

Aiken City Council MinutesREGULAR MEETINGJanuary 24, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Larry Morris, Ed Evans, Glenn Parker, Anita Lilly, Richard Pearce, Pete Frommer, Sara Ridout, Philip Lord of the Aiken Standard, Krista Zilizi of the Augusta Chronicle, and about 50 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. Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session of January 6, 2005, the worksession and regular meeting of January 10, 2005, and worksession of January 18, 2005 were considered for approval. Councilman Cuning moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsEnvironmental CommitteeBrown, Marilyn

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

Mr. LeDuc stated there are 9 pending appointments to boards and committees of the city and 1 appointment is presented for Council's consideration.

Councilwoman Clyburn has recommended reappointment of Marilyn Brown to the Environmental Committee. If reappointed her term would expire December 31, 2006.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council reappoint Marilyn Brown to the Environmental Committee, with the term to expire December 31, 2006.

Mr. LeDuc stated there had been a question as to whether citizens living outside the city limits could serve on some of the boards and commissions. He stated the city's policy had been that board and commission members should live inside the city limits, except on a couple of boards that cover things that have a broader context and cover areas outside the city, such as the Airport Commission and Accommodations Tax Committee. He said the vast majority of the appointees should reside in the city limits. He said another exception is when individuals may have a business inside the city limits and are allowed to serve on a board or commission.

Councilwoman Vaughters stated she would like to recommend that Neel Shah be reappointed to the Accommodations Tax Committee and asked that the appointment be on the next agenda.

REZONING – ORDINANCE

Muniz, Margo
Hoover, Judith
Two Notch Road 1506
Lackey, James Estate
TPN 122-05-20-002
TPN 30-056.0-07-010 (old)

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to rezone property on Two Notch Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED AT 1506 TWO NOTCH ROAD FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO LIMITED PROFESSIONAL (LP).

Mr. LeDuc stated that Dr. Muniz is requesting the rezoning of a 0.41 acre tract located at 1506 Two Notch Road from RS-15 to Limited Professional. The applicant would like to convert the existing single-family home into a medical office. The Comprehensive Plan for the area shows the proposed zoning is consistent with their proposal for LP. The property to the north, east, and south are zoned LP, with a narrow easement shown on the north side. The property across Two Notch Road is the location of the Carolina Bay. Currently there are several other doctors' offices in this area to the south. He said the Planning Department had received some preliminary plans for the area zoned LP to the east, which surrounds this property being requested to be rezoned LP. The plans show this property being developed as single family housing on small lots. He said although the property is zoned LP, there is a good chance the property will be developed as single family residential rather than LP.

The Planning Commission had voted 4-2 in favor of the rezoning of this property on Two Notch Road to LP.

The public hearing was held.

Mr. Felix Muniz, husband of Dr. Muniz and Business Plan Manager for Parkside Women's Center, appeared before Council regarding the request for rezoning. He said he had heard there were concerns about traffic and continuity of the neighborhood. He pointed out the property requested to be rezoned is adjacent to Parkside Women's Center on Two Notch Road and would basically be used to transfer the administrative and file duties of the present office. He said no patients would be seen in the building. The building would be office space for the existing facility in order to free up room in the existing facility. He said there are no plans to hire additional employees, however, the existing employees would be using the property for parking. He said the effect on traffic would be minimal. He said some office services could be moved to the building without interrupting the medical practice. He said the property is next door to their present office and could serve as administrative office space.

Mr. LeDuc pointed out that, although Dr. Muniz is planning to use the property as an office building for her present medical practice next door, once the property is rezoned to LP the property could be used for any use allowed in the LP zone.

Mr. Michael Sullivan, 1205 Two Notch Road, stated his property is about one-half mile from the property being requested to be rezoned. He stated he was concerned about the highest and best use of the property for the neighborhood and what would best benefit the neighborhood. He was concerned about other properties possibly being rezoned LP. He said he and his neighbors have concerns about future uses in the area to be rezoned LP, because once it is rezoned the property can be used for any use allowed in the LP zone. He felt residential was the best use of property for the neighborhood in this area. He was concerned about any uses which might increase traffic in the residential area. He pointed out the current area zoned LP surrounding the property proposed to be rezoned LP is

proposed to be developed as residential and will add a tremendous amount of traffic to Two Notch Road. He also stated he felt the traffic signal to be installed on Pine Log at Pawnee would ultimately affect traffic on Two Notch Road, as some traffic will take Silver Bluff to Price and to Two Notch. He said developments in the area negatively impact Two Notch and ultimately affect the property values of people in the area. He pointed out a business tries to get as much traffic as possible, but this is specifically contrary to his aims as a homeowner, which is to have as little traffic as possible. He said if there is the slightest possibility of adverse impact, it seems to him that Council has the opportunity to say they value the residential neighborhood over the particular business claims of an individual, because it is not known what adverse impacts may follow. He said his response to the request for rezoning and use of the property as a warehouse is that Dr. Muniz build a second floor to her present building. Mr. Sullivan stated from the city's coffer standpoint, from the standpoint of the negative impacts on the neighbors, and the traffic impact on Two Notch Road, he would ask that Council strongly consider upholding the existing zoning and ensure that no harm be done, and that the lives of the people along Two Notch are not negatively impacted.

Ms. Jann Smith, 193 Dogwood Road, stated she was in agreement with Mr. Sullivan's comments and concerns. She was concerned that once some property is rezoned, that the rezoning may creep farther down the road. She was concerned about traffic on Two Notch and traffic from Two Notch using Dogwood as a by pass. She was concerned that once the property is zoned LP any LP use could be allowed on the property. She said she would like to see the property remain residential.

Ms. Linda Tinney, Dogwood Road, stated she lives behind Shaffer and Waters buildings. She said she has to face their clutter, and she was not fond of having businesses in the area and did not want traffic to increase along Two Notch Road. She pointed out if Dr. Muniz out grows her present office, she may want to expand her office to the property next door or move her offices to another area. She was concerned about what would happen to the property if Dr. Muniz moves her office.

Mr. John Mattoon, 171 Dogwood Road, stated his concern was about increase in traffic in the area. He was also concerned about future use of the property if Dr. Muniz moves. He said he was concerned about the island of LP that had been created in the residential area.

Ms. Pat Ball, 1211 and 1215 Two Notch Road, stated she was very much opposed to changing the zoning to LP and agrees with Mr. Sullivan's comments.

Ms. Louise Mitcham, 1313 Two Notch Road, stated she had lived in the area for 30 years and had recently made renovations to her home. She stated she did not want to see the area become commercial. She said she did not want to see the commercial area at the end of Price expand in either direction as it would expand to neighborhood areas.

Mr. Martin Buckley, 1141 Two Notch Road, stated he was concerned about traffic and safety, the character of the neighborhood, domino zoning, and the Comprehensive Plan for this area. He said he was concerned about the traffic, not only on Two Notch, but on other roads in the area. He said he would like to see the neighborhood be stable residential and was not interested in a transitional zone in the area. He was also concerned about the LP or commercial uses expanding in the area and decreasing the value of the residential property. He said the Comprehensive Plan is basically spot zoning for this area, as the surrounding area has been residential. He asked if Councilmembers would like to have a LP zone adjacent to their property.

Councilman Cuning pointed out that the LP zone is a transitional zone for small businesses with not much traffic. He stated he did not want the creeping of LP all the way up Two Notch, however. He pointed out presently the area requested to be rezoned is almost surrounded by LP zoning.

Mr. Dan Bruner, 1050 Two Notch Road, stated he had corresponded with Councilmembers either by e-mail or telephone. He said he wanted to publicly state his opposition to the proposed zoning request. He said his concerns were also traffic and the

creeping of the LP or commercial zone into the residential neighborhood. He asked Council to deny the rezoning request.

Mr. Charles Thomas, 910 Two Notch Road, stated he lives at the corner of Two Notch and Audubon. He said his concerns were the increase in traffic and the speed of traffic in the area. He said he agreed with the comments of Mr. Sullivan. He said he felt the request would cause a domino effect in the neighborhood. He asked that Council deny the request for rezoning. He also pointed out that Two Notch is the entrance to the horse area, and Powderhouse and Two Notch are both used by residents to get across town. He questioned purposely increasing traffic on these roads. He was also concerned about what may happen to the property in the future if it is rezoned to LP, as other uses may be even more undesirable in the neighborhood.

Councilwoman Clyburn stated she had been concerned for some time about the traffic on Two Notch Road. She also pointed out that since some properties along Two Notch are not in the city, they may be used for many things which the residents may not approve. She suggested that residents in the area may want to talk to the owners of the property outside the city and try to get the properties inside the city with zoning to protect the neighborhood. She stated those properties outside the city could possibly be developed with uses or businesses that could increase the traffic on Two Notch Road.

Ms. Julia Sullivan, 1205 Two Notch Road, stated she had appeared before Council in the past because Council was considering adding beauty salons to the LP zone as a Special Exception. She said she came to that meeting because she knew that the property at 1502 Two Notch Road was going to be considered for rezoning to LP. She said she was concerned about what that property could possibly be used for. She said she was still concerned, even though she knows what the request is, because there is no guarantee that Drs. Muniz and Hoover will stay at that location and that something else may be placed on the property. She asked that Council consider protecting the neighborhood by maintaining and upholding the current zoning of residential single family.

Ms. Lucy Knowles, 1141 Two Notch Road, was concerned about the LP zone creeping up the road and the next properties being rezoned to LP. She said the issue is where to stop the rezoning.

Councilwoman Price pointed out the request for rezoning would be very convenient for Drs. Muniz and Hoover to have their files next door, but she was concerned about once encroachment begins, it having a rippling effect. She was concerned about the effect on the neighborhood.

Councilwoman Price moved, seconded by Councilman Smith, that Council deny the request to rezone property at 1506 Two Notch Road from RS-15 to Limited Professional LP.

Councilman Sprawls stated he was concerned that if a few changes were made in the area that there could be more commercial in the area, especially the areas between Dogwood and Palm Drive that are outside the city. He said if one property is sold for other than residential there could be commercial all the way down to Dogwood Road. He said he felt every LP area has to be considered on a case by case basis. He said in this case he would vote to deny the rezoning.

Councilwoman Vaughters stated she had a problem with storing records in her doctor's office also. She said they had taken their records to a storage unit on Pine Log Road. She said she could not consider rezoning the property for the storage of records. She also suggested that if the neighborhood feels more secure, the neighbors may want to talk to the people who own property in the county and try to get the property annexed and zoned residential.

Councilwoman Clyburn again stated she felt the neighbors should work on getting the properties along Two Notch annexed to the city so there would be some control over use of the property.

Mayor Cavanaugh stated he had listened to all the comments and he did feel there were some negatives to the request. He pointed out the City had been working hard to cut down on the speed of traffic along Two Notch. He said the City was also working on speed humps for the road. He said he felt the stop signs which had been installed had helped with speed along the road. He said he was going to vote to deny the rezoning because of what could happen to the property in the future.

Mayor Cavanaugh called for a vote on the motion to deny the request for rezoning property at 1506 Two Notch Road from RS-15 to Limited Professional LP. The motion to deny was approved by a vote of 6 in favor and 1 opposed. Councilman Cuning was opposed to the motion.

REZONING – ORDINANCE 01242005

Aiken Corporation
Willow Run Business Park
Beaufort Street
By-Pass
Hampton Avenue
SC 118

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at the Willow Run Business Park on Beaufort Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY AIKEN CORPORATION FROM GENERAL BUSINESS (GB), LIGHT INDUSTRIAL (LI), RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML), AND INDUSTRIAL (I) TO LIMITED MANUFACTURING (LM).

Mr. LeDuc stated that the Aiken Corporation would like to rezone the 18.5 acres located at the Willow Run Business Park as Limited Manufacturing. Currently, the property has four zones-- General Business, Light Industrial, Residential Multi-Family, and Industrial. In October, City Council adopted an ordinance creating a Limited Manufacturing zone which is similar to Light Industrial, except it allows "Restricted Industrial" uses. Activities that are considered noxious because of their impact on surrounding areas due to noise, glare, dust, odor, or high hazardous materials are prohibited in the Limited Manufacturing zone. He said under the present zones, the park could have more intensive uses in the park. He said the proposed zone is something between Light Industrial and Industrial zones. Since the park currently has four different zoning designations, the Planning Commission felt it was important that the park should have only one zone and unanimously recommended the LM zone.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the ordinance rezoning 18.5 acres at the Willow Run Business Park from four different zones to Limited Manufacturing LM.

Councilwoman Clyburn stated she felt the park should be rezoned to clear up the problem currently in the park with four different zones. She said she felt there is some protection for the surrounding neighborhood with the Limited Manufacturing zone.

Councilwoman Vaughters stated she did not know Willow Run was an industrial park, but thought the park was approved as a business park. She asked that the Aiken Corporation keep a watch for the kind of buildings that are designed for the park in the future. She hoped that the buildings would not be incompatible with the neighborhood. She said she was disappointed that Willow Run was not more of a business park, as we have plenty of industrial parks.

REZONING – ORDINANCE

Kings Sport Way
Shealy, T. Darrell
Shealy, Regina
TPN 087-20-12-001
TPN 30-007.0-01-041 (old)
Gregg Avenue
Kalmia Hill

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at Kings Sport Way.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED ON KINGS SPORT WAY FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated the Shealys are requesting the rezoning of a 1.60 acre tract of land on Kings Sport Way from RS-15 to RS-6. He said some changes were made at the last meeting to more accurately reflect the Shealys' request. Approximately 7 or 8 dwelling units could be built on this property. The remaining portion of this property, consisting of 1.18 acres, would remain RS-15 zoning, with the Shealys proposing to build their house on the lot. The Comprehensive Plan lists the property as medium-density residential, whereas, RS-6 is considered high density. The property to the west of this tract of land is zoned RS-6, and to the north, south, and east, the area is zoned for RS-15 or larger lots. The lots that already exist on Kings Sport Way consist of the smaller lots as proposed.

At the last meeting, Council approved the change to RS-6 based on two conditions. First, the Shealys must subdivide the land and record the deed; and second, all the property owners present at the Planning Commission public hearing would be notified about the change. Since the former detention pond area will be built upon, the owner will need to satisfy any stormwater requirements of the Engineering Department prior to proceeding with the project.

A public hearing was held.

Mr. Joe Knapp, 3411 Kings Sport Way, stated originally Kings Sport was set up to be a retirement community with very, very small houses built on lots approximately 5,700 square feet. It did not develop that way and for years property in Kings Sport remained vacant. He said he was the first to build a new house in that development. Later the property was rezoned to make the lots much larger to accommodate bigger houses. He said he felt if the 1.6 acres of property was rezoned to RS-6 for small houses, that it would be a step backwards for the community. He pointed out he was concerned about the retention pond and about the possibility of it being filled in and houses being built in the area. He pointed out the pond always has water in it and is a natural wetland. He expressed concern about the size of the houses, price of the houses proposed to be built in the area, and storm drainage if the retention pond is filled in. He also expressed concern about more cars in the area and parking for the cars with such small lots. He was concerned about sanitary sewer lines and if the lines were large enough to handle the development. He asked that Council deny the rezoning request.

Mr. Larry Morris, Public Works Director, stated the water and sewer lines are adequate for future development in the area. The lines were sized for the 82 units which were originally planned for the area. He said he had met with Mr. Shealy on site concerning the detention pond. He said last spring when he visited the site there was no water in the pond and there were no pipes into the pond. He said at the time he said he had no problem with filling in the pond, since it was a temporary pond with no pipes into it. He told Mr. Shealy that any water from his property would have to be taken care of. He said Mr. Shealy is aware that any water produced on the property will have to be taken care of. He said from looking at the proposed drawing for development, indications are that

the water flow would go towards Mr. Shealy's proposed home. He said he has not seen any engineering plans for water, sewer, drainage, streets, etc. which will have to be done before development is approved. It was pointed out retention of water would have to be taken care of if there is any excess water from the proposed lots that affects other properties.

Discussion continued on the retention pond and drainage, with Mr. Knapp presenting pictures of the pond showing water in the pond. Mr. Knapp stated the area is not a retention pond, but a swamp. After viewing the pictures, Mr. Morris stated the area he looked at did not look like the pictures presented and there was no water in the area and no evidence of cat tails. It was pointed out no engineering plans had been presented relative to streets, but the streets would have to meet the design requirements of the city regulations, and the drainage requirements would have to be met as well.

Mr. Knapp again expressed concern about the small houses and lots. He was concerned about kids playing in the street, cars parking in the street and room for emergency vehicles to navigate the streets.

Councilman Cunning stated the market now is such that many people do not want a large lot. He said the design for the development is very important. He pointed out there would be patio homes in the front and larger single family homes in the back. He said the design criteria would be very important.

Ms. Patsy Capria, 3387 Kings Sport Way, stated she owns about 3 acres in the area. She said she took the pictures of the area. She stated at no time has there not been water on the property even during the dry times. She stated perhaps Mr. Morris did not go far enough on the property. She pointed out there is always water on the property. She stated when she bought her property she was aware that the lots would be large lots. She stated originally when the development was to have quite a few small houses, there were to be about 4 entrances and exits out of Kings Sport. She said there are no pipes going into the area that is a retention pond. She stated no neighbors on the street want the property to be rezoned RS-6. She said she did not mind houses in the area, but wanted houses built for RS-15 zoning. She stated people in the original development did not have a choice, as the zoning was RS-6, but people in the area asked for the rezoning to larger lots. She also expressed concern about children playing in the street and safety concerns. She asked that Council deny the request for rezoning to RS-6 and leave the zoning RS-15.

Mr. Leo Capria, 3387 Kings Sport Way, pointed out Kings Sport started out RS-6, but it did not develop that way. He said when they purchased their property it was zoned RS-15, and it was their understanding the property would be used for larger homes. He said now the request is to go back to RS-6 zoning, which seems counter productive.

Mr. Darrell Shealy stated he owned the property in question and pointed out the property was originally zoned PUD. He pointed out statements had been made about cars parked in the street and children playing in the street. He stated the person making the statement parks his car in the street. Mr. Shealy stated he was responsible for his children, and his children had never played in the street. He also pointed out there were two lots in front that are non-developed lots that are designated for a neighborhood recreation area. He said he did not buy the land to provide the neighbors a wooded area not to be developed. He said originally there were to be 82 lots in the area. He said he did not buy the property with the intention of dumping water on the neighbors. He said he had talked with Mr. Morris about what would have to be done about water, sewer and drainage. He said this issue had not been resolved because he has to present plans to engineering for approval. He was concerned that neighbors had trespassed on his property and taken pictures. He said he feels the neighbors are happy with the status quo. He said he had originally proposed something more extensive and the Planning Commission had recommended denial. He said he had amended his request and asked for something less that does blend with the western portion of his property and build something similar to what is already on the eastern portion. He said he felt there was room for emergency vehicles and the cul de sac would have room to turn around. He said he would have to follow the regulations for the development and meet the requirements. He said he felt if

he met the criteria for development and it was within the Comprehensive Plan that it is a viable solution to the use of land; otherwise the land will probably remain vacant for some time.

Councilman Cuning stated his problem with the project is land use. He said there are patio homes going into single family, to patio homes to single family. He said if the zoning is left RS-15 Mr. Shealy could still get about 5 to 7 lots on his property, but would not have a 1.6 acre for his house. He said his problem with the project is proper planning and design.

Mr. Shealy stated Mr. Bill Howell had stated he had no objections to the project, as well as Ms. Carla Cribb. He said Ms. Capria does object, but she has an acre of open land between her property and his property. He said the L-shape of his lot makes it more difficult to get six lots with RS-15 zoning than what he is proposing with the RS-6, even though he has the acreage. He said he is very much aware that he has to take care of any drainage that might occur because of the project. He said the neighbors have a problem with 7 houses on a portion of this land, but they don't have a problem with 6 houses on the whole property. He felt traffic would not be a problem with just adding 7 houses. He said he had owned the property for 3 years.

Council continued to discuss the proposed project with Mr. Shealy and the concerns which were raised by the neighbors. It was pointed out the design that is shown for Mr. Shealy's property is conceptual, and if approved by Council it may not be developed exactly like shown as there may be changes due to engineering. Mr. LeDuc said if the property is rezoned the design can be changed as long as it meets the RS-6 requirements. It was also pointed out that the lots Mr. Shealy referred to as designated for recreation could be sold for housing. Councilman Cuning pointed out there are still lots for sale in the original patio home development. He was wondering why Mr. Shealy's lots would sell when the original lots have not sold.

Mr. Knapp stated when he bought his property originally, there were covenants for Kings Sport and the two properties between the gate and the first two houses on both sides were originally set aside for green space to become a park and they were never to be sold. However, Kings Sport fell apart, as well as the covenants and the association. He said his understanding is that the property is owned by Lionel Smith, and they are for sale. Mr. Knapp stated his lot is larger than it was originally, because he bought property to add to his lot until he could get a house to fit on it.

Mrs. Patsy Capria stated the lots referred to as green space are for sale. One of the neighbors purchased one lot and another neighbor has a purchase offer on the other lot. She pointed out the patio homes already there cannot be changed, but once past the patio homes the property is RS-15. She felt to go back to patio homes would only hurt the property values of surrounding homes. She said Mr. Shealy could get at least 5 homes on the 3 acres he purchased with the current RS-15 zoning. She pointed out again that with development drainage would affect people on Wildwood Road as the water drains that way. She pointed out again that no one on Kings Sport is in favor of rezoning the property RS-6.

Mr. Heze Kneece, 915 Wildwood Drive, stated he was an original owner in Kings Sport, Lot 1, but his house faces Wildwood Drive. He said he was the owner of 12 acres in the area originally. He expressed concern about drainage from the development onto Wildwood Road. He pointed out there are already drainage problems on Wildwood and with further development there will be more water coming onto Wildwood. He also pointed out the property owners in the area wanted RS-15 zoning, and he was concerned now about some of the property being zoned RS-6 again.

Mr. Mike Brazeal stated he had worked with Mr. Shealy over several months in trying to determine what could be done with his property. He stated to develop the property under the RS-15 regulations would require a much longer road and would cause several present lots to have more lots backing up to them. He said under RS-15 zoning Mr. Shealy might possibly get 5 lots, but he felt it would be an unattractive plan. He said the proposal is a compromise. He said the proposal would not back any new houses up to any neighbors

around him. He would be able to utilize the existing pond, which was a temporary pond for his property, not the subdivision. He said Mr. Shealy's project would be properly planned by engineers. He said they would utilize a combination of the existing pond and/or a secondary pond to contain the water; otherwise the project would not be approved. He felt the retention pond discussion was a mute point, as it does not currently serve the subdivision. He said the pond is gathering water from Mr. Shealy's land only. Whatever Mr. Shealy does will have to be designed to meet the criteria to handle stormwater runoff. He said the proposed cul de sac would be short, with a 100 foot radius. He said the lots would be around the cul de sac and would run about 6,200 to 6,500 square feet. He said when the lots fan out around the cul de sac there is more width between property lines, and nicer homes can be constructed without being crowded. He pointed out the present small lots into Kings Sport Way are narrow rectangular lots. He said it is easier to get homes on a cul de sac. He said Mr. Shealy's house would be behind the small lots. He said he felt Mr. Shealy's plan would be an asset to the area. He said the houses would be geared toward retirees, not young families. He felt the maximum number of lots would be 7, meeting regulations. He said he felt the issue is whether the proposal is a good compromise for what can go into the area. Mr. Brazeal stated he tries to deal with quality property designs and features. He said the lots are heavily wooded. He said the houses would probably range from \$150,000 to \$185,000.

Councilwoman Vaughters stated one of her concerns is that there are no design plans. She stated she also has a problem because the rezoning request was denied by the Planning Commission and then the plans were changed, and this is a different plan than that considered by the Planning Commission. She felt the developer should present plans and engineering so Council can see how the project will look.

Councilman Cunning pointed out that in some cases there could be some variances on cul de sac requirements. He pointed out again that the plans call for going from patio to single family to patio to single family. He did not feel this was good planning. He said he has a problem with the design and land plan issue. Mr. LeDuc pointed out if someone wanted to develop RS-15, they would have to get some variances. He pointed out variances have been granted in other areas, such as the Marion Street Cottages. He said, however, the developer has to ask for the variances.

Mr. Bill Howell, 919 Wildwood Road, expressed concern that the plans had changed. He was also concerned that more houses might be built on the property later. He wanted to be sure no more than 7 houses would be built on the property. It was pointed out that 7 to 8 houses could be built on the part requested to be rezoned to RS-6. Then on the 1.2 acres 3 to 4 homes could be built on the part that remains zoned RS-15. It was pointed out, however, that Mr. Shealy is only proposing to build 1 house on the RS-15 portion of the property.

Mr. Shealy stated he would be willing to commit that he will only build 7 houses on the property. He said in looking at the property he felt this was the best compromise for the neighbors in RS-15, so they would not have several houses backing up to their property. He said he felt it just would not work as well for the neighbors to develop the property with RS-15 lots.

Mrs. Regina Shealy stated she wanted to build her home on that land and had been looking forward to it for three years. She said the developer had said this plan might work for them so they could build their home. She pointed out she has 4 children, but has never let them play in the street, as she did not feel it was safe. She said she did not expect the neighbors to take care of her children, as this was her responsibility. She said she had seen the homes proposed to be built and they would be nice homes. She pointed out these homes would be near her property, so she would certainly want the homes to be nice homes. She said they were trying to compromise and develop something that would be nice for the neighborhood. She said they were only asking to build 7 houses on the property, and that was not too much for the property.

Councilman Sprawls moved that Council approve the rezoning request for RS-6 with the concept drawing as submitted. There was no second to the motion.

Councilwoman Vaughters moved that Council deny the rezoning request for RS-6 for 1.6 acres. She felt Council needed more detailed plans so the neighbors would know what would happen on the property. She felt she did not have enough information on the proposed project to feel comfortable with approving a zoning change. The motion was seconded by Councilman Smith.

Councilwoman Clyburn stated it was not clear to her why the neighbors were objecting to the rezoning. She asked if it was the size of the lots or the type of homes going on the lots.

Mrs. Patsy Capria stated her objection was the size of the lots. She pointed out with RS-15 zoning there would be the same size lots as surrounding properties. She felt it was not fair to change the zoning for the area now when they thought they had bought homes in an area with larger lots.

Councilman Cuning again expressed his concern about design and land planning for the property. He pointed out that there would be patio, single family, patio and single family and he did not feel that was good design.

Councilman Smith stated he did not have as much problem with the design. He said his problem is that Council should not rezone just because someone wants rezoning when all the neighbors around it are opposed to the rezoning.

Councilwoman Clyburn stated she wanted to hear both sides and why the neighbors objected and then make a decision on what's best for the overall area. She pointed out that not many people want the rezoning except for the developer and the owner of the property. She wondered if the developer could reconfigure the area so the Shealys could have their home and the neighbors could be satisfied with the development. She felt that both parties could give a little so there could be a compromise on the development.

Mayor Cavanaugh stated the neighbors bought their property with the understanding the property was zoned RS-15, and he did not think it would be right to change that.

Mayor Cavanaugh called for a vote on the motion to deny the request for rezoning 1.60 acres of land at Kings Sport Way from RS-15 to RS-6. The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Sprawls opposed the motion.

ZONING ORDINANCE – ORDINANCE

Amendment

Fences

Walls

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding fences and walls.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 4.1.4 OF THE CITY OF AIKEN ZONING ORDINANCE.

Mr. LeDuc stated the City's regulations in effect from 1971 until 1999 allowed fences and walls up to twelve feet anywhere within the City. In 1999, the zoning laws were changed which reduced the fence height to 6 feet, except in front of the house where the height could be 4 feet or less. We have received a number of requests before the Board of Zoning Appeals asking for a variance due to the confusion and restrictions currently in our zoning regulations. For this reason, the Planning Commission has recommended that the limit on the height of fences be changed to 6 feet on all sides of the house and that a fence or a wall in a historic district can be up to 12 feet in height. The proposed ordinance also removes some of the language which was confusing within the ordinance.

These changes were approved unanimously by the Planning Commission at their last meeting.

The public hearing was held.

Councilman Smith stated he had received a lot of feedback concerning the ordinance raising the front fence up to 6 feet also. He pointed out they were concerned that if everyone, for instance along Two Notch Road, decided to put up 6 foot fences, it would look very bad. He stated he also had concerns about allowing 6 foot fences in the front.

Mr. LeDuc pointed out presently only 4 foot fences are allowed in the front, with 6 foot fences allowed on the side and back. The proposed ordinance would allow up to 12 foot fences in the Historic District and 6 foot fences in other areas. He said if the majority of Council does not agree with 6 feet in the front, then the ordinance would need to be amended to 4 feet in the front and keep the 6 feet around the sides and back. He said then Council would need to decide what height to allow in the Historic District. He said the reason this is being recommended is that BZA has been receiving so many requests for variances for height of fences.

Councilman Cunning pointed out that looking at individual cases there are areas where a 6 foot fence would be fine, but other areas where a 6 foot fence would not look appropriate.

Council discussed the reasons for requesting a change in the ordinance and asking for higher fences.

Ms. Julia Sullivan stated she felt the height of a fence should be in proportion to the height of the home. She pointed out maybe there could be another process for approving height of fences if the BZA is being overwhelmed with requests for variances for fences.

Mr. Gary Smith pointed out the process is governed by state law.

Councilwoman Price moved, seconded by Councilman Sprawls, that Council pass the ordinance amending the Zoning Ordinance regarding fences, allowing up to 6 foot fences anywhere in the city and up to 12 foot fences in the Historic Districts.

Councilman Cunning stated he had a problem with the proposed ordinance. He said if the ordinance is passed a citizen has the right to put up a 6 foot fence on all sides of the property anywhere in Aiken and up to a 12 foot fence in a Historic District. He said in most covenants he has worked with, the front fence is lower, as you want openness in the front. He was concerned about having a lot of 6 foot fences in all areas and their not looking appropriate for the area.

Mayor Cavanaugh suggested that possibly the ordinance be separated and allow 12 foot fences in the Historic District, but only allow 6 foot fences in other areas with only 4 feet high for the front yard.

Mr. Wade Brodie, 422 York Street SE, pointed out he has a 6 foot fence on the sides and back of his yard with a 4 foot fence in front. He stated he felt it would look terrible in many cases to have a 6 foot fence all the way around properties.

Mayor Cavanaugh called for a vote on the motion to approved the proposed ordinance allowing up to 6 foot fences on all sides anywhere in Aiken and up to 12 foot fences in the Historic District. The motion received 2 votes in favor, Councilmembers Price and Sprawls. Opposing the motion was Mayor Cavanaugh and Councilmembers Clyburn, Cunning, Smith and Vaughters. The motion failed by a vote of 2 in favor and 5 opposed.

Councilwoman Vaughters stated she agreed with the Mayor that the ordinance should be separated and allow up to 12 foot fences in the Historic Districts.

Councilwoman Clyburn stated she felt a fence should be in proportion to the height of the house. She said she also agreed that if a 6 foot fence is allowed all the way around the property it does form sort of a box around the house.

Mr. Gary Smith, City Attorney, stated the language in the proposed ordinance allows the Historic Preservation Commission to have the authority to permit a fence or wall in an Historic District up to a height of 12 feet.

Mr. LeDuc pointed out there were some language changes in the proposed ordinance which would help clarify the ordinance regarding fences, and staff would like these to remain in the ordinance. He suggested that Council continue this ordinance to the next meeting so these changes could be included. He said he understands from the discussion that Council wants to allow the Historic Preservation Commission to have authority to permit a fence or wall in a Historic District up to a height of 12 feet. He said in other areas Council wants to allow up to a 6 foot fence on all sides, except allow up to a 4 foot fence in the front yard.

Mr. Gary Smith, City Attorney, stated Council had already denied the original ordinance. He said Council, however, can reconsider the proposed ordinance.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council reconsider the proposed ordinance amending the Zoning Ordinance regarding height of fences and walls.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council continue the proposed ordinance regarding fences to the next meeting.

FIRE HYDRANTS - ORDINANCE

Amendment

Parking

Fire Hydrants

City Code

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend Section 16-4 of the City Code regarding parking near fire hydrants.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 16-4, AIKEN CITY CODE, REGARDING ILLEGALLY PARKED MOTOR VEHICLES NEAR FIRE HYDRANTS OR IN A DESIGNATED FIRE LANE OR FIRE ZONE.

Mr. LeDuc stated that our City Court Judge recently made comments to our attorney regarding Section 16-4 of the City Code concerning illegal parking of motor vehicles near fire hydrants or in designated fire lanes or zones. For this reason we are modifying this section of the City Code to clarify the intent to specifically declare that it is unlawful to block fire lanes and zones as well as parking near fire hydrants in the city.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to amend Section 16-4 of the Aiken City Code concerning illegal parking near fire hydrants, and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION - ORDINANCE

Indian Creek Trail 120

Rahner, Sean

City Services

Silver Bluff Road

Town Creek Road

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 120 Indian Creek Trail as RS-15.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY SEAN L. RAHNER AND LOCATED AT 120 INDIAN CREEK TRAIL AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated that Sean Rahner, a Public Safety Officer, recently purchased property at 120 Indian Creek Trail consisting of 1.2 acres and is requesting annexation. He is interested in bringing this single family dwelling unit and property into the city for city services, including the city's Take Home Car Program for Public Safety. The proposed RS-15 zoning is compatible with the adjacent homes in the area, and this property meets the minimum lot size for this zone.

The Planning Commission unanimously approved this annexation request.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex property at 120 Indian Creek Trail as RS-15, and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Virginia Avenue 2808
Lorch, Sue
Sanitary Sewer
Sewer, Sanitary
Edgefield Avenue
Vaocluse Road

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 2808 Virginia Avenue.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED AT 2808 VIRGINIA AVENUE AND TO ZONE THE SAME RESIDENTIAL SINGLE- FAMILY (RS-10).

Mr. LeDuc stated that Sue Lorch is the owner of .22 acres at 2808 Virginia Avenue and would like to annex this property under the RS-10 zoning. The applicant is interested in receiving city sanitary sewer as well as the other services offered in the city. The lot is currently served by city water and sanitary sewer is now available to the property. The proposed RS-10 zoning is compatible with the adjacent properties and the 9,583 square foot lot is just under the minimum required of a 10,000 square foot lot. The lot can be built on even though it would be nonconforming, as long as it meets the required setbacks. Most of the other lots in the area would meet the RS-10 zone, and therefore it is better to zone this property at this level so it is consistent with future surrounding zoning.

The Planning Commission unanimously approved this annexation.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex property at 2808 Virginia Avenue under the RS-10 zoning, and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Hidden Haven
Scire, Joe
Silver Bluff Road
Woodside Plantation

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 20.6 acres east of Hidden Haven.

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 20.3 ACRES OF LAND, MORE OR LESS, OWNED BY JOSEPH SCIRE AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Mr. LeDuc stated that Joe Scire would like to annex a 20.6 acre undeveloped tract of land east of Hidden Haven Subdivision under the Planned Residential zoning. The property to the east and south (Woodside Plantation) is zoned Planned Residential, to the west (Hidden Haven) is zoned Residential Manufactured Homes, and to the north the property is developed as single family, with two city wells. He said when Hidden Haven was originally designed, there were other lots planned for manufactured homes, but the developer did not continue the development. Some of those lots were subdivided, with the city purchasing two lots for water wells. He said there are 20.6 acres behind Hidden Haven that Mr. Scire wants to develop. Mr. Scire originally appeared before the Planning Commission last fall asking for RS-6 zoning, which would have allowed over 100 units to be developed on this property. The proposal was denied by the Planning Commission at that time. Mr. Scire has tried to work with the City and waited until the Planned Residential zoning was approved, so he could build 44 units on the property as shown on a plat presented to the city.

Under the Planned Residential regulations a developer could have 8 units per acre with 20% open space. His density is below this amount, and the concept plan shows 25% open space, or about 5.25 acres. The original concept plan for this property would have continued the Manufactured Home development onto this property. Since that time, Hidden Haven annexed into the city in 1993, and all the roads were upgraded with Polaris Drive having a pavement width of 24 feet.

Mr. LeDuc stated if the property remains in the County, it is uncertain how many units could be built on the property, as the houses would be on wells and septic tanks. He said with 20 plus acres there could be a number of units built on this property. He said when the Planning Commission looked at the request they had a number of concerns, and 58 of the residents of Hidden Haven have signed a petition that they do not want housing built on the property.

The 72 homeowners in Hidden Haven are concerned about the 400 additional trips per day on Polaris Drive going through their development. Also, they are concerned with the amount of additional traffic that will be exiting Hidden Haven at Silver Bluff Road. Over the past three years, a total of 6 accidents have occurred at this intersection, compared to 18 at Silver Bluff-Town Creek Road, which is in close proximity to this intersection.

Hidden Haven residents are also concerned about the adequacy of the roadway for emergency vehicles. Captain Taylor from our Fire Division examined the roadways and felt there was sufficient width for fire trucks and other emergency equipment to respond in case of emergencies. His only concern was safety and the increased number of vehicles turning from Hidden Haven Drive onto Silver Bluff Road. Silver Bluff Road has a "B" Level of Service and needs 3,000 trips per day from any development to require a traffic study. He said when Silver Bluff Road is widened in the next 3 to 5 years, the road could better accommodate the traffic with more lanes. However, currently there are some problems with the two lane roadway. He said this is a difficult situation. The property is vacant and will be developed at some time.

A number of citizens from the Hidden Haven Subdivision spoke in opposition to this development at the Planning Commission meeting. The Planning Commission voted unanimously to recommend denial of the annexation because of their concern about the impact on the residents of Hidden Haven and the Melrose Townhome development.

Mr. LeDuc stated if Council recommends approval of this development, the Planning Department has recommended that four conditions be considered.

Mr. LeDuc stated the plan that Joe Scire has presented is before Council. He has been cooperative with the city on the development of 44 units on 20.6 acres.

Mr. Joe Scire, 631 Oak Meadow Lane, stated the 20.6 acres could be developed through the County. He pointed out the roads leading to the property are public roadways. He said he felt the 44 lots is a good project and belongs in the city. He said he wanted to develop the property with city water and sewer. He said he had worked with the city to come up with the proposed plan, which is below the Comprehensive Plan of 8 units per acre. He said he felt the 44 units proposed was reasonable and far below the original Comprehensive Plan. He said he felt the proposed development is a nice project and will improve property values in the area. He said he does a very nice development with landscaping in the project. He said according to the plan proposed, 44 lots is the maximum allowed to be built on this property. He said there were buffer areas. The property backs up on two sides to Woodside. He said he had worked with Mr. Morris, Public Works Director, and tried to address his concerns and concerns of the residents. He said his market would basically be the retirement market and would be similar to Mallard Lake homes.

Councilman Cuning stated he had read all the comments from residents who don't want anything done with the property. However, something will be developed on the property eventually. He said his concern is traffic on Silver Bluff Road. He said possibly a turn lane should be installed on Silver Bluff Road. He said possibly Mr. Scire could pay something to try to help mitigate the Silver Bluff Road traffic problem. He pointed out that Mr. Scire could develop the property in the County with septic tanks with many more lots. He said traffic inside Hidden Haven is not the real concern. He said if Hidden Haven had been developed as originally planned, there would be much more traffic within the Hidden Haven development. His other comment is that the property be developed under the highest residential zone, RS-15, and some contribution for a turn lane on Silver Bluff Road. He said from a marketing standpoint he felt something needed to be done on Silver Bluff Road.

Mr. Scire stated he did not know if he could actually go in and put in a turn lane on Silver Bluff, since it is a state road. He pointed out there are some heavy power lines in the area. He said it was wide open what he could do with the property leaving it in the County. He said he plans 44 units on 20.6 acres with a lot of open space. He said the lots are large, and the homes would be from 1200 to 1400 square feet. He said he would have one main road into the property, with two cul de sacs.

Council continued to discuss the proposed development at length, asking questions regarding the proposed development and work on Silver Bluff Road for better ingress and egress to the development.

Mr. LeDuc stated Silver Bluff is a state road, and a highway permit would have to be obtained to make turn lanes. He said Silver Bluff already is a dangerous intersection, and improvements could be a big help. He said the City would probably have to do the improvements, and Mr. Scire contribute funds to the city for the work. He said if Council wants improvements on Silver Bluff, staff could discuss the matter with the Highway Department and determine the cost. He said Council would need to be specific as to what they would expect Mr. Scire to contribute to the improvements, such as 100%, 50%, 25% etc. He said the improvements would cost at least \$50,000 to \$100,000, as there would have to be some utility changes made, including power poles, drainage, etc. He said it would not be a simple job. It was pointed out the improvements need to be done all the way to Town Creek, as this is a bad section of Silver Bluff. He said it would take some time to talk to the Highway Department and to do some estimating of the cost. He said if this is something Council wants it would be better to continue the matter so the information could be obtained.

Councilwoman Price stated she could not support the project at this time because it would be increasing a safety risk for the area. She pointed out there are already problems in the area, and the development would add to the problem. She said she would like some additional information on improvements to Silver Bluff.

Mr. Scire stated he did not have the engineering for the project done yet, so there is some time. He said he would not go forward with the project until he gets approval.

Mr. John Kyle, Hidden Haven, stated his concern was safety at Silver Bluff. He stated a turn lane would certainly help the problem. He also pointed out a sharp curve by the mailboxes. He asked that the curve be addressed. He said Mr. Scire had worked with the city on the development and the number of houses in the development. He said he felt it should be approved once the safety issues are taken care of. He said he felt there needed to be some speed bumps in Hidden Haven to slow the traffic down.

After discussion Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council continue the request for annexation of 20.6 acres east of Hidden Haven, with the City Manager obtaining additional information on safety conditions at the curve, any other conditions on the roadway, turn lanes at Silver Bluff and Hidden Haven Drive, and the four conditions recommended by the Planning staff.

Mr. LeDuc stated he would try to have the information for the next meeting of Council. Council also asked that he obtain information on the County zoning and what could be developed on the property in the County.

AIKEN GOLF CLUB - ORDINANCE

Amendment

Lots

Highland Park Country Club

Reardon, Kenneth

McNair, James

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend an ordinance authorizing the use of lots on Aiken Golf Club.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE OWNER OF A RESTRICTED NONBUILDABLE LOT, FORMERLY PART OF HIGHLAND PARK COUNTRY CLUB, NOW KNOWN AS AIKEN GOLF CLUB, TO REMOVE THE RESTRICTION AGAINST BUILDING ON IT.

Mr. LeDuc stated in 1996, City Council approved an ordinance which allowed the owner of the then Highland Park Country Club to sell 4 lots from the country club property, and to sell one nonbuildable lot to serve as an extension of an existing lot owned by Kenneth Reardon. Kenneth Reardon would like to combine a portion of his current property with the nonbuildable lot to make it into a buildable 15,000 square foot lot. Jim McNair, owner of the Aiken Golf Club, states that he has given the Reardons preliminary permission to proceed, conditioned upon approval by City Council. City staff has reviewed this request and feels this would pose no problem to the golf course or adversely affect the surrounding area. In 1996, Council placed several restrictions on the other four lots, and these should also apply to the Reardons lot. Mr. LeDuc stated previously the conditions were between the golf course owner and the city. Now this request needs the golf course owner's approval and the city's approval to allow this to be done. He said the request is to approve allowing the lot designated as unbuildable to be allowed to be buildable, so Mr. McNair can work with the Reardons to allow a house on the lot in the future. He said the Reardons understand they have to reconfigure their lot so there will be at least 15,000 square feet in the lot and also abide by the various other conditions on the other four buildable lots.

Mr. Jim McNair, owner of the Aiken Golf Club, stated Mr. Reardon had come to him and expressed an interest in building on a lot that he had obtained in 1996 from the Golf Course. He pointed out there is also another lot that he would like to release from the Golf Course for building. He said this is a pie shaped lot on Chaffee Spring Drive and Valley Green Drive. He said the lot is about 20,000 to 25,000 square feet. He said in 1996 he did not pursue the selling of this lot because a friend objected. He said Mr. Reardon now wants to build on the lot he purchased. He said he did not feel that it would

cause any problems for the golf course. He said he had hoped to get the other lot released under the same amendment to the ordinance. He said this lot is across the fairway at the point of Valley Green and Chaffee Spring Drive. He said he takes the restrictions on the Golf Course seriously, and he would like to continue to have the restrictions on the property. He said there are no other residentially valuable pieces of property on the golf course. He said there should be no future requests for property releases.

Mr. LeDuc stated the request before Council at this meeting is the one lot next to the Reardons. He said he was not aware of the request for release of the lot on Valley Green Drive. He said if Council is willing to release the lot, staff needs to look at it before giving approval.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to remove the restrictions from the 1996 ordinance concerning the nonbuildable lot at the then Highland Park Golf Course, and that second reading and public hearing be set for the next regularly scheduled meeting.

AIKEN EDUCATION AND ARTS GROUP

Letter of Support

Aiken Performing Arts Academy

Lloyd-Kennedy Charter School

Mayor Cavanaugh stated Council needed to consider approval of a letter of support for the building of an educational complex to house the Aiken Performing Arts Academy and the Lloyd-Kennedy Charter School, starting in August, 2005.

Councilwoman Clyburn left the Council Chambers and did not participate in the discussion because of a possible conflict of interest, since she is an employee of the group.

Mr. LeDuc stated the Aiken Educational and Arts Group is seeking financing to construct an educational complex to house the proposed Aiken Performing Arts Academy and the existing Lloyd-Kennedy Charter School. The current charter school educates students in grades 5 – 8, with a maximum of 100 students, and the proposed Aiken Performing Arts Academy will provide high school and performing arts curriculum for 100 students in grades 9 – 12 starting in August, 2005. Both charter schools have received approvals and sponsorships from the State and local School Boards.

The Aiken Educational Group has submitted a financing application to the USDA and needs to provide evidence of community support. Since a large number of students reside in the City of Aiken, they are asking that we provide a letter of support from the City. This letter of support would be signed by the Mayor, stating that the facility would provide a service to the community and would have no adverse impact on other community facilities providing similar services. They intend to construct this new facility on the west side of U.S. Highway 1 just north of the Aiken County Fair Grounds. Aiken County is also being requested to provide a similar letter of support for this facility.

Councilwoman Price moved, seconded by Mayor Cavanaugh and unanimously approved, that Council authorize the Mayor to provide a certificate of support for the building of an educational complex to house the Aiken Performing Arts Academy and the Lloyd-Kennedy Charter School starting in August, 2005.

Councilwoman Clyburn returned to the Council Chambers.

MORTGAGE ASSISTANCE PROGRAM

Northside
Asheton Oaks Subdivision
Local Option Sales Tax
LOST

Mayor Cavanaugh stated that Council needed to consider approval of the Mortgage Assistance Program.

Mr. LeDuc stated that over the past couple of years the City of Aiken has built several homes for sale on the northside. Initially these homes were constructed for \$75,000 to \$85,000. Over the past few years housing material prices have gone up dramatically, along with labor cost. This has increased the price of the homes from the low \$90,000's to \$105,000. This price includes \$10,000 for land that's rolled over into future projects. The increased price is making it extremely difficult for individuals to purchase these "affordable homes." Of the five presold homes being built in the Asheton Oaks Subdivision, only one buyer to date has been able to qualify for this home without any assistance. The other four buyers, after receiving the maximum \$14,000 grant assistance, still cannot afford these homes without some additional subsidy.

City staff considered reducing the price of the land to help the buyers qualify, but feel that this is shortsighted, and long term would not benefit the City. Instead, we are recommending that we maintain the land price at \$10,000 and consider assisting low and moderate home buyers by providing a subordinate mortgage up to \$8,000 to fill the financial gap. We estimate that up to 12 buyers per year may take advantage of this loan, and estimate the average loan to be about \$5,000.

If the City provided a mortgage assistance program we would need to budget approximately \$60,000 per year. Each loan would be structured on an as needed basis, dependent on the underwriting of the financial institution. Repayment could be deferred up to three years, and would be repaid on or before 10 years from the date of the mortgage. Loans would be structured for the shortest possible repayment terms as each borrower may bear. The loan interest rate would be at 3%, which is nearly twice the amount that we are currently receiving at the state level.

By utilizing this form of assistance, the City can complete the sale while still assisting low to moderate income individuals to purchase these homes. The City in turn would still get the \$10,000 for the sale of the lot and over a period of time a return from the loans. This revolving fund would allow the City to continue assisting with the revitalization of the northside.

Starting in 2006, we will be receiving Local Option Sales Tax funding in the amount of \$250,000 yearly to assist us in our Northside revitalization efforts. We currently have over \$400,000 in Special Holding available for the Northside revitalization programs, and some of those funds are available to help start the Mortgage Assistance Program. If Council approves this assistance, all the homes that are currently being constructed in Asheton Oaks can be presold with individuals that are already pre-qualified and only need this extra financing to fill the gap.

Council discussed the proposed Mortgage Assistance Program and how it would work.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the Mortgage Assistance Program.

AIKEN COUNTY PRE-DISASTER MITIGATION PLAN

Aiken County
Lower Savannah Council of Governments
LSCOG
Federal Emergency Management Agency

Mayor Cavanaugh stated an ordinance has been prepared to adopt the Aiken County Hazard Mitigation Plan prepared by the Lower Savannah Council of Governments.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ADOPT THE AIKEN COUNTY HAZARD MITIGATION PLAN
PREPARED BY THE LOWER SAVANNAH COUNCIL OF GOVERNMENTS.

Mr. LeDuc stated that for the past several months, Public Safety has been working with Aiken County and the Lower Savannah Council of Governments on a Pre-Disaster Mitigation Plan. The Natural Hazard Mitigation Plan is required by the Federal Emergency Management Agency for all counties in the state of South Carolina. The plan helps to reduce risk from natural hazards and serves as a guide for decision makers as they commit resources to reduce the effects of these natural hazards. It also provides a guide for the South Carolina Emergency Management Division in its efforts to provide technical assistance and to prioritize funding for counties and cities in South Carolina. The 96-page plan is in a draft form, and once it is implemented, it will allow us to be eligible to receive fiscal year 2005 pre-disaster mitigation funding. A copy of the section concerning the City of Aiken was given to Council for review.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to approve the Hazard Mitigation Plan for Aiken County, and that second reading and public hearing be set for the next regularly scheduled meeting.

GEM LAKES

Sewer System

Purchase

South Carolina Utility, Inc.

Silver Bluff Road

Sanitary Sewer

Mayor Cavanaugh stated that Council's approval was needed to begin negotiations with Carolina Utility Systems to purchase the Gem Lakes sewer system, including the lagoon and spray fields.

Councilman Cunning left the Chambers and did not participate in the discussion or voting because of a possible conflict of interest since he works at Regions Bank, the owner of the spray field and additional land in Gem Lakes.

Mr. LeDuc stated that last fall the residents of Gem Lakes met with City Council to discuss the problems they were having with their sewer system. At that time they asked the City to consider purchasing the sewer system, and in return the residents would pay the City back on a monthly basis. A petition was then circulated throughout the Gem Lakes community requesting the City to begin the negotiation process to purchase this system. Once the City staff finalizes the negotiations, it would then come back to Council for final approval. If Council approves the purchase, the issue would then be voted on at a special election. As a condition of the purchase, the City would operate and maintain the system, and the residents would pay the City a monthly surcharge to cover the cost along with the normal monthly maintenance charge.

Nearly 90% of the residents signed the petition for the City to purchase the sewer system. We are requesting City Council's permission to begin the negotiation process with South Carolina Utility, Inc.

At the February meeting, the Planning Commission will be reviewing an annexation petition by the Gem Lakes residents. Eighty-Five percent (85%) of the residents have signed the petition stating they want to annex, with less than 11% saying they do not want to be a part of the City. Four percent (4%) could not be reached, most of whom do not live in the area. The Planning Commission will act on this petition at their February meeting, and Council will be receiving the annexation petition for review in late February. He said in looking at the request, Council will have to decide if they want 100% petition or use the 75% rule for annexation. He said there is a lot of staff time involved with the 75% annexation.

Mr. LeDuc stated the matter had been discussed by Council on several occasions. He said Council had indicated in the past that they were agreeable to moving forward. He said he wanted to go ahead and document that Council would like for the City to negotiate with Carolina Utilities System to buy the system. He said they would negotiate and bring some options to Council. He said the City is looking at purchasing the spray fields and the lagoon and clean the area up.

The Gem Lakes residents would like the purchase of the system and the annexation petition to be approved at the same time. Therefore, after the first reading of the annexation ordinance we would delay second reading until we have completed our negotiations to purchase the sewer system.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve the request to begin negotiations with Carolina Utility Systems to purchase the Gem Lakes sewer system, including the lagoon and spray fields.

Councilman Cuning returned to the meeting.

RESOLUTION

White House
Advisory Council
Historic Preservation
Preserve America

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to designate the City of Aiken under the Preserve America Program.

Mr. LeDuc read the title of the resolution.

RESOLUTION IN SUPPORT OF PRESERVING THE HERITAGE ASSETS OF AIKEN, SOUTH CAROLINA, USA

Mr. LeDuc stated the White House has an initiative in cooperation with the Advisory Council on the Historic Preservation and U.S. Department of Interior, Commerce, Agriculture, Housing and Urban Development to preserve our national heritage. They would like communities to be designated as Preserve America and will grant them this status if they meet certain criteria.

As part of the application process they require the City to pass a resolution to endorse the City of Aiken's request to be considered for the Preserve America Program. This honorary designation would recognize our accomplishments and those of other American cities and towns. In the future there may be limited financial assistance available for those that have been designated under this program.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approved the resolution designating the City of Aiken under the Preserve America Program.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:40 P.M.

Sara B. Ridout
City Clerk