

Aiken City Council Minutes

WORK SESSION

June 13, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Glenn Parker, Richard Pearce, Sara Ridout, J. C. Lexow of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and about 40 citizens.

Mayor Cavanaugh called the meeting to order at 6:33 P.M. He stated Council had one item to discuss in the worksession, the proposed tourism ordinance for regulating tours in the city.

TOURISM

Tours

Buses

Tour Route

Number of Tours

Mr. LeDuc stated that for the last several months City staff and representatives from the Horse and Historic Districts have been meeting concerning the development of a Tourism Ordinance and the way tours are conducted in Aiken. It was discovered that a number of large commercial tour buses from outside of Aiken were coming in several times a year, and it seemed to be increasing. Residents asked the city to review the current policies and where they might go in the future. A proposed ordinance was presented to Council in March, and after much discussion Council asked that staff consider some possible changes. He said the changes have been reviewed. He said the proposed ordinance will primarily focus on tour buses that travel through this area and their regulation on times per week, hours of operation, routes and tour guides. Since that time we have had several meetings, and most of us feel that we have reached a compromise on these items and are ready to present an ordinance for Council's review at this meeting.

Mr. LeDuc stated the committee had already settled that large tour buses about 60 feet in length would not travel throughout the city, but they would drop off the passengers in downtown in designated locations. The city would pick up the individuals and have an individual very familiar with the history of Aiken to lead the tour, with the driver of the bus being a city employee.

Mr. LeDuc stated the tour route will include new locations along east Richland Avenue and Rose Hill and eliminate the need for the trolley to go down Easy Street, Colleton, and Summerall Court. It will also allow all newcomers and visitors to see Citizens Park and some of our other recreational facilities. This will keep the bus on more major thoroughfares throughout Aiken and eliminate several residential streets.

We also had a lot of discussion concerning the proposed tour frequency and have reviewed the number of tours that we have provided over the last couple of years. During 2004 we averaged 1.37 trips per week, with more tours given during the spring and fall months. So far this year through the month of May we have averaged 2 tours per week, again with most of those occurring during March, April and May. To limit the frequency and still allow flexibility, we have developed a set number of tours that would be provided each month.

PROPOSED TOUR FREQUENCY

<u>Month</u>	<u>Number of Tours Per Month</u>
January 1 – 31	Saturday tours plus 2 others in the month
February 1 – 28 (29)	Saturday tours plus 3 others in the month
March 1 – May 31	Saturday tours plus 4 others each month
June 1 – August 31	Saturday tours plus 2 others each month
September 1 – October 31	Saturday tours plus 4 others each month
November 1 – December 31	Saturday tours plus 2 others each month

This frequency gives the staff the option to add multiple tours for a conference or other special event that may be held in Aiken during some of these months. However, it will also limit the staff in allowing an unspecified number of tours that could happen during any month. Based on this proposal, the tour frequency averages 1.64 tours per week. The ordinance also states that the City Manager or his designee may alter the routes of travel and parking limitations of this ordinance up to two times per year as well as the trip limitation provision of this ordinance. This gives the City Manager flexibility for a special group that might visit the city, and we needed to alter the route to go to Joye Cottage or the Track Kitchen or some other area not currently on the route. It also allows the City Manager the flexibility of adding a couple of tours for a special event like the Landmark Conference, which is scheduled this spring. This again is for a rare occurrence only and would be limited to no more than twice a year.

Mr. LeDuc stated the proposed ordinance is a compromise on behalf of both parties, and we realize that other additional changes will need to take place as we continue to work with all residents in the City of Aiken. We will be adding to this ordinance provisions for walking, horse carriage tours and not-for-hire tours in the near future. He pointed out there had been a question about tours such as from an assisted living facility that take their residents on a tour of Aiken or a school tour, Westinghouse, etc. Mr. LeDuc stated staff does not have substantiated data as to how often such tours occur. He said it was felt that the not-for-hire tours should be considered at the same time the committee meets to look at walking tours and horse driven carriage tours.

Mayor Cavanaugh stated Council cares about the city, and he thanked the group that had been working to come up with a compromise ordinance for tours. He said he felt Council needed to keep a balance and look at the whole city, the economy. He pointed out there are restaurants, other businesses, and horse related businesses affected by tourism. He said the committee tried to consider all aspects and be fair to not only the homeowners, but all the citizens that work and love the city. He said he felt it was a misconception that the city is out to try to bring in more people to the city and bring in more tours. He said the city was trying to manage the tours.

Councilwoman Vaughters stated her concern about not addressing all tours is that she thought the major problem was the big buses going through the areas. She stated if not-for-profit tours were not addressed she felt the big buses could still be going through the area. She pointed out the roads are too small for the big buses. She also pointed out that the tour guides for the not-for-hire tours would not be as familiar with the area as the trained tour guides that conduct the regular tours.

Mayor Cavanaugh stated the city is already controlling the big tour buses by requiring that they park the buses downtown and then load half on the smaller city bus and take a tour while the other half eat downtown or shop.

Mr. LeDuc pointed out the tours can't be restricted on size or length of the vehicle because there are large horse trailers and horse related vehicles going down the streets. He said the committee needed to study and consider further the not-for-hire tours before making recommendations to Council. Mr. LeDuc stated the city is able to handle the out of town buses presently, but it is the in-town buses that are a concern.

Mr. Dacre Stoker, 331 Kershaw Street SE, stated in looking at the matter the committee wanted to be very clear and concise and look at some of the examples that have happened

at other places. He said some other places are struggling with the matter because they did not put the not-for-hire in their ordinance and are having to go back and close loop holes. He said the committee would like to go forward with the present ordinance on first reading. He said to go over the matter carefully to cover the not-for-hire would take some time, and they felt the present ordinance should go forward with the provision that within six months the city will look at the data and be sure things are covered such as safety issues, not-for-hire, and other loop holes so the intent of the ordinance is maintained. He said the two big points in the committees discussions were the frequency and the routes. He said through a lot of negotiation he felt most of those issues had been agreed upon.

Mr. Charles Thomas stated he lives at the corner of Two Notch and Audubon. He said he felt if there are tours in Aiken that there should possibly be more than one route so the tours are distributed throughout the city and not just one area. He said the current route is that the buses always turn at the corner of Two Notch and Audubon. He said he has a two foot wall around his property and in the 13 years he has lived there the wall has been hit 5 times. He said his personal opinion is there should be no tours, but if there are to be tours, he felt the distribution of the routes have to be fair to all. He pointed out that Charleston has several different tours in different areas of the city. He said on all the tours the buses downshift and turn at his corner, and this is not particularly pleasant for them. He said he felt the tour was trying to show a view of the Steeplechase track. He pointed out the track could also be seen going down Powderhouse Road. He said a solution would have some of the tours go down Powderhouse to go by the Steeplechase track. He pointed out presently every tour is "in his back and front yard."

Mayor Cavanaugh stated the route can be tried to see how it works and then looked at again for possible adjustments. He said perhaps there could be more than one route. He said, however, he did feel that Council needed to go ahead and pass this ordinance to have something in the law to control the tours.

Mr. LeDuc pointed out that if the ordinance is passed on first reading, second reading will not be held until July 11, 2005. He also pointed out that the walking tours, carriage horse tours and not-for-hire tours will be considered within the next six months.

Aiken City Council Minutes

REGULAR MEETING

June 13, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins Ed Evans, Pete Frommer, Larry Morris, Anita Lilly, Glenn Parker, Richard Pearce, Sara Ridout, J. C. Lexow of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and about 60 citizens.

Mayor Cavanaugh called the meeting to order at 7:02 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. Mr. LeDuc stated one item under Petitions and Requests needed to be removed from the agenda. He stated he had received an e-mail from Shane Bagby, who had originally asked to be placed on the agenda regarding sponsorship of the Independence Fire Works Show, asking that the request be withdrawn. Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved with the deletion of the item regarding Independence Day Fireworks sponsorship.

MINUTES

The minutes of the work session and regular meeting of May 23, 2005, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

TOWING – ORDINANCE 06132005Towing ProcedureTow CompaniesTowing OrdinanceWreckersPublic Safety Department

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to modify the towing procedures.

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.

Mr. LeDuc stated in the fall of 2003 City Council passed an ordinance concerning the involuntary towing of certain vehicles within the city limits. This allowed the continuation of a rotating system of licensed tow companies franchised by the City.

Richard Pearce was recently contacted by an attorney out of Nashville, Tennessee, who states he represents the local towing companies. He asked that the City consider certain revisions to the Towing Ordinance that Council approved. These changes reflect that the towing companies were unable to provide certain types of insurance as set forth in the ordinance. It also includes language which further clarifies the towing rates and that abandoned vehicles or those seized for evidence would have a rate of \$125 versus the standard tow of \$85. Mr. Pearce feels the modifications that were requested would not affect the overall intent of the agreement Council had with the towing operators and recommends its approval.

At the last meeting two towing operators were present. They were Jeff Corbitt, owner of Wayne's Automotive, and Keith Jawers, owner of Keith's Towing. They requested Council to consider raising our current rates from \$85 a day, night or weekend, to \$85 from 8 a.m. to 6 p.m. Monday through Friday and \$125 anytime between 6 p.m. and 8 a.m. and on weekends and holidays, along with a \$20 per day storage fee. The rates have not changed for many years, and Pete Frommer reviewed the fees currently being charged by other cities and at the South Carolina Department of Public Safety. Based on his review, we are recommending the rates be changed as proposed by the towing operators. These rates are reflected in the ordinance for second reading.

City Council approved this ordinance on first reading at the May 23, 2005, meeting.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on second and final reading to modify the Towing Ordinance after conversation with an attorney representing the local towing companies, including procedures and towing rates, and that the ordinance become effective July 1, 2005.

WHISKEY STATION – ORDINANCE 06132005ANordahl & Co., Inc.CP PriceWhiskey RoadPowderhouse RoadKensington SubdivisionConcept Plan

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve the concept plan for Whiskey Station.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE CONCEPT PLAN FOR PROPERTY OWNED BY NORDAHL & CO., INC. AND LOCATED ON THE EAST SIDE OF WHISKEY ROAD AND NORTH OF POWDERHOUSE ROAD.

Mr. LeDuc stated that Nordahl & Co., Inc. out of Augusta purchased the property formerly known as CP Price, which fronts on Whiskey Road and extends all the way to Powderhouse. On the back portion of this property they are currently developing Kensington Subdivision and have already completed several dozen homes.

The 45 acre tract included 16.76 acres which fronts along Whiskey Road. This portion was to be developed under the Planned Commercial Concept. When City Council approved the Kensington portion of the development, they stated they wanted a thru roadway which would serve not only this property, but also the property south of this development, with the road extending from Whiskey Road all the way to Powderhouse Road through the shopping center and through Kensington Subdivision at the rear of this property. As shown on the Concept Plan, an entrance has been designed off of Whiskey Road to serve these properties jointly at which a future signal could be installed not only for this property, but for the vacant land on the west side of Whiskey Road. The only other driveway to this shopping area would be a right-turn-in – right-turn-out off of Whiskey Road. The new roadway would extend to the Kensington Subdivision at the rear, and therefore this road would also become a minor connector between Powderhouse and Whiskey Road.

The project consists of a strip shopping center and four outparcels. According to the Whiskey Road Study which Council approved several years ago, only two lanes of parking would be allowed between the roadway and the store fronts. The concept is very similar to what is currently at the Aiken Mall, with outparcels facing Whiskey Road and the larger parking lot immediately behind it. All Planned Commercials require a minimum of 25% open space, and this project meets this requirement by having 27%. A site plan, an elevation of the façade from Whiskey Road, and a description of the sign face for this development was provided for Council's review. At the last meeting, Council asked that the façade be improved to make it more attractive. City Council under the Planned Concept provision can require any additional conditions.

The Planning Commission approved this plan unanimously with the following eleven conditions. Mr. LeDuc reviewed the conditions approved at the last meeting.

1. that any applicable conditions placed on the annexation approved on August, 2003, would be met including any subsequent amendments by City Council.
2. that the entrance shown on the subject property be restricted to right-in – right-out traffic.
3. that the developer be responsible for obtaining Department of Transportation approval for the signalized intersection and pay for the signal.
4. that acceleration/deceleration be constructed if the City's on call Traffic Engineer determines they are needed, and that the engineer would approve their location and design.
5. that the buffers along the property lines to the north and east be undisturbed and augmented to form a dense evergreen buffer unless the Planning Director determines that new plantings would be preferable to the existing vegetation. Mr.

LeDuc stated this was important because on the north side a power line runs through the area, and they would be limited on the vegetation under the power line.

6. that a plan showing a varied façade of the front of the shopping center using recessions and projections be approved by the Planning Director.
7. that the shopping center and development on the outparcels comply with the Off-Street Parking and Landscaping and Tree Preservation provisions of the Zoning Ordinance.
8. that the exterior façade and placement of buildings on any outparcel be approved by City Council prior to the issuance of a building permit. He said the developer would be coming back to Council for the outparcels.
9. that the developer will designate walkways between the shopping center and the outparcel as determined by the Planning Director and a sidewalk constructed along the main roadway leading from Whiskey Road to the Kensington Subdivision.
10. that the signage be limited to one free standing sign no larger than 120 square feet and no higher than 12 feet, and 4 free standing signs can be built for the outparcels along Whiskey Road up to a 30 square foot sign face and no higher than 6 ft. 8 in.
11. that proof of recording of conditions of approval at the RMC Office be provided.
12. on the Northside of the development, a coated chain link fence would be installed as determined by the Planning Director and the buffer reduced to 45 feet.

City Council approved this ordinance on first reading at the May 23, 2005 meeting.

The public hearing was held.

Ms. Brenda Young, of Elmwood Park, stated her home backs up to the new development. She stated her concern is the dirt road or utility access road used by the power company and the utility companies to get to their facilities. She stated she had used the roadway for many years. She pointed out that three residents have garages that face the access road, and this is the only access they have to the back of their property. She stated she wanted to be sure that the roadway would stay open so they would have access to the back of their property.

Mayor Cavanaugh stated he did not feel that the roadway would be affected by the development. It was pointed out that it is a power company easement, and they could close it if they desire. It was stated the developer would not be closing the roadway.

Councilwoman Price stated the façade is much improved over the plan shown at the last meeting. Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving with conditions the concept plan for Whiskey Station shopping center.

ANNEXATION – ORDINANCE 06132005B

Pine Log Road

Richardson's Lake Road

Aiken R & M Investors, LLC

TPN 089-14-01-001

TPN 00-106.0-02-009 (old)

Canady, Matt

Pine Lakes Subdivision

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 89.36 acres fronting on Pine Log Road and 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 89.36 ACRES OF LAND, MORE

OR LESS, OWNED BY AIKEN R & M INVESTORS, LLC, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated Aiken R & M Investors, LLC would like to annex 89.36 acres fronting on both Pine Log Road and Richardson's Lake Road to be zoned RS-6 Residential Single Family. Under the RS-6 zoning, the owner could develop approximately 450 units. However, the owner will not attempt to maximize the number of units, but instead is willing to commit to a maximum of 180 units, which is less than one-half the amount they could build on this property.

The applicant has submitted a concept plan showing 115 units, but would like to place as many as 180 units on the property. Assuming 5 acres for a wetlands area and 25% for roads and storm drainage detention, the proposed site could accommodate up to 450 units. An RS-15 zoning would allow 193 units, which is more than what the developer has committed to in their petition.

Mr. LeDuc stated when the request was submitted in April there were a lot of questions as to whether the zoning should be Planned Residential or RS-6. He said because of the questions, Council added a lot of conditions which essentially left the zoning as RS-6 but to comply with a number of conditions that would be required in Planned Residential.

Council discussed this limitation at our last City Council meeting, and although they are submitting a concept plan, the developer is not bound by the plan if the property is annexed as RS-6 zoning. The land surrounding this parcel consists of a RS-6 development to the north. To the east Southwood Subdivision is zoned RS-15, and a large undeveloped tract is zoned RS-10. To the south and west is a mixed use of single family homes, apartments, retail, used car sales and other vacant property.

The Planning staff had included several conditions for this annexation, which Council modified as follows:

1. that a restrictive covenant be recorded at the Aiken County RMC Office setting a permanent limit on the property of 172 single-family detached dwelling units; (Planning Commission had recommended 180)
2. that no more than one curb cut be allowed on Pine Log Road and no more than two curb cuts on Richardsons Lake Road;
3. that a road is built to the property line adjoining Kemper Downs subdivision to the north;
4. that land be reserved for a future connection to the 100-acre tract to the east;
5. that there would be a minimum 25 percentage green space, and the developer will provide the proposed percentage of green space within the development at the next City Council meeting.
6. that there would be a 50 foot undisturbed buffer along Southwood Subdivision.
7. that a traffic study relating to all access points be submitted before second reading of the ordinance.
8. that there would be a 50 foot landscaped buffer along Pine Log and Richardsons Lake Road meeting the approval of the Planning Director.
9. that any conditions placed on the annexation would be recorded at the RMC Office.

City Council after discussing these changes unanimously approved the ordinance to annex the property as RS-6. A traffic study was recently completed and although turning lanes are not absolutely needed off of Pine Log Road their consultant indicates that it "could" be considered. Our consultant, Roger Dyar, recommends a left-turn lane from Pine Log Road into this development for safety as well as traffic flow since the traffic count is so close. The SCDOT will have the final say on whether the lane would be built. Based on the study, Council may want to recommend an additional condition for the annexation that a left-hand turn lane from Pine Log Road into the development be added based on approval by SCDOT.

Mr. LeDuc stated in discussion with the developer today, Mr. Canady still does not know how many units he is going to build, but he has committed to building no more than 172.

Mr. LeDuc pointed out that if Mr. Canady only builds 125 units, then the traffic study numbers will be lower than the maximum allowed, and the left hand turn lane probably would not be needed. He suggested that Council consider approving the development and not requiring a left hand turn lane for Phase I of the development and that the developer be required to come back to Council prior to developing Phase II to determine if a left hand turn lane is needed prior to Phase II being developed. With this approach, the city will know how many units are in Phase I, and Pine Log Road will probably have more traffic, which may require a left hand turn lane at that time. More information will be available to make the determination for the left hand turn lane later. He said the condition could be that the developer update the traffic study prior to development of Phase II to determine at that time based on the number of units proposed whether a left hand turn lane is needed.

Mr. Matt Canady stated he did not have a firm plan, but he would commit at this time to a maximum of 140 lots and not more than 80 lots in either phase I or II.

Mr. LeDuc stated this would make condition (1) "that a restrictive covenant be recorded at the Aiken County RMC Office setting a permanent limit on the property of 140 single-family detached dwelling units with no more than 80 units in Phase I."

Councilwoman Vaughters expressed concern about the development not being zoned Planned Residential and pointed out the zone was created specifically to address large parcels of land.

She was concerned about not having to comply with a concept plan. She was also concerned about input from the Planning Commission, since the plan had changed since it was before the Planning Commission.

Mr. Canady stated he tried to explain his reasons for asking for RS-6 zoning at the April 25, Council meeting. He stated the Planned Residential zone requires a tremendous amount of up front engineering, and a forecast on a large tract is many years out. He said the market changes over the years, and he needed the ability to adjust the plan along the way to meet the market. He said he needed the ability to adjust the plan to meet the market demands. He said he was asking for RS-6 zoning and agreeing to a density that would be the equivalent of probably twice as much as RS-15. He said he was agreeing to 25% green space, and in a Planned Residential zone the green space is only 20%. He said he was trying to do everything Planned Residential requires except commit now what he will do in three years. He pointed out the topography of the land is such that it will affect very much the way that the development can be laid out. He said he was concerned about what the housing demand will be, especially in a few years.

Councilman Cuning stated with the restrictions imposed by City Council he felt that the development would be a Planned Residential Plan because of the covenants and restrictions imposed. He said this was being done without having to go back to the Planning Commission and delaying the project several months. He pointed out there is no set concept plan, but the developer has conditions that must be met in the development which would make the development almost conform to the Planned Residential zone. He pointed out the developer would be allowed to have smaller lots in certain areas, but would still have to adhere to the setbacks called for on both major roads, 25% green space, protect the Southwood Subdivision with the undisturbed buffer. Councilman Cuning stated he wished Council had put restrictions similar to this on the Kemper Downs Subdivision.

The public hearing was held.

Mr. John Walker, Beaver Creek, stated he was concerned about the development along Whiskey Road, which is highly commercial. He pointed out that development along Pine Log, Silver Bluff and Richardson's Lake Road are becoming very residential. He said his concern is development of the property in a piecemeal process. He said he was concerned about the overall development of the area and amenities that Council will require of developers and the planning that will go into the entire Silver Bluff, Pine Log residential development. He commended the City and Council for forming a committee to look at a by-pass, a connector between Whiskey Road and Powderhouse Road. He

asked that perhaps Council could extend the committee to look at residential development on Silver Bluff and Pine Log Road. He suggested that some things that should be required for developments are that the developer commit to providing land in addition to the existing right of way so that bike paths and walkways can be developed in the area. He felt the developers should be required to commit land and landscaping so that not just people in the development, but people in the surrounding communities can enjoy the development such as bike paths, landscaping or water resources.

Ms. Susie Grant, a resident of Southwood Subdivision, commended Council for the conditions and cooperation to make the proposed development a cooperation. She pointed out lessons were learned from the previous development. She said there was shock in her subdivision on the leveling of the land in Kemper Downs. She said she would like to echo Mr. Walker's comments about quality of life. She stated she particularly would like for Council to be sure the buffer zone condition would not be violated, as this was a concern of hers and her neighbors. She pointed out that a 25% green space may seem like a lot, but when one has been living in a wooded area for some time, to see the area destroyed is shocking. She said she felt development was wonderful for the community, but she was hoping development was not pushing too fast. She felt growth was good, but that it should be done right the first time. She was concerned about green space and the buffer zone.

Mr. Canady stated he had some concerns about condition 4 "that land be reserved for a future connection to the 100-acre tract to the east." He said he had agreed to reserve the land, but he had not agreed that he would ever connect to the adjacent land. He said he did not want to provide access through his property to the 131 acres adjacent to his property and have all the traffic for that development going through his development. He pointed out that adjacent property is in the city and zoned RS-10. He pointed out probably with RS-10 zoning 500 units could be built on the adjacent property and, with the connection, the traffic would be through his development. He said his understanding is that he is reserving the land, but that he would not be required to make the connection. He said the property had not been developed because it does not have access to a major road. He said he did not want to provide access through his property to that 131 acres if it is developed. He said he did not disagree with keeping the land available for connection. He said, however, if he were required to connect to the 131 acres he would have to withdraw his request for his development.

Mr. Ed Evans stated that most subdivisions are staff approved, and they don't have to go to the Planning Commission or Council. He said with a condition for a development for a future connection to an adjacent tract staff could tell the developer that he has to provide a connection to the adjacent property, but the developer could appeal to the Planning Commission, and the Planning Commission could make the final decision as to where there has to be a connection to the adjacent property.

Councilman Smith pointed out that the Planning Commission had considered this situation and said the connection would not be required to the 100 acres, which has few options for access. The Planning Commission's comment was that "It would be reasonable to require the reservation of land for a possible connection if the adjacent land develops with another point of access, but not to require construction of the connection."

Mr. LeDuc stated the condition could read "that land be reserved for a possible future connection to the 100-acre tract to the east."

Councilman Cuning stated he felt the goal was to have the adjacent property to be developed as Planned Residential. He said, however, if access is granted and RS-10 comes through the area the city has not accomplished anything. He said he would like to make sure that what is done is done legally. He said he would like for it to be available, but not have to make the connection. He suggested that on the plat that the area not be designated as 50 foot road right-of-way.

Councilwoman Vaughters expressed concern about developments being submitted to the Planning Commission, turned down by the Planning Commission, and then the proposal being changed and submitted to Council rather than going back to the Planning

Commission. She pointed out major changes had been made in the proposed development, and she felt the issues should be considered by the Planning Commission.

Councilman Cuning stated he felt the access should be controlled by the city. He said if the access is there, it makes sense for the road to come through there from the adjacent development as a Planned Residential with 25% green space, but the City should control whether the access is granted or not. He said he felt the access could be important to the adjacent development, and it should be controlled by the city to be sure the property is planned properly.

Councilwoman Clyburn stated she felt the developer should be sure that the reserved land is not shown as right of way, but something other than a right of way.

Mr. Pete Kozak, of Southwood Subdivision, stated he shared Ms. Grant's concerns about the possible clear cutting of the area. He said he would like to see the area developed in such a manner that the lot owners decide which trees stay and which trees are cut. He said he did not want to see a clear cut like Kemper Downs. He said his house backs up to Mr. Canady's property. He said he was concerned about areas being designated as green space and what that would be.

Mr. Canady stated he would like to have the right to approve which trees are to be removed as a part of his selling the lot and a part of the development process. He pointed out the trees there should have been thinned 10 years ago. He said the trees are rows of pines and some are in bad shape because they have not been thinned. He said he planned to do a residential cut, saving the better trees in a scattered fashion and trying to leave trees where houses will not go. He said it was his intention to save good trees where possible, but it did not make sense to leave trees that are in bad shape. He said he needed to thin the area and take out diseased trees. He pointed out the green space in his development is around the ponds. Mr. Canady pointed out he also has to get approvals from other agencies, such as DHEC and the Corps of Engineers, and he does not know what their restrictions will be at this time. He said that is why he needs some flexibility. He said to make commitments in an early stage requires a tremendous amount of expenditure, and the project may not be approved.

Councilwoman Vaughters again expressed concern about the property not being zoned as Planned Residential. She pointed out if the property were designated as Planned Residential the green space could be designated and Council would have a plan of where it would be and how it would relate to the rest of the subdivision. She felt Council spent a lot of time on the Planned Residential to plan developments.

Mr. LeDuc pointed out again that the plan presented by Mr. Canady is a conceptual plan, and if Mr. Canady wants to change it he does not have to come back to City Council. However, he does have to adhere to the conditions imposed by Council.

At the request of Council, Mr. Ed Giobbe, of the Planning Commission, stated he could not speak for the Planning Commission, but he did feel that the reason the Planning Commission denied the development was because they were not sure what the end result would be. He pointed out there has been considerable discussion subsequently, and Council has added many conditions, with Mr. Canady reducing the number of units considerably, and the development is now more in keeping with what he felt the Planning Commission felt it should be. He pointed out there had been some bad examples of development, and the concerns were that these not be repeated. He pointed out Council still does not have complete assurance as to what the end result will be, but does know more than the Planning Commission did. He said he felt is now up to Council.

Councilwoman Clyburn stated she felt the developer of the property had really tried to do what he could to make the development better. She said she hopes he keeps his word and follows the plan and that it will be a good development.

Councilwoman Clyburn moved, seconded by Councilwoman Price, that the ordinance be passed on second and final reading to annex 89.36 acres at Pine Log Road and Richardson's Lake Road to be zoned RS-6, with the conditions and changes discussed by

Council. These include: changing item 4 “that the land be reserved for possible connection to the 100-acre tract to the east”, that the number of units be changed from 172 single-family units to a maximum of 140 single-family detached dwelling units, with a maximum of 80 units in Phase I, and that item 7 be changed to “that the traffic study relating to all access points be updated prior to approval of Phase II to determine if a left-hand turn lane is needed from Pine Log Road into the development.” The motion was approved by a vote of 6 -1, with Councilwoman Vaughters opposing the motion.

SALE OF PROPERTY – ORDINANCE 06132005C

Colleton Avenue
East Boundary
Sauerborn, Paul

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell city-owned property at the northeast corner of Colleton and East Boundary for \$9,921.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ABANDON ITS RIGHT, TITLE AND INTEREST IN A PORTION OF THE RIGHT OF WAY OF COLLETON STREET AND EAST BOUNDARY AVENUE, COMPRISED OF 8,268 SQUARE FEET LOCATED IN THE CITY OF AIKEN TO PAUL SAUERBORN.

Mr. LeDuc stated that last fall Paul Sauerborn came to Council concerning property at the northeast corner of Colleton and East Boundary. He asked Council’s permission to purchase this property next to a vacant lot which he had acquired last year. The Highway Department stated that they do not own the property within the 150 foot right of way. Therefore, Council could sell this land consisting of 8,268 square feet should they desire.

Mr. LeDuc stated that the 10,000 square foot property that Mr. Sauerborn previously purchased was appraised at \$8,300 and purchased for \$12,000 or \$1.20 sq. ft. Given the city lot is a smaller piece of property (8,268 sq.ft.) the market value based on \$1.20 a square foot would be \$9,921. A comparison of the assessed value, based on a square foot basis, would be \$6,862.

Mr. LeDuc stated that it is recommended that Council consider the market value since the rates in that area are increasing. Mr. Sauerborn has agreed to place a single family home on this property and would begin this process in the very near future upon sale from the City of Aiken. He said Mr. Sauerborn would prefer to pay the lower price and is present at the meeting.

Mr. LeDuc stated that it is Council’s decision whether or not to have an open bid for this property or to go ahead and sell it to Mr. Sauerborn.

The public hearing was held.

Mr. Paul Sauerborn stated he was not present at the last meeting. He said at that time it was discussed how the price of the lot would be determined, how it was assessed versus the suggested sale price. He pointed out the area is a very fragile neighborhood. He pointed out he had incurred some expenses in researching the ownership of the property. He said he felt the city would see benefit from a single-family dwelling on the property through taxes, water, sewer, etc. He said some of the neighbors are glad that the lot will be developed. He pointed out in developing the lot in this area it is hard to absorb a lot of cost. He asked that Council consider the cost when deciding the sale of the property.

Mr. LeDuc pointed out that the sewer tap normally costs \$750, but in this case because the sewer is not adjacent to the property it will cost about \$3,000 to \$4,000 to run sewer to the property and this is borne by the person who develops the property if it is within 1,000 feet of the property.

Councilwoman Vaughters asked several questions concerning the property, regarding the zoning and what trees would be removed. Mr. Sauerborn stated the property is single-family zoning. He stated he would leave the big tree on the property and only remove a limb from it.

Councilwoman Vaughters pointed out she had received a letter from John Bodenheimer expressing concern about the lot not being on the market for sale, since it is a commercial venture. She stated she had no problem with Mr. Sauerborn buying the property. She pointed out she felt the corner lot would be more desirable than the adjacent lot, so if the adjacent lot cost \$1.20 a square foot she felt this lot would be comparable.

Councilwoman Price pointed out the city had purchased some lots in Toole Hil, and she was comparing the price for the lots in that area with the Colleton Avenue property.

It was the general consensus of Council after discussion that using the comparison for the purchase of the adjacent lot at \$1.20 sq. ft. was a fair basis. It was pointed out Council could put the property up for open bid.

Councilman Sprawls moved, seconded by Councilwoman Clyburn, that the ordinance be passed on second and final reading for the sale of city owned property at the northeast corner of Colleton and East Boundary for \$9,921. The motion was unanimously approved.

ANNEXATION – ORDINANCE 06132005D

Henry Street, 778
Byrd, George
Sanitary Sewer
Sewer, Sanitary
Virginia Acres
Pine Log Road
East Pine Log Road
TPN 122-05-22-013
TPN 30-057.0-01-013 (old)

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 778 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 .24 ACRES OF LAND, OWNED BY GEORGE E. BYRD, AND LOCATED AT 778 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated that Mr. George Byrd, the owner of a .24 acre lot at 778 Henry Street is requesting annexation under the RS-10 zoning. The site is currently occupied by a single family home and is contiguous to the City of Aiken on all sides. The applicant is interested in receiving sanitary sewer and other services from the City of Aiken.

The Planning Commission voted unanimously to approve the annexation.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that the ordinance be passed on second and final reading to annex property at 778 Henry Street under the RS-10 zoning.

ANNEXATION – ORDINANCE 06132005E

Damon Street, 382
Walker, Mackie J.
Manufactured Home Park
Citizens Park
Old Airport Road
TPN 30-105.0-03-016 (old)
TPN 121-20-08-052

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 382 Damon 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 .27 ACRES OF LAND, OWNED BY MACKIE J. WALKER, AND LOCATED AT 382 DAMON STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-8).

Mr. LeDuc stated Mackie J. Walker is requesting annexation of a 0.27 acre lot at 382 Damon Street. The property is within a well established neighborhood which consists of a mixture of home types, including stick built, single family homes, duplexes, and manufactured homes. An existing manufactured home was previously using city water through an adjacent property that was recently sold, leaving this site without water. Since the minimum size for a manufactured home subdivision is 10 acres the property cannot be zoned for a Manufactured Home Park. The City can set whatever conditions they would like to concerning a property that is seeking utility services. Council discussed whether or not to require that the mobile home would be left on this property and, after much discussion, agreed with the Planning Commission that the manufactured mobile home could stay, but no new manufactured home would be allowed once the unit is removed.

The Planning Commission voted 5 to 1 to approve the annexation with an RS-8 zoning with the following conditions:

1. the applicant would sign an annexation agreement.
2. no other manufactured mobile home would be allowed once this unit is removed.
3. the conditions should be met within 120 days of City Council approval or it will become null and void.
4. all the conditions would need to be recorded at the County RMC Office.

The public hearing was held.

Mr. Mackie Walker stated the mobile home will remain on the property as long as it lasts, but if something happens it will be removed. He said he agreed with the condition. He said the basic need is for water, and he is glad to annex the property.

Councilwoman Clyburn moved, seconded by Councilman Cuning and unanimously approved, that the ordinance be passed on second and final reading to annex property at 382 Damon Street under the RS-8 zone with the restrictions recommended by the Planning Commission.

REZONE – ORDINANCE 06132005F

Charleston Street 309
Bianco, Dominick
Old Aiken Master Plan
Zoning Ordinance
Subdivision
General Business
Residential Single Family

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at 309 Charleston Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY DOMINICK BIANCO FROM GENERAL BUSINESS (GB) TO RESIDENTIAL SINGLE-FAMILY (RS-8).

Mr. LeDuc stated that Dominick Bianco, the owner of a 0.51 acre lot, located at 309 Charleston Street has requested rezoning from General Business to RS-8. He would like to develop two single family homes and has applied for subdivision to create these two lots.

Mr. LeDuc stated that the Old Aiken Master Plan, which Council recently approved, proposes low density residential for this lot. He stated the lot meets all the criteria of the Zoning Ordinance as part of this rezoning application and was recommended unanimously by the Planning Commission for approval.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance be passed on second and final reading to rezone property at 309 Charleston Street from General Business to Residential Single Family RS-8, and that the ordinance become effective immediately.

WOODSIDE PLANTATION – ORDINANCE 06132005G

Woodside Phase II
Woodside Development Limited Partnership
Phase II
Comprehensive Plan
Woodside Plantation
Planned Residential
Concept Plan

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to modify the Planned Residential zoning at Woodside Phase II.

Councilman Cuning left the Council Room at 8:39 p.m. as he may have a potential conflict of interest, since the bank where he is employed is involved in the financing of this property.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED IN WOODSIDE PLANTATION, PHASE II AND OWNED BY WOODSIDE DEVELOPMENT LIMITED PARTNERSHIP.

Mr. LeDuc stated that Woodside Development Limited Partnership is requesting a revision to the concept plan for Phase II of Woodside Plantation to allow multi-family in a portion of Section 23 instead of attached single family residential. The applicant proposes to change Phase II, Section 23 from 32 single family detached units to 23

detached units and 24 multi-family units. There would not be any changes to Lots 1 through 23.

He stated that with any concept plan change Council may require any level of detail or impose any conditions they deem necessary. The Comprehensive Plan calls for low density residential on this property and the combination of single family/multi-family units is consistent with the proposed plan.

The Planning Commission reviewed this at their May 10, 2005, meeting and unanimously approved the request as proposed.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on second and final reading to revise the concept plan for Phase II of Woodside, Section 23, to allow multi-family residential instead of detached single family units, and that the ordinance become effective immediately.

Councilman Cunning returned to the Council Chambers at 8:41 p.m.

ZONING ORDINANCE - ORDINANCE 06132005H

Amendment

Land Development Regulations

Vested Rights

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance and the Land Development Regulations regarding vested rights.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE LAND DEVELOPMENT REGULATIONS REGARDING VESTED RIGHTS.

Mr. LeDuc stated that last year the South Carolina Legislature passed the Vested Rights Act, which states that a property owner or developer has established a right to develop a tract of land. The Act requires a local government to amend their Development Regulations to be consistent with the Act by July 1, 2005. The basic premise of the Act is to provide a reasonable expectation for land owners who make significant investment in site evaluation, planning, development costs, consultant fees or engineering/architecture expenses to meet land development standards for site plan approval under an existing governmental ordinance.

Mr. LeDuc stated the Act defines a vested right as the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or phased development plan. Under the Act, a municipality would not be able to revoke the zoning or other conditions under their approval process for the vested right for a period of two years following the approval of a site specific development plan. Through this Act, they could receive annual extensions of the vested right upon application to the Planning Director or City Council for at least five annual extensions. Much of the language within the ordinance comes from the Act passed by the South Carolina Legislature.

The Planning Commission voted 5 to 2 to approve the amendment to the Zoning Ordinance.

The public hearing was held and no one spoke.

Councilwoman Vaughters asked if the city had to adopt the ordinance and if the third paragraph of the proposed ordinance could be deleted regarding "essential to the general health, safety, welfare and economic stability of the city."

Mr. Gary Smith, City Attorney, stated if Council did not adopt the proposed ordinance, the state's version of the legislation would go into effect automatically. He said the state's version was different, in that the city's ordinance specifies the process by which the developer would come back to request an extension. Under the state statute the extension would be automatically granted. The city's version requires the developer to come to the city and file for the extension; therefore, if they don't come back to the city and file for an extension they would only have the two years. If the developer files, the city would approve the extension unless Council has changed the zoning or some other regulation that affects the property. He pointed out the third paragraph language is in every ordinance adopted by Council.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on second and final reading to amend the Zoning Ordinance and Land Development Regulations regarding vested rights, and that the ordinance become effective immediately.

CAPITAL SALES TAX PROJECTS – ORDINANCE 06132005I

Funds

Parks, Recreation, and Tourism

Special Holding Account

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to borrow funds to pursue Capital Sales Tax Projects.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM THE CITY OF AIKEN'S
GENERAL FUND SPECIAL HOLDING ACCOUNT AS OUTLINED IN THIS
ORDINANCE FOR THE PURPOSE OF FUNDING THE PURCHASE OF REAL
ESTATE.

Mr. LeDuc stated that last fall the voters of Aiken County approved the One Cent Capital Projects Sales Tax. He said there are a number of projects that the city will be initiating between now and 2012. He said the City does not anticipate getting any funding from the One Cent Sales Tax until the second or third quarter of next year. He stated that staff is ready to move forward with one of the new Capital Sales Tax projects, which is the maintenance facility for the Parks, Recreation and Tourism Department. He stated this was not anticipated going forward until 2009, but there is an opportunity to purchase a building for this facility. The City staff has located a building which they would like to purchase, and to do so will need to borrow internally from city funds \$1.5 million to procure this property and to complete renovations. The purchase and renovations, including work at the existing Woodward House, should amount to approximately \$1.2 million. This would leave enough funding available to pay back this loan from the Special Holding Account until funds are available from the Capital Projects Sales Tax. With this approval, the City will be able to complete the purchase and begin the renovations later this summer. He said staff may be coming back to Council with other projects that Council might want to do ahead of schedule.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that the ordinance be passed on first reading to borrow funds from the Special Holding Account for the purpose of purchasing property and renovating it for the future Parks, Recreation and Tourism maintenance facility, and that second reading and public hearing be held at the next regularly scheduled meeting.

CITY PROPERTY – ORDINANCEShine, JosephBarnwell Avenue NE 208McGhee, BillNorthside Heritage Preservation Foundation

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to sell property at 208 Barnwell Avenue NE.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON BARNWELL AVENUE IN AIKEN, SOUTH CAROLINA, FORMERLY KNOWN AS THE SHINE PROPERTY, TAX PARCEL NUMBER 30-069.0-04-021.

Mr. LeDuc stated three years ago, the City purchased property consisting of two houses on Barnwell Avenue and a vacant lot on Fairfield Street. One of the homes at the corner of York and Barnwell was renovated, and the house at 208 Barnwell Avenue was deemed structurally unstable and was torn down. The City recently advertised the property for sale on Fairfield Street and received a bid of \$12,000. The other lot had previously been sold to Mr. Joseph Shine, who had planned to build his single-family home on that property. Upon Mr. Shine's unexpected passing, the City recently repurchased this property for \$10,133.69.

As we discussed at our most recent work session, Mr. Bill McGhee has approached Council on several occasions about the work of the Northside Heritage Preservation Foundation and his desire to relocate a house on this lot. He intends to move the parsonage house from the Wesley United Methodist Church at Fairfield and Barnwell to this site. He will renovate the home and sell it as a single-family house. For these reasons, Council decided at the last meeting to sell him the lot at the same price that they repurchased it from Mr. Shine's estate.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council suspend the rules and allow citizens to speak on the first reading of ordinances at this meeting.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to sell property at 208 Barnwell Avenue, NE to the Northside Heritage Preservation Foundation for \$10,133.69, and that second reading and public hearing be held at the next regularly scheduled meeting.

TOURISM – ORDINANCETourismTour RouteBus Tours

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration regulating tours in the City of Aiken.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING AIKEN CITY CODE CHAPTER 46, VEHICLES FOR HIRE, TO ESTABLISH REGULATIONS FOR TOURS, TOUR OPERATORS, AND RELATED TOURING ENTITIES WITHIN THE AIKEN CITY LIMITS.

Mr. LeDuc thanked all those who had worked with the city over the past fourteen months in trying to prepare an ordinance to control bus tours in Aiken. He stated the proposed ordinance is a compromise but it does meet the requirements of this very sensitive area not only in the Horse District, but in residential areas. He pointed out that the proposed ordinance will change, based on the fact that some changes that were recommended by the Study Committee were not included in the ordinance. He said these changes would

be included in the ordinance for second reading. Mr. LeDuc stated that staff will be coming back to Council at the end of the year or first of 2006 with changes to the ordinance that will involve walking tours, horse carriage tours and not-for-hire tours. He said the ordinance is not complete, but the foundation for the ordinance is formed to allow some control over tours. He said along with this there were other changes, such as signage and speed limits changed. He pointed out because of this, a 10 ½ minute video was developed that is to be shown at the Hall of Fame every time a tour takes place. He said that would be a plus for those on the tours, plus others would like to see the video. He said the video is a condensation of a 30 minute video called "Much to do About Horses" that ETV developed for Aiken. He said the full video will be shown on occasions on Channel 4.

Mr. LeDuc stated as discussed in the work session City staff and representatives from the Horse and Historic District have developed a Tourism Ordinance. This ordinance primarily focuses on tour buses that travel throughout the city and their regulations on times per week, hours of operation, routes and tour guides.

Based on these meetings, the City has developed an ordinance which would limit the number of trips to a set number per month. Last year the frequency of tours was 1.37 tours per week. The proposed ordinance develops a frequency of 1.64 tours per week, allowing more tours in the spring and the fall than in the winter and summer. The only dirt street that the tour bus would travel upon is Two Notch Road, and only after 11 a.m. All tour guides on the bus would need to be trained on the history of Aiken and be knowledgeable on what is currently happening within our community. The route selected would include churches and homes on major thoroughfares throughout Aiken.

The proposed ordinance also gives the City Manager permission to alter the route or number of trips per month up to two times per year. This would allow those instances where tour groups which need to go to Joye Cottage or are invited to the Track Kitchen, Dogwood Stables or other areas could do so, but again only up to two times per year.

Mr. LeDuc stated the city had pretty much been operating on the basis of the proposed ordinance for the past year in restricting the large tour buses to travel in certain areas. He stated if Council approves the ordinance on first reading the second reading will not be held until July 11, 2005.

Ms. Elke Haas spoke on behalf of Historic Aiken. She read the following statement: "We recognize the economic impact of Heritage Tourism in Aiken. We applaud the efforts of City Council and concerned citizens to prevent tourism from destroying the historic nature and quality of life in our neighborhoods."

Mr. Charlie Weiss, of the Greater Aiken Chamber of Commerce, stated he would like to applaud the members of City Council and the other community leaders for working on the initiative. He said he would like to remind everyone, though, as they move forward on this ordinance and other ordinances, that the balance in the community is extremely important. He said the Chamber of Commerce is very supportive in maintaining the green space and the aesthetic beauty of Aiken. He said they also recognize that the individuals who would like to come here visiting, eating in our restaurants, and touring our community leave a lot of dollars in Aiken that go back into our community to maintain the parkways and the other areas that we enjoy. He asked that Council keep in mind that the balance that has to be maintained is extremely important as we move forward.

Mr. Don Morris, 107 Scarlet Oak Place, stated he had been a bus driver for the past two years for the city tour buses. He stated he agreed that the large commercial buses should be restricted from travel in the horse and historic districts. He said the drivers are not familiar with the area and they are not familiar with the equine industry. He suggested that Councilmembers take one of the tours if they had not previously done so. He suggested that there could be a number of different tours in Aiken rather than one tour. Mr. Morris was concerned about Section 46-27 of the proposed ordinance. He was concerned about having to stop the bus while the tourists are off the bus. He stated he

was concerned about the tourists and the bus being so hot when they return to the bus if the bus is not left running while they are off the bus.

Mr. Glenn Parker, Recreation Director, clarified that the section refers to the large buses that come in and bring big groups. He said we do not want the big buses idling while the tourists are off the bus. He said the section did not refer to the city bus tour stopping at Hopelands and waiting for the tourists.

Mr. Dacre Stoker, 331 Kershaw Street, stated he was speaking on behalf of the citizens' ad hoc committee. He said it had been a good process. He said there were a few more things that need to be considered, and the committee members wanted to be sure that the proposed ordinance is revisited soon to cover the other items that have come up such as the walking tours, horse carriage tours, and the not-for-hire tours. He said he felt these issues could be worked out. He said if the proposed ordinance is not passed, the big motor coaches can go wherever they want. He said he would recommend that the ordinance be passed on first reading and the second reading held in July with the proviso that the ordinance will be revisited to clarify the other items by the end of January, 2006.

Mr. Steve Mueller, 221 Greenville Street NW, pointed out other communities have a tourism ordinance, but the proposed ordinance is a bus ordinance. He pointed out tourism is large and is the number one industry in the state. He suggested that the city have a Tourism Ordinance, a Tourism Director, and a Tourism Office to deal with tourism issues. He stated the proposed ordinance deals with buses. He stated he did not know what the objection is, as the roads are public roads. He pointed out the ordinance deals with the length of buses. He pointed out the horse trailers are very large. He pointed out people looking at areas is a compliment to the area. He pointed out the ordinance talks about city tours. He pointed out the city may not always give the tours. Since tourism is an industry it may be a private industry giving tours in the future. He said he was concerned about the message that we may be sending to people who visit Aiken.

Councilman Cuning stated the calls he had received were concerns about the big tour buses going through residential areas. He said this proposed ordinance would have city people driving the buses who are familiar with the areas and the guides who are familiar with Aiken. He pointed out presently the city has no regulations and all buses can go through any area.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance regulating tours in Aiken and that second reading and public hearing be set for July 11, 2005.

DEVELOPMENT AGREEMENT – ORDINANCE

Clyburn, Bill
Clyburn, Beverly
Sundy Avenue
Edrie Street
Bunche Terrace

Mayor Cavanaugh stated an ordinance had been prepared to approve a developer's agreement for Bill Clyburn.

Councilwoman Clyburn left the Council Room because of a conflict of interest, since she is an owner of the proposed development.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A DEVELOPMENT AGREEMENT WITH WILLIAM "BILL" CLYBURN.

Mr. LeDuc stated that Bill and Beverly Clyburn own approximately 15 acres of land northeast of Asheton Oaks. Their engineer, Ed Dudley, has been working with Larry

Morris on developing this property, which will consist of approximately 36 single family residential lots. He said the city had been encouraging, development on the northside.

He said the City had been talking with the Clyburns about the proposed development for a couple of years. He said Mr. Larry Morris, Public Works Director, has compiled a Developer's Agreement for the property.

Mr. LeDuc stated the City has a major drainage problem in this area. About 15 years ago, the City installed a major drainage system in the northeast portion of the city in the Edgewood Subdivision, north of Hampton Avenue and east of Kershaw Street. The 48 inch storm drain pipe outlets at the beginning of this property that will be developed. The City has an easement through the property, but currently the water open flows to the Pacer's Run Apartments into a very large open ditch system. This large amount of water in this area has caused a lot of complaints and several safety concerns by the residents, due to flooding and children playing in that area. As part of the Developers Agreement, the Clyburns have agreed to give the City approximately 1 1/2 acres of land where this pipe currently outlets for a regional detention/wetlands area. In exchange for giving us this property, the City would build the detention pond and make it into an amenity similar to what is currently at the wetlands pond at the Hopelands/Rye Patch property. This detention area would outlet through an enclosed pipe system to the eastern side of the property, where another pond would be built to handle the flow from the development itself. Above this piped area, the developer plans to set aside over an acre of property for open space within this neighborhood. The neighborhood association could later decide whether to make this into a neighborhood park with a gazebo and other amenities.

This is exactly the type of development that we were hoping to encourage on the northside. The developers agreement is very straight forward, other than the fact that the property owner intends to give us land to alleviate a longstanding storm water problem in this area. In turn, the City would build and maintain a wetlands pond within the area.

Mr. Larry Morris, Public Works Director, stated the developer has agreed to size a detention pond for all the water in his development, plus the water coming into the development from the City of Aiken area. He said the area encompasses not only the Edgewood neighborhood, but the Martin Hill project, which was a federal project done in the late 80's. He said a 4 foot pipe empties there. He said there had been problems over the years at the Pacer's Run area, and they have worked with the Highway Department trying to solve the problem. He said by installing a detention pond that will stop the water and slow it down and then release it at a controlled rate, we feel that we can essentially take care of the problem at Pacer's Run. He said other drainage improvements had been done in the neighborhood through the streetscape program. He said the neighbors had been very helpful in helping the city locate problem areas to help solve flooding in the area. He said the proposed development would help solve some of the drainage problems and get rid of the open ditch. He said the developer had agreed to pipe the water through his development that comes from the wetlands area. He said the detention pond will be given to the city, and the city will use city forces and change the area into a wetlands area.

Council discussed the drainage problems and the proposed development. Some questions concerned the size of the detention pond and the depth of the pond. Another concern was whether the pond would be fenced. Mr. Morris pointed out that the pond would be turned into a wetlands area, and they are not normally fenced. He pointed out that at the Hopelands wetlands there are some decks in the area and this might be possible in this area.

Councilwoman Price pointed out she had had concerns expressed over the years about safety and the big ditch in the area. She pointed out the proposed development would help drainage in this area. She pointed out the Clyburns want to develop a quality piece of property, and their main concern is the protection of families in the neighborhood. Councilwoman Price pointed out that concerns were expressed about developing the wetlands at Schofield School, but it is open and there have not been problems.

Council continued to discuss the proposed development and the detention pond. Council expressed concern about liability with the detention pond. Mr. LeDuc pointed out that in the past when a pond handles a residential subdivision, the city has always accepted the pond into the city system. He said the city owns and maintains all the detention and retention ponds in the residential areas in the city. It was pointed out that the retention ponds do not have fences. It was pointed out that possibly the homeowner's association could own the pond and maintain it.

Mr. Bill Clyburn stated it was not an issue for him whether the pond would be fenced. He said they were accustomed to seeing them open, and they wanted it to be more of an amenity for the community. He said if this was a real issue he could deal with it.

Councilman Cunning stated in the future the liability issue may come up with lakes and ponds, and possibly the city may need to change its policy regarding them.

Councilwoman Vaughters expressed concern that the detention pond in this development would help the water problem for the Edgewood area, as well as being an amenity for the development.

Mr. Morris stated the proposal would help with the drainage problem where the water goes down to Pacer's Run. He stated the water does get deep in the Pacer's Run area and is a dangerous problem.

Mr. James Matthews, of the Edgewood area, stated he agreed with the Clyburn's development. He stated he had complained about water in the area two years ago, but water still runs above ground. He was concerned about the State not allowing the city to cross the SC 118 by pass where there are large retaining pipes. He said even if the retention pond is installed, the water needs to be taken across the bypass to solve the problem.

Mr. Morris stated with the retention pond (wetlands) installed water will go slowly to the detention pond at Pacer's Run, and this will help the problem in the area. He said this is a good first step to help the drainage problem in the area. He said he continues to work with the Highway Department to solve the drainage problem.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to approve a Developers Agreement for property being developed by Bill and Beverly Clyburn off of Sundry and Edrie Street and that second reading and public hearing be set for the next regularly scheduled meeting.

Councilwoman Clyburn returned to the Council Room at 9:45 p.m.

RESOLUTION

Purchase of Property
Recreation Department
Parks, Recreation & Tourism Department
Banks Mill Road
Maintenance Building
GMT
Global Material Technologies, Inc.
Capital Projects
One Cent Sales Tax
Project
Parks Division

Mayor Cavanaugh stated Council needed to consider approval of a resolution authorizing the purchase of property for the Parks, Recreation & Tourism Maintenance Building.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
LOCATED NEAR THE CITY OF AIKEN.

Mr. LeDuc stated one of the items approved in the One Cent Sales Tax Referendum was the purchase or building of a maintenance facility for Parks, Recreation & Tourism Department. This building would be the headquarters for our Parks Division, their equipment and materials. A total of \$1.5 million was allocated for this project and was estimated to be used in 2009. We recently found a building located approximately one-half mile south of our current maintenance facility at the Woodward House for sale. The current company GMT, out of Chicago, will be relocating their operations back to the Chicago area. Several city employees have toured this building and property and feel it would be a good fit for the City of Aiken.

The building consists of 53,689 square feet, and it includes over 1,400 square feet of office space and over 22,000 square feet in heated work area. The other 30,000 square feet of warehouse space is equipped only with exhaust fans located in the walls. A mezzanine above the office space is currently used as a lunch room. The listed price for the property is \$869,000, and they have agreed to sell it to the City for \$800,000. In addition they have agreed to leave their conference tables and chairs, all their cabinets, lockers, and portable supervisor's office, air compressors, heavy duty shelving, and the telephone and intercom system. In their shop they will leave their Carolina press, 16 speed drill press, steel table and attached vices, arc welder, cabinetry, and locking cages. All together we estimate that the equipment, table, cabinets and other items would amount to over \$30,000 if purchased new or approximately \$15,000 in their current condition.

The property consists of over seven acres, and much of the unused space can be used to store materials not only for Parks, Recreation and Tourism, but also for our Public Works and Public Safety Departments. The only minor area of concern involves environmental matters, which are shown on page 8 of the contract. The seller has agreed for a period of three years to pay up to \$50,000 for any environmental cleanups that may arise. Based on the Phase I report, there are no evident problems, and the aquatic life in the pond at the rear of the property agrees with these findings. We have thoroughly walked the property and feel that there are no concerns, and if anything major did occur the EPA Superfunds could apply.

The savings from the purchase of this building will enable us to construct additional office space inside the facility, pave the parking lot, repaint the building, and develop storage for other materials. Some of the warehouse storage would also be utilized by the other departments and could provide storage for our permanent records. The remaining money from the \$1.5 million allocated to this project will be used to restore the Woodward House, which will then be converted to office space for our Athletic staff. This is a better location to serve the parents and coaches who currently come to Citizens Park for registration and to meet with staff. The existing garage at the Woodward House would be used to store uniforms and equipment and be used as a place to exchange them as needed.

Earlier in the meeting Council approved the ability to borrow \$1.5 million to pay for this property, make improvements to the building and the Woodward House, and to pay back the internal loan from the City until these funds become available through the One Cent Sales Tax.

The Parks, Recreation and Tourism staff feels that this will solve an immediate problem for our Parks Division and also present a long term solution for storage needs of other departments within the City. It will also allow us to landscape and beautify the area at the corner of Banks Mill and Pine Log Road, which will give a great first impression to those visiting Citizens Park.

Councilman Cunning pointed out environmental insurance is available, and staff might want to consider having the company pay for the insurance premium to cover the city.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve the resolution to authorize the purchase of the GMT building located on Banks Mill Road for \$800,000 for the Parks, Recreation & Tourism Maintenance Building and other purposes.

MUNICIPAL COURT

Solicitor

Deputy Solicitor

Odom, Anthony C.

City Court

Court

Mayor Cavanaugh stated Council needed to consider approval of appointment of a Deputy City Court Solicitor.

Mr. LeDuc stated within the 2005-06 budget funding is available to hire an individual to try DUI cases. These cases take a lot of time, and the person who tries the cases must be well versed in the laws pertaining to driving under the influence. We would like to recommend appointing Anthony C. Odom as the Deputy City Court Solicitor to try these cases. He will assist Richard Pearce, our Solicitor, five or six times a year trying cases which are specialized concerning the prosecution of driving under the influence. This approval will help support Mr. Pearce and aid in these prosecutions.

Mr. Pearce introduced Mr. Odom to Council. He pointed out Mr. Odom has been working in the County Solicitor's Office and is now going into private practice. He pointed out that he and Mr. Odom had worked together on DUI cases in the past. He felt Mr. Odom could help tremendously with the increase in the number of DUI jury trial requests.

Mr. Odom stated he lives in Gatewood in the city and is happy to work with the city. He said DUIs are somewhat of a specialty for him. He said he used to be City Solicitor for the City of Greenwood.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Anthony C. Odom be approved to serve as Assistant City Solicitor to try DUI cases.

COUNCIL MEETING

Schedule

July, 2005

August, 2005

City Council Meeting

Summer Schedule

Meeting Schedule

Mayor Cavanaugh stated Council needed to consider the summer meeting schedule for Council.

Mr. LeDuc stated that many times during the summer, City Council cancels their second meeting to allow for vacations and for individuals being out of town. During the months of July and August, staff suggests that Council consider canceling the second meeting. However, if an important item or topic needs to be discussed, we can always schedule a called meeting if necessary. This would mean that Council would meet on July 11 and August 8, 2005.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council cancel the fourth Monday night meetings for the months of July and August, 2005.

TOOLE HILLRehabilitation
Improvements

Mr. Edward Hall, a member of the Toole Hill Community, stated some residents of Toole Hill have some concern about the renovations that are occurring on Edgefield Avenue in the Toole Hill Community. He asked how far the renovations would extend.

Mr. LeDuc stated he had discussed the improvements with the Neighborhood Association. He explained the improvements that are planned. Mr. Larry Morris stated the curb and gutter will go up to Toole, and additional drainage boxes will be constructed. The sidewalk will go to the Park and into the park so it connects with the walkway, so there will be a sidewalk all the way up that side.

Mr. Hall stated their concern is that the driveways from Toole up to Church Street are in bad shape from erosion. He felt the area should be renovated before the part from Morgan up to Toole Street is done. He asked that his area get the renovation, as well as the section from Morgan Street to Toole Street and from Toole Street up to Church Street, with driveways and sidewalks. Mr. Hall stated he was speaking on behalf of the residents on his street.

Mayor Cavanaugh stated that Council would take the request into consideration. He said staff would look at the area and, in the future, if money is available, possibly improvements can be made.

Mr. LeDuc pointed out there are probably 2,000 homes on the northside that have no curb and gutter or sidewalks. He said it was not in the plans that the area from Toole to Church Street would get curb and gutter or sidewalks. He said the areas of McCormick Street, Dillon, and Abbeville would not have curb and gutter. He said the city is not in the position to be able to put in curb and gutter and sidewalks throughout all the neighborhoods that don't have them.

Mayor Cavanaugh pointed out that the two block area is a real commitment on the city's part to improve the community and to encourage others to improve their residences in the area. He said the intention was for the city to commit to a two block area, and this was a major commitment on the part of the city. He said, however, the city's intention was to encourage others to make improvements, but the city could not improve the whole area.

Councilwoman Price stated she would like for Leasa Segura and other staff members to look at the area in terms of a sidewalk that extends all the way up to Church Street and look at some of the driveways.

Ms. Corine Hickson, of 1006 Edgefield Avenue, stated she would like to have her porch and fence repaired.

Council discussed the requests and asked that staff look at the area.

TATTOO FACILITIESOpinion
Attorney General

Mr. LeDuc stated he had given Council a copy of an opinion from the Attorney General that says that tattoo facilities in their opinion do not need to be zoned within a community. He said, however, Gary Smith and Richard Pearce still feel that the city needs to regulate tattoo facilities and designate areas where they may locate. He said he had taken the matter off the agenda for first reading for Council's consideration for designating areas for their location. He said he was not planning to bring it to Council until next year, at which time there may be further information on the matter. He said there continues to be different opinions on the matter.

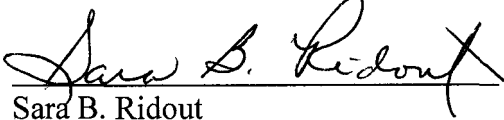
EXECUTIVE SESSIONContractual Agreement

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

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council go into executive session to discuss a contractual matter. Council went into executive session at 10:16 p.m. After discussion Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the executive session end. The executive session ended at 11:30 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:30 P.M.


Sara B. Ridout
City Clerk