

Aiken City Council Minutes

May 27, 1996

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

Absent: Councilwoman Price

Others Present: Steve Thompson, Gary Smith, Frances Thomas, Roger LeDuc, Carrol Busbee, Stanley Quarles, Ed Evans, Andy Anderson, Rondol Shelley, Sara Ridout, and Chasiti Kirkland of the Aiken Standard.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Steve Thompson led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the meeting of May 13, 1996, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

ANNEXATION - ORDINANCE 052796

Bellotti, Alexander and Donna  
807 Woodward Street  
Whiskey Road  
Tax Map Parcel No. 30-055-08-004

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to correct the acreage for the annexation of 807 Woodward Street.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO AMEND ORDINANCE 031196D OF THE CITY OF AIKEN TO CORRECT ACREAGE FOR ANNEXATION TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.733 ACRES, MORE OR LESS, OWNED BY ALEXANDER P. AND DONNA D. BELLOTTI, LOCATED AT 807 WOODWARD STREET AND TO ZONE THE SAME R-1, SINGLE-FAMILY RESIDENTIAL.

Mr. Thompson stated Council had approved the annexation of 807 Woodward Street on March 11, 1996. The acreage in the previous ordinance was listed as 1.11 acres. With the requirement for annexation that the portion of the Hickory Street right-of-way which adjoins the property also be annexed, a new plat combining the properties was prepared and recorded at the Aiken County Office of Registrar of Mesne Conveyance. In preparing the new plat, it was discovered that the correct acreage including the Hickory Street right of way was 0.733 acres. The proposed ordinance amends the original annexation ordinance to include the correct acreage for the annexation of 807 Woodward Street.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to correct the acreage for annexation of 807 Woodward Street be passed on second reading to become effective immediately.

REZONING - ORDINANCE

Shugart, Mary H.  
131 Silver Bluff Road  
Tax Parcel No. 30-057-07-027

Mayor Cavanaugh stated an ordinance had been prepared to rezone 131 Silver Bluff Road from R-1A Single Family Residential to Professional.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 131 SILVER BLUFF ROAD WHICH IS ALSO DESIGNATED AS AIKEN COUNTY TAX MAP PARCEL NO. 30-057-07-027, FROM R-1A, SINGLE-FAMILY RESIDENTIAL, TO PROFESSIONAL (P).

Mr. Thompson stated this is the third request for the rezoning of 131 Silver Bluff Road. In the earlier requests, both City Council and the Planning

Commission were concerned that rezoning to Professional would place professional or commercial property within a residential zone. The area is continuing to change. The Silver Bluff Commons Shopping Center has been constructed near this property, and South Aiken Presbyterian Church has been rezoned to Neighborhood Business. The area remains primarily residential with the majority of the lots running on Silver Bluff Road occupied by single-family dwellings. However, there are some commercial and professional uses nearby.

The Planning Commission reviewed this request at length, and voted 4 to 3 to recommend approval of the rezoning request on the condition that right turn only access be allowed onto Silver Bluff Road from the property and that the parking area provided for any professional use should be defined with curbing.

City Council discussed the proposed rezoning at length. Council was concerned about where professional or commercial zoning might stop. It was pointed out some lots in that area were annexed to the city recently as residential zoning. It was also pointed out that there are mixed uses in the area. However, the block that Ms. Shugart's house is located in is primarily residential. Council looked at the uses and zoning in the area from Whiskey Road to the by-pass, pointing out that most of the offices and business uses were outside the city. Councilmembers were concerned about protecting the houses across Silver Bluff Road on the Aiken Estates side which are all residential and in protecting and possibly reclaiming the east side of Silver Bluff as residential also. It was pointed out that Silver Bluff Road is a heavily travelled road and mixed uses along Silver Bluff Road is sort of a transitional area. It was felt that Professional use would be a better zone than Neighborhood Business zoning in the area.

Councilman Anaclerio moved, seconded by Councilman Perry, that the ordinance to rezone 131 Silver Bluff Road from R-1A Single Family Residential to P Professional be passed on first reading and that second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 4 in favor and 2 opposed. Opposing were Councilmembers Papouchado and Radford.

#### KALMIA LANDING SUBDIVISION

Litchfield Company

Gregg Avenue

Sugar Mill Place

Planned Unit Development

Richland Avenue W.

Tax Parcel No. 30-006-03-006 and 30-006-03-175

Mayor Cavanaugh stated a request had been received for revisions to the concept plan for Kalmia Landing located on Gregg Avenue.

Mr. Thompson stated Council had received a petition from the Litchfield Company asking the city to approve changes to the Planned Unit Development concept for Kalmia Landing. A PUD development allows a developer flexibility in the uses allowed on the property, but the original concept plan has to detail the uses on the property. To change the concept plan requires City Council approval. The Litchfield Company is requesting approval to allow changes to the landscape buffer and the use of the property located on Gregg Avenue.

Mr. Thompson stated the original concept plan for Kalmia Landing had been to use 1.15 acres for mini-warehouses. The applicant would like to change the plan to allow six single family residential lots on the site. The applicant is also asking the city to reduce the size of the open space requirement along the border of the property. Section VI.E.8.d. of the Zoning Ordinance requires that where a Planned Unit Development abuts another residential district, a permanent open space at least 25 feet wide must be provided along the property line. Instead of the 25 foot open space required under the ordinance, the Litchfield Company has asked that the open space be 4 feet in width with a privacy fence along the southwestern property line which adjoins a residential district outside the city limits.

The Planning Commission has reviewed the requests and recommends that Council allow a waiver on the landscape open space strip, with a fence instead of the required 25 foot depth, and voted to allow changes to the concept plan to allow six single family homes.

Council discussed the requests. It was pointed out that a new entrance would be provided off Gregg Avenue to serve the six lots.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council allow a waiver on the landscape open space strip for Kalmia Landing along the southwestern property line and allow a 4 foot wide strip with a privacy fence instead of the required 25 foot depth, and that changes be allowed to the concept plan to allow 6 single family residential lots in the area originally designated for mini-warehouses.

#### BUDGET - ORDINANCE

##### 1996-97

Mayor Cavanuagh stated an ordinance had been prepared for first reading to adopt a budget for fiscal year July 1, 1996.

Mr. Thompson 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, 1996, AND ENDING JUNE 30, 1997, AND DECLARING THAT THE SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN FOR SUCH FISCAL YEAR; CONTINUING CERTAIN MONTHLY WATER AND SEWER CHARGES; AND CONTINUING CERTAIN FIRE SERVICE RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY.

Mr. Thompson stated Council had received a copy of a proposed budget for fiscal year 1996-97. The budget does not include a great deal of growth or expansion. The staff is not recommending any tax or rate increases at this time. However there are factors affecting the budget that may require reconsideration of this issue in the next few months. One factor is how the weather cooperates with the city on the sale of water. The utility system is very weather dependant, and this has been recognized by placing the utility system in an Enterprise Fund. Revenues and expenditures for the utility system stand entirely on their own. Finances of this system are paid for out of the fees generated through the sale of water and other services of the system.

Many speculative projects are included in the proposed budget, and if funding comes through and Council decides to move forward, then these projects will move forward. However, if the funding does not become available then these projects would not be developed. One of the largest projects is the money included for the development of the new industrial park. If Council chooses to move forward with the industrial park targeted for the northeastern section of the city, then the city will have these expenses and will need to raise the funds from the Aiken 20/20 organization and through different financing sources available. These projects are outlined in the budget message in the budget.

The proposed budget has required a great deal of time from City Council and the city staff and to move forward requires a commitment from Council to the budget and Council's leadership on the issues. The budget is broken into several enterprise funds. The proposed budget includes \$15,034,570 for General Fund operation and \$2,089,350 for capital improvements in the General Fund. The Utilities Fund includes \$8,897,660 for operations and \$935,400 for capital improvements. Other funds included in the budget are the Stormwater Fund, Economic Development Fund, Downtown Development Fund, Verenes Industrial Fund, Community Development Fund, HOME II New Construction Fund for a total budget of \$25,038,750 for operations and \$7,085,500 for capital items.

Council discussed the proposed budget. Mr. Thompson pointed out Council had asked for additional information on the Class 2 fire rating cost and savings to the citizens and this information would be available before second reading of the ordinance. Council asked about the usage of Stations 2 and 4. Mr. Busbee pointed out the stations are a coverage issue. The Insurance Services Office requires the city to have stations equipped to respond within a mile and a half of all developed areas within the City of Aiken. The two stations on Silver Bluff Road both respond to give the city the required coverage. Council stated they would like to have the information on the Class 2 fire rating and cost/savings in a work session.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance adopting the budget proposed by the City Manager for the fiscal year beginning July 1, 1996, and

that second reading and public hearing be set for the next regular meeting of Council.

TAX MILLAGE RATE - ORDINANCE

Millage Rate  
79 Mills

Mayor Cavanaugh stated an ordinance had been prepared to adopt a millage rate for fiscal year beginning July 1, 1996.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 1996, SET THE MILLAGE THEREFOR AT SEVENTY-NINE (79) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. Thompson stated Council had discussed taxes and the budget for the city for fiscal year 1996-97. With adoption of a budget Council also sets the millage rate for the new fiscal year.

Mr. Thompson stated the proposed ordinance sets the millage rate at 79 mills which reflects Council's intent to avoid tax increases in the city. The millage rate is based on the current information the staff has received on reassessment from Aiken County. As the county moves through appeals on reassessment it is hoped that the rate will remain stable or possibly even allow Council to reduce the millage rate.

Council discussed the proposed ordinance. Councilman Anaclerio pointed out Council had discussed the fact that if revenues from taxes increases due to reassessment, then Council wanted to roll back the millage rate to reduce taxes. Mr. Thompson stated at this time the city does not expect to have a surplus based on a millage rate of 79 mills. He said the staff understands from Council that they do not want to generate more money due to reassessment. He said at this point there will probably be a shortfall on taxes, but it is difficult to tell at this time. The value of a mill is about \$77,000.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading the ordinance adopting a millage rate of 79 mills for fiscal year 1996-97 and that second reading and public hearing be set for the next regular meeting of Council.

SEWER RATES - ORDINANCE

Sewer Rate Cap  
Cap  
Maximum Charge

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to establish a cap on sewer charges.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NO. 061394F REGARDING THE CALCULATION OF MONTHLY SEWER CHARGES FOR CERTAIN CUSTOMERS.

Mr. Thompson stated the city bills for sewer consumption based on the amount of water that flows through the meter for an individual property. The staff is recommending that Council consider increasing the present cap on sewer fees to limit sewer charges to a maximum of 2400 cubic feet on a single family residential property.

The city presently controls sewer fees by using a winter averaging system which benefits most customers. Based on the winter average, the city takes the three lowest months on consumption during the winter to calculate the sewer fee that is applied to the account throughout the year. At least in theory, the customer is not using the water that is flowing through the tap during these winter months for watering the lawns and filling of swimming pools, and this gives the customer more of an accurate estimate of actual sewer consumption. However, some sewer bills will exceed 2400 cubic feet per month, and it is felt that all of this water does not go down the drain and into the sewer system. A cap of about 2400 cubic feet should capture most or all of the consumption that actually goes down the drain, and this would place

a reasonable cap on the sewer consumption for the residential customers. The proposed ordinance sets a monthly average water usage cap not to exceed 2400 cubic feet for the maximum charge for residential sewer fees using the months of February, March and April for the calculation.

Council discussed the proposed ordinance and felt that setting a cap of 2400 feet would be a fair charge for sewer for residential use.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance establishing a cap on residential sewer rates at 2400 cubic feet based on the monthly average water usage for February, March and April, be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

#### ZONING ORDINANCE - ORDINANCE

##### Amendment

##### Annexations

##### Public Notice

Mayor Cavanaugh stated an ordinance had been prepared to amend the Zoning Ordinance regarding public notice for annexations.

Mr. Thompson read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO REQUIRE THAT PUBLIC NOTICE BE GIVEN OF FUTURE ANNEXATIONS.

Mr. Thompson stated the Planning Commission has been concerned that the present requirement for posting of notices for annexation may not be sufficient and has suggested that the city increase the posting requirements for property under consideration for annexation.

Mr. Thompson stated years ago all annexations were posted and the residents of Aiken and the residents outside the city voted on annexations. State law changed and subsequently the city laws changed to limit the posting requirements for annexations. With the recent discussion of the annexation for property at Silver Bluff and Town Creek Roads, the Planning Commission was concerned that area residents may not know of an annexation effort in their neighborhood. The Planning Commission voted unanimously to ask City Council to amend the Zoning Ordinance to require posting for annexations using the same guidelines that are now required for rezoning. The requirement includes posting a sign on the property and publishing some legal ads prior to the public hearing at the Planning Commission level.

Mr. Thompson stated the Planning Commission has recommended posting and legal ads for annexations in the past, but Council did not adopt the recommendation as Council felt such postings would put a burden for cost and time on the person requesting annexation and the city wanted to make annexations as easy as possible. The Planning Commission has asked that Council reconsider the issue.

The Planning Commission is recommending that the city post the property and pay for advertising for a legal notice at least 15 and 30 days prior to the public hearing of the Planning Commission.

Council discussed the proposed ordinance. Some concerns pointed out by Council were that many times citizens don't see the legal ads and felt that possibly display ads should be used for advertisements. Mr. Thompson pointed out the display ads are very costly. Council also discussed advertising items such as this on the City Channel. Councilman Perry pointed out that possibly just posting the property would serve the purpose of notifying people of a pending annexation. It was pointed out most of the people opposing annexations live outside the city. In Council's discussions it was felt that posting the property 30 days in advance would be sufficient notice and that a legal ad would not be needed.

After discussion Council felt that posting a sign on the property would be sufficient and asked that the proposed ordinance be amended to require posting of the property thirty days in advance of a public hearing only and that a legal ad not be required at this time.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on first reading an ordinance to amend the Zoning

Ordinance which would require posting a sign on the property of proposed annexations and that second reading and public hearing be set for the next regular meeting of Council.

#### BOARDS AND COMMISSIONS

##### Appointments

##### Building Code Appeals Committee

Coleman, Mike

##### Accommodations Tax Committee

McNair, James Jr.

Mayor Cavanaugh stated some Council members wanted to make some pending appointments to the boards and committees under the new policy of appointments.

Mr. Thompson pointed out several members of Council have pending appointments for various boards and commissions that they would like to make at this time.

Councilman Radford moved, seconded by Councilman Perry and unanimously approved, that Council reappoint Mike Coleman to a two year term on the Building Code Appeals Committee with the term to expire May 12, 1998.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that Council reappoint James McNair, Jr. to the Accommodations Tax Committee for a two year term to expire March 25, 1998.

#### REZONING - ORDINANCE

##### Applebee's

##### Colony Parkway

##### Robbins, Royal

##### Bush Field Aircraft

##### Whiskey Road

##### Tax Parcel No. 30-056-01-036 & 038

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property located on the south side of Colony Parkway east of Applebee's.

Mr. Thompson read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON THE SOUTH SIDE OF COLONY PARKWAY EAST OF APPLEBEE'S, TAX MAP PARCEL NUMBERS 30-056.01-036 & 038, FROM PROFESSIONAL TO NEIGHBORHOOD BUSINESS.

Mr. Thompson stated the Planning Commission had considered the rezoning request at a special meeting on Thursday, May 23. A request was received for the rezoning of 1.3 acres of property located on the south side of Colony Parkway east of Applebee's. The property owners have asked that the property be rezoned from Professional to Neighborhood Business.

The developers would like to build a cellular telephone sales and service facility at the location. The retail sales side of the business would not be allowed under the Professional Zone. The Planning Commission was concerned that Neighborhood Business zoning would allow other high traffic uses that might be inappropriate for this area. On review of the request, the Planning Commission has recommended approval of the rezoning on the condition that the applicant enter into a contractual agreement that the property would be used only for this or a similar activity.

Council discussed the proposed rezoning. Council was concerned about passing an ordinance with conditions on the rezoning. City Attorney Gary Smith pointed out the owner of the property was willing to sign a contractual agreement because they wanted the property rezoned so the conditions would be done by an agreement with the property owner.

Councilman Perry moved, seconded by Councilman Anaclerio and unanimously approved, that the ordinance rezoning property on Colony Parkway adjacent to Applebee's from Professional to Neighborhood Business be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

BEST FRIEND EXPRESSDial-A-RideBus

Mayor Cavanaugh stated Council has received a request for funding for the Dial-A-Ride Program/Best Friend Express.

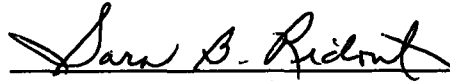
Mr. Thompson stated in the past Council has approved funding for the Dial-A-Ride Program under the Best Friend Express Transportation System. Council has again received a request for \$15,000 for continuation of this program.

Mr. Thompson stated Ms. Lynnda Bassham, of the Council on Aging, has pointed out the bus system has been substantially expanded in Aiken and in the areas around the City of Aiken. Ms. Bassham noted that 22% of the riders on the Best Friend Express are either elderly or have a disability, and the Dial-A-Ride enrollment has grown to over 200 riders this year. Mr. Thompson pointed out that federal funding for the Best Friend Express has decreased this year, and Ms. Bassham has asked Council to consider increasing local funding for the Best Friend Express/Dial-A-Ride from \$11,000 to \$15,000.

Mayor Cavanaugh moved, seconded by Councilman Perry, that the item regarding funds for the Dial-A-Ride/Best Friend Express be continued until some representation could be present to answer questions from Council regarding ridership. The motion was approved by a majority vote with Councilman Radford opposing the motion.

ADJOURNMENT

There being no further business, Council adjourned at 8:30 P.M.



Sara B. Ridout  
City Clerk