

Aiken City Council Minutes

November 9, 1992

Executive Session

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

Others Present: Steve Thompson, Frances Thomas, Jim Holly and Sara Ridout.

The meeting was called to order at 6:00 P.M. Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council go into executive session for a legal briefing by the City Attorney regarding utility matters. After discussion Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that Council adjourn the executive session. The executive session adjourned at 6:45 P.M. Council then held a pre-Council discussion session on agenda items.

Regular Session

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

Others Present: Steve Thompson, Frances Thomas, Jim Holly, Roger LeDuc, Anita Lilly, Terry Rhinehart, Carrol Busbee, Ed Evans, Stanley Quarles, Sara Ridout, 12 citizens and 3 news media.

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

The minutes of the regular meeting of October 26, 1992, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

SANDSTONE SUBDIVISION - ORDINANCE 110992

Whiskey Road  
Aiken Mall  
Waters, Jerry  
Dedication of Streets  
Utilities

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to accept the streets and utilities of Section 3 of Phase I of Sandstone Subdivision.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING DEDICATION OF STREETS AND CERTAIN UTILITIES LOCATED IN SECTION 3 OF PHASE I OF SANDSTONE SUBDIVISION.

Mr. Thompson stated Jerry Waters, President of Sandstone Properties, has been working with the Engineering Department to deed the streets and utilities of Sandstone Subdivision to the City of Aiken. He said the city does accept the utilities and streets after the city is satisfied that the utilities and streets were properly installed and maintained. The City Engineer has reviewed the project and recommends that the city accept the streets and utilities. The acceptance would include the water, sewer and storm sewer lines in the subdivision and the street lights and entrance islands. The city does accept the entrance islands, but does not maintain the landscaping or signs on these islands for the developments. The homeowners association is responsible for maintaining the entrance signs and landscaping.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance accepting the utilities and streets in Phase I, Section 3 of Sandstone Subdivision be passed on second and final reading to become effective immediately.

ABJ848

ZONING ORDINANCE

Amendment  
Public Notice  
Variations  
Rezoning

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to amend the Zoning Ordinance to require mailing of notices to adjacent property owners for Zoning Board of Adjustment and Planning Commission hearings on variances.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION X.E. OF THE COMPREHENSIVE ZONING ORDINANCE SO AS TO REQUIRE CERTAIN NOTICES OF ZONING BOARD OF ADJUSTMENT HEARINGS TO BE MAILED TO ADJOINING PROPERTY OWNERS AND AMENDING SECTION XI.C.3 OF THE COMPREHENSIVE ZONING ORDINANCE SO AS TO REQUIRE CERTAIN NOTICES OF PLANNING COMMISSION HEARINGS TO BE MAILED TO ADJOINING PROPERTY OWNERS.

Mr. Thompson stated if property owners in the city want to rezone or change the use of their property, the property must be posted with a sign provided through the Planning Department to notify the adjacent property owners.

Mr. Thompson stated the Planning Commission had received a request from Charles Crites, asking that the Planning Commission consider changing the Zoning Ordinance to require property owners or the applicant to notify contiguous property owners on requests for a rezoning or a variance by certified mail.

The Planning Commission reviewed the request and recommended changes to the Zoning Ordinance for both Planning Commission and Zoning Board of Adjustment hearings for notification of adjacent property owners by certified mail. Council asked the Zoning Board of Adjustment to review the matter, and there is some difference of opinion. The Zoning Board of Adjustments feels that the present notification process is adequate. The ZBA requires property owners to post the property. The members of the Zoning Board of Adjustments feel that to require applicants to notify all adjacent property owners by certified mail of a hearing on a rezoning or a variance may be an unreasonable requirement.

The Planning Commission, after reviewing a second time, recommends that Council require applicants for both Planning Commission issues and ZBA issues to notify adjacent property owners, but that it be done by regular mail rather than certified mail. The city does receive a great many comments from its present requirement for postings of property with a sign when a rezoning or a variance is requested.

The public hearing was held and no one spoke.

Mr. Holly pointed out he had prepared ordinances with different variations for Council's consideration. One consideration is adoption of the ordinance as approved on first reading with the requirement that the applicant notify adjacent property owners by certified mail of a request for a rezoning or variance before the Planning Commission or the Zoning Board of Adjustment. A second option is to adopt the ordinance as approved on first reading but require notification of adjacent property owners to be by regular mail rather than certified mail of rezoning and variance hearings before the Planning Commission and the ZBA. A third option is to require applicants of Planning Commission hearings and variances to be notified by regular mail and exclude ZBA applicants from the notice requirement.

Councilman Perry moved, seconded by Councilman Anaclerio, that Council not adopt any of the proposed ordinances regarding notification of adjacent property owners by certified or regular mail, but that applicants continue to post the sign as presently required by the Zoning Ordinance for Planning Commission hearings and ZBA hearings for rezonings and variances.

Councilwoman Papouchado stated she felt that zoning or rezoning of property is one of the most sensitive issues that can come before the city and that it directly affects the citizens in the area. She felt Council should do what it could to make sure that people are informed and to improve the process to help eliminate some of the controversy in such issues. She said she did not feel that it was too much to ask the applicant to send letters by regular mail to adjacent property owners notifying them of a requested variance or rezoning. She pointed out that

something can happen to a sign and adjacent property owners may not see the sign if they do not use the road on which the sign is posted.

Councilwoman Price also stated she did not feel that the present process was adequate to inform all the affected parties. She felt that adequate notification should be given through regular mail to adjacent property owners of hearings before the Planning Commission and the ZBA.

Councilman Anaclerio pointed out the proposed ordinances would put the burden on the individual seeking rezoning or a variance to notify adjacent property owners. He said he felt the current procedure of a sign posted on the property is sufficient as the request would only affect the neighbors contiguous to the property. He said he understood that rezoning is sensitive and he was concerned about it.

Councilman Perry stated he did not know of an instance where notification had been a problem since signs are posted on property. He felt to require notification by mail would be adding another layer of bureaucracy for a property owner.

Mr. Ronald Bolton, a member of the Planning Commission, stated there was a lot of discussion on the matter. The Commission has no problem with notification of adjacent property owners by regular mail and posting of a sign. He did feel that the sign posting should be policed as some times the sign does get torn down.

Mayor Cavanaugh stated to make a change he felt there should be a good cause or real reason. He said he personally did not feel the city had a good enough reason to make a change in the present policy at this time.

Mayor Cavanaugh asked for a vote on the motion to deny adoption of the proposed ordinances regarding notification by mail and that the city's policy of posting a sign on property requesting rezoning or a variance be continued. The vote was as follows: In favor - Mayor Cavanaugh, Councilmembers Anaclerio, Perry and Radford. Opposed - Councilmembers Clyburn, Papouchado, and Price. The motion passed by a vote of 4 to 3 to deny adoption of any of the three proposed ordinances.

#### ZONING ORDINANCE 110992A

Adult Businesses

Nudity

Conditional Use

Suburban Industrial Zone

Adult Entertainment

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding location of adult businesses.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6.K.2. OF THE COMPREHENSIVE ZONING ORDINANCE SO AS TO PROVIDE FOR ADULT BUSINESSES AS A CONDITIONAL USE IN SUBURBAN INDUSTRIAL ZONING DISTRICTS, PROHIBITING SUCH USES IN ANY OTHER ZONING DISTRICT, AND OTHERWISE REGULATING SUCH USES.

Mr. Thompson stated that Council had considered amending the Zoning Ordinance to regulate the placement of adult businesses and asked the Planning Commission to review the issue and to make a recommendation. The Planning Commission has reviewed the issue and has recommended that adult businesses locate only in the Suburban Industrial Zone (SI) as a conditional use.

Mr. Thompson pointed out a conditional use requires review by the Planning Commission and approval by City Council. The Planning Commission also recommended that no adult businesses could be located within 1500 feet of residential zones, any church, any school or educational use, any public playground or park, or within 1500 feet of any lot on which a similar adult business use is located.

Mr. Thompson pointed out Council had discussed possibly establishing a new zone for adult businesses and entertainment. The proposal would help keep these businesses outside the established business and residential zones. The primary drawback is that we do not want to concentrate these businesses in any one particular area and develop a center for this type activity. By placing these types of businesses within the few existing suburban industrial zones, you are keeping these businesses outside the residential and main commercial districts.

The Planning Commission's recommendation to require adult businesses to be no closer than 1500 feet apart also helps to avoid the problem with concentration of the businesses. He pointed out the city has to allow the businesses to operate within some zone within the city. He said he was not aware of any sections of the city that could automatically be designated as the center for these types of businesses as the neighbors would object to the zoning.

Councilwoman Clyburn pointed out she had some concern about the businesses being able to locate near Aiken High and North Aiken Elementary schools.

Mr. Holly pointed out he recognized the concern but it was felt there were no other zones in which such businesses could locate without opposition by residents. He stated that possibly those areas zoned Suburban Industrial could file for rezoning to Light Industrial so such businesses would not be allowed in the area near the schools.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on second and final reading to provide for adult businesses as a conditional use in Suburban Industrial zones with the provisions recommended by the Planning Commission.

BIDS

Helipad  
Airport

Mayor Cavanaugh stated bids had been received for construction of a helipad at the airport.

Mr. Thompson stated the Airport Committee had been concerned about the landing of helicopters at the airport. He said helicopters landing on the asphalt surface damages the surface.

Mr. Thompson stated that in August, Council received a grant from the South Carolina Aeronautics Commission for half the cost of construction of a helipad at the airport. Bids have been received for construction of a helipad as follows:

<u>Company</u>	<u>Price</u>
H. G. Reynolds	\$18,468
Robert H. Hutto	18,480
Stewart Builders	22,808
Gene R. Fulmer	23,577
Gregory Electric	23,080
Plowden Construction	24,584
Rushmore Construction	25,050
Mars Construction Co.	26,972
Triangle Contractors	28,300
Walter Hunter	29,500

The staff is recommending acceptance of the low bid of H. G. Reynolds at a bid price of \$18,468. The State Aeronautics Commission will pay for half the cost, or a total of \$9,234. The city would match the grant with holding funds available from development of the Industrial Park.

Councilwoman Price moved, seconded by Mayor Cavanaugh and unanimously approved, that the bid be awarded to H. G. Reynolds in the amount of \$18,468 for construction of a helipad at the airport, with the condition that the City Attorney approve the contract.

BIDS

Trash Loader  
Public Works Department

Mayor Cavanaugh stated bids had been received for the purchase of a trash loader.

Mr. Thompson stated the city had accepted bids for the purchase of a trash loader, and the staff is recommending acceptance of the bid of Case Power and Equipment, with a bid price of \$47,625. Case Power was the only bid submitted.

Mr. Thompson stated the city had been using a large piece of equipment for trash collection. He said the equipment is a large cylindrical truck with a grabber boom mounted on top. He said the staff had seen this equipment in operation in other communities across the country. He said this piece of equipment was used

for several years and the staff found overall that it was not a productive operation. He said the City of Aiken had been much more productive with the small loaders, or tinks, that have a pincher mounted at the front to allow the pinching of the trash and then loading the trash into a leaf trailer. Mr. Thompson stated the old large equipment had broken down and the city needed to replace it or change to the smaller front-end loader tink units. He said the city had accepted bids for the purchase of a tink and the staff was recommending acceptance of the bid of Case Power and Equipment. He pointed out Case is the only manufacturer of the tink. The city contacted the Case dealers and only Case Power & Equipment submitted a bid. The last purchase of a similar unit was in 1989 for \$44,340. The bid submitted amounts to a 2.5% increase per year. He said the staff feels that this is a reasonable cost for the equipment and is recommending acceptance of the bid of Case Power in the amount of \$47,625. Funds are available in the Depreciation Fund for the purchase.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that the city accept the bid of Case Power & Equipment in the amount of \$47,625 for the purchase of a trash loader.

#### BOBBY JONES EXPRESSWAY

##### Strategic Plan Steering Committee

Mayor Cavanaugh stated Council needed to discuss possible realignment of the Bobby Jones Expressway.

Mr. Thompson stated that at the Strategic Planning meeting of October 29, 1992, Council and the other members of the Steering Committee for the Strategic Plan reviewed development patterns of Aiken County. One aspect under discussion was the present proposed alignment of the Bobby Jones Expressway. As currently proposed the Bobby Jones Expressway would cross the Savannah River and move up through North Augusta to Interstate 20. The discussion by the Steering Committee included several comments that changing the alignment of the Bobby Jones Expressway to circle around Aiken would help to open up undeveloped and underdeveloped property in Aiken County and emphasize the regional character of the Aiken/North Augusta/Augusta area.

The Bobby Jones Expressway is a very active project at this time, and the Highway Department is getting ready to pursue acquisition of right-of-way. Some of the present alignment does include areas that have already been developed, and there may be some possibility that the costs to change the alignment would be somewhat offset by taking this to undeveloped areas. If Council has any interest in pursuing this change, we need to formally ask the State Highway Department and the Augusta Regional Transportation Committee (ARTS) to consider this alignment change. Mr. Thompson stated if Council does ask the ARTS Policy Committee to change the alignment, a presentation will be scheduled with representatives from the State Highway Department and the ARTS Committee to review the same information discussed in the Strategic Planning session.

Mr. Thompson stated it is recommended that Council ask the Augusta Regional Transportation System (ARTS) Policy Committee to reconsider the alignment of the Bobby Jones Expressway to a new alignment around the City of Aiken.

Mayor Cavanaugh moved, seconded by Councilman Anaclerio and unanimously approved, that a meeting be set up between the State Highway Department, the ARTS Policy Committee, members of County Council, and City Council with a presentation being made by Michael Gallis of the Urban Institute from UNC Charlotte regarding the realignment of the Bobby Jones Expressway around the City of Aiken to form a global community or a metropolitan area.

#### COUNCIL MEETING

##### December

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

Mr. Thompson pointed out the second meeting in December falls on December 28, immediately following the Christmas weekend. At times in the past Council has chosen not to meet on the fourth Monday in December, unless there are pressing items. He said Council needed to consider whether or not to have a Council meeting on December 28.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the Council meeting scheduled for December 28, be cancelled unless some pressing matter comes up.

BOARDS AND COMMISSIONS

Youth Advisory Commission  
Appointment  
Daniels, Danielle

Mayor Cavanaugh stated Council needed to consider an appointment to fill a vacancy on the Youth Advisory Commission.

Mr. Thompson stated there was one vacancy on the Youth Advisory Commission for consideration at this meeting, and there probably would be a couple more vacancies to be filled at the next Council meeting.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Danielle Daniels be appointed to the Youth Advisory Commission to replace Lloyd Dicks who has graduated from high school.

CHURCH

Jesus Christ Tabernacle  
S.C. 19 North  
Laurens Street N.  
Gayle Avenue  
Tax Parcel No. 30-041-01-003

Mayor Cavanaugh stated the city has received a request that Council reconsider the site plans for the Jesus Christ Tabernacle church at the corner of Laurens and Gayle Avenue regarding the parking lot.

Mr. Thompson stated that in January, 1992, Council held a special meeting to review the plans for the Jesus Christ Tabernacle church to be built at the intersection of Laurens and Gayle Avenue in front of the Salvation Army. The church is almost completed, and the church members are asking that Council change the site and landscape plans approved at the January 15 meeting.

The original development plans included construction of an asphalt parking lot, landscaping, and a detention pond. The owners would like to have a gravel parking lot instead of the asphalt parking lot and would like more time before installing the landscaping. Under the old Landscape Ordinance that applies to this project, the owners may delay the landscaping if the owners purchase a bond guaranteeing the installation price. It is estimated the installation cost would be between \$3,400 and \$3,800. If the church purchases the bond they would have six months before they would be required to install the landscaping.

Also, the church members would like a waiver on the parking lot. Last month Council decreased the formula for parking for churches, and this does help churches as they develop their parking lots. The original site plans included an asphalt parking lot with a detention pond. The property owners would like to install a gravel parking lot. The staff does feel that a gravel parking lot with curbing could meet the needs of the church. A gravel parking lot would not require the detention pond, and the curbing would help to control the runoff and keep the gravel at the site. The city does not have any provisions allowing the owners to purchase bonds to delay meeting these requirements. However, if Council would like to require the property owners to purchase a bond, it is estimated the value of the project would be about \$54,000. A bond is simply an insurance policy that guarantees that the owner will make the improvements as required by the city. If the owner does not make the improvements, then they would default on the bond and the city would use the bond amount to make the improvements. Council could delay the requirement for the asphalt parking lot, or allow the church to install the gravel parking lot. The staff does recommend concrete curbing. The landscape islands within the parking lot would need to be installed as part of the landscape plan within six months if allowed to be delayed by Council.

Mr. Thompson stated that from a staff perspective, the city has no problem with delaying the landscape plan or allowing the gravel parking lot. He said the primary problem is that this church is located on an entranceway into the city and on the northside of town. He said the city does hear comments occasionally that the city allows projects to be constructed at lower standards on the northside than on the southside. He said, however, the city has emphasized requiring the same quality throughout the city. He said if Council feels that the gravel parking lot, or no parking lot, is acceptable, or would like to change the site or

landscape plans, this certainly would assist the church members. He said, however, until the property owners either post a bond, or install the improvements as required, the city cannot issue a Certificate of Occupancy and the owners cannot use the church.

Mr. Thompson stated the chairman of the Planning Commission did not feel the Planning Commission needed to review this request. Mr. Evans, Planning Director, has contacted the other members of the Planning Commission to make sure they are aware of the issue.

Mr. Thompson stated the request from the Jesus Christ Tabernacle Church is that they be allowed to change the site plans to include a gravel parking lot. The owners would also like to delay or change the landscape plan.

Reverend Lonnie Jackson was present representing the church and appeared before Council requesting that the church be allowed to construct a gravel parking lot rather than asphalt. Also, the church would like to delay installation of the landscaping at this time. He said funds are not available to make these improvements at this time. He said plans were to grade the area, put in concrete curbing, and use gravel for the parking lot rather than asphalt. He said he had contacted the S.C. Forestry Commission, and they had agreed to donate trees for the church, however, the trees would not be 5 year old trees and would not be 10 feet tall as required by the ordinance. Reverend Jackson pointed out the lot did not have any trees on it before construction of the church so no trees were cut down for construction. He said he was requesting permission to use the trees from the Forestry Commission for landscaping on the property.

Councilman Anaclerio pointed out the city has an ordinance which applies to all citizens in Aiken. He pointed out the site of the church is a key site as it is an entrance to the city. He pointed out if Council does not follow the ordinance others may ask for variances from the ordinance also. He asked Reverend Jackson if he could ask the Forestry Commission if they could provide larger trees which would meet the city's requirements.

Council discussed the requests at length.

Councilwoman Clyburn stated she would like to see the church be able to open soon. She stated possibly people in the community could help get trees for the church.

Reverend Jackson pointed out providing trees is an issue, but providing an asphalt parking lot is more of an issue since this would cost about \$54,000. He said the church was asking the city for permission for the church to use the trees from the Forestry Commission since they are smaller than required by ordinance.

Councilwoman Price pointed out that Council needs to require the same quality of development for the north side as on the south side of Aiken.

Councilman Radford pointed out that the lot did not have trees on it prior to development so he could not see getting hung up on requiring trees.

Reverend Jackson stated if Council would allow some time, the church could provide the required ten foot trees within six months.

Council members pointed out that with community effort, they felt the trees could be provided for the area.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the site plan for the Jesus Christ Tabernacle be amended to allow the church to install within a year from this date a gravel parking lot and curbing with approval of the Planning Department and City Engineer instead of an asphalt parking lot. The church would still have to abide by the tree ordinance and provide the trees for the lot within six months.

CAROLINA WATER SERVICE, INC.

Gem Lakes Subdivision  
Sewer, Sanitary

Mayor Cavanaugh stated Council needed to consider a request from Carolina Water Service for sale of bulk sewer capacity for the Gem Lakes area.

Mr. Thompson stated that in August Council had received a request from Mr. Eric Boyer, Project Manager for Carolina Water Service, asking the city to sell bulk

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sewer capacity to the Carolina Water Service for the Gem Lakes area. He said the Carolina Water Service which serves the Gem Lakes Subdivision sewer system is asking the city to enter into a bulk sewer arrangement, allowing the company to purchase sewer capacity into the City of Aiken's system at a lower rate than is generally charged for residential customers. The Carolina Water Service is asking for a bulk sewer charge and an interconnection between Gem Lakes sewer system and the City of Aiken with treatment ultimately taking place at the Horse Creek Wastewater Treatment facility. Carolina Water Service would treat wastewater at the lagoon facility in Gem Lakes. Then they would pump treated sewer into a connection to the City of Aiken which would go to the Horse Creek facility. Mr. Thompson stated the customers in Gem Lakes represent individual residential sewer customers. Typically the city requires double rates for outside sewer customers and an impact fee to recover the city's expense for service lines into the area.

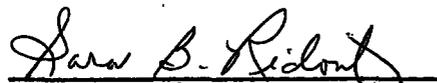
Mr. Thompson stated the request for Council's consideration is the purchase of bulk sewer capacity by Carolina Water Service through the city's system.

Council discussed the request and felt that they wanted to study the matter further. It was pointed out that the Gem Lakes sewer is only at 60% of its capacity at this time so there is no urgency to purchase the bulk capacity at this time.

Councilman Anaclerio pointed out that the Gem Lakes sewer is presently only at 60% of capacity so he would move that at this time Council deny sale of bulk sewer capacity to Carolina Water Service. The motion was seconded by Councilwoman Papouchado and unanimously approved.

ADJOURNMENT

There being no further business, Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that the meeting adjourn. The meeting adjourned at 8:30 P.M.

  
Sara B. Ridout  
City Clerk