

Aiken City Council MinutesWORK SESSIONJanuary 9, 2006

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

Absent: Councilwoman Clyburn

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Larry Morris, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle and about 9 citizens.

Mayor Cavanaugh called the meeting to order at 6:44 P.M. He stated Council had one item to discuss in the worksession, which is an Underground Wiring Plan.

UNDERGROUND WIRING PLANDowntown  
Electrical Wiring

Mr. LeDuc stated there are two items in the Once Cent Sales Tax Projects that need some direction from Council to set a plan of action. One of the projects is Open Space/Green Space, which will be discussed at the next Council meeting, and the other is an Underground Wiring Plan. He stated the Underground Wiring Plan is the item to be discussed at this meeting. He stated one of the items approved by the voters in the 2004 One Cents Sales Tax Referendum involved the undergrounding of overhead wires throughout the downtown area. A total of \$1.4 million is available for this program. These funds were originally set aside beginning in 2010, but Council could begin borrowing against these funds as soon as they feel a program has been developed. Ed Evans, our Planning Director, has been asked to suggest a plan of action for Council to review at this meeting. He recommends the establishment of a committee overseen by the Design Review Board. The Committee appointed by City Council would be chaired by a member of the Design Review Board along with representatives from the Park Commission, SCE&G, Historic Aiken Foundation, the Chamber of Commerce or Aiken Downtown Development Association and two citizens. Once the plan has been developed, it would then come back to City Council for final adoption. The study area would include all the street right of ways within Old Aiken and the major street entrances into the downtown area.

Council discussed the proposal suggested by Mr. Evans of establishing a Committee chaired by a member of the Design Review Board. It was pointed out there probably needs to be three or four locations for transformers just in the block between Newberry and Laurens and Richland and Park to underground this area. It was pointed out undergrounding will require some conversion of lines, which will be an expense for someone. The committee would need to consider this in their study and recommendation to Council. Mr. LeDuc pointed out some underground wiring was installed at Park Avenue and Hayne Avenue when the new housing was built at that corner. It was pointed out that it was felt Council should have a plan for the undergrounding because requests will be received for underground wiring.

Mayor Cavanaugh suggested that there be a member from the Chamber of Commerce and the Aiken Downtown Development Association rather than just one or the other. Mr. Ed Giobbe pointed out that possibly someone could represent the cable company or Southern Bell, as they also have wiring in the downtown area. After further discussion the consensus of Council was that both the Chamber and the ADDA be represented on the committee, as well as someone from G-Force, the cablevision company, and Southern Bell. It was pointed out that Council might want to have someone on the committee with technical expertise such as an electrical contractor. It was pointed out that Council can always add members if they desire. Councilwoman Vaughters suggested that Det Haislip, of True Value, would be a good committee member, as he is a downtown

merchant and knowledgeable about building. Councilman Smith pointed out the Committee needs to be a committee of experts, and possibly rather than citizens the committee should have representatives from cablevision and the telephone company. Council felt it would not matter if there were more than seven members as it is not a permanent committee.

Mr. LeDuc stated he would ask the Design Review Board to review the request and make a recommendation to Council for committee members. Mr. LeDuc stated he would bring the matter back to Council in February once the Design Review Board has made their suggestions for Committee members.

Aiken City Council Minutes

REGULAR MEETING

January 9, 2006

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

Absent: Councilwoman Clyburn

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Glenn Parker, Richard Pearce, Ed Evans, Anita Lilly, Wendell Hall, Larry Morris, Sara Ridout, Betsy Gilliland of the Augusta Chronicle, Tony Baughman of the Aiken Standard, and about 19 citizens.

Mayor Cavanaugh called the meeting to order at 7:02 P.M. Councilman Wells 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. Councilwoman Price moved, seconded by Councilman Wells and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session and regular meeting of December 12, 2005, were considered for approval. Councilwoman Vaughters stated she would like an addition to the minutes under the Purchase of Land at York and Richland to include a statement regarding the size of the lot. Councilwoman Vaughters moved that the minutes be approved with the addition as requested. The motion was seconded by Councilman Smith and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Bodenheimer, Kay

Burckhalter, John R.

Park Commission

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

Mr. LeDuc stated that there are 5 pending appointments to boards and committees of the city and 2 appointments are presented for Council's consideration.

Councilman Smith has recommended that Kay Bodenheimer be appointed to the Park Commission to replace Lee Poe, with the term to expire December 1, 2007.

Councilman Don Wells has recommended the appointment of John R. Burckhalter to the Park Commission to replace Robert McCartney, with the term to expire December 1, 2006.

Councilman Smith moved, seconded by Councilman Wells and unanimously approved, that Kay Bodenheimer be appointed to the Park Commission replacing Lee Poe with the term to expire December 1, 2007 and that John R. Burckhalter be appointed to the Park Commission, replacing Robert McCartney with the term expiring December 1, 2006.

Councilwoman Vaughters stated she would like to recommend that Anne Lattimore, of 406 Kershaw Place SE, be appointed to the Arts Commission to replace Doug Rabold.

AUDIT REPORT – ORDINANCE 01092006

Fiscal Year 2004-2005

2004-2005

Audit

Elliott Davis, LLC

Financial Statements

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to accept the Fiscal Year 2004-05 audited Financial Statements.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ACCEPTING THE FISCAL YEAR 2004-2005 AUDITED FINANCIAL STATEMENTS AND AUTHORIZING THE VARIANCES TO THE FISCAL YEAR 2004-2005 BUDGET ORDINANCE.

Mr. LeDuc stated every year City Council approves the authorization of changes to the original budget through the annual audit. This is to reflect the spending needs during the fiscal year, which may vary per each individual line item. The audit presented by Laurie Smith, of Elliott Davis, LLC, at the work session showed all the changes to the 2004-2005 budget with respect to the proposed and actual revenue and expenditures. In essence the audit is a reconciliation of what was approved by Council in June, 2004 and what was spent during the fiscal year.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance approving the fiscal year 2004-2005 audit and the variances to the 2004-2005 budget and that the ordinance become effective immediately.

ELECTION – ORDINANCE 01092006A

Special Election

Annexation

Gem Lakes

Sewer System

Referendum

UUC

United Utility Company, Inc.

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set a date for the special election concerning the purchase of the sewer system for Gem Lakes.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE CALLING A REFERENDUM PURSUANT TO SOUTH CAROLINA CODE SECTION 5-31-620 AND 5-31-660, ET SEQ. ON THE QUESTION OF WHETHER THE CITY OF AIKEN SHOULD PURCHASE THE GEM LAKES SEWER SYSTEM FROM UUC.

Mr. LeDuc stated as City Council is aware there will be a special referendum concerning the purchase of the sewer system for Gem Lakes. He said when the city talked about the

purchase of the system and the Gem Lakes area was annexed, it was hoped to have a referendum no later than the first part of February. He said after talking about it with Jim Holly, who has worked with the city on special elections in the past, it was felt the referendum question needs to be presented to the Department of Justice to make sure they agree with the question, or there could be a possible challenge at some time.

The proposed ordinance sets forth the referendum question as follows:

“Shall the City of Aiken purchase the sewer system currently operated by United Utility Company, Inc. that serves the residents of Gem Lakes Estates Subdivision, who will fully repay the City for this purchase.”

The referendum is scheduled to be held on March 28, 2006, and will be advertised to meet the state's 60 day standards. Two requirements remain prior to this election that could result in action from the United States Department of Justice (USDOJ). They have sixty days from the time of the filing of this annexation to pose any objection to the annexation, and they need to review the referendum question. If they choose to do so, this could delay the referendum to a later date. It has been our experience, however, that there have been no objections in the past. However, we wanted you to be aware of this possibility.

Mr. LeDuc stated once the citizens affirm the purchase of the system, it would come back to City Council to ratify the approval and where the money would come from to purchase the system. Then sometime during the month of April there would be a closing to purchase the sewer system.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance calling for a referendum concerning the purchase of the Gem Lakes Sewer System for March 28, 2006.

#### WOODSIDE PLANTATION – ORDINANCE

Concept Plan

The Village at Woodside

Silver Bluff Development Company

Revised Plan

Silver Bluff Road

Richardson's Lake Road

TPN 107-13-01-001

TPN 00-135.0-01-077 (old)

Woodside Phase III

Mayor Cavanaugh stated an ordinance had been prepared for first reading to revise the Concept Plan for The Village at Woodside.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED IN WOODSIDE PLANTATION, PHASE III AND OWNED BY SILVER BLUFF DEVELOPMENT, INC.

Mr. LeDuc stated the Silver Bluff Development Company is requesting approval for revisions to the Concept Plan for The Village at Woodside. The property was annexed and the Concept Plan approved in June, 2001, and revised for the commercial portion in June, 2004.

The new Concept Plan is far more detailed than the plan approved in 2004. The square footage of floor area would stay the same, but there are major changes in the amount devoted for the various uses. However, the intensity is no greater. Since the intensity of the development has not changed, an updated traffic study was not required. The new plan places residential units over retail or office space throughout the commercial area.

The new plan also shows attached residential units just south of the commercial area, in what was shown as offices. However, the proposed plan would still limit the number of residential units outside the gate to the approved 237. The open space adjacent to the northern property line is significantly larger than what was previously shown, and therefore Condition No. 10 in the 2001 approval is not required. He said the green space had been concentrated in two open areas a little larger than a soccer field that could be used for open sports play, equestrian events or concerts or musical events. Otherwise, all previous conditions on the annexation and Concept Plans approved in 2001 and 2004 would still apply. The Plan also shows a village equestrian park in the center of the commercial area, instead of offices and the assisted living facility. The open space along Silver Bluff Road will have an equestrian theme and an equestrian trail system will be added.

The Planning Commission unanimously approved the Woodside Concept Plan at their December meeting with three conditions:

1. That the previous conditions on the annexation and Concept Plan approval of 2001 and 2004 would apply except for Item 10 on the 2001 approval.
2. That a roundabout on Silver Bluff Road and Richardson's Lake Road at the entrance to The Village is encouraged and if approved the developer would pay an amount towards the construction at least equivalent to the amount that would be paid for a traffic signal and right of way would be contributed.
3. The elevations of the proposed building be submitted to staff for approval.

Mr. Pat Cunning, of Silver Bluff Development, appeared before Council and reviewed the proposed changes in the plan. He said the basic changes involved smaller office buildings. He pointed out the buildings which had been shifted, include the market type grocery, and the assisted living building. He said the live-work buildings similar to downtown area have retail on the first floor, with living units above. He said the construction office would be the first building built. There would be a health club and a retail area of small shops. He said the same amount of residential units had been retained with some units being moved to the live-work units. He said 69% green space had been retained. He pointed out the proposed Village Green areas which will be lined with trees with a walking area. He said they hope this area becomes a core area for recreation. He said they will be doing a tree survey and will replace trees that are removed. He said the total mixes are the same. He said he felt the size and configuration of the proposed plan are better suited to a village. He said there needs to be some flexibility in the exact size of the buildings, but the footprints will be retained. He said he would like for the staff to be able to review the plans from the architects as the total square footage for the buildings will be retained. He pointed out there was a comment at the Planning Commission meeting about the Meadors property. He said some additional landscaping does need to be done in this area, and it will be done. He said as far as the \$40,000 for the traffic signal, Silver Bluff Development will contribute the funding. He said if the State puts the round-about in he would rather contribute \$40,000 for trees and landscaping.

Council then briefly discussed the proposed round-about at Silver Bluff and Richardson's Lake Road and whether it was felt a round-about would work at this intersection. Councilman Smith pointed out that last spring when the State came down to discuss the widening of Silver Bluff Road they had already done a preliminary study. He stated the State had some designs, and they did not raise any objections at that time about a round-about. It was felt that a round-about would look nice at this location if it would work traffic-wise.

In response to a question from Councilwoman Price, Mr. Cunning stated he would be ready to start construction as soon as the architect has the drawings and the plans are approved by Planning and the Inspections Division. He said the first thing built would be the construction office.

Councilwoman Price expressed concern about traffic and the traffic flow considering the size of the proposed development.

Councilman Smith moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance to revise the Concept Plan for The Village at Woodside and that second reading and public hearing be set for the next regular meeting of Council.

NEWSPAPER RACKS – ORDINANCE

Downtown  
Rights of Way  
Newspaper Boxes  
Newspaper Stands  
Sidewalks  
Magazines

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration regarding newspaper racks on public rights of way.  
 Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 36 OF THE CITY CODE OF AIKEN, SOUTH CAROLINA REGARDING PRINTED MATERIAL DISPLAY RACKS ON PUBLIC RIGHTS OF WAY.

Mr. LeDuc stated that at last year's Horizons Retreat Council recommended that the City develop a plan of action concerning the various newspaper display boxes in the downtown area on city public rights of way. City staff has been meeting with the various publishers concerning these racks and their future locations. In November at a work session staff and Council discussed replacement of newspaper boxes for magazines and newspapers which are presently in the downtown area. The proposed boxes would be more attractive than the present various individual boxes. Currently boxes are located in 18 different sites, and staff is recommending permitting 6 locations with a total of 81 boxes. A copy of the map showing these locations throughout the downtown area has been given to Council for information. Council may wish to increase or decrease the number of locations or boxes at these sites and the ordinance can be amended to address those issues.

The various organizations that have been working on these changes would be responsible for maintaining and managing this box system. The City's role would be to ensure compliance with the ordinance and to assist with the sidewalk installation.

Mr. LeDuc stated the proposal had been presented to the Downtown Development Association. He stated one merchant, Van Smith, of Smitty's had sent an e-mail stating that he was opposed to a box being placed on the sidewalk on the side of his building. He pointed out the sidewalk is narrow in this area and another box is proposed to be located near this area. He also pointed out that in front of his store there are already a light pole, a bench, a tree, a trash can and an historical sign. He felt another box would be too much around his store.

Mayor Cavanaugh questioned having 81 boxes. He felt 81 boxes was a lot of boxes in the downtown area in six locations. He was concerned about the future and adding more boxes in the downtown. He asked if there were duplicate publications in the 81 racks. He said just because there are 81 boxes presently, is that a reason to still allow 81. He said he felt this may be the time to make some reduction in the number of boxes allowed. He was concerned about future requests to allow more boxes for new publications. He felt the proposed boxes would look much better than the areas now, but he felt there had to be a limit. He was concerned about how to control the number allowed and how to determine what future publications would be allowed and how a publication could be turned down.

Mr. Wendell Hall stated there are duplicate publications in the present 81 boxes. He pointed out that the Aiken Standard and the Augusta Chronicle have newspapers in several boxes downtown. He pointed out the 81 boxes recommended is what is presently downtown. He stated this is a recommendation and Council can add or lessen the number

of boxes allowed. He pointed out that if the 15 boxes are eliminated at Smitty's, since he is opposed to the box, that would decrease the number to 66 and 5 locations.

Mr. Bill Huggins stated that 81 boxes is the starting point, based on the number of boxes presently in the downtown. He said this was an attempt to try to compromise with the publishers and the newspapers on the issue. He said there may be a need for expansion in the future, and the publishers could potentially come back to Council asking that more be added. He pointed out that even though the number is a lot the proposal is an improvement in the appearance and the concentration of boxes in 6 places, rather than in 18 locations. He said the numbers are based on the present number, and staff has no particular feeling for that number. He pointed out that under the present ordinance the boxes are not allowed now, but over the years they have just appeared on the streets. He pointed out that in Greenville the boxes are controlled as Council sets the number allowed, and it is up to the committee of publishers to decide who gets to put publications in the boxes, the cost, and maintenance of the boxes. He pointed out that the city would stay out of who gets to use the boxes, but within the number of boxes the publishers would decide who gets to use a box. He pointed out the proposed ordinance would set the number, and no more would be allowed unless Council changes that number. Mr. Huggins pointed out that Charleston does allow boxes in the historic downtown.

Mr. Scot Newcom, of the Aiken Standard who worked on the committee studying the matter, stated that the publications in the downtown boxes move pretty quickly. He pointed out that the box opposed is in one of the heaviest pick up areas. He pointed out that there is a lot of traffic in The Alley and the stands in this area have a high pick up rate for the publications.

Councilwoman Price stated if Council starts decreasing the number of boxes allowed she questioned how Council would single out which boxes or publications should be eliminated. She felt the control is the number of boxes and places where boxes are allowed.

Mr. Newcom stated the committee formed to study the boxes would monitor who goes in and who goes out and take care of the maintenance of the boxes. He said once the boxes are in place it would be the responsibility of the committee of publishers to take care of this matter. He pointed out that each of the publications would buy a box so they have a financial risk in the boxes. He pointed out there would be no cost to the city but the cost would be to the publishers who use the boxes. He stated there may be a point in the future, if things continue to develop and grow in the downtown area, that more boxes and another location may be needed. He stated, of course, if more boxes are needed the group would have to come before Council to get approval for any additional boxes or locations. He pointed out the proposal would be modeled after Greenville, and he did not think they had a problem. He pointed out there are probably 12 to 14 publishers involved, with several publications from each publisher.

Councilman Wells suggested getting a box behind the Municipal Building and using it as a pilot to see if it is something Council would like to permit in the downtown area and help determine how many locations may be needed. He felt there are a lot of duplications in publications in the boxes. He pointed out that on the southside it seems that a lot of the publications are inside the stores. He suggested that possibly the publications could be inside the businesses and eliminate the need for the boxes on the sidewalks.

Mr. Hall stated a consideration for future growth may be to approach the businesses in the downtown to place the publications inside the businesses. He pointed out that he thinks the publications are inside the businesses in Beaufort rather than on the sidewalk.

Council discussed the matter at length with concerns about the number of boxes, the locations, and the possibility of the number of boxes and locations increasing in the downtown area. It was stated that the concern had been the number of boxes and how they look in the downtown area.

Mayor Cavanaugh stated he liked the idea of publications being inside the businesses, and he felt before Council passes anything the idea of publications being placed inside

the businesses should be pursued with the businesses. He felt staff should check with Beaufort and see how they handle the matter of publications. He stated he was in favor of continuing the matter and doing more study, particularly of Beaufort, before proceeding with the matter.

Mr. Ed Giobbe stated he felt Council should consider a very sharp curtailment of the number of boxes allowed. He said because there are 81 boxes now does not mean that 81 boxes should be allowed. He said the city may end up with more boxes in the future. He said he did not feel that the 1<sup>st</sup> Amendment gave anyone the right to obstruct a public right of way. He said he did not have a problem with newspapers, but he did not see a need for all the other publications that advertise women's fashion, cars, to tax preparation, health clubs, etc. He said he felt Council should seriously consider restricting boxes to newspapers that serve a legitimate public purpose.

Mr. Gary Smith, City Attorney, stated there is no city obligation to provide the opportunity for the boxes to be on the right of way. He said, however the publications may say they have developed some right since they have been on the streets for so long. He said Council does run into a problem, however, when they do allow a box and allow one publication and not allow another. He said the city could not pick and choose between the publications. He said the proposed ordinance does a good job of taking care of that matter.

Mr. LeDuc stated staff would proceed to get further information and bring the information back to Council. He stated on behalf of the staff he would like to thank Scot Newcom who had been a tremendous help and who had worked diligently to try to do something to help in this matter.

Mayor Cavanaugh moved, seconded by Councilman Smith and unanimously approved, that Council continue the ordinance regarding the number, appearance, and location of newspaper boxes on city right of way in the downtown area with the staff getting additional information for Council to consider.

Councilwoman Price asked that staff make a display or get a listing of the publications presently in the boxes in the downtown area.

#### ARTS COMMISSION – ORDINANCE

##### By-Laws

Mayor Cavanaugh stated an ordinance had been prepared to amend the by-laws of the Arts Commission.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ARTS COMMISSION BY LAWS.

Mr. LeDuc stated last spring City Council established the Arts Commission. When this Commission was established Council also approved a set of by-laws. The Aiken Arts Commission has been studying these by-laws for several months and would like to amend some of the by-laws. At their November meeting the Commission voted 5 to 1 to recommend these new by-laws.

The Acting Chair of the Commission, Mary Ellen Krippner, would like to come before Council to present the new by-laws and to discuss the reasons why they felt these changes were necessary. During the discussion concerning these changes the make up of the Commission was discussed at length. The final vote recommends no changes to the membership as decided by City Council. He pointed out that the vote for the changes to the by-laws was 5 to 1 in favor of the changes.

Ms. Mary Ellen Krippner, 144 Crane Court, stated she was Vice Chair and presently Acting Chair of the Arts Commission since the Chairman resigned in November. Ms. Krippner reviewed the work of the Arts Commission. She pointed out that the meeting time had recently been changed to the first Thursday of each month at 5:30 P.M. in Room

204. She pointed out the Arts Commission started meeting in March, 2005. She stated the Commission had held an event called Aiken Arts Together in August at Rye Patch. She felt this was a successful meeting of the arts groups that wanted to be represented and included about 20 representatives. Ms. Krippner stated she had asked for a by-law committee to be formed in August, 2005. Serving on the committee with her was Thom Abbott and Keisha Lloyd-Kennedy. She said the committee reported their findings to the Commission in October, 2005. The amendments were approved in November, 2005, and recommended to Council for approval.

Ms. Krippner stated in the old by-laws the mission and functions were listed first and as a part of the by-laws. She stated the Commission felt this should not be a part of the permanent by-laws. She stated Lou Papouchado was working on a strategic plan with goals to be presented to the Commission. She stated the plan would define responsibilities for each commissioner. She stated that two arts organizations participate in each meeting. She stated that Kay Taylor of the Arts Commission had contacted the South Carolina Arts Commission in Columbia and Mr. Rusty Sox will be speaking to the Aiken group in March. She stated the Commission is working on a complete calendar of arts events, including how to market them. The plan will be on the city web site, but have its own designation. She said they plan on having events listed in hotels, restaurants and other public places to help tourists as well as Aiken citizens to know about events. She said the Commission has been informing the arts groups about grants that are available. She stated the Commission is presently working on five of the six goals that the city has asked the Commission to accomplish. She stated the city has a wonderful staff working with the Commission, and they have been very helpful.

Ms. Krippner reviewed the main changes to the by-laws. She stated there had been no clear order for business so an order for conducting business was added, with scheduled speakers being on the agenda early. She pointed out previously the officers were to serve for one year. The proposed by-laws allow the officers to serve for two consecutive years. It was pointed out that the ex-officio members of the Commission are non-voting members. Election of officers was changed from January to April of each year. She pointed out that the Committee and the Commission felt that the mission statement and functions should be removed from the by-laws. She pointed out that these things will be included in the strategic plan.

Councilwoman Vaughters stated she was concerned about deleting the mission and functions from the by-laws. She stated she understood that this section had been worked on by members of the arts organizations, and they had indicated that they wanted to see these things happen. She was concerned about deleting the mission and functions from the by-laws when the reason for setting up the Commission in the first place was the mission and functions. She felt there should be a purpose or goals for the Commission or there was no need for the Commission.

Ms. Krippner stated the Commission does not plan to do away with the mission or the functions, but just remove them from the formal by-laws. She said mission and functions will be incorporated in the strategic plan which Lou Papouchado is currently working on. She said they definitely would not be throwing the ideas out. She said she would be sure Council gets a copy of the strategic plan.

Councilwoman Vaughters stated before the by-laws are changed and the mission and functions deleted she would like to see the strategic plan and see how they are incorporated.

Mayor Cavanaugh stated his understanding is that with the strategic plan there will be a mission statement and goals. He said that document would go with the by-laws. He said currently Council only has the proposed by-laws. He said it would be good for Council to see both documents with the mission statement. He pointed out every organization needs a mission statement.

Council then discussed whether the strategic plan would be ready for the second reading of the ordinance. Ms. Krippner stated she was hoping the new appointees to the Commission could be included before the strategic plan is completed and presented to

Council. She said if Council wants to delay second reading of the ordinance to the second meeting in February the Commission will work with Council and have the strategic plan ready at that time.

Councilman Smith stated he agreed with separating the mission and functions from the by-laws, but in some other commissions the mission is stated as duties and powers and is included in the ordinance setting up the Commission rather than in the by-laws. He said he was reluctant for a short time to take the mission out until there is a document that includes the mission and functions.

Councilwoman Vaughters also had concern about the wording regarding presentations before the Arts Commission and the limit for the number of presentations at a meeting and the time limit of ten minutes. She was concerned that groups were making requests of the Arts Commission and the number of presentations were being limited as well as the time they had for their presentation.

Ms. Krippner stated the Arts Commission asks various arts groups to come before the Arts Commission and make a presentation about their group and what they do so the Arts Commission can learn what the various groups do and how they might be more involved in the community.

Councilwoman Vaughters expressed concern about item e. under D. "Meetings of the Commission" regarding comments by ex-officio members and the general public. She expressed concern about the comments for them being at the end of the meeting and the time limit of ten minutes.

Ms. Krippner stated the ex-officio members are welcome to add to the discussion of the Arts Commission members on any items at any time during the meeting. The comments at the end of the meeting is for items the ex-officio members would like to bring to the Arts Commission. The ex-officio members are not prohibited from participating during the meeting.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading the ordinance to amend the Arts Commission's by laws and that the second reading and public hearing be scheduled after the additional information regarding the strategic plan which will include the mission and duties or goals of the Arts Commission is completed and presented to Council for information.

#### PURCHASING – ORDINANCE

##### Procurement

##### Appeals

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to revise the city's procurement regulations.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING ARTICLE VI OF THE AIKEN CITY CODE TO MODIFY THE CITY'S PROCUREMENT CODE AND PROVIDE FOR A CONTESTED BID APPEAL PROCESS, AND MAKE OTHER CORRECTIONS.

Mr. LeDuc stated over the past year we have had a few instances where vendors have questioned the decision made by staff concerning bid awards. Although we were able to resolve each of these situations, we feel our procurement code needs to be amended to better address these appeals. The proposed ordinance allows for such appeals and resolutions which follows the State Procurement Code.

The appeals procedure will allow a protest to be reviewed by the department director and staff. If they still want a further review, it would then be investigated by the purchasing agent who is currently our Assistant City Manager. If he could not settle the dispute it would then be turned over to the City Manager for a final decision. In addition to this

appeal process, we have also added one additional criterion for awarding contracts to winning bidders. Currently the ordinance states that the contract should be awarded to the lowest responsible bidder, but in making this determination, price is not always the only issue. There are currently nine other criterion that can be considered by staff in making their review. We are recommending a tenth criteria based on past performance by the bidder. If the bidder has failed to perform prior contracts to our satisfaction, or owes the city money, this would be an additional reason for excluding them from a winning bid.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to revise the procurement code and to add a section concerning an appeal process and that second reading and public hearing be held at the next regular meeting.

#### SUMMIT BUSINESS PARK – ORDINANCE

Fields Development

Rutland Drive

Business Court

Quit Claim Deed

Deed

Federal Express

Mayor Cavanaugh stated an ordinance had been prepared for a quit claim deed for a cul de sac in Summit Business Park.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO QUIT CLAIM ANY RIGHT, TITLE AND INTEREST IN A PORTION OF BUSINESS COURT TO ADJOINING LANDOWNERS MBDQ, INC.

Mr. LeDuc stated in the late 1990's the City of Aiken partnered with Fields Development to create Summit Business Center off of Rutland Drive. The original development included a street called Business Court which was a cul de sac. When the City of Aiken negotiated with Federal Express to locate a Distribution Center at the site, the cul de sac was eliminated and the street entered directly into their parking lot.

The plat was modified at that time, but unfortunately a corrected plat for this street was never properly recorded at the RMC Office. Instead the plat at the RMC shows the cul de sac still remains. To correct this City Council needs to approve a quit claim deed to the owners of Lots 2 and 4, MBDQ Inc., a Maryland corporation for the cul de sac portion of Business Court. This ordinance and quit claim deed will rectify the situation and the proper plat will then be recorded at the RMC Office.

Councilman Sprawls moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance to correct the record plat concerning the Business Court cul de sac in the Summit Business Park and that second reading and public hearing be held at the next regularly scheduled meeting.

#### CAPITAL PROJECTS – ORDINANCE

One Cents Sales Tax

Capital Sales Tax Projects

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the ordinance authorizing the borrowing of funds for certain Capital Sales Tax Projects.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE AIKEN CORPORATION TO BORROW \$250,000.00 FROM THE CITY OF AIKEN'S FUNDS FOR THE PURPOSE OF

FUNDING THE CONSTRUCTION OF NEW HOUSING IN TOOLE HILL AS WELL AS NORTHSIDE RESIDENCE RENOVATION.

Mr. LeDuc stated that at the November 14, 2005, City Council meeting Council approved the lending of \$250,000 to Aiken Corporation for housing projects. \$170,000 would be used for new construction in Toole Hill, which Council would lend at 0% interest and \$80,000 for renovation of homes throughout the northside, which would be at an interest equivalent to what the City would have received for investment of the money. Aiken Corporation was planning on using the \$80,000 for continuation of their loan program to assist builders and developers to renovate older homes.

In a letter from Aiken Corporation Wade Brodie is asking that the City remove the interest rate requirements from the \$80,000. He states that at approximately 4.8% interest rate it would reduce the incentive for builders and developers to use this program. He also pointed out that Aiken Corporation has been funding the shortfalls on the new home programs in Toole Hill as bills come in from builders. They have been paying for this using their funds at no interest for the city projects. They would like City Council to apply the same fairness in the use of this funding. If City Council wants to fund this money at 0% interest to Aiken Corporation, we can make up the shortfall through our annual 111 Northside Revitalization Budget and pay back this interest through one of our line item accounts. We should start receiving funds from the One Cents Sales Tax in the summer of 2006 and be able to pay back this account within 24 months after we start receiving this money.

Mr. LeDuc stated the Aiken Corporation currently has one person, Mr. Bill McGhee, who has already moved the parsonage house for the Wesley United Methodist Church over to Barnwell Avenue. He had applied for a loan for renovation of the house from the Aiken Corporation and the loan has been approved, but at 4.8% interest the loan would not be an incentive for him. Mr. LeDuc stated if Council approves this ordinance this would allow the Aiken Corporation to have \$250,000 from the Capital Sales Tax funds at 0% interest and the interest would be made up from the 111 Northside Rehabilitation budget.

Mayor Cavanaugh stated he needed some information. He pointed out the work that Aiken Corporation is doing is great and they have helped build homes and renovate homes. He stated if 4.8% is too high, he wondered what rate of interest they would be willing to pay and the funds still be an incentive for applicants.

Mr. Wade Brodie, Chairman of the Aiken Corporation, stated the incentive for the loan is to upgrade housing. He stated when the program was first started no one was interested in upgrading housing in downtown Aiken. He said Aiken Corporation started the program with money the Corporation had. He pointed out the incentive program that Aiken Corporation had originally for builders was to upgrade housing in downtown Aiken at no interest for up to two years. The builder would provide 20%, and if the property sold within the two years or was rented, the loan was paid off. He said that provided incentive for building and renovation in the downtown area, as they were getting an 80% loan at no interest. He pointed out with that incentive program 5 houses were renovated on Chesterfield Street; the houses were sold and the value has increased for the housing. He pointed out this has increased the tax base for the city. He pointed out in the meantime the Aiken Corporation has been providing the cost of bookkeeping and inspection fees on the loans. He said a few months ago they decided to add a \$1,000 fee per application approved. He stated with the approximate 5% interest for the loan charged by the city and the \$1,000 fee by the Aiken Corporation, a contractor could go to the bank and borrow money so the loan from the Aiken Corporation would no longer provide an incentive to a builder. He said with the added cost and the interest the incentive is lost.

Councilman Smith asked if the northside was getting popular enough that the normal commercial transactions would continue to build up the northside.

Mr. Brodie stated he did not feel the northside was at that point yet. He said it is hoped it will get to that point, but he feels it has not reached that point at this time. He pointed out there are a lot of houses that need rehabilitation, and there are a lot of vacant lots. He

said Aiken Corporation also has not received a lot of applications for the loans and the program has been advertised. He pointed out the Corporation is not only using the money they have received from the City for the program, but is also using money from the Corporation. He said it is the feeling of the Aiken Corporation members and the Housing Committee that a no interest loan from the City made the loan program work. He said they still feel that it needs to be a no interest loan. He said regardless of what the City does for the loan the Corporation will continue the use of their funds for the loan program on a no interest basis.

Mayor Cavanaugh stated he felt the Aiken Corporation had done a terrific job and made so many improvements. He said the Aiken Corporation has been the leader in some of the northside and downtown revitalization. He said he was just wondering if there was some interest rate lower than the 4.8% that would still be an incentive.

Councilwoman Price stated she felt the City and the Aiken Corporation had done a great job in trying to eliminate the blight that was on the northside. She said this makes safer neighborhoods, less police calls, and a better feeling in the neighborhoods. She said eventually people will start making investments on the northside, but she also felt at this time we are not there.

Mr. Brodie pointed out that presently the Aiken Corporation has two requests that they cannot fund. Those are the request of Bill McGhee and a request from the Bryant family trust. He said the application for Mr. McGhee has been approved by the Housing Committee subject to funding. He said they would welcome other requests for funding.

Mr. Brodie pointed out he would like to request a couple of changes in the proposed ordinance. He said one item was the request for a no interest loan. The other regards the pay back. He pointed out in the fourth paragraph there is language regarding a loan for two years dated when the money is advanced. Also, in Section 1 there is a statement regarding the repayment being within 24 months from the date of the execution of the Note. He stated this would not be workable. He stated what had been done in the past was basically a demand note with an agreement that if the City calls the loan the Aiken Corporation will pay the loan back in two years. He pointed out if the City loans \$80,000 and the Corporation grants a loan to a builder for two years and the note is called in 6 months, the Aiken Corporation may not have the ability to pay the loan back. He asked that Council consider a change in the wording for those two items. He said in the past the City could call for the loan at any time, but the Aiken Corporation had two years to pay the loan back to the City.

Mr. LeDuc also stated there were some questions regarding the status of the northside. He pointed out some areas of the northside are doing very well, but there are still other areas that there are still problems, and it will take some time before the areas will be developed by private builders. He said he felt that in the next 3 to 5 years the City probably could request the money from the Aiken Corporation as we will have met most of the needs or goals the City hoped to accomplish on the northside. He said that goal is that the housing stock on the northside would have been improved and fixed up and the vacant lots will have infilling taking place. He said he did not feel the City was there yet.

Councilwoman Price moved, seconded by Councilman Wells and unanimously approved, that Council pass the ordinance on first reading amending the ordinance regarding the borrowing of funds for some Capital Sales Tax Projects with the amendments suggested of no interest on the \$80,000 loan for renovation to the Aiken Corporation and that the wording regarding the payback be changed to reflect that the loan is to be paid back by the Aiken Corporation within two years from the date of the call for the loan by the City.

#### JURY BOX 2006

Municipal Court

Jurors

Jury Box

City Court

Mayor Cavanaugh stated Council needs to approve the Jury Box for 2006.

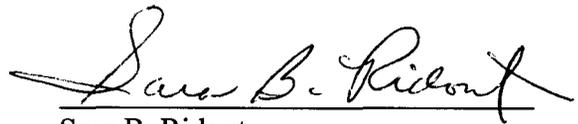
Mr. LeDuc stated that Sara Ridout serves as the City Clerk for the City of Aiken, and each year prepares a jury box, and submits this Jury Box for City Council approval. For Council's consideration, this is approval of the Jury Box for 2006.

Under our form of government, the members of City Council are the jury commissioners for the Municipal Court for the city. Each year City Council must approve the preparation of a Jury Box during the first 30 days of the year, and as indicated in the prepared affidavit, the box contains two compartments designated as compartment "A" and compartment "B." The names of all registered voters in the city are placed in compartment "A" and during the year jurors are randomly selected from compartment "A." After selection for a particular term of court, the names are then placed in compartment "B" so that the names are not selected again during that calendar year. We have a total of 15,609 registered voters in the city.

Councilman Smith moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the preparation of the Jury Box for 2006.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:02 P.M.



Sara B. Ridout  
City Clerk