

Aiken City Council Minutes

January 27, 1992

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Perry, Price and Radford.

Others Present: Steve Thompson, Jim Holly, Terry Rhinehart, Roger LeDuc, Frances Thomas, Ed Evans, Barbara Hamilton, Carrol Busbee, 24 citizens and 2 news media.

Mayor Cavanaugh called the meeting to order at 7:40 P.M. Steve Thompson, City Manager, led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the regular meeting of January 13 and the special meeting of January 15, 1992, were considered for approval. Councilman Radford made a motion that the minutes of both meetings be approved as written. The motion was seconded by Councilman Anaclerio and unanimously approved.

LITTER

Seventh Day Adventist School  
Downtown  
CBD  
Resolution

Mayor Cavanaugh stated a resolution had been prepared in appreciation of the assistance of the Seventh Day Adventist Elementary School in picking up litter in the downtown area.

Mayor Cavanaugh read the resolution which had been prepared recognizing the students of the Aiken Seventh Day Adventist Elementary School for their efforts in volunteering to pick up litter in the downtown area. He recognized the students who were present.

Councilman Radford pointed out that the students from the Seventh Day Adventist Elementary School had been picking up litter in the downtown area for about a year and a half.

PLANNING COMMISSION - ORDINANCE 012792

Members  
Increase Members

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to increase the number of members on the Planning Commission from seven to nine.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-137 OF THE AIKEN CITY CODE SO AS TO ENLARGE THE PLANNING COMMISSION FROM SEVEN (7) TO NINE (9) MEMBERS.

Mr. Thompson stated Council had been discussing expanding the Planning Commission to a total of nine members to increase representation of diverse interests on the Planning Commission. The ordinance would expand the Planning Commission from the present seven members to nine members. It also outlines the selection of the initial terms of the two new members appointed to the Planning Commission. The terms would be chosen randomly at the first meeting these members attend. At the January 13 meeting Council appointed Lucy Knowles and Sallye Rich to these new positions, conditioned upon the ordinance passing on second reading.

The public hearing was held and no one spoke.

Councilwoman Price made a motion that the ordinance to enlarge the Planning Commission from seven to nine members be passed on second and final reading to become effective immediately. The motion was seconded by Councilwoman Papouchado.

Mayor Cavanaugh called for a vote on the motion. In favor were: Mayor Cavanaugh, Councilmembers Clyburn, Papouchado, and Price. Opposed were: Councilmembers Anaclerio, Perry and Radford. The motion passed by a majority vote of 4 in favor and 3 opposed.

BOARDS AND COMMISSIONSAppointment  
Park Commission  
Rapp, Tom

Mayor Cavanaugh stated Council needed to consider an appointment to the Park Commission to replace Mr. John Elliott who had been appointed to the newly created Environmental Committee.

Mr. Thompson stated that in December Council appointed John Elliott to the Environmental Committee. Mr. Elliott had been serving on the Park Commission so this would leave a position that Council would need to fill on the Park Commission. Mr. Elliott's term would expire on the Park Commission on December 31, 1994.

Councilman Anaclerio moved, seconded by Councilman Radford, that Tom Rapp, former horticulturist with the city, be appointed to the Park Commission. The motion was unanimously approved.

Aiken County Transit Commission  
Bus Service  
Best Friend  
Johnson, Rosalie  
Okawa, Steve  
Jones, Letha

Mayor Cavanaugh stated Council needed to consider appointments to the Aiken County Transit Commission.

Mr. Thompson stated that Aiken County Council has created the Aiken County Transit Commission to regulate the bus service in Aiken County. The Transit Commission would replace the present Transportation Study Committee that now advises Aiken County on this service. County Council is asking City Council to appoint three representatives to this commission, with one term expiring June 30, 1993, and two terms expiring on June 30, 1995. He said at the last meeting City Council raised questions about the future of the Best Friend bus service. He said Aiken County will be considering the future of the bus service through the budget process in the next few months. At this time they do expect to continue the bus service in this area.

Councilwoman Clyburn suggested that Rosalee Johnson be appointed. Mayor Cavanaugh suggested that Steve Okawa be appointed, and Councilwoman Price suggested that Letha Jones be appointed.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn, that Rosalie Johnson and Letha Jones be appointed to the Transit Commission with their terms to expire June 30, 1995, and Steve Okawa appointed with his term to expire June 30, 1993. The motion was unanimously approved.

REZONING - ORDINANCE 012792ASmith, Anne S.  
Richland Avenue W. 3406  
Kalmia Hill

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to rezone 6.15 acres at 3406 Richland Avenue from R-1 to R-1S Residential.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE CHANGING THE ZONING OF A 6.15 ACRE TRACT LOCATED AT 3406 RICHLAND AVENUE W., FROM R-1, SINGLE FAMILY RESIDENTIAL, TO R-1S, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated the Planning Commission had reviewed a request from Anne S. Smith to rezone 6.15 acres at 3406 Richland Avenue W. from R-1 to R-1S. Ms. Smith would like to operate a bread and breakfast inn in the large house on the property. The property is currently zoned R-1 which does not allow operation of a bed and breakfast inn, but it is allowed as a conditional use in the R-1S zone.

The topic of greatest discussion by the Planning Commission was whether or not horses would be permitted on the property. Under the zoning regulations about 115

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horses could be permitted on the 6.15 acres if allowed under the R-1S zone. The Planning Commission and area residents were concerned about horses on the property.

The Planning Commission voted unanimously to recommend the rezoning to R-1S on the condition that no horses be kept on the property and that a document to that effect be recorded with the deed.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Clyburn, that the ordinance to rezone 6.15 acres located at 3406 Richland Avenue W. with the condition that no horses be kept on the property and that a document to that effect be recorded with the deed as recommended by the Planning Commission be passed on second and final reading to become effective immediately. The motion was unanimously approved.

#### CONDITIONAL USE

Bed and Breakfast Inn  
Richland Avenue W. 3406  
Smith, Anne S.  
Kalmia Hill

Mayor Cavanaugh stated a request had been received for a conditional use to allow a bed and breakfast inn at 3406 Richland Avenue W.

Mr. Thompson stated that in the previous item Council had passed on second reading an ordinance to rezone 3406 Richland Avenue W. to R-1S. Ms. Anne Smith has requested permission to operate a bed and breakfast at 3406 Richland Avenue W. A bed and breakfast is allowed in the R-1S zone as a conditional use. The Zoning Ordinance does require that a bed and breakfast inn be occupied by the property owner and that no outdoor advertising be allowed.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Price, and unanimously approved, that a conditional use for a bed and breakfast be allowed at 3406 Richland Avenue W.

#### MUTUAL AID AGREEMENTS - ORDINANCE 012792B

Law Enforcement  
Police Protection  
Fire Protection  
Agreements

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance authorizing the City Manager to execute mutual aid agreements with area law enforcement agencies.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, UPON THE ADVICE AND RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY AND CITY ATTORNEY, TO APPROVE AND EXECUTE MULTIPLE LAW ENFORCEMENT AGENCY CRIMINAL INVESTIGATION AND MUTUAL AID AGREEMENTS BETWEEN THE CITY OF AIKEN DEPARTMENT OF PUBLIC SAFETY AND OTHER LAW ENFORCEMENT AGENCIES AND TO REPORT THE EXECUTION OF THE SAME TO CITY COUNCIL.

Mr. Thompson stated that each year the city enters into mutual aid agreements with most of the law enforcement agencies in the area. These agreements allow the officers to operate across jurisdictional lines, and to assist at the request of the other agency. The city has about 15 mutual aid agreements that need to be executed each year. The proposed ordinance would authorize the City Manager to execute the agreements.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado, and unanimously approved, that the ordinance to allow the City Manager to execute mutual aid agreements be passed on second and final reading to become effective immediately.

SIGN

Shopping Center  
South Park Shopping Center  
Whiskey Road  
Foodmax/Piggly Wiggly Southern  
Woodward Tract  
Tax Parcel No. 30-056-01-001

Mayor Cavanaugh stated a request had been received for approval of a sign for the South Park Shopping Center.

Mr. Thompson stated the Planning Commission had reviewed a request from Piggly Wiggly Southern for approval of a sign to be located at South Park Shopping Center on Whiskey Road. This is the shopping center in which FoodMax is located. The proposed sign would be the main sign fronting on Whiskey Road. The Planning Commission recommended denial of the first proposed sign, based on the size and height of the proposed sign as compared to other signs in the area. The original sign proposal contained about 198 square feet. The ordinance allows a sign of about 200 square feet. Before the last meeting of Council, the developers presented a proposal to reduce the size of the sign to 133 square feet. At the last meeting Council had postponed action on the request until Council could meet with representatives of Piggly Wiggly Southern to answer some questions regarding the sign. Several members of Council expressed interest in meeting with the FoodMax representatives to discuss a smaller sign than the last revision submitted. On January 17 Councilman Perry, Ed Evans and Steve Thompson met with Steve Jacks of Piggly Wiggly Southern, and Councilman Perry asked the company to consider further ways to reduce the sign and the sign base. Mr. Jacks indicated that he could remove 3 feet from the height by removing the shopping center name and would look at possible changes to the base. In the past the city has required shopping center names to help identify locations. However, removing this would reduce the size of the sign.

The owners of the FoodMax have now submitted an alternate sign proposal, a copy of the design of which had been distributed to Council. The alternate is about 90 square feet, with the sign being 12' 6" wide and 11' 4" high including the base. It does eliminate the shopping center identification sign, South Park, but uses the FoodMax sign as the shopping center identification portion of the sign.

Mayor Cavanaugh stated he felt it was a wonderful move on the part of the developers to reduce the size of the sign. However, he would like to suggest that the newly proposed sign be referred to the Planning Commission for a recommendation.

Councilwoman Papouchado stated she would like to speak with representatives of FoodMax as she had had calls from citizens who would like the management of FoodMax to know how the shopping center and the store had negatively impacted their quality of life. Although they have been considerate in reducing the size of the sign, she felt management of FoodMax would be interested in hearing some of the complaints regarding problems with light from signs and lights in the parking lot, trucks unloading at 4:30 A.M., and the "for lease" signs along Whiskey Road. She said she would be interested in suggesting that the sign request be referred to the Planning Commission.

Councilman Radford pointed out that the developers had reduced the sign from 198 square feet to less than 90 square feet. He felt the developers had tried to accommodate the citizens of Aiken, and he could see no reason to delay approval of the sign since it meets regulations.

Councilman Perry stated he had met with the representatives of FoodMax and he felt they had acted in good faith to try to reduce the size of the sign. He pointed out the first proposal met city requirements so they did not have to reduce the size of the sign. He felt the city should not hold up approval of the sign.

Councilman Radford pointed out the Planning Commission had denied approval of the sign based on the size and height of the proposed sign as compared to other signs in the area. He stated the proposed sign size had been reduced and this is what the Planning Commission was asking be done.

Councilwoman Price also pointed out the developers had reduced the size of the proposed sign more than 50%. She pointed out that the first sign proposal met city requirements so there were no legal reasons to deny the sign.

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Councilman Anaclerio made a motion that Council approve the proposed sign design submitted to Council dated January 24, 1992, with the provision that the colors be subdued so it would blend with the surrounding area. The motion was seconded by Councilwoman Clyburn and unanimously approved.

SIGN

St. Thaddeus Episcopal Church  
Historical Marker  
Marker  
Pendleton Street

Mayor Cavanaugh stated Council needed to consider a request for approval of an historical marker at St. Thaddeus Episcopal Church.

Mr. Thompson stated St. Thaddeus Episcopal Church, located at 125 Pendleton Street, would like to locate an historical marker in the street right-of-way in front of the church. The marker is to be provided by the South Carolina Department of Archives and History. Placement of any markers in the street right-of-way require review by the Planning Commission and approval by City Council. The Planning Commission has unanimously recommended approval of the request.

Councilman Perry moved, seconded by Councilwoman Price, and unanimously approved, that the request for approval of placement of an historical marker in the street right-of-way at 125 Pendleton Street S.W. be approved.

REZONING - ORDINANCE

Colleton Avenue  
York Street  
South Boundary  
Laurens Street

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone the area bounded by Laurens Street, Colleton Avenue, York Street and South Boundary.

Mr. Thompson read the title of the ordinance:

AN ORDINANCE REZONING PORTIONS OF THE AREA BOUNDED BY ROSEBANK CONDOMINIUMS, COLLETON AVENUE, YORK STREET AND SOUTH BOUNDARY FROM R-2A TO R-1B, SINGLE FAMILY RESIDENTIAL, AND R-2, MULTI-FAMILY RESIDENTIAL.

Mr. Thompson stated that most of the property owners in the area bounded by Laurens Street, Colleton Avenue, York Street and South Boundary have signed a petition asking the city to rezone their property from R-2A to R-1B which would change the property from Multi-Family to Single Family Residential.

Mr. Thompson stated that Mr. Robert McCreary had been working with several Newberry Street property owners to rezone most of the area bounded by Laurens Street, Colleton Avenue, York Street, and South Boundary. The property is now zoned R-2A which does allow apartments and duplexes. The petition asks that the city rezone this property to R-1B, with the exception of Mayfields condominiums which would remain zoned R-2. The primary difference between R-2A and R-2 is a matter of density.

The Planning Commission received comments from several property owners who were opposed to the rezoning. In their recommendation to City Council the Planning Commission recommended that the rezoning exclude the properties owned by those opposing the change, Mr. Dietrich Bellido and Dr. Hesse. The rezoning as recommended by the Planning Commission, excludes the two lots at the southeastern corner of Colleton Avenue and Newberry and the lot at the northeastern corner of the intersection of Laurens and South Boundary. The two lots on Colleton and Newberry are owned by Mr. Dietrich Bellido and Dr. Hesse, and the lot at the intersection of Laurens and South Boundary is owned by Rosebank Condominiums.

Mr. Thompson stated in the staff review it is recommended that the two lots on Colleton and Newberry be rezoned from R-2A to R-2 to make the zoning the same as the adjacent Mayfields. Ed Evans, Planning Director, contacted the property owners and received no opposition to rezoning from R-2A to R-2.

Mr. Thompson stated the recommendation is to rezone the properties in the general area of Laurens Street, Colleton Avenue, York Street and South Boundary from R-2A, Multi-Family Residential, to R-1B, Single Family Residential, as outlined by the

Planning Commission and to rezone the lots owned by Mr. Bellido and Dr. Hesse from R-2A to R-2 located at the southeastern corner of Colleton and Newberry. Mayfield Condominiums would remain zoned R-2, and Rosebank Condominiums and the vacant lot owned by Rosebank Condominiums located at the corner of South Boundary and Laurens Street would remain zoned R-2A.

Councilwoman Price made a motion that the ordinance be passed on first reading to rezone the general area bounded by Laurens Street, Colleton, York and South Boundary from R-2A Multi-Family Residential to R-1B Single Family Residential, with Rosebank and the vacant lot owned by Rosebank at Laurens and South Boundary remaining zoned R-2A, Mayfields remaining zoned R-2, and the two lots owned by Mr. Bellido and Dr. Hesse at the southeastern corner of Colleton and Newberry being rezoned from R-2A to R-2 and that the second reading and public hearing be set for the next regular meeting of Council. The motion was seconded by Councilman Anaclerio and unanimously approved.

#### ANNEXATION - ORDINANCE

R & H Maxxon, Inc.  
Whiskey Road  
Powderhouse Road  
Tax Parcel No. 30-095-02-053

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property located at Whiskey Road (SC 19 S) and Powderhouse Road.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.606 ACRES OWNED BY R & H MAXXON, INC. LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WHISKEY ROAD (S.C. 19) AND POWDERHOUSE ROAD (S-02-78) AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS.

Mr. Thompson stated the city had received a request from R & H Maxxon, Inc. asking the city to annex 1.606 acres located at Whiskey Road (SC 19 S.) and Powderhouse Road. The proposed zoning is Neighborhood Business. A depot convenience store is located on the property.

The property owners have obtained a variance from the Zoning Board of Adjustment allowing the existing free standing sign to remain on the property.

The Planning Commission reviewed the request. The request was submitted to the city based on the city's provision of water and sewer. When the city originally provided water and sewer to the site, the city required the property owners to execute an annexation agreement.

The College Acres Public Works District opposes this annexation. The property is located within the College Acres Public Works District. The property owner requested service by the City of Aiken. The City did provide water and sewer service to the property. The City Attorney has reviewed the comments from the Public Works District and feels the city does have the right to serve and annex the property at the property owners' request.

The Planning Commission unanimously recommended approval of the annexation request and zoning as Neighborhood Business and asked that the property owner continue to maintain existing landscaping on the site.

Mr. Holly stated he felt the city could annex the property but the question was whether the city could service the area with water and sewer if the College Acres District was financed by Farmers Home Administration loans. He said he had not been able to obtain this information. He pointed out at the Planning Commission meeting, the representatives of the College Acres District were not concerned so much for this particular piece of property as they were about future annexations in the area which would affect their district's service. He said he did not feel that it would be a problem unless someone objects to the city's serving the area. He pointed out the city provided water and sewer service to the property about two years ago. He said the College Acres District did not object until after the city had provided service.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh, and unanimously approved, that the ordinance be passed on first reading to annex the property of R & H Maxxon at the corner of Whiskey Road and Powderhouse Road and zone it Neighborhood Business with the second reading and public hearing set for the next regular meeting of Council.

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SAND RIDGE SUBDIVISION

Utility Request  
Water  
Beaverdam  
Wire Road  
U.S. 1 North

Mayor Cavanaugh stated a request had been received for water service to Sand Ridge Subdivision Phase I and II.

Mr. Thompson stated a request had been received from James Quattlebaum for extension of water service to Sand Ridge Subdivision, Phase I and II, a 27-lot subdivision located off Beaverdam Road north of Aiken at the intersection with Wire Road.

The Planning Commission recommended extension of water with the following conditions:

1. execution of the standard annexation agreement, stating that the owner agrees to annex the property when it becomes contiguous to the city limits;
2. that no mobile homes be allowed in the subdivision; and
3. that the applicant be requested to save as many trees as possible.

Councilman Perry moved, seconded by Councilwoman Price, and unanimously approved, that water service be provided to Sand Ridge Subdivision with the conditions as recommended by the Planning Commission.

BOARDS AND COMMISSIONS

Aiken County Solid Waste Advisory Committee  
Solid Waste Committee  
Public Works Director

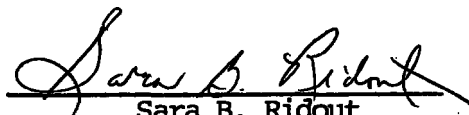
Mayor Cavanaugh stated Aiken County had asked the city to make an appointment to the Aiken County Solid Waste Advisory Committee.

Mr. Thompson stated that under the Solid Waste Management Act established by the State of South Carolina, each county must appoint an advisory committee on the county's solid waste plan. Aiken County Council has established an advisory committee and has suggested that the city's Public Works Director serve on the committee representing the City of Aiken.

Councilwoman Price moved, seconded by Councilman Anaclerio, and unanimously approved, that the Public Works Director be appointed to the Aiken County Solid Waste Advisory Committee to represent the City of Aiken.

ADJOURNMENT

There being no further business, Councilwoman Price made a motion that the meeting adjourn. The motion was seconded by Councilman Anaclerio and unanimously approved. The meeting adjourned at 8:20 P.M.

  
Sara B. Ridout  
City Clerk