

Aiken City Council Minutes

November 12, 2001

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Cuning, Price, Radford and Sprawls.

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

Mayor Cavanaugh called the meeting to order at 7:45 P.M. Councilwoman Price 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. He said three items needed to be added to the agenda. One item is consideration of approval of extending water and sewer to the C. P. Price property on Whiskey Road which would be Item 6 under New Business. Item 5 would be a presentation from the Marine Corps League to the City, and Item 7 would be a presentation from Habitat to the city.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that the items mentioned be added under New Business on the agenda.

MINUTES

The minutes of the regular meeting of October 22, 2001, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

PRESENTATION

Anaclerio, Michael  
Radford, Eric  
City Council

Mayor Cavanaugh stated Council would like to make a presentation to Councilmembers Anaclerio and Radford who would be rotating off Council on November 26, 2001. He stated Councilmember Anaclerio had served as a Councilmember from 1983 to 2001. Councilman Radford served as a Councilmember from 1989 to 2001. He said prior to the Council meeting Council and the staff had a reception thanking Councilmembers Anaclerio and Radford for their service to the citizens and the City of Aiken.

The Mayor and Councilmembers made comments expressing their appreciation to Councilmembers Anaclerio and Radford for their service on Council and for the opportunity to work with them.

Mayor Cavanaugh presented a plaque and key to the city to Councilmembers Anaclerio and Radford.

TRUCK ORDINANCE 11122001

Trucks  
Trailer Rigs  
Tractor Trailer Rigs  
Big Trucks  
Residential

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the big truck ordinance.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 42-78, CODE OF THE CITY OF AIKEN  
TO PROHIBIT THE PARKING OF CERTAIN COMMERCIAL VEHICLES FOR  
MORE THAN A TWO-HOUR TIME PERIOD IN ANY RESIDENTIAL DISTRICT.

Mr. LeDuc stated in the spring of 1999 City Council approved an ordinance placing restrictions on the parking of tractor trailer rigs and other trucks in residential neighborhoods. This included any truck over 20 feet in length or 10,000 pounds or having more than 2 axles. Trucks which exceeded any of these specifications could no longer park overnight on city streets from 10 P.M. to 8 A.M. They were allowed in the residential neighborhoods during the day for deliveries and for individuals to travel to a house for meals or visits. This has greatly improved the problems that we were having at the time, especially in Crosland Park. However, the Crosland Park neighborhood and others would like to place further restrictions on the parking of these vehicles during the hours from 8 A.M. to 10 P.M. Council had previously discussed in a work session placing a limit of two hours for parking of any vehicles with these specifications within the neighborhoods.

The public hearing was held.

Mr. Henry Krippner, Woodside Plantation, stated his question regarded moving vans. He pointed out the exemptions did not mention moving vans, and he noted that the moving vans would probably be in an area more than two hours.

Mr. Gary Smith, City Attorney, stated the ordinance has a provision which states that the provisions shall not apply to trucks or commercial vehicles being used for the purpose of delivering or picking up materials or merchandise from or to any building or structure located in a city residential district. He said he felt this included a moving van.

Ms. Al Payne, 1415 Wyman Street NE, pointed out one of the most important problems is knowing what to enforce regarding trucks. She stated the Public Safety Officers have different opinions as to what the ordinances currently prohibit and whether the trucks can park on the street or in the yard and they don't enforce the current ordinance.

Lt. Karl Odenthal stated he thought the issue had been worked out. He said there was confusion initially as it is felt there was some conflict between the Zoning Ordinance regarding parking trucks and the ordinance in the Code regarding parking on the street.

Chief Frommer stated he would work with the officers on the matter as he did not realize there was still confusion regarding the ordinances.

Ms. Payne pointed out as far as the trucks parking in the area, residents of the area do not want the trucks parking on the street or in the front yard.

Mr. LeDuc stated the City Manager and Public Safety Director would meet with the officers the next day to clear up any misunderstanding. He said it was clear in his mind that tractor trailer rigs whether parked in the yard or on the street could not park overnight. He said the proposed ordinance, if passed, would mean that from 8 A.M. to 10 P.M. that big trucks would be limited to two hours. He said if there was a clarity problem the staff will recommend a change in the ordinance.

Ms. Payne also asked what could be done about the Frito Lay truck. She said it is 27 feet long and the owner is breaking the law because the truck is there from 10 P.M. to 8 A.M.

Councilman Anaclerio pointed out Council had stated the truck needed to be beyond the front edge of the house.

Ms. Payne pointed out the truck is not parked beyond the front edge of the house, but is parked on the front lawn most of the time. She stated the carport is just cluttered with junk which looks bad from the street. She stated they had contacted the health department regarding the junk in the carport.

Mr. LeDuc stated the staff is aware of the problem, but had not followed through, but would work on the matter again. It was pointed out the resident was having some health problems and financial problems, but the city would check on the request again.

Councilman Anaclerio moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance placing a limit of two hours for parking of any commercial vehicles in residential areas, with the ordinance to become effective immediately.

ANNEXATION ORDINANCE 11122001A

Sirius Drive  
Hidden Haven Subdivision  
City of Aiken  
Silver Bluff Road  
Well  
City Well  
TPN 13-401.0-01-105

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at the end of Sirius Drive.

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 2.97 ACRES OF LAND, MORE OR LESS, OWNED BY THE CITY OF AIKEN AND LOCATED AT THE END OF SIRIUS DRIVE AND TO ZONE THE SAME RESIDENTIAL MANUFACTURED HOME (RSM).

Mr. LeDuc stated the City of Aiken recently purchased a 2.97 acre piece of property at the end of Sirius Drive in Hidden Haven Subdivision for a future well site. Two other lots, one containing a modular home and another a city well site were annexed into the city in June, 2000, and both were zoned Residential Manufactured Home. Surrounding property includes Woodside and River Bluff Subdivision. The city intends to begin the development of the new well later this winter and desires to have this property inside the city with the proposed zoning as Residential Manufactured Home which is consistent with the zoning in that area.

The Planning Commission unanimously recommended approval of this annexation at their last meeting.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance to annex 2.97 acres at the end of Sirius Drive as Residential Manufactured Home be approved on second and final reading with the ordinance to become effective immediately.

ANNEXATION ORDINANCE 11122001B

Hamilton Drive 1540  
Silver Bluff Road  
Almond, Virginia  
Graham, Gail  
TPN 30-037.0-01-050

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 1540 Hamilton Drive.

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 .59 ACRES OF LAND, MORE OR LESS, OWNED BY VIRGINIA ALMOND AND GAIL GRAHAM AND LOCATED AT 1540 HAMILTON DRIVE AND TO ZONE THE SAME RESIDENTIAL MULTIFAMILY LOW DENSITY (RML).

Mr. LeDuc stated Virginia Almond and Gail Graham, owners of a lot at 1540 Hamilton Drive consisting of .59 acres would like to annex the property as Residential Multifamily Low Density. Currently two buildings with a total of three one-bedroom units occupy the site, and it is contiguous to the City of Aiken on the north, south, and east. The lot also meets the minimum standards for the RML zone. Ms. Almond is interested in continuing city water which was provided earlier this year under an emergency situation to this rental property. The water hookup was made prior to the completion of the annexation which is required when unincorporated property receives city water service. Sewer service is also available in this area.

The Planning Commission voted unanimously to recommend approval of the annexation request to City Council.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council approve the ordinance on second and final reading to annex .59 acres of land to be zoned RML, Residential Multifamily Low Density, at 1540 Hamilton Drive, with the ordinance to become effective immediately.

MILLAGE – ORDINANCE 11122001C

Millage Rate

71 Mills

Fiscal Year 2001-2002

Budget

Taxes

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to adjust the millage rate for fiscal year 2001-2002.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND ORDINANCE 06112001C 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, 2001, SET THE MILLAGE THEREFOR AT SEVENTY-ONE (71) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. LeDuc stated for the last six years the city's millage rate has been 79 mills. This rate is applied to the tax bills distributed to the businesses and citizens during the fall of each fiscal year. Aiken County recently completed their reassessment process and City Council needs to set a new millage rate which reflects their reevaluation of properties within the city. The reassessment process this past year has gone a lot smoother than in previous years, however, there are still some properties that are in the appeals process with Aiken County. Unless these appeals are resolved soon the city would bill these property owners for 80% of the taxable amount pending resolution of their appeal through the County.

The staff made some assumptions in order to arrive at our new millage rate of 71 mills. It is based on the total assessed values being reduced by the assessments from new property or improvements not previously taxed for new construction and for renovation of existing structures.

A copy of the "Rollback Millage Calculation" prepared by the Finance Director was given to Council for their information. The reassessment may increase or lower values of every property in Aiken. Therefore some will see a tax increase while others will see a

decrease. Our goal is to keep the city's tax collections from increasing from last year to this fiscal year except for growth and to reach the amount approved in the budget. He said the city could have set the millage rate at 73 mills and perhaps Council should have considered it since the city will be losing funding from vehicle taxes and communications fees. He said, however, Council wanted to keep the taxes as low as possible. He pointed out the proposed rate is over a 10% reduction in the millage rate.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance to lower the city millage rate to 71 mills for fiscal year beginning July 1, 2001, with the ordinance to become effective July 1, 2001.

#### TAXES – ORDINANCE 11122001D

##### Penalty Dates

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set the penalty dates for payment of taxes for fiscal year 2001-02.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE TO TEMPORARILY AMEND CHAPTER 38, CODE OF ORDINANCES OF THE CITY OF AIKEN, SOUTH CAROLINA, ENTITLED "TAXATION," BY AMENDING SEC. 38-32 THEREOF FOR FISCAL YEAR 2001-2002.

Mr. LeDuc stated the City of Aiken obtains tax information from Aiken County which is used to send out tax notices yearly to our citizens. Due to the reassessment and our determination of a new millage rate, the bills will be going out later than normal. Council just set the millage rate at 71 mills and with that we will be ready to send out these tax bills next week.

The staff is recommending that Council change the due dates on taxes for fiscal year 2001-2002 to January 15, 2002, without penalty and that taxes paid on or after January 16, 2002, be subject to penalties as listed in the ordinance.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve on second and final reading an ordinance to adopt a payment and penalty payment schedule for taxes for fiscal year beginning July 1, 2001, establish penalty dates for late payment after January 15, 2002, with the ordinance to become effective immediately.

#### BUILDING CODES ORDINANCE 11122001E

##### International Codes

##### Building Code

##### Fire Code

##### Fuel Gas Code

##### Plumbing Code

##### Mechanical Code

##### Property Maintenance Code

##### Electrical Code

##### City Code

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to adopt new building codes.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND SECTION 10-2 OF THE AIKEN CITY CODE SO AS TO INCORPORATE, WITH CERTAIN EXCEPTIONS, THE 2000 EDITIONS, ALONG WITH SPECIFIED APPENDICES, OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PLUMBING CODES, INTERNATIONAL MECHANICAL CODE, AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE TOGETHER WITH THE AIKEN OFFICIAL BUILDING CODE ARTICLE II, ELECTRICAL CODE; TO AMEND SECTION 10-3, AIKEN CITY CODE CONCERNING THE ELECTRICAL CODE IN EFFECT AND 10-4 CONCERNING VOLUNTARY DEMOLITION OF CERTAIN HOMES UNDER THE "DEMO-200" PROGRAM; AND TO AMEND APPROPRIATE SECTIONS OF THE AIKEN CITY CODE BY ADDING A PROVISION DEALING WITH CONFLICTING REGULATIONS.

Mr. LeDuc stated the City of Aiken currently uses the Southern Building Codes for our use when dealing with contractors and builders in our area. The State of South Carolina recently adopted the new International Codes as the standard throughout South Carolina. The City of North Augusta and Aiken County have also adopted the International Codes with the effective date of January 2, 2002. Since the other two governmental entities are making this code effective January 2, 2002, we are requesting Council's adoption of the new building codes for this same date. Therefore, the contractors, suppliers, and other interested parties will all know that the Building Codes throughout the County will become effective on this date.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to adopt the 2000 International Building Codes with exceptions as noted in the ordinance, with the ordinance to become effective January 2, 2002.

#### AUDIT 2001

Fiscal Year 2000-2001  
Cherry, Bekaert & Holland  
FY 2000 – 2001

Mayor Cavanaugh stated Council needed to consider acceptance of the audit report for Fiscal Year 2000-2001.

Mr. LeDuc stated the City of Aiken annually receives an audit prepared by an independent auditor of the city's accounts and records. The audit was prepared by Cherry, Bekaert & Holland.

The auditors report that the city is in good financial standing. We do have several comments in this audit concerning a separate review of our Community Development Program. We have already directed staff to comply with these comments and should have them resolved in the next few months. However, the overall findings are good. The city has 125 days reserve.

Councilman Sprawls moved, seconded by Councilman Radford and unanimously approved that Council accept the audit for fiscal year 2000-2001 from the firm of Cherry, Bekaert & Holland.

#### EASEMENT

Agreement  
Honey Baked Ham  
Landscaping  
Whiskey Road  
Silver Bluff Road

Mayor Cavanaugh stated Council needed to consider approval of an agreement for an easement from Honey Baked Ham at the intersection of Whiskey Road and Silver Bluff Road for landscaping.

Mr. LeDuc stated the city has been working with the owners of the new Honey Baked Ham property to develop an easement agreement for the intersection of Whiskey Road and Silver Bluff Road. The area in question is a very visible portion of the property at the fork where those two high volume corridors come together. When the new business submitted plans for the project, our staff recognized this as a wonderful opportunity to work with the owners to improve the appearance of what had been a very unattractive spot which is passed by thousands of motorists every day. The approach they devised is to use an easement agreement in much the same way that agreements were worked out with the owners near the Parker property back in 1998 to allow us to landscape and improve the appearance of the area and with the Whitney Trust to landscape the area along Whiskey Road in front of the Palmetto Golf Course.

The proposed easement agreement will allow the City to install landscaping on a small corner section of the Honey Baked Ham property. Under the agreement, the plant material we use will consist of dwarf Indian Hawthorne, ornamental grass, evergreen Giant Liriope, annuals, and perennials. In order to preserve sign and traffic visibility, none of the plants can exceed four feet in height at maturity. The easement agreement is for a period of ten years, and the City will have the right to renew in five year increments after that time. The easement is approximately 20 feet long and 30 feet wide or about 600 square feet. The easement runs with the ground.

Councilman Cunning moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve a landscape easement agreement granted to the City of Aiken by Aiken Ham, LLC at the intersection of Whiskey Road and Silver Bluff Road to allow the City to enter the area and to provide landscaping and related improvements.

#### WHISKEY ROAD CORRIDOR STUDY

##### LDR International Landscaping Design

Mayor Cavanaugh stated Council needed to consider acceptance of the Whiskey Road Corridor Study prepared by LDR International.

Mr. LeDuc stated the Whiskey Road Corridor Study has been under development by LDR in conjunction with City staff since early this year. The document is now ready for Council consideration and adoption. The study goal was to develop recommendations for visual and design enhancements for a three mile section of the corridor. We have had some discussion at the staff level about the level of commitment to these recommendations that would be implied by Council's adoption of the study. We recommend that Council simply adopt the document through a resolution. No ordinance is needed at this point in the process. This resolution gives Council an opportunity to establish a path forward for the project and to set Council policy with respect to some development issues along the corridor. The actual implementation of those goals would then be addressed through amendments to the Zoning Ordinance for properties within the City. For those properties outside the municipal boundaries but within the study area, the principles contained therein could be applied as a condition of receiving City services, in much the same way that we already do with landscaping and signage requirements for outside projects which request City utilities. These methods can certainly be applied by the City whether or not the overlay district concept becomes a reality in the future. He said he was meeting with the County on Tuesday night to request adoption of the idea of establishing an overlay district. The County Planning Commission asked that the County give some initial review of an overlay district before they spend a lot of time on the matter. He said they were hopeful for an overlay district on Whiskey Road.

Mr. LeDuc stated the LDR study can be viewed as providing a guiding principal rather than a strict blueprint for development and redevelopment along the corridor. Two issues addressed in the report have been the subjects of some discussion in recent weeks. The report recommends that building fronts for new development be set back no more than 86 feet from the right-of-way line. This design approach reduces the visual impact of large expanses of parking along the highway corridor. It also mimics a traditional downtown layout with buildings close to the street front, thus creating an intimate urban-like setting.

Studies have also shown that in areas where buildings "hug" the street front, drivers tend to slow down, much as they would in the heart of a traditional downtown. We recognize that there could be some resistance to this approach from big box retailers or shopping centers, which generally provide large parking areas in front of the buildings. Large parking areas in front of their projects could be allowed if outparcels are also provided along the street frontage which are limited to one bay of parking along the right-of-way. This would accomplish essentially the same goal as the original idea for the street frontage area. When the Zoning Ordinance is amended to implement these new tools, specific language can be included to flesh out that approach.

Mr. LeDuc stated the adoption would not be an ordinance and the study would not supersede the other ordinances and standards that the city has. It would be a guiding principle rather than a strict blueprint for the development and redevelopment along the corridor. He said the study is only for Whiskey Road, but the city may want to use elements of the study for other areas with changes to suit the other areas. He said it was felt the recommendations would have some minor traffic improvements on Whiskey Road and some major visual design improvements along Whiskey Road.

One other issue that came up was a concern expressed by Lynn Zody about the relationship of trees planted along the corridor to business signs and the need to avoid blocking sign visibility. The report does recommend street trees within the right-of-way and on the private property along the frontage areas. The staff has reviewed this concern and we think this can be addressed on a case by case basis.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council accept the Whiskey Road Corridor Study prepared by LDR International dated October 8, 2002, to be used as a plan and guideline in looking at developments along the corridor and use the guidelines in looking at other corridors in the city.

Councilman Cunning pointed out adoption of the study is not to take away curb cuts. The intent is to improve Whiskey Road visually.

Mr. LeDuc stated the city would work with existing businesses along Whiskey Road to try to make improvements that will fit the plan. The city will ask that new businesses or redevelopment of property fit the design guidelines and standards and traffic standards proposed in the plan.

## ANNUAL REPORT

### 2000-01

Mayor Cavanaugh stated Council needed to consider acceptance of the Annual Report for Fiscal Year 2000-2001.

Mr. LeDuc stated each year the various departments prepare a summary of the activities for the previous fiscal year highlighting the various achievements made by each of them and the challenges which we are facing.

This Annual Report does include a tremendous amount of information, which you will be able to use over the year as we discuss various issues and projects. Each of the departments has put a lot of work into this and as you review this report you will see the many accomplishments by each of them.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council accept the Annual Report for Fiscal Year 2000-2001 as information.

## MARINE CORPS LEAGUE

### Certificate of Appreciation

Mayor Cavanaugh stated the Marine Corps League had presented a Certificate of Appreciation to the City of Aiken for support during the POW-MIA Recognition Day Ceremony on September 22, 2001. He pointed out Public Safety helped direct traffic and



the city participated in the ceremony. He said the Marine Corps League is leading the way in patriotic ceremonies.

#### HABITAT FOR HUMANITY

##### Plaque

##### Key Partner Award

Mayor Cavanaugh stated Habitat for Humanity had presented a plaque to the City of Aiken for being their Key Partner in 2001.

Mayor Cavanaugh stated Habitat for Humanity had also presented a special Certificate of Appreciation for the city's sponsorship and commitment to the Habitat Program during 2001 and for participating in construction of house 39.

#### UTILITY REQUEST

##### C. P. Price Property

##### Powderhouse Road

##### Whiskey Road

##### Water

##### Sewer, Sanitary

##### Annexation

##### TPN 00-158.0-01-066

Mayor Cavanaugh stated a request had been received for approval of water and sewer to the C. P. Price property on Whiskey Road near Powderhouse Road.

Mr. LeDuc stated at the work session Council discussed the C. P. Price property which was originally submitted to Council in March. During that time there were a number of discussions as to the way the property presented itself in relationship to the roadway and Council asked them to look at the property again before bringing the project before Council. He said the developer came to him in May or June and discussed the possibility of putting the request on the agenda. He said at that time he asked them, if possible, to wait until the city received the LDR report.

Mr. LeDuc stated revised plans were submitted recently to the City for development of the C. P. Price tract on the east side of Whiskey Road, north of Powderhouse Road. The plans show significant improvements to the development, and it appears to meet all requirements of the LDR report.

The property, which is outside the city limits, involves nearly 46 acres between Whiskey and Powderhouse Roads south of Elmwood Park Subdivision. The applicant had asked for a delay in action by the City on this request until he could revise his plans. He later came to the city with revised plans, and we asked him to delay action until after completion of the Comprehensive Plan review or LDR report. The applicant would now like to go forward with the process, but due to a subsequent annexation the nature of the request has changed.

Since last March a small tract across Whiskey Road was annexed, and this created a question about whether that annexation made the Price property contiguous to the City of Aiken. Previously, the request would have simply involved a request for water and sewer services with a requirement that the applicant sign an annexation agreement. But now it appears that the tract is contiguous and under the current policy, it will be necessary for the applicant to go before the Planning Commission with this request for annexation and for that to work its way through the system for Council approval which will be no earlier than the final meeting in January. Because there was some question about whether the property is now contiguous, we asked our engineering division to look at plats that had been submitted with this project, but the surveys were not detailed enough to determine whether the property was contiguous. We discussed this with Mark Graham, who is representing C. P. Price, and he gave us an enlargement of the area with a note confirming that the two tracts overlapped by 10 feet. Therefore, it appears that the tract is contiguous.

The applicant is concerned about further delay in this process, but Council would have to waive the current city policy to approve utilities in advance of the annexation request and review by the Planning Commission.

Mr. Gary Smith, City Attorney, advised Council that the request for water and sewer was never resolved by Council so Council could receive that request.

Mr. LeDuc stated the request is for water and sewer to serve 46 acres of property on Whiskey Road. The property would consist of 51% residential, the property would have to comply with the Tree and Sign ordinances of the city, and there would be a condition that the developer would have to annex the property, meet the LDR Whiskey Road Corridor Study, and it would have to be developed as per the concept plan shown to City Council with a minimum of 51% being residential. He said the development appears to meet the LDR Report.

Mr. Bill Reynolds, 505 Colleton Avenue, stated that in April, 2001, the application for the C. P. Price property was denied by the Planning Commission. Since then the developer has made major improvements so they line more closely with the LDR Study and kind of the way the Comprehensive Plan is headed for Whiskey Road. He pointed out the proposed concept plan sort of organizes the commercial part in a commercial node which is consistent with the Comprehensive Plan, and it avoids the appearance of a strip shopping center which is consistent with the Comprehensive Plan. He congratulated the developer for taking those steps. He said he hoped this development could be a model for future projects on Whiskey Road. He said he had one request. He said the property is a very heavily wooded lot. In the work session Mr. Graham said there would be a tree survey. He said a tree survey is not required under the current Tree Ordinance as anything over two acres does not require a tree survey. He said he would like for Council to make a tree survey one of the conditions of approval.

Mr. Reynolds said the question he has is more one of appearance. He said the application was denied by the Planning Commission at a public hearing about six months ago. He said the development is a big piece of property consisting of 46 acres. He said about 22 acres of the property will be commercial which is about the size of the Target complex. He said the agenda only listed the development for the work session as C. P. Price Property status. He said he had no idea that Council would be voting to essentially annex the property. He asked how that would look in the newspapers when residents read that 46 acres was annexed with 22 acres being commercial without holding a public hearing. He said if he read it in the newspaper without being at the meeting he would feel that something was not right. He said he felt the city wants to do the right thing for Aiken, and he feels this is probably right for Aiken. He said, however, it does not feel good the way it is being done. He asked that Council think about the way it is being done and let their conscience be their guide.

Mayor Cavanaugh stated the last step for the project was denial by the Planning Commission. He asked if it ever came before Council.

Mr. LeDuc stated the matter was never placed on the formal Council agenda. He said the matter was discussed briefly at a work session after the Planning Commission denied the request.

Councilman Anaclerio pointed out the City Attorney had stated that Council could take action on the request for water and sewer as this request was never completed, but not annexation as this was a new request.

Mr. Smith stated he was not suggesting that Council act on the annexation of the property as this has to go through the Planning Commission process. He said he only stated Council could act on the request for water and sewer as this request was never completed. He said, however, one of the conditions of providing water and sewer would be that the property be annexed.

Mayor Cavanaugh stated one of the points discussed in the work session was what comes first as the property is contiguous to the city. He said action on the request for utilities

was never completed and now that the property is contiguous to the city, it changes the category.

Mr. LeDuc stated after denial by the Planning Commission the development never came to Council for action as the developer asked for delay so he could make some modifications based on what he heard at the Planning Commission meeting.

Mr. Richard Smith, 259 Forest Pines Road, stated he agreed with Mr. Reynolds regarding the matter. He said the request had never had a public hearing before Council, and he felt Council should have a public hearing on the request. He felt Council should postpone the request until it is listed on the agenda for public hearing.

Ms. Jane Vaughters, 707 Hayne Avenue, stated she was concerned about the citizens in the area not being aware that the property is contiguous to the city by the small strip of property. She pointed out there was a lot of discussion on the request for providing water and sewer to the property adjacent to Hunters Glenn and the city providing water and sewer to areas not in the city. She was concerned about the matter being pushed through. She felt the public should have some input. She said the project sounds like it has aspects that people would agree with, but the Comprehensive Plan has not been completed yet. She felt there should be a public hearing and not give the appearance of pushing the matter through.

Councilwoman Clyburn stated she understood that the developer wanted to bring the project to Council earlier, but the city staff recommended that they wait until the Comprehensive Plan or the LDR Study could be completed. This delayed the developer from bringing the matter to Council earlier. She asked how delaying the utility request for two weeks would affect the development.

Mr. Mark Graham, of Southern Partners, stated he represented C. P. Properties. He said Mr. Price was not present, but he understood that Mr. Price had extended the option several times and that the current option would expire within the next two weeks. He was not sure if he could obtain another extension. He said they were not trying to push anything through, but wanted to work with the city in trying to get a development on the property to meet all the city's concerns. He said the developer had no problems in doing a tree survey for the property.

Mr. Ed Woltz, of the Planning Commission, stated the plan presented to Council was a different plan with the current plan meeting the items that the Planning Commission pointed out when they denied the utility request.

Councilman Sprawls pointed out if the city denies the water and sewer request then the developer can seek another source for the water and sewer. He pointed out this is what happened for the Hunter's Glen development and New Ellenton will provide the utility services within the City of Aiken's area.

Councilman Anaclerio moved, seconded by Councilman Sprawls, that the city provide water and sewer to the C. P. Price Property on Whiskey Road with the condition that they apply for annexation of the property, that they meet the standards of the LDR Report, conduct a Tree Survey, abide by the city's ordinances, and that 51% of the property be residential with the remainder commercial.

Mayor Cavanaugh stated he had changed his mind regarding the request. He said development along Whiskey Road is a very sensitive issue and the utility request has not been advertised so there could be public input and it was not listed on the agenda. He said the request was on the work session and Council voted to add it to the agenda. He said he does feel there is a perception situation of pushing the matter through and not going through the proper procedures. He said the development looks good and appears to be what the Comprehensive Plan Task Force and the Planning Commission might approve.

Councilman Cunning stated his understanding is that the Mayor is suggesting that Council ask that the matter be placed on the agenda for the next Council meeting for the

utility request so the public would have notification of the request and could have input. He said he felt it was a good development, but he did have the same concerns about public perception. He said, however, he did not feel the city should penalize the developer and make them go back to the Planning Commission for the utility request which will be a substantial delay.

Mr. Gary Smith stated Council could vote on the utility request in two weeks, but the request for annexation would have to go through the Planning Commission process.

Councilman Anaclerio stated Council had granted requests for water and sewer in the past contingent upon property being annexed to the city. He said this request is no different than what has been done in the past.

Councilwoman Price stated since the issue had been raised she felt it could be a perception problem. She stated Council is a Council of integrity and does not try to push anything through. She felt the development is a great plan and she would support it, but she felt the matter should be delayed for two weeks because of perception.

Councilman Anaclerio called for the question.

Mayor Cavanaugh asked that Council vote on the motion to approve the water and sewer request for C.P. Price property on Whiskey Road with the conditions as stated in the motion. Those voting in favor of the motion were: Councilmembers Anaclerio, Radford and Sprawls. Opposing the motion were Mayor Cavanaugh and Councilmembers Clyburn, Cuning and Price. The motion was denied by a vote of 3 in favor and 4 opposed.

Mayor Cavanaugh stated the motion was defeated, but the request would be on the agenda for the next Council meeting.

#### MAYOR

Jones, Charles M.

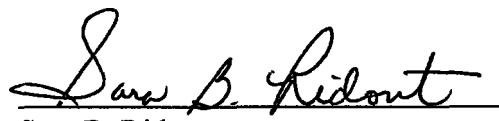
Mayor Cavanaugh stated that former Mayor Charles M. Jones had passed away on Saturday, November 10, 2001, and his funeral would be on Tuesday at 1 P.M. Mr. Jones was 92 years old.

#### DOWNTOWN MASTER PLAN

Mayor Cavanaugh stated that Council would discuss a Downtown Master Plan at the next Council meeting.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 P.M.

  
Sara B. Ridout  
City Clerk