

He was concerned about prohibiting vehicles when the people use the vehicles to make their living.

Mr. LeDuc pointed out that recreation vehicles are parked in yards for months at a time before they are moved, whereas the vehicles used in business are moved every day. He said the length and weight don't make a lot of difference as long as the vehicle is behind the front of the house.

Mr. Gary Moore, 1887 Dibble Road, stated he parks his truck at the rear of his house behind some trees so his truck is not visible from the front.

Mr. LeDuc stated if Council wants to take the approach of the vehicle being behind the front of the house, the matter will be sent to the Planning Commission to work out the details of the proposed ordinance. It was suggested that Mr. Wade, Mr. Moore and Ms. Nix, who were present at this meeting, might want to meet with the Planning Commission to work out details of a proposed ordinance and make suggestions to the Planning Commission.

### REGULAR MEETING

September 23, 2002

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Ed Evans, Richard Pearce, Anita Lilly, Glenn Parker, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and 30 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. Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be approved.

### MINUTES

The minutes of the regular meeting and work session of September 9, 2002, and the work session of September 16, 2002, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilman Cuning and unanimously approved.

### PRESENTATION

Hook a Kid on Golf

Golf

Lock, Mary Jane

Spencer, Joe

Mayor Cavanaugh stated Council wanted to make a presentation for the Hook a Kid on Golf program.

Mr. LeDuc stated this past year our Parks and Recreation Department partnered with the Frank R. Lock, Jr. Memorial Fund, Palmetto Golf Club, the Houndslake Country Club, the Aiken Boys and Girls Club, Woodside Plantation, the United States Golf Association, Southern Cross, Sertoma Club, and ORA-SRS and offered a "Hook-a-Kid on Golf Club" program in the Aiken area. Fifty-one children participated this first year to learn how to play golf for the first time at no cost to them. Funding came from several private sources and grants. The city coordinated this program, and, because of the various funding sources, there was no cost to the city taxpayers. The participants hope that this can be a

forerunner to establishing a youth golf program in Aiken over the next few years. Eventually they would like to see established a "First Tee" program, which is being established across the country. With golf being such a prominent sport here in our area we feel this is a natural for the children of our community.

Mr. LeDuc stated the City would like to recognize the efforts of Joe Spencer and Mary Jane Lock. These two individuals were the driving force behind the concept of this program and without their great effort the program would not have been the success that it was this year.

Mayor Cavanaugh presented a plaque to Mr. Spencer and to Ms. Lock for all their efforts in organizing the Hook a Kid on Golf Program.

Ms. Lock stated the program was established in memory of her late husband, who was a golfer. She said she reflected on his life and what he was about, which was not just golf, but people, humanity and our community. She said he loved people of all walks of life. She said she wanted to do something in his memory, and she felt helping children to be introduced to golf might be something he would love. She said she searched for a way and method to do this unsuccessfully until one of her husband's best friends, Joe Spencer, said he would try.

Mr. Spencer stated Council had been given the background of the program, but he wanted to thank the sponsors, the volunteers and the Recreation Department staff for their efforts and support in the planning and execution of the program. He said Aiken has great programs and facilities in Aiken. He said, however, one area is missing. He said there are no golf facilities that are readily available to the community, particularly for those individuals who do not have the funding or whose parents do not belong to a country club. He said this program was established to give an opportunity to kids that would not normally have the opportunity to play golf. He said that two-thirds of the participants were minorities and one-third was females. He encouraged Council to consider using the old landfill off the by-pass as a park area and to include a few holes of golf and a practice area which would be readily available to a lot of people in this community. He said they look forward to continuing the program and expanding the number of participants.

#### BOARDS AND COMMISSIONS

##### Appointments

Faulkner, Robert

Community Development Committee

Johnson, Barry

General Aviation Commission

Mayor Cavanaugh stated Council needed to consider two appointments to the various boards and commissions of the city.

Mr. LeDuc stated we have 32 pending appointments to boards and committees of the city before the end of December and two appointments are presented for Council's consideration.

Councilwoman Vaughters has recommended reappointment of Robert Faulkner, of 111 Woodruff Court, to the Community Development Committee. If reappointed the term would expire September 2, 2004. She had also recommended reappointment of Barry Johnson, of 4202 Trolley Line Road, to the General Aviation Commission. If reappointed the term would expire September 1, 2004.

Mr. LeDuc pointed out that the city had received resignations from Dr. Gerald Oliver and Mr. Joseph Williams from the General Aviation Commission, so the Councilmembers who are responsible for these appointments need to consider another appointment.

Councilwoman Vaughters moved, seconded by Councilman Cuning and unanimously approved, that Barry Johnson be reappointed to the General Aviation Commission with the term to expire September 1, 2004 and that Robert Faulkner be reappointed to the Community Development Committee with the term to expire September 2, 2004.

BARNWELL AVENUE – ORDINANCE 09232002Barnwell Avenue 204 NEYork StreetKennedy, Keisha L.TPN 30-069.0-04-021DuplexBarwnell Avenue 208 and 210 NEDemolition

Councilwoman Clyburn left the room and did not participate in the discussion or voting on this issue because of a possible conflict of interest, since she is employed by the person proposing to purchase the property

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell property at 204 Barnwell Avenue NE.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED AT THE CORNER OF YORK STREET AND BARNWELL AVENUE, AIKEN, SOUTH CAROLINA, A PORTION OF TAX PARCEL NUMBER 30-069.0-04-021.

Mr. LeDuc stated this past January City Council authorized \$150,000 to purchase and rehabilitate three properties at 204 Barnwell Avenue, a duplex at 208 and 210 Barnwell Avenue and a vacant lot on Fairfield Street. The proposal was to renovate the house at the corner of York and Barnwell, commonly known as the yellow house, which had been for sale for almost a decade and for the last two years had been slated for demolition. Once the house was renovated the city would then sell the property to a private owner and the city would use the money to purchase and renovate additional homes. It was the city's goal to hopefully recover the majority of our money, realizing that the real value in the project was to rehabilitate homes on the north side and eventually get private owners to do this renovation without the help of the city.

In February we closed on these three properties and hired an architect to design the rehabilitation of the yellow house and to evaluate the condition of the house next door, known as the white house. The architect reported that the yellow house could definitely be rehabilitated, and recommended the removal of the white house due to structural problems. He was then authorized to begin the design drawings for this renovation while the city advertised for the future sale of this home based on these plans. Several positive articles appeared in the local newspaper, and we received an offer from Keisha Lloyd Kennedy to purchase this house, with the condition that she would work with the architect and rebuild it according to his drawings. She optioned the property this summer, and she is now prepared to purchase the property for \$29,000, which includes \$20,000 for the purchase price and \$9,000 for the architectural fees. She has obtained a loan commitment for this home and plans to renovate it according to the architectural drawings and to occupy the residence in March, 2003.

Our goal was to renovate this home and to avoid its demolition. We had hoped to do this while recovering most of our cost. We feel we have exceeded our goal by recovering all the costs for this project and have saved an historic and architecturally significant home from being demolished on the north side. With the sale of this home we will proceed in reviewing other properties for their possible purchase and resale similar to what we have done with this house.

At the last Council meeting Council approved the removal of the white duplex at 208 and 210 Barnwell Avenue. With this approval we are now looking at design plans to present to Council for the type of structure that we would like to have at this location. Council at a later date would then decide whether to build a new home based on these drawings or sell the property based on these architectural drawings or to allow the land to be sold based on another design by the prospective purchaser of this land.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance approving the sale of the home and property at 204 Barnwell Avenue NE to Keisha Lloyd Kennedy for \$29,000 and that the ordinance become effective immediately.

Councilwoman Clyburn returned to the Council Room.

QUIT CLAIM DEED – ORDINANCE 09232002A

Hills Woodland Drive

Eidson, Gene

TPN 30-014.0-07-009

TPN 30-014.0-07-012

Street

Easement

Kalmia Hill

Forest Hill Drive

US 1 S

Richland Avenue W

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance for a quit claim deed on Hills Woodland Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE EXECUTION OF A QUIT CLAIM DEED TO A PORTION OF HILLS WOODLAND DRIVE.

Mr. LeDuc stated several months ago City Council approved a quit claim deed for Hills Woodland Drive for a roadway that was never built in front of several lots. At that time Council conveyed the property to Thomas and Faye Shealy and Robert Shellhouse, Jr. We now have another request to approve a quit claim deed for the portion facing Lot 9. All of the owners of this property would like to build houses and install a private driveway to their homes. The city is not claiming any interest in this roadway, but will require a 10 foot easement for any utilities that will be necessary for the property in the future.

Gene Eidson, who is purchasing Lot 9, has obtained easement rights across the other properties that we had deeded to the owners.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving a quit claim deed of Hills Woodland Drive in front of Lot 9 owned by Gene Eidson and that the ordinance become effective immediately.

CHEROKEE STREET – ORDINANCE 09232002B

Cherokee Street 218

Bryant, Darren and Amy

TPN 30-100.0-06-007

Forest Street

South Boundary

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell property on Cherokee Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED IN AIKEN, SOUTH CAROLINA, A PORTION OF TAX PARCEL NUMBER 30-100.0-06-007.

Mr. LeDuc stated a couple of months ago the city had an inquiry concerning a house that the city obtained through a foreclosure from a Community Development Block Grant loan with an original loan amount of \$6,245. This house is located at 218 Cherokee Street, and we recently had it appraised at \$6,000. We received three offers, one from Darren and Amy Bryant for \$6,801, another from Richard Percival for \$6,128.48, and a third from Reginald Landy for \$6,500 to purchase this property. This is after we placed a "For Sale" sign on this property for the past month. Since these offers are above the appraised value of the property, we are recommending to Council approval of the sale of the house to the Bryants, the highest offer. It is their plan to renovate the home and then sell it as an owner occupied residence. This house has been vacant for a number of years and will take an extensive amount of work to renovate the property.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to sell property at 218 Cherokee Street for \$6,801 to Darren and Amy Bryant and that the ordinance become effective immediately.

COMPREHENSIVE PLAN – ORDINANCE 09232002C

Southside  
Amendment

Mayor Cavanaugh stated this was the time advertised for third reading and public hearing on an ordinance to amend the Comprehensive Land Use and Transportation Plan for the south side of Aiken.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN COMPREHENSIVE LAND USE AND TRANSPORTATION PLAN.

Mr. LeDuc stated on June 18, 2002, City Council began a review of the Comprehensive Plan revisions for the south side. Since that time Council has met on many occasions to thoroughly review the Comprehensive Plan, which was approved by the Planning Commission and developed by a Task Force appointed by City Council and the Planning Commission. A lot of hard work has gone into this plan by City Council, the Task Force and the Planning Commission, and many major changes were made in the Plan for the south side. In the General Goals and Objectives many new items were discussed, including greenways, PUDs and changes to the Planned Commercial Development.

This is a very important document and because of it Council asked that there be three readings on the Plan. This allowed for a public hearing on the second and third readings. On the third reading Council will vote on adopting the Plan, which will guide our development for several more years to come. This is not a static document, but one that can be and should be revised by Council when needed at any time.

In July the Planning Commission approved the Comprehensive Plan for the remainder of the City. This will be brought to City Council once the south side Comprehensive Plan has been approved so we can incorporate any of those changes to the Goals and Objectives that you make in this plan.

Mr. LeDuc stated Council had discussed many issues, but he was highlighting some items which Council had discussed at length. He said Council had discussed the PUD issue and allowing PUDs to be developed in the city. Currently the only PUDs allowed are in newly annexed areas. Another major change is Planned Commercial developments, with an increase in open space from 20% to 25%. He pointed out that at the last meeting Council approved a greenway and conservation easement plan for areas

in and around the city. This will give the city the ability to work with developers and owners of property to get greenspace that would be a major addition to the city and allow them to possibly get a tax incentive.

Mayor Cavanaugh stated before holding the public hearing he would like for Council to discuss any possible changes which they might propose so the public would know what Council may be proposing.

Mayor Cavanaugh stated he was concerned about 5.3 on page III-10. He said his concern was the wording "should be protected." He said the McGhee Mile Track issue will be coming up soon and that matter had not been resolved yet. He said this wording says to him that all historic properties should be brought in as a landmark or in the Historic District even against their will. He suggested "consider protection of all such sites and structures to be protected under the Historic Preservation Ordinance."

Council discussed the matter and Councilwoman Price suggested "should be evaluated for protection under the city Historic Preservation Ordinance."

Councilman Smith stated the city started reviewing the Comprehensive Plan in March, 2001. He said this has taken many months. He said some wording has been changed. He said he did not feel the currently drafted plan is any better than 1997 plan. He said his concern was that the 1997 plan was created and put on the shelf for several years. He said his concern was that there is a proposed plan, but it is still just a guideline. He said he had tried to get the language changed to strengthen it a little bit. He said he felt there needed to be a plan that the city follows and that is not full of words that can be interpreted any way given the nature of the project. He said he would like to amend the plan to require that "if Council departs from the Plan that Council at least have a good reason for doing so and that it should clearly be in the public interest." He said also, on the Planned Unit Commercial, he felt it was a good substitute for what had been recommended by the Task Force where there could be 50% or more residential and 49% commercial, which could in essence be forcing people to build strip development along Whiskey Road with residential behind it. He said this proposal was with 20% green space for the commercial properties and 40% green space for the residential. He said with that he felt it would be logical to propose that the green space be kept at 30% overall under the proposed Planned Unit Commercial. He felt this would make a better development. He said he would still like to propose that the Plan require 30% green space in the Planned Unit Commercial. He said one other concern was that Chapter IV, the implementation chapter, had not been considered. He said he would like to see an implementation plan before considering the overall plan that goes back to the 1997 plan, compares what was proposed for implementation at that time, and lists for the record what was actually accomplished out of the 1997 Plan. Then we could create a "to do list" for the current review and set priorities for getting them done.

Councilman Cuning stated he and Councilman Smith disagreed on the amount of green space for Planned Unit Commercial. He said under the Planned Commercial there will probably be some mixed use development. He said the City of Aiken is planning where the city's water and sewer limits will be. He pointed out the City of Aiken can only go a certain distance and then the rest is New Ellenton's district. He pointed out the back portion of some of the property could be used for multi-family, but there would be more controls. He said if the green space is 25% the front part could be developed with the 25% and the back part with apartments would be at 40% green space. He pointed out if there is 25% on the front and there is residential on the back in effect this would be 33% green space. He said he was concerned that if the city requires 30% green space the properties may not annex to the city and would develop outside the city.

Councilwoman Vaughters stated she was in Aiken in the 70's when Planned Unit Development was first proposed for Aiken. She said her neighborhood was particularly concerned about PUDs and incorporating commercial uses in residential areas. She said at that time the compromise was that only newly annexed areas could be PUDs so this would not change established neighborhoods in the city. She said other cities have PUDs but she felt Aiken had done a much better job keeping the neighborhoods residential in character and keeping downtown business on main street. She said she was concerned

about the wording for PUD on page III-2 Section 1.4. She said she felt people had invested in their homes, particularly in Old Aiken, because of stability, not flexibility. She felt stability was very important. She asked if wording could be added to consider the opinions of the neighborhoods affected by the PUD. She said she had not seen any compelling arguments to changing the Plan to allow PUDs in the city, but, if it is to be changed, she would ask that there be some wording regarding the opinions of the neighborhoods affected by the PUD and the necessity for considering their opinions. She said she was concerned about things happening and the neighbors affected not being aware of a change. She said she liked having public hearings posted to be sure people are aware of any proposed changes. She also pointed out the section stated clear standards would be stated in the ordinance to make it clear when Planned Unit Development zoning is appropriate or not.

Mr. Evans stated there are already standards, but they may need to be looked at to be sure the standards are clear. He felt Council may want to look at the present standards.

Councilwoman Price suggested adding the following sentence for PUD: "A proposal to rezone property to PUD would be subject to public hearings before the Planning Commission as well as City Council. City Council can vote to provide protection to a neighborhood and allow a PUD to remain 100% residential.

Mayor Cavanaugh stated he liked a PUD because it gave Council the ability to decide what is going to be on the property. He pointed out Kalmia Landing is essentially a PUD, and he felt it was a nice development, but if it had already been in the city it could not have been developed as a PUD.

Councilwoman Vaughters stated that she was concerned that the properties be posted and that people know what is happening to the property.

Mayor Cavanaugh stated he had no problem with posting properties for public hearing before the Planning Commission and City Council. He said this is a change in the regulations, but he saw nothing wrong with posting. He said Council is certainly not trying to hide anything.

Mayor Cavanaugh stated Councilman Smith had stated he felt the Plan should be more than a guideline. Mayor Cavanaugh stated one of his concerns was there was nothing in the Plan from the state law and he had suggested that the state law be incorporated. He said the state law talks about the process, the elements, etc. of the Comprehensive Plan. He said it describes the process as a guide for development. He said he had no problem adding the wording that Councilman Smith had mentioned regarding if changes are made from the Plan that it must be in the public interest of the people.

Councilman Sprawls asked if under 2.2 Planned Commercial zone if property could be subdivided after it is approved and outparcels allowed.

Councilman Cunning stated he felt that outparcels would be allowed and they could be sold, but a plan has to be submitted for approval of the outparcel.

Gary Smith, City Attorney, stated that was correct. If a concept plan incorporates all of the acreage and later they want to subdivide the property into two lots the subdivision would have to be approved as it would be a modification of the concept plan.

The public hearing was then held on the proposed Comprehensive Plan for the southside.

Mr. Richard Alvanos stated he was a member of the Task Force Committee for the Comprehensive Plan. He said he was glad to hear comments from Council first. He said he was disappointed that no comments were made at the second reading and he saw no reason for that hearing. Mr. Alvanos expressed concern under 2.2, page III-5 regarding Planned Commercial zone and the open space at 25%. He also expressed concern that the Task Force had been blamed for suggesting the 49% - 51% development along the Whiskey Road Corridor. He stated he was concerned about the last bullet point under 2.2 in Planned Commercial page III-5 regarding the Planning Director being allowed to

reduce the open space to 20% on lots of less than 5 acres. He said this does not state that a lot less than 5 acres will be 20% open space. He pointed out he remembered the discussions being that if a lot is less than 5 acres the open space would be 20% rather than the 25% required for larger developments. He said if it states that it allows the Planning Director to reduce the open space to 20% that it gives the Planning Director the leeway to say no and require more open space. He felt this needed to be cleared. Mr. Alvanos also pointed out that the greenspace requirement had been 15% until about 6 months ago, when the percentage went to 20%. He said there had already been a 5% increase in open space on commercial property recently. He was concerned about the percentage being 25% and Councilman Smith wanting 30%. He asked if Council had really considered the cost for the developer and a landowner in increasing the percentage of green space. He said he had done some comparisons and it was astounding. He reviewed those costs for Council. He suggested that Council keep the percentage at 20% for green space.

Councilwoman Vaughters stated allowing green space on a development usually increases the value of the property and this was what Council was trying to do. They were not trying to keep people from using their property. They were just trying to make things look better. She felt it was an effort to improve property values.

Council discussed the matter regarding 20% green space for lots less than 5 acres. It was the feeling of Council that the words "allow the Planning Director to" should be deleted and leave the wording "reduce the open space to 20% on lots less than 5 acres." Councilman Smith stated in some cases in unique circumstances that may result in something that just would not work and there may need to be more green space and that was why the wording allow the Planning Director to reduce the open space to 20% was included.

Mrs. Frances Toole stated she was concerned about some of the landscaping causing traffic hazards at intersections as motorists could not see oncoming traffic. She particularly mentioned the intersection of Whiskey Road and Taylor Street being a traffic hazard.

Mr. Wilkins Byrd, 434 Berrie Road, stated in Section 2.2 Whiskey Road Corridor was mentioned. He wanted to know what Whiskey Road Corridor included. It was stated the Whiskey Road Corridor includes Whiskey Road from Pine Log Road south.

Mr. Tad Barber, 334 Walker Avenue, stated he was concerned about not having flexibility in the Plan. He said the Plan should not be the ordinance, but a guideline. He said there had been comments about developers. He said he was a developer and a developer is not always a big company, but could be an individual developing a small area for an office. He said the small developer has the same criteria and expense as a large developer and he was concerned about costs to individuals and developers. He was also concerned about adding the wording when not following the plan that there must be a reason in the public interest. He asked what is the public interest. He asked who do you believe when you have a public hearing and you have more citizens against the project than for it. He asked does this mean they are right and the developer is wrong? He felt there was too much ambiguity in the wording "in the public interest." He said the project should be right for Aiken based on what City Council, the Planning Commission, Board of Zoning Appeals feels is right. He did not feel that the words "in the public interest" should be used. He pointed out the properties are private properties and not public properties. He said he felt Planned Unit Development could be a good zone for Aiken and could work in some places already in the city and would give Council control over what is developed. He said the purpose of a PUD is to keep people within the area for residential and commercial needs.

Mayor Cavanaugh stated the Comprehensive Plan is a guide and that is stated in the document. He said it is difficult to define everything in the Plan. He said defining "public interest" would come up in the future he was sure. He said he felt this review of the Comprehensive Plan had had more input than in the past.



Mr. Lynn Zody also asked that Council keep flexibility in mind for the Comprehensive Plan. He said he had developed three Burger Kings in Aiken and the development of each was different. He said there was always one ordinance that overlapped another, or there was a problem with a state law. He said many times in trying to make things better it becomes more difficult to develop some properties. He said one has to take into consideration all the ordinances, and it can become a nightmare. He said it is difficult sometimes to follow all the ordinances and there is very little flexibility.

Council then reviewed the four changes which they had proposed as amendments to the Comprehensive Plan. Those amendments are as follows:

1. On page III-5 Section 2.2 the wording would be: "retain the open space requirement at 20% for lots less than 5 acres."
2. Page III-2 Section 1.4 add the sentence at the end: "City Council can vote to provide protection to a neighborhood and allow a PUD to be 100% residential."
3. Page I-1 last sentence 1.A "The Plan should be followed unless there is a public interest reason for not doing so and the reason should be stated in any motion contrary to the Plan."
4. Page III-10 Section 5.3 Historic sites: "should be evaluated for protection"

It was stated that Council had reviewed the Plan at length and the test would be to see how the Plan works. If it does not work Council will have to make changes in the Plan. It was pointed out the Plan is a guide and Council will need to use it in planning for the future and may have to amend it from time to time. It was also pointed out that ordinances will have to be adopted to implement the changes proposed in the Plan.

Mr. LeDuc reviewed the proposed changes discussed by Council. He said on page I-1 the language would be added "unless there is a public interest reason for not doing so." On page III-2 regarding PUDs the following sentence would be added: "City Council can vote to provide protection to a neighborhood and allow a PUD to be one hundred percent residential." The third change is under Planned Commercial Development allow the open space to be 20% on lots of less than 5 acres. The fourth change is III-10 removing the word "should be protected" and change it to read "should be evaluated for protection."

Councilman Smith pointed out the only item not addressed was the 25% and 30% open space in the Planned Commercial Developments and he was not objecting to the 25% any longer.

Councilwoman Price moved, seconded by Councilman Cuning, that Council adopt on third reading and public hearing the Comprehensive Land Use and Transportation Plan for the south side with the four changes as discussed by City Council. The motion was unanimously approved.

#### ANNEXATION – ORDINANCE

Henry Street 790  
Burckhalter, Eloise  
TPN 30-057.0-01-007  
Virginia Acres Subdivision  
Two Notch Road

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 790 Henry Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF  
AIKEN CERTAIN PROPERTY CONSISTING OF .3 ACRES OF LAND, MORE OR

LESS, OWNED BY ELOISE J. BURCKHALTER AND LOCATED AT 790 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-10).

Mr. LeDuc stated Eloise Burckhalter would like to annex a 0.3 acre lot at 790 Henry Street as Single Family Residential (RS-10). The applicant along with several others in the area would like to be in the city and to eventually obtain sanitary sewer. Several other properties have annexed to the city over the last year and a half from this area, and this property is contiguous to the city to the north.

The Planning Commission reviewed this request at their September 10, 2002, meeting and unanimously approved this annexation.

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that the ordinance be passed on first reading to annex property at 790 Henry Street and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Clifton Street 101  
Grimes, Kathryn  
TPN 30-057.0-04-014  
Virginia Acres  
Two Notch Road

Mayor Cavanaugh stated an ordinance had been prepared for annexation of 101 Clifton Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .29 ACRES OF LAND, MORE OR LESS, OWNED BY KATHRYN K. GRIMES AND LOCATED AT 101 CLIFTON STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated Kathryn Grimes would like to annex a 0.29 acre lot at 101 Clifton Street to be zoned RS-10 Single Family Residential. She and others in this area would like to annex to the city to eventually obtain sanitary sewer service. The RS-10 zoning is compatible with those in the surrounding area and the property meets the minimum lot size.

The Planning Commission at their September 10, 2002, meeting unanimously approved this annexation.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex property at 101 Clifton Street to be zoned RS-10 and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Clifton Street 106  
Muse, Linda  
TPN 30-057.0-03-005  
Virginia Acres  
Two Notch Road

Mayor Cavanaugh stated an ordinance had been prepared for annexation of 106 Clifton Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .21 ACRES OF LAND, MORE OR

LESS, OWNED BY LINDA K. MUSE AND LOCATED AT 106 CLIFTON STREET  
AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc state Linda Muse would like to annex a 0.21 acre lot at 106 Clifton Street to be zoned RS-10 Single Family Residential. This applicant and others in the area are interested in eventually obtaining sanitary sewer and several other properties have annexed to the city over the last year and a half. This zoning is compatible with those in the surrounding area except the subject lot is at 9,440 square feet and therefore would be a legal non-conforming lot. This would require that if the house was destroyed it could be rebuilt as long as it meets the set back requirements.

The Planning Commission at their September 10, 2002, meeting unanimously approved this annexation.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to annex a lot at 106 Clifton Street to be zoned RS-10 and that second reading and public hearing will be set for the next regularly scheduled meeting.

REZONE – ORDINANCE

Kelly Paint and Body  
York Street 866  
TPN 30-081.0-02-003  
TPN 30-081.0-02-007

Councilman Sprawls left the Council room and did not participate in the discussion or voting on this matter as there may be a potential conflict of interest since he is an adjacent property owner to the Kelly Paint & Body Shop.

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property on York Street from General Business to Light Industrial.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY  
KELLY PAINT AND BODY FROM GENERAL BUSINESS (GB) TO LIGHT  
INDUSTRIAL (LI).

Mr. LeDuc stated Charles Logan, the owner of Kelly Paint and Body, would like to request the rezoning of two lots at 866 York Street from General Business to Light Industrial. The first lot, consisting of 1.57 acres fronting on York Street, is occupied by the Kelly Paint and Body Shop. The second 2.41 acre rear lot is undeveloped and is currently storing many inoperable vehicles and parts. The applicant would like to rezone the property to Light Industrial to specifically allow a towing service, which is not allowed by itself as a permitted use in General Business, but is allowed as an accessory use and permitted in General Business. The current Zoning Ordinance which was adopted on November 22, 1999, only allows currently registered and licensed vehicles awaiting repairs or service to be permitted on the lot. It also allows an area to store vehicles if it is one acre in size or less. The applicant has also stated he would like to use more than one acre to store inoperable vehicles and does not want them to have to be currently registered and operable. Whether or not it is rezoned to Light Industrial would not eliminate these restrictions because Section 4.3.7 of the Zoning Ordinance would still apply, since the storage of inoperable vehicles would be a secondary use to towing services and does not list junk yards as permitted in any district.

The Planning Department felt after an evaluation of this area that the Light Industrial and Suburban Industrial was not appropriate for the area and that General Business zoning should remain.

Several other businesses have contacted the city concerning the possible change of Sections 4.3.7 and 8.1.8 of the Zoning Ordinance concerning the storage of inoperable vehicles. Based on these meetings staff will be making a recommendation to change the

ordinance to allow some inoperable and unregistered vehicles to be stored in some locations. It will be up to City Council to decide if this amendment should be made and if so would then refer them to the Planning Commission for review and recommendation to City Council. These changes will come to City Council in the near future to address the problems that the current regulations have created for some businesses storing inoperable vehicles.

At the Planning Commission the applicants did not appear and a neighbor next to the development spoke in opposition. The Commission voted unanimously to recommend denial of the rezoning of Kelly Paint and Body.

Mayor Cavanaugh pointed out that it was stated that the staff will be making recommendations for possible changes to the Zoning Ordinance in the future regarding storing of inoperable vehicles.

Mr. LeDuc pointed out there are two issues involved. He said one issue is that currently a car lot may be bringing in vehicles that they may have sold and something breaks down and they have to tow the car back to their yard. That would be an unlicensed, unregistered vehicle. The ordinance does not allow storage of these vehicles. The other issue is primarily focused on two locations: Parker's Body Shop next to Kroger's on Silver Bluff Road and Kelly Paint and Body. The ordinance also states that the business cannot have over one acre in size for the storage of vehicles, whether licensed or not. He said this is a different issue. He said staff has talked to both businesses and they would like to see the one acre restriction amended to allow a larger area or a junkyard to be developed in some fashion. He said these issues will be coming to Council at a future date.

Mayor Cavanaugh stated, considering the fact that there will be recommendations at a future date regarding the storage of vehicles and the fact that the Planning Commission denied the rezoning request from General Business to Light Industrial, he would move that Council deny the request at this time. The motion was seconded by Councilwoman Price and unanimously approved.

It was stated by Councilmembers that they felt the matter should be looked at as a whole rather than in part since there were other issues involved.

Councilman Sprawls returned to the Council room.

### REDISTRICTING

#### Districts

#### Resolution

#### Voting

#### City Council Districts

Mayor Cavanaugh stated a resolution regarding redistricting had been prepared.

Mr. LeDuc stated for the past year the staff has been working on a redistricting plan for the City of Aiken. The City approved the hiring of Jim Holly to work with Richard Pearce to develop this plan. The first step that we must take for the approval of this plan is to develop the criteria for this redistricting. A proposed resolution detailing the criteria that must be used when considering a redistricting plan was given to Council for review. This criteria would need to be approved by City Council no matter what plan City Council finally approves.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve the resolution listing the criteria necessary for the redistricting to be used for future Aiken City Council elections.

HITCHCOCK WOODSEngineering Contract  
Wolpert  
Drainage

Mayor Cavanaugh stated Council needed to consider approval of a contract for an engineering study for Hitchcock Woods.

Mr. LeDuc stated last April City Council approved an engineering study for Hitchcock Woods in the amount of \$71,073. Larry Morris, after further discussion with the Board of Directors for Hitchcock Woods, modified the scope for the study to include more water quality monitoring, additional watersheds and a budget cost analysis. This will be needed to develop a base line for future monitoring in the Woods when EPA Phase II guidelines go into effect. With the new scope of work the cost for the engineering study is now \$104,540. He said he felt he needed to bring this back to Council for approval, since there was a 50% increase in the cost from what was presented to Council in April.

He said last week staff had a meeting with representatives from the Hitchcock Board, and all recommend that the study is needed to provide the depth of analysis required for further action on the stormwater problems associated in the Woods. Funding for this was allocated in last year's budget, but was removed from this year's budget when we felt the project would have been started prior to June 30. Since there are no funds in this year's budget we are bringing this to Council for formal approval to modify the fiscal year 2002-2003 budget. Funding for this improvement will come from the \$400,000 committed through the 1 cent sales tax for storm drainage improvements in Hitchcock Woods. A comparison of the original project scope and cost for the new scope of work was given to Council for review.

Upon City Council's approval our consultant, Wolpert Engineering, will be able to begin this project immediately and complete it within 6 to 12 months, based on the number of rainfall events. Depending on the conclusions developed in this report, Council may want Aiken County and the State Highway Department involved since a large amount of the stormwater going into the Woods originates from areas controlled by these two entities.

Councilman Smith moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve an engineering report to study the Hitchcock Woods stormwater in the amount of \$104,540 by the consulting firm of Wolpert Engineering.

Councilman Cunning stated he felt the city should put the other entities involved on notice including the County and the State Highway Department that the study was being done and that help would be needed in correcting some of the stormwater problems in the Woods.

EASEMENTSewer  
Wilds, Nancy  
South Boundary  
Laurens Street  
Rosebank  
TPN 30-051.0-08-006  
TPN 30-051.0-08-018  
TPN 30-051.0-08-019  
Resolution

Mayor Cavanaugh stated a resolution had been prepared for acceptance of sewer easement near South Boundary.

Mr. LeDuc read the title of the resolution.

A RESOLUTION TO ACCEPT SEWER LINE EASEMENT ACROSS PROPERTY OWNED BY NANCY A. WILDS.

Mr. LeDuc stated Nancy Wilds recently purchased property near South Boundary and Laurens. During the survey, they discovered a sewer manhole at the back of the property with a sewer pipe heading in a southwesterly direction to South Boundary. This city sewer line was laid several decades ago, and we cannot find any dedicated easement for that line. We have prepared a resolution for City Council to accept this 15 foot sewer line easement from this manhole in a southwesterly direction to Laurens Street. This will help clear up any problems should we need to go onto the property in the future to maintain this line.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council approve the resolution accepting a sewer line easement granted by Nancy Wilds to the City of Aiken for property north of South Boundary and east of Laurens Street.

#### GRANT

U.S. Department of Justice  
Public Safety Department  
Equipment

Mayor Cavanaugh stated Council needed to consider acceptance of a grant from the U.S. Department of Justice.

Mr. LeDuc stated for the past several years the city has received a funding grant from the U. S. Department of Justice for assistance with purchasing equipment for the Department of Public Safety. In the past this helped us purchase equipment that has been requested but not funded in the current year's budget. This year we are requesting purchase of equipment to help us with several of our divisions, including a portable GIS computer to be used in field assignments or at a field incident command post, general equipment for the officers, hand held computers that will allow us to complete incident reports in the field, and two radar units. Our grant over the last couple of years has decreased, since the amount given to an agency is based on the number of major crimes within the community. The good news is that our major crimes are decreasing. The bad news is the grant is decreasing because we are doing such a good job.

This year's total grant is for \$30,964 compared to \$32,267 last year. This year's grant is for \$27,868 with \$3,096 to be used as a 10% match which was approved in the 2002-03 budget. The Citizens Advisor Committee recently met to discuss this funding and recommends equipment as follows:

Portable GIS Computer	\$7,869
Night Vision Scope	3,600
Ballistic Shield	2,100
Weapons Training Simunitions	6,800
5 Hand Held Computers	5,800
2 Radar Units	<u>4,600</u>
Total	\$30,964

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council accept a grant in the amount of \$30,964 from the U.S. Department of Justice, with the city providing 10%, for the purpose of obtaining equipment needed in the Department of Public Safety.

#### GRANT

FEMA  
Public Safety Department  
Trailer  
Federal Emergency Management Agency

Mayor Cavanaugh stated Council needed to consider acceptance of a FEMA Grant.

Mr. LeDuc stated for the past 15 years, the Public Safety Department has used a trailer constructed by staff to transport large bottles of oxygen to fire scenes to help refill their self-contained breathing apparatus. This is used by the firefighters while extinguishing fires, especially on the interior of a structure. A couple of years ago OSHA stated that this equipment did not meet their standards, and we have been looking for new equipment in the meantime. Since that time, we have been using GVW, Beech Island, or Couchton fire departments' apparatus to help us provide equipment for refilling our air tanks. We have now received a grant from Federal Emergency Management Agency, FEMA, for \$62,325.00. We would have to match this with 10% from the City of Aiken. This money is available in our budget. We recommend that Council accept this grant.

Councilman Sprawls moved, seconded by Councilwoman Price and unanimously approved, that Council accept a grant from FEMA in the amount of \$62,325, with a 10% match by the City of Aiken, for a trailer to transport equipment for refilling our air tanks for fire fighters.

#### REQUEST FOR FUNDS

Gymnastics Team  
Optional Team  
Sponsorship

Mr. LeDuc pointed out the city had received a letter from Amy Williams on behalf of the Aiken Gymnastics Optional Team requesting support for the team. She stated the team will be competing in an international gymnastics competition in the Czech Republic and Austria and was asking the city for support in expenses for the trip. Mr. LeDuc pointed out the city policy had been that the city did not provide funds for organizations as there are many organizations which request funds and support for their various activities. Council was in agreement to continue the present policy.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 P.M.



Sara B. Ridout  
City Clerk