

Aiken City Council Minutes

November 11, 2002

WORKSESSION

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Richard Pearce, Ed Evans, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinis of the Augusta Chronicle, and 10 citizens.

Mayor Cavanaugh called the meeting to order at 6:20 P.M.

AIKEN AREA COUNCIL ON AGING

Council on Aging
Morgan Street
Barnwell Avenue
Eustis Park
City Property

Mr. LeDuc stated the Aiken Area Council on Aging currently has their main office on the southwest corner of Barnwell and Morgan. A couple of years ago, the City and the County donated property on the northwest corner of Barnwell and Morgan to the Council on Aging to construct a senior citizens home. The Windham House will soon be completed and will have over 60 units available for senior citizens from our area. With the increased number of citizens they are now serving, they need to expand their existing facility to enable them to provide for more daily activities for seniors, an expanded meal site, and an Alzheimer's respite. To meet these needs, they would like to construct a new building of approximately 10,000 – 12,000 square feet on the southeast corner of Morgan and Barnwell. This property is currently owned by the City of Aiken, and they would like to discuss the donation of this property to them. The City of Aiken's property consists of .755 acre and is bordered on the south by the Aiken County parking lot and on the east by Aiken Preparatory School. If the City would like to donate this property to the Council on Aging, we would prepare an ordinance deeding it to the agency and bring it back to Council for approval at a later date. Members of the Council on Aging are present at this work session to discuss this proposal and to answer any of your questions

Mr. Mackie Walker, President of the Board of Directors for the Council on Aging, stated the Council on Aging is asking that Council donate the property at the southeast corner of Barnwell and Morgan to the Council on Aging. He said this property would be used to construct a permanent staff facility containing about 10,000 to 12,000 square feet. He said presently the office space is very limited and this office space would help their operations. He said the present building would still be used for the transportation operations and the meal site. He said this would also give them room to expand and add new programs.

Council discussed the request briefly and felt this would be a worthwhile project for the whole community.

Mr. LeDuc stated this property is in a Historic District so the architectural review would have to go through the Historic Preservation Commission for approval. He said since the general consensus of Council seems to be to donate the property to the Council on Aging, the matter will be placed on the agenda for first reading.

DEMOLITION

Williamsburg Street
Barnwell Avenue
Kwik Shop
Cagle, John

Mr. LeDuc stated several months ago, Council discussed demolition of a building at the corner of Williamsburg and Barnwell, formerly used as a Kwik Shop. Council gave staff permission to have the building removed, however, upon investigation of the property, we found approximately \$6,000 in asbestos that needs to be removed. Upon Council's request, the City has gone back to the owner, and he is willing to pay \$3,000 towards the asbestos removal. We are now bringing this back to City Council for permission to remove the building at Barnwell and Williamsburg with the City paying approximately \$3,000 towards the removal of the asbestos in this building, with funds to come out of our empty big box budget. He said the alternative to the city taking the building down is to have Building Inspection go through the proceedings and the court to get the building removed, which is a long process. He said this is the reason the city went to the \$200 Demolition Program.

Councilwoman Vaughters pointed out she had looked at the building and felt it was very dangerous and a liability. She was concerned that the owner would not tear the building down, considering the liability. She felt the property owner was able to pay for removal of the building, and she had a question about the city subsidizing the removal at \$3,000.

Council discussed the matter at length. It was pointed out Council does want to get the old buildings removed, as they are an eyesore.

Councilman Cunning stated perhaps the city could have an agreement that if the property sells for a certain amount then the city would get their \$3,000 back for removal of the asbestos.

Mr. LeDuc stated the staff could go back to Mr. Cagle with Council's suggestion that an agreement be signed that he would pay the \$3,000 back for removal of the asbestos when the property sold, or Mr. Cagle could go ahead and tear the building down. If he does not agree to repay the \$3,000 or go ahead and remove the building, then the city would go through court proceedings to have the building removed.

TRAFFIC IMPACT ORDINANCE

Impact Fees
Traffic Study

Mr. LeDuc stated at a special work session on Monday, November 4, 2002, that City Council received information concerning the development of a Traffic Impact Ordinance. The ordinance would require that the city's Planning Director maintain a current map with the level of service for each of the major roadways inside our community. Also, for any annexations, rezonings, utility service requests or any new developments occurring on one of these roadways, a traffic study in accordance with this ordinance would be required. We discussed that one of three types of traffic impact studies would need to be submitted: Type 1 for projects with 100 trips or less per day; Type 2 for over 100 trips per day and located along a roadway with a level of service A, B or C.; and Type 3 for a development with 100 trips or more per day and located along a roadway with a level of service of D or E. The City Planning Department would keep a list of pre-approved consultants that could complete one of these studies, and the Planning Department or the city's on-call Traffic Consultant would review and approve each of these studies. The Traffic Impact Ordinance would also require all new developments to determine what mitigation improvements or roadway changes are necessary, based on their project. The applicant would need to construct the improvement or post a bond with the city for this construction. A Type 1 study would be very brief and consist of one or two pages and be limited to the site and the road in front of this site, at a typical cost of \$1,000 or less. A Type 2 study would be more comprehensive and review the area in front of the development plus any major roadway or signalized location, up to a quarter

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of a mile on either side of the development, and cost approximately \$2,000 to \$10,000. A Type 3 study would be the most comprehensive and would be needed for developments similar to a Woodside Phase III or the Aiken Mall. This would require reviewing all signalized intersections and major roadways within a mile of the proposed development and cost between \$4,000 and \$35,000. The information obtained from these studies could be used as a tool by Council when deciding under what conditions the property would be annexed, rezoned or receive utilities. The same type of study would be required for property being developed inside the city and would be reviewed by the Planning Director. Since most site plans do not need approval by Council under these conditions, the study would be used by the Planning Director to determine what mitigation would be required by the applicant.

City Council could also approve a traffic impact fee with the ordinance. If Council decides to include a Traffic Impact Fee, our consultant would then give Council different parameters that can be used to develop these fees. We believe that if fees are implemented, they need to be fair and consistent and would help offset costs for some of the needed roadway construction projects which need implementing in the future. Council could use the impact fee to help offset these costs. However, the amount would have to be balanced by the fact that these developments could be built just outside of our planning areas if the fees are too high.

Mr. LeDuc stated Mr. Dyar was present and could any questions Council may have. He said he would like to have some direction from Council as to how to move forward with the Traffic Impact Ordinance. He said Council could proceed in several ways. They could just require a traffic study or could require a traffic study and have a traffic impact fee. He said the staff could come back with suggestions for traffic impact fees. He said he would suggest that it be reviewed in a year to consider any modifications to the ordinance.

Mayor Cavanaugh stated he had a concern with Section 1.1. He said it seems to say that regardless of what the traffic study shows the project could be built, and they would pay the impact fees. He said he felt something needed to be added to state that depending on the traffic study the plan may need to be altered or reduced in order to be able to locate the project at the location, rather than making the traffic worse. He also pointed out that Section 5.3 also states that if conditions do not allow for the construction of the roadway measures to provide for the recommended and approved mitigation, then the developer would pay the City of Aiken a fee of what the cost would have been had it been possible to construct. He said he felt this does not correct the problem at hand and allows the project to be built.

Mr. LeDuc stated an example is that the project would require a major signal at the new location, but because of traffic warrants at that particular time of construction it would not be built. So money would be set aside for the signal at a later time. He said he understood that the Mayor is asking that the ordinance include requirements for change based on the traffic study. He said this was not included because Council has the right to include any conditions on any annexation, rezoning or utility request. He said 5.3 presently says that for the development certain improvements need to be constructed, but because of the timing it can't be built at this time, but the impact fee will be paid to the city to hold until the improvement can be built. He said the language could be changed to make that clear.

Council continued to discuss Section 1.1 and 5.3 and the interpretation. It was agreed that the language should be changed to say that if the improvement can't be done at this time, it will be done when certain criteria is met. It was also suggested that there be a list of recommended improvements to certain areas, particular Whiskey Road, so a developer would know that his traffic impact fee would be used for these improvements.

Mr. LeDuc stated his understanding was that Section 1.1 and 5.3 needed to be modified to include something that would state that Council has the ability or the right to modify a development based on the traffic volume from that development.

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Mr. LeDuc pointed out there is a state law that says when an impact fee is set up there has to be a study to show what the impact fee will be used for, and a separate account has to be set up for the impact fee and it can only be used for projects that have been pre-approved. He pointed out the Traffic Impact Ordinance would be primarily for new annexations, new utility requests, and rezonings. However, even inside the city, the ordinance would give the Planning Director the ability and the tool to look at the development and see what kind of traffic would be created by a new development to be sure whatever that development was responsible for as far as roadway improvements would be done, or the city would get the funding for it. He said a traffic study would be done on any new development whether inside or outside the city.

Councilman Smith was concerned about the radius required for the traffic studies being $\frac{1}{4}$ mile for Type 2 and $\frac{1}{2}$ mile for Type 3. He said this distance would not address most of the traffic problems on Whiskey Road when property is developed on Whiskey Road South towards New Ellenton. He pointed out it would leave Pine Log and Whiskey Road out of the studies.

Mr. Roger Dyar stated there was a variety of ways that other cities set those study area boundaries. He said many leave that decision to the staff member. The recommendation in this proposed ordinance is that there be some parameters, so it is not just a call by one staff member, but that there would be some guidance for the staff. He said Council could say these are the minimum boundaries or set them at what they would like.

Council discussed this matter at length. It was pointed out that if proposed improvements are designed to help alleviate traffic problems, this would help in the Pine Log Road area also, even though the study may not cover the Pine Log Road area. It was also pointed out that large developments under the proposed ordinance would require a study of a one mile radius.

Councilman Cunning expressed concern about how the impact fee would work so the funds could be built up to make roadway improvements. He pointed out that roadway improvements are expensive.

Mr. LeDuc stated staff did not prepare anything on impact fees at this time. He said he wanted to get Council's feelings on an impact fee before presenting any suggestions to Council. He said he felt the fees should be fair and consistent. He said any property, whether it is in the city or outside the city, that comes for review would have an impact fee. He said a property inside the city could be developed and have a great impact on the traffic, so there should be an impact fee, whether inside the city or outside the city.

Council continued to discuss the proposed ordinance at length. It was the consensus of Council that language should be changed in Sections 1.1, 2.1 and 5.3 as discussed. Also language in 6.1 should be reworded so it includes developments inside the city as well as annexed areas. Then there was discussion on who and when the impact fee would be paid, especially for single family lot development. Council members felt they needed to study this section further. In Section 2.1 it was felt the Level of Service Map should probably be updated as each development occurs in order to be sure the map shows the traffic impact as the developments occur. Council also discussed proposed development which might be on the edge of a Type 2 or Type 3 study and how this might be handled. It was also Council's feeling that they did want a traffic impact fee to impose when the traffic studies are done. They asked that proposed development fees also be developed for consideration by Council as well as revised wording for Sections 1.1, 2.1, 5.3 and 6.1.

BOARDS AND COMMISSIONS

Appointments

Mr. LeDuc asked if Councilmembers had any suggestions for appointments to boards and commissions.

Councilman Smith stated he would like to replace Ed Woltz on the Planning Commission with Miles Hall. He would also like to nominate James Wetzels for the Board of Zoning Appeals to replace Nancy Dukes.

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Mayor Cavanaugh stated he would like to reappoint Lee Boylston to the Board of Zoning Appeals and also reappoint Bill Reynolds to the Planning Commission.

Councilwoman Clyburn stated she would like to reappoint Marilyn Brown to the Environmental Committee and James Holland to the Planning Commission.

Councilman Cuning stated he would like to appoint Ed Woltz to the Planning Commission to replace Brad Brodie.

Councilwoman Vaughters stated she would like to nominate Wilkins Byrd to the Planning Commission to replace Ronny Bolton.

Councilwoman Price stated she would like to nominate Robert Brooks to the Historic Preservation Commission to replace Beatrice McGhee and Bernice Sanders to the Accommodations Tax Commission to replace Sally Radford.

Councilman Sprawls stated he would like to reappoint Kay Brohl to the Planning Commission.

REGULAR MEETING

November 11, 2002

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Ed Evans, Larry Morris, Anita Lilly, Glenn Parker, Richard Pearce, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 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. Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved.

MINUTES

The minutes of the work session and regular meeting of October 28, 2002, were considered for approval. Councilman Cuning moved that the minutes be approved as corrected. The motion was seconded by Councilman Sprawls and unanimously approved.

ELECTION

Referendum

Alcohol

Sunday

Mayor Cavanaugh stated Mr. Richard Johnson, Chairman of the Election Commission was present to make a report to Council on the recent referendum on the sale of alcohol on Sunday.

Mr. LeDuc stated Mr. Richard Johnson, Chairman of the City Election Commission was present to report on the results of the referendum for alcohol sales on Sunday. He said Council needed to officially accept the report. He also pointed out that Council would have to amend the Code regarding the sale of alcohol on Sunday since the referendum had passed.