

Aiken City Council MinutesWORK SESSIONMay 23, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Sandra Korbelik, Richard Pearce, Glenn Parker, Anita Lilly, Susan Mimmie, J. C. Lexow of the Aiken Standard, Krista Zilizi of the Augusta Chronicle and about 32 citizens.

Mayor Cavanaugh called the meeting to order at 6:33 P.M. He stated Council had two items to discuss in the worksession, possible locations for tattoo parlors and a request from the Northside Heritage Preservation Foundation.

TATTOO PARLORSZoning

Mr. LeDuc stated that for the last couple of months Council has discussed possible locations for tattoo parlors. Council asked staff to review possible locations in the north, south, east and west sides of the city in the current General Business zone. A map was given to Council showing possible locations factoring in the 1,000 feet from all churches and schools. It is our understanding that the State has reviewed the DHEC regulations and rules for tattoo parlor operations, and they will be allowed to open early this summer.

Mr. LeDuc reviewed and discussed each map and possible locations with City Council.

Mayor Cavanaugh explained to the citizens present that the State recently passed a law that stated that tattoo parlors could be located in the state. He stated that each municipality should have an ordinance that should state where the tattoo parlors could be located, because they can not be ruled out. He stated that Council is trying to find locations on all sides of the city, instead of one location for all of them.

Councilman Smith asked if the signage could be controlled, and what category the business license would be for a tattoo parlor.

Mr. Gary Smith, City Attorney, stated that if the City wants to impose signage regulations, they can as long as the regulations do not hinder the State regulations that are in place. He stated the new regulations are being considered by the Senate now. He stated that if the City had sign regulations on the height and size of the sign, then the tattoo parlors would have to comply with the sign regulation, unless it conflicts with the State law. He stated the sign ordinance would not only apply to tattoo parlors, but it would also be the sign ordinance that applies to all signs in the City of Aiken.

Mr. Smith stated that he would need to look and see if there is a classification in the Business License Ordinance that would encompass tattoo parlors. He stated in order for the Business License Ordinance to continue to withstand constitutional scrutiny, we would need to make sure our regulations say to place the tattoo parlor for purposes of the Business License Ordinance. He stated it cannot simply be placed where Council wants it.

Councilwoman Vaughters stated that Mr. Ernest Carlisle, her neighbor, had shared with her the devastating effect a tattoo parlor had on his small shopping center, in Georgia, as far as his ability to rent space around it to other merchants. She stated that she also thought that business owners should be notified that the zoning will allow tattoo parlors in their areas.

Mr. Smith stated that a lot of large chain businesses have clauses in their lease that will not allow tattoo parlors in their vicinity.

Councilwoman Clyburn agreed that she felt that people in the areas should be notified of Council's discussing the location of tattoo parlors in their areas.

Mr. Smith stated that each landlord of commercial property can say whether or not they want to rent to a tattoo parlor or anyone else. He stated this is because they are renting their private property.

City Council discussed the location of tattoo parlors at length.

City Council stated they were happy with what the Planning staff presented to them with four locations in different areas of the City.

Mr. LeDuc asked Ed Evans and Bill Huggins to send letters out to businesses that could be affected by the tattoo parlor zoning notifying them of the June 13, 2005 Council meeting.

#### NORTHSIDE HERITAGE PRESERVATION FOUNDATION

Barnwell Avenue, NE 208

Renovation

Shine, Joseph

McGhee, Bill

Wesley United Methodist Church

Lot

Mr. LeDuc stated that about three years ago, the City purchased property on Fairfield Street and two properties on Barnwell Avenue. He stated the Northside Heritage Preservation Foundation, Inc. (NHPF) would like the City to sell them the vacant lot at 208 Barnwell Avenue NE located next to the house that was recently renovated. Previously, this property was purchased by Mr. Joseph Shine, whose estate sold it back to the City upon his death. In a letter from the President of the NHPF, Mr. Bill McGhee, stated they would like to move the former parsonage of the Wesley United Methodist Church to this location. The cost estimate for the work to remove the parsonage and to renovate it would be approximately \$92,000. If City Council would like to sell the lot to the NHPF they could do so at \$10,000, the price for which it was sold to Mr. Shine or whatever price Council feels is appropriate. In the condition of the sale Council could also stipulate whether or not the home can be a rental or homeownership. Once Council has discussed this we can place the purchase of this lot on the next agenda with whatever conditions Council desires.

Councilwoman Clyburn asked Mr. McGhee if the parsonage would be used by the church.

Bill McGhee, 217 Fairfield Street, NE, stated that the property will be sold to the Northside Heritage Preservation Foundation and they, in turn, will sell it to a single home owner.

Councilman Cuning asked Mr. McGhee if he felt the renovated parsonage will be an enhancement to the neighborhood.

Mr. McGhee stated it is part of his overall plan to revitalize the neighborhood. He stated the survey that was done on the house several years ago shows the house is over 100 years old and he feels there are several features of the house that can be saved and will be attractive for the neighborhood.

Mayor Cavanaugh asked Mr. McGhee about the condition of the parsonage at the present time.

Mr. McGhee stated there are some problems with the back of the house, it will probably have to be removed, and he stated that when structures are moved, there could be problems with the chimneys and other things. He stated the reason they have been slow coming to Council is the major cost of moving the structure.

Councilman Smith stated he agrees with the idea of the property being sold to Mr. McGhee, but he feels the property should have a current appraisal before a price is set.

Councilwoman Price stated that Mr. McGhee has pursued this land for some time. She stated she feels he is truly trying to improve the neighborhood. She stated that it is her feeling that the property be sold to Mr. McGhee for the original price of \$10,000. She feels that it was an implied agreement with him to have first choice of this lot.

Council discussed the sale of 208 Barnwell Avenue, NE at length.

Darren Bryant, of Bryco, LLC, stated that he had discussed the purchase of this lot with Leasa Segura on several occasions, and also actually withdrew an application he had for the Board of Zoning Appeals meeting, because they had an agreement with Reverend Brower of Wesley United Methodist Church for this same piece of property under discussion. He stated his concern was that some of the lots are purchased by buyers that come to the City and ask to purchase certain property, and other lots are put out for bid. He stated it should be a set process.

Mr. LeDuc stated that there is no set process. He stated that City Council does not have to sell property to any particular person. It depends on the condition of the property and what Council would like to see done with the property, or Council can decide by an open bid.

Councilwoman Price stated that she and Mr. LeDuc had spoken to Mr. McGhee on several occasions about the plans he had for the property.

Mr. Bryant stated that Bryco's interest in the property is long-standing. He stated they were interested in purchasing it when there was still a structure on it.

Councilwoman Clyburn asked Mr. Bryant if he had purchased property from the City of Aiken previously, and if so, was it by open bid or at his request.

Mr. Bryant stated that he had purchased land from the City in the past, and it was sold directly to him, not by open bid.

City Council continued the discussion at length.

Tom Bryant, 504 Richland Avenue, W, stated that he did not think it was fair to allow a single person to purchase property from the City, instead of putting the property out for bid. He stated he wanted to be treated fairly.

Mr. Smith stated the reason there are not strict rules for the sale of real estate is because of the uniqueness. He stated that Council has an obligation to the citizens to make sure that they get the most value out of a piece of real estate. He stated that some times that is done by selling the property to the highest bidder. But some times, to enable the development of the property in such a way that it would have a positive impact on surrounding properties, Council allows a particular person to purchase the property.

Mr. Darren Bryant stated that he and Mr. McGhee have other properties the parsonage could be moved to.

Mr. McGhee stated that he felt the lot on Barnwell Avenue is the ideal location for the parsonage. He stated it will enhance the neighborhood and improve it overall. Mr. McGhee stated that if the structure is placed on his two personal lots, he would not be able to sell it for the amount needed to get a return on the investment.

The consensus of Council was to place the sale of the lot at 208 Barnwell Avenue NE to the Northside Heritage Preservation Foundation the June 13, 2005 Council agenda. Council also stated that they would like for Council to discuss setting a standard for selling property.

Harvey Lishka, 149 Day Road, owner of ABC, Inc., stated he wanted to speak about tattoo parlors. He stated he was concerned about where City Council wants to locate tattoo parlors. He stated he would like to see them in a General Business zone. He stated he did not want to be placed in an undesirable zone. He stated he plans on opening three tattoo parlors as soon as the legislation is passed. He stated that the areas that Council pointed out are acceptable.

### Aiken City Council Minutes

#### REGULAR MEETING

May 23, 2005

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

Others Present: Roger LeDuc, Gary Smith, Ed Evans, Pete Frommer, Larry Morris, Anita Lilly, Glenn Parker, Richard Pearce, Susan Mimmie, J. C. Lexow of the Aiken Standard, Krista Zilizi of the Augusta Chronicle, and about 30 citizens.

Mayor Cavanaugh called the meeting to order at 8:01 P.M. Councilwoman Price 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 Cuning moved, seconded by Councilman Smith and unanimously approved, that the agenda be approved.

#### MINUTES

The minutes of the work session of May 2, 2005, and the work session and regular meeting of May 9, 2005, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Mayor Cavanaugh and unanimously approved.

#### BOARDS AND COMMISSIONS

##### Appointments

Abbott, Thom

Arts Commission

Findley, James R.

Building Code Appeals Committee

Rodgers, Marsha

Smiley, Gale

Environmental Committee

Buckley, Martin

Stack, Robert

Cunningham, John

Housing Authority

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

Mr. LeDuc stated there were 8 pending appointments to boards and committees of the city, including the 1 remaining appointment to the Arts Commission, and 5 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended appointment of Thom Abbott to the Arts Commission, representing the business community with a two year term expiring in 2007.

Councilman Cuning has recommended reappointment of James R. Findley to the Building Code Appeals Committee, with the term to expire May 12, 2007.

Councilman Sprawls has recommended appointment of Marsha Rodgers to the Environmental Committee. If appointed Ms. Rodgers would fill the unexpired term of Gale Smiley, who has resigned because she has moved out of town. The term would expire December 31, 2005.

Councilwoman Vaughters has recommended reappointment of Martin Buckley to the Building Code Appeals Committee. If reappointed his term would expire May 12, 2007.

Councilwoman Vaughters has also recommended that Robert Stack be appointed to the Housing Authority to replace John Cunningham. If appointed his term would expire May 28, 2010. Housing Authority terms are for five years.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council appoint Thom Abbot to the Arts Commission, with a two year term expiring in 2007, Marsha Rodgers to the Environmental Committee, with the term to expire December 31, 2005, Robert Stack to the Housing Authority, with the term to expire May 28, 2010, and reappoint James R. Findley and Martin Buckley to the Building Code Appeals Committee, with the terms to expire May 12, 2007.

Councilwoman Price stated that Ronny Bolton resigned his position on the General Aviation Commission, and she will have an appointee to recommend at the next Council meeting.

ANNEXATION – ORDINANCE 05232005

Hidden Haven

Scire, Joe

Silver Bluff Road

Woodside Plantation

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 20.6 acres east of Hidden Haven.

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 20.3 ACRES OF LAND, MORE OR LESS, OWNED BY JOSEPH SCIRE AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Mr. LeDuc stated that Joe Scire would like to annex a 20.6 acre undeveloped tract of land east of Hidden Haven Subdivision under the Planned Residential zoning. The property to the east and south (Woodside Plantation) is zoned Planned Residential, to the west (Hidden Haven) is zoned Residential Manufactured Homes, and to the north the property is developed as single family with two city wells. He originally appeared before the Planning Commission last fall asking for RS-6 zoning which would have allowed over 100 units to be developed on this property. Mr. Scire has tried to work with the City and waited until the Planned Residential zoning was approved, so he could build 44 units as shown on plans presented. If this remains in the County, it appears that he could build up to approximately 40 units with wells and septic tanks.

He stated that under the Planned Residential regulations a developer could have 8 units per acre with 20% open space. His density is below this amount, and the concept plan shows 25% open space or about 5.25 acres. The original concept plan for this property would have continued the Manufactured Home development onto this property. Since that time Hidden Haven annexed into the city in 1993, and all the roads were upgraded with Polaris Drive having a pavement width of 24 feet.

He stated that the 72 homeowners in Hidden Haven are concerned about the 400 additional trips per day on Polaris Drive. Furthermore, they are concerned with the

amount of additional traffic that will be exiting Hidden Haven at Silver Bluff Road. Over the past three years a total of 6 accidents have occurred at this intersection, compared to 18 at the Silver Bluff Town Creek Road which is in close proximity to this intersection.

He stated that Hidden Haven was also concerned about the adequacy of the roadway for emergency vehicles. Captain Taylor from our Fire Division examined the roadways and felt there was sufficient width for fire trucks and other emergency equipment to respond in case of emergencies. His only concern was the increased number of vehicles turning from Hidden Haven Drive onto Silver Bluff Road. Silver Bluff Road has a "B" Level of Service and needs 3,000 trips per day from any development in order to require a study.

He stated a number of citizens from the Hidden Haven Subdivision spoke in opposition to this development, and a copy of their petition was given to Council for review. The Planning Commission voted unanimously to recommend denial of the annexation because of their concern about the impact on the residents of Hidden Haven and the Melrose Townhome development.

At the last meeting several citizens were concerned about the safety through Hidden Haven and at Silver Bluff Road. We have looked at both of these conditions, and the developer feels that they could straighten out the roadway through Hidden Haven for approximately \$15,000 to \$20,000. Based on the amount of traffic that would be coming from the new development and the existing traffic from Hidden Haven, the City and the developer would share the cost equally for this roadway improvement. At Silver Bluff Road a left hand turn lane into Hidden Haven would be necessary, and Larry Morris estimates that the cost would be around \$35,000 to \$40,000. Based on the traffic from the proposed development and all the other traffic that currently travels on this roadway, the developer's share would be one-third of this cost with the City share being two-thirds. The developer Joe Scire has stated that he is willing to contribute his share for the improvements through the development, and if the City were to move forward with the improvements on Silver Bluff Road that he would also contribute that share.

If Council recommends approval of this development there are four conditions that the Planning Department had recommended should be considered:

1. that when the property is developed, Hidden Haven Drive and any other roads within Hidden Haven used to access the proposed subdivision be improved to City standards prior to approval of a final plat.
2. that there be a six-foot-tall wooden privacy fence along the northern boundary of the subject property adjacent to any lot occupied by a dwelling prior to issuance of a Certificate for any building.
3. that Council allow the dead-end street to exceed the 1,000 foot limit.
4. that the conditions be recorded at RMC.

Mark Graham, Southern Partners, Inc., stated that the roadway through Hidden Haven could be widened to the left coming out, but that property is owned by Woodside and that could be difficult. The way it is sketched out, it would be widened out towards town, and some of the property is owned by the City and some is owned by the Homeowners Association for the townhouses.

City Council discussed the widening of the road at length.

The public hearing was held.

John Kyle, 606 Sirius Drive, stated his concern was the safety issues. He stated the road leading into Hidden Haven is very dangerous already. He stated that the road is narrow. He stated that the people in the neighborhood walk to their mailboxes and children play in the area. He is concerned with the amount of traffic that will be produced by this development. He asked when the road safety issues would be handled.

Councilman Cuning stated that it has been a dangerous situation for a long time and that Council cannot give a specific date and time that it will be safer. He stated that

easements need to be acquired and then construction of the widening would be a different time line.

Mark Graham, Southern Partners, Inc., stated that they can start working within the right-of-way of Hidden Haven Drive, and that some trees can be removed to help with blind spots. He stated that the S-curve can be straightened out within the existing right-of-way, but it could be better if they acquired some additional right-of-way.

Julie Adams, 161 Boxwood Road, stated that her property backs up to Hidden Haven. She stated she went to see the property under discussion, and stated that there was not any traffic in the area. She stated it is a quiet neighborhood. She stated she was concerned with the safety issues also with the lengthening of the road. She stated she wanted to have more green space between her home and the units behind her. She was also interested in knowing who owns the property to widen the road and where the trees are that may be cut down.

Mr. Graham stated that the trees in question are in the right-of-way that the City owns according to all the records they could find. He stated the ideal way to fix the curve would have been to bring the curve over towards Woodside, but there is only a 15-25 foot buffer there that belongs to the Homeowner's Association, and after that it would actually be in the backyards of some property owners in Woodside. He stated the City owns the next piece of property. It is a storm water detention pond. The Homeowner's Association owns the piece of land that is between the road and the detention pond. He stated that the right-of-way is wider than the pavement, so there is room to make the curve more gradual. He stated that speed bumps would be a good idea. He stated that the plan that has been submitted is what will be built as far as the road plans and the buffers. He stated there is a 25-foot buffer behind the lots on Boxwood, and a 25-foot buffer already exists behind Boxwood.

City Council discussed green space and buffers at length.

Joe Scire, 631 Oak Meadow Lane, stated that Ms. Adams property is not backed up to the development under discussion. He stated that where his property is, there is a 25-foot green space existing from Woodside, and this development has allowed another 25 feet. He stated that he could add another 10 feet on that side. He stated it may be more difficult on the north side of the development.

Wilkins Byrd, 434 Berrie Road, as a representative of the Planning Commission, stated that even with the proposed alterations of the roadways, it is his belief that a substantial portion of the Planning Commission would still feel that this development deserves a thumbs down. He stated it is a safety issue. He stated that the City is known for annexing property so that they have control over what is done with the land. He stated that the memo states that 44 units will be constructed on the land if it is annexed, and, if it is not, then 40 units will be constructed with septic tanks and wells. He stated that there are less units allowed under the County regulations. He stated that the Planning Commission was concerned with the impact the development will have on the residents of Hidden Haven and Melrose.

Mr. Byrd stated that the core of what the Planning Commission is saying is not that this property should be in the county, but this is Planned Residential. He stated that Council has the ultimate power on what they will permit. The Planning Commission is simply saying that the City has a very valuable asset. They were unconvinced that the plan is what the residents of Hidden Haven want. He stated that he has not heard anything in the meeting that has resolved the safety issues.

Councilwoman Clyburn stated that it may be helpful to have sidewalks instead of widening the roads. This would make it safer for the pedestrians.

John Revord, 626 Sirius Drive, stated that the streets are a playground for the children that live in Hidden Haven. He stated he is concerned with the safety issues. He asked how long the construction phase for the 44 units will take. He was also concerned with

the traffic on Silver Bluff Road. He stated he thought the property was 12 lots that were not to be subdivided and wondered if the zoning had been changed.

Mr. Scire stated that by the time the engineering is worked out, it will be the beginning of next year before improvements are started. He stated that during this time, he will work with the City to work out a time schedule and take care of the critical issues. He stated that as far as construction time, he believes that from the time they break ground, they hope to be completed within the three year period, but it could be longer, depending on the market.

Councilwoman Clyburn asked if there was a possibility of using some of the green space to be a recreational area for the children that play in the street.

Mr. Scire stated that there is a lot of green space in Hidden Haven at the present time that could be used as a playground.

Cheryl Barrantes, 113 Arturus Drive, stated she is completely against the development of this property. She stated that the property is unique. She stated there is wildlife on the land and she hates to see it disturbed.

John Kyle, 606 Sirius Drive, stated that he believes his property value will decrease. He feels the traffic on the narrow road will hinder the ability to sell their properties.

City Council continued discussion of the property being developed under the City or County.

Mr. Scire stated that the property value of Hidden Haven will not decrease. He stated it will bring the value up or at least hold it where it is.

Councilwoman Vaughters was concerned with how much it would cost and where the money would come from for the road improvements.

Mr. LeDuc stated the funds would come from the account set aside for paving. He stated there are special holding funds for different projects.

Mayor Cavanaugh stated he would like to see 40 units built and use the rest of the land for a recreation area for the children or an open green space.

Councilman Cunning stated he supported the 40 units as well, along with all other improvements that have been talked about.

Mr. LeDuc stated that any stipulations City Council wants need to be put in the ordinance regarding trees and green space.

Mr. Graham stated that the development could be reduced to 40 units to allow a recreation area, if Mr. Scire agreed.

Councilman Smith stated he felt that without a walkway he could not vote for the annexation. He feels the development needs a walkway of some sort, not just a study for one.

Mr. Graham stated that if Mr. Scire is willing to give up his cul-de-sac, then a walkway could be constructed inside the development. He stated there were some other ways to have a walkway, but he has not studied this project.

Councilwoman Price stated she is very concerned because she feels that City Council is trying to make something fit that is a problem.

City Council recommended the following conditions be attached to the annexation of the 20.6 acres east of Hidden Haven:

1. that there be speed humps placed in the development.
2. that there be no more than 40 units.
3. that there be a sidewalk along Polaris built on a 50% City – 50% developer basis.
4. that the Silver Bluff intersection be improved 1/3 developer – 2/3 City.
5. that the road would be straightened 50% developer 50% City.
6. that the road would be strengthened 50% developer 50% City.
7. that the straightening of the road, the Silver Bluff intersection, and the sidewalk be completed before a Certificate of Occupancy is given for the first house;
8. that there be a 35-foot untouched buffer on the west and south side of the development.
9. that there be room for a park, the approximate size of four lots, at the end of the extension of Polaris.
10. that there be a 6-foot tall privacy fence along the northern boundary of the subject property adjacent to any lot occupied by a dwelling prior to the Certificate of Occupancy.
11. that the road would be able to exceed the limit of 1,000 feet.
12. that all these conditions be recorded at the RMC Office.

Councilman Cunning moved, seconded by Councilwoman Clyburn and approved, that Council pass on second and final reading an ordinance to annex 20.6 acres east of Hidden Haven to be zoned Planned Residential with the above conditions and that the ordinance become effective immediately. The motion was approved by a vote of 5 in favor 2 opposed. Councilwoman Price and Councilwoman Vaughters opposed the motion.

MILLAGE RATE – ORDINANCE 05232005A

Budget

FY 2005-06

71 Mills

Tax Millage Rate

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set the tax millage rate for fiscal year 2005-06.

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, 2005, SET THE MILLAGE THEREFOR AT SEVENTY-ONE (71) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. LeDuc stated every year City Council adopts a budget for the following year and also a separate ordinance which establishes the millage rate to meet the budget needs. With the adoption of this millage rate, the City will have experienced seventeen consecutive fiscal years without a millage rate increase. Over this seventeen year period we have actually reduced the millage rate on four separate occasions, three times as a result of reassessment from 120 mills to the current 71 mills, or over 40%. This is in spite of revenue losses of over \$1 million this fiscal year from what the City was previously receiving five years ago, due to reduced telecommunication fees and vehicle taxes. Mr. LeDuc stated when the city found out that we would be losing at least 80% of the revenue we had been receiving from the telecommunications fees, Council agreed to adjust the budget to get it to the point that, when the telecommunications taxes were eliminated, the budget would have been adjusted year by year. He said he called those years the “fat years.” He said during that time the city took the excess money and put it in reserves. He said this helps us to be able to keep the millage at the same rate. He said in previous years, the city was taking \$200,000 to \$400,000 from reserves to balance the budget for capital projects. He pointed out, however, that last year and this year, around \$700,000 is being used from the reserves for capital projects and to balance the budget. He said if this continues over the next several years, there will be no reserves in the special holding funds. Although we have had to pay careful attention to keeping funds at an adequate level to continue the city services, we are happy that we have been able to control raising

taxes for seventeen years, and we contribute our success to careful stewardship of these funds. He pointed out the proposed budget has no recommended tax or fee increases for the first time in many years.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on second and final reading to set the millage rate for fiscal year 2005-06 at 71 mills and that the ordinance become effectively July 1, 2005.

BUDGET – ORDINANCE 05232005B

FY 2005-06

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to adopt a budget for fiscal year 2005-06.

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, 2005, AND ENDING JUNE 30, 2006, AND DECLARING THAT THE SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR.

Mr. LeDuc stated each year City Council adopts a budget for the City of Aiken presenting the policies and goals for the city's upcoming year. He stated that staff has prepared and is recommending the budget for fiscal year 2005-06 for City Council's acceptance which meets the goals which they have established.

At the budget review session on May 2, 2005, Council had the opportunity to review the budget in detail. As in years past, the budget has been developed based on the needs and services to serve the citizens, plus the goals which Council adopted from the Horizons session.

Our only budget concern is in the Utilities Division. We anticipate some additional revenue from the more accurate readings, and we should know by the end of this summer what our revenue projections will be for the year. However, we recently received a notice from SCE&G that all large customers will have their rates increased by 28%. This, along with the increased gas prices and a 5% increase (for the second year in a row) by the Aiken County Public Service Authority, gives us some concern. Since the summer months count for almost half of our revenue, he suggested that staff wait until September and then review whether a rate increase is needed. At that time, if any changes are necessary staff would bring this back to City Council for further action. He pointed out PSA rates increased last year, and the city absorbed the increase and would try to do that this year.

Two major factors are again affecting this year's budget: the \$550,000 reduction in the telecommunication fees and the \$450,000 loss in vehicle taxes. These two losses are equivalent to losing 10 mills in taxes, or eliminating over 28 Public Safety Officers from the budget. The major new expenses or services within this year's budget include \$36,000 for professional help to acquire federal funding for new highways, \$12,000 for helping try DUI cases, \$30,000 to begin a spay/neuter program, \$35,000 to provide a new litter crew, \$10,000 to provide professional services for the new Design Guidelines, \$30,000 for any potential façade grants, and \$25,000 for laptops in the patrol cars. In addition, the budget also includes continued funding for the Library, Senior Citizens Tax Write Off Program, ADDA, Council on Aging, EDP and the Character Program.

Mr. LeDuc stated that he felt that this budget should meet Council's expectations in the coming year for the services they desire for both themselves and the citizens of Aiken.

The public hearing was held and no one spoke.

Councilwoman Vaughters stated that she cannot support the budget because there is a tax increase for some businesses because of the revenue neutral business license tax.

Councilman Sprawls stated there was a tax decrease for several business owners, also.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council pass on second and final reading an ordinance to approve the budget for the City of Aiken for fiscal year 2005-06 with no tax increases or fees within the budget and that the ordinance become effective July 1, 2005. The motion was approved by a vote of 6 in favor 1 opposed. Councilwoman Vaughters opposed the motion.

### PUBLIC HEARING

#### Ordinances

Mayor Cavanaugh stated that there was at least one citizen present so speak on first reading. He asked for a motion to suspend the rules on all of the first readings to allow the public to speak. Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council allow the public to speak on first reading of the ordinances.

### SALE OF PROPERTY – ORDINANCE

Colleton Avenue  
East Boundary  
Sauerborn, Paul

Mayor Cavanaugh stated an ordinance had been prepared for first reading to sell city-owned property at the northeast corner of Colleton and East Boundary for \$9,921.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ABANDON ITS RIGHT, TITLE AND INTEREST IN A PORTION OF THE RIGHT OF WAY OF COLLETON STREET AND EAST BOUNDARY AVENUE, COMPRISED OF 8,268 SQUARE FEET LOCATED IN THE CITY OF AIKEN TO PAUL SAUERBORN.

Mr. LeDuc stated that at the last meeting Paul Sauerborn came to Council concerning property at the northeast corner of Colleton and East Boundary. He had previously asked Council's permission to purchase this property next to a vacant lot which he had acquired last year. The Highway Department stated that they do not own the property within the 150 foot right of way. Therefore, Council could sell this land, consisting of 8,268 square feet, should they desire.

Mr. LeDuc stated that the 10,000 square foot property that Mr. Sauerborn purchased was appraised at \$8,300 and purchased for \$12,000, or \$1.20 sq. ft. Given the city lot is a smaller piece of property (8,268 sq. ft.), the market value based on \$1.20 a square foot would be \$9,921. A comparison of the assessed value, based on a square foot basis, would be \$6,862.

Mr. LeDuc stated that it is recommended that Council consider the market value, since the rates in that area are increasing. Mr. Sauerborn has agreed to place a single family home on this property and would begin this process in the very near future upon sale from the City of Aiken.

Mr. LeDuc stated that it is Council's decision whether or not to have an open bid for this property, or to go ahead and sell it to Mr. Sauerborn.

Mayor Cavanaugh stated that he did not know of any other parties interested in the piece of property.

Councilwoman Vaughters moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading for the sale of city owned property

at the northeast corner of Colleton and East Boundary for \$9,921, and that second reading and public hearing be held at the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Henry Street, 778  
Byrd, George  
Sanitary Sewer  
Sewer, Sanitary  
Virginia Acres  
Pine Log Road  
East Pine Log Road  
TPN 122-05-22-013  
TPN 30-057.0-01-013 (old)

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property at 778 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 .24 ACRES OF LAND, OWNED BY GEORGE E. BYRD, AND LOCATED AT 778 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated that Mr. George Byrd, the owner of a .24 acre lot at 778 Henry Street is requesting annexation under the RS-10 zoning. The site is currently occupied by a single family home and is contiguous to the City of Aiken on all sides. The applicant is interested in receiving sanitary sewer and other services from the City of Aiken.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that the ordinance be passed on first reading to annex property at 778 Henry Street under the RS-10 zoning, and that second reading and public hearing be held at the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Damon Street, 382  
Walker, Mackie J.  
Manufactured Home Park  
Citizens Park  
Old Airport Road  
TPN 30-105.0-03-016 (old)  
TPN 121-20-08-052

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property at 382 Damon 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 .27 ACRES OF LAND, OWNED BY MACKIE J. WALKER, AND LOCATED AT 382 DAMON STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-8).

Mr. LeDuc stated that Mackie J. Walker is requesting annexation of a 0.27 acre lot at 382 Damon Street. The property is within a well established neighborhood which consists of a mixture of home types, including stick built, single family homes, duplexes, and manufactured homes. He stated that an existing manufactured home was previously using city water through an adjacent property that was recently sold, leaving this site without water. Since the minimum size for a manufactured home subdivision is 10 acres, the property cannot be zoned for a Manufactured Home Park. The City can set whatever conditions they would like concerning a property that is seeking utility services. Council may not want to annex this property as long as there is a mobile home on it, or place a

May 23, 2005

condition that once the manufactured home is removed, no other manufactured or mobile home would be allowed.

The Planning Commission voted 5 to 1 to approve the annexation with an RS-8 zoning with the following conditions:

1. the applicant would sign an annexation agreement.
2. no other manufactured mobile home would be allowed once this unit is removed.
3. the conditions should be met within 120 days of City Council approval or it will become null and void.
4. all the conditions would need to be recorded at the County RMC Office.

Mr. LeDuc stated that the other condition that could be added is whether or not the City wants to serve the mobile home. He stated that the mobile home does not have water at this time.

City Council discussed whether or not they wanted to make water available to a mobile home. They stated they were afraid of setting a precedent.

Councilwoman Clyburn stated that all of the homes in that area look like manufactured homes, and the one that is under discussion is very nice.

City Attorney Gary Smith stated that one of the conditions that the Planning Commission recommended be imposed was that if the mobile home was removed, then no other mobile homes be allowed.

Wilkins Byrd, 434 Berrie Road, stated that the Planning Commission was troubled by the dilemma they felt the property owner was in, and they crafted this arrangement realizing the City's policy concerning mobile homes, and felt this was fair under the circumstances.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that the ordinance be passed on first reading to annex property at 382 Damon Street under the RS-8 zone with the restrictions recommended by the Planning Commission, and that second reading and public hearing be held at the next regularly scheduled meeting. The motion was approved by a vote of 6 in favor 1 opposed. Councilwoman Vaughters opposed the motion.

#### REZONE – ORDINANCE

Charleston Street 309  
Bianco, Dominick  
Old Aiken Master Plan  
Zoning Ordinance  
Subdivision  
General Business  
Residential Single Family

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone property at 309 Charleston Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY DOMINICK BIANCO FROM GENERAL BUSINESS (GB) TO RESIDENTIAL SINGLE-FAMILY (RS-8).

Mr. LeDuc stated that Dominick Bianco, the owner of a 0.51 acre lot, located at 309 Charleston Street has requested rezoning from General Business to RS-8. He would like to develop two single family homes and has applied for subdivision to create these two lots.

Mr. LeDuc stated that the Old Aiken Master Plan, which Council recently approved, proposes low density residential for this lot. He stated the lot meets all the criteria of the Zoning Ordinance as part of this rezoning application and was recommended unanimously by the Planning Commission for approval.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance be passed on first reading to rezone property at 309 Charleston Street from General Business to Residential Single Family RS-8, and that second reading and public hearing be held at the next regularly scheduled meeting.

#### CONCEPT PLAN – WOODSIDE

Woodside Phase II  
Woodside Development Limited Partnership  
Phase II  
Comprehensive Plan  
Woodside Plantation  
Planned Residential

Mayor Cavanaugh stated an ordinance had been prepared for first reading to modify the Planned Residential zoning at Woodside Phase II.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED IN WOODSIDE PLANTATION, PHASE II AND OWNED BY WOODSIDE DEVELOPMENT LIMITED PARTNERSHIP.

Mr. LeDuc stated that Woodside Development Limited Partnership is requesting a revision to the concept plan for Phase II of Woodside Plantation to allow multi-family in a portion of Section 23, instead of attached single family residential. The applicant proposes to change Phase II, Section 23 from 32 single family detached units to 23 detached units and 24 multi-family units. There would not be any changes to Lots 1 through 23.

He stated that with any concept plan change Council may require any level of detail or impose any conditions they deem necessary. The Comprehensive Plan calls for low density residential on this property and the combination of single family/multi-family units is consistent with the proposed plan.

Mr. LeDuc stated that Councilman Cuning had recused himself from Council Chambers on this issue, because he has some investment interest.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading to revise the concept plan for Phase II of Woodside, Section 23, to allow multi-family residential instead of detached single family units, and that second reading and public hearing be held at the next regularly scheduled meeting.

Councilman Cuning returned to the Council Chambers.

#### CONCEPT PLAN – WHISKEY STATION

Nordahl & Co., Inc.  
CP Price  
Whiskey Road  
Powderhouse Road  
Kensington Subdivision

Mayor Cavanaugh stated an ordinance had been prepared for first reading to approve the concept plan for Whiskey Station.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE CONCEPT PLAN FOR PROPERTY OWNED BY NORDAHL & CO., INC. AND LOCATED ON THE EAST SIDE OF WHISKEY ROAD AND NORTH OF POWDERHOUSE ROAD.

Mr. LeDuc stated that Nordahl & Co., Inc. out of Augusta purchased the property formerly known as CP Price which fronts on Whiskey Road and extends all the way to Powderhouse. He stated that on the back portion of this property they are currently developing Kensington Subdivision and have already completed several dozen homes.

He stated that the 45 acre tract included 16.76 acres which fronts along Whiskey Road. This portion was to be developed under the Planned Commercial Concept. When City Council approved the Kensington portion of the development they stated they wanted a thru roadway which would serve not only this property, but also the property south of this development. As shown on the Concept Plan, an entrance has been designed off of Whiskey Road to serve these properties jointly, at which a future signal could be installed not only for this property, but for the vacant land on the west side of Whiskey Road. The only other driveway to this shopping area would be a right-turn-in – right-turn-out off of Whiskey Road. The new roadway would extend to the Kensington Subdivision at the rear, and therefore this road would also become a minor connector between Powderhouse and Whiskey Road.

Mr. LeDuc stated the projects consist of a strip shopping center and four outparcels. According to the Whiskey Road Study which Council approved several years ago, only two lanes of parking would be allowed between the roadway and the store fronts. The concept is very similar to what is currently at the Aiken Mall, with outparcels facing Whiskey Road and the larger parking lot immediately behind it. All Planned Commercials require a minimum of 25% open space, and this project meets this requirement by having 27%. A copy of the site plan façade from Whiskey Road, and a description of the sign face for this development were provided to Council for information. City Council under the Planned Concept provision can require any other additional conditions you may desire.

The Planning Commission approved this plan unanimously with the following eleven conditions:

1. that any applicable conditions placed on the annexation approved on August, 2003, would be met including any subsequent amendments by City Council.
2. that the entrance shown on the subject property be restricted to right-in – right-out traffic.
3. that the developer be responsible for obtaining Department of Transportation approval for the signalized intersection and pay for the signal.
4. that acceleration/deceleration be constructed if the City's on call Traffic Engineer determines they are needed, and that the engineer would approve their location and design.
5. that the buffers along the property lines to the north and east be undisturbed and augmented to form a dense evergreen buffer, unless the Planning Director determines that new plantings would be preferable to the existing vegetation.
6. that a plan showing a varied façade of the front of the shopping center using recessions, and projections be approved by the Planning Director.
7. that the shopping center and development on the outparcels comply with the Off-Street Parking and Landscaping and Tree Preservation provisions of the Zoning Ordinance.
8. that the exterior façade and placement of buildings on any outparcel be approved by City Council prior to the issuance of a building permit.
9. that designated walkways be provided between the shopping center and the outparcels as determined by the Planning Director.
10. that the signage be limited to one free standing sign no larger than 120 square feet in area and no higher than 12 feet, and that the outparcels be limited to permitted wall signs; and
11. that proof of recording of conditions of approval at the RMC Office be provided.

Mr. LeDuc stated that City Council may also want to consider asking the developer to construct a sidewalk along the main roadway leading from Whiskey Road to the Kensington Subdivision. This would allow individuals from Kensington in the future to walk to the shopping and outparcels should they desire.

Carol Carver, 108 Crestwood Drive, stated that her property backs up to the property under discussion. She stated she had some concerns. One concern is where the service road will be located because of the location of the loading docks. Her other concern was keeping the noise level down and also security of her property. She stated she would like a privacy fence, or a fence of some kind, to keep people from cutting through the neighborhood. She asked where the acceleration and deceleration lanes would be located. She also stated that the shopping center needs a softer look. She stated it would be nice if it had more of a downtown look. She stated there are two roads behind the neighborhood. One is a utility road and one is a cut-through road that the construction workers use, and citizens have also discovered it is a short cut. She would like for the utility road to stay open and the short cut road to be closed.

Mr. LeDuc stated there will be a buffer along Elmwood Subdivision between the service road and the neighborhood. Mr. LeDuc stated that was condition #5 in the list of conditions.

Mr. Mark Graham, Southern Partners, stated that the utility road will remain open because the easement belongs to the power companies. He stated that when construction of Kensington started, the City requested that a temporary road be put in the back of Kensington for emergency purposes. He stated that road will have to be abandoned because it is within the 50-foot buffer. He stated a crash gate could be installed at this time to stop thru traffic.

Terri Stevens, Architect, stated she was present representing GTB Realty Corporation, who is interested in developing the property. She stated the concept plan she has may change. She stated it can change if tenants change. She stated the tenants can change up until the last minute.

Mr. LeDuc stated that the strip portion of the shopping center was plain. Council continued to discuss the appearance of the proposed shopping center at length, and expressed concern about approving the concept plan when they were not pleased with the appearance.

Councilman Cunning asked if Council could be given choices of how the shopping center would look if Council did not like what they saw.

Ms. Stevens stated that as the project evolves, they are willing to come back to Council to make sure it is attractive. She stated some examples of what Council likes would be helpful.

Mayor Cavanaugh stated that Ms. Steven could look at our downtown area to get some ideas, and a copy of the Design Guidelines that are in the process of being approved.

Councilwoman Price stated that she felt that smaller shops, canopies, and restaurants with areas to dine outside give a warmer feeling.

Councilman Cunning stated that Council needed to see more schematics so they can see what other options there can be. He stated he knows there are cost restrictions, but this plan is not attractive.

Mr. LeDuc stated that he and Ed Evans would work with Ms. Stevens to come up with a couple of concept plans to present to Council at the next City Council meeting.

Ms. Stevens pointed out three additional signs to identify the stores in the shopping center as shown on the concept plan. She stated she also saw no problem placing a fence between the shopping center and the neighborhood. She stated she would present the changes to the developer.

City Council had the following recommendations for approval of the concept plan.

1. that any applicable conditions placed on the annexation approved on August, 2003, would be met including any subsequent amendments by City Council.
2. that the entrance shown on the subject property be restricted to right-in – right-out traffic.
3. that the developer be responsible for obtaining Department of Transportation approval for the signalized intersection and pay for the signal.
4. that acceleration/deceleration be constructed if the City's on call Traffic Engineer determines they are needed, and that the engineer would approve their location and design.
5. that the buffers along the property lines to the north and east be undisturbed and augmented to form a dense evergreen buffer, unless the Planning Director determines that new plantings would be preferable to the existing vegetation.
6. that a plan showing a varied façade of the front of the shopping center using recessions and, projections be approved by the Planning Director.
7. that the shopping center and development on the outparcels comply with the Off-Street Parking and Landscaping and Tree Preservation provisions of the Zoning Ordinance.
8. that the exterior façade and placement of buildings on any outparcel be approved by City Council prior to the issuance of a building permit.
9. that the developer will designate walkways between the shopping center and the outparcel as determined by the Planning Director, and a sidewalk constructed along the main roadway leading from Whiskey Road to the Kensington Subdivision.
10. that the signage be limited to one free-standing sign no larger than 120 square feet and four free standing ground-mounted signs, as shown in the plan, can be built for the outparcels along Whiskey Road up to a 30 square foot sign face.
11. that proof of recording of conditions of approval at the RMC Office be provided.
12. on the Northside of the development, a dark coated chain link fence would be installed as determined by the Planning Director.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading approving the Planned Commercial Concept Plan for the Whiskey Station Shopping Center with the conditions discussed and with recommendations and changes to the façade, and that second reading and public hearing be held at the next regularly scheduled meeting.

#### ZONING ORDINANCE – LAND DEVELOPMENT REGULATIONS

Amendment  
Land Development Regulations  
Vested Rights  
Ordinance

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance and the Land Development Regulations regarding vested rights.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE LAND DEVELOPMENT REGULATIONS REGARDING VESTED RIGHTS.

Mr. LeDuc stated that last year the South Carolina Legislature passed the Vested Rights Act, which states that a property owner or developer has established a right to develop a tract of land. The Act requires a local government to amend their Development Regulations to be consistent with the Act by July 1, 2005. The basic premise of the Act is to provide a reasonable expectation for land owners who make significant investment in site evaluation, planning, development costs, consultant fees or engineering/architecture expenses to meet land development standards for site plan approval under an existing governmental ordinance.

Mr. LeDuc stated the Act defines a vested right as the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or phased development plan. Under the Act, a municipality would not be able to revoke the zoning or other conditions under their approval process for the vested right for a period of two years following the approval of a site specific development plan. Through this Act, they could receive annual extensions of the vested right upon application to the Planning Director or City Council for at least five annual extensions. Much of the language within the ordinance comes from the Act passed by the South Carolina Legislature.

Mr. Gary Smith, City Attorney, stated that unless City Council changed the Zoning Ordinance or modified regulations that would affect the property, then the extension could be denied.

Councilman Cunning asked what the time limit was on plans, such as the Whiskey Station Concept Plan, at the present time.

Mr. Smith stated that if the Concept Plan did not change and was built as is, they have a vested right to build it for two years, and then they get five additional 1 year extensions in addition to that. He stated he could get up to seven years.

Mr. Smith stated that if the ordinance is not passed, then state legislature will take over, and every extension would be required to come before City Council, instead of being approved by the Planning Director.

Mayor Cavanaugh stated the Planning Commission voted 5 to 2 to approve this amendment to the Zoning Ordinance.

Ed Giobbe, of the Planning Commission, stated he felt it was a bad piece of legislation, but it will affect the City one way or the other.

Wilkins Byrd, of the Planning Commission, stated that his personal conclusion was that this legislation violates the South Carolina Constitution's Home Rule provisions. He stated that based on that belief, he was unable to say the proposed regulation was essential to the general health and economic stability of the City, and that these regulations are in the best interest of its citizens. He stated he does not see this to be true.

Councilwoman Vaughters asked if the Municipal Association was in support of this legislation.

Mayor Cavanaugh stated that he would vote in favor of it for first reading, but some study needed to be done before second reading.

Councilman Smith moved, seconded by Councilman Cunning and unanimously approved, that the ordinance be passed on first reading to amend the Zoning Ordinance and Land Development Regulations regarding vested rights, and that second reading and public hearing be held at the next regularly scheduled meeting.

#### TOWING – ORDINANCE

Towing Procedure

Tow Companies

Towing Ordinance

Wreckers

Public Safety Department

Mayor Cavanaugh stated an ordinance had been prepared for first reading to modify the towing procedures.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE MODIFYING ORDINANCE NO. 09082003 THAT ESTABLISHED INVOLUNTARY TOWING PROCEDURES FOR CERTAIN VEHICLES IN THE CITY LIMITS AND GRANTING FRANCHISES TO PERFORM THIS SERVICE.

Mr. LeDuc stated that in the fall of 2003 City Council passed an ordinance concerning the involuntary towing of certain vehicles within the city limits. This allowed the continuation of a rotating system of licensed tow companies franchised by the City.

Mr. LeDuc stated that Richard Pearce was recently contacted by an attorney out of Nashville, Tennessee, who states he represents the local towing companies. He asked that the City consider certain revisions to the Towing Ordinance that Council approved. The proposed changes reflect that the towing companies were unable to provide certain types of insurance as set forth in the ordinance. The proposed change also includes language which further clarifies the towing rates, and that abandoned vehicles or those seized for evidence would have a rate of \$125 versus the standard tow of \$85. Mr. Pearce feels the modifications that were requested would not affect the overall intent of the agreement Council had with the towing operators and recommends approval.

Mr. Richard Pearce, City Staff Attorney, stated that revisions need to be made because of the impossibility of the operators to obtain certain insurance and to better clarify the definitions. He stated that the \$125 tow charge would be for evidence seizures, or if for an abandoned car on the side of the road with an orange tag on it. He stated the other tows would have a basic rate of \$85.00 per tow and a \$15.00 a day storage fee. He stated these revisions would make the ordinance more workable.

Councilman Cuning asked if insurance was still required.

Mr. Pearce stated that the \$750,000 general liability and \$50,000 garage keeper are still in the ordinance.

Jeff Corbett, Wayne's Automotive Center, stated that the Highway Patrol changed their rates and they have different zones. He stated he was pleased with the proposed changes to the Towing Ordinance. He stated that the towing companies have been charging the same amount for years. He stated the Highway Patrol changed the rates, and the towing companies had nothing to do with the price increases. He stated he would like for City Council to look at the rate schedule and discuss increasing the rates.

Mr. Corbett passed out a copy of the S.C. Highway Patrol schedule of rates for Council's review.

Mayor Cavanaugh asked Mr. Corbett to write a letter to the Staff Attorney Richard Pearce to explain what he wants as far as rates are concerned.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading to modify the Towing Ordinance after conversation with an attorney representing the local towing companies, and that second reading and public hearing be held at the next regularly scheduled meeting.

CAPITAL SALES TAX PROJECTS

Funds

Parks, Recreation, and Tourism

Special Holding Account

Mayor Cavanaugh stated an ordinance had been prepared for first reading to borrow funds to pursue Capital Sales Tax Projects.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM THE CITY OF AIKEN'S GENERAL FUND SPECIAL HOLDING ACCOUNT AS OUTLINED IN THIS ORDINANCE FOR THE PURPOSE OF FUNDING THE PURCHASE OF REAL ESTATE.

Mr. LeDuc stated that staff is ready to move forward with one of the new Capital Sales Tax projects, which is the maintenance facility for the Parks, Recreation and Tourism Department. The City staff has located a building which they would like to purchase, and to do so will need to borrow from the \$1.5 million to procure this property and to complete renovations. The purchase and renovations including work at the existing Woodward House should amount to approximately \$1.2 million. This would leave enough funding available to pay back this loan from the Special Holding Account until funds are available from the Capital Projects Sales Tax. With this approval the City will be able to complete the purchase and begin the renovations later this summer.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that the ordinance be passed on first reading to borrow funds from the Special Holding Account for the purpose of purchasing property and renovating it for the future Parks, Recreation and Tourism maintenance facility, and that second reading and public hearing be held at the next regularly scheduled meeting.

### ACCOMMODATIONS TAX

#### Accommodations Tax Committee

#### Brochure

#### Aiken Polo Club

#### Gold Cup

#### Accommodations Tax Contingency Fund

Mayor Cavanaugh stated the next item is consideration of a recommendation from the Accommodations Tax Committee for funding requests.

Mr. LeDuc stated the Accommodations Tax Committee held a special meeting on Wednesday, May 11, 2005, and voted 5 to 0 to approve funding for printing a brochure for the Aiken Polo Club. This brochure will be sent out to several thousand individuals across the United States concerning the fall Polo season in conjunction with the Gold Cup that will be held in Aiken during September.

Mr. LeDuc stated the Aiken Polo Club hopes that many of the individuals that receive this brochure will come to Aiken to play in the tournament sponsored by the Aiken Polo Club and observe the Gold Cup during this time frame.

Mr. LeDuc stated that funding is available in the Accommodations Tax Contingency Fund and from left over money from previous years.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council approve Accommodations Tax funding in the amount of \$12,012 to assist in the printing cost for the Aiken Polo Club.

### RESOLUTION – CAPITAL PROJECTS SALES TAX

#### Aiken Center for the Performing Arts

#### Capital Projects Sales Tax Referendum

Mayor Cavanaugh stated that Council needed to consider a resolution authorizing the reallocation of proceeds from the Capital Projects Sales Tax.

Mr. LeDuc read the title of the resolution.

### A RESOLUTION AUTHORIZING THE REALLOCATION OF PROCEEDS FROM THE CAPITAL PROJECTS SALES TAX

Mr. LeDuc stated that in November, 2000, the citizens of Aiken County approved a one cent Capital Projects Sales Tax referendum. Various projects were approved for the City of Aiken with funding allocated to each project. These projects are almost completed and we need to reallocate some of the proceeds from the Capital Projects Sales Tax to accurately list the new allocation.

Mr. LeDuc stated The Aiken Center for the Performing Arts used less funding than originally estimated and the savings from that project are now being allocated to the streetscape project, street paving and various recreational improvements. This will leave enough money to finish the street paving and to begin work within the next 30 days at the Tennis Center and Citizens Park Phase IV. At the completion of our projects we will then have another resolution to accurately list the final costs for the Capital Projects Sales Tax funding.

Mr. LeDuc stated the reallocation of funds would be as follows:

<u>Allocation</u>	<u>Old Allocation</u>	<u>New</u>
Aiken Center for the Performing Arts	\$900,000	\$648,155
Capital Project Streetscape	\$1,700,000	\$1,721,497
Capital Project Street Paving	\$1,400,000	\$1,515,174
Capital Project Recreational Facilities	\$1,651,740	\$1,766,914

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, a resolution authorizing the reallocation of proceeds from the Capital Projects Sales Tax.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:06 A.M.

  
 Sara B. Ridout  
 City Clerk