

Aiken City Council Minutes

October 27, 2008

WORK SESSION

Present: Mayor Cavanaugh, Councilmembers Dewar, Smith, and Wells.

Absent: Councilmembers Clyburn, Price and Vaughters

Others Present: Roger LeDuc, Richard Pearce, Ed Evans, Sara Ridout, and 5 citizens.

Mayor Cavanaugh called the meeting to order at 6:36 P.M. and stated the purpose of the meeting was to discuss downtown issues, including off street parking and open space.

DOWNTOWN ISSUESOff Street ParkingParkingOpen Space

Mr. LeDuc stated that at our last meeting, Council approved on second reading revisions to the Design Guidelines concerning setbacks for buildings in the downtown area. That change allows the Design Review Board to determine what, if any, setbacks are needed on a per case basis. Council also asked that staff review off-street parking and possible incentives for landscaping and open space in the downtown area. Staff reviewed the off-street parking requirements in the Downtown Business Zone for several cities. Many cities do not require off-street parking for residential uses in the equivalent of the DB zone. He pointed out the difficulties are the same as the problem with setbacks. In some areas of the DB there are single family homes that have very narrow lots, and it would be very difficult to get a driveway in some of those areas. In these cases on-street parking is okay. In other areas in the immediate downtown area parking is a premium. He said applying rules and regulations to the entire DB area would be difficult.

Another issue in the downtown was if there should be court yards and open space areas, and if there should be regulations requiring them or incentives for providing them. Staff could not find cities that provide incentives for open space. Columbia was mentioned at one of our meetings. However, in discussing this with them, there are no provisions or incentives for providing open space in any of their districts. The few cities that we found that had an incentive for providing open space did so by giving up something. In some cases they allowed taller buildings or more units per acre.

Ed Evans, Planning Director, was present to review the findings the Planning Department found in reviewing the issues. He reviewed a memo which he had prepared on his findings. He pointed out there are some cities that require off-street parking, but many others do not.

Mayor Cavanaugh stated that in some discussions it had been pointed out that it is advantageous for the developers to have off-street parking to help sell their housing, condos, etc. The question was whether the city needed an ordinance which specifies and requires off-street parking or let the market determine what happens. He said if it is true that parking spaces in, under, or in a garage are of value to selling the property, then the developers will provide what will make their property sell.

Councilman Wells stated he felt the parking would drive itself. He stated in previous discussions on this matter, it was pointed out that developers tend to provide parking for their developments to help sell them. The tenants want a place to park their vehicles where they live. He felt to put another law on the books requiring off-street parking in the DB is not necessary. He felt there has not been a problem with this issue.

Mayor Cavanaugh pointed out that the places which had been built downtown in the last several years, such as the condos on Laurens and those on Park Avenue, have all provided parking.

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Councilmen Dewar and Smith stated the comments Mayor Cavanaugh and Councilman Wells made pointed to letting the market forces deal with the issue.

It was pointed out that all plans in the Downtown Business zone are reviewed by the Design Review Board, but the Design Review Board can't require parking. They look at design only, not parking requirements.

Councilman Smith asked if regulations could be put into the Design Review standards that particular circumstances require off-street parking.

Mr. Evans felt that should not be done, as the Design Review Board is to address design issues. A parking requirement would be getting into more use requirements as opposed to the design of the parking.

Mayor Cavanaugh stated perhaps there could be a requirement for at least one parking space per residential unit.

Mr. LeDuc stated to require parking spaces there would have to be a change in the Zoning Ordinance. He said, however, if there is such a requirement, that would mean any other housing unit within the DB area would have to have at least one space.

Councilman Smith asked if the wording could be written so that the requirement for one parking space for each unit would apply only to multi-family housing.

It was the general consensus of Council that a proposed amendment to the Zoning Ordinance be prepared for the Planning Commission's consideration that would require one parking space for each unit in a multi-family housing unit.

Council then discussed whether to provide incentives for open space in the Downtown zone. It was the general consensus of Council that at this time they did not want to offer incentives for providing open space in the DB zone.

The work session ended at 6:52 P.M.

### **REGULAR MEETING**

October 27, 2008

Present: Mayor Cavanaugh, Councilmembers Dewar, Price, Smith, and Wells.

Absent: Councilmembers Clyburn and Vaughters

Others Present: Roger LeDuc, Richard Pearce, Pete Frommer, Ed Evans, Anita Lilly, Larry Morris, Glenn Parker, Sara Ridout, April Bailey of the Aiken Standard, and about 20 citizens.

Mayor Cavanaugh called the meeting to order at 7:04 P.M. Councilman Wells led in prayer, which was followed by the pledge of allegiance to the flag.

### **APPROVAL OF AGENDA**

Mayor Cavanaugh stated Council needed to approve the agenda. Mr. LeDuc stated he would like to add to the agenda an update to Council on the Pawnee/Neilson road extension. Councilwoman Price stated she would like to add to the agenda a request from Ms. Ossie Lloyd. Councilman Wells moved, seconded by Councilman Dewar and unanimously approved, that the agenda be approved as amended.

### **MINUTES**

The minutes of the work session and regular meeting of October 13, 2008, were considered for approval. Councilman Smith moved, seconded by Councilwoman Price

and unanimously approved, that the minutes of the October 13, 2008, meeting be approved as written.

PRESENTATION

Boards and Commissions

Mayor Cavanaugh stated Council wanted to recognize volunteers who had previously served on the various boards and commissions of the city. He stated the city has always appreciated all the hard work and effort that our members of the boards, commissions, and committees do as they serve the city. They give back to the city through their time and talents to assist City Council in formulating city policy and administering its regulations. He said it was a great honor to recognize several of the former boards and commission members at this meeting for their service to the City of Aiken.

Mayor Cavanaugh thanked the volunteers for their service and presented certificates of appreciation to the following:

Accommodations Tax Committee

James McNair, Jr. Feb. 10, 1986 – June 9, 2008

Recreation Commission

Johanna Gibbs June 9, 2003 – Oct. 13, 2008

The following individuals were not able to attend and certificates recognizing their service will be mailed to them.

Accommodations Tax Committee

Richard Allewelt Sept. 11, 2000 – Feb. 28, 2005  
Wendy Bryce Mar. 26, 2007 – June 9, 2008  
Harvey Ramseur June 10, 2002- Oct. 9, 2006

Arts Commission

Julie Adams Jan. 22, 2007 – Oct. 8, 2007  
Karen Gordon Mar. 28, 2005 – Nov. 26, 2007  
Doug Rabold Mar. 28, 2005 – Jan. 23, 2006  
Gwen Schwallie Mar. 28, 2005 – Feb. 13, 2006  
Kay Taylor Mar. 14, 2005 – Jan. 8, 2007

Recreation Commission

Lisa Pelfrey June 23, 2003 – Sept. 10, 2007  
Dave Snyder May 12, 2003 – Aug. 28, 2006

Council thanked the volunteers for their service to the city and its citizens.

BOARDS AND COMMISSIONS

Appointments

Key, Angela

Sanders, Bernice

Accommodations Tax Committee

Johnson, Alton

McGhee, Michael

Community Development Committee

Mayor Cavanaugh stated Council needed to make appointments to the various boards and commissions.

Mr. LeDuc stated we have 5 pending appointments to boards and committees of the city and 2 appointments are presented for Council's consideration.

Councilwoman Price has recommended appointment of Angela Key to the Accommodations Tax Committee to replace Bernice Sanders who has resigned. If appointed Ms. Key would fill the position of Ms. Sanders and the term would expire March 25, 2010.

Councilwoman Vaughters has recommended appointment of Alton Johnson to the Community Development Committee with the term to expire September 2, 2010. If appointed, he would fill the position of Michael McGhee who has resigned.

Councilman Dewar moved, seconded by Councilwoman Price and unanimously approved, that Council appoint Angela Key to the Accommodations Tax Committee to fill the position held by Bernice Sanders who has resigned with the term to expire March 25, 2010, and appoint Alton Johnson to the Community Development Committee to fill the position held by Michael McGhee who has resigned with the term to expire September 2, 2010.

Councilman Dewar stated he had received a letter of resignation from Mary Ellen Krippner from the Arts Commission. He thanked her for her service. He recommended reappointment of Peter Seaha to the Planning Commission.

Councilwoman Price stated she would like to recommend reappointment of Laurence Ogletree to the Board of Zoning Appeals, Brian Parks to the Park Commission, and Velice Cummings to the Design Review Board.

#### ANNEXATION – ORDINANCE

Gregg Highway 1012  
HPG, LLC  
Richland Avenue W.  
TPN 087-19-10-008

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 1012 Gregg Highway.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.66 ACRES OF LAND, MORE OR LESS, OWNED BY HPG, LLC, AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated the owner of a 0.66 acre lot at 1012 Gregg Highway, across from Huddle House and McDonalds, on Richland Avenue W. would like to annex into the city. They would be combining this site with a 0.34 acre site which is already in the city, and was formerly a hair salon. The proposed zoning for this site is General Business and is currently zoned UD in the county.

The level of service on Gregg Highway is C, which requires a traffic study if the site generates 2,000 or more trips per day. The owner of the property has agreed to place a restrictive covenant on his property that would limit the amount of new trips to the property to 2,000 or less per day.

The Planning Commission unanimously recommended the annexation of this lot on Gregg Highway with the following conditions.

1. that a plat be submitted joining the lot with the adjacent lot to the east;
2. that there be only one curb cut for the combined lots;
3. that the curb cut be aligned with the Huddle House curb cut, if practical, as determined by the Planning Director;
4. that the curb cut meets the provisions of the Access Management Ordinance to the extent practical as determined by the Director of Engineering and Public Works;

5. that proof of recording of a restrictive covenant at the RMC Office permanently limiting the total number of net new vehicle trips by all uses on the site to fewer than 2,000 be submitted;
6. that the owner sign an agreement with the City listing any conditions and that the agreement be recorded at the RMC office prior to the annexation taking effect; and
7. that all conditions be met within 180 days or the annexation will be null and void.

Councilman Wells moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to annex a 0.66 acre lot at 1012 Gregg Highway to be zoned General Business and that second reading and public hearing be set for the next regular meeting.

#### RESOLUTION 10272008

Dedication

Deed of Dedication

South Meadows Subdivision

Whiskey Road

Talatha Church Road

Water

Sewer

Lift Station

TPN 00-159-0-01-454

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept the deed of dedication for South Meadows Subdivision.

Mr. LeDuc read the title of the resolution.

A RESOLUTION ACCEPTING THE DEDICATION OF THE WATER AND  
SANITARY SEWER, EASEMENTS AND EQUIPMENT OWNED BY BEAZLEY  
DEVELOPMENT COMPANY, INC., L.L.C. IN SOUTH MEADOWS PHASE 3,  
SECTIONS 1, 2A, AND 2B.

Mr. LeDuc stated we have a deed of dedication for City Council's approval for the South Meadows Subdivision Phase 3 off of Whiskey Road near Talatha Church Road. This section was built several years ago and the dedication consists of Phase 3, Sections 1, 2A, and 2B.

The Public Works Department has reviewed these utilities and find them acceptable and is asking the city to accept the water and sanitary sewer, lift station, and accompanying equipment. This area is outside the city so the city will not accept the roads within the development.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council accept the deed of dedication for the water and sanitary sewer, lift station, and accompanying equipment in South Meadows Phase 3, Section 1, 2A and 2B.

#### STREET NAME

USC-Aiken

University of South Carolina-Aiken

Perimeter Drive

University Parkway

Robert Bell Parkway

Mayor Cavanaugh stated Council needed to consider approval of a street name on the USC-Aiken campus.

Mr. LeDuc stated the Aiken Department of Public Safety and Aiken County E-911 would like the University to name the roadway that crosses their campus from University Parkway to the Robert Bell Parkway. Their number one proposal is to name this roadway Perimeter Drive. The Planning Commission, at their October meeting, unanimously approved the name of this road as Perimeter Drive.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council approve the naming of the roadway through USC-Aiken from University Parkway to Robert Bell Parkway as Perimeter Drive.

### SIGNS

#### Temporary Sign

#### First Baptist Church

#### Church

#### Operation Christmas Child

Mayor Cavanaugh stated Council needed to consider a request for a temporary sign at Aiken First Baptist Church for Operation Christmas Child.

Mr. LeDuc stated Aiken First Baptist Church for the last 13 years has been a Relay Center for Operation Christmas Child. Their center had over 6,500 shoe boxes dropped off last November. They would like to install two 24-inch by 18-inch signs, one on Chesterfield Street and the other on York Street to identify their effort and location. The church has had signs at these locations in the past. The signs would be installed from mid-October until Thanksgiving, and they would like this permission to continue each year hereafter so they don't have to return for permission each year.

Councilman Dewar moved, seconded by Councilman Wells and unanimously approved, that Council approve the erection of two 24 by 18 inch signs for the Aiken First Baptist Church Operation Christmas Child Relay Center and that this permission for the signs be granted each year for this event.

### HAMPTON AVENUE

#### Zoning

#### Pendleton Street

#### Abbeville Avenue

Ms. Ossie Lloyd, 405 Hampton Avenue NW, appeared before Council and stated she had two concerns. One is that the south side of Hampton Avenue between Laurens and Pendleton is zoned for business. She asked that Council rezone the area as residential. She pointed out that senior citizens live along Hampton and Pendleton. She was concerned that businesses may come into the area and disturb the quietness and safety of the area. She also asked how one would know that an area is rezoned. She stated the Comprehensive Plan shows the area as a business area. She pointed out a barber shop is to locate on Hampton Avenue across the street from her. She stated no one in the neighborhood knew the area was zoned for business.

Mr. LeDuc stated a study was done about five years ago on the Old Aiken Master Plan. At that time all the areas within the northeast and west side of the downtown area which is considered the old grid of Aiken were studied. Many of the areas in the original grid are zoned General Business or Multi-Family. There are very few areas zoned single family in the area. After the study staff came to Council asking that the area along Colleton Avenue from Williamsburg to York Street be rezoned to residential. The residents in the area were split and at that time Council did not want to force those that did not want to change the zoning to residential. He said where Ms. Lloyd lives in the Hampton-Abbeville Avenue area and the entire north side of Aiken, there is a mixture of multi-family and general business zoning and a very small amount of single family residential zoning, even though the majority of the use in the area is single family homes. He said Council can rezone any areas. This would be a choice of Council.

Mayor Cavanaugh pointed out that if the area is proposed to be rezoned to residential, many landowners would probably be opposed to the rezoning and want to leave the zoning as it is.

Mr. LeDuc stated that is what happened along Colleton Avenue. He said even though staff thought the vast majority would want single family zoning, there were many that did not, as they felt someday they may want to have an apartment on their property, etc.

Ms. Lloyd wanted to know how she could find out how an area is zoned. Mr. LeDuc responded there are maps which show the zoning of all areas. He stated no areas have been rezoned in many years. In discussing the area it was not known when the area was zoned for business. It was stated this area has been zoned for business for many years. Staff could do some research to determine when the area was zoned for business.

Ms. Lloyd stated she was concerned and wanted to have the area changed back to residential zoning.

Councilman Dewar stated he understood that any rezonings are posted and people in the area are notified of a proposed change. He said staff should be able to find when the property was rezoned.

#### PAWNEE/NEILSON CONECTOR

Silver Bluff Road  
Dougherty Road  
Hitchcock Plaza

Mr. LeDuc stated he would like to update Council on the status of the Pawnee/Neilson Connector road. He said Council had talked for a long time about putting in a new roadway that would have a back entrance to Walmart and allow traffic to avoid getting on Whiskey, Silver Bluff, or Pine Log and go down Pawnee and go to Neilson. Staff has been working on this for some time and had a problem getting easements, but we finally have the easement. He said bids had been requested. He said, of course, three years later the prices have gone up tremendously. The bids were from \$3.7 million to just a little under \$2 million. In addition there was a compromise with the Highway Department when the extra turn lane was added on Dougherty Road at Silver Bluff Road. The compromise was that the city would put the drainage in. This was a part of the bid. The cost to solve the drainage problem at Silver Bluff and Dougherty Road was \$225,746. About \$75,000 worth of work needs to be done in the big pond behind Hitchcock Plaza. About \$300,000 will come from the storm drainage funds. Then the additional money required for the work, which is about \$1.8 million, will come from some left over money from the budget and money from the One Cents Sales Tax. The funding will come from One Cents Sale Tax or Special Holding money which Council has authorized in the past. He said the city has enough money for the project and is moving ahead with the project. He said the contracts should be signed in November. The drainage work will be the first work which will take about 3 to 6 months. Then they will start on the roadway. The project will take about a year to a year and a half to complete.

#### EXECUTIVE SESSION

Contractual Matters  
Purchase of Land

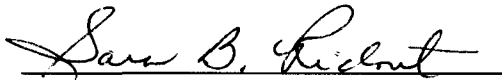
Mayor Cavanaugh stated Council needed to go into executive session to discuss a contractual matter.

Councilman Dewar moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session to discuss a contractual matter. Council went into executive session at 7:38 P.M.

After discussion Councilman Smith moved, seconded by Councilman Dewar and unanimously approved, that Council adjourn the executive session. The executive session ended at 8:24 P.M.

#### ADJOURNMENT

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

  
Sara B. Ridout  
City Clerk