspapers for purchase as well as the free publications which are in the racks. She stated one reason there may be a high pickup rate is that she frequently throws the magazines out. She pointed out many times they are wet and at times they will blow over the street, so she disposes of them. She said many times there are stacks of newspapers

on the street not in racks. She said those not in racks get wet, and others may blow away. She said she did not object to those in the boxes, as they are covered.

Mr. Ed Giobbe, Grace Avenue, stated he had gone down to Park and Laurens and gotten some of the publications from the 8 boxes at the location. He reviewed what he picked up from the boxes. He pointed out that most of the publications have Augusta ads not Aiken ads. He stated he did not understand the need for all the boxes, as most of the ads in the magazines are for Augusta businesses. He stated his concern is for the downtown businesses, but these magazines advertise businesses not in Aiken. He said he understood the reason for boxes for the purchase of a newspaper, but did not see the need for the other magazines. He was concerned about all the issues that had been discussed in downtown Aiken such as the trees, signs, newspaper racks, bus tours, and sidewalk sales and felt together all these things may cause degradation of the character of downtown Aiken. He urged Council to think very, very carefully about the boxes. He said they add nothing to Aiken, and he did not feel they help the local merchants.

Ms. Beth Nicholson stated she publishes Bella Magazine. She said this is a business based in Aiken and most of their ads are for businesses in Aiken. She said they do distribute in Augusta and North Augusta to give exposure for the advertisers. She pointed out she was not aware of the magazines blowing down the street, and if there is a problem that was not something she wanted to happen. She stated they distribute their magazines in the outdoor racks like other publications and wire racks in the retailers' location. She said magazines that have gotten in the weather and are wet is not a standard practice for them. She pointed out a collection of racks may be an aesthetic concern, but she felt having the publication on the street for pickup helps their advertisers. She said if the person is already in the store then the publication is not really helping them. She pointed out the free publications are good advertisement because people always pick them up. She pointed out her publication serves a purpose for the community, because they have calendars and show events. She said the publications show people what Aiken is about other than the daily news. She said a question of hers about the proposed boxes is what happens to a new publication when there is no room in the boxes.

Councilwoman Price asked what would happen if Council abolishes all the free publications and only allows newspapers for purchase in the boxes.

Ms. Nicholson stated this would hurt her downtown retailers' business. She said her retailers would not get the exposure that they get now to help better their business. She pointed out people in the downtown area really do pick up publications to see what they can do and where they can go. She pointed out the boxes by Lionel Smith are heavy pickups. She stated not having magazines on the racks on the streets would hurt, because there would be no way to reach people who were not shopping specifically in the stores they are trying to help.

Mayor Cavanaugh stated he had a concern, just as Mr. Giobbe, as to why we need to have the publications that advertise the Augusta businesses. He pointed out under the present regulations no boxes are supposed to be on the streets. He pointed out the boxes just all started appearing and where will it stop. He was concerned about how the city would determine how a new publication would be allowed. He felt the city needed some control on the number and what publications can be allowed on the streets, or there may be some publications that the city may not really want on the street. He pointed out there are already 81 publications on the streets. He said his basic concern now is why we need those that are not basically Aiken advertisers. He felt the number allowed on the streets needed to be reduced, but he was not sure how you determine what to eliminate.

Mr. LeDuc pointed out that once the city allows a free publication at any location it is difficult to say that another location cannot have a free publication within the community, because of the First Amendment right of freedom of speech and press. Mr. LeDuc stated if Council wants, the city could install the boxes, control the boxes and charge for using the boxes. He said then if there are more publications than boxes allocated, there could be a lottery giving everyone the opportunity to be in a box.

In response to a question about restricting the boxes to publications that advertise Aiken, Mr. Gary Smith stated that from a Constitutional standpoint regarding freedom of speech, restricting publications to Aiken advertisers would be putting restrictions on the content of the publications.

Councilwoman Clyburn stated these boxes just started appearing a few years ago with a few boxes in a few locations, but the issue has grown until there are many boxes at many locations. She felt something needs to be done to control the matter, as it continues to grow. She pointed out discussion of this matter could not have come at a worse time—during Sunshine Week.

Mr. Bill Huggins stated it has been about a year ago that the City started working with Scot Newcom, and through him the rest of the newspapers, regarding the racks on the streets. He said the theory they were working on through Scot and the rest of the newspaper publications is that they come up with a plan that would involve a set number of boxes that could be approved by ordinance by Council and that is what would be allowed. There would be no more unless there was a request to Council for a change in the ordinance. In addition the theory was that the group, the private sector, would control the boxes. They would pay for them, maintain them and control the process in terms of lottery and who would be allowed to use the boxes, so the City would not be involved in the process at that level. He pointed out this is the Greenville model and the one presented to Council. He stated the Greenville process is working.

Councilman Wells stated his concern is that three downtown business owners have expressed concern with the location of the boxes. He stated he walks through The Alley a good bit, and he felt the sidewalk is narrow alongside Lionel Smith, and also there is a utility pole in that area. He felt placing a box there would be a mistake. He also felt the Bank of America has a legitimate concern, even though the boxes may be around the corner from their night deposit drop. He said someone might have the opportunity to hang around the boxes while a merchant comes up at night to drop a deposit. The third place of concern is the new business, Nandinas, at the corner of Park and Laurens who has asked that the boxes be moved east on Park, as the boxes would interfere with their windows. He said he had problems with placing boxes in these three locations and would recommend alternative locations.

Councilwoman Price suggested that Council consider reducing the number of boxes to four boxes, four locations, and only allow free publications in two of the four boxes. The other boxes would be the major newspapers. She said this would mean there would not be so many boxes.

Mayor Cavanaugh stated he still needed time to think about the issue. Council continued discussion on the matter as to how many boxes should be allowed and how it would be determined who would use the boxes.

Mr. Scot Newcom pointed out the publications committee had originally discussed that the committee would be responsible for purchasing the boxes, maintaining the boxes, and the committee would control the use of the boxes so the City would not have to deal with that issue. He said any new publications would go through the committee to obtain a box as long as it does not exceed the number allowed by Council. He pointed out if the publications purchase the boxes, the city would not have that expense. He stated the boxes cost several thousand dollars.

Mayor Cavanaugh stated he felt the city needed some control over the boxes. He pointed out they would be on city right of way, and the city wanted them to look nice. After much discussion, the Mayor stated Council then needed to decide how many boxes to allow, if any, on the street right of way. He said the number of boxes had just gotten out of hand.

Mr. Newcom stated if Council will give some direction on what they will allow, the committee can work with that. He said in response to the person who said he could see no reason for the publications, he pointed out people who want to move to Aiken pick up

these magazines to review for the various things they may be looking for. He stated the free publications do serve a purpose and need.

Mr. Tony Baughman, of the Aiken Standard, suggested that Council has an issue of whether to allow newspaper boxes on the public right of way, whether they are individual boxes for individual publications or centralized boxes where the city provides access to people that are on public right of way. He said it becomes an issue as to whether Council is going to provide that access to further their mission. He said this could be analogous to any non-profit organization that Council allows to provide access to city right of way, a wreath in park, etc. He suggested that perhaps the publications could form an organization of local publishers that have their own bylaws, etc. He said the idea is to forward the idea of publishing, which is a vital part of the fabric of America. He suggested an organization of publishers that Council entrusts to governance of the boxes, even if the city owns the boxes, and that in order to be involved in the boxes they had to adhere to certain standards, ethical content, etc. It would be entrusting the trust of the city in an organization of respectable business people who are doing business in Aiken.

Mayor Cavanaugh stated he felt Council should have another meeting on the issue. Councilwoman Clyburn stated she would like for Mr. Baughman and also Mr. Newcom's group that has been working on this issue to formulate their ideas in writing so Council can look at them again. She felt they should consider how best to limit where the boxes go and how many on the public right of ways.

Councilwoman Price stated she would like for the group to consider her suggestion of four box locations with only two of the four carrying major newspapers and the other two free publications and major carriers. She said she would like a recommendation on where these four locations could be.

Aiken City Council Minutes

REGULAR MEETING

March 13, 2006

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Glenn Parker, Richard Pearce, Larry Morris, Anita Lilly, Pete Frommer, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle and about 30 citizens.

Mayor Cavanaugh called the meeting to order at 7:42 P.M. Councilman Wells led in prayer, which was followed by the pledge of allegiance to the flag.

RECOGNITION

Boy Scouts

Troop 146

South Aiken Presbyterian Church

Mayor Cavanaugh welcomed and recognized Boy Scout Troop 146 from South Aiken Presbyterian Church and asked each Scout to introduce themselves.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Mr. LeDuc stated he would like to talk about the Red Cross Building on Laurens Street with Council and get some direction on the sale of the property. Also, in the worksession Council had agreed to place on the agenda for formal action by Council on whether to provide assistance to Waveland, Mississippi, with some city employees to provide help from Hurricane Katrina's devastation. Councilwoman Vaughters reminded Council that they were to talk again about kiosks and signs for stores downtown. Mr. LeDuc stated ADDA is supposed to come to Council in April with a report regarding the signs and kiosks. Councilman

Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved with the additions requested.

MINUTES

The minutes of the work session and regular meeting of February 27, 2006, were considered for approval. Councilman Sprawls moved that the minutes be approved as submitted. The motion was seconded by Councilman Wells and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Lloyd-Kennedy, Keisha

Arts Commission

Mayor Cavanaugh stated Council needed to consider appointments to various boards and commissions.

Mr. LeDuc stated that there are 9 pending appointments to boards and committees of the city, and 1 appointment is presented for Council's consideration.

Councilwoman Clyburn has recommended that Keisha Lloyd-Kennedy be reappointed to the Arts Commission representing the education category, with the term to expire April 11, 2008.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Keisha Lloyd-Kennedy be reappointed to the Arts Commission, with the term to expire April 11, 2008.

Councilwoman Price stated that she would like to recommend that Karen Gordon, representing the Performing Arts be reappointed to the Arts Commission for a two year term to expire April 11, 2008.

Councilwoman Clyburn asked if there could be an update on the advertisement for an Assistant Judge for the Municipal Court. Mr. LeDuc responded that the advertisement would be in the newspaper this weekend.

Mayor Cavanaugh stated he would like to recommend that Peggy Penland be reappointed to the Accommodations Tax Committee.

ZONING ORDINANCE AMENDMENT – ORDINANCE 03132006

Tree Preservation

Single Family Residential

Commercial

Multi-Family Residential Zone

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning Tree Preservation in Commercial and Multi-Family Residential zones.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 4.6.4 OF THE CITY OF AIKEN ZONING ORDINANCE REGARDING TREE PRESERVATION FOR DETACHED SINGLE-FAMILY RESIDENTIAL PROJECTS IN COMMERCIAL AND MULTIFAMILY ZONES.

Mr. LeDuc stated at Council's request over the last several months the Planning Commission reviewed the potential problem of grand and significant trees being removed for detached single family residential projects in commercial and multi-family residential zones. Their concern considers the rare case where a detached single family residential unit is to be constructed in a commercial and multi-family zone, and trees are removed without the single family structure being built. For single family homes the ordinance

does not require a tree plan or survey. A builder could then go back later and sell the property and avoid the penalties for the removal of any significant and grand trees for a commercial or multi-family project.

The language in the proposed ordinance recommended by the Planning Commission states that "issuance of a building permit for a detached single family dwelling in a commercial or multi-family zone shall be conditioned on a stipulation that, if significant or grand trees are removed, no building permit for a permitted use other than detached single family residential shall be issued for three years from the date of issuance of the permit."

This ordinance was unanimously recommended by the Planning Commission at their February meeting.

The public hearing was held and no one spoke.

Councilwoman Vaughters asked if a developer would have to come back to Council if after three years a commercial building was to be constructed on the property and the trees had been removed. It was pointed out the developer would not have to come back to Council for approval, as the trees would already be down. Councilwoman Vaughters stated she felt three years was not long enough to delay development, as trees could not be grown in three years to make a difference.

Mayor Cavanaugh pointed out that this is a start as presently there is nothing to protect the areas if the trees are removed for a residential project.

Councilwoman Clyburn moved, seconded by Councilman Wells, that Council approve on second and final reading an ordinance to amend the Zoning Ordinance concerning tree preservation for detached single family projects in commercial and multi-family residential zones and that the ordinance become effective immediately. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

ANNEXATION – ORDINANCE 03132006A

Fox Run Subdivision

Squire Street

Banks Mill Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex Fox Run Subdivision.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED IN FOX RUN SUBDIVISION AND TO ZONE THE SAME SINGLE-FAMILY RESIDENTIAL (RS-6).

Mr. LeDuc stated in 2000 the City of Aiken provided water services to the 23.1 acre Fox Run Subdivision which is part of a larger 57 acre tract. One of the conditions of approval stated that the subdivision would be annexed when it becomes contiguous. This was based on a policy set by Council in 1990 which required an annexation agreement as a condition of providing water services outside the city. There are about 50 lots in the subdivision and about half of the lots are built on at this time. This would be the first property that the City would annex as a result of this policy adopted in 1990. The property is now contiguous to Deodar Plantation and therefore we have the ability to provide annexation.

Over the last several months an annexation petition was circulated, and we have 93% of the lots, representing 86% of the assessed value, agreeing to the annexation. State law requires a minimum of 75% of both ownership and assessed valuation as part of any annexation agreement. Since the original agreement in 2000 required annexation in the

future, we recommend that the entire site be annexed, including the three parcels that were not willing to sign the annexation petition.

The Planning Commission recommends an RS-6 zoning based on the current size of the lots. This is consistent with the Comprehensive Plan, which calls for low density residential. The Planning Commission unanimously recommends the annexation of all the properties, including those owners that have not signed the petition. However, Council does have the option that if they chose to annex only those properties that have signed the petition they can do so.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve on second and final reading an ordinance to annex the entire 23.1 acre Fox Run Subdivision under the RS-6 zoning and that the ordinance become effective immediately.

SALE OF PROPERTY – ORDINANCE 03132006B

Shiloh Baptist Church

Shiloh Springs

City Property

TPN 00-150.0-01-005 (old)

TPN 117-00-16-002

Shiloh Church Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell 15.11 acres of city property to Shiloh Baptist Church.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF
APPROXIMATELY 15.11 ACRES OF PROPERTY OWNED BY THE CITY OF
AIKEN LOCATED IN THE SHILOH SECTION OF AIKEN COUNTY, SOUTH
CAROLINA A PORTION OF TAX PARCEL 00-150.0-01-005.

Mr. LeDuc stated Shiloh Baptist Church is located north of I-20 and approximately 1 1/2 miles west of U.S. Highway 1. The City of Aiken owns approximately 45 acres around the church which is part of the original section of the Shiloh Springs water system. The church was in existence before the City had the springs and when the springs were built in the early 1900's a barrier was placed along the edge of their property so this water would by pass the springs due to possible contamination from a cemetery. Since the water is not usable, the sale of the land would not reduce or hinder the volume of water from Shiloh Springs.

The church currently has a ballfield on part of the property currently owned by the City. They would like to incorporate the ballfield as part of their land and to have additional land available for future expansion. The property was appraised last year, and the land was posted for sale the first week of October. Since the City considers green space important, staff is recommending that the City not sell the entire 45 acre tract, but only the 15 acres included in Tract B and D immediately surrounding the church at the appraised value of \$3,300 per acre.

If City Council agrees with the sale of this land, it would be with restrictions that no mobile homes or high density residential could be developed on the land or other commercial or agricultural developments such as hog farms or chicken farms. It would be restricted to institutional use, such as schools or single-family residential homes. The church has agreed to these restrictions, and we are recommending the sale of this land to Shiloh Baptist Church.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to sell 15.11 acres to Shiloh Baptist Church for \$49,863 and that the ordinance become effective immediately.

SALE OF PROPERTY – ORDINANCE 03132006C

Douglas Drive

Gingrey, Bill

Sewer Treatment Facility

TPN 122-06-07-003 (portion of)

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell property on Douglas Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON DOUGLAS DRIVE IN AIKEN, SOUTH CAROLINA.

Mr. LeDuc stated last fall Bill Gingrey asked the City to sell property to him off of Douglas Drive. He was the builder and developer of much of the property in that area and wanted to purchase several of the lots currently on Douglas Drive between our treatment facility and one of the wells.

Larry Morris has reviewed this request and feels that the portion of the land fronting on Douglas Drive could be sold, leaving the rear portion as a green space for our sanitary sewer and storm drainage.

City Council asked us to post the sale of this property and to obtain an appraisal of the land that he would like to purchase. We received several calls concerning the sale of property, but only one bid from Mr. Gingrey was received. Although the tract is 11.5 acres we feel only approximately 9 acres should be sold, keeping the rear portion for open space and for city utilities.

Mr. Gingrey's bid was \$30,000 for the two acres bordering Douglas Drive and \$10,000 per acre for the remainder of the property, for a total of \$130,000 for the 9 acres. The appraised value for the 9 acres is \$117,000, and a survey would have to show the exact tract and the cost would increase or decrease based on the final survey.

We are recommending to Council to sell the approximate 9 acre tract to Mr. Gingrey for approximately \$130,000, depending on the final survey. This money would be placed in the Utility Fund for future projects.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to sell approximately 9 acres of land to Bill Gingrey for single family residential detached homes along Douglas Drive for approximately \$130,000, and that the ordinance become effective immediately.

STREET – ORDINANCE 03132006D

Close Street
Right of Way
Mabry Street
Bamberg Street
Saluda Street
Kershaw Street
Edgewood Subdivision

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to close the right of way of Mabry Street in Edgewood Subdivision.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CLOSE THE RIGHT OF WAY OF MABRY STREET, AN UNOPENED LANE BETWEEN BAMBERG, SALUDA, AND KERSHAW STREETS IN THE CITY LIMITS OF AIKEN.

Mr. LeDuc stated the City owns the property on either side of Mabry Street as shown on the plat provided for Council's information. In order to create three or four buildable lots in the Edgewood area, staff is requesting that the unopened street between Saluda and Kershaw Street be closed. This will allow the city to be able to land plan and plat out the proper size for the lots.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Wells and unanimously approved, that Council pass on second and final reading an ordinance to close Mabry Street between Saluda and Kershaw Street in Edgewood Subdivision and that the ordinance become effective immediately.

BOARDS AND COMMISSIONS CHAIRMAN AUTHORITY – ORDINANCE
Boards and Commissions
Appointments
Task Force
Ad Hoc Committee

Mayor Cavanaugh stated an ordinance had been prepared for first reading regarding appointment of committee members by board and commission chair.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE AIKEN CITY CODE REGARDING THE PROCESS FOR THE APPOINTMENT OF MEMBERS TO SUB-COMMITTEES OF THE CITY'S VARIOUS BOARDS, COMMITTEES AND COMMISSIONS.

Mr. LeDuc stated at the last meeting there was an issue as to whether the chair of boards, commissions and committees should have the ability to appoint members of the board, commission or committee to be on a task force. He said this matter had been reviewed and even though this has been done in the past staff could not find where the chair of the Planning Commission and Board of Zoning Appeals had this authority. However, this authority was given to the chair of the Design Review Board in their by-laws. Mr. LeDuc stated this authority could be given to other boards or Council could decide they don't want to give any board that authority.

Mr. LeDuc stated staff developed an ordinance regarding the process for the appointment of members to subcommittees of the various boards, committees, and commissions. Occasionally a task force or committee is formed upon the request of City Council or for some advisory reasons to prepare a report concerning services to citizens or modifications of various codes and ordinances. The proposed ordinance would allow the Chairman of a board, commission or committee to appoint one of the members to be on a task force or

committee. By passing this ordinance Council would grant the Chair authority to appoint members as needed to an advisory committee or task force.

Councilwoman Clyburn moved, seconded by Councilman Sprawls that Council pass on first reading an ordinance to allow the chairman of boards, committees, and commissions to appoint individuals to be on committees and task forces and that second reading and public hearing be held at the next regular meeting.

Councilman Smith stated he understood from the last meeting that the matter would be put on the agenda for discussion. He stated he did not realize this would be an ordinance for consideration at this time.

Mayor Cavanaugh stated his thought was to put the matter on the agenda and let Council talk about it and vote on it. He said that was the democratic process.

Councilman Smith stated, however, the democratic process was not followed by the Planning Commission and the Chairman did not have the authority to make the appointment that he did at the last Planning meeting. He said the Chairman decided who would be appointed and did not give anyone else a chance to have any input.

City Attorney Gary Smith stated his understanding at the last meeting was that when Council stated they wanted to discuss the matter, he felt it was appropriate to prepare a proposed ordinance so Council would have something to discuss.

Councilwoman Clyburn stated Council discussed the matter at length at the last meeting, and she wondered if there was any new information on the matter. She pointed out the proposed ordinance would put the Planning Commission as well as the other boards and commissions in line with the Design Review Board so the chairs would all have the same authority.

Councilwoman Vaughters stated the matter was discussed in a work session at the last meeting. However, this meeting is an official meeting and everyone present may not be aware of what was discussed at the last meeting. She stated she served on a commission for about six years. The commission elected a chairman each year, but at no time did the commission abrogate their responsibility to have input into what happened on the commission when the chairman was elected. She pointed out each Councilmember had appointed a member to each board, commission or committee to give of their time to serve. She said she expected that before a chairman makes appointments that he give members of the commission an opportunity to express their opinion and to have input. She pointed out Mayor Cavanaugh gives Councilmembers an opportunity to have input on appointments, and if there is a difference of opinion Council votes on the matter. She said an emergency situation might be different. She said there was no reason to have an ordinance to suit one committee chairman. She felt it was a common courtesy to other volunteers on the same committee to allow input on appointments to any task force. She said being a chairman involves managing the meeting and she would like that to include all members on the commission for appointments to a task force. She felt the matter needed to be clarified as to the authority of chairs of committees.

Mayor Cavanaugh stated as far as discussion each has the right to bring up their points of view again even though it was discussed at the last meeting, since Council will be voting on the matter.

Councilwoman Clyburn stated she did not mean to silence anyone. She pointed out this is first reading and many times an ordinance is passed on first reading and the public hearing is held at the next meeting. She pointed out when Council is discussing personalities, persons and individuals who serve in a volunteer capacity, she personally feels the need to be considerate of other people's feelings when discussing matters on the open floor. She said her concern was that for two meetings in a row Council would be rehashing what may or may not have happened or said. She said she was just being considerate and if there is no new information among them, she felt it would be a kind thing not to drag it out. She said she was not trying to silence anyone.

Mayor Cavanaugh stated he felt the matter boils down to whether or not the chairs should have the right to make appointments. It did not matter what commission or board, personality or what has happened in the past. He said the concern is does Council want to give the chairman the right to make appointments. He said they had not had that authority in the past. He said in most cases a Chairman states someone is needed for a particular commission and asks if anyone wants to serve. He said the Mayor does not have the authority to make appointments, and if Council gives appointment authority to the chairmen, the chairmen would have more authority on their committee than the Councilmembers have. He pointed out Council nominates appointments. He asked why Council would want to get away from having the committees vote on appointments. He felt there is already a system of recommending and voting that works. He felt people on the boards and commissions want to have a say and a vote on matters.

Councilman Smith stated he agreed with the analysis. He said he questioned that Council should give a chairman of any commission more authority than the Mayor.

Councilman Wells stated he felt there may be times when there may be a problem finding someone to take an appointment.

Council continued to discuss the matter at length.

Councilman Sprawls asked if anyone knew if the Design Review Board had had any problems with appointments. He pointed out the Chair has the authority to make appointments on the Design Review Board. He said the matter was brought to Council's attention, and he felt Council should consider the matter and vote on it.

Mayor Cavanaugh asked if anyone in the audience wanted to speak on the matter.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council suspend the rules and allow citizens to speak on first reading of the ordinance.

Mr. Ed Giobbe, 541 Grace Avenue, asked if Councilmembers would be willing to give up their ability to make appointments and let the Mayor make appointments. He said if they were willing to give up this authority he felt they were not representing their citizens. He pointed out the matter came up at the Planning Commission because the chairman made an appointment outside of the regular meeting and there was no discussion on the matter at the meeting. The appointment was presented as a fact and there was no discussion. He said he felt Council should be concerned about the matter.

Councilwoman Clyburn stated she would not want the Mayor to make the appointments to the boards and commissions. She pointed out Councilmembers are elected and paid to serve on City Council, and she felt it was her responsibility to make a decision on appointments. She pointed out the boards and commission members are volunteers and give of their time and energy to help Council in their deliberations. She thought the matter was on the agenda to prevent any misunderstanding on the way the boards and commissions function. She did not see the matter as her giving up her responsibility. She pointed out the boards and commissions do things that she is not a party to in their meetings. She stated she would not want to give up her right to make appointments, as she was given this right by the citizens. She pointed out the question is the volunteers.

Councilman Smith pointed out Mr. Giobbe is his appointment to the Planning Commission, and a volunteer. Mr. Giobbe was upset at the process as was other members of the Planning Commission. He said he feels the same problem exists. He said all that is required is the courtesy of at least polling the commission to see if anyone wants to serve, and if there are two, then commission members would vote on the appointment. He said by extension this is an appointee of an elected official who deserves the same courtesy.

Councilwoman Clyburn stated she wanted to point out that she did not know what was going on before the last Council meeting. She stated she did not know there was a controversy brewing. She said she had no predetermined idea, but looked at the matter as

an item in the agenda that looked okay. She said she was going on what looked like a fair thing to do.

Councilman Smith stated he wanted to make it clear that it was not who the appointee was. The question was what was the process. He said it did not seem to be a need to change the process by an ordinance. He said there are seven people on a commission and the chair should ask the membership about an appointment.

Mayor Cavanaugh called for a vote on the motion to approve the ordinance on first reading to allow the chairman of boards, commissions and committees to appoint individuals to serve on a task force. The motion was approved by a vote of 4 in favor and 3 opposed. In favor were Councilmembers Clyburn, Price, Sprawls and Wells. Opposed were Mayor Cavanaugh and Councilmembers Smith and Vaughters.

PURCHASING – ORDINANCE

Local Vendor Preference Procurement Code

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Procurement Code regarding the local vendor preference differential in the low bid.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING ARTICLE VI OF THE AIKEN CITY CODE TO MODIFY THE CITY'S PROCUREMENT CODE AMENDING THE AMOUNT OF THE LOCAL VENDOR PREFERENCE UNDER SECTION 2-339.

Mr. LeDuc stated at our last City Council work session, we reviewed our purchasing code as it relates to the local vendor preference. The city currently allows local vendors to be awarded a bid if it is within 5% of the lowest bid and does not exceed \$2,000. We reviewed the percentage and maximum allowed by other cities throughout South Carolina. The 5% is the maximum amount currently used by any city. Hilton Head allows a maximum of \$2,500 and North Charleston a maximum of \$3,000. Based on this information, City Council stated they would like to raise the maximum local vendor preference differential to \$3,000. This means that if a local bidder submitted a price of \$60,000 and someone from outside Aiken County submitted a bid of \$57,000, the local vendor would receive the bid based on the revised City Code.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance to amend the City Procurement Code raising the maximum local vendor preference to \$3,000 and that second reading and public hearing be held at the next regular meeting.

RESOLUTION – DEDICATION

Deed of Dedication Streets Utilities Hamilton Crossing Subdivision Silver Bluff Road Champion Pine Lane TPN 106-16-02-008 TPN 30-037.0-01-046 TPN 30-037.0-01-047

Mayor Cavanaugh stated a resolution had been prepared authorizing the acceptance of a deed of dedication for the streets and utilities for Champion Pine Lane in Hamilton Crossing Subdivision.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED OF A PORTION OF FORMER TAX PARCELS 30-037.0-01-046 AND 30-037.0-01-047, NOW TAX

PARCEL NUMBER 106-16-02-008 FOR CHAMPION PINE LANE AND ALL UTILITIES FOR 5.89 ACRES NORTH OF HAMILTON DRIVE.

Mr. LeDuc stated the developers of Hamilton Crossing Subdivision are ready to dedicate the roadway, Champion Pine Lane and all the water, sewer and storm drainage lines within that subdivision. This subdivision is located on 5.98 acres of land north of Hamilton Drive and contains 42 single family homes. The city requires that in all single family residential subdivisions that the utilities and roads be deeded to the city a minimum of one year after their completion and upon inspection by the Public Works Department. We are now ready to receive these roads and recommend acceptance of Champion Pine Lane and the associated utilities along this roadway.

Councilman Smith moved, seconded by Councilman Sprawls and unanimously approved, that

Council approve acceptance of the deed of dedication of the road and utilities in Hamilton Crossing Subdivision.

SUNSHINE WEEK

South Carolina Press Association

Sunshine Week

Freedom of Information Act

Mayor Cavanaugh asked that Council consider observance of Sunshine Week on March 12-18, 2006.

Mr. LeDuc stated The South Carolina Press Association observes Sunshine Week which focuses on the importance of open governmental proceedings. The City of Aiken encourages openness at their meetings and adheres to the Freedom of Information Act and the responsibilities that elected officials need to maintain in keeping our meetings and proceedings open and information accessible to the public. He said Council had expressed a definite desire to open all meetings so the public has an opportunity to express themselves. He pointed out Council had moved their worksessions from Room 204 to the Council Room to give the ability to the citizens and others to discuss and hear freely what Council is discussing. He pointed out Council has very few executive sessions and those held concern personnel and legal matters. He said because Council has made it a very open practice to make sure Council meetings are very public and information is accessible to the public we wanted to have an official observance of Sunshine Week which is March 12 – 18, 2006, and to let the press and the citizens know of the partnership between Aiken, the Municipal Association, and the South Carolina Press Association during this week.

Mr. LeDuc stated he had provided Council with a copy of an article written by Howard Duvall, the Executive Director of the Municipal Association, on the importance of the Freedom of Information Act and a copy of frequently asked questions regarding the Freedom of Information Act.

He stated he had also asked Gary Smith to spend a few minutes to express the importance concerning this Act and to answer any questions that Council or the general public may have concerning it.

Mr. Gary Smith, City Attorney, pointed out that the S.C. Attorney General has a publication on the Municipal Association's web site called the "Public Official's Guide to Compliance with South Carolina's Freedom of Information Act" that is a very good summary of the Freedom of Information Act. Mr. Smith then reviewed some of the points of the Freedom of Information Act. He pointed out public body includes the city departments, City Council, Planning Commission, Board of Zoning Appeals and all other boards and commissions. He pointed out public records includes all books, papers, maps, photographs, tapes or other documentary materials, including e-mails. He said public records are all subject to being disclosed pursuant to the Freedom of Information Act. He said anyone has the right to inspect public records and to request copies of records. He said the city has the right to charge for the service of providing the records. He reviewed a listing of records that are declared public information.

Council then briefly discussed the FOIA and requests for information.

RED CROSS BUILDING

Laurens Street South Boundary

Mayor Cavanaugh pointed out Council had added to the agenda discussion of the lease of the Red Cross Building on Laurens Street.

Mr. LeDuc stated a couple of years ago renewal of the lease for the Red Cross property came up. Council decided at that time to renew the lease only for five years because there had been some interest from others in using the building or property. He said the lease contains a clause that if the Red Cross or the City gives notice of up to 12 months the Red Cross could be asked to find another location. Mr. LeDuc stated an individual has purchased the No. 10 Downing Street property, and they plan to make the former restaurant a private residence again. They also want to build some additional residential property in the back area, and they are interested in acquiring the Red Cross property. He said knowing that Council would want to know the size of the property and the appraised value, he had the property appraised and obtained a plat of the property. He said, however, before he went to the next level, he wanted to know Council's feelings on sale of the property. He said he wanted to make sure Council was still in agreement for the City to consider the possible sale of the Red Cross property. He said the property would be used for housing. He said if Council is interested in selling the property 12 month's notice would have to be given to the Red Cross so they could find another location. He asked if Council was prepared to consider the sale of the property.

Mayor Cavanaugh stated he was not prepared at this time to proceed with the sale of the property. He said he wondered why the City should sell the property. He pointed out the Red Cross had been on the property for at least 50 years. He stated also the City may want to keep the property for future use for office space.

Mr. Gary Smith stated he was Chairman of the Board of the local Red Cross. He said any legal advice on the matter should be received from Richard Pearce since he would have a conflict of interest. He said, however, he could share with Council that the Red Cross is the beneficiary of a fairly large donation and the Red Cross is looking for a new location. He said if Council wants to sell the property the Red Cross would understand as they are already looking for a new location. He pointed out the present location is not adequate for the needs of the Red Cross.

Councilwoman Vaughters stated she did not see the need to sell the property. She said if the Red Cross chooses not to continue using the property then the City needs to think about space needs in the downtown such as parking. She pointed out downtown property is very expensive and the value of the property will continue to increase.

Mr. LeDuc stated the property contains .85 acres. He pointed out about .1 acre is about 30 feet lower than the rest of the property and would be unusable. He pointed out a prospective buyer wants to purchase the property to combine with adjoining property to better land plan their property. The appraised value of the property is about \$400,000.

In response to the Mayor's request for the City Manager's opinion, Mr. LeDuc stated that the property is not in the core of the downtown area for the city's use, and the size is not really large enough for the city's use. He said possibly it could be used for parking, but it has been found that people don't want to park a block away now. He was not sure people would park there, walk up the hill, and then walk the block to downtown. He said to leave the property as green space would be another consideration. He pointed out one of the goals in the downtown and the Strategic Plan meetings in the 1990's was to infill the downtown area with residential property, and the proposed use of the property would fill that goal. He pointed out the goals have changed over the years as far as infilling and density, but the merchants downtown felt that the more residential in the downtown area, the more people will shop and use the downtown area. He said to sell this property in conjunction with the adjacent property would help them better use their property. He

said this was a request to the city by the owners of No. 10 Downing, and he wanted Council's feelings on this matter. It was pointed out review of what would be built would be reviewed by the Design Review Board.

Mr. Larry Morris, Public Works Director, pointed out that the city has some major sewer lines that serve the downtown area, as well as a storm drain line behind the Red Cross property. He said access to the lines would have to be maintained through the property for the city to service the lines. He said this would limit the use of the property.

Mr. LeDuc stated if Council wants to sell the property, Council could put stipulations on the property owned by the City, and access to the easements would have to be included in the stipulations. Mr. LeDuc stated Council could think about the matter, and he could place it on the agenda for Council to make a decision at the next meeting. He said the person who owns No. 10 Downing Street would like to have a decision soon so they could decide how they can develop their property.

Councilwoman Vaughters stated she did not want to sell the property, but if it is to go on the market, it would have to be advertised for sale.

Mayor Cavanaugh asked that the City Manager place the item on the next agenda for Council's consideration.

RESOLUTION

Waveland, Mississippi

Katrina

Hurricane

Public Works Department

Public Safety Department

Assistance

Mayor Cavanaugh stated at the worksession Council agreed to place the request for assistance for Waveland, Mississippi on the agenda for Council's consideration.

Mayor Cavanaugh stated his understanding from the worksession was for the staff to prepare a resolution formally committing the City of Aiken to assist Waveland, Mississippi, with rebuilding after destruction from Hurricane Katrina.

Mr. LeDuc stated if Council could give formal commitment for assistance staff could move forward with plans for assistance. He said possibly Council could approve a resolution authorizing city staff to develop and start moving forward with sending employees to Waveland, Mississippi, in about a week to start providing assistance. He said the assistance would consist of sending utility crews with equipment for a one to two week period and then rotating with another group and also sending Public Safety Officers for a period of time.

Councilman Smith moved, seconded by Councilman Sprawls and unanimously approved, that Council authorize the City Manager to start sending Public Works and Public Safety crews to Waveland, Mississippi, to help with cleanup from Hurricane Katrina. He said this would be for a period of time, depending on the progress made. He pointed out the area is going to need help for some time in rebuilding their community. Council asked that the City Manager keep Council informed on what is happening with the cleanup.

ACTION AGENDA


Planning Commission

Joint Meeting

Mr. LeDuc reminded Council of the joint meeting with the Planning Commission to review the proposed Action Agenda for 2006-07 on March 22, 2006, at 6:30 PM.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:08 P.M.


Sara B. Ridout
City Clerk