

Aiken City Council MinutesApril 26, 2004WORK SESSION

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

Others Present: Bill Huggins, Gary Smith, Larry Morris, Glenn Parker, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinias of the Augusta Chronicle and about 8 citizens.

Mayor Cavanaugh called the meeting to order at 6:19 P.M. He stated Council had two items that they would like to discuss in the work session. He stated Mr. LeDuc's father had passed away, so Mr. LeDuc would not be present at this meeting.

CITY PROPERTY

Brightharp Funeral Home  
Beaufort Street  
Hampton Avenue  
Willow Run Business Park

Mr. Huggins, Assistant City Manager, stated that Mr. George Brightharp owns a funeral home on Beaufort Street next to the extension of Hampton Avenue into Willow Run Business Park. The City recently had this property surveyed, and according to our survey, a portion of Mr. Brightharp's parking lot is within the 150 foot right-of-way of Hampton Avenue. According to his plat and survey, completed 23 years ago, he owns a large portion of the property we are claiming. We have met with him on several occasions to try to resolve this conflict. We both feel our surveys are correct, and we would like to discuss with Council a compromise concerning this situation. The Willow Run Business Park and the City do not need the full 150 feet of Hampton Avenue in this area for the roadway or other infrastructure improvements. We are suggesting that Mr. Brightharp's property line be shifted to the south, encompassing an area of approximately  $\frac{1}{4}$  of an acre, which would give him 25 feet around his parking lot. For the last 23 years, he has assumed ownership of this property and has mowed and maintained it. If Council agrees, a quit claim deed would be presented for Council's approval. This would resolve a conflict and gives the City enough room to complete all the work they feel is necessary. If Council agrees, we will put this on the next agenda for your approval.

Mr. Larry Morris, Public Works Director, showed a drawing of the property and explained to Council where Mr. Brightharp claims his property line is and where the City feels the property line is. Mr. Morris stated he and Mr. LeDuc had met with Mr. Brightharp on several occasions. He said they had worked with Mr. Brightharp on a compromise. He stated Mr. Brightharp had maintained this property for the past 23 years and has had a parking lot on the property. He said they don't feel it is right to take this away. He said the City doesn't need the whole piece of property for the project, and the entrance for Willow Run will be able to be constructed. He suggested that the property line be moved 25 feet from the existing edge of his property. This would encompass the lighting that he has around the property and also give him a buffer around his property for some landscaping. He said he understood that Mr. Brightharp had agreed that this would be a fair solution. Staff is suggesting that Council quit claim the area and give it to Mr. Brightharp for his use to resolve the conflict between the two surveys.

Council then discussed if Mr. Brightharp had been paying taxes on the whole piece of property. It was pointed out he probably did pay taxes on all the property, as that is what his survey shows. It was pointed out the property would not affect the Willow Run project, as this property was going to be used for buffer and landscaping.

Mr. Morris pointed out one thing discussed with Mr. Brightharp was the fact that he has had a drainage problem on the back of his property for a long time. He said the City

would cut the swale for Willow Run so it would come across the back edge and also allow Mr. Brightharps property to drain and solve his drainage problem.

Mr. George Brightharp, of Brightharp Funeral Home on Beaufort Street, thanked the staff for working with him on the problem. He said the proposal presented by Mr. Morris was the proposal they had agreed upon. He said he could not agree, however, that the recent survey was correct over the survey which he had gone by many years ago and by which he had gotten all the permits for the Funeral Home. He said he was the one who had proposed that he take 25 feet beyond the parking lot so the City could continue with the Willow Run project. He said he had mentioned taxes on the property, and he would appreciate anything Council could do. He said if Council would give a quit claim deed on the property, that would be satisfactory as far as the land.

Mr. Morris pointed out the reason for the discrepancy between the surveys has to do with the right of way. One surveyor took into account that Hampton Avenue right of way is wider, as there are parkways in the middle of the right of way. Mr. Morris stated the proposed quit claim is not based on any surveys, but based on an agreement with Mr. Brightharp.

Mr. Gary Smith stated, on the property tax issue, he felt that Council could not forgive 23 years worth of whatever the property tax differential may be as a result of what ever the change may be in the deed. He said if Council is able to do anything regarding taxes, he did not feel it could be for more than three years due to the statue of limitations. He said, however, he needed to do more research on the matter.

Mr. Huggins stated a quit claim deed would be prepared, as discussed by Mr. Morris, for Council's consideration at the next regular meeting.

#### HISTORIC AIKEN FOUNDATION

Walk Through Black History

Perry Park

Schofield School

Williamsburg Street

Wilds, Nancy

Mr. LeDuc stated the Historic Aiken Foundation is requesting City Council's permission to create a "Walk Through Black History." They are proposing to install a 30 inch wide brick path with stepping stones or markers identifying the names of African-Americans who have made a valuable contribution to our community. The proposed location of the walkway would be near the picnic shelter at Perry Park. Each year another marker could be added in chronological order recognizing a leader within our community. They feel the walkway would be educational and honor many of our citizens who have contributed so much to our community. Nancy Wilds, the Executive Director of Historic Aiken Foundation, is present to discuss this further with Council.

Ms. Wilds stated she would like to request permission from the City to build a winding brick path near the soccer fields in the complex behind Schofield School near Abbeville and Williamsburg Street. Every year some bricks would be removed and a stepping stone added to honor black Americans who have made a valuable contribution to our society, beginning with Crispus Attucks, the first black man killed in the American Revolution. The walk would start with 1776, and every year a number of markers would be added in chronological order, with the earlier years done first. She said Ms. Dorothy Ridley, who is a landscape designer, has offered to help plan the path. She said they hoped Tom Rapp would help plant the path to beautify it. She said they feel the path would be educational. She said they thought the property belonged to the City, but she understands that the property belongs to the School Board. She said they would like to have the City's blessing and then would go to the School Board for approval.

The general consensus of Council was that it was a good project and that they would support the project. They agreed that the City would provide a letter of support to the School Board for the project.

BOARDS AND COMMISSIONS

Appointments

Accommodations Tax Committee

Mayor Cavanaugh stated several meetings ago Council had discussed appointments to the Accommodations Tax Committee. He said the appointments needed to fit a certain mix. He said he wanted to reappoint Jan Cwalina who fits the mix. He said in drawing straws he was to pick another nominee. He said he was not sure Council agreed to that.

After discussion each of the Councilmembers stated they wanted to keep their appointee so Mayor Cavanaugh agreed that he would select another nominee.

Councilwoman Vaughters expressed concern about her nominee not attending meetings and pointed out he was a hotel appointee. It was agreed that staff would contact him regarding his termination.

Councilwoman Clyburn stated she would like to reappoint Timothy Redd to the Building Code Appeals Committee and Harvey Ramseur to the Accommodations Tax Committee.

Councilman Cunning stated he would like to reappoint James McNair, Jr. to the Accommodations Tax Committee.

Councilwoman Price stated she would like to reappoint James Gallman to the Housing Authority, Andrew Bouknight to the Building Code Appeals Committee, and Bernice Sanders to the Accommodations Tax Committee.

Mayor Cavanaugh stated he would like to reappoint Sidney Ballentine to the Building Code of Appeals Committee.

DENTAL LAB

Mueller, Eva

Councilwoman Vaughters asked if the city could recognize the letter from Ms. Mueller and her problems in getting technicians to operate the dental lab and wondered if the city could help in any way.

Mayor Cavanaugh stated perhaps the state legislators could be contacted about this problem. He said he would contact Ms. Mueller and talk with her about the problem.

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**REGULAR MEETING**

April 26, 2004

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

Others Present: Bill Huggins, Gary Smith, Anita Lilly, Larry Morris, Glenn Parker, Ed Evans, Pete Frommer, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and about 17 citizens.

Mayor Cavanaugh called the meeting to order at 7:15 P.M. Mayor Cavanaugh 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. Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved as submitted.