

August 12, 2002

In response to a question by Mayor Cavanaugh, Mr. Yates stated there would be three other positions available on the tower. It was pointed out the proposed lease does allow the city to locate on the tower.

Councilwoman Vaughters asked what kind of buildings would be beneath the tower. Mr. Yates stated it will mostly be small pads with equipment boxes. He said the lead tenant will have about a 10' x 16' x 10' shelter in which the equipment would be housed. He said usually there is one shelter and the other carriers usually have small pads with equipment boxing.

Mr. LeDuc stated if Council is agreeable the ordinance to allow the lease agreement would be placed on the agenda for first reading on August 26, 2002, with second reading in September.

### REGULAR MEETING

August 12, 2002

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Larry Morris, Ed Evans, Glenn Parker, Anita Lilly, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and 22 citizens.

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

### RECOGNITION

Boy Scouts

Troop 121

St. John's Methodist Church

Mayor Cavanaugh recognized Boy Scout Troop 121 from St. John's Methodist Church.

### APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved.

### MINUTES

The minutes of the regular meeting of July 22, 2002, and the work sessions of July 15, 17, 22, and 29, 2002, were considered for approval. Councilman Cuning moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

### PRESENTATION

Municipal Association Safety Award

Award

Safety Award

S.C. Municipal Association Award

Mayor Cavanaugh stated Council had a presentation from the South Carolina Municipal Association.

Mr. LeDuc stated the City of Aiken recently received the Municipal Association of South Carolina Safety Award for cities with over 150 employees. This is a great accomplishment for the city's employees, especially considering our previous safety record. Up until two years ago the City of Aiken fell near the bottom of their category as far as the number of injuries and their related costs.

A major effort by the Safety Committee and the employees along with our Character Program has helped us reduce the number of serious injuries. Last year of the 58 total injuries only 4 resulted in losses of \$1,000 or more. This is our biggest area of improvement with most of our injuries being very minor in nature. This same effort is continuing this year and if this continues we can expect a positive effect on our future premiums.

We would like to thank Lex Kirkland, our Risk Manager, and the members of our Safety Committee for their safety improvements and for winning the top safety award in South Carolina. In conjunction with this award we received a \$2,000 grant to offset safety expenses within our program. Mr. LeDuc stated Lex Kirkland could not be present, but representing him was Anita Lilly, Finance Director.

#### BOARDS AND COMMISSIONS

##### Appointments

McNair, James Jr.

Accommodations Tax Committee

Mayor Cavanaugh stated Council needed to consider an appointment to the various boards and commissions of the city.

Mr. LeDuc stated Council has fourteen pending appointments to boards and committees of the city, and one appointment is presented for Council's consideration at this time.

Councilman Cuning has recommended reappointment of James McNair, Jr., of 555 Highland Park SW to the Accommodations Tax Committee. If reappointed the term would expire March 25, 2004.

Councilman Cuning moved, seconded by Mayor Cavanaugh and unanimously approved, that James McNair, Jr. be reappointed to the Accommodations Tax Committee for a two-year period to expire March 25, 2004.

#### ANNEXATION – ORDINANCE 08122002

Seminole Street 918

Martin, Robert and Juanita

Richland Avenue W

TPN 30-017.0-01-017

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 918 Seminole 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 .41 ACRES OF LAND, MORE OR LESS, OWNED BY ROBERT AND JUANITA MARTIN AND LOCATED AT 918 SEMINOLE STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated Robert and Juanita Martin at 918 Seminole Street would like to annex their .41 acre lot into the city. This property is surrounded by other single family homes and is compatible with an RS-15 zone. The applicant is interested in having their home connected to the sanitary sewer, which is available.

The Planning Commission voted unanimously to approve this annexation at their July meeting.

The public hearing was held and no one spoke.

August 12, 2002

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that the ordinance be passed on second and final reading to annex 918 Seminole Street to be zoned RS-15 and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE 08122002A

Willow Run Business Park

Beaufort Street

By-Pass

Hampton Avenue

Willow Run Road

TPN 00-155.0-01-056

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex 6.6 acres in Willow Run Business Park located off Beaufort 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 6.6 ACRES OF LAND, MORE OR LESS, OWNED BY THE AIKEN CORPORATION AND TO ZONE THE SAME LIGHT INDUSTRIAL (LI).

Mr. LeDuc stated the Aiken Corporation, as part of their developer's agreement, agreed to annex any of their property not currently inside the City of Aiken. They are asking City Council to approve the annexation of the vacant 6.6 acre lot off of Willow Run Road. This lot is contiguous to the City of Aiken on the western portion of its boundary. The proposed property is to be developed by Aiken Corporation for light industrial and is proposed to be zoned Light Industrial.

The Planning Commission unanimously approved this annexation at their July meeting as Light Industrial.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls, that the ordinance be passed on second and final reading to annex 6.6 acres in Willow Run Park to be zoned Light Industrial, and that the ordinance become effective immediately. The motion was approved by a vote of 6 to 1 with Councilwoman Price opposing the motion.

ANNEXATION – ORDINANCE

Pine Log Road East

East Pine Log Road

Oswalt, J E

Douglas Drive

TPN 30-077.0-04-015

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex .4 acres off East Pine Log Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED ON EAST PINE LOG ROAD, CONSISTING OF .4 ACRES OF LAND, MORE OR LESS, OWNED BY J. E. OSWALT HOUSE MOVING CO., INC. AND TO ZONE THE SAME LIMITED BUSINESS (LB).

Mr. LeDuc stated J. E. Oswalt would like to annex a 0.4 acre property on East Pine Log Road adjacent to the city well site. They would like to have it zoned as Limited Business (LB). Under the proposed zoning of Limited Business the property which is adjacent to

residential areas will help act as a buffer for those areas. Thus, the zoning of Limited Business will allow the transition of property from residential to commercial zones.

The Planning Commission at their July meeting voted unanimously to approve annexation of this property.

The public hearing was held.

Councilwoman Vaughters stated she had looked at the property, and she did not feel that the proposed zone was appropriate and that it did not fit in with the area. She pointed out the areas surrounding the property are residential, and she felt this zoning would not fit in with the proposed Comprehensive Plan. It was pointed out the present zoning of this area outside the city is residential. She was concerned about the houses behind the area and the residents surrounding this area. She pointed out there are businesses on the other side of the street, but this side of East Pine Log Road is residential.

Councilman Cunning pointed out with the widening of Pine Log Road it would be difficult to develop the property as residential, but probably the area will develop as commercial. It was pointed out with the traffic increasing on Pine Log Road, the present residents may want to sell their property for commercial use in the future, as it may be difficult to sell the houses for residential with the traffic on Pine Log Road. The proposed zone is sort of a buffer zone between residential and business and requires some design standards. Other Councilmembers felt that if this property is rezoned to Limited Business (LB) that this may start a pattern of businesses on this side of East Pine Log Road. It was also pointed out that the residents each have a road cut every few feet into a major roadway.

Council discussed the proposed annexation and zoning at length. It was proposed that the request be delayed and that Council hold a meeting to hear from the surrounding residents in the area after posting the property. It was pointed out that the area is outside the city and is zoned residential in the county.

Mayor Cavanaugh stated he felt Councilwoman Vaughters brought up a very good point about annexation and zoning as Limited Business. He felt the rezoning might have a domino effect, and he was concerned about that.

Councilwoman Vaughters moved, seconded by Councilman Smith, that Council deny the annexation request on second reading because she felt the zoning was inappropriate for the area since the County zoning is residential on this side of Pine Log Road.

Councilwoman Clyburn stated she was in favor of holding a third reading on the proposed ordinance and letting the neighbors know of the proposed use and zoning.

Councilwoman Vaughters stated she felt the matter should be discussed during the public hearing on the Comprehensive Plan with the residents in the area given time to express their feelings on how the area should be zoned.

Mr. Gary Smith, City Attorney, stated he did not feel that zoning this property Limited Business would be spot zoning as there is General Business zoning just across the street from this property.

Mayor Cavanaugh stated the motion was that Council deny the request for annexation and zoning as Limited Business. The motion was approved by a vote of 5 in favor of denial and 2 opposed. Opposing were Councilmembers Clyburn and Sprawls.

Councilwoman Clyburn stated she was not necessarily in favor of rezoning the property as Limited Business, but she was in favor of having another hearing so the residents could express their feelings regarding the zoning.

It was pointed out that the matter would be discussed in the Comprehensive Plan hearings and the residents in the area would have opportunity to express their feelings regarding the matter.

August 12, 2002

Councilwoman Clyburn requested that she be allowed to change her vote and to vote in favor of denial of the annexation request and zoning of Limited Business at this time. Therefore the vote was 6 in favor of denial and 1 opposing with Councilman Sprawls opposing the motion.

ANNEXATION – ORDINANCE 08122002B

Gregg Avenue 217  
Seventh-Day Adventists  
Howell, Vincent  
Carolina Conference Association  
TPN 30-006.0-03-009  
Hudson Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex 217 Gregg Avenue.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED AT 217 GREGG AVENUE, CONSISTING OF 1.932 ACRES OF LAND, MORE OR LESS, OWNED BY THE CAROLINA CONFERENCE ASSOCIATION OF THE SEVENTH-DAY ADVENTISTS, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated the Carolina Conference Association of the Seventh-Day Adventists would like to annex 1.9 acres at 217 Gregg Avenue. This property is located on Gregg Avenue near Hudson Road and is contiguous to the city by the property zoned PUD for Kalmia Landing. The church wishes to locate a radio transmitter within a proposed steeple on the church building. The steeple they plan to use will be 29' in height. Since this is a church property, and we currently do not have a zoning for churches, the proposed zoning would be Residential Single Family (RS-15), which is compatible for this area. Churches are permitted by special exception approval in all residential districts. Because the church is existing, it would be considered a legal, non-conforming use, and any expansion would need approval by the Board of Zoning Appeals.

The Planning Commission at their July meeting voted unanimously to recommend approval of this annexation.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that the ordinance be passed on second and final reading to annex 1.9 acres of property at 217 Gregg Avenue for the Seventh-Day Adventists Church as Residential Single Family (RS-15) and that the ordinance become effective immediately.

MONTMORENCI-COUGHTON WATER & SEWER DISTRICT – ORDINANCE  
08122002C

Agreement  
Water District  
Sewer District  
Deodar Plantation

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Montmorenci-Coughton Water and Sewer District agreement.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ALLOWING THE CITY OF AIKEN TO AMEND ITS  
AGREEMENT WITH THE MONTMORENCI-COUGHTON WATER AND SEWER  
DISTRICT, INC. REGARDING THE PROVISION OF WATER AND SEWER  
SERVICES.

Mr. LeDuc stated City Council recently annexed Deodar Plantation off of Pine Log Road. This annexation was with the understanding that the Montmorenci-Coughton Water and Sewer District would serve the residents with water service. In 1997 the City and the Montmorenci-Coughton District approved an agreement stating which areas would be served by each of the water and sewer providers. The amendment, which is before Council, modifies this agreement and allows the City to serve sewer to this development. In the agreement, Montmorenci-Coughton agrees to provide the City with a copy of the monthly water meter readings to enable the City to charge their customers for sewer service. This amendment further clarifies the previous ordinance as to this particular area, detailing the terms and conditions for the Deodar Plantation.

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 amending the agreement with the Montmorenci-Coughton Water and Sewer District regarding water and sewer services and that the ordinance become effective immediately.

AIKEN COMMUNITY PLAYHOUSE – ORDINANCE 08122002D

Lease

Agreement

Playhouse

Washington Building

Newberry Street

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve a lease agreement with Aiken Community Playhouse for use of the building on Newberry Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER A NON-  
EXCLUSIVE LEASE AGREEMENT WITH AIKEN COMMUNITY PLAYHOUSE,  
INC.

Mr. LeDuc stated City Council has been discussing the lease agreement which has been developed with the Aiken Community Playhouse for the city's Performing Arts Theater for some time. This agreement allows the Playhouse to use the facility on dates which will be indicated on their yearly calendar as red or yellow dates. It gives the City the ability to use the entire facility on the green days, and the front portion of the stage on yellow dates. During the first year the Playhouse is starting their season six weeks later than usual. This has compressed their play schedule and therefore less green dates will be available during this first year's period. They are also using a three week stage set up time during the first year and feel that in the future they can reduce this to two weeks. Both the City and the Playhouse staff feel that in the future several additional green days will be available for the City to use for the rental of this facility. These dates will be adjusted on a year-to-year basis, and after the first year both parties should have a better understanding of when the building would be available to the two parties.

The green and yellow dates give the City, the Washington Group, and the community the ability to use the theater during a major portion of the calendar year. They also give the City the ability to receive rental income to offset its expenses.

Article VIII in the proposed agreement states that for the first season a \$1 city fee shall apply only to non-season ticket sales. After the initial year the \$1 fee shall apply to both season ticket sales and other tickets. After the initial 10 year term of this lease, the lessor can increase these fees up to 10% of the price of the ticket or a minimum of \$1 per ticket.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilman Cunning, that Council pass on second and final reading an ordinance to approve a lease agreement between the City of Aiken and Aiken Community Playhouse and that the ordinance become effective immediately. The motion was approved by a vote of 6 to 1, with Councilwoman Price not participating in the vote.

#### EASEMENT - ORDINANCE

SCE&G

South Carolina Electric & Gas Co.

Camellia Street

Sundy Street

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to grant an easement to SCE&G in the area formerly known as the Camellia Trailer Park.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO GRANT AN EASEMENT TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY.

Mr. LeDuc stated the city has plans for development of the former Camellia Trailer Park as discussed with Council at the last meeting. The proposed ordinance is for an easement for South Carolina Electric & Gas Company to install electrical lines in the former Camellia Trailer Park area, which is being developed by the City of Aiken. Much of this easement is intended to be within the right of way to avoid trenching in locations near the trees and will exit between units to Bamberg and Gwinett. A drawing showing the proposed easement was given to Council for review.

To grant an easement requires a city ordinance which gives the right to SCE&G to locate their line on city property.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that this ordinance be approved on first reading granting an easement to SCE&G for the location of underground wiring at the new subdivision to be located at Camellia and Sundy and that second reading and public hearing be set for the next regularly scheduled meeting.

#### ZONING - ORDINANCE

Fairfield Inn & Suites

Marriott-Fairfield Inn

Colony Parkway

Holiday Inn Express

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone property for the Fairfield Inn & Suites on Colony Parkway.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON THE NORTH SIDE OF COLONY PARKWAY FROM LIMITED PROFESSIONAL TO GENERAL BUSINESS.

Mr. LeDuc stated City Council discussed at their last meeting that the Fairfield Inn & Suites off Colony Parkway would like to begin construction. They last came before Council in November, 2000, asking that the property be rezoned from Professional to Neighborhood Business with expansion of the motel's property. In November, 2000, they asked for an extension of time to allow them to build a Marriott-Fairfield Inn & Suites on the vacant property next to the Holiday Inn Express. At that time Mr. Shah, owner of the property, requested the City extend this agreement to allow him to construct

the motel with the construction to be completed by the end of 2001. Since this time has expired, they need to proceed through a complete rezoning of this property, which requires approval through the Planning Commission and a first and second reading by City Council. By having first reading of this ordinance at this meeting Council will be asking the Planning Commission to consider this rezoning at a special meeting on Tuesday, August 20, 2002. If Council approves this rezoning on second reading on August 26, 2002, Mr. Shah would then be able to obtain a building permit soon thereafter and to begin construction on their hotel at that time. The rezoning would not occur until the owner places a restrictive covenant on the property that allows only a hotel or any other use permitted under LP zoning, and prohibits a restaurant or lounge on the property.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that the ordinance be passed on first reading to rezone property east of the Holiday Inn Express for a proposed Marriott-Fairfield Inn & Suites from Limited Professional to General Business with the understanding rezoning would not take effect until such time as the owner applies for a building permit for the construction of a Fairfield Inn Hotel facility and that second reading and public hearing be set for the next regularly scheduled meeting.

#### ACCOMMODATIONS TAX FUNDS

##### Aiken Center for the Arts Lamar-Dodd Exhibit

Mayor Cavanaugh stated Council needed to consider a request for Accommodations Tax Funds.

Mr. LeDuc stated a couple of years ago the City and the Accommodations Tax Committee developed a contingency fund for projects that were not considered at the time that funding requests became available in the fall of each year. This money would be used for new projects that were unanticipated and needed funding during the next calendar year. The fund currently has \$14,480 in it for these types of projects.

The Committee recently met and received a request from the Aiken Center for the Arts for \$5,000 to assist in the cost of the Lamar-Dodd Exhibit at the Center for the Arts. The Committee met and recommends to City Council that the Aiken Center for the Arts be awarded \$5,000 to assist in this marketing process.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve the recommendation for \$5,000 from the Accommodations Tax Fund to assist the Aiken Center for the Arts for the Lamar-Dodd Exhibit.

#### SISTER CITY

##### Orvieto, Italy

Mayor Cavanaugh showed Council a lithograph of the City of Orvieto which he had received from the Mayor of Orvieto, Italy, Aiken's Sister City. He pointed out the Italian exchange students had presented this to him when they were in Aiken.

#### CROSLAND PARK

##### Carpenter Family Ceremony

Mayor Cavanaugh read a letter of thank you from the Crosland Park Neighborhood Association for Council's participation in the ceremony for dedication of a tree in the Crosland Park in memory of Jessica Carpenter who was murdered in Crosland Park.