

Aiken City Council Minutes

REGULAR MEETING

April 25, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Glenn Parker, Pete Frommer, Larry Morris, Richard Pearce, Sara Ridout, Erin Brooks of the Aiken Standard, Krista Zilizi of the Augusta Chronicle, and about 38 citizens.

Mayor Cavanaugh called the meeting to order at 7:06 P.M. Mr. LeDuc 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. Mr. LeDuc pointed out that three ordinances which were not ready when the agenda package was mailed out had been given to Council tonight. Council also agreed to add a legal discussion on tattoo parlors to the Executive Session. Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved.

MINUTES

The minutes of the work session and regular meeting of April 11, 2005, and the work session of April 13, 2005, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

PRESENTATION

Public Safety Officers

S.C. Criminal Justice Academy

Dobbs, Aaron

Williams, Brian

Bradley, Celeina

Mayor Cavanaugh stated Council would like to recognize three newly graduated Public Safety Officers.

Mr. LeDuc stated every year several new officers attend the South Carolina Criminal Justice Academy. During the recent class of 75 officers, only 53 graduated. There were only two officers who received the Distinguished Graduate Award for having a 96% average or better. Both of these officers, Aaron Dobbs and Brian Williams, were from Aiken. Our other officer in the class, Celeina Bradley, only missed by one point achieving the 96% average. Mr. LeDuc stated Aiken has a tremendous class of officers working in Aiken, performing day in day out, sacrificing their time because of the shift away from families. Mr. LeDuc pointed out Celeina Bradley had been with the city for a couple of years as a Public Safety Cadet.

Mr. Pete Frommer, Public Safety Director, stated only two of the officers could be present tonight for the recognition. He stated Aaron Dobbs and Celeina Bradley were present and were also on duty. He stated Officer Brian Williams is out in the field working and could not come. He pointed out these officers were tops in their class, and he was proud to bring them before Council for recognition. He pointed out the Public Safety Cadet Program has changed somewhat, and the Cadets now go through a series of steps and may work themselves up to become a Public Safety Officer by the time they finish the Cadet Program. He pointed out Celeina Bradley and Aaron Dobbs had served as Cadets for four years while attending USC-Aiken. He said they became full time Officers after graduation and then attended the Academy. He said he was very proud of the three officers that had graduated from the Academy with top scores in the class.

Council congratulated the three officers for their good work.

AIKEN GOLF CLUB – ORDINANCE

Golf Course

Highland Park Country Club

McNair, Jr. Jim

Valley Green Drive

Chafee Spring Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance removing restrictions on lot 47 at Aiken Golf Club.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE OWNER OF A RESTRICTED LOT, PART OF THE FORMER HIGHLAND PARK COUNTRY CLUB, NOW KNOWN AS AIKEN GOLF CLUB, TO REMOVE THE RESTRICTION AGAINST BUILDING ON IT.

Mr. LeDuc stated recently, Jim McNair, Jr. asked City Council's consideration to remove all restrictions on Lot 47 located at the corner of Valley Green and Chafee Spring Road. This lot was originally considered by Council in 1996, but due to objections by neighbors, it was removed from consideration at that time. In 1996 Council did remove restrictions for Lots 43, 44, 45, and 46. Mr. McNair feels that if Council approves Lot 47 for residential use, it will pose no adverse safety or aesthetic concern for the golf course or the neighborhood. He also understands that all construction plans will be subject for review by the Historic Preservation Commission, and a certificate of appropriateness will be required. One of the adjoining property owners at 1040 Valley Green, Mr. Will Harper, has given his verbal approval for a home on this site. Mr. LeDuc stated several of the restrictions that were removed were that they would be able to sell the property, use the money from the sale of the property to infuse capital back into the golf course. It allowed them to build homes on the lots, still following the covenants that were originally there for the Highland Park area. Some of the covenants were having a home of at least 2,200 square feet, the garage not facing the major street on which the house is located, the house having to be at least 35 feet from the road, and the requirement for a paved driveway to the house.

Mr. LeDuc stated that at the meeting on March 28, 2005, Ms. Ann Parker was present and objected to this release. She was concerned about the historical significance of Chafee Spring, the mature trees and the drainage area through the property. Mr. McNair and Ms. Parker were going to meet and discuss their concerns about the property and bring back to Council a possible resolution.

Mr. McNair stated he and Ms. Parker did meet to discuss the issue.

Ms. Ann Parker, 1012 Valley Green Drive, stated she owned the property across the street from Lot 47. She presented pictures of the area showing Lot 47, and stated it was an unsuitable building site. She said Lot 47 was a deep ditch and a natural drainage area. She was concerned about drainage in the area and Chafee Spring being near Lot 47, and was concerned about building near the area disturbing the historic spring and contaminating the spring. She was also concerned about safety in the area, with the blind curve at Chafee and Valley Green Drive. She was concerned about a house being built on the lot, and if the lot were large enough on which to build a house, and if the house would fit into the neighborhood. She was concerned about trees being removed from the lot. She presented a letter from Hemrich Salley, Jr., of the Aiken County Historic Commission, in which he stated he was interested in preserving historic sites and the Chafee Spring. She also presented a petition from six neighboring property owners who oppose the removal of building restrictions on Lot 47 and are concerned about the Chafee Springs. Ms. Parker stated she did not feel that allowing a residence to be constructed on Lot 47 would be in the best interest of the citizens. Ms. Parker stated she did not feel that

Mr. McNair could build a house on Lot 47 and meet the restrictions that are on the other lots.

Ms. Parker stated she felt Chafee Springs was so important that an expert needs to look at them, and see if they need to be preserved. She said one question is whether Lot 47 is a suitable building site, and she felt that it was not because of the impact on ground water, the impact on an historical site, the drainage on and off the site, the road and blind curves and the interruption of the architectural harmony of the neighborhood. Another question is whether historic Chafee Springs is significant. She said the springs have been there for more than 150 years, and she felt they were significant and should be preserved for future generations. She stated not many people know about the springs, and the area around the springs needs to be cleaned up. She pointed out the spring is actually on private property, on property owned by Jim McNair.

Ms. Rosamond McDuffie, 5 Oakmont Lane, stated the Boy Scout who worked on cleaning up the area around the springs and earned his Eagle badge was Stuart Grinton. She stated he was interested in helping clean up the area again. She said he placed the plaque at the springs with \$50 he received from the Historic Aiken Foundation. She asked that Council not allow a house to be built on the property. She asked that Council deny the request for release of the lot. She said she would like to see a small nature reserve on the lot.

Mr. Jim McNair, Jr., owner of the golf course and the property in question, stated Chafee Spring is not located on Lot 47. He said the reason the spring is actually exposed to public view is because of the work he did when he renovated the golf course. He said he cleared away close to one-half acre of underbrush and growth that had been on the spring since probably the 1920's. He pointed out most of the drainage in the area is from city streets, and he has discussed this matter with Larry Morris, Public Works Director. He said in asking for the release of the lot as a residential use, he was trying to make the release a win-win for the city and for himself. He said presently he can build on the property with no approval by City Council. He said he wanted to make the area a lot so it would have covenants, restrictions and setbacks. He said a residential lot designation would give him an incentive to clean up some of the issues on the lot, which include drainage, overgrowth, dumping and opening the area more on the 16th for more air flow into the golf course. He pointed out the neighbors who had signed a petition opposing the release of the lot are indirectly affected by the lot. He said the lot would only affect the neighbors who are across the street on Valley Green Drive, and four out of the five had given verbal approval for the lot. He said they were excited about something being done which they feel will improve the area.

Council discussed the request at length and what can presently be done on the property. It was pointed out the proposed Lot 47 is part of the golf course and is owned by Jim McNair. Also, Chafee Spring is located on golf course property and is owned by Mr. McNair, but is not a part of Lot 47. Mr. McNair presently can build anything golf related on the property, such as a maintenance building, a cart shed, but not a residence. Council also discussed the possibility of a permanent easement of 35 feet all the way around the property, from the springs, along Valley Green and along the golf course, which would protect the trees. Council also pointed out presently the springs are not an attractive area, and suggested that Mr. McNair could improve the area to make it an attractive area for people to visit and install some type of retaining wall near the springs to protect the springs. Mr. McNair stated he was actually the one who unearthed Chafee Spring so it can be seen as one drives by. He said it was under acres of undergrowth.

Mr. McNair stated he would agree to a recorded easement for Lot 47 within the setbacks which are 35 feet and 25 feet. He said he would be glad to extend the easement to include the springs in order to protect the springs. He pointed out most of the specimen trees are on the outside of the lot on the golf course property, so they would remain. He pointed out Lot 47 is a proposed lot and is presently part of the golf course property. If the request is approved by City Council, the lot would become a residential lot that would be separated from the golf course, with the covenants on Lots 43, 44, 45, and 46 also applying to Lot 47. He pointed out any residence built on the property would be about 50

to 60 feet from the spring site. It was pointed out that if the buffers are around the lot, other people in the area will see what they see now.

Councilwoman Vaughters was concerned that there be enough room to build a 2,200 square foot home on the property because of the drainage problems on the property. Mr. McNair responded that a two story home could be built on the property meeting the 2,200 square foot requirement. He said the drainage would have to be alleviated if a home were built on the property.

Councilman Cuning stated because he felt the historical Chafee Springs needed to be protected, he was suggesting that a 30 foot easement be given to the ACOLT so nothing could be built on it and the trees would be protected. He said the area should not be disturbed, or there would be an erosion problem. Also, with an untouched easement, the neighbors would see no difference in the area than what they see now.

Ms. Parker read a letter from Dacre Stoker of the Aiken County Open Land Trust (ACOLT) regarding an easement to protect the Chafee Springs. He stated a conservation easement would provide a level of protection above the deed restriction, and that he would be glad to talk to Mr. McNair regarding a conservation easement to protect the property.

Ms. Parker stated she would be willing to discuss the possibility of a conservation easement. She stated, however, she wanted a lot of things. She felt there should be an archeological survey of the area. Also, she felt a geological survey should be done, and the State would be doing one within the next 8 months. She stated she would request a retaining wall, a fence, the radius protected, a boundary around the spring, no fill dirt, no contamination of the spring, a house in keeping with the neighborhood, a tree girth allowance, no herbicides or chemicals, a buffer on Valley Green Drive, bulldozer supervision, and mark all trees that need to be saved. She said she would be willing to talk to Mr. McNair again, but was not at the point where she could make a decision on the matter at this time.

Councilwoman Price stated her interest was to see a compromise made between both parties. She said she was not sure that all Ms. Parker's requests could be done, and there would be some time involved to accomplish many of Ms. Parker's requests.

Mr. McNair stated he had talked with Ms. Parker regarding a compromise. He said he probably would not do anything on the lot for three years. He said he would be glad to have Tom Rapp do a tree survey and tree plan and have Ms. Parker involved. He said he had talked with Elliott Johnson, an horticulturist, and he had pointed out some trees that need to be removed on the property. Mr. McNair stated he wanted a buffer for the property as much as Ms. Parker. He said the magnolias and some other trees he wants to keep as a buffer are on the property line, outside the property line or in the setback. He said most of the beautiful large pines are actually on the outside of the lot. He said when the property was surveyed, he made sure the trees were on golf course property, so if the lot was sold he would have control over the pine trees. He said if the lot were designated as residential and was his personal residential lot, it would give him the incentive to go in and take care of some problems that are in the area. He said as far as an archeological dig, he would not mind someone going in and looking, nor would he mind a geological survey.

After much discussion it was the consensus of Council that Mr. McNair and Ms. Parker need more time to try to come to a compromise on the issue. It was felt that some compromise on the matter should be made soon. It was suggested that Ms. Parker, Mr. McNair, ACOLT, and the horticulturist meet and try to work out the issues. He suggested that an easement on the property would certainly help with the issues.

Mr. McNair stated he agreed with most of Ms. Parker's requests and he appreciated her concern.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that the matter regarding removing restrictions on Lot 47 at the Aiken Golf

Club to allow a residence to be built at the corner of Chaffee Spring Road and Valley Green Drive be continued until Ms. Parker and Mr. McNair have time to meet again regarding the matter and try to come to a compromise on the issues.

OLD AIKEN MASTER PLAN – ORDINANCE 04252005

Downtown
Master Plan

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to adopt the Old Aiken Master Plan.

Mr. LeDuc read the title of the ordinance.

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

Mr. LeDuc stated that for the past couple of years a citizens group made up of five sub-committees involving about 100 individuals participated in numerous meetings and two open houses to develop the Old Aiken Master Plan. The study area included the original grid developed in the 1830's, as laid out by Dexter and Pascallis. The plan is a set of action steps that, once approved by City Council, will guide the development and revitalization of Old Aiken and become part of the Comprehensive Plan Use and Transportation Plan for the City of Aiken. Once the plan is adopted by the City it will become the backbone for all the priorities and directions for years to come for this area.

Last summer the Planning Commission recommended unanimously to adopt the Old Aiken Master Plan. Since that time Council has held 8 meetings to discuss the particular aspects of the Plan. City Council has reviewed the 8 major themes for the future of Old Aiken, which include:

1. Developing and maintaining attractive parkways and other right-of-ways which should be protected and enhanced.
2. A strong residential base should thrive in Old Aiken to provide more of a sense of community and to support businesses in the downtown area.
3. Strong retail in the downtown core is needed to serve residents, attract visitors and increase activity in the evening and to provide employment.
4. Property must be maintained to enhance the appearance of Old Aiken and to encourage private investments.
5. Appropriate design of structures and public improvements is of great historical importance. Steps should be taken to protect the attractiveness of the area and to improve its historical importance.
6. Pedestrian and bicycle friendly transportation modes, especially in the downtown, should be emphasized.
7. Public facilities and their uses should be strongly encouraged to create a sense of place in Old Aiken.
8. Old Aiken should continue to provide safe and high quality public services for both visitors and residents alike.

Under these themes there are a total of 25 goals listed to achieve the future vision for Old Aiken. Council has reviewed each of these goals and has made several changes to reflect their concern as we implement changes to this area. Upon City Council's approval of this plan, staff will begin contacting the landowners in this area about possible changes that would reflect our collective vision for the Old Aiken Master Plan area.

Mr. LeDuc pointed out a couple of suggested changes were made at the last Council meeting, and those changes have been incorporated in the document. He said since the last meeting one more change has been suggested for page 6, C. Existing Land Use. Parkways. He said the Park Commission voted unanimously to have the following sentence added after the first sentence: "The parkways have outstanding horticultural diversity represented by historic, contemporary, and ongoing plantings of trees, shrubs, and other plants which constitute aesthetic, educational, and scientific resources."

The public hearing was held.

Ms. Coleen Reed, 207 Brandon Road, stated she worked in developing the Old Aiken Master Plan and there was one item she would like Council to reconsider. She stated the item she had concern about is item 24.3.a) on page 37 concerning "Raze buildings that cannot be saved and continue "Demo 200" program." She suggested that instead of having that statement in the Old Aiken Master Plan, use the statement in the Design Guidelines 5.2.4 Demolition or Relocation, B. Demolition by Neglect, 1. Prevention of Demolition by Neglect of Exterior. She suggested instead of allowing the Demo 200 Program, that the city should make sure there is not deterioration of the buildings and the older buildings saved. She stated she would like to eliminate 24.3.a) in the Old Aiken Master Plan so buildings never get to the point where they have to be demolished. She stated by preventing the neglect and having the property owners maintain the property would be a better solution than demolishing the buildings.

It was pointed out the Design Guidelines cover the downtown area, and will help prevent demolition by neglect on properties in the downtown area, but the guidelines do not cover the residential areas. Ms. Reed stated she was asking that the demolition by neglect also cover residential properties so they are not allowed to deteriorate to the point where they have to be demolished.

Mr. LeDuc stated if the city starts trying to work with every property owner and make repairs to properties that are not meeting building codes, the city would be getting into some real problems.

Councilwoman Price stated that would concern her, as some people do not have the financial means to maintain their property to certain standards. She pointed out the city even would not have the financial assistance or grants to help all the property owners to maintain their property to a certain standard. She said she would be concerned about such a statement, unless the city had a support mechanism to help the owners make the improvements to their homes.

Mr. LeDuc pointed out the Demo 200 Program is being used very infrequently at this time. He said there are some structures that have burned over the past year that will come under the program. He said there may be about a dozen boarded up homes for which the city will be going to court regarding the condition of the homes because the owner refuses to make repairs. He said the city has put some policies in place on the Demo 200 Program that requires the city to take a structurally sound building and to try to get it renovated and restored and post it for a period of time to let people know that the building might be razed. He said, however, to say the city is not going to have any more houses on the Demo 200 would be very difficult. He pointed out the statements are general statements, unless Council wants to change the regulations and statements now in effect. He said he would be concerned about recommending that the city go in and start making repairs on all substandard housing. He said this would be getting into persons' homes and into their lives.

Mayor Cavanaugh stated he felt the Demo 200 program had been very worthwhile. He said over 50 houses had been done under this program. He stated this cleans a lot and allows for something else to be built. He said he was not in favor of doing away with the Demo 200 program.

Ms. Reed stated she was asking that the city use the current code and enforcement so that demolition would not be necessary except in the case of a fire or where the home is

destroyed. She said she was concerned about allowing the property to deteriorate to the point where it has to be destroyed.

Councilwoman Clyburn stated she had looked at the people who had worked on the subcommittee on the northeast corridor. She stated that most of the houses that would be involved in the Demo 200 program are probably in the northeastern corridor. She pointed out the committee allowed the statement to go forward. She felt the committee gave the statement some serious thought at that time. She pointed out there are some houses that just can't be saved. She felt that possibly if the people who want to preserve the homes and not see any torn down can come together and be more proactive as a community to prevent the homes from getting to that point then we won't have to worry about implementing the Demo 200 program. She said there has to be a way out if all else fails.

Ms. Diane Saunders stated the committee did think a lot about the Demo 200 program and thought a lot about people not being financially able to fix their houses. She said the community did not want the houses to get to that point, but it does happen.

Mr. John Brecht, 743 Chafee Lane, co-chair of the Northwest Subcommittee, stated he had concerns on an issue that was discussed at the first meeting. He said he and the committee members had spent a lot of time on the plan. He said the last thing he wanted to do was to nitpick. He stated he would like to request that the last sentence that was deleted on page 9 be reinstated and reworded. He said the sentence as is did not make sense. He said it sounded that working together was a deterrent to the success. He asked that the statement be reworded in a more positive way. He suggested wording: "Working together with all neighborhoods and all people will ultimately lead to the success of the Old Aiken Plan." or "Realizing the full potential of the plan would be to encourage communication and cooperation between diverse groups; partnerships, goals and strengthening Old Aiken are needed." Mr. Brecht asked that Council move forward with adoption of the Old Aiken Master Plan. He reviewed the proposed wording to be added on page 9, last sentence as: "Success of the Old Aiken Master Plan is dependent upon communication and cooperation between diverse groups and partnerships with the goal of strengthening Old Aiken."

Mr. Lee Poe stated he made the proposal two weeks ago to delete the last sentence on page 9. He said the Plan itself is a full communication plan, and he felt the sentence was redundant and did not need to be stated. He stated he still felt that way. He said what Mr. Brecht had suggested was better than the original sentence, but he still felt it was not necessary. He said after working on the Plan for so long and then to state that people have to communicate is not necessary.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the Old Aiken Master Plan with the amendment suggested by Mr. John Brecht to reinstate and reword the last sentence on page 9 and the addition suggested by the Park Commission with the addition of a sentence under I. Overview of Old Aiken, C. Existing Land Use, Parkways on page 6. Councilwoman Clyburn stated the Old Aiken Master Plan was a very positive effort, with the citizens coming together and participating to plan for the Aiken they want in the future. She said it was similar to the Strategic Plan which Aiken did several years ago. Councilwoman Price stated the Master Plan has gone through a long process for approval and the committee members had worked long and hard on the Plan and there had been much citizen input in the Plan.

Mr. LeDuc stated that the Old Aiken Master Plan was one of the items that came about through the Strategic Planning process. He said it was presented to City Council in the mid-1990's, but it did not seem to be the time to go forward. He said at that time it was suggested that \$50,000 be funded to hire a consultant to do the study. When the suggestion for the Old Aiken Plan came to Council about three years ago, Councilwoman Vaughters stated she felt the staff and citizens could do the Plan. He stated Community Builders was used to help with some of the graphics, designs and public meetings, but it was really the citizens that helped develop the plan. He commended Council and the citizens for putting together a Plan that can be used as a blueprint for the next several

decades of what the area surrounding the parkways and the downtown could look like. He said he felt the document was a tremendous step forward for Aiken.

Councilwoman Price left the Council Room.

TRAFFIC MANAGEMENT – ORDINANCE 04252005A

Traffic Study

Access Points

Reduction in Units

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Traffic Management Ordinance.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 11-4.g) OF THE AIKEN CITY CODE.

Mr. LeDuc stated that about six months ago Council approved a Traffic Management Ordinance. At that time it was felt there would probably have to be some changes made in the ordinance as various items came up. He said based on a proposal that has come to the Planning Department, it is felt that a change would be good that would help with cluster type housing and yet meet Council's goals for the ordinance.

Mr. LeDuc stated the Traffic Management Ordinance requires a traffic study based on the intensity of the development and the amount of traffic on the surrounding roadways. Currently, under Section 11.4.g, a study is required for all annexations based on the most intense development allowed by the proposed zoning.

For the last several years, the city has discussed the possibility of a new type of development called cluster housing. In this type of development, a majority of the land is left as open space, and the homes are clustered into a smaller defined area, typically surrounded by the open space. This allows the individuals living in the development to enjoy and use the open space for passive and recreational purposes. To accommodate this type of development, staff is proposing a change to the Section which states that if the owner voluntarily agrees to limit the intensity of the development on the entire tract, such that the net new vehicle trips per day for the proposed development are less than what is required for a traffic study, then a Traffic Management Study would not be needed. In these cases, the developer would voluntarily limit the number of units proposed in the development. This voluntary limit would be satisfied by the owner filing at the Aiken County RMC Office a valid covenant and restriction stating that they will forever limit the intensity of development on the property to the satisfaction of the Planning Director and/or City Attorney. The Planning Director and City Attorney both agree that this will satisfy what we feel was the intent of the ordinance and limit the amount of dwellings, while producing the type of quality development that we want in Aiken.

Mr. LeDuc stated that at the last meeting, Councilman Cuning was concerned about the safety aspect of a new development, especially at entrances and felt that should be looked at when considering new developments. Mr. LeDuc stated a change had been proposed to the ordinance which he felt would cover the concerns of Councilman Cuning. He stated the sentence: "However, although a complete traffic impact study may not be required in such a case, a study of any access points for the proposed development may be required, and City Council may require changes to or elimination of access points as a result of such study."

Mr. LeDuc stated even though the developer may voluntarily reduce the number of units, and a traffic study may not be required, the developer would still have to do a study of the access points where the development would go onto a major roadway.

The public hearing was held and no one spoke.

There was a question regarding the developer not knowing where access points may be when they submit an annexation petition to the Planning Commission. Mr. LeDuc stated he felt the developer would know approximately where the access points would be, and the access points may change, but they should know where they will be within 50 to 100 feet. The developer will know that there will be an access point and a traffic study needs to be made on a proposed entrance.

Councilman Smith stated after discussing the matter at the last meeting, he could see where the proposed amendment does make sense and clarify the issue. He stated in some developments they could be reducing the size of the lots, but leaving a lot more green space, whereas in a RS-15 they would be cutting more trees and installing more roads. He said he felt this is what Council wants in some cases, rather than a concept plan. Councilman Cuning stated he felt there could be advantages to the amendment to get less density for developments.

Council discussed the proposal at length, with Mr. LeDuc explaining some examples where the ordinance could be used with a developer building less density and leaving more green space, but still doing a traffic study for the access points for the development. This ordinance would apply to new annexations, and if Council does not like the plans presented, Council does not have to approve the annexation or rezoning. Mr. LeDuc pointed out that if property is annexed under RS-6, RS-8, RS-10, RS-15, Multi-Family, or Commercial, Council would not be seeing specifically what would be built on the property. He said Council could require Planned Residential or Planned Commercial, which would require more upfront work on the part of staff, but Council has that option.

Councilwoman Vaughters expressed concern about control of projects, how they will look and the necessity of leaving trees on the property.

Councilman Cuning moved, seconded by Councilwoman Clyburn, that Council pass on second and final reading the ordinance as amended to amend the Traffic Management Ordinance regarding voluntarily lowering the density of property and performing traffic studies for access points. The motion was approved by a vote of 5 in favor and 1 opposing. Councilwoman Vaughters opposed the motion. Councilwoman Price was not in the Council Room at the time of voting.

DESIGN GUIDELINES – ORDINANCE

Downtown
Demolition
Renovation
Buildings

Mayor Cavanaugh stated an ordinance had been prepared to approve Downtown Architectural Design Guidelines.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE AIKEN CITY CODE TO CREATE THE DESIGN REVIEW BOARD, PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF DESIGN OVERLAY DISTRICTS, TO CREATE THE DOWNTOWN DESIGN OVERLAY DISTRICT, AND TO ADOPT THE DOWNTOWN ARCHITECTURAL DESIGN GUIDELINES.

Mr. LeDuc stated for the last couple of weeks, City Council has discussed the Downtown Architectural Design Guidelines presented by Randy Wilson with Community Builders. Mr. Wilson is making a couple of minor changes to the guidelines that were presented and will have these ready for the May 10, 2005, Planning Commission meeting. Once the Planning Commission has reviewed and discussed these documents, it will then hold a formal public meeting concerning the guidelines at their June meeting. Assuming the Planning Commission completes the review of these documents and holds a public hearing in June, City Council would have its public hearing at their second meeting in June.

At this past Thursday's work session, Council decided to establish a separate board to review any appeals concerning these guidelines, rather than using the current Historic Preservation Commission for the review board. This board could either be referred to as the Architectural Review Board or the Design Review Board for rendering decisions concerning renovation or new construction within the Central Business District. The Central Business District is defined on Page 6 of the Design Manual, and includes property from the east side of Union Street to the west side of Greenville Street, the north side of Barnwell Avenue to the south side of Park Avenue and the railroad cut.

After much discussion Council decided to keep all residential property within this boundary. Since the guidelines primarily depict commercial properties, Council may want to consider exempting from review any renovations to existing single family residential structures. Any new construction of residential property or the renovation or construction of new commercial property would follow the guidelines and have either staff or Board review. It is the intent of the Guidelines to work with the owners of these properties to resolve issues, so that the vast majority of the applications would not need to go before the Board. Therefore, our staff will work with an outside consultant to provide expertise to help the owners meet the Guidelines as presented. Mr. LeDuc stated there are over 100 residential units in the area. He said if residential is exempted from review for renovations, then the person who wants to change a door or a porch would not have to go through the review process. However, there would still be control on new commercial or renovations, and the guidelines could cover new residential property and exempt renovations to existing residential. He said later if residential areas are covered on the north side, residential in the downtown could also be covered with a different set of guidelines. It was pointed out that the proposed ordinance did not exempt residential property from review for renovations, so if Council wants to exempt residential renovations, the ordinance would need to be amended.

In the future, Council may be approving other guidelines for additional areas within the City. These new areas could have their appeals through the same Board as the downtown DB area. Our goal through these guidelines is to help protect the unique architectural characteristics of the Aiken downtown area, and, by working together with the owners, we hope only a few appeals would need to go before this Board yearly. Mr. LeDuc stated the guidelines are a great document. Design Guidelines have been talked about for several years. The ADDA had a committee working on this for many months. He said he was sure there would not be full agreement on the document, as not everyone involved had been present to discuss the guidelines. He said the city's job is to get the word out about the guidelines, the schedule before the Planning Commission and when the guidelines will come back before City Council.

Council then discussed the proposal to amend the ordinance to exempt residential renovations from the review process. Councilman Cuning expressed concern about residential areas being left within the district. He said it might be better to redraw the lines and delete residential areas from the district. He was concerned about commercial being converted to residential, and if that would be exempted from review. Mr. LeDuc stated to him that would not be exempt, as that would be new construction.

Councilman Sprawls moved, seconded by Councilwoman Clyburn, that the proposed ordinance to adopt Design Guidelines for the downtown be amended to exempt existing residential from the review process for renovations.

Councilwoman Vaughters stated she felt a different board should be appointed for the review board, as she felt the board should have at least two downtown property owners, two downtown business owners, a downtown resident, and an architect.

It was pointed out that in the future other areas may be added to the review process and would be under the same board, so Council needs to be careful about appointing representatives from the areas.

Mayor Cavanaugh called for a vote on the motion to amend the ordinance to exempt existing residential from the review process for renovations. The motion was unanimously approved.

Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that Council allow the public to speak on first reading of the ordinance.

Ms. Coleen Reed, 207 Brandon Road, pointed out that under item 5.2.2. D. Design Review Board, Qualifications, it is stated that a board member must be a resident of the City of Aiken. She pointed out there may be a person who leases a building downtown and has a business downtown, but they don't live within the City of Aiken. She said they would be a business owner in Aiken, but under the rules they could not serve on the board. She asked that Council reconsider that, as a lot of business owners may not actually live within the City of Aiken.

Mr. LeDuc stated a person could be leasing property and have a business downtown, and there could be someone who owns property downtown and their residence is outside the city. He stated Council has tried to appoint residents of the City to most boards, but the makeup is up to Council. It was the general consensus that board members should be residents of the city or be owners of a business inside the city.

Mr. Wade Brodie, 422 York Street SE, stated he understands Council is moving toward appointing a separate review board, which he feels will have limited activity. He said he felt the present Historic Preservation Commission could handle the reviews, as most of the work will be handled by staff.

Councilman Cuning stated he felt the Historic Preservation Commission is focused on the one area. However, he felt the design guidelines are a broader issue. It was also pointed out that Council will be including other areas in the design guidelines, so there will be more activity for the board.

Mr. Steve Mueller, 221 Greenville Street NW, stated he also felt that it would be unnecessary to create another board for review for the design guidelines, and he felt the Historic Preservation Commission should be the review board. He pointed out the city presently has three historic districts, and he felt the downtown area could also be a historic district. He said if more training is needed for people on the board, perhaps the number of members could be increased.

Mayor Cavanaugh stated he hoped the downtown would be a historic district one day. He said the city is taking the first step in creating the design guidelines for the downtown.

Councilwoman Vaughters moved, seconded by Councilman Cuning and unanimously approved, that Council approve on first reading as amended the Downtown Architectural Design Guidelines and to establish a new Board for any appeals to the Guidelines, and that second reading and public hearing be held after review and recommendation by the Planning Commission.

ANNEXATION – ORDINANCE

Pine Log Road

Richardson's Lake Road

Aiken R & M Investors, LLC

TPN 089-14-01-001

TPN 00-106.0-02-009 (old)

Canady, Matt

Pine Lakes Subdivision

Mayor Cavanaugh stated an ordinance had been prepared to annex 89.36 acres fronting on Pine Log Road and Richardson's Lake Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 89.36 ACRES OF LAND, MORE OR LESS, OWNED BY AIKEN R & M INVESTORS, LLC, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated Aiken R & M Investors, LLC would like to annex 89.36 acres fronting on both Pine Log Road and Richardson's Lake Road to be zoned RS-6 Residential Single Family. Under the RS-6 zoning, the owner could develop approximately 450 units. However, the owner will not attempt to maximize the number of units, but instead is willing to commit to a maximum of 180 units, which is less than one-half the amount they could build on this property.

The applicant has submitted a concept plan showing 115 units, but would like to place as many as 180 units on the property. Assuming 5 acres for a wetlands area and 25% for roads and storm drainage detention, the proposed site could accommodate up to 450 units. An RS-15 zoning would allow 193 units, which is more than what the developer has committed to in their petition.

We discussed this limitation at our last City Council meeting, and although they are submitting a concept plan, the developer is not bound by the plan if the property is annexed as RS-6 zoning. The land surrounding this parcel consists of a RS-6 development to the north. To the east Southwood Subdivision is zoned RS-15, and a large undeveloped tract is zoned RS-10. To the south and west is a mixed use of single family homes, apartments, retail, used car sales and other vacant property.

Mr. LeDuc stated Council had just approved on second reading an amendment to the Traffic Management Ordinance, and the developer would have to do a traffic study at the access points for this property before second reading of the ordinance, even with a voluntary reduction in the number of units to be built.

The Planning staff has included several conditions for this annexation which are as follows:

1. that a restrictive covenant be recorded at the Aiken County RMC Office setting a permanent limit on the property of 180 single-family detached dwelling units;
2. that no more than one curb cut be allowed on Pine Log Road and no more than two curb cuts on Richardson's Lake Road;
3. that a road is built to the property line adjoining Kemper Downs subdivision to the north;
4. that land be reserved for a future connection to the 100-acre tract to the east;
5. that the final plat approval be obtained within two years or the zoning would automatically be changed to RS-15;
6. that any conditions placed on the annexation are recorded at the RMC Office.

The Planning Commission after discussing this development voted unanimously to deny its approval because they wanted to see more detail on the plans for development.

Mr. Matt Canady, 2 Prestwick Court, stated he has lived in Aiken since 1954 and is not an out of town developer. He stated he purchased the 89.36 acres to develop. The property is located adjacent to Kemper Downs fronting on Pine Log Road and Richardson's Lake Road. He said his request is very similar to the request made by Kemper Downs. He said he plans to restrict density on his property to a greater extent than was approved for Kemper Downs. He said the request for annexation and zoning as RS-6 is an attempt to have the property fall under the requirements of RS-6 regarding the minimum lot size, setback requirements, etc. He said his plan is to try to minimize lot size and to maximize the conservation or common area for the residents of the community. He said the area includes two existing ponds, some streams and hardwood slopes around and adjacent to the water features. He said the property has more than four acres of wetlands and streams. He said the property has a number of distinct features that make it unique property. He said he feels he needs a great amount of flexibility in developing this property. He said in early stage development he wants varying size and types of lots, and over a period of time he would ascertain the desirability and the demand as far as size and price of lots. He said in the future he could model the balance of the project to suit that demand, rather than committing today to RS-15 size lots and having to live with that.

Mr. Canady pointed out one condition recommended by the Planning Department is that the final plat approval be obtained within two years, or the zoning would automatically be zoned RS-15. He stated the project of 89 acres is more than a two year project. He said it would be a year before he ever sells the first lot. He said he probably would not do the second phase until the second year. Mr. Canady stated the Planning Commission, in the absence of any public outcry, did not approve his annexation request and made a recommendation to Council for denial of the request. Mr. Canady stated the Planning Commission suggested that he come back with a PUD concept. He said the problem for a developer in the PUD process is that he is making plans today that tie his hands to circumstances that he cannot foresee. He said he did not have a problem with restricting density on the property or leaving a 50 foot buffer adjacent to Southwood. He said there are eight residences in Southwood that adjoin his property. He said to delay his project for at least 90 days would throw him into a winter time situation and would really put him 6 to 8 months later than he thought he would be when he purchased the property and started the process. Mr. Canady stated Kemper Downs, the adjoining property, is zoned RS-6. Southwood is zone RS-15 and RS-10. He said an adjacent 131 acres was zoned RS-10 more than 10 years ago and is still undeveloped. He said the density he is proposing on his project is less than any of the adjoining properties. He said there is no reason for him to request smaller lots other than to provide green space. He said he hopes to find the market will absorb lots in the 10,000, 12,000, 15,000, or 20,000 square foot range. He said this is what he plans to do in the early stages. He said, however, if he finds that he is unable to sell the properties and Kemper Downs is selling out, he needs the ability to serve that market. He said the 60 foot wide lot limit in RS-6 provides for very efficient cost on per foot utility and road costs. He said that was the single biggest advantage to having the RS-6 zoning. He said he had a plan that shows 115 lots, and another plan that has 172 lots, and it is only the difference of road frontage. He said 95% of the lots on the 172 lot plan are greater than 10,000 or 12,000 square feet. He said fear of what he is going to do with the property is unfounded. He said unless the Planning Commission or Council plans to do away with residential zoning under the RS-6, RS-8, RS-10, and RS-15 categories, he sees no reason why his project should not be approved. He said all the properties that adjoin his property are under the RS-6, RS-10, or RS-15 zoning. He said he could not understand why a more stringent requirement for zoning approval would be required for his project. He said to his knowledge, outside of Woodside, there has been no PUD single family residential project approved in the city. Mr. Canady stated he entered this project in good faith with a good plan and a tight schedule and a willingness to take a gamble. He said he felt his project had been derailed. He said one year ago his project would have been championed by Council.

Councilwoman Vaughters stated she was very concerned about what has happened at Kemper Downs. She said she had understood when the plans were presented that Kemper Downs would blend in well with Southwood, but in her opinion it does not. She said Council needs to see a plan to know what is planned for the area to be sure it fits in the area and is what Council wants for the area. She said she would feel irresponsible if she votes for something that turns out the way Kemper Downs is turning out.

Mayor Cavanaugh stated he agreed with Councilwoman Vaughters, and he felt Kemper Downs looks terrible. He felt something like this should not happen in Aiken. His concern about Mr. Canady's proposal is that he can change his plan and what is presented to Council today can be changed later. He said he appreciates the fact that Mr. Canady will have less density on his project, but Council has no assurance that it will be developed that way, as it can be changed later without Council's approval.

Mr. Canady stated he had agreed to restrict the number of units to be built to 180 and even would agree to 170 units. He said he would also agree to buffers adjoining Southwood.

Councilman Cuning pointed out if his project was a PUD he does have flexibility in developing the property as far as lot size, etc. He said, however, once the PUD plan is submitted, if he decides to change the design of the roadways, etc., the plan would have to be resubmitted to Council for approval. He pointed out for plan approval Mr. Canady would have to have the first phase of the project laid out. He stated a PUD would allow

Mr. Canady to have 180 units and have smaller lots. He said Council wants to be sure the property is being developed right.

Mr. Canady stated he had no assurance that any subsequent plan would be approved. He stated he understands that buffers, open areas and density can be accomplished as simply restrictions on the property. He said that would allow him the flexibility of the layout. Mr. Canady said he can agree to a 50 foot buffer of trees between his project and Southwood, a minimum number of open acres, and a maximum number of lots. Mr. Canady asked what he would have to provide in addition to what he has already provided in order to have a qualified PUD submittal. He pointed out he cannot do what he needs to do and wants to do on his property without saving trees. He said a 50 foot buffer adjoining Southwood is important to him not to protect Southwood, but to enhance his project. He said a problem he has with a PUD is that he was informed that he would have to go back to the Planning Commission and would have to wait 45 to 50 days, have the property reposted, go through another hearing before the Planning Commission and then come back to Council. He said this delays his project 90 to 140 days.

Mr. Ed Evans, Planning Director, stated the plan submitted would qualify as a PUD plan with some additional information about the dwelling unit density and the amount of open space. He said for a PUD plan Mr. Canady would have to go back before the Planning Commission, with the Commission holding a public hearing on the concept plan and making a recommendation to Council. He said it could not be considered by the Planning Commission until June.

Mr. Gary Smith stated Council could vote on the project as a PUD. He said Council can have a condition that Mr. Canady have a concept plan which shows a 50 foot buffer along the Southwood boundary. He said the Planning Commission could hold their public hearing after Council has first reading on the ordinance and before Council holds second reading on the ordinance. It was pointed out there would be a time factor involved in going back before the Planning Commission.

Councilwoman Clyburn asked if Council could put restrictions on the development and allow Mr. Canady to go forward without changing to a PUD. She suggested putting all the restrictions of a PUD on the development and allowing Mr. Canady to go forward with the RS-6 zoning so he will not lose the building time.

Mr. Gary Smith, City Attorney, stated since the request is an annexation request Council could make a condition of the annexation that Mr. Canady bring a development plan as presented to Council when he requests site plan approval. The annexation would not be official until the time he provided the development plan. Also, the conditions of the minimum number of lots, the 50 foot buffer along Southwood, and a minimum of a certain number of acres of green space could also be included in the site plan.

In response to a question from Councilwoman Vaughters regarding no specific concept plan being presented to the Planning Commission, Mr. Canady stated he was asking for RS-6 zoning with a restriction on density. He stated RS-6 zoning does not require a specific plan for approval. He said if he had had a specific plan for the Planning Commission it would have to have been done under the PUD zoning.

Councilman Cuning suggested that Mr. Canady present a plan showing 172 lots with a 50 foot undisturbed buffer between his project and Southwood, and showing the exact acreage of green space. He said this would be stating this is the plan Mr. Canady will build under RS-6 zoning. He stated these items would need to be covered in a Developer's Agreement. However, if there are to be any changes to the plan Mr. Canady will have to come before Council to get approval for any changes. It was pointed out Mr. Canady has to be specific for phase 1 of his project with the conditions required by Council. The proposal suggested is making conditions for the annexation with requirements of PUD for the development.

Mr. LeDuc stated he wanted to be sure he understands what Council is trying to do. He stated he felt they were trying to do a hybrid, trying to do a RS-6 and a PUD. He felt the project either needed to be submitted to Council as a RS-6 with certain conditions, or as a

PUD. He pointed out that under a RS-6 he would not need to come back for changes to the design, whereas under a PUD the developer has to come back to Council if there are changes to the plan.

Mr. Gary Smith, City Attorney, stated with conditions attached to an annexation the conditions must be satisfied prior to the annexation becoming effective. He stated Council could limit the number of lots with annexation conditions, as well as the amount of green space and buffers. However, it would not be a situation where Mr. Canady could come back two years from now because market circumstances have changed and modify the plan, as under RS-6 he can build whatever the RS-6 zoning allows as long as he does not build more than the maximum number of lots that Council allows. He stated there would not be a situation where phase 2 of the site plan could be redone, because the annexation has already been approved and Council's ability to enforce the conditions has already passed.

Mr. LeDuc stated if the property is zoned RS-6, Council cannot go back and say that if Mr. Canady is going to change phase 2 of the concept plan and move lot lines, roadways, etc. he has to come to Council for approval. He said, however, Council can zone the property RS-6 with conditions, and Mr. Canady has to keep the amount of green space agreed upon, the buffers, and the number of lots agreed upon.

Mr. Canady stated his concern about PUD is that he would have to come back in the future and he does not know whether he could get approval of a change on what he might want to do in the future. His second concern is the time and delay on the project.

Councilwoman Vaughters stated a reason for asking developers to come back for PUD changes is that Council likes to see what is happening on a project. If it is a good project, then there is no problem to get approval. However, if the neighbors don't like the development, and there is a traffic problem, there may be a problem in getting approval for a change. She said the fact that PUD has to come back for approval of changes is protection for everyone.

Mr. Canady stated he had provided what he thought was everything Council might want in a PUD without tying himself down to a particular street layout. He pointed out the property has slopes and a bluff and terrain that will make it difficult to develop lots and will require a lot of engineering design. He said Council could force him to tackle the problems today by requiring a PUD. He said what he wants to do is to tackle a piece at the time. He said if he cannot sell 10,000, 12,000 or 15,000 square foot lots, and the demand two to three years from now in Aiken is 6,500 square foot lots, he needs to have the ability to do that. However, he would still conform to the number of lots committed to in the original agreement. He stated his proposal is not to build all RS-6 lots. He stated he hoped he did not build any RS-6 lots. He stated what he wants is the ability to have 60 foot frontage and the same setback requirements of RS-6 lots.

Mayor Cavanaugh stated he felt Council could tie down the main features they want regarding the number of lots, the acreage for green space, the buffers and the other conditions recommended by the Planning staff. He said as long as Council can require the main features which make a difference in how the subdivision looks, he did not see why Council cares which way the roads go.

Mr. LeDuc then reviewed the conditions which Council had been discussing during the discussion on the proposed annexation. He reviewed the conditions suggested by the proposed ordinance and what he understood Council would like to have. He stated that in condition 1 the number of lots should be changed to 172, conditions 2, 3, and 4 would remain as is. For item 5 Mr. Canady would have to provide the city with the percentage of green space for Council's approval. The green space has to be a minimum of 25%. Mr. LeDuc stated Mr. Canady would have to provide the percentage of green space before the next Council meeting, as this is a limiting condition that Council wants. Item 5 would have a minimum percentage of green space. Item 6 would be a 50 foot undisturbed buffer along Southwood Subdivision. Item 7 that a traffic study relating to all access points needs to be submitted before second reading of the ordinance. These access points are on Richardson's Lake Road and on Pine Log Road, and the study would

be based on 172 single-family units. The present Item 5 (regarding final plat approval be obtained within two years of approval of the ordinance, or the zoning would be changed to RS-15) would be removed. Mr. LeDuc stated an item Council has not discussed is whether they would like a buffer along Richardson's Lake Road and Pine Log Road, and, if so, how much buffer.

Mr. Canady stated the entire frontage on Richardson's Lake Road contains high voltage overhead lines, and there is little or no planting on Richardson's Lake Road, with the exception of one area that has a very high embankment and one or two trees. He said he would provide a 50 foot easement, but it would not be an undisturbed buffer, as he wants to improve the area. He said he wanted the ability to create berms, raise grade for screening, and landscaping. He said he had to improve the area. Mr. Canady stated on Pine Log Road there is an existing, very deep drainage ditch immediately adjacent to the road with Highway Department pipe, both near the proposed entrance drive and at the extreme property line on Pine Log Road. He said some type of water management has to be a part of the plan to allow water from both of the pipes to be picked up and handled, rather than running through the subdivision. He said because of that he is hesitant to say what kind of buffer he will be able to leave on Pine Log Road. He said it is in his best interest to do all that he can to have his primary entrance attractive.

Mr. LeDuc stated Item 8 would be a 50 foot landscaped buffer along Pine Log and Richardson's Lake Road.

In response to a question Mr. Gary Smith, City Attorney, stated RS-6 zoning does not require compliance with a concept plan, but Council is creating conditions for the purpose of approving the annexation, which are very similar to a concept plan.

Mr. Ed Evans, Planning Director, stated the only question he had about the proposed subdivision with the conditions is the indefinite nature of the buffer along Pine Log Road and how this will be handled. Mr. Canady responded that there would be a 50 foot buffer along Pine Log Road, and he would have to make improvements to enhance his development. Council suggested that if Mr. Evans has specific things he would like to require on Pine Log Road for the buffer that needs to be considered at the second reading of the ordinance.

Councilman Cuning moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance to annex 89.36 acres at Pine Log and Richardson's Lake Road to be zoned RS-6 with the eight conditions reviewed by the City Manager, and that second reading and public hearing be held at the next regularly scheduled meeting.

It was pointed out that Mr. Canady will get additional information for Council before second reading of the ordinance. Mr. LeDuc pointed out the traffic study for the access points will be important, and it may take some time to get the study. It was stated the second reading may have to be delayed until the traffic study can be completed.

CONCEPT PLAN - ORDINANCE

Revision

Sign

Kroger Food Stores

Heritage Square Shopping Center

Whiskey Road 1795

Pine Log Road

Planned Commercial Concept Plan

Fuel Canopy Price Signage

Concept Plan Revision

TPN 106-12-13-006

TPN 30-058.0-05-003

Mayor Cavanaugh stated an ordinance had been prepared to revise the Kroger concept plan at Heritage Square Shopping Center.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED AT 1795 WHISKEY ROAD AND OWNED BY KROGER FOOD STORES.

Mr. LeDuc stated Kroger Food Store received approval by City Council on November 10, 2003, for a gas station to be located on an outparcel at the new site in Heritage Square at Pine Log and Whiskey Roads. This included the approval of one 12 foot free standing sign to display the price of gas at their location.

Kroger is now requesting revision of the plan to allow a second sign to be placed on the canopy at the fuel center on their Pine Log Road frontage. The proposed sign would be on the east side of the canopy facing Whiskey Road.

The Planning Commission reviewed this revision and denied it on a 6 to 1 vote.

Mr. John Caputo, an agent for Kroger Company, stated when Kroger submitted the original concept plan the fuel center was shown, but the elevation did not indicate price signage on the canopy. He said the original intent was to have two price signs on the canopy, but this was not included in the plan. He said a monument sign has been erected on Pine Log Road, but it is west of the fuel center. In addition to the fuel price on the monument sign is space for four tenants. The idea for the monument sign was for the tenants, but it is an additional advantage to Kroger to have fuel price information on the sign. Mr. Caputo stated he drove along Pine Log Road numerous times before he came to the meeting. He said because the sign is only 12 feet high, people riding down Pine Log Road can't see the price of fuel when traveling west on Pine Log Road. He said with the landscaping of trees the sign will not be visible. He said if the pricing is allowed on the canopy, people would be able to see the fuel price. He said the monument sign cannot be moved, because its primary purpose is for the tenants that will be at that end of the shopping center. He said it was an oversight when the concept plans were submitted that the fuel price was not included on the canopy, as this was the original intent. Mr. Caputo stated the cut out was already in the canopy for the fuel price. He stated signage was needed for the fuel price for traffic going west.

Mr. Ed Evans, Planning Director, stated under the Planned Commercial zone, the number of signs is up to Council. He said under the General Business zone, one free standing sign is allowed, as well as signage on the canopy. He stated the request for signage on the canopy is allowed by the sign regulations, as long as the sign and Kroger emblem don't exceed 20% of the face of the canopy. He said the reason the request is before Council is because it is a change to the concept plan for the Planned Commercial development.

Council discussed at length the request for fuel price signage on the canopy at the fuel center at Kroger at Whiskey and Pine Log Roads. Several Councilmembers stated they had driven by and they could see the fuel price sign going both directions. They were concerned about allowing another sign in the area.

Mr. Caputo stated the request is to allow one sign on the east side of the canopy that reflects fuel pricing. He said they would plan to keep the monument sign for the tenants and also include the fuel price on the sign. The sign would be digital and lighted at all times.

Mr. LeDuc pointed out that if this were a stand alone gas station, and it was not Planned Commercial they would have been allowed two signs by right. They could put a sign on the canopy on both sides not exceeding 20% of the face of the canopy. He pointed out presently they have one monument sign, and they are requesting one sign on the canopy.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve on first reading an ordinance to revise the concept plan submitted by Kroger for their gas station sign which would allow a second sign to be placed on the canopy at the fuel center, and that second reading and public hearing be set for the next regularly scheduled

April 25, 2005

meeting of Council. The motion was approved by a vote of 5 in favor and 2 opposed. Opposed were Councilmembers Cuning and Vaughters.

Councilman Cuning left the Council Chambers.

ANNEXATION – ORDINANCE

Turner, Richard C.
Marvin Drive 100
Sewer System
Virginia Acres
TPN 122-09-03-016
TPN 30-057.0-04-002 (old)

Mayor Cavanaugh stated an ordinance had been prepared to annex property at 100 Marvin 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 0.25 ACRES OF LAND, OWNED BY RICHARD C. TURNER, AND LOCATED AT 100 MARVIN DRIVE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated Richard Turner, the owner of a 0.25 acre lot at 100 Marvin Drive, would like to annex into the City under the RS-10 zoning. His single-family home is contiguous to the city on the north side, and he is interested in connecting to the sewer service with the City of Aiken.

The Planning Commission unanimously approved this annexation.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to annex property at 100 Marvin Drive to be zoned RS-10 and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Orth, Donald
Orth, Jena
Vivion Drive 124
TPN 105-18-14-002
TPN 30-019.0-01-026 (old)

Mayor Cavanaugh stated an ordinance had been prepared to annex 124 Vivion 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 0.55 ACRES OF LAND, MORE OR LESS, OWNED BY DONALD AND JEAN ORTH AND LOCATED AT 124 VIVION DRIVE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated Donald and Jean Orth would like to annex .55 acres at 124 Vivion Drive to be zoned RS-15. The property contains a single family home and is contiguous through the back yard of the property. The applicant is interested in connecting to the sanitary sewer and resides within an established residential neighborhood.

The Planning Commission voted unanimously to approve this annexation.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to annex property at 124 Vivion Drive and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Long, Jimmie J.
Long, Thelma
Hampton Avenue NW 1351
Sewer System
TPN 104-15-16-008
TPN 30-015.0-02-016 (old)

Mayor Cavanaugh stated an ordinance had been prepared to annex property at 1351 Hampton Avenue NW.

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 0.45 ACRES OF LAND, MORE OR LESS, OWNED BY JIMMIE J. AND THELMA LONG AND LOCATED AT 1351 HAMPTON AVENUE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated Jimmie and Thelma Long who reside at 1351 Hampton Avenue would like to annex into the City of Aiken. Their single family home occupies the site, and it is contiguous on the east and north sides of the city. The applicant is interested in connecting to our sanitary sewer and would like to have the property zoned RS-10.

The Planning Commission unanimously approved this annexation.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to annex property at 1351 Hampton Avenue NW as RS-10 and that second reading and public hearing be set for the next regularly scheduled meeting.

Councilman Cuning returned to the Council Chambers.

LANDMARK – ORDINANCE

Designation
Immanuel School
Cole Mission School
African School
Immanuel Mission School
Aiken Historic Register
York Street NE 120
Historic Site
TPN 121-22-07-015
TPN 30-045.0-03-015

Mayor Cavanaugh stated an ordinance had been prepared to designate Immanuel School to the Aiken Historic Register.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE DESIGNATING THE IMMANUEL SCHOOL TO THE AIKEN HISTORIC REGISTER AS AN HISTORIC SITE WITH LANDMARK STATUS.

Mr. LeDuc stated the Historic Preservation Commission at their March meeting received a request to designate the Immanuel School at 120 York Street NE to the Aiken Historic Register as an Historical Site with Landmark status.

The Historic Preservation Commission recommended to the Planning Commission their acceptance of this site with Landmark status. To be accepted as an Historic Site, City Council must conclude that it has significance in American, South Carolina, or Aiken history, and that the building needs to be protected and preserved and associated with

significant history of Aiken and the lives of persons who are significant within our community. It also must have significant characteristics of the type, period, and architectural style that represents a significant component in Aiken and has information which is important in our history.

The Planning Commission and the Historic Preservation Commission both enthusiastically recommended the Landmark status for this structure located at 120 York Street NE and known as the Immanuel School.

Council voted to suspend the rules to allow the public to speak on this matter.

Ms. Coleen Reed, 207 Brandon Road, asked that Council designate the Immanuel Institute to the Aiken Historic Register as it has had a profound effect on the people and culture of Aiken as a seat of education for decades.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on first reading an ordinance to designate the Immanuel School at 120 York Street NE to the Aiken Historic Register and that second reading and public hearing be set for the next regularly scheduled meeting.

AIKEN CORPORATION – ORDINANCE

South Carolina Housing Authority

Toole Hill

TPN 104-20-06-003

TPN 104-20-06-004

TPN 104-20-06-006

TPN 104-20-06-007

TPN 104-20-06-019

TPN 104-20-07-001

TPN 104-20-08-014

TPN 104-20-08-016

TPN 104-20-08-019

Mayor Cavanaugh stated an ordinance had been prepared to convey nine lots in the Toole Hill area to the Aiken Corporation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE CONVEYANCE OF CITY-OWNED PROPERTY CONSISTING OF NINE LOTS LOCATED IN TOOLE HILL TO AIKEN CORPORATION.

Mr. LeDuc stated Aiken Corporation is ready to build 5 to 6 homes in the Toole Hill area. He said the City of Aiken would like to convey 9 lots to the Aiken Corporation. He said when Aiken Corporation sells the homes the City of Aiken will receive its \$10,000 for each lot.

Mr. LeDuc stated Aiken Corporation is going to a bank to obtain a construction loan to build these homes. He said the Aiken Corporation will be spending several thousands of dollars during the interim before they sell the homes. In the meantime, they have to pay the bank on the loan.

Mr. LeDuc stated Aiken Corporation has received a grant from the South Carolina Housing Authority which will allow them to build one spec home and reduce the cost of the other homes by up to \$20,000. This is based on the income eligibility of the new homeowner. They approved their own funds to obtain a construction loan to build an additional 5 or 6 new homes in this neighborhood. Through the city's financial classes and home counseling, we feel that we will have buyers who can qualify to purchase these homes upon their completion.

The proposed ordinance conveys nine lots to Aiken Corporation which will allow them to get the construction loan and to build these homes. Once the homes are sold, the City of

Aiken will receive its land cost. We plan on a ground breaking in May to start construction of these houses.

Councilman Smith pointed out the City is giving the lots to the Aiken Corporation. He asked if the City had some kind of contractual commitment that the City will receive the \$10,000 per lot at some point.

Mr. LeDuc stated the proposed ordinance approves the process. He said when the City conveys the lots the City and the Aiken Corporation will sign an agreement that the city will get \$10,000 per lot.

Mr. Gary Smith stated he would see that a statement gets in the ordinance to cover that matter for second reading of the ordinance.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to convey nine lots in Toole Hill to Aiken Corporation and that second reading and public hearing be set for the next regularly scheduled meeting.

BUSINESS LICENSE – ORDINANCE

SIC

NACIS

Rate System

License Ordinance

Mayor Cavanaugh stated an ordinance had been prepared for consideration to amend the Business License Ordinance to adopt the NAICS system.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN LICENSE ORDINANCE.

Mr. LeDuc stated over the past year City Council has been discussing changes to the Business License Ordinance. Last fall we received information on how the Business License procedures were enabled through the state law and the standards for implementation. Based on this information, Council asked staff to hire a consultant to revise our current plan to the new North American Classification Industrial Standards (NACIS). This conversion was presented to Council last week during a work session. Based on the results of this discussion, Council asked that we convert from the Standard Industrial Classification (SIC) system to the new NAICS system.

The staff presentation involved a revenue neutral conversion. However, Council discussed several different options. As presented tonight, the rates are based on this neutral position, which involves a budgetary line item for 2005-06 at \$1,650,000. On May 2, City Council will be reviewing the budget, and at that time the rates will be discussed and, if changes are made, they can be reflected in the second reading of this ordinance. Mr. LeDuc stated Council will be looking at a couple more options at that time with one reducing the revenue received from Business Licenses by \$44,000 and the other option reducing revenue by \$100,000. He stated staff had already presented the revenue neutral option.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that Council pass on first reading an ordinance changing the Business License system from the current SIC system to the NAICS system, and that second reading and public hearing be set for the next regularly scheduled meeting.

Councilwoman Vaughters stated she had another proposal for Business License rates for Council to consider. She said at the last meeting it was pointed out that contractors are in Category 8 but should be placed in Category 3, but that category would dramatically increase their rate. She said she based her schedule on placing contractors in Category 3 using their current rate of \$50 for a base fee for the first \$2,000 and \$.50 per \$1,000, and then adjusting the other categories accordingly using the same difference between

categories. She presented a copy of her proposal to the Councilmembers and briefly reviewed the proposal for Council. She stated she did not feel that business licenses should be increased, and that was the reason she was presenting her proposal. She said she realized the City would collect less revenue with her proposal. She pointed out, however, currently the license ordinance has a declining rate for gross receipts over \$1 million. She stated possibly the city could eliminate the lower rate for big business and continue the scale upward for all gross receipts. She pointed out her proposal has the rates closer together, and there is not such a great disparity between the categories, and no one will be paying a higher rate. She said her proposal is her concept when she introduced the matter of changing the business license rates.

Mr. LeDuc stated briefly looking at the proposal the difference in the rate per \$1,000 would add up to a \$700,000 loss in total revenue by lowering the rate per \$1,000. He pointed out that for every cent the rate is lowered amounts to about \$11,000 less in revenue. He said by lowering the rate about 70 cents times \$11,000 is about \$770,000. He said, however, with an increased rate for gross over \$1 million, a difference in revenue might occur. He said staff has a program that they can run the figures and see what revenue the proposal would bring in. He pointed out consideration of the Business License Ordinance will be the first item for consideration for the budget review, because that will make an impact on the budget.

Mayor Cavanaugh called for a vote on the motion to approve the ordinance on first reading changing the Business License system from the current SIC system to the NAICS system with the rates being revenue neutral, and that second reading and public hearing be set for the next regularly scheduled meeting.

COMMUNITY DEVELOPMENT BLOCK GRANT

Five Year Plan

Block Grant

CDBG

Consolidated Plan

2005-2006

Mayor Cavanaugh stated Council needed to consider approval of a five year Community Development Block Grant Plan.

Mr. LeDuc stated the Department of Housing and Urban Development (HUD) requires the City of Aiken to develop a five year plan for the expenditure of the Community Development Block Grant (CDBG) funds. This plan guides the use of the CDBG funds for the next five years. We have held several public hearings and have contacted every social agency and non-profit organization in our community for their input.

The Community Development Committee discussed this plan which incorporates the city's ten year Northside plan. A copy of the Executive Summary of the Five Year Consolidated Plan for fiscal year 2005-10 was given to Council for review. The Executive Summary includes the funding program for the CDBG fiscal year 2005-06 totaling \$243,337 which was approved by the Community Development Committee.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council approve the City of Aiken's Five Year Consolidated Plan for fiscal year 2005-2010 to expend the Community Development Block Grant Funds. The motion was unanimously approved.

PLANNING COMMISSION

Action Agenda

FY 2005-06

Mayor Cavanaugh stated Council needed to consider approval of the Planning Commission Action Agenda for 2005-06.

Mr. LeDuc stated Council met last Tuesday with the Planning Commission to develop an Action Agenda for the upcoming year. Based on the meeting the recommended Action Agenda for next year is as follows:

1. Revision to Tree Ordinance for all new residential developments or change all residential zoning to Planned Residential.
2. Public notice for text amendments to Zoning Ordinance and Land Development Regulations (possible amendments to require notice for changes in wording that affect multiple properties).
3. Require all new wiring to be underground (amend regulations to require all wiring, not just lines serving buildings, to be underground)
4. Access ordinance (location and number of curb cuts)
5. Inoperable vehicles at commercial locations (how to handle the storage of such vehicles at automobile repair and towing businesses)
6. Possible amendments to the Land Development Regulations regarding maintenance guarantees (clarify the language as to when maintenance guarantees are required in new subdivisions)
7. Evaluation of LP Zone (particular emphasis on permitted uses)
8. Institutional zone (possible creation of a zone that would allow only schools, churches, and other institutional uses)
9. Design standards for buildings along major roads (design standards for new buildings)

The Planning Commission has done a tremendous job this past year in completing work on the Traffic Management Ordinance, the Old Aiken Master Plan, several zoning regulation changes, and starting the North Aiken Comprehensive Plan. We feel the new Action Agenda can be completed this next year through the continued cooperation of the Planning Commission and City Council.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the Action Plan for the Planning Commission for fiscal year 2005-2006.

BOARDS AND COMMISSIONS

Appointments

Barnett, Mary

Park Commission

Anaclerio, Stephen

Historic Preservation Commission

Councilwoman Clyburn stated she would like to recommend two appointments to Boards and Commissions. She stated she would like to reappoint Mary Barnett to the Park Commission and like to recommend appointment of Stephen Anaclerio to the Historic Preservation Commission to replace Rosalee Johnson.

EXECUTIVE SESSION

Tattoo Parlors

Purchase of Property

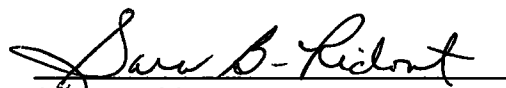
Legal Matters

Mayor Cavanaugh stated Council needed to go into executive session to discuss a contractual matter for purchase of property and the reason for a zoning amendment to cover tattoo parlors.

Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that Council go into executive session to discuss legal matters regarding purchase of property and zoning for tattoo parlors. Council went into executive session at 11:15 P.M. After discussion Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that the executive session end. The executive session ended at 11:35 P.M.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35 P.M.

A handwritten signature in cursive script, reading "Sara B. Ridout", written over a horizontal line.

Sara B. Ridout
City Clerk