

city can tilt the plan towards health there are more funding packages available. Mr. LeDuc stated now that the city has a plan they can apply for some grants for funding.

TOURISM

Mr. LeDuc stated with the City now responsible for tourism for Aiken rather than the Chamber of Commerce, he would like for Council to set a time to discuss the expectations of City Council regarding tourism in detail. We would like to discuss this subject over a one to two hour period, since this is so vitally important to the future of our community. After discussion, Council set Tuesday, September 16, 2003, at 7:30 A.M. to discuss how the City will handle tourism and what Council is expecting for tourism. Some Council members were concerned that the Chamber was not interested in tourism in the future. They pointed out that in most places they are familiar with the Chamber handles tourism. It was pointed out that the new director has a different focus and wants to focus on growing the Chamber's membership. After discussion, Council set Tuesday, September 16, 2003, at 7:30 a.m. to meet regarding tourism. Council members asked for a list of projects or promotions that the Chamber had been doing for tourism and the expenses involved.

WATER SERVICE

New Ellenton Commission of Public Works

Public Works

Hotel

Whiskey Road

Patel, Bonsi

Agreement

Mr. LeDuc stated a letter had been received from the New Ellenton Commission of Public Works asking the city to amend the contract with New Ellenton regarding water service to allow an extension for providing water service to the proposed hotel on Whiskey Road from December 31, 2003, to July 31, 2004.

After discussion Council asked that the request be placed on the agenda for September 22, 2003, for action by Council.

Aiken City Council Minutes

REGULAR MEETING

September 8, 2003

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

Others Present: Roger LeDuc, Gary Smith, Ed Evans, Larry Morris, Anita Lilly, Pete Frommer, Glenn Parker, Richard Pearce, Sara Ridout, Philip Lord of the Aiken Standard, and about 60 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.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. He asked that an item be added for a special presentation award. Mayor Cavanaugh moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved with the addition of a special presentation.

MINUTES

The minutes of the work session and regular meeting of August 11, 2003 were considered for approval. Councilwoman Clyburn moved that the minutes be approved. The motion was seconded by Councilman Sprawls and unanimously approved.

PRESENTATION

Award
City Clerk
Ridout, Sara
Master Municipal Clerk
International Institute of Municipal Clerks

Mayor Cavanaugh stated Council had a special recognition for Sara Ridout, City Clerk. He pointed out she had achieved the level of Master Municipal Clerk from the International Institute of Municipal Clerks and Council wanted to recognize her for this achievement. Mayor Cavanaugh stated Ms. Ridout had been with the city for 43 years. He presented a plaque from Council in recognition of this accomplishment. She was also presented a dozen yellow roses.

Mr. LeDuc, City Manager, also commended Ms. Ridout for this accomplishment. He pointed out that Ms. Ridout had worked with all five City Managers that the city had ever had. He stated 2004 is the 50th anniversary of the Council-Manager form of government in Aiken. He pointed out that of the 10,300 members of the IIMC Ms. Ridout is one of only 274 clerks throughout the world who has achieved this level.

Ms. Ridout thanked Council for this recognition.

BOARDS AND COMMISSIONS

Appointments
Woodrum, Bear
Haythorn, Robert
Meehan, William
General Aviation Commission
Johnson, Doris
Harrison, Joseph
Community Development Committee
Buckley, Martin
Building Code Appeals Committee

Mayor Cavanaugh stated Council needed to consider several appointments to the various boards and commissions of the city.

Mr. LeDuc stated Council has 7 pending appointments to boards and committees of the city and 6 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended that Bear Woodrum be reappointed to the General Aviation Commission. If reappointed his term would expire September 1, 2005.

Councilman Cuning has recommended that Doris Johnson be reappointed to the Community Development Committee for a two year term. If reappointed her term would expire September 2, 2005.

Councilman Cuning has also recommended that Robert Haythorn be reappointed to the General Aviation Commission. If reappointed his term would expire September 1, 2005.

Councilwoman Price has recommended that Joseph Harrison be reappointed to the Community Development Committee. If reappointed his term would expire September 2, 2005.

Councilman Smith has recommended reappointment of Dr. William Meehan to the General Aviation Commission. If reappointed his term would expire September 1, 2005.

Councilwoman Vaughters has recommended appointment of Martin Buckley, of 1141 Two Notch Road, to the Building Code Appeals Committee. If appointed Mr. Buckley would replace Mr. Moormann and the term would expire May 12, 2005.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council reappoint Bear Woodrum, Robert Haythorn and Dr. William Meehan to the General Aviation Commission with the terms to expire September 1, 2005; reappoint Doris Johnson and Joseph Harrison to the Community Development Committee with the terms to expire September 2, 2005; and appoint Martin Buckley of 1141 Two Notch Road to the Building Code Appeals Committee to replace Hank Moormann with the term to expire May 12, 2005.

TOWING – ORDINANCE 09082003

Wreckers

Public Safety Department

Wrecker Service

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to establish towing procedures. This item was continued from the August 11, 2003, Council meeting.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 42-11 TO THE CODE OF THE CITY OF AIKEN TO ESTABLISH INVOLUNTARY TOWING PROCEDURES FOR CERTAIN VEHICLES IN THE CITY LIMITS AND TO GRANT FRANCHISES TO PERFORM THIS SERVICE.

Mr. LeDuc stated Council was looking at approving a franchise agreement for those wreckers who provide involuntary towing within the City of Aiken.

Mr. LeDuc stated for over 25 years Public Safety has used a rotation list for involuntary wrecker service. This involves calling a towing service for an individual who is involved in an accident or break down, and does not know who to call, or when there is a DUI arrest, abandoned, or stolen vehicle that needs to be towed. Currently there are 19 companies on that list, five of which are in the City limits. The companies rotate, and the one at the top of the list is called for service when needed. Once they have been called, they are then moved to the bottom of the list and rotate up to the top of the list as needed. Some of the towing companies located in Aiken County are as far away as Windsor, New Ellenton, Vaucluse, and Warrentonville. On the average, the department uses this method 780 times during the year. It has recently come to our attention that, due to a South Carolina Supreme Court ruling, an involuntary towing list is now considered a franchise agreement. For this reason, we have developed a Request for Proposal to be given to City towing companies asking if they are willing to meet the specific requirements within this agreement, including an insurance policy of \$1 million for liability. There are also storage and zoning requirements, such as screening, which would be required.

City Council decided at the last meeting to have two rotational lists—one listing those in the County and one the towing companies in the City. Public Safety would alternate selecting between the two lists to determine who would have the next tow. Council decided that this format would start on July 1, 2004. Up until July 1, 2004, we will stay with the one list with all 19 companies. No new wrecker services would be added to this list unless they reside in the city. If any county operation would change hands or cease operation, they would be eliminated from this list.

City Council asked us to review the Garage Keeper insurance based on a sliding scale for businesses which are on this list. Several companies already have \$300,000 or more insurance which Council set as the maximum, and for the others we are recommending the following Garage Keeper Insurance:

Companies with storage facilities of less than 50,000 square feet	\$100,000
Companies with storage facilities between 50,000 and 100,000 sq. ft.	200,000
Companies with over 100,000 sq. ft. of storage	300,000

We measured each facility and 15 out of 19 are in the category of 50,000 or less feet with the smallest being 3,500 square feet.

The public hearing was held.

Ms. Mary Delaney, Custom Finish Paint & Body, stated she had been researching the franchise requirement and she did not feel that there was a Supreme Court ruling on the matter requiring a franchise. She was opposed to a dual list and felt the single list had worked fine for 25 years. She said a dual list of inside city and outside city would only give the county wreckers one rotation to those in-city of 2.7. This would give those outside the city one rotation about every three weeks. She said reducing the number of calls plus requiring additional insurance would not be financially feasible for the outside wreckers. She pointed out that in-city wreckers get state and county calls equal to those outside the city. She said wreckers outside the city pay taxes to the city through the business license fee based on income from the city. She felt the city would lose income from wreckers outside the city since the outside wreckers would be receiving less calls. She also stated she did not want to be a dumping ground for abandoned vehicles because a city wrecker does not want to take the call. She said this is expensive and time consuming to get rid of abandoned vehicles. She pointed out that she brings business to businesses in the city such as working on transmissions and alignments. She again emphasized that the rotation list had worked for 25 years and there was no reason to change it. She pointed out that the businesses in the city had chosen to locate in the city and many of them had opened after the rotation list was established. She was concerned about the insurance requirements and asked that Council review the matter further.

In response to a question Mr. LeDuc stated that the wreckers outside the city do buy a business license. He said the question had been that those wreckers inside the city are paying taxes of over \$2,000 on average. Those wreckers outside the city are paying a license fee of around \$90 on the average.

Mayor Cavanaugh stated his understanding of the reason the city was even considering this matter was because of the Supreme Court ruling regarding a franchise and then there were some problems with the city personnel inspecting the businesses.

Chief Frommer stated city personnel have to inspect the businesses yearly and the businesses are in various parts of the county which takes time. He also pointed out that at two of the services the female officer was verbally mistreated when conducting the inspection. He said he had also had complaints from people who had had their vehicles towed when they had to go to Windsor, Graniteville, etc. to get their car. He said also several of the tow companies had charged more than the agreed upon fee of \$85 for a tow. He said the tow companies were of the attitude that the city could not tell them how much to charge since they were in the County and it was their business.

Mr. Richard Pearce, Staff Attorney, stated he had looked up the case regarding the franchise and the Supreme Court did rule that the city would be required to pass a franchise agreement for involuntary towing services.

Mr. LeDuc pointed out that in dealing with various companies for service that it is always good policy to have a contract arrangement which spells out very clearly what the city desires and what the company can expect from the city.

Mr. Steve Bigg, Carolina Collision Center, stated Council was pushing hard for the businesses in the city. He pointed out that none of the wreckers located in the city were present at the meeting. He said he was friendly with all of them and had helped all of them in the past. He said he felt the wreckers outside the city had to stand up for what is right. He said he felt the rotation list should be left as it is.

Mayor Cavanaugh stated he felt there were three issues to be settled—one was the franchise agreement, the towing list, and limits of insurance for liability and garage keeper.

Mr. Glenn Campbell, Campbell's Auto Body in Montmorenci, stated he felt that if an officer had been mistreated while inspecting the business that the business should be removed from the towing list. He was also concerned about the proposal for two towing lists and the wreckers in the county getting less calls while those in the city would get more calls. He was also concerned about the amount of insurance to be required. He pointed out if the city wreckers get more calls they will have more junk cars inside the city. He said the proposed changes will affect 14 families and their way of life. He asked that Council consider the matter carefully.

Councilman Smith reviewed how the matter had evolved. He said because of the Supreme Court case the city needed to have a franchise for the companies on the rotation list. The other problem was that some of the towing companies were quite a distance from the city so it was an inconvenience for people to get their car. He said the next consideration was insurance to cover the business and the city in case there was a suit. He said he felt distance was a factor. He said he felt possibly a circle needed to be drawn around Aiken and everyone within that circle would be on an equal footing. He said companies outside the boundary would not be on the rotation list as this imposes an inconvenience on citizens at times. He said he understood trying to be sure we give business to people in the city. He said, however, the present policy has been in place for many years. He said he did not feel it would be totally fair to only use wreckers in the city.

Mr. Curtis Young, Atomic Wrecking Service in New Ellenton, stated he was in the towing business because he liked to help people. He also pointed out that if an officer was mistreated that the business should be identified and taken off the rotation list. He felt the rotation list should remain as it has been over the years.

Ms. Patsy Willing, of Eddie's Towing & Auto, stated her business was located in Windsor. She stated she was on the town Council of Windsor. She said the majority of the people they tow are not Aikenites, but are from other areas. She also felt that if an officer was being abused that the business should be taken off the towing list. She said they enjoy their job and helping people. She asked that Council give consideration to the wreckers outside the city. She said this is a business situation and the way they make their living.

Councilwoman Clyburn stated that at the last Council meeting she thought looking at the options that going with two towing lists was a good compromise. She said she does live in Aiken, but in listening to the people speak impacts how she feels at this time. She said she did not want to see all of Aiken's green space turned into lots with junk cars. She said she did not want to see something that has worked for 25 years changed just because it can be changed. She felt Council should listen to what they have heard. She pointed out that the people that Council is most concerned about are not present to speak. She said she agreed that, if there are problems with some of the businesses, that they should be removed from the list. She said there are three matters to consider, and she felt Council needed to come up with a better way than at the last meeting. She felt that Council's decision at the last meeting was a good compromise, but after hearing the speakers tonight she felt Council should reconsider the matter. She said Council did not mean to do any harm to anyone, but just to solve a problem. She said Council is concerned about the problem.

Mayor Cavanaugh moved, seconded by Councilman Smith, that Council adopt a franchise agreement, that the city keep the same towing list presently used with 19 on the list, that the insurance limits be \$300,000 for liability and that the scale recommended by the staff for garage keepers insurance be used with \$100,000 for 50,000 square feet, \$200,000 for 50,000 to 100,000 sq. ft. and \$300,000 for companies over 100,000 sq. ft., and that the list contain no more than the present 19 wreckers and if someone goes out of business in the county that no more county wreckers be added to the list but a new wrecker inside the city could be added to the list.

Councilwoman Price stated the matter is a business matter, but one can't help get the heart in the matter when you are talking about people. She said she was concerned about the issue of the city wreckers and being fair to them. She said some of the wreckers had indicated that they would not mind being charged more for a business license. Council discussed the suggestion and felt that it would be hard to charge one group more for a license and not others. Mr. Gary Smith, City Attorney, stated he did not feel that Council could charge one group more as suggested.

Councilman Cuning suggested that Council may want to go higher than \$300,000 for the liability insurance and have a lower rate for garage keepers insurance. He felt that the liability should possibly be higher to protect the city. He pointed out that the County's garage keepers insurance is \$50,000 and there had been no problems.

Mr. LeDuc pointed out that presently the city does not have a franchise or contractual agreement with any wrecker service. He said once the city has a franchise with the wreckers and has a contract that the city may be involved if there is a suit. He said currently the city does not have a contractual agreement with the wreckers and would not be involved if there is a suit.

Mayor Cavanaugh amended his motion to require \$750,000 for liability insurance and \$50,000 for garage keepers insurance. The amended motion was accepted by Councilman Smith.

Councilwoman Vaughters stated she heard the people who spoke, but she was concerned about the wrecker businesses in the city. She agreed that they were not present to voice their opinion. She stated those in the city will have to meet regulations to shield the junk cars from view which will be costly for them.

Mayor Cavanaugh stated the amended motion was as follows: that the ordinance be passed on second and final reading to require a franchise agreement, and the ordinance be amended to include \$750,000 for liability insurance and \$50,000 for garage keepers insurance, that the city continue with the present list of 19 towing companies, with 14 outside the city and 5 within the city, and that no more companies from outside the city be allowed to be added to the list, and if a business goes out of business the number outside the city will drop, but if a business opens inside the city they may be added to the towing list. The motion was seconded by Councilman Smith. The motion was approved by a vote of 6 in favor with Councilwoman Vaughters opposing the motion.

ANNEXATION – ORDINANCE 09082003A

Hudson Road

Trolley Line Road

Hudson, Marion E.

Hudson, Florine Estate

TPN 00-130.0-01-086

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at Trolley Line Road and Hudson Road.

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 8.92 ACRES OF LAND, MORE OR LESS, OWNED BY THE ESTATE OF FLORINE F. HUDSON AND TO ZONE THE SAME OFFICE/INSTITUTIONAL (O).

Mr. LeDuc stated the owners of an 8.92 acre site located at the southwest corner of Trolley Line Road and Hudson Road would like to annex their property with the proposed zoning of Office/Institutional (O). The property south of this area is within the City and also zoned Office/Institutional. All other surrounding property is in the county and zoned either Single-Family or Rural District. The Planning Department states the zoning is consistent with the Comprehensive Plan and compatible with the adjacent O

zoning in the City. The proposed use of this property is for a 15,000 sq. ft. surgery center.

No one spoke at the public hearing at the Planning Commission meeting and they approved this annexation unanimously with the following conditions:

1. That there be an untouched 25-foot buffer between the subject property and the residential uses to the west, north, and east with additional plantings as required by City staff to create an evergreen vegetative screen prior to the issuance of a certificate of occupancy for any building on the site.
2. That no access be allowed onto Hudson Road.
3. That on Trolley Line Road there be only one two-way curb cut or two curb cuts with one being in only and one being out only.
4. That the annexation not take effect until the abandoned home and the vehicles are removed.
5. That no hotel, inn, motel, or eating establishments be allowed.
6. That the annexation not take effect until proof of recording of any conditions of approval with the RMC Office is provided.

The public hearing was held.

Dr. Tony Harris, 1543 Huntsman Drive, stated he was heading up a group of physicians that are proposing to build the surgery center. He said apparently at the Planning Commission meeting there was some concern about having access off Hudson Road. He said he understood that the concern was that there may be head lights shining into the houses on Hudson Road at night. He said the center would not be open at night, so this would not be an issue. He said he understood another concern was that there might be a back up of cars turning into an entrance to the property off of Hudson Road. He said he did not feel that would be an issue. He said his concern as a physician is that there be some access as rapidly as possible to the hospital. He said Trolley Line is heavily traveled and there could be a situation on Trolley Line and University Parkway that would impede them from dealing with emergencies. He said he felt utilization of an entrance off Hudson Road would be minimal. He said patients would be instructed to use Trolley Line Road. He said an entrance off Hudson Road was an issue for them and he would like Council to consider allowing an entrance off Hudson.

Councilman Cuning stated it may be safer to have an access off Hudson Road; otherwise, all traffic would have to go to Trolley Line Road, which is a busier road. He said it is easier to get to the hospital from Hudson.

Mr. Miles Hall, a member of the Planning Commission, stated he had looked at the property in question. He said the reason for the conditions of no access from Hudson Road and the 25 foot buffer was to try to protect the single family residences along Hudson Road. He said the applicant was asked at the meeting if there were any objections to the conditions, and there were no objections at that time. He said if Council would like to remove any conditions they might want to send the request back to the Planning Commission.

Mr. Roger Hudson stated he lives in the area, and he felt it would be good to have an access off Hudson Road to the property so people could have access and not have to use Trolley Line Road.

He said he had planned to have the house moved, but the mover had had some problems, and the move had also been delayed because of rain. He said the process had been slower than anticipated.

Dr. Harris stated, regarding the access off Hudson Road, he was not present at the Planning meeting. He said if he had been present he would have made a comment.

Councilman Cuning moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on second and final reading an ordinance to annex 8.92 acres off Trolley Line Road and zone the property Office/Institutional (O) with the conditions recommended by the Planning Commission, except that condition number 2, regarding

no access be allowed onto Hudson Road, be deleted. Councilman Cunning stated he had looked at the property, and he felt it was reasonable to allow access off Hudson Road to the property and felt it was reasonable safety-wise.

FARMERS MARKET – ORDINANCE 09082003B

Historic Site

Williamsburg Street

Aiken County Farmers Market

Aiken Historic Register

Landmark

TPN 30-085.0-02-007

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to designate the Farmers' Market as an historic site.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE DESIGNATING THE PARKWAY AREA SURROUNDING THE AIKEN COUNTY FARMERS' MARKET AND THE VARIOUS STRUCTURES AS AN HISTORIC SITE UNDER THE CITY OF AIKEN HISTORIC PRESERVATION ORDINANCE.

Mr. LeDuc stated Len Cherry of the City of Aiken Historic Commission has requested designation of the Aiken County Farmers' Market to the Aiken Historic Register as an historic site. The Historic Preservation Commission reviewed this at their June meeting and unanimously recommended its designation based on the following criteria:

1. The market is located on a significant site.
2. The market is significant in South Carolina and Aiken's history.
3. It has integrity of location and setting and was originally used as a cotton platform and was associated with the coming of the railroad in 1833 and the eventual formation of the town of Aiken in 1835.

The Planning Commission, at their July meeting, voted unanimously in favor of designating the Farmers' Market as an historic site and that the buildings be considered noncontributing, but still under the review of the Historic Preservation Commission. The passage of this ordinance does not require the site always remain as the Farmers' Market, but does recognize the site and the buildings for its historic significance. Should a future City Council want to move the Farmers' Market from this area, they would still have the ability to do so, even with the passage of this ordinance.

City Council asked staff at the last meeting to clarify why the Farmers' Market should be designated as noncontributing, and a memo from Ed Evans explains the difference between non-contributing, contributing or Landmark designations. He has also listed what needs approval and by whom under the three categories. Leland Reynolds, Chairman of the Historic Preservation Commission is present to answer Council's questions. We also have a response from the Historic Preservation Commission as to why the buildings should be designated as "noncontributing" and a letter from Coleen Reed.

He said he felt that the Historic Preservation Commission's intent in recommending the historic site was that it would require any changes to have review by the Historic Preservation Commission, which makes the designation even more restrictive than the other designations.

The public hearing was held.

Mr. Leland Reynolds, 602 Barnwell Avenue NW, stated the Historic Preservation Commission discussed the designation at their work session at the last meeting. He said the reason for non-contributing is that one building is a concrete block building. He said the other building has a concrete block attachment. He said the concrete block buildings were not the same as other buildings designated as a landmark. He said the reason the

Farmers Market is an historic site is more because of the history, not because of the buildings on the property. He said perhaps the wooden building could have been designated as contributing. He said the wooden structure has more character than the block buildings. He said there is no control over what will be in the buildings in the future, and the HPC did not want to restrict the use of the block part of the buildings by designating them as a landmark. He said the HPC did require that any changes to the buildings come before the HPC in the future.

Council discussed the matter at length. It was pointed out that many people were under the impression that Council is going to move the Market, which is not true.

Councilwoman Clyburn stated that people who frequent the market and the people who sell at the market are interested in staying at the Williamsburg Street location. She said they are interested in keeping the Market as it is. She said she understood that some of the tables have been there from the beginning. She said they did not want Council to move the market or change the use of the building. She said she felt Council needed to ensure that the market structure would be left as it is, and, if there needs to be changes or repairs that the matter go through the proper channels. She felt the market people were looking for some assurance that the building could be a landmark.

Mr. Reynolds pointed out that under the proposed designation nothing could be changed at the market unless it comes before the HPC, and the guidelines are used to determine if the changes could be done.

Councilwoman Price stated the market building is not Banksia or Rose Hill, but the farmers view it the same as a Banksia or Rose Hill in terms of the historic value. She said they want to see the designation as a "landmark." She said she knew some improvements had been made to the kitchen area in the past. She said, however, the larger portion of the building is where the tables are used and the farmers bring their goods.

Mr. Reynolds stated perhaps the building could be divided and parts designated as landmark. He said the concrete block part of the market did not contribute to the character of the site. He said, because part of the building does not contribute, the HPC designated it as non-contributing. He said he did not feel that designation as contributing, non-contributing or landmark is going to affect whether it is protected or not. He said it was going to be protected.

Mayor Cavanaugh stated he felt that the building does contribute to the idea of being an historic site.

Mr. Richard Pearce, Staff Attorney, stated the concern about putting "landmark" as a label on the buildings is that normally the Commission would not approve any changes to the exterior at all. It would be preserved as it appears today, and that would be true for the concrete block building and for the shed area as well. It severely restricts the Commission. He said Council has several choices. They could choose not to put the site on the register. He said he felt that the Historic Preservation Commission and others consider the market area to be an historic site. He said that was not being debated. He said the question is the label on the buildings which can be non-contributing, contributing or landmark. He said landmark designation sounds good until you consider how severely you restrict the HPC. He said the Commission designated the market as a site and recommend the structure as being designated as noncontributing, because they did the same thing at Aiken Mile Track. He said they did not want to set a precedent of putting landmark status on a concrete building because that exterior appearance would have to remain the same with the exception of routine maintenance that does not alter the exterior appearance of the building or painting of the exterior.

Council continued to discuss the matter at length. It was pointed out that the Commission included in their recommendation a condition that alterations to site structures would come to the full Commission for approval and if Council adopts this condition the process for approval would be stricter than that for a "contributing" or "landmark"

structure since some work for structures in these two categories can be administratively approved.

Mr. Pearce stated the Commission has a matrix depending on landmark, contributing, or non-contributing property as to what items can be administratively approved. The recommendation sent from the Historic Preservation Commission and the Planning Commission sent to Council is more restrictive because the matrix does not apply. Any exterior work on the building that is not routine maintenance that doesn't change the exterior appearance or is not painting the building would have to be approved by the full Commission.

Councilwoman Vaughters stated if the Farmers' Market were a landmark, whoever owned it could make a request to the HPC to make changes. She felt changes could be made to a landmark.

Mr. Pearce stated an application could be made to the Commission. The Commission then takes the application and applies the design guidelines. If something has the landmark designation normally they would not approve any exterior changes. It should be preserved. He pointed out if the Farmers' Market is called a landmark, it would be there forever. He pointed out the Commission does not regulate the use, only the appearance of the property.

Councilwoman Price asked if portions of the property could be designated as a landmark, and Mr. Pearce stated Council could designate portions as a landmark.

Councilman Smith pointed out with the way the HPC recommended the designation as a historic site the Market is still subject to approval by the HPC if there is alteration, construction, demolition, etc. on the property.

Ms. Coleen Reed, 207 Brandon Road, stated the ordinance proposed is acceptable except that the Farmers' Market group would like the word non-contributing changed to landmark. She said the market group would have no objections to the extra restrictions being applied to the market as a landmark. She pointed out the original application does request landmark status for the site and building. She stated they know the market is not Banksia or Rose Hill, but the market is unique. She said this is the only building with this particular post and beam construction within the City of Aiken, and it is recognized by the Aiken Standard and other articles as a landmark. She said she believed that the Farmers Market is important to the city's history. She said the Historic Preservation Commission does have a role to play if there were ever any changes desired as to the use of the market. She said she believes the market is unique and the building could not be duplicated. She asked that the designation be changed from non-contributing to landmark with the restrictions that the Commission has already recommended with the non-contributing designation. She said they would like the designation to be landmark with the extra restrictions. She stated Cassie Mae Foley and Jackie Stone were the farmers who had been coming to the market the longest—52 years.

Mr. Ryan Gunter, 368 Three Notch Road, stated he would be working with Ms. Reed regarding the history of the Farmers Market. He said he had a lot of history that he could give to the market.

Councilwoman Clyburn moved, seconded by Councilwoman Vaughters and unanimously approved, that the ordinance regarding the Farmers Market designation be adopted on second and final reading with the designation for the wooden structure changed to "landmark" rather than "non-contributing" with the buildings falling under the review of the HPC and the block building and the chain link fence being designated as non-contributing.

AIRPORT – ORDINANCE 09082003CLeaseReassignmentWyatt, WeldonWyatt Development Co. Inc.Aiken Aviation Enterprises, Inc.Sport Plane, Inc.HangarPhelon CorporationAiken AviationBW Airplane, LLCAv Serv, LLC

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve a sublease of a hangar at the airport.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING A SUBLEASE BETWEEN AIKEN AVIATION ENTERPRISES, INC. AND AV SERV, LLC.

Mr. LeDuc stated earlier this year City Council discussed the subleasing of a hangar from Aiken Aviation Enterprises, the FBO for the airport, to the Phelon Corporation. There have been some changes in this sublease agreement that will require a revision by City Council to the previous ordinance for the lease to BW Airplane. The new ordinance, along with the former sublease agreement, is between Aiken Aviation Enterprises, Inc. and Av Serv, LLC which is a subdivision of Phelon. The attorneys representing Phelon would appreciate the City's approval of the sublease between them and Aiken Aviation Enterprises, and they would appreciate the City Council making these changes in language so Council recognizes their lease of the property.

The public hearing was held.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council approve on second and final reading an ordinance approving a sublease between Aiken Aviation Enterprises, Inc. and Av Serv for a hangar at the airport and that the ordinance become effective immediately.

ANNEXATION – ORDINANCEHenry Street 796Suggs, JeanSuggs, WilliamSuggs, GaryTPN 30-057.0-01-004Virginia AcresPine Log Road

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 796 Henry 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 .39 ACRES OF LAND, MORE OR LESS, OWNED BY JEAN SUGGS, WILLIAM SUGGS AND GARY SUGGS, AND LOCATED AT 796 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the owner of 796 Henry Street, Ms. Jean Suggs, would like to annex her .39 acre property as Residential Single-Family (RS-10). The property is contiguous to the city by the rear property line and the applicant is interested in receiving city trash

and garbage pickup and Public Safety protection. This is one of many properties in the Virginia Acres area which has annexed in the last few years.

The Planning Commission voted unanimously to approve this annexation at their August 12, 2003, meeting.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex a .39 acre lot at 796 Henry Street as RS-10 Residential Single Family and that second reading and public hearing will be held at the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

East Pine Log Road
Pine Log Road East
Oswalt, Gary
TPN 30-077.0-04-015

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex a lot owned by Gary Oswalt on 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 .38 ACRES OF LAND, MORE OR LESS, OWNED BY J. E. OSWALT HOUSE MOVING CO., INC. AND TO ZONE THE SAME LIMITED PROFESSIONAL (LP).

Mr. LeDuc stated Gary Oswalt owns a .38 acre lot on East Pine Log Road, and he would like to annex the property and zone it as Limited Professional. On August 12, 2002, City Council voted 6 to 1 to deny the annexation as Limited Business zoning. The Planning Commission at their August 12, 2003, meeting unanimously recommended denial of this annexation. They felt that the surrounding residential property would not blend with the proposed Limited Professional building at this location. The only other professional building is on the south side of Whiskey Road with the remaining property north, west and east zoned residential.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that Council deny the request for annexation since it does not fit the city's Comprehensive Plan.

ANNEXATION – ORDINANCE

USC-Aiken
Aiken County Commission for Higher Education
Pacer Downs
TPN 00-103.0-01-001
Dormitories
University Parkway
SC 118
Bypass

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 2.33 acres owned by USC-Aiken located off University Parkway.

Mr. Gary Smith, City Attorney, stated he was a member of the Aiken County Commission for Higher Education which owns the property proposed to be annexed so he was recusing himself from the meeting while the matter was discussed.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY TOTTALLING 2.3343 ACRES OF LAND, MORE OR

LESS, OWNED BY THE AIKEN COUNTY COMMISSION FOR HIGHER EDUCATION AND LOCATED OFF THE WEST SIDE OF UNIVERSITY PARKWAY AND EAST OF SOUTH CAROLINA HIGHWAY 118, BEING A PART OF THE SITE OCCUPIED BY THE UNIVERSITY OF SOUTH CAROLINA AIKEN CAMPUS AND BEING KNOWN AS PART OF TAX MAP PARCEL NUMBER 00-103.0-01-001, AND TO ZONE IT RESIDENTIAL MULTI-FAMILY LOW DENSITY (RML).

Mr. LeDuc stated the University of South Carolina Aiken campus recently annexed 9.3 acres to build a new dormitory. They later determined that they need to include additional property as part of this dormitory complex and are now asking that an additional 2.33 acres be annexed into the city. This would become part of the dormitory property which is now under construction and the Planning Commission voted unanimously to approve this annexation.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on first reading an ordinance to annex 2.33 acres of property on the Aiken campus of the University of South Carolina to be zoned Residential Multifamily Low Density and that second reading and public hearing be held at the next regularly scheduled meeting.

Mr. Gary Smith then returned to the Council Room.

PLAYHOUSE

Community Playhouse

Price Avenue

Two Notch Road

Lease

Resolution

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to purchase the lease for the old Aiken Community Playhouse on Price Avenue.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE REPURCHASE OF THE BALANCE OF A LEASE TERM BETWEEN THE CITY OF AIKEN AND THE AIKEN COMMUNITY PLAYHOUSE, INCORPORATED.

At the City's last Horizon's meeting Council asked that we develop an agreement to purchase the Community Playhouse at Price and Two Notch Road at the appropriate time. The Community Playhouse has now vacated their building and is ready for the city to purchase it. This property will be used for storage, meeting space, an environmental laboratory, and possibly the ceramic program. The \$125,000 purchase would include the building and purchase of the lease agreement for the property that the Playhouse had through 2028. With this purchase it is anticipated that the Playhouse will owe the City approximately \$300,000 on their loan by the end of this fiscal year. It is their goal to have this loan paid off within the next two to three years.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council adopt the resolution to purchase the lease agreement and the Community Playhouse Building at the corner of Two Notch and Price Avenue for \$125,000.

TOOLE HILLPurchaseNorthside DevelopmentResolutionBrown, LuberthaTPN 30-026.0-12-004Edgefield Avenue NW 812TPN 30-026.0-12-005Edgefield Avenue NW 828Copeland, DianneTPN 30-026.0-12-008Edgefield Avenue NW 806Edgefield Avenue NW 808Edgefield Avenue NW 810Fallow, Mike T.TPN 30-026.0-12-019Morgan Street NW 328Gloster, Irma B.TPN 30-026.0-05-017Edgefield AvenueWilliams, James L.TPN 30-026.0-05-016Edgefield AvenueTPN 30-026.0-12-002Morgan StreetTPN 30-026.0-12-003Morgan StreetTPN 30-026.0-14-005Dillon AvenueStaley, WillieStaley, Annie L.TPN 30-026.0-05-006Abbeville Avenue NWWatson, Jennie Lou EstateTPN 30-026.0-05-003McCormick Street NWQuarles, Fannie MaeTPN 30-026.0-10-004Cox AvenueTPN 30-026.0-12-010TPN 30-026.0-12-011Morgan Street 327Harrell, NettieGrant, ChristineTPN 30-026-0-05-011Morgan Street 354Forfeiture Land CommissionTPN 30-026.0-12-001

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to purchase 15 parcels on Toole Hill for the northside development project.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
LOCATED IN THE CITY OF AIKEN.

Mr. LeDuc stated earlier this year City Council approved a plan to redevelop a two block area in Toole Hill, along with a conceptual plan for the entire renewal of the north side. For the last several months staff has been concentrating on the two block area surrounded by Edgefield Avenue on the south, Dillon Street on the north, Toole Street on the west

and McCormick Street on the east. This area is interspersed with some decent older homes, several abandoned homes, and many vacant lots.

Based on the land plan developed by Burgess Design Studios, over 40 new homes can be built in this area. We have a Memorandum of Understanding with the Second Baptist Church and the Aiken Housing Authority to build many of these new homes along with the City and other private developers. We set aside \$600,000 in funding in this year's budget to purchase property, renew several of these homes within this area, and to make streetscape improvements. Additional funding was set aside in the Utility Account for the renewal of the water and sewer.

Although money was budgeted, we wanted Council to approve the purchasing of these properties in this area. Of the 29 parcels that we needed to purchase we now have contracts to obtain 15 parcels. Ten of these are vacant lots, four are homes that are slated for demolition, and one home is targeted for renovation. These lots and homes were appraised by the County earlier this year at a value of \$114,500. Our contract is with 10 different owners to purchase all of these lots for \$116,500. Of the remaining fourteen lots, we believe that within the next ten days five additional lots will be under contract. Based on the initial conversation with some of these landowners, it may be necessary in the next 60 days to use eminent domain procedures to acquire some of the remaining lots. He said staff may be coming back to Council with a recommendation for eminent domain to acquire some properties.

At the September 22, 2003, meeting land plans developed by Burgess Studio will be presented to City Council at the work session.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council approve the resolution authorizing the purchase of 15 pieces of property located in the Toole Hill area for \$116,500.

Mayor Cavanaugh stated regarding the eminent domain issue he felt that was a very last resort. He said it would really have to be a very good reason for him to agree to eminent domain procedure.

SAVANNAH RIVER SITE

Modern Pit Facility

Consultant

JHS Associates LTD

Sununu, John

Mayor Cavanaugh stated Council needed to consider a request for funding to support missions at the Savannah River Site.

Councilwoman Price stated that she would recuse herself from discussion on this matter since she is an employee at the Savannah River Site.

Mr. LeDuc stated Tim Dangerfield, Chairman of the Economic Development Partnership (EDP), is requesting Council's help to support the Savannah River Site. In his letter he states that without new missions at SRS, we will face a severely reduced work force. DOE administrative officials in Washington are now finalizing their consideration of the location of the Modern Pit Facility (MPF), which will provide 1,500 jobs and help offset some of the future anticipated losses at SRS. EDP would like to engage a spokesman to help our area's efforts in bringing the MPF to the Aiken area.

They are proposing to retain JHS Associates LTD. in Washington, DC headed by John Sununu, former Governor of New Hampshire and former Chief of Staff for President George Bush, Sr. to represent us. They feel the firm has the technical expertise and skills to help our efforts in bringing the MPF to SRS. EDP has already raised over half of the funds necessary within our community to hire this firm. Should we lose the MPF operations, the 1,500 jobs and the related industry would be a major economic loss to our area.

Mr. LeDuc pointed out that Governor Sanford is making a trip to Washington, DC to talk to the Secretary of Energy and to solicit their help and let them know how important the MPF is to the Aiken area.

Mr. Dangerfield is asking the City of Aiken to provide some financial support for the short term effort in the amount of \$10,000 to \$15,000. Should City Council desire to join the coalition of other governments and private partners, funding for this could be taken out of the city's Contingent Fund of approximately \$50,000.

Councilman Sprawls moved, seconded by Councilman Cunning and unanimously approved, that Council approve \$15,000 from the Contingent Fund to help in the public/private partnership to help bring the Modern Pit Facility to SRS.

Councilwoman Price returned to the Council Room.

SURGE PROTECTION EQUIPMENT

Finance Department

Computers

Telephone

Mayor Cavanaugh stated Council needed to consider purchase of surge protection equipment.

Mr. LeDuc stated during the past six months we have had on seven different occasions lightening strikes which have caused severe damage to our computer, printer and phone system. Our computer technicians have pinpointed nine different locations that will require surge protection equipment to help eliminate the risk of electrical spikes getting through to our equipment in the buildings. This equipment can be purchased through our state contract vendor at a cost of \$28,966.

Since this equipment was not part of our budget, we are requesting City Council to approve the purchase of surge protection equipment at a cost of \$28,966 through the state contract. Funding for this equipment will be through our Special Holding Account.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the purchase of surge protection equipment at a cost of \$28,966 through the state contract.

FIRE SERVICE FEE

Outside Fire Charge

Gilbert, Bob

Huntsman Drive 1701

Mayor Cavanaugh stated Mr. Bob Gilbert had asked to appear before Council regarding the outside fire service charges.

Mr. LeDuc stated we received a request from Bob Gilbert to discuss his concerns regarding the high cost of fire services. As Council is aware the average rate was increased by 10% within the 2003-04 budget. Over the past year Mr. Gilbert's rate increased much higher due to a property reassessment by the County and the increased rate on his property due to the last increase. Some properties during the last increase did not go up at all since they were below the assessed \$20,000 or were already receiving the maximum \$36 fee. Others went up less than 10% while others went up higher than 10% based on the value of their property.

Gerald Taylor, our Public Safety Captain in charge of the Fire Division, has conducted a survey of the surrounding communities and corresponding insurance cost. Up until a few years ago all properties outside Aiken not on our water system were designated as Class 9. With the two new \$1 million substations the insurance companies now classify all properties as Class 2.

These stations are manned 24 hours a day 7 days a week with certified fire fighters. We also provide first responder coverage to all fire areas inside and outside the city.

Mr. Gilbert appeared before Council to state his feelings concerning this rate increase, which he received on his property at 1701 Huntsman Drive in Foxchase. Mr. Gilbert stated there were two subjects that he wanted to address—one is the fire fees and the other the cost of water to those outside the city. He said many of the people outside the city really do feel like outsiders, similar to those who spoke about the towing procedure.

Mr. Gilbert stated he received a letter regarding the increase in fees. He said the letter said the average increase would be 10%. He said, however, his increase was 16%. He also pointed out that in his case that over a 10 month period ending in June, 2003, his fire fees increased 52%. He said this was a combination of the latest increase plus the fact that the fire fees are tied to the appraised value of property, which is constantly changing. He said the primary point in the letter was that the city had not increased the fire fees in ten years and that this increase was necessary because of inflationary pressures. He pointed out, however, that the fire fees had increased in the meantime as property was reappraised, so the statement is untrue. He said with the increase the cost for the city's fire protection for the people outside is rapidly approaching the premium on the homeowners insurance coverage. He said the second issue is the cost of water. He said he did a study of what the City of Aiken charges water users outside the city versus the Breezy Hill Water and Sewer System. He said the City of Aiken charges 20% more for the meter than Breezy Hill. Another item is that, depending on usage, the City of Aiken charges those outside the city from 50% to 75% more depending on usage per unit of water provided than Breezy Hill. He said he did not feel that the cost for the fire protection and the water cost for outside city users was in line with a reasonable cost.

Mr. Gilbert stated people outside the city are faced with dealing with an unregulated utility, which is the City of Aiken, which had no competition and for which there is no outside regulation. He said the people outside the city do not have a vote and have nothing to say about the rates and no regulatory commission to appeal the rates. He said he felt the people outside the city are being taken advantage of. He said the burden of the water service and fire service is being heaped on the outsiders and they have no appeal.

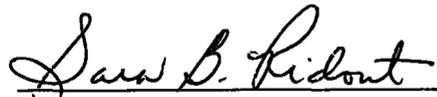
Mr. Gilbert stated he was asking that Council reconsider the decision on the cost of outside fire service fees and the water fees.

Council briefly discussed the request. It was pointed out that if Mr. Gilbert did not have the City of Aiken fire protection his insurance premiums would be much higher. It was also pointed out that the people inside the city should not subsidize the outside city fees. It was also suggested that perhaps Foxchase could annex to the city and receive inside city rates. The City Manager also reviewed the kind of service that the City of Aiken provides for its citizens and stated it is very expensive to provide the type of service that the City of Aiken provides.

Mayor Cavanaugh stated that the city will look at the rates and the process.

ADJOURNMENT

There being no further business the meeting adjourned at 11 P.M.



Sara B. Ridout
City Clerk