

Aiken City Council Minutes

May 28, 2001

Present: Mayor Pro Tem Price, Councilmembers Anaclerio, Clyburn, Cuning, Radford and Sprawls.

Absent: Mayor Cavanaugh

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Ed Evans, Richard Pearce, Anita Lilly, Sara Ridout, Adam Burton from the Aiken Standard, and about 20 citizens.

Mayor Pro Tem Price 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. The minutes of the regular meeting of May 14, 2001, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Anaclerio and unanimously approved.

PRESENTATION

South Aiken High School

Golf Team

Boys' Golf Team

Mayor Pro Tem Price stated that Council would like to make a presentation to the South Aiken High School Boys' Golf Team.

Mr. LeDuc stated the South Aiken Boys' Golf Team recently won the State Golf Championship at the Class AAAA level for the second year in a row. This is a great accomplishment for the team and is just one of many awards that the golf team has won this past year. In addition to winning the state championship, they also took first place in the Southern Cross Invitational Tournament, the Joe Wyatt Memorial Invitational Tournament, the Trojan Invitational Tournament, and the Tip Off Classic Tournament. They took second place in the Classic City Tournament and third place in the Jimmy Self Invitational Tournament. Team member, Kevin Kissner, Alex Hamilton, and Dane Burkhart were selected to the All-State Team, and Kevin Kissner was named the state AAAA golfer of the year. In addition, Donnie Holland was named the state AAAA Golf Coach of the Year. He asked Coach Donnie Holland to introduce the team members. A plaque was presented to the team.

TAX INCREMENT FINANCING – ORDINANCE 05282001

Amendment

TIF

Payment Schedule

Mayor Pro Tem Price stated this was the time advertised for second reading and public hearing on an ordinance to amend the Tax Increment Financing Repayment Schedule.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE REPAYMENT SCHEDULE FOR ALL PHASES OF THE TAX INCREMENT FINANCING DISTRICT TO THE CITY OF AIKEN GENERAL FUND WHICH WAS ESTABLISHED FOR THE PURPOSE OF COMPLETING VARIOUS PROJECTS LOCATED WITHIN THE CITY OF AIKEN'S TAX INCREMENT FINANCING DISTRICT.

Mr. LeDuc stated in 1995 the city established a Tax Increment Financing District in and around the downtown area. This allowed the city to borrow up to \$1.5 million that would then be repaid starting in Fiscal Year 2001 with the final payment in year 2009. The first payment was made this year. Looking at the second year's payment, it was felt that it would be better to wait a year and use some of the loan left to do some other

improvements, such as the repavement of Newberry Street and some other arborways. A number of new construction projects have started and will be occupied this year, however we will not begin to receive taxes from these projects until the following year. These projects include the Westinghouse building, Peoples Bank, town homes off of Newberry Street, two houses built at Highland Park and Park Avenue, renovations at the BellSouth building, and other miscellaneous projects throughout the downtown area. From these projects alone we should be receiving an additional \$150,000 yearly. Also, reassessment by Aiken County will add additional revenue, which will help repay these funds beginning this year. As of this date, however, we have no knowledge as to how much this additional increase from the assessment will be.

For these two reasons we would like to extend until next year the repayment schedule which, by this ordinance, would modify repayment of these funds beginning September 30, 2002, and concluding on September 30, 2009. Revenues from any other improvements which are made within the district during this time frame would also be added to this fund to help us repay the money that we borrowed. With the new taxable properties coming on line later this year and the reassessment we will have a much better idea as to what funding should be available for next year's budget. For these reasons we would like to skip the repayment next year and begin again the following year.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on second and final reading an ordinance to amend the repayment schedule for the TIF (Tax Increment Financing) district to begin one year later than initially anticipated and that the ordinance become effective immediately.

DEVELOPMENT AGREEMENT – ORDINANCE 05282001A

Bi-Lo Shopping Center

York Street

Rutland Drive

Mr. Gary Smith, City Attorney, stated he represents the corporation that purchased the property for the Bi-Lo Shopping Center, and it would be inappropriate for him to participate in the discussion on the matter. He left the Council Room.

Mayor Pro Tem Price stated this was the time advertised for second reading and public hearing of an ordinance to approve a developers agreement for Bi-Lo on York Street. Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO APPROVAL THE BI-LO SHOPPING CENTER PROJECT DEVELOPMENT AGREEMENT.

Typically, for any large development, Council approves a Developer's Agreement, which is the basic foundation between the City and the developer as to each other's responsibilities. This Developer's Agreement lays out the agreement for the BiLo Shopping Center to be located at Rutland and York Street. The primary difference in this Developer's Agreement from others is Item #6, which states the developer shall provide a public road easement to the City of Aiken as access to property north of the project. The easement will be located no closer than 591 feet from the west property line of the proposed BiLo Shopping Center. This will allow, at some future date, should it become necessary, to tie into the parcel just north of the center. Currently, it is anticipated that this property, at some point and time, will become a single family residential development, and therefore this would allow an entrance from the residential development into the BiLo Center. They are asking that it be located no closer than 591 feet, which would put it behind the front of the building instead of near the frontage drive at the building itself. This is for safety purposes so cars will not go directly from the residential development through the BiLo Shopping Center onto Rutland Drive. They would instead have to drive to the front of the BiLo Shopping Center for parking at the center itself.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on second and final reading an ordinance to approve the developers agreement for the Bi-Lo Shopping Center on York Street and that the ordinance become effective immediately.

Mr. Smith returned to the Council Room.

ZONING ORDINANCE – ORDINANCE 05282001B

Amendment

Enforcement

Zoning Official

Public Safety Department

Mayor Pro Tem Price stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning enforcement provisions by the Zoning Official.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 9.1.1 OF THE CITY OF AIKEN ZONING ORDINANCE REGARDING ENFORCEMENT OF THE ZONING ORDINANCE.

Mr. Smith stated the proposed ordinance had been amended and a copy of the changes had been presented to Council for their information. He said the proposed ordinance would empower the Department of Public Safety to assist with enforcement of the Zoning Ordinance.

Mr. LeDuc stated there are several sections of the Zoning Ordinance which require the Zoning Official to enforce the rules and regulations set up within the ordinance. Some of these involve the parking of trucks and vehicles, cutting of trees, adult businesses and other such similar actions. We have found that several of these items may need attention during times when the Zoning Official is not available, primarily during evenings, nights and weekends. For this reason we would like the Public Safety Department to have the ability to enforce provisions within the Aiken Zoning Ordinance that previously were enforced solely by the Zoning Official. The officers would not be looking for violations, but this would allow them to be able to issue a summons when necessary. Therefore, with this change the Aiken Department of Public Safety would have the right to investigate potential Zoning Ordinance violations and allow them to assist in these enforcement efforts.

City Council will need to amend the ordinance that was approved on first reading that would state that the officers would be secondary to the Zoning Official. This explains that in all situations the primary responsibility belongs to the Zoning Officer and that the Public Safety Department would be there to assist as needed. At the May 12 meeting the Planning Commission voted unanimously to recommend approval of this ordinance.

Councilman Anaclerio moved, seconded by Councilman Sprawls and unanimously approved, that Council approve amendment of the proposed ordinance to include when necessary the Aiken Department of Public Safety will act to enforce the provisions of the Zoning Ordinance.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance regarding the enforcement ability by Public Safety to assist the Zoning Official with enforcement, and that the ordinance become effective immediately.

CITY CODE – ORDINANCE

Revised
Adopted

Mayor Pro Tem Price stated an ordinance had been prepared for Council's consideration to adopt the new, updated Aiken City Code.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF AIKEN, SOUTH CAROLINA; ESTABLISHING THIS NEW CODE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED WITHIN THE NEW CODE, EXCEPT AS EXPRESSLY PROVIDED IN THIS ORDINANCE; PROVIDING FOR THE MANNER OF AMENDING THIS CODE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. LeDuc stated over the last year the City has been working to reformat the Aiken City Code Book. It has now been enlarged to an 8 ½ x 11 format and has tabs of the various sections of the Code. In addition to the reformatting, we have made several corrections to the Code, including correction of certain procedures, typographical errors, and inclusion of ordinances adopted since the last revision in 1980. We are asking City Council to adopt the new formatted Code book for the City of Aiken.

The only substantial change that was made to the City Code was that concerning City Council meetings. This is a change to the current ordinance and would allow Council to limit discussion to three minutes for any individual presenter and to a maximum of 30 minutes for any subject, should they desire. Therefore Council has the right to limit the speaker to three minutes but is not required to do so. It allows Council to retain this right when there are many speakers signed up to speak to Council. He pointed out Council discussed the proposed ordinance in the Council work session and Council wanted to change the proposed ordinance so that citizens would be able to discuss any subject for as long as they wish. Section 2-64 (5) 3. of the proposed Code would state that "the presiding officer may alternate between proponents and opponents when recognizing individuals to address council." The sentence limiting each speaker to three minutes would be deleted.

Mayor Pro Tem Price stated that over the years she had not seen a real problem with Council's current way of conducting Council meetings. She pointed out the Mayor and the City Manager had maintained control over how the meetings had been handled in the past. She stated she did not want to support limiting the citizens' input at Council meetings.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance to adopt the new Aiken City Code Book with the changes as stated by the City Manager and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

TAX MILLAGE – ORDINANCE

Fiscal Year 2001-02
79 Mills
Millage Rate
Budget 2001-2002

Mayor Pro Tem Price stated an ordinance had been prepared for Council's consideration to set the millage rate for fiscal year 2001-2002.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES AND FOR CAPITAL DEVELOPMENT PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, SET THE

MILLAGE THEREFOR AT SEVENTY-NINE (79) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. LeDuc stated every year City Council adopts a budget for the year and also a separate ordinance which establishes a millage rate to meet the budget. For City Council consideration this is approval of an ordinance establishing the millage rate at 79 mills for the new fiscal year.

With the adoption of this millage rate Council will have experienced thirteen consecutive fiscal years without a millage rate increase. Over this thirteen year period we have actually reduced the millage rate three separate times, twice as a result of reassessment. Later this year, after the current reassessment, we will review the millage and make any adjustment as necessary. Although we have to pay careful attention to keep funding at an adequate level to continue all the city's services, we are proud that we have been able to control the taxes for thirteen years, and we attribute this success to Council's careful stewardship of these funds.

Councilman Cunning moved, seconded by Councilman Sprawls and unanimously approved that Council pass on first reading an ordinance establishing the millage rate at 79 mills and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

BUDGET – ORDINANCE

2001-2002

Mayor Pro Tem Price stated an ordinance had been prepared for first reading to adopt a budget for fiscal year 2001-2002.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADOPTING A BUDGET PROPOSED BY THE CITY MANAGER, CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2002, AND DECLARING THAT THE SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR; CONTINUING CERTAIN MONTHLY WATER AND SEWER CHARGES; CONTINUING CERTAIN FIRE SERVICE RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY; CONTINUING THE USER RATES FOR GARBAGE COLLECTION FOR RESIDENCES AND SMALL BUSINESSES; AND CONTINUING THE USER RATE FOR REGULAR COMMERCIAL AND INDUSTRIAL CONTAINER REFUSE AND GARBAGE COLLECTION.

Mr. LeDuc stated each year City Council adopts a budget for the City of Aiken presenting the policies and goals of the City for the upcoming year. The staff has prepared and is recommending a budget for fiscal year 2001-2002 for City Council's acceptance meeting the goals which Council has established.

At the budget review session of May 7, 2001, City Council had the opportunity to review the budget in detail and discuss several of the goals included in this year's budget. As in years past the budget has been developed based on the needs and services adopted by City Council to serve the citizens plus the goals which Council adopted from the Horizons session. Within this budget are several major capital development projects which have been initiated over the past few years. These include the completion of the airport terminal, completion of the festival area, Citizens Park Phase II baseball, and initiation of a tennis complex at Virginia Acres. Other projects that are in the budget include the start of streetscape renewal on Richland Avenue from Waterloo to Valley, the continued program to help senior citizens pay their city taxes, the Public Safety car take home program, the rewiring and sprinkler improvements at Rye Patch, and the continuation of our streetscape program on Fairfield and Union from Richland to Park. With this budget we are recommending the addition of two full time persons for parks and recreation and one for utilities, plus a net of four part-time employees. We are continuing to look for ways to further cross train and job share our employees and to

better enhance the relationships with other local agencies and businesses to maintain our level of service and to increase our efficiency.

The staff is recommending a fee increase for residential garbage collection of \$0.50 per month, from \$8.25 to \$8.75, and for commercial from \$1.82 to \$1.93 per cubic yard. These increases are due to the added expenses incurred from an additional \$3.00/ton landfill cost, the increased distance to the landfill and general inflationary increases since our last adjustment four years ago in 1997.

We feel that this budget meets Council's expectations for the coming year with the services required by both Council and the citizens.

Councilman Cunning moved, seconded by Councilman Radford and unanimously approved, that Council approve on first reading an ordinance to approve the budget for the City of Aiken for fiscal year 2001-2002 and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

ANNEXATION – ORDINANCE

Brookhaven Subdivision

Ranson, Alice and Clifford

Whiskey Road

Country Homes of Aiken, LLC

TPN 00-158.0-01-026

Mayor Pro Tem Price stated an ordinance had been prepared for first reading to annex 22 acres west of the Brookhaven Subdivision owned by Alice and Clifford Ranson.

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 22 ACRES OF LAND, MORE OR LESS, OWNED BY ALICE AND CLIFFORD RANSON AND LOCATED WEST OF BROOKHAVEN SUBDIVISION AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-15).

Mr. LeDuc stated Alice and Clifford Ranson would like to annex 22 acres west of Brookhaven Subdivision to be zoned RS-15 Residential Single Family. The owner intends to sell this property to Country Homes of Aiken, LLC, who will develop it as single family residential dwellings. This developer is also considering the purchase of two other parcels, a 27.6 acre parcel known as Excel, which fronts on Whiskey Road and Stratford and the adjacent 55 acre parcel located between Stratford Hall and Woodside Plantation. The proposed annexation would allow development of approximately 40 single family dwelling units and the surrounding property is zoned RS-15. The Planning Commission at their May 12, 2001 meeting voted unanimously to approve this annexation.

Councilman Anaclerio pointed out there is some property to the west of the proposed area to be annexed, and he would like for Council to ask that some consideration be made for an easement or access from this property to the adjacent property to allow access to the properties without having to go to Whiskey Road.

Mr. Smith, City Attorney, stated he felt the suggestion was not a bad idea, except that the petitioner for the annexation is the current owners of the property, the Ransons, and the developer is not involved in the process. It was pointed out the Planning Commission could consider this request when they consider the plans for development or possibly the Planning Staff will give approval for the development.

Councilman Anaclerio stated he would like for the records to reflect that where possible Council would like to have traffic flow from one development to another without having to go to the main road, Whiskey Road. Councilman Cuning stated he felt it was a worthy issue on every area for development to try to limit traffic going to Whiskey Road.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance for annexation of 22 acres owned by Alice and Clifford Ranson behind Brookhaven Subdivision to be zoned RS-15, and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

CAPITAL PROJECTS – ORDINANCE

Local Option Sales Tax

Mayor Pro Tem Price stated an ordinance had been prepared for first reading for funding for new capital projects.

Mr. LeDuc read the title of the ordinance.

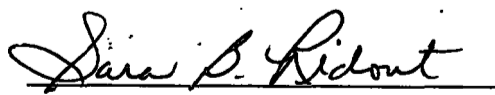
AN ORDINANCE AMENDING ORDINANCE NUMBER 090897C AUTHORIZING BORROWING FROM THE CITY OF AIKEN'S VARIOUS FUNDS AND ACCOUNTS AS OUTLINED IN THIS ORDINANCE FOR THE PURPOSE OF PARTIALLY FUNDING THE RENOVATION AND NEW CONSTRUCTION OF SPECIFIC PROJECTS.

Mr. LeDuc stated in September of 1997, Council approved funding for the capital projects now being completed under the local option sales tax plan. When this ordinance was adopted, the projects were not started but later a funding plan supported by the accommodations and hospitality tax was adopted for their construction. We would like to amend the 1997 ordinance, for those projects. These are the same projects which the voters approved in the November referendum for the Local Option Sales Tax. Since these projects were started earlier under the Hospitality and Accommodations tax funding and are currently ongoing, we need to borrow funds internally to keep these projects going until we receive our funding from the new 1 cent sales tax. This ordinance will allow us to borrow funds for these projects from various holding accounts. If for some reason there are not enough funds within those accounts at the time we would like to borrow this money, then we would be limited to whatever funds are available at that time. We anticipate receiving \$12.45 million from the 1-cent sales tax revenue, and we had anticipated paying interest up to \$1.3 million to help build these projects until we receive revenue from the sales tax. This leaves \$11.15 million to build these projects. We hope we will not need to use all of the interest that we had originally calculated and, therefore, any extra funds will be used to supplement the projects which will be constructed. Mr. LeDuc stated this would allow the city to borrow funds and to keep the projects ongoing which include Phase II of the baseball fields, the tennis courts, payment to the Playhouse, and a few other small projects consisting of paving and streetscape work.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance to amend Ordinance 090897C which authorizes the City to borrow money from various holding funds and accounts for new capital projects to be paid for under the Local Option Sales Tax (LOST) funds, and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 P.M.


Sara B. Ridout
City Clerk