

Aiken City Council MinutesWORK SESSIONSeptember 12, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Pete Frommer, Wendell Hall, Sara Ridout, Betsy Gilliland of the Augusta Chronicle and about 10 citizens.

Mayor Cavanaugh called the meeting to order at 6:17 P.M. He stated Council had one item to discuss in the worksession which was animal control.

ANIMAL CONTROL

Mr. LeDuc stated that at last year's Aiken's Horizons Council had a discussion concerning the need to begin a spay/neuter program in the City of Aiken. He said the program was adopted as a goal for this year. He said staff had been meeting over the last several months with a committee consisting of Richard Pearce, Jeff Wilson, Lisa Williams, Mary Guynn, Holly Woltz, and Barbara Nelson. He said the six had met to determine what changes, if any, are needed in our existing animal ordinance, which has not been updated for about 15 years. He said over the last five years we have averaged over 1,500 calls for service and have picked up an average of 850 animals a year. Of this amount 86% are not reclaimed by their owners, or approximately 730 animals per year. Lack of an ID is the major reason these cats and dogs are euthanized at the SPCA, costing the city about \$55,000 yearly. He said in Aiken County there are about 8,000 animals picked up a year, with over 6,000 animals euthanized.

The SPCA, Jeff Wilson, some veterinarians and the committee members have been meeting with Richard Pearce to review our current Animal Control Ordinance. They are recommending several changes to this ordinance, which has not been updated for over 15 years. The two major changes include identifying a kennel as a premise with four or more cats or dogs of the same species over one year of age. The second major change involves increasing the city tag fee for fertile animals from \$15 a year to \$100 a year. The current city tag fee for sterilized animals would remain at \$5 a year. There are several other minor changes, including defining different types of animals and a section concerning injured or diseased animals and cruelty to animals.

Along with the changes in the ordinance, we are recommending a subsidized spay/neuter program for low income families earning less than \$25,000 per year. According to the 2000 census approximately 30% of the families would qualify for this program. It would provide the family making less than \$25,000 a year the ability to have their animal spayed or neutered, and obtain a city tag and rabies shot for a total of \$15. This would probably cost \$200 plus for these services outside this program. The city would subsidize the other fees through the \$30,000 funding we set aside in this year's budget for this program. The SPCA will even help provide transportation to this location for those that need it. The proposal also has a provision that if an animal is of age with health risks that a veterinarian could sign off and the animal would not have to comply with the ordinance. He said the two major items being presented to Council at this meeting is raising the fee for non-spayed or neutered animals to \$100 per year, and that any home that would have 4 cats or 4 dogs or more would be considered a kennel and the Animal Control Officer would have to inspect the kennel. He said it is felt that through working with the SPCA and advertising the program that the city could eliminate the unwanted animals in the city of Aiken.

It is the feeling of both the city staff and SPCA that through this program and the higher city tag fees that we will eventually eliminate the majority of the unwanted animals that are now being taken to the SPCA. Since this is a new program, the city will need to provide information through schools, churches, neighborhood meetings and newspaper articles concerning these changes and the availability of the subsidized spay/neuter

program. Along with these changes the city would provide a six month grace period to work with citizens before implementing any citations or fines concerning the higher city tag fee.

Mr. LeDuc stated he wanted to thank the committee members for their hard work and especially Barbara Nelson, who had put in so much time and effort in answer questions for him.

Barbara Nelson and the SPCA have been working very hard over the last six months on this program. Jeff Wilson, our Animal Control Officer, Barbara, and members of the SPCA are present at this meeting to answer any questions.

Ms. Barbara Nelson stated Mr. LeDuc had gone over most of the elements of the recommendations from the committee. She said the committee was formed so the city could implement the spay/neuter program through the \$30,000 allocation made by City Council and try to solve some problems. She said one of the problems was the critical issue of animal over population and what to do with vicious dogs. She said the committee approached the problem with trying to solve the problem efficiently. She said they did not want to create so many restrictions, but wanted to make it easy to comply with the regulations. She said they wanted to provide a lot of incentives to comply with the ordinance. She pointed out that over 8,000 dogs and cats are impounded each year in Aiken County, which is a very conservative number. She pointed out there are three shelters, the Aiken County shelter located on Wire Road, SPCA, and North Augusta has a contract for their animals. She reviewed the figures for animals being impounded. She pointed out the City of Aiken contracts with the SPCA for its impounded animals. She pointed out the SPCA has instituted a spay/neuter program and no animal comes out without being spayed or neutered. She pointed out this is state law now. She pointed out that most of the animals impounded are not returned to their owners because the animals don't have a license and there is no way to identify the owner. She pointed out that the license compliance within the City of Aiken is very low, with only about 16% licensed. She said if the animals were licensed and the compliance of the ordinance taken more seriously, more animals could be returned to their owners. She said they have figured there are about 6,000 dogs and about 6,700 cats in the City of Aiken and if all the animals were licensed, this would bring in a significant amount of money to the city to help with the spay/neuter program. She pointed out in other areas where a spay/neuter program has been instituted the number of animals brought to the animal shelters has declined significantly.

Ms. Nelson stated the committee is suggesting that the city's program pay for those who cannot afford to spay or neuter their animals, with the program paying for those persons with an income of \$25,000 or less. She stated for those persons who do not want to spay or neuter their animals the license fee would be \$100. She said there is no reason, unless the person is a breeder, to pay \$100 for the animal's license. She said the fee is high to get attention. She pointed out that it costs more than \$100 to impound an animal at the SPCA for 5 days. She said the committee feels the \$100 is justified. She pointed out that the proposed ordinance includes an exemption for dogs or cats that are at risk for surgery, with a statement from a veterinarian. Ms. Nelson stated she is also going to appear before Aiken County regarding the spay/neuter program and the problem with animals.

Council then discussed the proposal at length. Council discussed possibly giving free city licenses for 6 months to encourage citizens to license their pets, so there would be some way to identify the owners of pets. They also discussed possibly having the vets issue a city license at the time a rabies shot is given. Dr. Holly Woltz stated this would be putting a lot of work and responsibility on the vets, and she did not feel this would be fair to the vets.

Mr. LeDuc stated this was done a few years ago, and it did put the vets in the position of enforcement and collection for the city, and it was discontinued. He said the city does have to find a better way to get animals licensed. He asked that Council go through the ordinance and make any suggestions for any changes. He said the staff intends to come back in October with the proposed ordinance for action by Council.

Council commended the committee for the work that they had done for the proposed ordinance and suggestions for the spay/neuter program. The general consensus of Council was that there be a free licensing of animals for six months for spayed or neutered animals to encourage licensing of pets. It was suggested that a city license could be issued free at the rabies clinics that are held in different areas of the city. It was also suggested that volunteers could be used to issue animal licenses at various locations in the city.

### Aiken City Council Minutes

### REGULAR MEETING

September 12, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Anita Lilly, Pete Frommer, Glenn Parker, Sara Ridout, Betsy Gilliland of the Augusta Chronicle, and about 45 citizens.

Mayor Cavanaugh called the meeting to order at 7:11 P.M. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

### APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved as submitted.

### MINUTES

The minutes of the work session and regular meeting of August 8, 2005, and the work session of August 29, 2005, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Cuning and unanimously approved.

### PRESENTATION

#### Proclamation

#### Head Start Program

#### Aiken-Barnwell Community Action Agency

Mayor Cavanaugh stated a proclamation had been prepared recognizing the Head Start Program on its 40<sup>th</sup> anniversary.

Mr. LeDuc stated it was a pleasure to have Shade Hall of the Head Start Program present. He said Head Start was established 40 years ago in 1965 and serves more than 22 million children and families throughout the United States. Our local Head Start Program was initially started through a seven week summer program with the Second Baptist Church. The following year, in 1966, the Head Start Program was initiated through what is now the Aiken-Barnwell Community Action Agency. They are now overseeing and operating the Head Start Program, which now serves 435 children and families throughout Aiken and Barnwell County.

Mayor Cavanaugh read the proclamation. Council commended the Aiken-Barnwell Community Action Agency for its involvement in the Head Start Program and presented the proclamation to Shade Hall.

Ms. Hall, on behalf of the Aiken-Barnwell Community Action Commission, thanked Council for acknowledging and presenting the proclamation in observance of the 40<sup>th</sup> anniversary. She reviewed the work and program of Head Start and asked for continued support for the program.

Councilwoman Price thanked Ms. Hall for the work she is doing at Head Start in the short time she has been with the program. She said she had already seen positive changes she had made in the program with her innovative ideas. Councilwoman Price pointed out that in 1965 she was a student working with the Head Start Program.

ANNEXATION – ORDINANCE 09122005

Trolley Line Road 4224

Girardeau, Edward

TPN 087-12-02-016

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property on Trolley Line 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 6.37 ACRES OF LAND, MORE OR LESS, OWNED BY EDWARD F. GIRARDEAU AND LOCATED AT 4224 TROLLEY LINE ROAD, AND TO ZONE THE SAME OFFICE/INSTITUTION (O) AND RESIDENTIAL MULTIFAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated the owner of 6.37 acres at 4224 Trolley Line Road would like to annex his property under the O (Office/Institution) and RMH (Residential Multifamily High Density) zoning. The proposed zoning for the O Office/Institutional would be on the front 3.16 acres and the RMH Residential Multifamily High Density would be on the rear 3.2 acres. The proposed zoning is compatible with the adjacent O zoning in the city to the south, and the Residential Multifamily is compatible with other current zoning in the County. The proposed RMH zoning would allow a maximum of 55 units on this rear portion. Any RMH zoned property requires a minimum of 40% open space and a minimum of 1.5 parking spaces per dwelling unit. All Office and Multifamily Residential properties require compliance with the City's Landscaping and Tree Preservation regulations, including a 10 foot untouched buffer adjacent to land zoned or used residentially.

The Planning Commission unanimously approved this annexation with two conditions:

1. that only one curb cut be allowed on Trolley Line Road; and
2. that the annexation would not take effect until proof of recording of any conditions of approval are recorded with the RMC Office.

The public hearing was held and no one spoke.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 4224 Trolley Line Road consisting of 6.37 acres under the Office/Institutional and Residential Multifamily High Density zones, to be effective when the conditions are met.

ANNEXATION – ORDINANCE 09122005A

Silver Bluff Road 1457

Richardson's Lake Road

TPN 107-09-01-007

TPN 107-09-01-001

Stoddard, Ivor H.

Stoddard, Linda B.

Pin Oak Farms

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property on the west side of Silver Bluff Road near 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 74.24 ACRES OF LAND, MORE OR LESS, OWNED BY LINDA B. AND IVOR H. STODDARD AND LOCATED AT 1457 SILVER BLUFF ROAD AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Mr. LeDuc stated the owners of property at 1457 Silver Bluff Road consisting of 74.24 acres would like to annex their land to be zoned Planned Residential. The property is located on the west side of Silver Bluff Road just north of Richardson's Lake Road and would be called Pin Oak Farms. The annexation request originally came to the Planning Commission in October, 2003, with an RS-8 zoning. The Planning Commission approved this concept plan, but also requested a traffic study, and the application was withdrawn.

The Concept Plan now shows 116 detached single-family dwelling units on the western portion of the site and 62 villas consisting of groups of two and four units and 122 multifamily residential units. Under the Planned Residential regulations, a maximum of eight units per acre could be placed on a site after the 20% open space is subtracted, which means that approximately 480 units could be allowed. They have agreed to have no more than 300 units in this development. The property has 1500 feet of frontage on Silver Bluff Road and two access roads are shown. Although only 20% of the project must be devoted to open space, 32% of the area is shown as open space allowing for walking trails to be accessed at two different locations.

The traffic study has been completed and approved by the city's Traffic Engineer and indicates that the residential project will not adversely impact Silver Bluff Road. It's recommended that turning lanes entering this site should be constructed, including a left turn lane for northbound traffic and a right turn lane for southbound traffic. Traffic entering onto Silver Bluff Road from Pin Oak would have both a left turn and right hand turn lane. Several conditions were included for this annexation.

1. elevations of the Multifamily Residential buildings must be approved by City Council prior to issuance of a building permit for that portion of the development;
2. that an untouched buffer at least 25 feet in depth be provided around the perimeter of the project and that additional evergreen vegetation could be planted as determined by the Planning Director.
3. that the secondary northern access road onto Silver Bluff Road be removed or that it be a right-in/right-out only;
4. that the improvements recommended by the traffic study be constructed prior to the issuance of any building permit;
5. that the strip reserved for the widening of Silver Bluff Road would remain untouched until acquired by the South Carolina Department of Transportation;
6. that the Villas portion of the development comply with the tree preservation provisions of the Zoning Ordinance;
7. a maximum of 300 units would be built within this development;
8. the roadway entering into the multi-family residential section along Silver Bluff Road and extending to the north would terminate within this complex and not be extended to the property currently owned by Palmetto Service Group;
9. that a revised Concept Plan addressing conditions on approval be submitted as determined by the Planning Director;
10. that any conditions placed on the annexation be recorded at the RMC Office;
11. that the annexation would not become effective until the applicant provides written confirmation to the Planning Department that the property has been sold;
12. that conditions 9, 10 and 11 be met within 120 days of approval by City Council or the annexation will be considered null and void.

The Planning Commission unanimously approved the annexation of this property with conditions.

The public hearing was held.

Mr. Dennis Saylor, 302 Plantation in Gem Lakes, stated he is currently the President of the Gem Lakes Recreation Association. He said this development first came to his attention after the first reading, with the connector road that was originally discussed connecting to Gem Lakes. He said that concerned a number of the residents in Gem Lakes. He said he obtained information about the new provision striking the connector road. He said at this time he would encourage City Council to vote for the ordinance with the provision removing the connector road to Gem Lakes.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading an ordinance to annex 74.24 acres of property at 1457 Silver Bluff Road under the PR Planned Residential Zoning and that the ordinance become effective when the conditions are met. It was pointed out that the connector road to Gem Lakes had been removed from the conditions for approval.

Councilman Cuning asked if the 30 foot future Department of Transportation right of way is required and if it would be needed for the plan for the 3-lanes.

Mr. LeDuc stated it is not required, but it was felt there may be a need for it, plus it also gives the opportunity for beautification and additional plantings in the future. He said currently we do not know what amount of right of way is needed, if any. He said we do know there might be some construction easements. He said the city had asked for additional right of way for beautification.

Councilwoman Vaughters asked a question about condition 6, regarding the Villas complying with the tree preservation provisions. She also asked why the streets in the condominium area would be private and the single family area public streets.

Mr. LeDuc stated the multi-family portion of the Planned Residential already has to comply with the tree preservation provisions and the condition includes the Villas to avoid any confusion. He said presently single family homes, even though they are attached, are not required to follow the tree preservation ordinance. The provision is included to be sure the Villas do follow the requirement. He stated it is normal for the streets in the condominium area to be private, with the streets in the single family area being public.

#### INCENTIVES – DOWNTOWN – ORDINANCE 09122005B

Building Facades

Commercial Buildings

Façade

Incentives

Downtown

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to establish incentives for building facades in the downtown area.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE ESTABLISHING INCENTIVES FOR THE IMPROVEMENT OF BUILDING FACADES IN THE DOWNTOWN AREA OF THE CITY OF AIKEN.

Mr. LeDuc stated that at the Aiken Horizons, staff discussed with City Council a façade grant incentive program. This incentive would promote the restoration and maintenance of commercial building facades for property located in the downtown area. The front facades of these older buildings occasionally need restoration to preserve and promote an attractive looking downtown area. These improvements will stabilize the area and increase the property values and attract new businesses and development in the downtown.

The incentive is a 50% matching grant up to \$10,000. The owner would initially pay the cost to restore the façade, and the city would then reimburse them once they have completed the project according to downtown architectural guidelines. This is a grant

program, and the incentive funds would not have to be repaid. The façade grant funding could be used for exterior improvements, correction of code violations, painting, exterior repairs, door and window replacement, trim work, entranceways, and display windows. All of these would need to meet the design standards for façade improvements that are in keeping with the City's design guidelines for the downtown area.

Mr. LeDuc stated Council approved this ordinance on first reading at the March 14, 2005, meeting, and Council continued the hearing until the Design Guidelines were approved which was done in August. He said this is now before Council for final approval.

Mr. Gary Smith, City Attorney, stated that Councilwoman Price had stated that she had concerns that there may be an appearance of an ethical impropriety because she owns property in the downtown area and may apply for the incentive. She had chosen to recuse herself from discussion and voting on this matter and had left the Council Room at 7:30 P.M.

The public hearing was held and no one spoke.

Councilman Cuning stated he felt there should be a yearly limit on the amount for the incentive program. He said unless Council sets some limit they would be approving the program with no budgetary constraints.

Mr. LeDuc stated the city has about \$100,000 in a fund for the program. He pointed out that the city may have 8 requests in one year and only 2 the next year. He said if Council desires they could set the budget at \$100,000 a year and if more is needed the staff could bring the matter before Council for additional funds. He pointed out the grant is a one time grant per property owner.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance approving a façade grant program for the downtown area with a yearly budget of up to \$100,000.

Councilwoman Price returned to the Council Room.

#### HITCHCOCK PLAZA

##### Resolution

##### Large Retail Project

##### Waiver

##### Shopping Center

##### Silver Bluff Road

##### Pine Log Road

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to waive certain portions of the Large Retail Project Ordinance for Hitchcock Plaza.

Mr. LeDuc read the title of the resolution.

#### A RESOLUTION AUTHORIZING CERTAIN WAIVERS FROM THE CITY OF AIKEN LARGE RETAIL PROJECT ORDINANCE FOR ACADIA HENDON HITCHCOCK PLAZA, LLC.

Mr. LeDuc stated that a couple of years ago, Kroger announced that they were leaving Hitchcock Plaza to build a stand alone building at the former JB Whites/Dillards site. At that time, City Council asked staff to review what could be done with the current Hitchcock Plaza. For the past several months, we have been working with Hendon Properties, a firm out of Atlanta, Georgia, represented by Cameron Zurbruegg. He has given Council an update of the redevelopment status of the site. He notes that interior demolition has begun on the Kmart building for a new Stein Mart scheduled to open in early spring of 2006. They are now preparing to start work on several other portions of the renovation and revitalization plan, including the new roadway extension of Fabian Drive through the plaza.

Last year, City Council adopted an amendment to the Zoning Ordinance known as the Large Retail Project Ordinance, which governs the construction and development of large retail projects. Section 3.3.15.H of the ordinance allows City Council to waive any requirements for alteration or enlargement of an existing project where compliance would be impractical. In Mr. Zurbruegg's letter, he is stating there are several items that he feels would be impractical to complete due to the existing nature of Hitchcock Plaza. On Monday, August 29, 2005, Council held a work session to discuss these various items and agreed that due to the nature of the existing site that several of these items could be considered as a waiver from this regulation.

Mr. LeDuc pointed out some of the situations where waivers were requested. He stated that landscaping islands now have to be for every 10 parking spaces. Presently in the shopping center there are landscaped islands for every 12 to 14 parking spaces. To abide by the provision would require that all the trees and shrubbery currently in the shopping center be removed to establish new parking islands. He pointed out there are some trees that have been there for about 15 years, and it would be impractical to remove all the landscaping and start over. He pointed out the same thing applies for the lighting standards, some of the fencing, and sidewalks. He pointed out the developer will be donating property to the city and planting and maintaining over 100 trees that will be placed along a boulevard that will be created through the center of the shopping center. Mr. Zurbruegg has asked for the waiver of a number of items which Council discussed at a work session.

Approval of the proposed resolution will specifically incorporate the concept plan presented for the revitalized Hitchcock Plaza. Council would be authorizing the Planning Director to approve any minor changes to this concept plan and the character of the design for the plaza. Thus the Planning Director would have the ability to review both the concept plan and character design. However, if any major changes were needed, he would have the ability to bring those back to City Council for final approval. Any new construction within this development, including out parcels X and Z and the possible addition to the former Kmart building north of Stein Mart, would have to comply with the existing large retail project ordinance, and there would have to be an update to the Traffic Study and there would have to be compliance with lighting and landscaping requirements. The waivers apply to the current existing buildings on the property. The resolution applies to delivery and loading docks which will not change. For the existing area a traffic study would not be required, because they do not intend to generate any additional traffic than what is currently there. However, when the outparcels are developed the Traffic Study would have to be updated for the additional traffic that would be generated for the area.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the resolution granting waivers from the Large Retail Project Ordinance as discussed for development of the Hitchcock Plaza. Councilwoman Clyburn stated she felt it was great that someone was coming in and redeveloping a center versus building a new one.

Councilman Cunning asked when the developer plans to get started. Mr. LeDuc responded that, with approval of the resolution, Mr. Zurbruegg has a set of criteria that he has to abide by and that allows him to work with his investors. He said the engineering plans had been completed for Fabian Drive, and they hope to start on the work in the next 60 days. It was pointed out that a petition for the traffic signal could not be submitted until they could see either through signed contracts or other means that a certain amount of traffic will be generated.

Mr. Zurbruegg stated his company had been finalizing the engineering plans with the City, marking all the utilities, making sure they have not missed anything, because there are some serious utilities that run through the site. He said their hope is that by the time they turn over a portion of the old K-Mart space to Stein Mart, which will be in mid to late January, that they have also substantially completed the road improvements, but in any event no later than when Stein Mart is prepared to open in late March or early April. He said the new road is scheduled to be completed at that time. He said they should have signed leases on about 140,000 square feet of space by the end of October, and as soon as

he could identify the leases he would do the traffic study, because that will be for the significant portion of the traffic flow.

AIKEN GOLF COURSE – ORDINANCE

Purchase of Property

Golf Course

Wolf, Douglas

Forest Hill Drive 1565

Highland Park Golf Course

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to sell property of the Aiken Golf Course (Highland Park Golf Course).

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE OWNER OF HIGHLAND PARK COUNTRY CLUB TO SELL A SMALL LOT FROM THE PROPERTY COMPRISING HIGHLAND PARK COUNTRY CLUB.

Mr. LeDuc stated earlier this summer Douglas Wolf at 1565 Forest Hill Drive discovered that a portion of what he thought was his lot was really owned by the Aiken Golf Club. A local land surveyor determined (verified by Public Works) that a corner of the property along Forest Hill Drive consisting of approximately 3,600 square feet belongs to the Aiken Golf Club, although it is across the street from the course itself.

Since Mr. Wolf has been maintaining this property he would like to purchase it from the Golf Course so that it can become a part of his lot. It is too small for a buildable lot and is not needed by the golf course. Mr. Jim McNair, owner of the golf course, is willing to sell this lot to Mr. Wolf if City Council will release the lot to him. Both Jim McNair and Douglas Wolf are requesting City Council's permission to release this lot so that Mr. Wolf would have the right to purchase it.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance to release property at the corner of 1565 Forest Hill Drive so that the Aiken Golf Club can sell it to the adjoining property owner, Douglas Wolf, and that second reading and public hearing be held at the next regular meeting.

ZONING ORDINANCE - ORDINANCE

Amendment

Accessory Buildings

Structures

Outdoor Storage

Mayor Cavanaugh stated first reading of an ordinance amending the Zoning Ordinance regarding accessory buildings had been continued from the previous meeting to receive further information.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDINGS AND STRUCTURES AND OUTDOOR STORAGE.

Mr. LeDuc stated this is an area that the Board of Zoning Appeals has discussed with staff for a while. He said they get many requests for accessory buildings, and generally BZA approves the accessory buildings. It was felt that if the ordinance were amended regarding accessory buildings that BZA would not have to deal with so many of these requests.

Mr. LeDuc stated that over the last several months the Planning Commission has been reviewing proposed amendments to the Zoning Ordinance regarding accessory

buildings/structures and outdoor storage. They have recommended revising 3.4.2 in the Zoning Ordinance concerning accessory buildings or structures and 4.33 concerning outdoor storage and are proposing the changes for Council's action. The major points are as follows:

1. an accessory building would be allowed in a rear yard as well as a side yard, but can be no closer to the street right of way than the principal building on the lot;
2. in a residential zone or the LP and LB zones no accessory building could be closer to a street right of way than the plane of the front wall of the principal building on an adjacent lot. This provision would prevent an accessory building from being next to the front yard of a neighboring lot, which becomes more likely if such buildings are allowed in the side yard;
3. an accessory building would be allowed three feet from the property line instead of the current 10 feet.
4. the height of the accessory building could be no greater than the principal building;
5. the floor area of all accessory buildings could not exceed 50% of the heated gross floor area of the principal building;
6. a swimming pool on a lot occupied by a single family dwelling would have to comply with the same setback and location provisions as accessory buildings where they do not now; also, a definition of swimming pool has been added;
7. shipping containers can not be used for storage except in the industrial zones.

The Planning Commission unanimously approved these changes to the Zoning Ordinance. At the last City Council meeting, Council agreed to continue this and asked that members from the Board of Zoning Appeals attend the meeting. Members of the BZA have been invited to be present to discuss with Council the reasons behind the various amendments to the Zoning Ordinance regarding accessory buildings.

Mr. LeDuc pointed out that items 1, 2 and 3 were items that were recommended for change in the Zoning Ordinance, with one of the biggest changes being to allow 3 feet from the property line instead of the current 10 feet. He pointed out that items 4, 5, 6 and 7 are not in the Zoning Ordinance, but would be additions to the ordinance. He pointed out that item 4 sets a height limit for an accessory building, whereas presently there is no limit. Item 5 sets a limit for the floor area of an accessory building, limiting it to 50% of the heated gross floor of the principal building, whereas presently there is no limit. Presently there are no regulations on where a swimming pool could be located in the yard. Item 7 states that shipping containers cannot be used as storage sheds and is not currently covered in the ordinance. He said items 4, 5, 6, and 7 are new language to the existing ordinance. He said they had also gone back and looked at the number of requests that had come before BZA. In 2001 there were 2 requests before BZA for building accessory changes. In 2003 there were 3 requests. In 2004 there were 10 requests and in 2005 there have been 4 requests.

Mayor Cavanaugh asked if there was an agreement between BZA and the Planning Commission on the proposed changes. Mr. Evans stated the two boards had not discussed the proposed changes.

Mr. Keith Coones, a member of the BZA, stated the board is not tired of dealing with the requests, but the requests are disproportionate with other requests. He said his opinion is that it just isn't working, and the Planning Commission was asked to suggest a solution. He felt the proposal was reasonable. He pointed out that in the past all the requests had been approved. It was felt that something needed to be done to make it easier on the citizens. He felt the Zoning Ordinance did not recognize how property is utilized and that it is a burden for the citizens.

Mr. LeDuc stated even if Council does not want to change the present ordinance regarding accessory buildings, it is recommended that items 4, 5, 6 and 7 be considered to be added to the Zoning Ordinance because presently there are no regulations for these items.

Councilman Cunning asked if there was some reason from fire code regulations that an accessory building would not be allowed 3 feet from the line because they may store paint cans, etc. for safety reasons.

Mr. Frommer, Public Safety Director, stated that he thought the code dealt more with the primary residence rather than accessory buildings. He said Public Safety had not had many shed fires in back yards. He pointed out, of course, a living unit has a lot more furniture, etc. than a storage shed.

Mr. Arthur Andersen, a member of the BZA, 125 Double Eagle Court, stated BZA does have a lot of variance requests and a lot have been granted. He said sometimes BZA has asked that a variance be screened. He said he disagreed with Mr. Coones on the side yard. He said the problem with the side yard is that the amendment provides that the shed can be brought forward to the front of the principal building. He said the accessory buildings are manufactured sheet metal, vinyl structures. He said he did not feel that the structures add to the character of any community, especially when they may be lined up along the front of the principal structure. He said occasionally neighbors will appear at BZA in connection with a hearing. Generally when there is objection to the granting of a variance for a shed, BZA is tougher. He felt that by putting control of accessory buildings by not making the amendment gives the BZA the power to compromise and work with the applicant to create screening. He said he felt the Planning Commission had done a good job with their recommendation generally, but he felt the amendment should be eliminated to the extent that it allows sheds in a side yard. He said BZA had not voted on the proposed amendments as a group. He felt that sheds within 3 feet of the property line is not a problem on passing people, but could be a burden on the neighbor because there could be sheds no more than 6 feet apart from each other. He asked how much does the city want to liberalize the ordinance to create a proliferation of sheds.

Mayor Cavanaugh stated he felt the proposal should go back to the BZA for discussion. After discussion the general consensus of Council was that the matter should go to the BZA and Planning for further discussion.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that the matter be sent back to the BZA for further discussion and for a recommendation.

#### AIRPORT – ORDINANCE

Aiken Aviation, Inc.

Agreement

Lease

Sports Plane Sales, Inc.

WayneWorks Aviation, LLC

Mayor Cavanaugh stated an ordinance had been prepared to approve a sublease between Aiken Aviation Enterprises and WayneWorks Aviation, LLC.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE APPROVING A SUBLEASE BETWEEN AIKEN AVIATION ENTERPRISES, INC. AND WAYNEWORKS AVIATION, LLC.

Mr. LeDuc stated in October, 1982, the City of Aiken and Aiken Aviation, Inc. entered into an agreement to lease property at the Municipal Airport. He said it is a requirement of the lease with the FBO that any sublease changes they propose be approved by City Council. Aiken Aviation Enterprises, Inc. would like to enter into a sublease with WayneWorks Aviation, LLC. The subleasee would comply with all the terms of our previous agreement with Aiken Aviation Enterprises.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to approve a sublease agreement between Aiken Aviation Enterprises and WayneWorks Aviation, LLC and that second reading and public hearing be held at the next regular meeting of Council.

TOWING - ORDINANCEWreckersCommercial Vehicles

Mayor Cavanaugh stated an ordinance had been prepared for first reading concerning towing of large commercial vehicles.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE MODIFYING ORDINANCE NO. 09082003 THAT ESTABLISHED INVOLUNTARY TOWING PROCEDURES FOR CERTAIN VEHICLES IN THE CITY LIMITS AND GRANTING FRANCHISES TO PERFORM THIS SERVICE TO ALSO INCLUDE A SEPARATE AGREEMENT FOR TOWING LARGER MOTOR VEHICLES.

Mr. LeDuc stated this summer City Council revised our Towing Ordinance and since that time all the companies have signed the towing agreement. Of these there are two companies that tow large commercial vehicles. Since the requirements for towing large vehicles is different from smaller trucks and passenger cars, we feel a separate ordinance needs to be adopted for the towing of large motor vehicles.

This ordinance is similar to the other ordinance, except it defines a large motor vehicle as one which requires the operator possess a commercial driver's license. The ordinance allows the towing company to charge higher fees to pick up and tow these vehicles due to the added expense of the specialized equipment. The insurance limits were not increased and the two towing companies will be placed on a rotating basis once Council has approved this ordinance and they have signed the agreement.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to establish towing procedures for large commercial vehicles needing assistance in the City of Aiken and that second reading and public hearing be held at the next regularly scheduled meeting.

PROCUREMENT - ORDINANCEPurchasingBids

Mayor Cavanaugh stated an ordinance had been prepared for first reading to modify the city's procurement code.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-333, AIKEN CITY CODE, REGARDING PURCHASING ITEMS FOR LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND THE PROCEDURE FOR SO DOING.

Mr. LeDuc stated that over the last 20 years the City has made very few revisions to the Purchasing Code. However, we do try to follow any current standards developed by the State, especially those that deal with inflationary trends. Our current ordinance requires us to seek verbal quotes for any items that we purchase exceeding \$500 in value, but not exceeding \$2,500. For purchases between \$2,500 and \$10,000 written quotes are required. Anything above \$10,000 requires formal sealed bids.

Most cities and counties have now set a higher threshold for verbal quotes. The State has set a threshold of \$1,500 to \$5,000 for verbal bids being required. The next threshold is \$5,000 to \$10,000 for written quotes, requiring at least three vendors if at all possible.

Staff is proposing that Council adjust our Code to match the rules used by the State to ensure that the process is competitive.

Councilwoman Vaughters asked if the city could give preference for purchases from the downtown businesses or businesses within the city for purchases since the city is always encouraging businesses to locate within the city and especially downtown. She pointed out the city uses the state contract for purchases, but it seems a shame that the city does not purchase from the downtown businesses and support local businesses.

Mr. LeDuc stated the city does use the state contract for purchases because the city can purchase supplies much cheaper from the state than from local businesses because the state buys in large quantity. He stated there is a provision in the ordinance to allow the city to purchase from merchants inside the city with a 5% preference over businesses located outside the city. He pointed out that the city does have to be careful how it spends taxpayers money and try to get the best value for the lowest cost.

Council asked that staff look into the matter to see what other cities do as far as purchases from local merchants.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to modify the Procurement Code as recommended by staff and that second reading and public hearing be set for the next regular meeting.

#### STORMWATER MANAGEMENT – ORDINANCE

Federal Emergency Management Agency

FEMA

Flood Insurance Rate Map

FIRM

Annexed Areas

SC Department of Natural Resources

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Stormwater Management Utility Ordinance.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND THE AIKEN CITY CODE TO AMEND SECTION 44-173, SO AS TO APPLY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) TO ALL EXISTING AS WELL AS ANNEXED PROPERTIES TO BE WITHIN THE AIKEN CITY LIMITS.

Mr. LeDuc stated that the City of Aiken received a letter from the South Carolina Department of Natural Resources asking us to indicate that the Federal Emergency Management Agency (FEMA) and the Flood Insurance Rate Map (FIRM) apply to all properties annexed into the Aiken City limits. They stated that before they will approve annexations received after April 27, 2005, that the following statement must be adopted:

“Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated March 4, 1980, for the unincorporated areas of Aiken County, with accompanying map and other data shall be deemed adopted by reference when the annexation is approved and shall be deemed part and parcel of any annexation ordinance that receives a majority City Council vote and is enacted pursuant to this Code Section.”

There is other language that we are currently reviewing and some other changes may be brought to City Council at a later date. However, by Council approving this ordinance, the current annexations will be allowed to proceed.

Councilman Cunning moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to amend Section 44-173 which establishes the Stormwater Management Utility and adopts language requested from the South Carolina Department of Natural Resources for annexed properties and that second reading and public hearing be held at the next regularly scheduled meeting.

ANNUAL REPORTFY 2004-05

Mayor Cavanaugh stated the Annual Report for Fiscal Year 2004-05 had been presented to Council for information.

Mr. LeDuc stated each year all the departments prepare a summary of their previous year's activities highlighting the various activities made by each of them. This Annual Report includes a tremendous amount of information which Council can use over the next year as we discuss various issues and projects. Each of the departments put a lot of work into this report, and it provides a great recap of the many accomplishments made by each of them.

Mr. LeDuc then reviewed a few of the major accomplishments during the year and pointed out the adoption of the Old Aiken Master Plan, Planned Residential Ordinance, Revised Traffic Ordinance, the Downtown Design Guidelines, completion of the round about at East Gate Drive, crime clearance rate, Car Take Home Program in Public Safety Department, establishment of Arts Commission, Skate Park, privatized Concessions at Citizens Park, development of Toole Hill and Asheton Oaks Subdivisions, garbage roll cart program, and lowest personnel turnover last year. He said there had been a lot of great things done by the departments over the past year and he congratulated the departments for their accomplishments over the past year.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council accept the Annual Report for fiscal year 2004-05 and congratulated the departments for their accomplishments during the year.

BANNERSCharacter First BannersAiken Women's ClubsCharacter BannersSigns

Mayor Cavanaugh stated a request had been received from the Aiken Women's Clubs for permission to replace and locate some additional Character Banners on city property. Mayor Cavanaugh stated the ladies from the Aiken Women's Clubs had worked extremely hard on the Character initiative in Aiken. He pointed out that several years ago the Women's Clubs came to Council and asked for permission to place character banners in the downtown area. They raised the money and designed the banners and gave them to the city for placement in the downtown area. He said recently they had noticed that some of the banners needed replacing. He pointed out they had also acknowledged young students for their character traits at school. He stated May, 2005 was the sixth year that they had had a major event with over 250 children from the schools and acknowledged their character in a special event.

Mr. LeDuc stated about five years ago the Aiken Women's Clubs received permission from City Council to locate Character Banners at several intersections throughout the city. These banners have now become weather worn and need to be replaced. They are purchasing new banners that are almost exactly like the present ones to go back in these locations. They are requesting some new locations for additional banners, which will both require approval from City Council and a variance from BZA. They are also asking Council's permission to locate some Character banners on certain city properties not on city right of way. The Planning Commission is considering an amendment to the Zoning Ordinance to change the regulations regarding banners and signs so the requests do not have to come before Council and then to BZA. Under the present regulations, if Council approves the sign locations then BZA feels awkward not approving what Council has already approved. The Planning Commission is looking at an amendment that if Council approves the location for a sign it is approved. He said the Aiken Women's Clubs are requesting four new locations which need Council's approval. They are also requesting that banners be allowed to be placed on several city properties, such as the Weeks Center and Smith-Hazel on public property, but not on the right of way.

Ms. Judy Cross stated she represents the Aiken Women's Club on the Joint Women's Clubs of Aiken. She stated currently there are about 16 women's clubs represented in the joint group. Ms. Cross stated the Women's Clubs donated the original banners that were downtown. She stated they had been taken down and they are being cleaned and will be installed again in the downtown area. She stated the Women's Clubs would like to put banners in additional locations. She stated they would like to place banners at York and Hampton, Laurens and Hampton, Park and Chesterfield, and in front of the Municipal Building. She stated they would also like to hang new banners in about 13 locations, some of which are private property, some city property, county property, and some of which will require a variance from BZA and/or approval of City Council. She pointed out that they recently discovered that they can't get permission until they figure out how the banners have to be hung, because some will go flush against the building and some will hang out from a building, and these variations require different permission. She pointed out they will be mailing out a letter requesting contributions toward the banners and offering businesses and civic organizations an opportunity to purchase a banner for their location if they wish. She said tonight the Women's Clubs is asking Council for approval for banners at York and Hampton, Laurens and Hampton, Park and Chesterfield and in front of the Municipal Building. They presented a picture of the redesigned banner which is similar to the old banner, but they felt it would be much easier to read.

Ms. Cross stated they have had requests from USC-Aiken, the hospital, and the mall to locate banners on private property, which will require a variance from BZA, however, Council will not need to approve these.

Ms. Kay Taylor, representing Women of Woodside and Newcomers Club, shared with Council a Character scroll which would be distributed to visitors to Aiken in order to promote the Character initiative. She stated the scrolls will be in hotels, Chamber of Commerce, Center for the Arts, etc.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council approve the four new locations requested for installation of Character banners.

Mr. LeDuc pointed out that the Women's Clubs would like to consider placing some banners on city property such as Weeks Center, Citizens Park, Perry Park, Hopelands/Rye Patch, Smith-Hazel. He said these are areas that Council would have control over. He asked if Council had problems with any of the locations. It was pointed out that at Hopelands/Rye Patch the city should check with the Friends of Hopelands and the other locations which are not city property.

Ms. Cross stated the cost of the banners depends on the number ordered, but the cost will be about \$100 including the banner and hardware to hang.

#### UTILITY REQUEST

Toolebeck Road

Price, Preston

Amanda Court

Sewer, Sanitary

Sanitary Sewer

TPN 137-19-01-006

TPN 138-07-01-001

TPN 00-180.0-01-005

TPN 00-180.0-01-298

Mayor Cavanaugh stated a request had been received for sanitary sewer service for a subdivision on Toolebeck Road north of Amanda Court.

Mr. LeDuc stated the City of Aiken has received a request from Preston Price for sanitary sewer service for 75.01 acres along Toolebeck Road north of Amanda Court. The property is not contiguous to the city and therefore cannot be annexed and is within the Couchton-Montmorenci Water District, but is within the city's fire district and sewer district.

Since the property is in another water district the City would only serve this area with sanitary sewer and city fire service.

The property is outside our Comprehensive Plan area developed in 2003, however, the property across the street along Toolebeck Road describes the area as low density residential. Of the 75 acres 10.31 acres are not developable due to easements by several electric and gas utilities. The developer's concept plan shows 191 detached single family units and 44 attached single family houses on 30 foot wide lots. Primary access to the development would be from Toolebeck Road. However, a secondary entrance from Woodward Drive could be developed.

Since this is a utility request, City Council can place any conditions it deems appropriate on approval for providing services.

The Planning Department has recommended nine conditions to City Council if Council approves the request. These include:

1. that an annexation agreement be executed.
2. that the development comply with all City sign regulations.
3. that the preliminary plat include sanitary sewer, storm water, roads and fire hydrants for approval by the City Engineering/Public Works and Planning Departments.
4. that the project comply with City regulations for the Planned Residential zone and that a revised concept plan be submitted if needed as determined by the Planning Director.
5. that there be no manufactured housing permitted and that there be a note on the Concept Plan and any plats to that effect.
6. that the attached housing units be consistent with the elevations submitted.
7. that the developer's agreement including all conditions of approval be recorded at the County RMC Office.
8. that application conditions be met prior to connection to the city sewer line
9. that if conditions 1 and 7 are not met within 6 months of City Council approval the approval shall be null and void.

At the Planning Commission meeting there were several concerns by commissioners, since the area is outside our Comprehensive Plan and water district. The Planning Commission voted 4 to 2 against approval of the request. Mr. LeDuc stated the city had encountered some problems with properties outside the city's water district where sanitary sewer is provided. Deodar Plantation, which is near this development, is also outside the city's water district, and the city has had problems collecting fees for garbage, sewer, and storm water from these residents, but the city provides the services as well as police protection since this property is inside the city. Since the city is not in control of the water system we cannot turn off the water to have individuals make payment. Two individuals from the area have been taken to court. Since the proposed development is outside the city limits it becomes even more difficult to collect these fees since the area is not under city control.

We currently are trying to annex an area contiguous to Deodar Plantation called Fox Run along Banks Mill Road that had a similar utility request a few years ago and had an annexation agreement requiring annexation when the property is contiguous to the city. We are now facing complications in getting these residents to sign an annexation petition since the developer has sold the lots. Some of the residents have signed the agreement as well as the developer and perhaps the city will get 75% of the residents to sign. Then it would be up to Council to require annexation with the 75% rule.

We could certainly work through these issues, but it does cause us some concern as we are receiving more requests for service outside of our utility areas. Based on some of these concerns the Commissioners voted to deny this project on a 4 - 2 vote.

Councilman Cuning expressed concern about Council being consistent with annexation. He pointed out the Gem Lakes situation where there was 85% requesting annexation and

Council was choosing to leave donut holes. He also felt the city should study all the policies and procedures that the city wants to have as far as providing water and sewer. He pointed out the policy used to be that sewer was not available unless the property was contiguous to the city. He said he basically agrees with the Planning Commission's recommendation.

Mr. Gary Smith, City Attorney, pointed out that when people bought in the Fox Run Subdivision they had legal notice that their property was to be annexed to the city once it became contiguous. He said Gem Lakes was developed outside the city and never had a requirement for annexation.

Councilman Smith pointed out the Planning Commission had recommended denial of the request, and he felt Council should deny the request.

Mr. Mark Graham, representing the developer, stated he felt the Planning Commission made some good points, and he did not realize the city was having such a problem with collecting for the utility service. He said, however, the proposed property is within 150 feet of the city limits and the developer is in the process of trying to purchase a piece of property that would make the property contiguous. He said he would like for the city to approve the sewer service if the property could become contiguous. He also expressed concern about development on the east side of town if the City of Aiken does not provide service for this side of town. He pointed out if the city does not provide service to this side of town, the city will lose control for good development of the area. He said if the developer could purchase the adjacent property and annex the property, then the city would at least have the same situation they have with Deodar Subdivision. He said he would like to have some direction from Council if they would consider providing sewer service if the property could be annexed so he would know how to proceed with the development.

Council discussed the situation and felt they would like to know the property could be annexed before considering providing sewer service, since the city already has problems with providing utility services in this area.

Councilman Cuning stated he thought he had understood that the Montmorenci-Couchton Water District would help the city collect the sewer and garbage service fees through their water bill.

Mr. LeDuc stated the district wanted to charge the city a high percentage for collection and were not able to work this out. Mr. LeDuc pointed out the city's sewer service area is about 1 ½ times the size of the city's permitted water service area. He said the city's policy had been if the city could annex the property and have control over the services the city would provide the service. He said, however, when the city has no control it makes it difficult for the staff in collecting for the services.

After much discussion of the situation and the water and sewer districts, Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council deny the request for sewer service to 75.01 acres along Toolebeck Road north of Amanda Court.

## BOARDS AND COMMISIONS

### Appointments

Councilwoman Clyburn stated she would like to ask that reappointment of Ms. Ossie Lloyd to the Community Development Committee and Robert Aaron to the Recreation Commission be placed on the next agenda for appointment by City Council.

EVACUEES

Katrina  
Hurricane  
New Orleans Area

Mayor Cavanaugh stated he had visited the evacuees at St. John's Methodist Church that had come from New Orleans because of Hurricane Katrina. He suggested that Councilmembers may want to visit these people.

GOLD CUP

Polo

Mayor Cavanaugh also stated Council may like to attend the Gold Cup and pointed out that this is a national event for polo in Aiken.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 P.M.



Sara B. Ridout  
City Clerk