

Aiken City Council MinutesREGULAR MEETINGSeptember 13, 2004

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Anita Lilly, Pete Frommer, Glenn Parker, Richard Pearce, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and about 30 citizens.

Mayor Cavanaugh called the meeting to order at 8 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilmembers discussed whether to add discussion regarding the trash policy to the agenda. After a brief discussion it was decided to discuss the matter in a work session at the next meeting. Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session of August 3, 2004, the work session and regular meeting of August 9, 2004, and the work session of August 23, 2004 were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

PRESENTATIONPublic SafetyOfficersBarrett, JenniferColindres, CarlosStrom J. P. AwardAward

Mayor Cavanaugh stated that Council would like to recognize two Public Safety Officers who had recently graduated from the S.C. Criminal Justice Academy.

Mr. LeDuc stated that every year we send new employees from Public Safety to the South Carolina Criminal Justice Academy. On Friday, August 27, 2004, two new officers graduated from the Academy, Jennifer Barrett and Carlos Colindres. The nine week training course began in June with 40 students, with only 26 able to make the grade to become certified officers in South Carolina.

The highest and most sought out prize at the Academy is the J. P. Strom Award. Our new Public Safety Officer Jennifer Barrett received the award by successfully passing weapons qualifications, physical training, and mastering the police driving course along with having the highest grade point average of 98% on all written examinations.

Chief Pete Frommer stated each officer strives to obtain the J.P. Strom Award, which requires receiving the highest grades and also passing all the physical training, etc. He pointed out of all the officers at Public Safety only two have received this award. He stated Lt. Mills and Sgt. Harm each received the award when they finished the Academy. He stated the city recently had two officers to complete the Academy, and Officer Barrett received the J.P. Strom Award.

He stated Carlos Colindres also represented the Department well by being appointed as a Squad Leader with many extra responsibilities organizing and managing his squad. He

also received the award for having the fastest time during the three mile challenge run conducted the last week of the training.

Chief Frommer stated both of these officers will now start their in-house training at Public Safety and in October will attend the South Carolina Fire Academy for their final basic training. He stated he would like to recognize Jennifer Barrett for receiving the J. P. Strom Award and Carlos Colindres for being a Squad Leader and for receiving the top award for the Challenge Run. He presented awards to each of the officers, and they were recognized by City Council.

BOARDS AND COMMISSIONS

Appointments

Community Development Committee

McKie, Eugene

Recreation Commission

Haslup, Suzanne

Snyder, Dave

General Aviation Commission

Gibbons, Mark

Owen, John

Peterson, Stephen

Mayor Cavanaugh stated Council needed to make 6 appointments to the boards and commissions of the city.

Mr. LeDuc stated that there are 14 pending appointments to boards and committees of the city and 6 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended reappointment of Eugene McKie to the Community Development Committee. If reappointed his term would expire September 2, 2006.

Councilman Cuning has recommended reappointment of Suzanne Haslup to the Recreation Commission, and if reappointed the term would expire September 1, 2006.

Councilwoman Price has recommended that Bill Elkins be appointed to the General Aviation Commission to replace Mark Gibbons. If appointed his term would expire September 1, 2006.

Councilwoman Clyburn has recommended reappointment of John Owen to the General Aviation Commission with the term to expire September 1, 2006.

Councilwoman Vaughters has recommended reappointment of Stephen Peterson to the General Aviation Commission. If reappointed his term would expire September 1, 2006. She also recommended reappointment of Dave Snyder to the Recreation Commission with the term to expire September 1, 2006.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council reappoint Eugene McKie to the Community Development Committee, with the term to expire September 2, 2006, Suzanne Haslup and Dave Snyder to the Recreation Commission with the term to expire September 1, 2006, John Owen and Stephen Peterson to the General Aviation Commission with terms to expire September 1, 2006, and appointment of Bill Elkins to the General Aviation Commission with the term to expire September 1, 2006.

Councilman Smith stated he would like to recommend reappointment of John Gratop to the Recreation Commission.

Councilman Cuning recommended appointment of Charles W. Newton III to the Environmental Committee to replace Jim Yates, who has resigned.

Councilman Sprawls stated he would like to recommend, for consideration at the next meeting reappointment of Ed Brohl to the Community Development Committee and Don Barnes to the General Aviation Commission.

Mayor Cavanaugh stated Richard Johnson was willing to continue to serve on the Election Commission, and this appointment will be placed on the next agenda for consideration.

ANNEXATION – ORDINANCE 09132004

Henry Street 780
Edwards, Melissa
Edwards, Stephen
TPN 122-05-22-012
Virginia Acres

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex property at 780 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 0.24 ACRES OF LAND, MORE OR LESS, OWNED BY MELISSA AND STEPHEN W. EDWARDS, JR. AND LOCATED AT 780 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated that Melissa and Stephen Edwards at 780 Henry Street would like to annex their .24 acre property under the RS-10 zoning. The applicant is interested in receiving city sewer and other benefits of being in the city. The property is surrounded by other single family homes and is currently served by city water. Several other properties in this neighborhood have annexed to the city over the last 18 months as we made sewer available.

The Planning Commission unanimously approved this annexation, and the right-of-way of the adjacent street is not included in the annexation.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 780 Henry Street under the RS-10 zoning and that the ordinance become effective immediately.

LAND DEVELOPMENT REGULATIONS – ORDINANCE 09132004A

Amendment
Detention Ponds
Retention Ponds
Buffer
Subdivision Regulations

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Land Development Regulations concerning detention and retention ponds.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AIKEN REGARDING THE SEPARATION AND SCREENING OF DETENTION AND RETENTION PONDS.

Mr. LeDuc stated the current Land Development regulations do not require the separation or screening of a detention/retention pond associated with new subdivisions from

adjacent off-site property. In a recently built single family subdivision, a new detention pond was located next to an existing residential area, and all of the trees were removed right up to the property line for this pond.

The Planning Commission unanimously approved rewording the regulations to require an untouched buffer of at least 25 feet in depth to be maintained between the toe of the existing slope or edge of the detention or retention pond and adjacent off-site land zoned or used residentially. If the existing buffer does not provide sufficiently dense screening, additional shrubbery or trees could be planted as approved by the Planning Director.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to amend the Land Development Regulations regarding the separation and screening of detention/retention ponds.

LAND DEVELOPMENT REGULATIONS – ORDINANCE 09132004B

Amendment

Curb and Gutter

Gutter

Subdivision Regulations

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Land Development Regulations concerning curb and gutter.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AIKEN REGARDING CONCRETE CURB AND GUTTER.

Mr. LeDuc stated that last year City Council asked that staff review our Land Development Regulations concerning the need for concrete curb and gutter on new roads. Larry Morris, Public Works Director, is recommending that we require concrete curb and gutter on all new roads for the following reasons:

1. Streets without curb and gutter, even those with rolled asphalt edges, present major problems during maintenance and sweeping, because asphalt chunks will break from the edge of the pavement.
2. Streets without curb and gutter tend to become narrower due to encroachment from grass and pine straw.
3. The broken pieces of pavement many times end up in storm drains.
4. If grass swales are used instead of concrete curb and gutter, the results can become breeding places for mosquitoes.

For these reasons the Planning Commission unanimously approved an amendment which would require all new roads to be constructed with concrete curb and gutter unless waived by the Director of Engineering/Public Works.

The public hearing was held and no one spoke.

Councilman Cunning asked if there was another appeal process other than the Public Works Director. He said he was concerned about one person having so much responsibility. He said he would like to see the appeal to City Council.

Mr. Pearce, Staff Attorney, stated the developer could appeal to the Circuit Court. Council felt there should be some appeal other than to the Court.

A very lengthy discussion followed on this matter. A question was if the city had received any comments from developers. Mr. LeDuc stated he had not, and most of the new subdivisions typically have concrete curb and gutter. Councilmembers pointed out

there may be some areas that there may be a reason not to have concrete curb and gutters. An example is Pickens Place because the developer wanted a particular look. Council's concern was one person making the decision on whether or not to have curb and gutter and the appeal process from that decision.

Mr. Evans, Planning Director, pointed out that the Engineering/Public Works Director would make the initial decision about curb and gutter since the regulation would be in the Land Development Regulations. If the applicant wants to appeal the decision, a variance request would go to the Planning Commission. The applicant could ask the Planning Commission for a variance from the requirement. It would not be the Board of Zoning Appeals. The Planning Commission then makes recommendations to City Council.

Councilwoman Vaughters expressed concern about curb and gutter and felt there may be developments where curb and gutter would not be wanted because of the type of development. She pointed out she did not feel that all developments should have curb and gutter.

Mr. LeDuc stated the requirement would help the City staff because there would be a standard. Presently there is no standard. If a developer does not want curb and gutter then they have to give a good reason for not having them.

Councilwoman Price moved, seconded by Councilman Sprawls, that Council pass on second and final reading an ordinance to amend the Land Development Regulations concerning concrete curb and gutter. The motion was approved by a majority vote, 6-1, with Councilwoman Vaughters opposing the motion.

WHISKEY ROAD – ORDINANCE 09132004C

Donation of Property

WLA Enterprises

Detention Pond

TPN 30-059.0-01-005

City Property

Drainage

Storm Drainage

CVS Pharmacy

Corporate Parkway

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to donate property off Whiskey Road to WLA Enterprises.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ABANDON ITS RIGHT, TITLE AND INTEREST IN THE REAL ESTATE COMPRISING A DETENTION FACILITY TO THE DEVELOPERS OF A PROPOSED COMMERCIAL DEVELOPMENT ON WHISKEY ROAD.

Mr. LeDuc stated that WLA Enterprises, Inc. recently rezoned three properties at the corner of Corporate Parkway and Whiskey Road to develop the Shoppes at Whiskey. One of the three properties consists of a detention pond owned by the City of Aiken which is located between the Church of Christ and CVS. In February, 2003, the City of Aiken prepared an ordinance to donate this property to another limited partnership to develop this area. They were unsuccessful in putting together the venture needed at this location, at which time WLA Enterprises stepped forward. They would like the City to donate this detention pond to them under the following conditions:

1. They would fill in the pond and pipe the storm water to an existing detention pond east of this site.
2. They would work with the City to follow the landscaping and signage provisions and interparcel access as discussed in the LDR report.
3. The detention pond would be combined with the property from the Church of Christ and the parcel east of this property for the development.

With this approval, the City would eliminate an unattractive detention pond and the maintenance associated with it and have the opportunity for the ditch to be filled in with piping along Whiskey Road, along with proper landscaping as part of enhancing this area.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to donate a detention pond north of the CVS Pharmacy to WLA Enterprises.

JAMESTOWN COURT – ORDINANCE 09132004D

Perry, Donna
Jamestown Court 104
Sale of Property
Community Development and Improvement Corporation
Chesterfield North Subdivision
Housing Authority

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve the sale of property at 104 Jamestown Court. Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF PROPERTY OWNED BY THE CITY OF AIKEN, AND THE COMMUNITY DEVELOPMENT AND IMPROVEMENT CORPORATION, LOCATED IN CHESTERFIELD NORTH SUBDIVISION, AT 104 JAMESTOWN COURT, TO DONNA PERRY.

Mr. LeDuc stated that a couple of years ago the City of Aiken entered into a contractual agreement with the Aiken Housing Authority Community Development Investment Corporation (CDIC). At that time the Corporation had purchased a tract of land off of Chesterfield Street N. and developed 11 residential lots. Ten of the homes within this development have been purchased, and we need Council's approval for the final house sale in this development. The home at 104 Jamestown Court is for sale at a price of \$97,000 to Donna Perry. The City would use HOME Grant money to reduce the cost of this home by approximately \$27,000.

Mr. LeDuc pointed out that all the homes in Asheton Oaks had been sold and the contractor is ready to build five more. All the homes in Toole Hill have been sold and the city has a waiting list for new homes.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving the sale of property at 104 Jamestown Court and that the ordinance become effective immediately.

ZONING ORDINANCE

Amendment
Golf Course
Woodside Plantation Golf Course

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance concerning golf courses.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 4.6.6 OF THE CITY OF AIKEN ZONING ORDINANCE.

Mr. LeDuc stated that an issue arose recently at the Woodside Plantation Golf Course which involved removal of some trees on the golf course in the Planned Unit Development (PUD) zone. According to our Zoning Ordinance, any trees removed on a golf course in the PUD zone need the approval of the City's Horticulturist. All other golf courses in Aiken are zoned Single Family Residential and do not need the City's approval to remove trees.

At the August Planning Commission meeting, they unanimously approved the amendment to the Zoning Ordinance to allow trees on golf courses in PUD zones to be removed without City approval.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on first reading an ordinance to amend the Zoning Ordinance allowing trees on golf courses in PUD zones to be removed without City approval and that second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION – ORDINANCE

Pine Log Road

Summerville Homes

Southwood Subdivision

Dacari Development

TPN 089-10-02-001

TPN 00-106.0-02-001 *SR*

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 32.66 acres of land located along Pine Log Road west of Southwood Subdivision to be zoned RS-6 Residential Single Family.

Councilman Cunning left the Council Room and did not participate in the discussion or voting on the matter because of a potential conflict of interest. Councilman Cunning stated the bank where he works has a construction line of credit for the owner of this property.

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 32.66 ACRES OF LAND, MORE OR LESS, OWNED BY DICARI DEVELOPMENT, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated that Summerville Homes, Dicari Development, would like to annex 32.66 acres of land located along Pine Log Road west of Southwood Subdivision to be zoned RS-6 Residential Single Family. This is the same developer who is building the townhomes on the Aiken Prep property north of Barnwell. The applicant has submitted a concept plan showing 70 lots, although there is room for additional development. The subject property is outside of our Comprehensive Plan Study area, but it appears to be compatible with the surrounding single family homes.

Depending on the status of the Traffic Management Ordinance, which is under review by Council, you may want to consider a traffic study for this development if it meets the proposed criteria in the new ordinance. The application was approved by the Planning Commission on a 3 to 1 vote with the following conditions:

1. That no more than two curb cuts be allowed on Pine Log Road.
2. That there be a second entrance on Pine Log Road, or that a variance from the Land Development Regulations from the 1,000 foot limit on the length of deadend streets be obtained.
3. That a street right of way extend to the property line to allow for future road connections to the adjacent property to the south on the subdivision plat submitted for approval.
4. That the development complies with the concept plan submitted.
5. That any conditions placed on the annexation be recorded at the RMC Office.

At the Planning Commission meeting, the Planning Director stated that non PUD annexations should not be conditioned on concept plans. Therefore, Council may want to consider whether or not the annexation should have the condition that it comply with the concept plan submitted.

Mr. LeDuc pointed out that if Council annexes the property and zones it as R-6, the owner could sell the property to another developer and it could be developed as R-6. He pointed out that condition 4 is a nice idea for the property to be developed with the concept plan submitted, but there is really no basis to regulate the property to be developed according to the concept plan, since it would not be zoned PUD. He said he would suggest that Council not require condition 4.

Mr. Gary Smith, City Attorney, stated he had not included condition 4 in the proposed ordinance. He said the condition is that the property should comply with a concept plan submitted by the developer. However, RS-6 zoning does not require a concept plan for approval, and imposing such a condition might not be in the best interest of the city.

Another question of Council concerned condition 2 regarding a second entrance on Pine Log Road or obtaining a variance from the Land Development Regulations from the 1,000 foot limit on the length of deadend streets. Mr. Gary Smith explained that the developer needed to either get a variance because the deadend street is longer than 1,000 feet or provide a second entrance to the development off Pine Log Road.

Mr. Mark Graham, of Southern Partners representing the developer, stated that at the Planning Commission meeting, zoning of PUD was mentioned and the developer was willing to do that, except they were told that they would have to go back and reapply for PUD zoning and have a 30 day waiting period, which would hold the project up. He said he felt the proposed plan would meet the PUD regulations. He said there is probably 50% green space for the development. He said the developer did not want a delay for the project. He said the developer would agree even with RS-6 zoning to limit the number of lots to the number shown on the proposed plan. Mr. Graham stated the plan presented was really the concept plan. He pointed out the terrain of the property is difficult to work with. It was pointed out that there would be about a 50 foot buffer along the Longleaf Court area of Southwood.

Mr. Gary Smith pointed out with the property zoned RS-6, if the present developer did not develop the property and sold the property to someone else, that developer could develop under RS-6 regulations. He said if Council wanted to add a condition, they could limit the number of lots allowed on the property. It was pointed out there are about 72 lots shown on the proposed plan.

Mr. Mark Graham stated he knew they would have to make some changes to the proposed layout, as they would lose a lot in stubbing out a road to Southwood and another couple of lots if another entrance is made to Pine Log Road. He said they could provide a 50 foot buffer between the development and Southwood, but he would ask that it not be an undisturbed buffer, as they will probably have to do some grading in the area. He pointed out because of the terrain of the property, the developer was going to have to do a lot of leveling of the property. He said they would be glad to do some planting in the area. He said as far as the variance for the length of the cul-de-sac or second entrance off Pine Log Road, he felt the Highway Department would determine what would be done as far as safety. He pointed out there is a curve in the area along Pine Log Road and there is not a very good site distance for the road.

Councilwoman Price moved, seconded by Mayor Cavanaugh that Council pass on first reading an ordinance to annex 32.66 acres of land located along Pine Log Road west of Southwood Subdivision to be zoned RS-6 with the four conditions listed in the ordinance and with the additional conditions that a 50 foot buffer be left along Southwood Subdivision with appropriate landscaping, and that a maximum of 72 lots be allowed in the development and that second reading and public hearing be set for the next regular scheduled meeting of Council. The motion was unanimously approved.

Councilman Cuning returned to the Council Room.

BUSINESS LICENSE - ORDINANCE

Telecommunications Business License Tax License

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the business license ordinance for telecommunication services

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE LEVYING A BUSINESS LICENSE TAX ON RETAIL TELECOMMUNICATIONS SERVICES.

Mr. LeDuc stated that last year, the top initiative of the Municipal Association was the passage of House Bill 3530. This bill allowed a smooth transition from franchise fees for telecommunication companies to a business license tax. Once the Governor signs the law, it will raise the tax from .75% to 1%. Since the Municipal Association collects our business license tax for all telecommunication companies, we must amend our current business license ordinance to impose this higher rate. They have given us a model ordinance for our approval and moved the date the tax is due from January 1 to February 1 for year 2005 only. After that, the tax will be due on January 1. Passage of this ordinance will give the Municipal Association the flexibility needed to react to numerous scenarios which may involve this legislation.

Mayor Cavanaugh pointed out that the proposed ordinance is a minor increase in the license tax. He pointed out however, that previously the City of Aiken was charging a 3% franchise fee for telecommunication companies. The legislature lowered the fee to .75% which meant a great reduction in revenue for the City of Aiken. He said the Municipal Association lobbied for an increase and was able to get the fee raised to 1%.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on first reading an ordinance to amend the business license ordinance for telecommunication services and that second reading and public hearing be set for the next regular meeting of Council.

CITY COURT - ORDINANCE

Ministerial Recorder
Municipal Court
Aiken Municipal Court
Court

Mayor Cavanaugh stated that an ordinance had been prepared for Council's consideration to establish the City Municipal Court office of Ministerial Recorder.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 20, AIKEN CITY CODE, TO ESTABLISH THE CITY MUNICIPAL COURT OFFICE OF MINISTERIAL RECORDER.

Mr. LeDuc stated that the South Carolina Code allows City Councils to create an office of ministerial recorder. This individual would aid City Court operations by designating an official who is empowered to set and accept bonds, issue summons, subpoenas, arrest warrants, and search warrants. This would allow the individual to process any criminal case as county magistrates are currently authorized. They will provide much needed assistance in allowing us to process the over 7,000 cases that go through the Aiken Municipal Court each year, as well as those cases we send to General Sessions court for disposition. It will avoid needing to go through the Magistrate's Office for many of these cases and reduce the amount of time it now takes to issue this paperwork.

It was pointed out that this would be a part time person, and the position is included in the 2004-05 budget. It was stated the Ministerial Recorder cannot be someone on staff,

but the Ministerial Recorder would be appointed by Council. He said the Ministerial Recorder can use staff at Public Safety to prepare paperwork. He said the Recorder sets bonds and issues warrants. The Recorder must go through legal training required by the state.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading and ordinance to establish the City Municipal Court office of Ministerial Recorder and that second reading and public hearing be set for the next regular meeting of Council.

MORGAN STREET – ORDINANCE

City Property

Conveyance

Toole Hill

Morgan Street 309

Merriwether, LaShawn

Edgefield Avenue

TPN 30-026.0-12-008

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to adjust the property lines of the lot owned by Ms. LaShawn Merriwether so she can construct her new residence on this lot and the city in turn can construct homes on the three contiguous lots to the south of her property.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED NEAR THE INTERSECTION OF MORGAN STREET AND EDGEFIELD AVENUE, BEING A PORTION OF AIKEN COUNTY TAX PARCEL NUMBER 30-026.0-12-008

Mr. LeDuc stated that, for the past year, the City has been working on obtaining the necessary properties to complete the revitalization of Toole Hill. One remaining property needs to be developed, which is located on Morgan Street, just north of Edgefield. The house at 309 Morgan Street, owned by LaShawn Merriwether, would be torn down and her property would be reconfigured with other properties at the northwest corner of Morgan and Edgefield. This would allow the City to establish three lots facing Edgefield and to move her lot farther to the north. She, or her family, in turn, will build a house that would fit within the character of the neighborhood within a specified time period. We have been working with Ms. Merriweather for the last six months on this agreement and both are mutually satisfied with the conditions. This is the last property that we needed to reconfigure the entire Toole Hill neighborhood. The City staff is to be highly commended, especially Leasa Segura, for all of her hard work in obtaining all of these properties in the Toole Hill neighborhood.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to adjust the property lines of the lot owned by Ms. Merriwether so she can construct her new residence on this lot and the city in turn can construct homes on the three contiguous lots to the south of her property, and that second reading and public hearing be set for the next regular meeting of Council. Councilwoman Price stated she also wanted to commend Leasa Segura for her hard work in the Toole Hill area.

ACCOMMODATIONS TAX COMMITTEE

Aiken Flower and Garden Show

Request for Funds

Hitchcock Health Care

Mayor Cavanaugh stated Council needs to consider approval of a \$5,300 request from the Accommodations Tax Fund for the Aiken Flower and Garden Show.

Mr. LeDuc stated that yearly the City of Aiken receives funds from motels and hotels in Aiken, which are used for projects that increase tourism and overnight stays. This year 17 projects were recommended at 100% funding and 8 partial funding. The Committee recently received a request from Hitchcock Health Care for funding the advertisement for the Aiken Flower and Garden Show to be held on October 28-30, 2004. The show will be a fundraiser with about 250 exhibitors to be held at the Aiken Center for the Arts. The Committee voted unanimously to fund their entire request for \$5,330.

Since the last funding approval, over \$21,000 in Accommodations Tax money has been returned from the requesting agencies. If Council agrees to fund this request, there will still be over \$10,000 for any future projects. The Committee is planning a meeting later in September to start reviewing the applications for the January-June, 2005 funding cycle.

Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that Council approve a request of \$5,330 from the Accommodations Tax Fund for the Aiken Flower and Garden Show.

Ms. Kay Brohl stated she was Chairman of the Hitchcock Health Care and wanted to thank Council and the Accommodations Tax Committee for approval of the funds for the Flower and Garden Show, and they hoped it would be mutually beneficial to the city and for Hitchcock.

AIKEN CORPORATION

Funding

Housing Rehabilitation

Loan Program

Mayor Cavanaugh stated Council needs to consider approval of a loan to Aiken Corporation to continue their housing rehab loan program

Mr. LeDuc stated that over the past year, Aiken Corporation has been lending money to local developers to rehab houses along Chesterfield Street. They have provided up to \$75,000 per home, with Aiken Corporation supplying 80% and the homeowner 20% of the equity. The revolving loan program stipulates that all funds will be paid back in two years, or whenever the house sells or is rented.

The City loaned Aiken Corporation \$67,500 from the sale of the Blue House for the rehab program, and Aiken Corporation has used \$182,500 of their own money for the rehab program.

Over the past year, they have loaned money to rebuild five homes and to relocate Children's Place. Aiken Corporation has requested that City Council lend them up to \$250,000 at no interest to be utilized for the continuation and expansion of the housing loan program. Where the original program provided loans for the Chesterfield Street only, these funds would allow them to expand the program to other areas of the city.

In the 2004-2005 northside revitalization budget, \$269,000 was set aside for housing rehab. Approximately \$70,000 will be needed to rehab homes in the Toole Hill area. Council has also asked staff to identify homes that may need rehabbing and to set aside funding for possible purchase and renewal by the City. The City will also be starting on the Edgewood area located off Hampton Avenue north of Smith-Hazel rehabbing some homes in that area. Based on the needs we have in Toole Hill and the potential to rehab one or two homes in other areas, he suggested that City Council consider lending Aiken Corporation up to \$125,000 at this time. In January or February we will have a better analysis of what will be needed in the City's rehab program and, at that time, Council could consider lending Aiken Corporation additional funds. This loan program will continue to encourage private investment on the northside and has been a great incentive in moving the process forward.

Mr. LeDuc stated to date the Aiken Corporation has been targeting Chesterfield Street. The feeling of Aiken Corporation now is that, instead of scattering the money throughout the city for rehab, it might be better to concentrate in particular neighborhoods. Their

feeling presently is to concentrate any money that the city might loan to them in the Schofield area or Chesterfield area. The request of Aiken Corporation is for a loan up to \$250,000 for the rehab loan program. The recommendation of staff is that the city loan no more than \$125,000 at this time. The Aiken Corporation would use the same criteria they presently use in their loan program.

Mr. LeDuc pointed out what the Aiken Corporation has done on Chesterfield Street is exactly what the city was hoping would happen, which is private developers going into the area and redeveloping properties. Presently, two properties have been completed and sold, and the developer, Darren Bryant, is presently working on a couple of other homes. Mr. Bryant would like to do more houses. Mr. LeDuc stated requests are being received from other individuals who want to rehab homes. He said the more private investors do, the less the city has to be involved, and the hope is that eventually the area on the northside will become such a great market place that the city will not have to be involved. He said this is starting to happen. He said another individual wants to rehab houses on Marion Street and wants to develop some vacant property on Marion Street for new homes.

Mr. LeDuc stated the request before Council is a request from Aiken Corporation for a loan for them to continue their housing rehab program.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve a loan of up to \$125,000 to the Aiken Corporation for their revolving loan rehabilitation program.

Councilwoman Clyburn expressed concern about the request. She pointed out earlier this year the city was considering taking funds to put into the Schofield area versus following the city's established plan to go from Toole Hill to Edgewood. She said she sees the request as another way to get around following the city's plan. She pointed out the Schofield area was not the high priority area that Council established. She said she represents both areas and has no problem with the request, but she said the priority established was to go from Toole Hill to Edgewood. She felt the loan would be taking money from Edgewood to put into a third area, the Schofield area. She said she wanted to make Council aware of this discussion, which was just a few months ago.

Councilman Cuning, representing the Aiken Corporation Housing Committee, stated the Aiken Corporation has a request from another individual who wants to rehab a house in the Schofield area similar to what is being done on Chesterfield Street. He said the Aiken Corporation has loaned all its money on Chesterfield Street, so they were making a request for additional funds to help the individual in the Schofield area. He pointed out this program is different from the city's program, in that the individual has to come up with 20% of the funds to rehab a house. He said rehabbing the houses gets the property on the tax books. He said he felt this was a way to get more houses rehabilitated and to get houses rehabilitated in the Schofield area like the Chesterfield area while the city is going through the process for its program in Edgewood.

Council discussed the request at length, discussing the city's plan for rehabilitation and the areas and priority of the areas which include Toole Hill and Edgewood and where the requested money would come from. Mr. LeDuc pointed out that as the city sells lots on Toole Hill and in Asheton Oaks the money would go into the northside redevelopment fund, which would be like a revolving fund for the city.

Councilwoman Price pointed out that residents of Edgewood had appeared before Council and asked for help in their neighborhood. She said Council had committed to those residents that after Toole Hill, then Edgewood would be next on the list. She said Council did not want to go back on their commitment to Edgewood.

Mr. LeDuc then reviewed for Council the proposed schedule. He said there are commitments to 10 houses in the Toole Hill area for rehab. He said staff will be going to the Edgewood area on Thursday to identify which houses need to be rehabbed and which lots the city may want to buy. He said some money will be spent in Edgewood soon. He pointed out it takes a long time to go through the process of purchasing property,

identifying the owners, and then negotiating with the owner for the purchase of the property. He said the city probably will not be through acquiring property in Edgewood until the summer. This means the city might be able to rehab one or two properties in Edgewood this fiscal year. He said the process takes a long time. He pointed out the city is committed to Edgewood and plans are set up. He said he was not sure the city would need all \$269,000 which is for rehab at this time, because of the time the process takes. He said some of the funds will be used in Toole Hill and some in Edgewood.

Mayor Cavanaugh stated it seemed to him that there is a house in Schofield that can be worked on immediately. He said the city does not have houses in Edgewood that could be worked on immediately, and it will take until spring for the city to be ready for rehab in Edgewood. He said it seemed there would be time to go ahead and work on the Schofield house before the city is ready for Edgewood.

Councilwoman Clyburn stated she had met with the people in Edgewood and told them that the city had indicated that they were willing to work on Toole Hill and Edgewood, but that Toole Hill needed more work so Toole Hill would be done first, and then within a two year period the city would be in the Edgewood area. She said the people in Edgewood are waiting for the city to come to their area. She said in the meantime a group has identified property in the Schofield area that needs work. She said the group came before Council and wanted money to do the Schofield area simultaneously with Toole Hill. At that time Council wanted to follow the plan and go with Toole Hill first. She said now Aiken Corporation has one house and wants to do some houses in the Schofield area. She said it looks on the surface to people that the city has started on this neighborhood before going to Edgewood.

Mr. Wade Brodie, Chairman of the Aiken Corporation, stated it seemed there were two points, the city's obligations to some areas and the charge of the Aiken Corporation, to increase housing density downtown. He said the Aiken Corporation has been extremely successful in its housing program and would like to start rehab in another target area. He said they are asking the city to lend them some additional money for the Schofield area without hurting the Edgewood project. He said, with the city's timeframe getting started in Edgewood, it would allow the Aiken Corporation to work in another area while the city is getting ready for Edgewood.

Councilwoman Clyburn stated she understood what the Aiken Corporation wanted to do and she did not want to get in the way of progress of fixing up anything. She said she just wanted Council to understand the dynamics of what will happen when the public hears the city has allocated funds to renovate homes in the Schofield neighborhood before the city does any homes in the Edgewood neighborhood. She said the money which might be given to Aiken Corporation for Schofield could be used by the Aiken Corporation in Edgewood as that community is waiting for help. She said she did not have a problem with what Aiken Corporation wants to do, but she did want to call attention to what is going on, the dynamics, the perception, and the politics of the matter. She said she did not want to stand in the way of progress, and anything Aiken Corporation would do in the area would be progress. She said her concern is the perception of what is being done if the city loans the Aiken Corporation money to renovate homes in the Schofield area.

Mr. LeDuc stated the city would be in the Edgewood area in a few weeks, buying property and talking with owners. He said once the city does that the residents could see the city is moving forward, and then that might be a better time to consider the request of Aiken Corporation for a loan.

After much discussion the Aiken Corporation withdrew their request for a loan for funds for rehabilitation in the Schofield area.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 P.M.



Sara B. Ridout

City Clerk