

Aiken City Council MinutesREGULAR MEETINGJune 11, 2007

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

Others Present: Roger LeDuc, Gary Smith, Ed Evans, Glenn Parker, Anita Lilly, Larry Morris, Pete Frommer, Sara Ridout, Tony Baughman of the Aiken Standard, and about 40 citizens.

Mayor Cavanaugh called the meeting to order at 7:01 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session and regular meeting of May 14, 2007 were considered for approval. Councilman Wells moved that the minutes be approved as submitted. The motion was seconded by Councilman Smith and unanimously approved.

PRESENTATION

Healthy South Carolina Award

ARMC

Aiken Regional Medical Centers

Wellness Program

Healthy Lifestyles—No Excuses Program

Health Care Management Award

Mayor Cavanaugh said the City and Aiken Regional Medical Centers had received the Health Care Management Award. He asked Mr. LeDuc to make the presentation to Council.

Mr. LeDuc stated the Aiken Regional Medical Centers and the City of Aiken recently received an award from the Governor's Office for their community health care management program. This award was received for the "Healthy Lifestyles – No Excuses Program" and the Wellness Check Program which have led to a significant decrease in employee absenteeism and reduced health care costs through the City of Aiken. The Aiken Regional Medical Centers for several years have been working with local industry and the City on wellness programs and have had many doctors and others working with the City on improving the wellness of city employees.

For several years the Aiken Regional Medical Centers have embarked on providing work place wellness services to several corporate neighbors. The City of Aiken was the first to launch this wellness program for its employees. The Governor gave the award to the Hospital and the City for being a pioneer and for the many things being accomplished through this program. Through the City's Wellness Committee, ARMC provided on-site cardiac screening free of charge with a follow up by a physician and their nurse educator. ARMC also provided speakers for lunch and learn sessions to provide nutritional counseling, diabetes management, and other pertinent topics. In cooperation with the hospital we have also provided wellness checks to every employee with the City of Aiken. The wellness check not only assesses certain health indicators, but also looks at other factors which indicate whether the employee really is following through with the city's healthy lifestyle plan. The results of partnering with the City includes over 98% of the employees participating in the wellness check, several taking advantage of the weight

management program, with an average weight loss of 13 pounds, and many who did not have a regular doctor have established one.

During the last three years the City of Aiken has seen a 22% decrease in absenteeism and a decrease in the Workers Compensation by 40%. This partnership between ARMC and the City has led to the government being credited with good stewardship and leading the way to saving taxpayer dollars. This has resulted in impressive financial results, but most importantly the City is meeting its goal of preventing the unnecessary death of employees due to an undetected but preventable or treatable disease. These employees now seek medical care more often and monitor any chronic conditions they may have more closely.

Mr. LeDuc stated through Aiken Regional Medical Centers we now have a statewide leader in the health care business. Currently they are working with a number of other businesses providing this same level of care. ARMC is not only saving lives, but they are improving the quality of life of many within our community. We congratulate Aiken Regional Medical Centers for receiving the South Carolina Health Care Management Award for 2007. He also thanked Council for their support for the wellness programs the City has had.

### TENNIS COURTS

Weeks Center

Weeks Tennis Center

Virginia Acres

Mayor Cavanaugh stated Council needed to consider approval of additional tennis courts at the Weeks Tennis Center.

Mr. LeDuc stated that at the last meeting Council heard a report from staff on moving forward with the Tennis Center. He stated the original master plan for the Tennis Center at Virginia Acres included sixteen courts: eight clay courts and eight hard courts. There are currently twelve courts at the Center, six of which are clay and six which are hard courts. We now have the funds available to complete the four remaining courts.

At the last work session Council discussed whether to build four additional clay courts, four additional hard courts or two clay and two hard courts. Several individuals from the tennis community were at this meeting and stated that due to the high demand for the clay courts that all four of the additional courts be built as clay. A petition was signed by those using the Tennis Center asking Council to approve four clay courts. Information was also given to Council for review concerning the tennis courts, along with their utilization over the last several weeks showing the high demand for the clay courts versus the hard courts. It was stated at the last meeting that whenever there is a tournament or city league play, there are no available clay courts for open play.

It costs approximately \$10,000 more per court to build the clay courts, and these additional funds are available through One Cent Sales Tax. They also require higher maintenance cost per year of approximately \$4,000 per court, and a new individual is included in this year's budget to help with this maintenance. We have also included a report that we previously gave to City Council from the Tennis Coach at South Aiken High School concerning his feelings of the need for additional hard courts. He stated that due to the sequencing of high school matches that the six courts are adequate for their needs. In addition, the City has four existing hard courts nearby which are being upgraded and can be used by the general public at no cost. He said there are 8 hard courts and 8 clay courts at the Tennis Center. He said Council needs to decide whether the 4 additional courts will be 4 hard, 4 clay or a combination of courts. He said funding is available for the courts. He said with the clay courts costing more to build and more to maintain, a consideration in the future will be whether to charge more for use of the clay courts.

Council discussed the matter of whether to build clay or hard courts. Councilwoman Vaughters stated if the city is going to redo the other 4 hard courts so there will be 10 hard courts, then when there is a match another team could practice so this would make adequate courts. Council then briefly discussed the maintenance of the clay courts and

their concern about one court being down for some time and whether this would be a problem in the future.

Mr. LeDuc pointed out there was a request in the proposed budget for an additional person for maintenance of the tennis courts. He pointed out the clay courts do require more maintenance and are more problematic than hard courts. He said, however, the clay courts are more in demand by the tennis players and the courts are easier on the players. He said especially the older tennis players want to play on the clay courts. He said there is no comparison in the utilization rate for the hard courts and the clay courts, with the clay courts being the most used.

Mayor Cavanaugh and Councilman Smith stated they were in favor of going ahead with 4 clay courts. Mayor Cavanaugh pointed out the city has additional tennis courts at Smith-Hazel, Eustis Park, and there are some courts on Burgundy Road.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve the addition of four clay tennis courts at the Weeks Center.

ANNEXATION – ORDINANCE 06112007

East Pine Log Road 1309

Banks Mill Road

Boots, Bridles, and Britches

Dickerson, Charlie F.

Dickerson, Louise M.

TPN 137-17-05-005

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 1309 East Pine Log Road.

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 5 ACRES OF LAND, MORE OR LESS, OWNED BY CHARLIE AND LOUISE DICKERSON AND TO ZONE THE SAME PLANNED COMMERCIAL (PC).

Mr. LeDuc stated the Planning Commission has unanimously approved the annexation of a 5 acre tract of land on East Pine Log Road east of Banks Mill Road as Planned Commercial zoning. The subject property is part of a larger 14 acre tract to be acquired by the contract purchaser. They intend to build an equestrian related retail store on the five acre tract, and at this time they do not know their future plans for the other 9 acres. For this reason they are only asking for the approval of annexation of the 5 acres along Pine Log Road.

The proposed owner currently owns and operates a retail store called “Boots, Bridles, and Britches” in Grovetown, GA and would like to expand their operation to Aiken. They plan to partner with Purina Mills to open a 19,000 square foot Purina Premier Store along with their specialization in meeting the needs of both the horse and the rider. This development is consistent with the Comprehensive Plan for this area. Only one curb cut is desired, and provisions have been made for inter-parcel connection to the undeveloped tract to the east.

The Planning Commission recommended this project with the following conditions:

1. that a plat corresponding to the proposed five-acre parcel boundaries be recorded at the RMC office and submitted to the City.
2. that the annexation be contingent upon the sale of the property to the contract purchaser;
3. that the development comply with the Planned Commercial provisions in 4.3.8 of the Zoning Ordinance;

4. that the concept plan be revised to show the 10-foot-deep undisturbed buffer with the statement that "additional trees and shrubbery will be planted as required by the Planning Director to form a dense evergreen buffer;
5. that the elevations and narrative be considered part of the Concept Plan;
6. that the applicant and contract purchaser sign an agreement with the City listing any conditions and that the agreement be recorded at the RMC office; and
7. that all conditions be met within 180 days or the approval shall be considered null and void.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved that Council approve on second and final reading an ordinance to annex 5 acres of land at 1309 East Pine Log Road as Planned Commercial (PC) with the conditions contained in the ordinance.

ZONING ORDINANCE AMENDMENT – ORDINANCE 06112007A

Attached Housing

Housing

Residential Single Family Attached (RSA)

Single Family Housing

Amendment

RSA

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding attached housing.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING ATTACHED HOUSING.

Mr. LeDuc stated last September City Council discussed an ordinance to amend the Zoning Ordinance regarding attached housing. In recent years there has been a major influx of attached housing units built in the city limits. For this reason the Planning Commission decided that a new zoning classification of Residential Single Family Attached (RSA) should be created.

Attached Single Family housing is currently permitted in the RML and RMH zones and this would be eliminated from these two zones. The new ordinance would require any attached housing project to go before the Planning Commission and City Council for approval, with a Concept Plan showing the building facades. Within these new regulations design standards have been created to promote variations in the appearance of these units from the primary street on which the units face. The design standards also require a street layout, roof line variation and pitch, garages, building materials, building setbacks, separation, open space and tree preservation.

At the meeting in September, Council had concern about some of the regulations and asked staff to bring back further information regarding the median width and parking in the rear of all the attached dwelling units. Those regulations state under the Driveway Section that the driveway on a lot of 30 feet or less may not exceed 9 feet in width, and we are recommending 12 feet. In addition landscape medians were required to be at least 40 feet in width. We have changed that to state that a landscape median should be at least 20 feet in width after review of several other developments and discussion with City Council at the April 23, 2007 work session. At that work session Council also asked that we consider substituting a landscaped median for open space in excess of the minimum of 20% required to be used as a recreation area. These provisions have been modified to give Council the ability to ask for a landscaped median, or open space, or a combination thereof.

The Planning Commission voted 5 to 1 in September to approve the ordinance.

City Council approved this ordinance on first reading at the August 28, 2006, meeting. For City Council consideration, this is second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding attached housing.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council pass on second and final reading the ordinance to amend the Zoning Ordinance regarding attached housing.

Councilman Wells stated he appreciated the proposed changes in the ordinance recommended by the staff after Council's discussion, especially reducing the 40 foot median to 20 feet. He said one of his concerns had been adding to the cost of the homes and getting them out of the price range for young people or senior citizens. He said another concern is the varying of the roof line on the units which would give the appearance that one unit is above grade and one below. He pointed out the proposed ordinance would allow only 50% of the units to have entrances at grade. He said he felt the varying of the roof line would give the appearance that the units were above grade. He said his concern about this is that a lot of these units are used by elderly people, and he felt they would prefer the at-grade as opposed to steps into the unit. He said perhaps that could be altered and allow the units to be built at grade, which would reduce the cost, and just vary the roof line, which would give the appearance that one was above and one below grade. He said the proposed ordinance requires the roof line to be varied as well as the grade level, which adds to the cost of the units. He asked if the entrances could be left at grade and just vary the roof lines. He said he was asking that item 4 under C. Design Standards for Buildings be deleted.

Council then discussed the matter at length. It was pointed out the reason for the varying of the roof line and elevation was to vary the appearance so there is not just a row of housing.

Mr. Ed Giobbe of the Planning Commission was asked to speak on why the Planning Commission asked for varying the grade as well as the roof line. He stated the intent of the proposed ordinance was to have the ability to require a variation in attached housing so there is not just a row of housing. He said, however, he felt the reason for the clause concerning the steps above grade was to ensure that visually there would not be a row of identical units even though the roofs are varied. He said he felt the clause was a good idea and would only be required for 50% of the units.

Mr. Steve Kisner, a local developer, stated many of the homes he builds are for elderly people, and one of their criteria is to have no steps into the home. He pointed out that in many cases the land is not complexly level, so the units being built will have a variation in the roof line. He said if the slabs are at the same level the only way to alter the appearance of the roof line is to stagger the units from front to back, have a different pitch, or make the units deeper. He said from a builder's point of view he would prefer that Council not restrict the number of steps into the unit, but leave it up to the designer, architect or builder to stagger the roof lines. He said he felt the requirement for no more than 50% of the units to have entrances at grade could be deleted from the ordinance, but still require the roof lines to be varied.

After much discussion Councilwoman Price and Councilwoman Clyburn agreed to amend their motion that the ordinance be passed on second and final reading and that item 4 "Entrances to Units" under C. Design Standards for Buildings be deleted from the ordinance. The motion was unanimously approved as amended.

#### WATER AND SEWER RATES – ORDINANCE 06112007B

Water Rates

Sewer Rates

Utility Services

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to increase the water and sewer rates.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING NEW CHARGES FOR WATER AND SEWER SERVICE.

Mr. LeDuc stated over the last ten years the water and sewer expenditures have increased at a 4.3% rate, while the revenues have only increased at a 1.8% rate. This imbalance has led the City to experience a shortage in manpower and falling behind on some of our infrastructure improvements. When comparing the City of Aiken's water and sewer rates with other major cities in the state and those within our area, Aiken's rates are 52% below the state's average and the second lowest in the state.

Over the last several years there has been an increase of 9.5% per year for electricity and 15.5% for chemicals. The Aiken County Public Service Authority, which treats the city's sewage, has also increased their cost at 5% or more during the same period. This year our cost without capital is 5.2% over last year. For these reasons staff is recommending a 5% increase in water and in sewer rates effective for the July 1, 2007, billing. This would amount to an average increase of \$1.50 per month for typical city users. Those using less water and sewer would pay a smaller amount, and those who have higher usage would pay a higher amount per month. These rates will still leave us as the second lowest city for water and sewer rates in South Carolina.

The public hearing was held and no one spoke.

Councilwoman Vaughters stated that she felt that taxes is money paid to the government and that when fees are raised, in effect taxes are raised. She felt raising water and sewer rates would affect the poorest people the most. She stated the proposal would raise about \$250,000. She pointed out the land the city sold to Bill Gingrey for \$83,000 sold three weeks later for \$330,000 and this was money the City could have had rather than increase rates. She said she was proud Aiken has the lowest water and sewer rates and she will not support the increase in rates.

Mayor Cavanaugh stated no one likes to raise fees or taxes. He said the history shows the city has not raised property taxes in 18 years. He said with Aiken's rates so low, it is time to do something to meet the increased costs for operation. He said with fees the person has the opportunity to adjust the amount of water used to avoid a big increase.

Councilman Wells stated he felt there were two options, raise the service fees to cover the costs or raise taxes. He said both will come out of the pockets of the consumers.

Councilman Sprawls moved, seconded by Councilman Wells, that Council pass on second and final reading an ordinance to increase water and sewer rates by 5% effective with the July 1, 2007, billing. The motion was approved by a vote of 5 to 2. Those in favor of the motion were Mayor Cavanaugh and Councilmembers Price, Smith, Sprawls and Wells. Opposed was Councilmembers Clyburn and Vaughters.

GARBAGE SERVICES – ORDINANCE 06112007C

Garbage Fee

Garbage Rate

Commercial Garbage

Sanitation Services

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to increase the commercial garbage service rates.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 32 OF THE AIKEN CITY CODE REGARDING COMMERCIAL GARBAGE SERVICE.

Mr. LeDuc stated over the last several years our commercial garbage rates have not kept up with the increase in costs, especially with rate increases at the landfill of 13% and fuel increases of 99% over the last three years. We have now fallen approximately \$120,000 from full cost recovery and are recommending rate increases over the next three years of approximately 33% each year. He said staff will come back to Council in about February with a report on what the increase is doing for the city's revenue and how it is affecting the commercial customers. He said if the same disparity is seen between the city's cost and the revenue received, staff will come back recommending another rate increase.

With this change we are also suggesting that the commercial rate system charge not only for the cubic yards collected, but for the number of trips made to service a customer. This is a much fairer system, and for some customers will actually decrease their rates, while for others it will increase their rates, depending on the number of trips that are made. In either case, it will be an accurate way of accessing user fees by the volume of garbage and the number of service trips required per week.

Mr. LeDuc stated that several years ago Council allowed private businesses to contract with an outside vendor for commercial garbage pickup, so the City did not have a monopoly on commercial garbage pickup.

The public hearing was held.

Mr. Dennis Dureksen, 165 Double Eagle Street, commended Aiken for a wonderful city and for the wonderful staff Aiken has. He said in his business career he had done some work in trucking. He said the set up Aiken has for commercial garbage pickup allows the private vendors to select the customers they want. He pointed out the city has an investment in equipment, people and systems. He felt the city will be faced with decisions in the future as to whether the city can continue in the commercial garbage pickup. He suggested that the city allow staff to reexamine the policy of allowing private contractors to pick up commercial garbage. He suggested that the city is picking up the heavy loads, which is costly, and the private vendors are picking up the lighter loads and making more money.

Mr. LeDuc pointed out Mr. Dureksen is familiar with the situation, since he worked with the city for several months doing an analysis for the city for commercial garbage pickup as far as revenue and costs. He pointed out that only a few years ago Council decided to allow private vendors to pick up commercial garbage and have a choice. He said, however, there is a cost involved. He said when private vendors were allowed, about 20% of the commercial accounts left the city, including a number of apartment complexes. Because the city's current fees are based on a cubic yard basis, it is cheaper for the customer to have a private vendor pick up the large apartment complexes. He said with the new proposed rate, however, the customers with multiple dumpsters will have a lower rate than previously charged. He pointed out with the new rates some customers will pay more while others rates will be lowered. He said after a few months Council can review what is happening as far as revenue and cost and decide if other changes need to be made in commercial garbage pickup.

Council discussed the proposed rate increase and change in system for calculating the fee for garbage pickup. It was pointed out staff will be looking at the results of the rate increase in about six months to see the results of the changes in the fees and system and report to Council. They also discussed private contractors picking up garbage in the city and whether private contractors should be allowed to pickup inside the city or not, and also, whether the city is more responsive to the customers than private contractors.

Mr. Mark Hudgins also spoke on the matter and asked for a comment on the use of the biodiesel fuel program to help lower the high fuel cost. He also asked about the fee at the Three Rivers Landfill.

Mr. LeDuc responded that the city trucks are now using the biodiesel fuel, but this has been for less than a year. He said the city does not pay a tipping fee at Three Rivers for residential garbage, but does pay a tipping fee at Three Rivers for commercial garbage.

Councilwoman Price moved, seconded by Councilman Wells and unanimously approved, that Council pass on second and final reading an ordinance amending Chapter 32 of the Aiken City Code regarding commercial garbage service fees.

GARBAGE SERVICE – ORDINANCE 06112007D

Garbage Rate

Garbage Service

Garbage Fee

Residential Garbage Service

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to increase the charges for residential and small business garbage service.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING NEW CHARGES FOR RESIDENTIAL AND SMALL BUSINESS GARBAGE SERVICE.

Mr. Leduc stated several years ago Council agreed that we should achieve full cost recovery for the services rendered for garbage, stormwater, sewer and water. Four years ago, City Council's goal was to increase the rates from the current \$12.50 to full cost recovery. The plan was to increase the rates over the next several years until the revenue was equal to the expenditures. However, during this time we decided to change both our collection system for residential garbage and yard waste. For this reason we delayed any increases until the new system was fully implemented.

We have now fully implemented these changes and are still experiencing a revenue short fall of several thousand dollars yearly. A recent survey indicates that all private services in Aiken County (all which do not offer trash services) and other cities that fully recover their cost are a minimum \$4 higher than what the City currently charges.

To fully recover our costs, we are recommending an increase of \$1.50 per month this year, followed by additional increases the following years, until we fully recover our cost for solid waste. Mr. LeDuc pointed out that for full cost recovery the cost would be about \$16.50 to \$17.00 per month per resident. He said a comparison of other cities showed the lowest fee to be \$16.47. He pointed out the private service without trash service or recycling service is \$15 to \$17 per month in the area.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Price, that Council pass on second and final reading an ordinance to increase the solid waste fees for all residential and small business customers by \$1.50 per month, and that the ordinance become effective on the July 1, 2007 bill. The motion was approved by a vote of 5 in favor and 2 opposed. In favor were Mayor Cavanaugh and Councilmembers Price, Sprawls, Smith and Wells. Opposed were Councilmembers Clyburn and Vaughters.

MILLAGE RATE – ORDINANCE 06112007E

Budget

71 Mills

FY 2007-08

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set the millage rate for Fiscal Year 2007-08.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES AND FOR CAPITAL DEVELOPMENT PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, SET THE MILLAGE

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

Mr. LeDuc stated every year City Council adopts a budget for the following year and also a separate ordinance which establishes the millage rate to meet the budget needs. This year the millage rate will change once we have received the reassessment data from the County. Until that time we are requesting City Council to consider the approval of an ordinance establishing the millage rate at 71 mills. With the adoption of this millage rate the City will have experienced 19 consecutive fiscal years without a millage rate increase. Over this 19 year period we have actually reduced the millage rate on four separate occasions, three times as a result of reassessment from 120 mills to the current 71 mills or over 40%. This is in spite of revenue losses from telecommunication fees and vehicle taxes amounting to well over \$1 million a year. Although we have had to pay careful attention to keeping funding at an adequate level to continue the city services, we are happy that we have been able to control raising taxes for 19 years, and we attribute our success to the careful stewardship of these funds.

The current millage rate (which will change in the fall) most likely will be reduced from the current 71 mills. It will be based on the Consumer Price Index for the past 12 months and our growth within the city, which is currently estimated to be at 5.2%. Again, this information will be brought back to City Council at the appropriate time to establish the new millage rate.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve on second and final reading an ordinance setting the millage rate for the year 2007-2008 at 71 mills.

BUDGET – ORDINANCE 06112007F

Budget  
FY 2007-08

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to adopt a budget for Fiscal Year 2007-08.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADOPTING A BUDGET PROPOSED BY THE CITY MANAGER, CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, AND ENDING JUNE 30, 2008, AND DECLARING THAT THE SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR.

Mr. LeDuc stated each year City Council adopts a budget for the City of Aiken representing the policies and goals for the city's upcoming year. We have prepared and are recommending a budget for fiscal year 2007-2008 for City Council's acceptance which we feel meets the goals which Council has established.

At the budget review session on May 7, 2007, Council had the opportunity to review the budget in detail. As in years past, the budget has been developed based on the needs and services to serve the citizens plus the goals that Council adopted from the Horizons session.

In the budget we are recommending water and sewer and solid waste increases. This is to help the city meet one of the goals, which is full cost recovery for services rendered. We are currently 52% below the state average for water and sewer rates and a minimum of \$4 lower than surrounding private service providers and cities for solid waste fees.

The major new expenses within this year's budget include funding for a Succession Management Program as many of the senior staff members approach retirement, funds for a historic survey of houses within Old Aiken, the start up of architectural drawings for

the expansion of City Hall, the hiring of EMTs for each of our Public Safety shifts, some funding for the Victim Advocates Center, the completion of the PRT master plan, and new software for Public Safety and Parks and Recreation. The Rye Patch renovations will continue, and new anti-theft security measures will be provided at the Hall of Fame building, along with a new fire alarm system at many of our existing Parks and Recreation facilities. We will continue with this year's budget for funding of a Washington, DC consultant, façade grants, a spay/neuter program, support of the Library, Best Friend, ADDA, Character Education, Northside Rehabilitation, the Senior Citizen Tax Write Off Program, post retiree health benefits, and the Wayfinding System.

In the budget we are recommending five new full-time employees and four-part time employees, plus moving four part-time employees to full-time. Seven of these employees will be working for Public Safety, six of which will be full-time.

Some of our major expenditures include over \$100,000 in planning studies, 14 police vehicles, over \$4 million for benefits and insurance, \$470,000 for new software for Public Safety and Parks and Recreation, and \$200,000 for telephone equipment replacement.

Our Utilities Budget includes funding for a new well at Pine Log Road, \$950,000 in water equipment, building improvements and vehicles, and \$525,000 for wastewater improvements, all of which are maintenance items. From the One Cent Sales Tax the City intends to move forward with several water and sewer rehabilitation projects, funding for the bandshell, streetscape work, Pawnee Road connector from Pine Log to Neilson, Public Safety Station No. 5, Hitchcock Woods drainage and street resurfacing. These projects should help to develop and energize Aiken with several activities supporting our quality of life.

The public hearing was held and no one spoke.

Councilwoman Clyburn thanked staff for all the work on the budget. She felt the proposed budget is a good budget and that there are many wonderful, meaningful projects in the budget. She said one of her favorite projects is the EMT Program which is included in the budget. She said she had voted against the rate increase for water and sewer and garbage because she felt the increase would be a hardship for some citizens who already have difficulty paying their water bill. She said, however, she felt there were many good things in the budget and she wanted to support the budget.

Councilwoman Clyburn moved, seconded by Councilman Sprawls, that Council pass on second and final reading an ordinance to approve the budget for the City of Aiken fiscal year 2007-2008, to become effective July 1, 2007. The motion was approved by a vote of 6 in favor and 1 opposed. In favor were Mayor Cavanaugh and Councilmembers Clyburn, Price, Smith, Sprawls and Wells. Opposed was Councilmember Vaughters.

#### ANNEXATION – ORDINANCE

Gem Lakes

Huron Drive

Moultrie Drive

TPN 107-05-15-005

TPN 107-05-15-002

TPN 107-05-15-003

TPN 107-05-15-004

TPN 107-09-01-002

TPN 107-09-01-003

Silver Bluff Road

Regions Bank

Kisner, Steve

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 29.7 acres of land south of Gem Lakes off Huron and Moultrie Drives with RS-15 zoning.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY REGIONS BANK AND LOCATED SOUTH OF GEM LAKES SUBDIVISION ON HURON AND MOULTRIE DRIVES AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated Regions Bank, owner of 29.7 acres of land south of Gem Lakes off of Huron and Moultrie Drives, would like to annex this property under the RS-15 zone. The Planning staff feels this is an appropriate zoning since it is next to Gem Lakes which was recently annexed as RS-15. Based on the proximity to Gem Lakes it would be difficult to incorporate this area as PR, primarily because of the open space requirements for that type of zoning.

This land had previously been used as the spray field for the sewage lagoons for Gem Lakes. Larry Morris, who had similar experience with this type of operation while in private practice, has no concern regarding the former use of this land as a spray field. The land is currently under the RC zoning in the county, which allows single family dwellings and other miscellaneous uses associated with a single family neighborhood.

The Land Development Regulations require a road stub out for interconnection with adjacent undeveloped property. However, this was discussed at the Planning Commission meeting and the Planning Commission members decided a stub out was not necessary.

The Planning Commission approved the annexation of this property by a 5 to 2 vote with the following three conditions:

1. that the annexation be contingent on the purchase by the contract purchaser;
2. that the applicant and contract purchaser sign an agreement with the City listing any conditions and that the agreement be recorded at the RMC Office prior to the annexation taking effect; and
3. that all conditions be met within 180 days or the annexation will be null and void.

Mr. LeDuc pointed out that a letter had been received from Steve Kisner and Todd Gaul regarding some commitments they would make in developing this property adjacent to Gem Lakes as RS-15. Mr. Kisner was asking that the property be zoned RS-15 rather than Planned Residential for the following reasons:

1. Gem Lakes is currently RS-15
2. The 29.7 acres is the final phase of Gem Lakes.
3. The acreage is an extension of Gem Lakes. Two existing roads within the subdivision will be extended. No new roads will be built.
4. All new lots will be a minimum of 1/2 acre.
5. All new home sizes will be a minimum of 2,000 sq. ft. with garages.
6. There will be between 30 and 40 lots.
7. There will be approximately 3.5 – 4 acres of green space that will be an existing wetlands area and storm water detention.
8. Gem Lakes currently has a large recreational facility that requires property owners to be members. This property will request membership to that recreation association.
9. The shape of the property is such that it does not lend itself to the requirements of Planned Residential zoning.

Mr. Kisner also provided a preliminary development plan. He stated engineering and approved wetlands delineation have not been completed, however they are committed to the criteria stated in the letter.

Mr. LeDuc stated that with RS-15 zoning Mr. Kisner would not be required to build the development just like the proposed layout. He pointed out Mr. Kisner has stated in the letter that he was willing to commit to only 30 to 40 lots on the property to be annexed.

He said if Council wanted to reference Mr. Kisner's letter in approval of the annexation, that could be part of the agreement for the development.

Since there were citizens present who wanted to speak on the issue, Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council suspend the rules and allow the citizens to speak on first reading on the request for annexation.

Mr. Kenneth Yates, 1266 Moultrie Drive, stated that at the Planning Commission meeting there were several comments about a proposed stub out. He said their concern was that a proposed stub out to an adjacent development, which has many more houses than proposed by Mr. Kisner, would increase traffic dramatically on Moultrie Drive. He said he was opposed to a stub out to the adjacent property.

Mr. LeDuc pointed out the proposed stub out is not a proposed condition for the development.

Mr. John Lockwood, 1265 Moultrie Drive, stated his lot adjoins Lot 1 on Mr. Kisner's development. He commended Mr. Kisner for the preliminary plan presented and for his willingness to work with the residents in the area. He pointed out previously Council had stated in the Comprehensive Plan that there would be no shopping center south of Centre South. However, currently a shopping center is being developed at Woodside. He was concerned that once property is zoned a particular zone that Council has no control over the property except what is allowed in that zone. He was concerned about some issues regarding previous decisions dealing with RS designations versus Planned Residential. He pointed out Kemper Downs on Pine Log Road, which is a very unattractive area. He was concerned about RS-15 zoning with no constraints. He said he was thinking of a consideration for either Planned Residential or possibly a compromise where Mr. Kisner's letter could be included as part of the restrictions for the property if it is zoned RS-15. He said they have concerns about the size of houses to be built, the type of house, the amount of green space, trees that need to be saved, and a buffer between the current property. He was concerned that if Mr. Kisner sells the property, the next person may not have the same vision as Mr. Kisner for the property. He said the residents want to have the development consistent with Gem Lakes. He said the property is proposed to be marketed as an extension of Gem Lakes, so there is a certain established character for Gem Lakes that needs to be retained. He said he would like to see Council provide some framework to ensure that the character of Gem Lakes is retained. He said he would like to see the letter from Mr. Kisner become a part of any approval by Council. He said the letter is not as rigorous as Planned Residential, but there is some measure of regulation for the proposed development.

Mr. LeDuc stated if Council wishes and Mr. Kisner is agreeable, the letter and preliminary plan could become a part of any motion to approve the annexation, and the Planning Department could use the letter in reviewing plans for the development. He said the letter is not a Planned Residential, but it is a commitment to do certain things in the proposed development.

Mr. John Connelly, 232 Springwood Drive, stated he was not directly adjacent to the proposed development, but is on the other side of the lake. He said, however, he felt what happens there will affect the entire Gem Lakes community. He asked what items in the letter from Mr. Kisner would be legally binding on the development. He asked if it is proposed that the new development be a part of the Gem Lakes Recreation Association. He asked if the deeds on the property will reflect the requirement to pay the Recreation Association dues for Gem Lakes.

Mr. Gary Smith, City Attorney, pointed out the City cannot require Gem Lakes to allow the proposed subdivision to be a part of the Recreation Association. He said that would be a matter of negotiation between Mr. Kisner and the Association.

Ms. Laura Barsh, 1277 Moultrie Drive, asked if there could be a road from the proposed development to Silver Bluff Road, or a road connecting Moultrie to Huron, so that all the residents will not have to go in and out on Moultrie. She said when considering

annexation of Gem Lakes in exchange for the city buying the sewer system, a statement was made that if the area were annexed that Council would be in a position to control development and protect Gem Lakes. She said since the proposed development is an extension of Gem Lakes they would like for Council to keep their word and ensure that Mr. Kisner keeps with the proposed plan for the development. She said if Council approves the annexation the Gem Lakes residents would like for the letter and plan presented by Mr. Kisner to be a part of the approval process so the property cannot be sold to someone else and the other person develop something different. They were concerned that something else might be developed on the property other than what is being presented at this time. She was also concerned about Moultrie Drive being so long and ending in a cul de sac.

Mr. John Lockwood pointed out that the Planning Commission did not approve the full length of Moultrie Drive and ending in a cul de sac. He pointed out a variance has to be obtained for the length of Moultrie Drive ending in a cul de sac. He asked if it would be possible to have an easement at the end of the cul de sac over to Lakeside for emergency service access since this is close to where the Gem Lakes sewer treatment plant is located, which could also be used as a bike path or walking path.

Mr. Steve Kisner stated the letter and preliminary plan were presented as a consideration for Council's approval with the annexation. He said he would like for the items in the letter to be a part of the annexation approval. He then addressed the questions raised by residents in the area. He said he does not plan to put a stub out to the adjacent development. He said he was opposed to the stub out as well and spoke against it at the Planning Commission meeting. He stated in attending these public meetings he has found the residents in favor of saving trees. He pointed out that the builders also want to save trees to have a quality product that has value. He said saving trees increases the quality of the development. He pointed out most of the lots in the proposed development are in excess of 200 feet deep. He said he was committing to building a minimum house of 2,000 sq. ft. which means a large part of the lots will not be improved. He said it would be ridiculous to take the trees down on the lots. He said there had been a concern about property values. He said a 1/2 acre lot with a minimum of 2,000 sq. ft. house with a garage would be a minimum of a \$300,000 investment. He said he would assume that some of the lots in the development would be in excess of \$300,000. He said he felt this would help improve the property values of all the residents of Gem Lakes. He said he could not provide access to Silver Bluff from his property, as he has no property that accesses Silver Bluff Road. He said he did not feel that would be in the best interest of Gem Lakes any way. He said he had met with the Gem Lakes Recreation Association Board. He said for the options available for development of the property those present were in favor of RS-15 zoning. He said they discussed in detail the proposed lots being a part of the Recreation Association. The Board was in agreement that the lots be a part of the Recreation Association. He said he had committed that if they were included in the Recreation Association that it would be in the restrictive covenants that the homeowners of the lots would pay association dues. He said there was also discussion that if the lots are allowed in the Association if there was anything he could do as part of the development to help improve the Recreation facilities. He said at the time he did not see a lot of improvement that needs to be done, but he did state that he would be open to talk to the Board about including in the development some improvements to the recreational facility.

Ms. Laura Barsh asked again if there was a possibility of connecting Moultrie into Huron Drive so there will not be so much traffic coming down Moultrie and avoid having the long cul de sac on Moultrie.

Mr. Kisner stated connecting Moultrie with Huron so Moultrie is not so long a cul de sac is something that he can look at. He pointed out the plan presented is a preliminary plan that was done three years ago and no more engineering work will be done until the matter of annexation is determined. He said if the property is annexed and RS-15 zoning engineering work will continue. He said the road connection may be an option. He said he has committed to not having more than 40 lots. He pointed out the preliminary plan only shows 34 lots.

Councilman Smith stated he is a Planned Residential advocate. He said he understands Mr. Kisner is a good builder, however, with RS-15 zoning Council does not have the same kind of control as with Planned Residential zoning with a formal concept plan. He said he has a hard time agreeing that the property does not lend itself to the requirements of the Planned Residential zoning. He said he was concerned about not having a formal concept plan so if any changes are made the plan has to come back to Council for approval. He said he did not think getting a preliminary plan where engineering has not been done is the same as the formal plan. He said he thought Council had agreed as a policy that all new annexations would be Planning Residential.

Mr. Kisner then reviewed some of the Planned Residential requirements which he felt does not fit with the proposed development and why he felt the property should be zoned RS-15. "There should be no minimum lot size, no minimum percentage of lot coverage, and no minimum lot width in Planned Residential." He said he did not want that and felt there was a need in Aiken for one-half acre and above lots. "There should be a maximum building height of 35 feet in residential areas." He pointed out some of the lots are very sloped and if he builds a two-story house in keeping with Gem Lakes it would be possible some of the houses will exceed 35 feet in height. "Residential development within a Planned Residential project is intended to have a close visual relationship to the provide open space." Because the land is long and narrow and does require a long cul-de-sac he was not sure how to do that and design lots in the narrow shaped land. "The site planning of Planned Residential projects shall provide open space which provides for internal connectivity and is usable by the residents." He said he did not know how this could be done on a narrow piece of land. He said the property is not a large piece of land, and he wanted to emphasize that if the development is an extension of Gem Lakes then it should be RS-15 like Gem Lakes. "Open space should connect with similar open spaces on adjacent properties in order to promote an interconnecting network of greenways and trails." He said the adjacent property is all developed. He emphasized that Gem Lakes already has a large recreation facility for the residents. He said it would be to his advantage to be a part of the Gem Lakes recreation area.

Mr. Kisner stated if all new residential must be Planned Residential then why have the RS-15 zoning. He suggested that if all development has to be Planned Residential then Council should do away with the RS-15 option. He said for a new project to be zoned Planned Residential makes sense, but he feels that he is just expanding an existing subdivision that is zoned RS-15. He felt it was unreasonable for this property to have to be Planned Residential.

Councilman Wells stated he felt the proposed development was an extension of Gem Lakes and that it should be zoned RS-15 and the development should be done in keeping with Gem Lakes. He said if the property is done as a Planned Residential it would be done separately and would be different from Gem Lakes. He said he felt there was no way to annex the property and zone it PR and have it look like RS-15. He said in PR there is much flexibility in the lot size and flexibility for the builders in placing the houses on the property. He said with the proposed lot size the houses would be nice housing.

Councilman Smith stated he knew the housing would be nice. He said he accepts the concept of 30 to 40 houses on a 29 acre property. He pointed out a concept plan presents a plan of what will be on the property. He felt the property could be developed as PR, and he felt that would give security to the city and the residents of Gem Lakes of knowing what the development would look like. He stated the policy adopted by Council was that all new development would be PR.

Council then discussed briefly if the policy stated all residential developments over 4 acres would be PR. It was pointed out the preferred way for annexations was PR or PC, but Council has the ability to accept what they feel is best for the area.

Mayor Cavanaugh stated he felt Council had to be flexible and developments did not always have to be Planned Residential or Planned Commercial. He stated he felt the proposed development fits in with the RS-15 zoning. He said the letter presented to

Council and the preliminary plat could be included as part of the approval of annexation. He said he had no problem with the property being zoned RS-15.

Mr. LeDuc pointed out in the Planned Residential the developer could have 40 lots but decide to keep 10 acres as open space and cluster the homes so they are all on 8,000 sq. ft. lots. He said the understanding in PR is that clustering could be done, vary lot sizes, etc. He said he felt Mr. Kisner was trying to follow the typical development in Gem Lakes with the large lots.

Mr. Gary Smith stated if Council approves the annexation with RS-15 with the conditions that the development be as Mr. Kisner stated in his letter and on the preliminary plat, then Mr. Kisner would have to sign a developer's agreement that obligates him to follow the conditions that he committed to in his letter. Before any development on the property would be approved by the Planning Department Mr. Kisner would have to submit a development plan showing the development with the items listed in his letter.

Mr. LeDuc pointed out the development plan could change some in the configuration of the lots when the engineering has been done. The lots would still have to have a minimum of one-half acre and the houses at least 2,000 sq. ft.

Mr. Kisner stated as far as the road which Ms. Barsh has mentioned tying Moultrie into Huron, it might be possible and he would look at that. He said a road might help with the length of the cul de sac problem.

Mr. John Lockwood stated he looked at the proposed development more as a phased development of Gem Lakes rather than a new development. He said he could see the value of the Planned Residential, but he felt a more reasonable approach for this development would be to attach the letter and preliminary plat which Mr. Kisner had submitted and make it a part of the approval for the annexation for RS-15 zoning.

Mr. LeDuc stated if Council approved the annexation with the 9 conditions listed in Mr. Kisner's letter, this would basically be a hybrid between an RS-15 and a PR. He said it would be a RS-15 with conditions that would need to be met before the permitting would be allowed to go forward.

Council continued to discuss at length whether the zoning of the property should be PR or RS-15.

Councilman Wells stated he felt the development would become a part of Gem Lakes. He said in this situation he felt a hybrid needed to be used instead of it being totally PR where 20% green space is required. He said he would rather see large lots than see the houses clustered and 20% green space which he felt would be out of place in Gem Lakes.

Councilwoman Clyburn pointed out that the benefit of the large lots is that they lend themselves to giving the green space in each yard. She pointed out the lots are deep and even with large houses on the lots there will be a lot of green space in the back yards.

Mr. LeDuc asked who would own the 3 to 4 acres which would be left as green space. Mr. Kisner responded that at this time he did not know, but he would own it until he could work out something else. He stated the area is a wetlands and there will be a detention pond on about a half acre. Mr. LeDuc suggested that Mr. Kisner talk to Mr. Larry Morris about the 3 to 4 acres to be used as green space to see what the possibility might be and think about who might own the property.

Councilwoman Vaughters stated she was concerned about RS-15 zoning because in the past some developers have not done what they said they would do. She said a Planned Residential had a lot of flexibility and houses did not have to be clustered. She said Council and the developer could agree to have one-half acre lots. She said PR gives the neighbors security as far as what the development will be.

Mr. Kisner stated he felt it would be difficult to develop the narrow shape of the land as PR. He said he had committed to 9 conditions for development of the property as RS-15.

He said he had already set aside 3 to 4 acres as green space and could not see the need for additional acreage to be green space, especially in view of the fact that Gem Lakes has a large, nice recreational area. He said the large lots make a more attractive residential development than an area dedicated as green space that no one has claim to. He said in his proposed development with large lots the green space will be owned by the individual homeowners.

A question was raised as to whether the 20% green space for PR could be adjusted for the development. However, it was pointed out that Council could not vary from the provisions that are in the PR regulations, such as varying the 20% requirement for green space.

Councilman Wells stated he felt the plan and letter presented was a concept plan. He said, of course, the engineering might change some lots as some lots might be unbuildable. He said with the letter and the plat there is a basis for a concept plan. He said the letter states there will be no more than 40 lots, the lots will be no less than one-half acre, the houses will be no less than 2,000 sq. ft., and there will be 3 to 4 acres green space.

Council continued to discuss the annexation request and the zoning for some time.

Councilman Smith stated he had been defending Planned Residential, however, if Council could be assured that the 9 conditions listed in Mr. Kisner's letter would be enforceable and enforced by the Planning staff, he would approve RS-15 zoning.

Councilwoman Price stated the issue was to make the letter and the 9 items in the letter and the preliminary plan a part of the motion in approving RS-15 zoning. She stated she felt the proposed development is an extension of Gem Lakes and would fall more under the RS-15 category.

Mayor Cavanaugh pointed out Item 3 in the letter from Mr. Kisner. He stated one statement was that no new roads will be built. He said, however, with consideration of connecting Moultrie and Huron there might be a new road. It was suggested that that statement be removed from Item 3.

Councilman Wells moved, seconded by Councilwoman Price, that Council pass on first reading the ordinance to annex 29.7 acres located south of Gem Lakes including the preliminary plan and the conditions listed in the letter from Mr. Steve Kisner dated May 25, 2007, but deleting "No new roads will be built." from Item 3, and that a Developer's Agreement be prepared including the conditions in the letter and that second reading and public hearing be held at the next regular meeting. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

Councilman Smith stated he voted for the RS-15 zoning because of the arguments made by Councilmembers and because it does make good sense in this particular case not to require PR because it is an extension of an existing RS-15 area.

Councilwoman Vaughters stated she felt the plan was good, but she felt the area should be PR, and she did not want to give up the concept plan.

#### REZONING – ORDINANCE

Spencer Drive

Target Shopping Center

Aiken Exchange Shopping Center

TPN 00-158.0-01-009

TPN 123-05-02-001 (New)

Belangia, Sherwood

TCA, LLC

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration for rezoning of 4.1 acres at the rear of the Aiken Exchange Shopping Center from General Business and Limited Professional to Residential Multifamily High-Density (RMH).

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY TCA, LLC FROM GENERAL BUSINESS (GB) AND LIMITED PROFESSIONAL (LP) TO RESIDENTIAL MULTIFAMILY HIGH-DENSITY (RMH).

Mr. LeDuc stated the owner of the property along Spencer Drive at the rear of the Aiken Exchange Shopping Center (Target) would like to rezone 4.1 acres from General Business and Limited Professional to RMH. They would like to build a multi-family residential complex in this area which requires Special Exception approval from BZA if the portion remained GB. However, the portion that is LP cannot contain multi-family residential.

The 4.1 acres is divided by Spencer Drive with 3.76 acres to the north of the road consisting of 3.5 acres as General Business and .26 acres zoned LP. The .34-acre portion south of Spencer Drive is also zoned GB and is too small to be developed. In November, 2004, City Council approved the rezoning of this property from GB to RMH. However, the conditions of the rezoning were not met within the two year time frame, and therefore the approval has expired.

According to the Zoning Ordinance, two pieces of property divided by a road cannot be combined to meet the minimum four acres required for Planned Residential. Therefore, Planned Residential is not an option for this piece of property unless the wording in the Zoning Ordinance is changed thru a revised ordinance.

The Planning Commission at their May 15, 2007, voted 6 to 1 to deny this rezoning stating that the RMH zoning is not consistent with the Comprehensive Plan. The applicant stated that this property was previously approved for multi-family by City Council and the only reason for this request is that he missed the deadline for meeting the conditions of the rezoning.

The Planning Department had listed four possible conditions should Council desire to move forward with this request.

1. that the .34 acre lot on the south side of Spencer Drive be rezoned to PR to be consistent with the zoning on the south side of Spencer Drive and designated as open space to be part of the commonly owned portion of the future development on that side of the road;
2. that the submitted plat be revised as necessary to reflect the final decision by City Council;
3. that the conditions of approval be met within 90 days; and
4. that the conditions of approval be recorded at the RMC Office within 90 days.

For City Council consideration this is first reading of an ordinance to rezone 4.1 acres of property under current zoning of GB and LP to RMH along Spencer Drive behind Target. Upon City Council consideration a second reading and public hearing will be held.

Council then discussed the request for about an hour.

Mayor Cavanaugh asked why Council approved the rezoning to RMH in 2004 when it was not consistent with the Comprehensive Plan.

Mr. Evans pointed out that the amendment to the Zoning Ordinance to allow property in the city to be rezoned to PR took effect in 2005. In response to a question Mr. Evans stated the Comprehensive Plan recommends that this area be zoned Residential Low Density.

Councilman Wells pointed out the property is directly behind Target, and he wondered if there would ever be any single family homes built behind Target. Mr. Evans responded he felt there would not be detached single family homes, but attached single family homes is a possibility. Councilman Wells said in looking at the property he felt in

buffering between commercial and residential there would not be single family residential in the area, but the development would more likely be multi-family residential such as apartments and then single family attached housing.

It was pointed out that directly behind Target is a loading dock where semi-tractor trailers unload, and there is no buffer between the area.

There was discussion regarding the Comprehensive Plan and how long the Plan had stated this area should be single family low density. It was pointed out it was designated as Low Density Residential at least since 2002.

Mr. Gary Smith, City Attorney, stated when Council approves rezoning of property the Comprehensive Plan is technically amended even though the Planning Department does not physically amend the Plan. He said every time Council approves a rezoning one of the clauses in the ordinance is that the Comprehensive Zoning Map, the Comprehensive Plan and all other relevant plans and maps of the city are adjusted accordingly. He said technically when the property was rezoned in 2004 the Comprehensive Plan was amended.

Mr. Woody Belangia, 4269 Colony Square, Evans, Ga, stated he was the developer of the property. He said technically he did fulfill all the conditions; he did submit a rezoning plan, a PUD revision and complied with the requirements. He said he just did not get the information back to the Planning Department. He said he did not know about the two year deadline. He pointed out that previously he had the right under the PUD agreement to develop the southwest corner of the property as multi-family which backs up to Woodside. He said it made more sense to move the multi-family up the hill to behind Target to provide a buffer between the commercial and residential. He said it was essentially the same Council two years ago that approved the rezoning to RMH. The only difference in this plan is that he has decreased the acreage that he has asked for and added a tree save area. He said his plans are for about 64 apartments in the area. He said there is a strong need for apartments in this area of Aiken. He said he has Brittany Downs Apartments behind the Mall with 194 units and there is 99% occupancy. They don't have to advertise the apartments because of the strong need for more apartments. He said he did not know what else the property could be used for. Presently it is zoned GB. The property is very narrow and not really feasible for use as a single-family development. He said the property is very hilly, and there are no grand trees on the property, only small cherry trees. He pointed out the pie-shaped piece of property which is presently zoned LP is under a power line, and he could not do anything with the property. He said a single family development known as Hillsboro would be below the proposed apartments behind Target. He said single family attached housing would be on the other side of Spencer, and plans have been approved for that project. He said he plans to build the proposed apartments similar to Brittany Downs and presented a drawing of how they might look. He said the apartments would be either hardiboard, a combination of hardiboard and vinyl, or just vinyl. He said he plans to construct 8 units per building with 8 buildings. The size of the units would be about 1,000 sq. ft. for 2 bedrooms and a little smaller for the 1 bedroom. He said there would be a maximum of 64 units or a minimum of 56 units. He said the units would probably rent for \$625 for 2 bedroom with a little less than \$600 for 1 bedroom.

Mayor Cavanaugh asked that the options be reviewed again.

Mr. LeDuc stated that under the proposal which Mr. Belangia is asking for which is Residential Multi-Family High Density, there is no concept approval. Once the zoning is approved he can build what he wants to as long as it meets the density requirements. He said if the developer is agreeable Council could set a number of units to be built. He said Council is restricted on what can be approved. Under RMH there is always the question as to what the final product will be. The other option Council has is to leave the property as it is presently zoned and he could put in what is allowed in GB which may or may not be in character with the surrounding area. The third option would be for Council to amend the Zoning Ordinance and allow possibly 3 or 3 1/2 acres for PR rather than 4 acres or amend the Zoning Ordinance to allow the PR to cross the road to include property on the other side of the road.

It was pointed out Council had already approved the rezoning for the property in 2004, but Mr. Belangia just did not meet the 2 year deadline for the development so the rezoning became null and void.

Council continued to discuss the request at length. They were concerned about a buffer between Target and the proposed apartments. It was pointed out Council could limit the number of units to be constructed and could require a buffer behind Target.

Mr. Wilkins Byrd, of the Planning Commission, stated the property is a very difficult piece of property. He said his concern, and he felt the concern of the Planning Commission members, was to give Council the maximum control over the development. He said this development is an important transition area. He pointed out some of the discussion at the Planning Commission meeting was whether Mr. Belangia owned adjacent properties. It was determined that he did and it was suggested that possibly that property could be combined with this property for a Planned Residential area and that would give Council control over the development. It was pointed out Mr. Belangia had submitted plans for a project called Hillsboro for townhouses. He suggested that Mr. Belangia be allowed to build his townhouses in the Hillsboro project, but define it as a portion of this property for which he is requesting rezoning and let the area be a PR which will give Council some control over the development. He said under the present proposal there is no control on the development.

Mr. Belangia was concerned about that suggestion. He said he does have some ownership in the adjacent property being developed as Hillsboro. He said, however, that is a different company and others have a share in that development. He said this property already had an approved plan, and he did not want to go back to the drawing board with significant sums of money for engineering and changing plans. He said he was not interested in that suggestion. He said he wanted to build an apartment complex on the property for which he was requesting rezoning to RMH.

Mayor Cavanaugh stated his concern is that the rezoning does not meet the Comprehensive Plan and to rezone it RMH there would have to be a good reason.

Mr. Belangia stated a reason for the rezoning is the demonstrated need for apartments in the area. He pointed out that if the Comprehensive Plan shows the area Low Density Residential it is already zoned wrong as it is presently General Business. He pointed out this property had already been rezoned in 2004, and he had met the conditions. He said the condition was that he submit a rezoning plat which he did and comments came back such as change PUD to PR which he did, but the plans never got recorded. He said he was never informed of the two year limit, and the two year limit was not included in the ordinance.

Mr. Gary Smith pointed out state law gives a developer a vested right for a period of two years for an approved building plan. He pointed out Council did adopt the vested right provision in the Zoning Ordinance. He said there is a process to extend that two year period, but the developer has to apply for the extension.

Mr. Ed Giobbe, of the Planning Commission, stated he wanted to bring some other comments to Council's attention. He said one of the reasons the Planning Commission denied the rezoning is that it did not meet the Comprehensive Plan. He questioned whether this location is a desirable place for an apartment building. He pointed out the property is presently zoned GB and LP. He pointed out the LP is a transition between commercial and residential. He said another concern was there would be no buffer between the apartments and the loading zone for Target and that the rear of the apartments would face the loading dock. It was also pointed out that there would be noise from the loading area with deliveries to the shopping center and that would be a noise nuisance for the apartments. It was also pointed out there would probably be lighting in the area 24 hours a day. At the Planning meeting Mr. Belangia had stated the development was a business calculation and if people did not want to live there they could go somewhere else. Mr. Giobbe suggested that Council envision an apartment building with people living there with the apartments being adjacent to an asphalt loading

dock area lit 24 hours a day with deliveries coming in during the night. He suggested that would not be a desirable residential location. He was concerned about what would happen to the apartments in a few years. He said he did not feel this would be a desirable area for anyone considering living in an apartment. He said this is why there is LP zoning for the transition.

Mr. Belangia stated he felt the comments were speculation. He felt the project would work as an apartment complex. He said he has a track record of ten years on Brittany Downs, and he feels they look nice. He said the loading dock is a negative, but there are other positives such as being close to business in this area. He pointed out no one would live there by force, but they make the decision whether to live there.

Councilman Wells pointed out the Comprehensive Plan calls for single family in the area, but he felt single family would not be developed in that area. He said he felt that could not be a consideration then. He suggested there be some type buffer between the apartments and Target.

Mr. Belangia stated there would be no buffer other than the slope between the apartments. He said he could not do a 30 foot vegetative buffer as he has no room and the topography does not lend itself to planting. He said it would be Target's decision as to whether he could make a buffer on their property. He said he would try to do what he could, but it would be difficult to put plantings in the area. In response to a question from Councilwoman Vaughters, he stated he had thought about making the area single-family attached, but it is not allowed in the GB zone. He pointed out his original plans called for a multi-family component to the PUD and he would like to do some multi-family area knowing there is a demand for apartments. He said with the new regulations for attached housing he was not sure that he could meet the requirements.

Councilwoman Clyburn pointed out presently some of the property is zoned GB and that is not in the Comprehensive Plan either.

Mayor Cavanaugh stated this is a difficult decision considering all the factors. He pointed out this had been rezoned previously and the only reason it has come back to Council is because of the time expiring on the project. He said now there are all kinds of questions about the rezoning, whether apartments should be allowed in the area, and buffering the area from the loading dock.

Councilwoman Price stated she was thinking about the comments made such as whether apartments should be allowed, the buffering of the property, the noise and lighting factors, and what else could be built in the area with the present zoning. She pointed out Mr. Belangia had stated it would be up to the individuals whether they would chose to rent in the area where there would be a noise and lighting factor. She questioned whether that would be a good decision for Council to make knowing the conditions of where the development would be. She pointed out she was not overly impressed by the drawing submitted showing the design of the apartments.

Councilwoman Clyburn pointed out she would like further information to help decide what would be the best thing to do in this matter. She pointed out that as it stands now the present zoning does not meet the Comprehensive Plan either.

After much discussion Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that Council approve the ordinance for rezoning 4.1 acres of property presently zoned GB and LP to RMH along Spencer Drive behind Target and that second reading and public hearing be set for the next regularly scheduled meeting. She asked that at that meeting Council be supplied with information from the meeting in November 2004 when Council originally rezoned the property. She further moved that as a condition that Mr. Belangia look at the property to see what can be done as far as buffering the property from the loading dock, and further that there be no more than 56 apartments with 7 buildings. The motion was approved by a 5 to 2 vote with Councilmembers Price and Vaughters voting in opposition to the motion.

ANNEXATION – ORDINANCELloydtown Road  
Redd Street  
Amendment

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Lloydtown Road Annexation Agreement

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND ORDINANCE NUMBER 11272006.

Mr. LeDuc stated last November City Council unanimously approved the annexation of 30.76 acres located off Lloydtown Road just north of Redd Street and zoned the property Planned Residential with several conditions.

The applicant is now prepared to annex the property, however, Condition No. 1 states the city owned lot through which the access road off Lloydtown Road would be constructed needs to be annexed. The way this condition is worded makes it apparent that the owner/applicant does not have the ability to satisfy this condition since the property owned by the City cannot be contiguous until such time as the applicant annexes their property. Thus they cannot annex until the City annexes and the City cannot annex until they annex their property.

We are, therefore, asking that Condition 1 of Ordinance No. 11272006 be amended as follows: "that the lot owned by the applicant and the city owned lot through which access to the site would run be annexed understanding that the city-owned lot cannot be annexed until such time as the applicant's lot is annexed and the annexation of the city-owned lot shall not be deemed to be a condition that the applicant must satisfy in order for this annexation to be effective."

We also need to amend Condition No. 13 of this ordinance that currently states that "all conditions be met within 180 days" to "these conditions be met by November 15, 2007, except for Condition No. 11 and No. 12."

By making these changes, the applicant can then complete the annexation of the property and the City will proceed with the annexation of their land which would then be contiguous.

Councilwoman Price asked what Conditions 11 and 12 were about and also questioned the reason for Section 3 of the proposed ordinance.

Mr. LeDuc stated he would get a copy of all the conditions in Ordinance 11262006 for Council's information for the next meeting. He stated Condition 11 requires that any conditions on annexation be recorded at the RMC Office and 12 is that all conditions be met within 180 days of annexation.

Mr. Gary Smith responded that Section 3 is in almost every ordinance which he drafts for Council's consideration to make sure the proposed ordinance can take effect in case there is a conflict over other ordinances that Council has passed previously.

Councilwoman Price moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance to amend Ordinance No. 11272006 to change conditions 1 and 13 of Ordinance 11272006 and that second reading and public hearing be set for the next regular meeting.

June 11, 2007

HISTORIC DISTRICT II – ORDINANCE

Amendment

Peace, James

Peace, Joann

Marion Street SE 248

Williamsburg Street SE 251

Aiken Historic Register

TPN 121-10-09-005

TPN 121-10-09-006

Mayor Cavanaugh stated an ordinance had been prepared to amend Historic District II by including 248 Marion Street SE and 251 Williamsburg Street SE.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE DESIGNATING A PORTION OF 248 MARION STREET SE AND ALL OF 251 WILLIAMSBURG STREET SE TO THE AIKEN HISTORIC REGISTER.

Mr. LeDuc stated James and Joann Peace, owners of property located at 248 Marion Street SE and 251 Williamsburg Street SE, would like to designate the eastern portion of their property to be included in the Historic District as non-contributing property.

In 1990 when the district lines were drawn for the Historic District the boundary line was established through the middle of the block from Park Avenue to Colleton Avenue. This boundary included a portion of the two properties occupied by the main house and barns to be inside the district and the rear portion of this parcel which is occupied by a storage building and paddocks to not be in the Historic District.

The Design Review Board voted unanimously to recommend to the Planning Commission that the rear portion of the property be included in the Historic District and that the property be designated to the Aiken Historic Register. For property to be designated to the Aiken Historic Register they must meet one of the criteria for designation as set forth in 5.2.2.B of the Zoning Ordinance. Both the Planning Commission and the Design Review Board voted unanimously that this property meets this designation and should be included on the Register and in the Historic District.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the addition of the property located on the rear portion of 251 Williamsburg Street SE and 248 Marion Street SE as part of the Historic District and designation to the Aiken Historic Register and that second reading and public hearing be held at the next regular meeting.

POST RETIREMENT TRUST AGREEMENT AND PLAN – ORDINANCE

Retirement Plan

Trust Fund

Pension Plan

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish a Post-Retirement Welfare Benefit Trust Agreement and Plan.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING A SECTION 115 GOVERNMENTAL TRUST AGREEMENT AND A POST-RETIREMENT WELFARE BENEFIT PLAN IN COMPLIANCE WITH THE GOVERNMENT ACCOUNTING STANDARDS BOARD.

Mr. LeDuc stated the Governmental Accounting Standards Board (GASB) has issued new accounting standards for post-retirement welfare benefits called GASB 45. In our current year's budget we have set aside \$300,000 for this account and another \$300,000 in next year's budget. According to GASB 45 we need to set aside funds to cover benefits for retirees' medical, dental, vision and life insurance similar to our Pension Plan. This needs to be established as a dedicated trust that can only be used to pay for

retiree medical and other post-employment benefits in accordance with GASB 45. We cannot set aside funding in a reserve account or earmarked for retirees but still available for other purposes in an emergency.

Our Pension Attorney, Warner Anthony, has prepared this new Post-retirement Welfare Benefit Trust Agreement and Plan. The Trust is established for the exclusive benefit of funding and providing for the post retirement medical and health benefits of the City of Aiken participants and their beneficiaries. This plan will formalize our current medical benefits program which needs approval by City Council. Once Council has approved this trust agreement, the Pension Committee will move forward with setting up the Trust.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council approve an ordinance on first reading to set up a Post-Retirement Welfare Benefit Trust Agreement and Plan which is solely dedicated to paying retiree medical and other post-employment benefits and that second reading and public hearing be held at the next regular meeting.

#### RETIREMENT PLAN – ORDINANCE

Amendment  
Pension Plan  
IRS Clarifications  
Federal Standards

Mayor Cavanaugh stated an ordinance had been prepared to amend the Employee Retirement Plan to meet new Federal standards.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF AIKEN RETIREMENT PLAN IN COMPLIANCE WITH THE GOVERNMENT ACCOUNTING STANDARDS BOARD.

Mr. LeDuc stated our Pension Attorney, Warner Anthony, has been working with the IRS on clarifications within our Pension Plan. Due to recent changes in the Federal law, some clarifying amendments need to be made for our plan. These changes occur in Section 1.2, Section 4.1, Section 4.4, and Section 6.1. Our Plan was last amended in July, 2003, and with these changes our Plan will be updated to meet all current Federal standards.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to amend the City of Aiken Employee Retirement Plan to meet new Federal standards and that second reading and public hearing be held at the next regular meeting.

#### ACCOMMODATIONS TAX RECOMMENDATIONS

Aiken Polo Festival  
Triple Crown of Polo  
Aiken Center for the Arts

Mayor Cavanaugh stated Council needed to consider recommendations from the Accommodations Tax Committee regarding funding requests.

Mr. LeDuc stated in March, 2007 the Accommodations Tax Committee and City Council approved funding for 13 events totaling \$253,319.24. One of the events, The Aiken Polo Festival, had assumed that the Triple Crown of Polo was part of their event team and was approved to receive \$67,350. We now have further information from the Triple Crown of Polo (TCP) that they are not associated with this event, and they have requested \$90,000 in new funding. The Aiken Polo Festival has submitted a new request for \$45,650 and a third request has been received from the Aiken Center for the Arts for \$2,000.

The TCP is a high goal polo event which replaces the Gold Cup and will be broadcast worldwide over the ESPN net work. The Aiken Polo Festival is described as a six week

event of various polo tournaments and equestrian related events during the September timeframe, but does not include the TCP.

The Accommodations Tax Committee met Wednesday, May 30, 2007, to discuss these events and recommend the following funding:

Triple Crown of Polo	\$45,000
Aiken Polo Festival	22,825
Aiken Center for the Arts	2,000

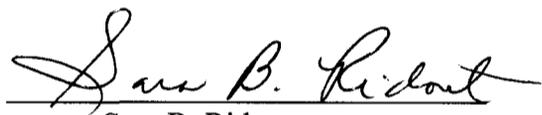
If these requests are approved this would leave about \$5,000 in reserve for unknown events which may come up. This year's funding was unusually high since we had \$82,000 returned from previous years. This is a result of several events which were awarded money, but did not fully spend the amount they had requested. As in previous years the funding levels for next year will not be known until we receive our quarterly receipts based on the overnight hotel stays and the amount each event receives in reimbursement. We estimate that the current amount of funding available is \$73,980.

Based on the Accommodations Tax Committee recommendation we are asking City Council to approve \$45,000 for the Triple Crown of Polo; \$22,825 for the Aiken Polo Festival, and \$2,000 for the Center for the Arts.

Mayor Cavanaugh moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve \$45,000 for the Triple Crown of Polo; \$22,825 for the Aiken Polo Festival, and \$2,000 for the Center for the Arts from the Accommodations Tax funds.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:42 P.M.

  
Sara B. Ridout  
City Clerk