

Aiken City Council MinutesREGULAR MEETINGOctober 11, 2004

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Ed Evans, Pete Frommer, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas, of the Augusta Chronicle, and about 16 citizens.

Mayor Cavanaugh called the meeting to order at 7:01 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. Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session of September 21, 2004, the work session and regular meeting of September 27, 2004, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsCommunity Development CommitteeMcGhee, WilliamFaulkner, Robert

Mayor Cavanaugh stated Council needed to make one appointment to the boards and commissions of the city.

Mr. LeDuc stated Council has 4 pending appointments to boards and committees of the city and one appointment is presented for Council's consideration.

Councilwoman Vaughters has recommended appointment of William McGhee to the Community Development Committee to replace Robert Faulkner. If appointed his term would expire September 2, 2006.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council appoint William McGhee to the Community Development Committee to replace Robert Faulkner with the term to expire September 2, 2006.

ANNEXATION – ORDINANCE 10112004Henry Street 792Griffin, Linda P.Price, Mattie EstateVirginia AcresPine Log Road EastTPN 122-05-22-006TPN 30-057.0-01-006

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex property at 792 Henry Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .34 ACRES OF LAND, MORE OR LESS, OWNED BY THE ESTATE OF MATTIE J. PRICE AND LOCATED AT 792 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-10).

Mr. LeDuc stated the owners of a lot at 792 Henry Street would like to annex their .34 acre property under the RS-10 zoning. The single-family dwelling unit is in a residential neighborhood and the zoning is compatible with all the adjacent properties. The owners would like to receive city sewer and the other city benefits. At the September Planning Commission meeting they voted unanimously to approve this annexation.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 792 Henry Street under the RS-10 zoning.

ANNEXATION – ORDINANCE 10112004A

Clifton Street 103

Virginia Acres

Fowler, Gladys

Fowler, Ollie

Pine Log Road East

TPN 122-09-03-005

TPN 30-057.0-04-013

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex 103 Clifton Street in Virginia Acres.

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 .25 ACRES OF LAND, MORE OR LESS, OWNED BY OLLIE AND GLADYS FOWLER AND LOCATED AT 103 CLIFTON STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the property owner at 103 Clifton Street would like to annex a .25 acre lot to be zoned RS-10. They would like to receive several of the benefits of being in the City, including sewer. This zoning is compatible with the adjacent property and the Planning Commission, at their September meeting, unanimously approved this annexation.

The public hearing was held and no one spoke.

Councilman Cunning stated perhaps the City should be proactive and try to get the rest of the properties to annex as a group, rather than piecemeal. He pointed out it is confusing for garbage pickup to know which properties are inside the city. He said perhaps a letter could be sent to the owners and show them a cost comparison of being inside and outside the city.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 103 Clifton Street under the RS-10 zone.

ANNEXATION – ORDINANCE 10112004B

Two Notch Road 1726  
King, Stephen C.  
Virginia Acres  
Pine Log Road East  
TPN 122-09-02-025  
TPN 30-057.0-05-004

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex property at 1726 Two Notch 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 .27 ACRES OF LAND, MORE OR LESS, OWNED BY STEPHEN C. KING AND LOCATED AT 1726 TWO NOTCH ROAD AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the owner of a .27 acre parcel at 1726 Two Notch Road would like to be annexed into the city under the RS-10 zoning. The property is surrounded by single-family homes on three sides and is across the street from the City's new tennis complex. They would like to come into the city to receive sanitary sewer service and the other city benefits. The Planning Commission, at their September meeting, voted unanimously to approve this annexation.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex property at 1726 Two Notch Road under the RS-10 zoning.

ZONING ORDINANCE – ORDINANCE 10112004C

Industrial Zones  
Limited Manufacturing Zone

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance adding a Limited Manufacturing Zone.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO ADD THE LIMITED MANUFACTURING USE.

Mr. LeDuc stated the Planning Commission at their August and September meetings discussed adding a new industrial zone to allow some manufacturing within parks like Willow Run while preventing industrial uses that would not be appropriate. He pointed out currently there are several different zones in Willow Run, including Light Industrial, General Business, Residential Multi-family and Industrial. He pointed out the current spec building is on property zoned Industrial. He stated, however, the proposed ordinance change is not specifically for Willow Run, but to amend the Zoning Ordinance to allow other zones. If approved the Willow Run property and other properties could be rezoned with other zones if approved by Council.

Currently within the city we have either Light Industrial or Industrial zones. Presently the Industrial Zone allows heavy industrial uses which may be considered obnoxious and too intense for the business park. The Light Industrial Zone primarily consists of warehousing, wholesale activities and the repair of motors and tools. Willow Run Park, which is being developed by Aiken Corporation, is currently zoned Light Industrial, General Business, Residential Multi-Family, and Industrial.

The Planning Commission looked at adding a use category. However, this would allow the same types of uses in other Light Industrial areas. The alternative creates a new zoning classification with a new use category. The Planning Commission decided to add the third industrial zoning classification which could be used much the same as Light Industrial but allow some limited manufacturing. They also adopted a new use category which would restrict what type of industrial uses would be in that area. The proposed amendment to the Zoning Ordinance regarding the industrial zones adds the new zoning classification Limited Manufacturing. This would allow low and medium intensity industrial manufacturing uses, warehousing, and wholesaling activities. If Council approves the Limited Manufacturing zone, it would not automatically apply to Willow Run. They would need to seek the Planning Commission and City Council's permission to rezone the remainder of their property to this new zone. The Planning Commission voted unanimously to approve the new Limited Manufacturing zone.

The public hearing was held and no one spoke.

It was pointed out that if Aiken Corporation wants to rezone the property in Willow Run, they would have to apply to the Planning Department for rezoning and post the property. It was also pointed out that the spec building in Willow Run is currently in the Industrial zone, which means that a lot of industry that might be objectionable to the neighborhood is currently allowed. It was stated the property in Willow Run was not recently zoned but had been zoned Industrial for many years. It was pointed out that if Willow Run was rezoned it could be helping the neighborhood by rezoning the Industrial zone which allows heavy industry to only allow light industry.

Councilman Cunning moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to add a Limited Manufacturing zone to the Zoning Ordinance.

#### DEVELOPMENT AGREEMENT - ORDINANCE

Hitchcock Plaza  
Silver Bluff Road  
Pine Log Road  
Acadia Hendon  
Hendon Properties  
Fabian Drive  
Pawnee Drive

Mayor Cavanaugh stated an ordinance had been prepared for Council's consider for approval of a Development Agreement for Hitchcock Plaza.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ACADIA HENDON HITCHCOCK PLAZA, LLC.

Mr. LeDuc stated that at the September 27, 2004, work session City Council reviewed a proposed developer's agreement with Hitchcock Plaza. Over the last several months staff has met with the developer, knowing that Kroger will be moving their operation sometime during the spring of 2005. The new owners of Hitchcock Plaza would like to make several changes to the center as they anticipate this future move. The proposed developer's agreement represents the changes they feel are necessary for the redevelopment of the center. A copy of the agreement was presented to Council for review.

One of the major highlights of the agreement includes developing Fabian Drive as a boulevard street from Silver Bluff Road through Walmart to Ola Hitt Drive. They are willing to give the City the right of way to construct the roadway and plant the trees within the right of way. In turn, the City would prepare the engineering drawings for the roadway and purchase the trees that would be planted along its right of way. In addition the developer wants to utilize some of the existing detention pond behind the former K-

Mart Building and is willing to extend the pond to meet the stormwater detention requirements. They would also like to work with the city on the possibility of obtaining some of the property behind the former K-Mart to use for a possible loading dock area or expansion of the K-Mart building, depending on what business would go into the building.

The City has asked the developer to work with us concerning a proposed north-south roadway from Pine Log Road behind the center to Hamilton Drive. Through this development we are hopeful that the Hitchcock Plaza will continue to be a major shopping area for our community. We are currently looking at the necessary signal warrants for a possible traffic light to be added at the intersection of Silver Bluff Road and Fabian Drive. Further details on this will be provided as we get into the actual engineering of this roadway.

Mr. Cameron Zurbruegg stated he represented Hendon Properties, which is based in Atlanta. He stated he had a drawing of the center with a conceptual extension of the road as proposed from Silver Bluff to Wal-Mart. He said he also has a rendering that he is currently showing to tenants.

Council discussed at length the proposed development agreement and the work proposed for the roadway, the shopping center, and a proposed traffic signal on Silver Bluff Road. It was estimated the city's cost may be between \$25,000 and \$35,000, including the purchase of trees and engineering for the roadway. It was pointed out the developer will give the city the right of way for the proposed roadway through the center from Pawnee to Silver Bluff. Mr. Zurbruegg stated his company had estimated their potential investment for the road and a potential traffic signal somewhere around \$350,000, not including the donation of the land for the road.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to approve a developer's agreement with Hitchcock Plaza and that second reading and public hearing will be set for the next regularly scheduled meeting.

#### TRAFFIC MANAGEMENT ORDINANCE

##### Traffic

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to approve a Traffic Management Ordinance.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CODE OF THE CITY OF AIKEN TO ADOPT A TRAFFIC MANAGEMENT ORDINANCE.

Mr. LeDuc stated that in the summer of 2001 City Council asked staff to develop a Traffic Management Ordinance. Council's goal was to develop criteria that would help determine how new developments would affect current and future traffic patterns. A Traffic Ordinance was developed and Council asked staff to evaluate how traffic impact fees could pay for anticipated transportation improvements.

This was presented to Council in the spring of 2003. At that meeting traffic impact fees were put on hold. Instead Council hoped to use the future one cent sales tax to pay for these roadway improvements. The ordinance was sent back to the Planning Commission for further review and at the May, 2004, Planning Commission meeting they approved a traffic ordinance.

On June 29, 2004, City Council held a public hearing which was attended by several hundred interested citizens and businesses. There was a lot of discussion at that meeting and several major concerns were expressed, including: (a) At what traffic threshold should a traffic study be considered. (b) Should a traffic study consider the time period for the project upon completion, or 5 to 10 years beyond build-out. (c) Should the traffic ordinance review other intersections or limit the review to the development only and (d)

Should funding for needed improvements be set aside for a limited number of years from the time of the improvements.

Based on these comments and concerns, each Councilmember appointed a citizen to work jointly with them to develop this ordinance. Two meetings were held in August and September with the joint committee and the proposed ordinance and Traffic Management Plan were developed.

After the last meeting in September we asked for any final comments by the members concerning the Traffic Management Ordinance. Mr. LeDuc stated he had received two letters, one from Tad Barber concerning two items and another by Dick Dewar who felt strongly about several items concerning the traffic ordinance in general. Tad's first comment concerned the difference between paragraph 3 and 4 in Section 11-5. Paragraph 3 concerns the funding of any project that involves the development, whereas Paragraph 4 concerns projects that Council may ask the developer to fund in lieu of improvements that may not be able to be completed at the project site. We feel that those two areas should not be changed. However, his second comment concerning rewording the last sentence has merit, and we have made that change.

Dick Dewar's comments were more general and were discussed in great detail at the meeting, and several compromises were made to come up with our final ordinance.

Staff feels that both Council and the committee have done a great job in putting together this ordinance. There may need to be some changes in the future as we use this ordinance. If this is the case, we could certainly make other adjustments to it in the future.

Councilman Smith pointed out that in Sec. 11-1 Council had agreed to remove the "to try" in the first sentence-- The purpose of this ordinance shall be "to try" maintain at least a Level of Service D on all roads....

Councilwoman Vaughters stated she was concerned about the pro rata share of the traffic improvements and was concerned about how that would work and how the money would be available to do the improvements.

Mr. LeDuc stated that could be a problem if there was a project for several hundreds of thousands of dollars. He said he had been trying to set aside funds which might have been left over from previous years in a holding account to build up some funds for such projects. He said Council may have to budget for improvements for projects which they know will be coming up. Another way is to put a certain amount in the budget each year towards future roadway improvements. Council could also make a vehicle assessment such as the County fee of \$10 per vehicle. He stated Council could also consider setting aside a certain number of tax mills for road improvements.

Mayor Cavanaugh pointed out Sec. 11-5. 6) regarding altering or reducing a proposed project to reduce the impact of traffic to be generated by a proposed project. He stated he felt reducing a project would be a last resort option, but Council would have that option.

Council continued to discuss possible funding of the pro rata share for improvements.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading the proposed Traffic Management Ordinance and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

#### BOARDS AND COMMISSIONS

##### Appointment

Dewar, Dick

Community Development Committee

Councilman Smith stated that Dick Dewar had done such a good job on the committee for the Traffic Management Ordinance that he would like to recommend to Council that

Mr. Dewar be appointed to the Community Development Committee. He said he would like for this to be on the next agenda for Council's consideration.

### ANNUAL REPORT

#### FY 2003-2004

Mayor Cavanaugh stated Council needed to accept the Annual Report for Fiscal Year 2003-2004.

Mr. LeDuc stated each year all of 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 can be used over the next year as we discuss various issues and projects. Each of the departments has put a lot of work into the report, and as you review it you will see many of the accomplishments made by each of them. He pointed out that the Planning Commission completed four major projects—the Old Aiken Master Plan, Big Box Ordinance, the Traffic Ordinance and the Open Space Plan. He stated these plans would go a long way in being the blue print of what the city will be like in the future. He pointed out the change out of water meters had been completed, and it seems to have increased the city's water revenue. He said at this time he does not plan to come to Council in December with a request to increase the water rates. He reviewed other projects in various departments which had been completed during the year.

Mayor Cavanaugh pointed out the Annual Report has a wealth of information about the city and that he uses it quite frequently. He felt it was a wonderful document.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved that Council accept the Annual Report for Fiscal Year 2003-2004 with a lot of thanks for the hard work and the good job done by the city departments.

### ADJOURNMENT

There being no further business, the meeting adjourned at 8:24 P.M.

  
Sara B. Ridout  
City Clerk