

Aiken City Council MinutesREGULAR MEETINGApril 11, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Glenn Parker, Wendell Hall, Sara Ridout, Philip Lord of the Aiken Standard, Krista Zilizi of the Augusta Chronicle, and about 30 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 Councilwoman Clyburn and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session and regular meeting of March 28, 2005, were considered for approval. Councilman Cuning moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

OLD AIKEN MASTER PLAN - ORDINANCEDowntown

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration 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.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council suspend the rules and allow citizens to speak on first reading of the ordinance.

Mr. Lee Poe stated he had reread the draft of the Old Aiken Master Plan, and he felt a couple of changes should be made. He stated that on page 9 he felt the last sentence on the page should be omitted. He stated he did not disagree with the sentence, but felt it did not have a place in the document. He also pointed out item 6 on page 13, "Pedestrian and bicycle-friendly." He felt the bicycle-friendly was not a good word to place in the document. He said bicycles were hardly mentioned elsewhere in the document. He said he felt the item was referring to alternative modes of transportation which would also include bicycles. He said unless the document was going to be strengthened by putting in more to ensure bicycle safety he felt bicycle should be removed.

Mayor Cavanaugh asked Council what their feelings were on the two items mentioned by Mr. Poe.

Council discussed the two items mentioned by Mr. Poe and also felt that the last sentence on page 9 should be omitted.

Mr. Michael Anaclerio, 306 Colleton Avenue, suggested that instead of "bicycle-friendly" that the words "non-motorized transportation" be used.

Mr. James Holland, Chairman of the Old Aiken Master Plan Committee, stated the committee had gone through the bicycle-friendly several times at the review level. He said what they were trying to say was to have areas in the downtown area that are accessible by bicycles and pedestrians. He said that would cut down on the number of vehicles going through the downtown area. He said the committee felt that bicycle-friendly was appropriate. He said he had no problem with "non-motorized." He said, however, using "alternate modes of transportation" could get into a lot of things. He said the committee was thinking of pedestrians and bicycles through the downtown area.

Council continued to discuss item 6. After much discussion it was the consensus of Council to remove the hyphen in "bicycle-friendly" and use "Pedestrian and bicycle friendly."

Councilwoman Clyburn moved, seconded by Councilwoman Vaughters and unanimously approved, that Council pass on first reading the ordinance to approve the Old Aiken Master Plan with the two changes suggested by Council, leaving the last sentence out on

page 9 and leaving the hyphen out of "bicycle-friendly" on page 13 and that second reading and public hearing be set for the next regular meeting of Council.

### TRAFFIC MANAGEMENT ORDINANCE

#### Traffic Study

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration 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 a developer would like to annex an area along Pine Log Road and Richardson Lake Road under RS-6 containing about 90 acres. He said the developer only wants to use a small portion of the property and put in cluster housing, with the rest of the area being left as open space. He said Council had talked about creating as much open space in developments as possible. He said the developer is willing to state and record at the RMC Office that there be no more than a certain number of units within that development. However, based on the current Traffic Management Ordinance, because they would be annexing 90 acres under RS-6 they would be required to do a traffic study. Based on the number of units they are proposing on developing, they would not be required to do a traffic study. Staff is asking Council to consider making a change to the Traffic Management Ordinance which will allow the developer to voluntarily lower the number of units within a development, which in turn would be recorded at the RMC Office and reviewed by the City Attorney and the Planning Director. This would allow the Planning Director to work with developers and determine up front whether or not a Traffic Study would be needed. He said staff is asking Council to modify the Traffic Management Ordinance so that if a developer would like to voluntarily lower the number of units within a development they could do so, and therefore a traffic study may not be required, depending on the number of units and circumstances.

Mayor Cavanaugh asked if the number of units could be changed by someone else at a later date.

Mr. Gary Smith, City Attorney, stated there would be a statement in the restrictive covenants that would stay in place in perpetuity under the current law. Mr. Smith pointed out that the Traffic Management Ordinance as it is now requires the city to presume that the highest number of units that can be built on a particular piece of land will be built, even if the developer has no desire to develop that many units. Mr. Smith stated a proposed development brought this particular problem to light. He stated the proposed developer wants RS-6 zoning because he wants a certain lot size, but he does not want to build as many houses that would trigger the Traffic Impact Study if he were using a different type of zoning. Mr. Smith pointed out the ordinance kicks in when a certain number of units are built on a road with a certain level of service.

Councilman Cuning asked if the proposal would preclude improvements that need to be done to enhance the safety of the area. He was concerned that a developer might not want to spend money for improvements so he would reduce the density so he would not have to make traffic improvements which would be required under the Traffic Ordinance. He said, however, if the staff could require certain improvements for safety purposes he might consider the change. He said having less density would lower traffic. He said he just wanted to be sure staff could require some traffic improvements for safety purposes.

Councilman Smith asked if the development were a Planned Unit Development and the developer gave the City a concept plan showing the proposal the property would not have to be zoned RS-6. He felt this would be the more logical way to go rather than changing the ordinance.

Mr. LeDuc stated the developer was not far enough along with their plans to be able to state definitively with a concept plan what that development would look like so they preferred going with an RS-6 zone.

Mr. Evans stated they were also reluctant to zone the property PUD because of Council's right to approve the concept plan.

Council then discussed the proposed ordinance change at length, considering the pros and cons. The general feeling of Council was why not zone the property PUD so there would be a concept plan, and the development presented for Council's approval rather than zoning property RS-6. It was felt Council would have more control with PR zoning as far as how the development would look and where houses would be built.

It was pointed out the proposed ordinance change was not for the particular development on Pine Log Road, but this development is what brought the matter to the attention of the staff. Mr. Evans pointed out that if the property is zoned Planned Residential and he proposes to build the same number of units that he is proposing for RS-6 zoning, a Traffic Study still would not be required. It was pointed out that if the property is zoned RS-6, a Traffic Study would have to be done unless the Traffic Ordinance is amended with the developer agreeing to a lower density.

Councilwoman Vaughters asked if the developer was not going to build the maximum number of units because he wants green space or because the land is unbuildable. She pointed out that RS-6 zoning bothers her, as in the past some developers have removed all the trees and the development was not what Council had wanted.

Mr. Evans stated the developer wants as much open space as possible.

Councilman Cuning stated he felt the best development would be as PR as it gives the developer flexibility to do what he wants to do and gives Council control also.

Mayor Cavanaugh stated he could see no reason for the proposed development not being zoned PR. He said, however, the same situation may come up again for some other development. He said if other situations come up perhaps Council could consider changing the ordinance then.

Councilman Cunning stated he felt it would be setting a bad precedent by changing something that could circumvent the reason for passing the Traffic Ordinance to start with. He felt the developer would be better off with the property zoned PR, as the developer would have more flexibility.

Mr. Gary Smith pointed out the proposed development did highlight that the Traffic Management Ordinance has a very inflexible provision that prevents the Planning Director from being able to do something else to resolve the goal that Council had anyway, which is to reduce the traffic impact of new development. A way to reduce the traffic impact is to reduce the number of homes that will be built on a particular piece of property. He said lower density could be accomplished with PR, but not every piece of property could be zoned PR.

Mr. Evans pointed out that the proposed ordinance change would not only apply to residential property, but also commercial. He said it does not seem fair to him to make a developer pay for a Traffic Study if he voluntarily says he is not going to build the maximum.

Councilwoman Price stated she felt the proposed ordinance should have a public hearing to get input from the public, so she would like to see the ordinance passed on first reading.

Councilwoman Vaughters expressed concern about a particular development not triggering a Traffic Study, but there is land around the development that can be developed, and the next development in the area might trigger a study.

Mr. Gary Smith pointed out that under PR zoning, a developer could bring the concept plan back to City Council to ask that the concept plan be modified to increase the density in the neighborhood higher than originally asked for, and that might trigger a Traffic Study. He said, however, under the proposed change to the ordinance if a developer places a restrictive covenant on the property they could not modify it.

Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council pass on first reading an ordinance to amend the Traffic Management Ordinance regarding voluntarily lowering the density of property and that second reading and public hearing be set for the next regularly scheduled meeting of Council. The motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Smith and Vaughters opposed the motion.

Councilman Cunning stated he had reservations about the proposed amendment, but he voted for the amendment on first reading so he could study the matter further. Councilman Cunning stated he would like information regarding requiring an improvement that the city would want done because there is a safety issue.

#### PROCLAMATION

##### HUD

South Carolina Housing Authority

Housing

Housing Projects

Chesterfield North

Toole Hill

Asheton Oaks

Rehabilitation

Housing Authority

Emergency Repair Program

Homeowner Rehabilitation Program

Mayor Cavanaugh stated a proclamation had been prepared for Fair Housing Month.

Mr. LeDuc stated the City of Aiken works very closely with HUD and the South Carolina Housing Authority on the development of affordable housing projects. This partnership,

especially over the last few years has allowed the City to construct several new homes in Chesterfield North, Toole Hill, and Asheton Oaks. We have also, through their funding, helped many residents rehabilitate their existing structures and improve our streetscape. The major goal of the Housing Authority, the State, and Federal Government is to provide affordable housing to our residents to help improve their neighborhoods. He pointed out that at Asheton Oaks about 14 months ago no homes had been sold. By last summer 4 homes had been sold. An additional 5 homes are to be built and all are sold. Plans for another 6 homes have been sent to the city. Even though no houses have been started 3 of the homes are sold. He pointed out the finance classes that the city has been holding have helped in selling the homes.

This past year we developed a new Emergency Repair Program which replaced the Homeowner Rehabilitation Program. The Emergency Repair Program has met with overwhelming success, while the former Homeowner Rehabilitation Loan Program was not accomplishing our intended goal. We had a long waiting list and for about the same amount of money we have been able to repair 19 homes during this past year. Thus, we have been able to help low income persons deal with unexpected repairs beyond their financial capacity while preserving the housing stock in these neighborhoods.

Mr. LeDuc commended Leasa Segura, Bill Huggins and the staff for working with the citizens in making homeownership possible. He said staff will be back with some ideas for Toole Hill housing.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council recognize April as National Fair Housing Month.

#### BOARDS AND COMMISSIONS

##### Historic Preservation Commission

Councilwoman Clyburn stated she needed to make an appointment to the Historic Preservation Commission, and she was recommending appointment of Michael Anaclerio. Mayor Cavanaugh stated the appointment would be placed on the next agenda.

#### MEETINGS

##### Business License

##### Design Guidelines

##### Downtown Guidelines

Mr. LeDuc reminded Council of a meeting on Wednesday, April 13, 2005, at 5 P.M. to review the Business License recommendations. He also stated representatives from the Department of Transportation would be present at 4 P.M. to present some schematics of what the widening of Silver Bluff Road could look like as a three-lane section and sidewalks.

Mr. LeDuc stated on Tuesday, April 19, 2005, Council will be meeting with the Planning Commission to review the Action Agenda at 6:30 P.M.

Mr. LeDuc asked Council to meet with Randy Wilson on Thursday, April 21, 2005, at 5 P.M. for further review of the Downtown Design Guidelines.

Mayor Cavanaugh asked if the Design Guidelines could be placed on the Council Agenda for April 25, 2005, for first reading if Council comes to a consensus on April 21.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 P.M.

  
Sara B. Ridout  
City Clerk