

Aiken City Council Minutes

January 27, 1997

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Papouchado, Perry, Price, and Radford.

Absent: Councilwoman Clyburn

Others Present: Steve Thompson, Gary Smith, Frances Thomas, Roger LeDuc, Ed Evans, Terry Rhinehart, Anita Lilly, Stanley Quarles, Carrol Busbee, Sara Ridout, Carl Langley of the Aiken Standard, and 12 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of January 13, 1997, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Mayor Cavanaugh and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsGeneral Aviation CommissionYounce, HoustonHistoric Preservation CommissionAlexander, Frank

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

Mr. Thompson stated Council's process for appointments to boards and commissions is that a member of Council nominates an individual to a board or commission and City Council votes to confirm an appointment. He stated Councilwoman Clyburn was absent and she wanted Council to postpone her appointment to the Planning Commission until she could be present.

Mr. Thompson stated Councilwoman Papouchado had recommended appointment of Houston Younce, of 301 Greengate Circle, to the General Aviation Commission, adding a member to the Commission to bring the Commission up to seven members.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Houston Younce, of 301 Greengate Circle, be appointed to the General Aviation Commission for a two year term, with the term expiring September 1, 1998.

Mr. Thompson stated Mayor Cavanaugh had recommended appointment of Frank Alexander to the Historic Preservation Commission.

Mayor Cavanaugh moved, seconded by Councilwoman Price and unanimously approved, that Council appoint Frank Alexander to the Historic Preservation Commission to replace Robert McCreary who had resigned with the term to expire December 31, 1998.

ZONING ORDINANCE - ORDINANCE 012797TowersWireless Communications FacilitiesTransmission TowersTelephonesCellular Phones

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning wireless communications facilities.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE REGARDING WIRELESS COMMUNICATIONS FACILITIES.

Mr. Thompson stated that for the past six months or so the Planning Commission has been reviewing the Zoning Ordinance to develop guidelines for the regulation of wireless transmission towers for the new generation of cellular-type telephones. The staff is recommending that City Council adopt

interim changes to the Zoning Ordinance to assist with this process, pending final review by the Planning Commission.

Mr. Thompson stated the interim amendments would allow towers only in the industrial zones and on city-owned property.

The interim ordinance is patterned after the staff's understanding of the discussions of the Planning Commission, and primarily emphasizes that these towers should be placed in industrial zones and on city property wherever possible, limited in height and setback, and should emphasize some of the camouflage techniques that have been discussed nationwide. If a tower is to be placed on city property such as a water tower, then it would come back to City Council for approval. Council would not be releasing the ability to approve or disapprove the location of the towers. The emphasis has been on trying to minimize the impact of a tower in residential neighborhoods.

The Planning Commission has reviewed the interim ordinance, and does recommend acceptance of the interim ordinance. The Planning Commission included some minor changes to the ordinance primarily to recognize the Historic Register and to change the length of time from 120 to 180 days whereby if a tower has not been operational then upon written notice the owner must remove the tower. The Planning Commission has recommended amendments to the first reading of the ordinance as follows:

1. Section P.3, to change "designed" to "adequate" so as to read "...that the tower is adequate to accommodate the antenna.";
2. Section 5.d.III, to add "and/or National Historic Register" so as to read "...listed on the Aiken Historic Register and/or National Historic Register a distance of ..."; and
3. Section 5.k, to change "120" to "180" so as to read "...is not used for a period of more than 180 days, then upon...".

Mr. Thompson stated the Planning Commission is continuing discussions of a final ordinance, and this will be brought back to City Council. Comments have been received from the company that is considering placing antennas in Aiken, suggesting that the final ordinance should also include allowances for camouflaging of antennas and similar stipulations. This seems to be in keeping with the discussions of the Planning Commission, and these suggestions will be given to the Planning Commission.

Mr. Thompson stated if Council wishes to adopt the amendments recommended by the Planning this should be considered first.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending the Zoning Ordinance regarding wireless communications facilities be amended as recommended by the Planning Commission.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on second and final reading the interim ordinance as amended regarding wireless communications facilities with the ordinance to become effective immediately.

AUDIT 1995-96

Burkett, Burkett, and Burkett

Mayor Cavanaugh stated Council needed to consider acceptance of the Audit Report for Fiscal Year 1995-96.

Mr. Thompson stated the city's independent auditors, Burkett, Burkett, and Burkett have completed the audit for fiscal year 1995-96. He said Ms. Deanna Hornsby, of Burkett, Burkett, and Burkett had discussed the audit report with Council in a work session just prior to the Council meeting.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the audit report be accepted as information.

AIRPORT - ORDINANCE

Lease Extension
Aiken Aviation, Inc.
Aiken Municipal Airport
Municipal Airport
Fixed Base Operator

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to authorize the extension of the lease for the Fixed Base Operator for the Aiken Airport to Aiken Aviation, Inc.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE EXTENSION OF LEASE TERMS TO AIKEN AVIATION, INC. FOR THE PREMISES KNOWN AS THE AIKEN MUNICIPAL AIRPORT.

Mr. Thompson stated the General Aviation Commission has been reviewing the lease of the Fixed Base Operator at the Aiken Municipal Airport. The FBO, Aiken Aviation, is exercising an extension of the lease, and this is submitted to City Council for approval.

The present lease at the airport actually started in 1967. The Fixed Base Operator at that time, Eagle Aviation, constructed the main terminal building and other facilities at the airport, and City Council approved a fifteen year lease. To allow the FBO to recover the investment in the facilities, City Council also approved two fifteen year extensions to the lease, at the option of the company. In 1977 Aiken Aviation assumed the lease from Eagle Aviation, and in September, 1997, the first extension of the lease will expire. Aiken Aviation has expressed an interest in extending the lease the final fifteen year portion, through the year 2012.

Extension of the lease is at the company's option, as long as the company is meeting the lease requirements. The General Aviation Commission has reviewed this, and does recommend extension of the lease.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved that the ordinance approving the extension of the lease with Aiken Aviation for fifteen years be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

AIRPORT

Lease Assignment
Fixed Base Operator
Aiken Aviation, Inc.
Aiken Municipal Airport
Sport Plane Sales, Inc.
Robbins, Royal
Airport Lease

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to approve the assignment of the lease for the Aiken Airport between the City of Aiken and Aiken Aviation, Inc. to Sport Plane Sales, Inc. He said a request had been made by Mr. Royal Robbins who is considering purchasing the lease, that this item be removed from the agenda at this time and placed on the next agenda for action.

Councilman Perry moved, seconded by Councilwoman Papouchado and unanimously approved, that Council continue the resolution approving the assignment of the lease for the airport between the City of Aiken, as lessor, and Aiken Aviation, Inc., as lessee, to Sport Plane Sales, Inc.

AIRPORT - ORDINANCE

T-Hangar
Corporate Hangar
AV SERV, LLC
Phelon, R. E.
Lease

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to authorize execution of a lease for property at the airport to AV SERV, LLC for operating a commercial hangar.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE OF REAL ESTATE LOCATED AT THE AIKEN MUNICIPAL AIRPORT TO AV SERV, LLC FOR THE PURPOSE OF OPERATING A COMMERCIAL HANGAR.

Mr. Thompson stated the General Aviation Commission has been discussing the possible lease of real estate at the Aiken Municipal Airport to a company for the purpose of constructing a corporate hangar.

He stated the issue of corporate hangars at the Aiken Municipal Airport has been under discussion for a number of years, and City Council has approved the development of new T-hangars to serve smaller, individual aircraft at the airport. The common facilities for the T-hangar, including the taxiway and paved surfaces, may also serve a corporate hangar, and the city does have a customer that is interested in developing a hangar at the airport. Mr. Noel Carr, of AV SERV, LLC, has stated the intent is to build a 10,000 square foot hangar that will comply with the city's standards. Mr. Carr has also requested a fuel storage facility for the aircraft at the hangar. The General Aviation Commission has reviewed this request, and does recommend the lease to City Council. The Aviation Commission recommends that the lease be approved without fuel storage abilities at the hangar. We have discussed this issue at length over the past years, and the city has the ability to regulate storage of fuel, and to determine the conditions of fuel storage, but in the past the Federal Aviation Administration (FAA) has required that we allow other operators other than the Fixed Base Operator (FBO) to provide fuel if the regulations of the city are met. During the discussions over the new hangar, the General Aviation Commission has included standards for insurance, storage, the fire codes, and similar requirements, and the owners of this proposed corporate hangar have agreed to meet these stipulations.

City Council has been concerned that a fuel storage facility at this hangar could serve other aircraft, and thereby diminish the fuel sales to the Fixed Base Operator (FBO). The Mayor has suggested that perhaps the fuel farm and fuel storage facilities at this corporate hangar could be limited only to the corporate aircraft under contract with the hangar, and that no fuel sales would be allowed to other aircraft.

The owners of the proposed hangar have agreed to allow a fuel flow fee on the fuel dispersed at the hangar, and would also pay a ground lease of approximately ten cents per square foot. This would generate approximately \$2,240 annually, and would be adjusted every five years based on the Consumer Price Index (CPI) for the preceding five years. The lease also includes a fuel flowage fee of three cents per gallon for each gallon of fuel delivered to the premises.

The term of the lease is for a period of twenty-five years, and over this period the city will receive a minimum of \$56,000, plus the fuel flow fee. This compares very well with the lease that the city has with the Fixed Base Operator, which generates a total of \$1,200 per year. Over this twenty-five year period, the lease for the FBO would generate a total of \$30,000. With the lease and fuel flow fee the city would more than triple the income from the airport. This would help the city pay the operating costs of the airport, and would help to recover a portion of the expenses that the city is incurring with the new taxiways and surfaces to serve these hangars.

In addition, all improvements on the property will become the sole property of the city at the end of the twenty-five year period, except for the fuel farm. The company will have the responsibility of removing the fuel farm and tanks.

Mr. Thompson stated the issue of fuel on the premises has been an issue that City Council has discussed and is still under discussion. He said at this point a fuel farm for the corporate hangar is included in the lease at the request of the company.

Mr. Thompson stated this seems to be a very attractive lease for the city, and is presented to City Council for first reading of an ordinance authorizing a lease between the City of Aiken and AV SERV, LLC, for a corporate hangar lease at the Aiken Municipal Airport.

Mr. Smith, City Attorney, stated Council had discussed the matter in a work session before the Council meeting. He said paragraph 4 of the lease authorizes the owner of the hangar to sell aviation fuel to two tenants that it may have in the hangar in the future. As discussed in the work session the airport regulations permit that practice, but the proposed tenant for the

corporate hangar has agreed to take the wording out of the lease regarding selling fuel to the tenants. The proposed lease would be amended prior to the next Council meeting.

Councilman Perry moved, seconded by Councilman Radford and unanimously approved, that the ordinance authorizing a lease between the City of Aiken and AV SERV, LLC, for a corporate hangar lease at the Aiken Municipal Airport be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council with the proposed lease being amended removing the wording allowing fuel to be sold to tenants in the hangar.

CASABA DRIVE

Huntsman Drive
Pine Log Road
S.C. Department of Transportation
Highway Department
Street Improvements

Mayor Cavanaugh stated Council needed to consider approval of the S.C. Department of Transportation's plans for improvements at the intersection of Casaba Drive/Huntsman Drive and Pine Log Road.

Mr. Thompson stated the South Carolina Department of Transportation maintains about half of the streets and roads inside the City of Aiken. One condition of State participation in projects within the city is that City Council approve these projects. The improvements to the intersection of Casaba Drive/Huntsman Drive and Pine Log Road are submitted to City Council for approval.

At this intersection along Pine Log Road, the northern section of the roadway is Huntsman Drive, and the south section is Casaba Drive. The Highway Department is proposing widening of Pine Log Road and both Huntsman and Casaba to allow the installation of turn lanes with greater visibility than presently allowed under the two lane roads.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve the State Department of Transportation's widening project at the intersection of Casaba/Huntsman Drive and Pine Log Road.

Mayor Cavanaugh stated a concern of his was that the Highway Department notify people in the area of the proposed project so people will be aware of the project.

CLOCK

Downtown
Laurens Street
Richland Avenue
Downtown Development Association

Mayor Cavanaugh stated Council needed to consider approval of placement of a clock in the downtown area.

Mr. Thompson stated the Downtown Development Association (ADDA) has recommended that City Council participate in the installation of a clock at the intersection of Richland Avenue and Laurens Street. This is submitted for City Council's approval and inclusion under the streetscape project.

Mr. Thompson stated the Downtown Association had been looking at the installation of a gazebo in the parkway on Park Avenue, in front of the Alley. The designs were developed by Mike Holland, and the bids on the design came back much greater than the projected cost. The ADDA considered hosting a fund raiser to raise the balance of the funds, but instead has recommended that the gazebo project be placed on hold at this time, and that the group instead use the same funds that were available for the gazebo for the new clock.

The Association is considering a four-faced clock, with chimes, in the island in the middle of the intersection of Richland and Laurens. The clock would probably be raised on some type of pedestal, and the pole that supports the clock would be enclosed with an attractive box.

The Weeks family and several businesses in Aiken's downtown donated approximately \$9,000 for the gazebo project, and the Weeks family has approved using the same money for a clock. City Council had committed approximately \$31,000 out of the streetscape funds to bring the total project cost to about \$40,000, and on City Council's approval this same money would be committed to the clock project.

The Downtown Development Association would appreciate any comments that Council may have on this project, and has formally requested City Council's support of a clock at the intersection of Richland Avenue and Laurens Street.

Mr. Thompson stated there is no final design on the proposed clock, and the matter would come back to Council for approval. The Downtown Association needs guidance as to whether Council would be willing to use the money committed for the gazebo for the clock project instead.

Council discussed the request. There were some questions as to whether the gazebo project would be considered later. Councilman Anaclerio stated he felt the discussions of the Downtown Association were that the clock be installed rather than a gazebo. He said the Weeks family had agreed that the funds donated be used for a clock rather than a gazebo. He pointed out there would be a plaque designating the clock in memory of former Mayor Weeks. Council asked that the Culture & Arts Commission be consulted on the clock project.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council approve the concept of installation of a clock at the intersection of Richland Avenue and Laurens Street with the condition that the design be approved by the Culture & Arts Commission and the Downtown Association and recommended to Council for final approval.

WILLOW WOODS SUBDIVISION

Water Service

Sewer Service

Agreement

Mayor Cavanaugh stated Council needed to consider a request to amend the agreement for Willow Woods Subdivision.

Mr. Thompson stated the city had received a letter from Mr. Richard Garcia, of Security Federal Bank, representing Willow Woods Associates, the partnership that owns the Willow Woods Subdivision. Mr. Garcia has asked the city to amend the agreement with Willow Woods, to allow the development to take place without sewer. There are several important health and safety issues raised in this matter. The staff is recommending that City Council allow the developers to proceed with the development without sewer, but with a requirement that water service be installed throughout this development.

Willow Woods Subdivision was initially developed in 1990, and as part of the development process the developers requested that the city commit services to the development. This allows the developer to know that services will be available, and allows the individual homeowners to obtain financing on their property with the assurance that city services will serve the individual properties within the subdivision. The developer has signed an annexation agreement, but is requesting that the city allow the balance of the lots to be developed without sewer, and actually without water as well. This goes to the heart of how our services are provided, and has been of such importance that the City Code requires that all properties in the city receive water service for commercial and domestic purposes. The use of well water for sprinkler systems is allowed.

In December the staff discussed this with one of the owners of the property, and the owners would like to subdivide the balance of the property into five to ten acre lots, without water or sewer. Under the development agreement approved by City Council, the owners were required to sewer all phases of the project, and although the developer's agreement does not specifically address water service, the implication was that water would be provided as well. The city would be unable to provide sewer if the city does not provide water, because sewer is not separately metered from the water system. After discussing this issue with the staff, Mr. Thompson stated he responded that the developer's agreement would need to be resubmitted to City Council for any changes. He said that sewer could be a negotiable point, and suggested that the city could conceivably waive the sewer impact fee of \$400 per home, and that the sewer development fee of \$500 per gross acre could be negotiable.

The sewer fees are intended to recover the city's expenses with the pump station, oversizing of lines, and the capacity charge for the regional treatment facility. The city's expenses for the pump station and the oversizing of lines total between \$25,000 and \$50,000. The initial fee system, with impact fees and the sewer development fee, were intended to allow the city to recover a portion of this expense, but sewer could be conceivably eliminated from the project. He stated, however, that the provision of water is of primary importance to the city.

Mr. Thompson stated the issue for the city is an important public safety concern. Without water service the city would not have fire hydrants in the subdivision to allow the city to provide the full level of fire protection fees on homes, and at some future point the new owners could come back to the city requesting water service to the homes, and the city would be responsible for that expense. The city bills for fire service through the water system, and if a home is not on the city's water system the property owners pay the flat fire service charge, instead of the higher rate based on the value of the home. This would be creating a different section of Willow Woods Subdivision that would be treated at a different level than the other residents within Willow Woods, and without the water system the city would not have the ability to collect these fees. The water service also allows the city to recover the cost of other services, both while the property is located outside of the city limits, and after the property is annexed into the city. Water is also a tremendous health issue, in addition to being a fire service issue, and the city has consistently held that water service should be available throughout Aiken.

City Council could release the developer from the sewer service agreement, but may wish to include that the release is on the condition that the developer provide water to each home and throughout the subdivision as the subdivision develops. Water service is an important issue for the city, and this would be a very difficult service to provide at a later date if the developer does not initially install water in the subdivision.

Mr. Garcia stated the owner's feeling is that they would proceed with the project as recommended by Mr. Thompson with city water being provided to the subdivision. However, the developer would like to have the impact and development fees waived as it was felt this would be a good trade off for the city and the developer. He said this would allow the developer to have a project that would be economically feasible. He said they anticipate not having the rolled curb and gutter, but would have an asphalt raised edge which he felt would be acceptable for drainage requirements for the development. He said the developer would be willing to develop the subdivision with city water but not city sewer. Mr. Garcia stated it was felt that the subdivision could better be developed with lots in size from 3 to 5 acres.

Mr. Thompson pointed out that when the agreement was adopted with Willow Woods there were some up front expenses for the city oversizing the lines, etc. He stated Willow Woods is fairly well developed with 91 lots developed with city water and sewer and 19 lots remain unsold. He said the city has recovered a great deal of the city's investment through the sites which have already been developed. He said his understanding is that the remaining lots would be larger. He said larger lots could be served by septic tanks.

It was pointed out that the properties could be annexed in the future with septic tanks. It was pointed out that if sewer is available when the property is annexed the property owners would have to connect to city sewer.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council amend the agreement with Willow Woods and allow the remaining 38 acres of the subdivision to be developed with city water but without city sewer and also waive the \$400/home sewer impact fee and the \$500/acre sewer development fee included in the agreement unless and until sewer service is added to the development.

UTILITY REQUEST

Water
University Parkway
Jackson, Johnny

Mayor Cavanaugh stated the city has received a request for extension of water and sewer service to property along University Parkway.

Mr. Thompson stated the city has received a request from Mr. Johnny Jackson, asking the city to provide water and sewer service to a 4.87 acre tract located along University Parkway. The Planning Commission has reviewed this request, and is recommending approval, with conditions.

Mr. Jackson would like to develop a four unit apartment building, with possible expansion in the future. Although the property is contiguous to the city through the frontage on the University Parkway, the Planning Commission has recommended that City Council allow the property to develop without annexation, but requiring an annexation agreement. This is very similar to the storage facility also constructed in this area, and is common with other properties that are contiguous to the city through the bypass.

The Planning Commission recommends approval on the following conditions:

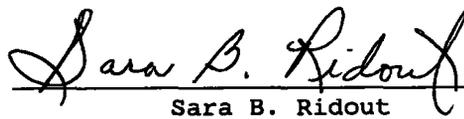
1. that the requirement that the property be annexed because it is contiguous be waived and that the applicant sign an annexation agreement requiring the property be annexed when it becomes contiguous to the city limits by some means other than its frontage on the S.C. 118 Bypass or if annexation of the property is otherwise requested by City Council;
2. that any development on the property comply with the requirements of the City Engineer; and
3. that any development on the property comply with the requirements of the Tree Protection and Landscaping Ordinance and the Sign Ordinance.

For City Council consideration, this is a request to extend water and sewer service to property owned by Mr. Johnny O. Jackson, located on the south side of University Parkway.

Councilwoman Papouchado moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve the utility request for water and sewer service on the south side of University Parkway to property owned by Johnny O. Jackson with the conditions recommended by the Planning Commission.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 P.M.


Sara B. Ridout
City Clerk