

Aiken City Council Minutes

April 12, 1999

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

Others Present: Roger LeDuc, Bill Huggins, Tom Galardi, Larry Morris, Ed Evans, Anita Lilly, Stanley Quarles, Richard Pearce, Sara Ridout, Nina Nidiffer of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, and 28 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Roger LeDuc led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of March 22, 1999, were considered for approval. Councilwoman Papouchado moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsAccommodations Tax CommitteeWoodrum, BearHousing AuthorityGallman, James

Mayor Cavanaugh stated Council needed to make some appointments to the various boards and committees of the city.

Mr. LeDuc stated Councilmember Radford has recommended reappointment of Bear Woodrum to the Accommodations Tax Committee with the new appointment to expire March 25, 2001.

Councilmember Price has suggested the reappointment of James Gallman to the Housing Authority with the new term to expire May 20, 2004. The terms on the Housing Authority are five years by state law.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved, that Bear Woodrum be reappointed to the Accommodations Tax Committee with the term to expire March 25, 2001.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that James Gallman be reappointed to the Housing Authority with the term to expire May 20, 2004.

ANNEXATION - ORDINANCEMaxxon, Inc. R & H1850 Whiskey RoadPine Log RoadConvenience StoreDepotDangerfield, TimTPN 30-058.0-04-001

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex the Depot at Whiskey Road and Pine Log Road.

Mr. LeDuc stated a letter had been received from Greg Ryberg and Tim Dangerfield, owners of the Depot at Whiskey and Pine Log Road, requesting that Council postpone the public hearing on the annexation request because they would be out of town. He said they would like to be present for the public hearing on the annexation request.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council postpone the second reading and public hearing on an ordinance to annex the Depot at Whiskey and Pine Log Road until the April 26, 1999, meeting.

ZONING - ORDINANCE 041299

Senior Apartment Complex
Dupont Drive
Rangos, N. W.
New Labor Housing and Economic Development Corp.
Aiken High School
Rutland Drive
Aiken Housing Authority
Apartments
Sedgewood Subdivision
TPN 00-154.0-01-006

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property on Dupont Drive from R-1A to R-2 Multi-Family for a Seniors Apartment Complex.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON DUPONT DRIVE AND OWNED BY N.W. RANGOS FROM R-1A to R-2.

Mr. LeDuc stated at the February 9, 1999, Planning Commission meeting the Planning Commission recommended approval of the rezoning of the property off Dupont Drive opposite Aiken Senior High School. This property currently is zoned R-1A Single Family Residential and New Labor Housing and Economic Development Corporation, a subsidiary of Aiken Housing Authority, is requesting an R-2 zoning to allow apartments for seniors.

Under R-2 zoning a maximum of 54 apartments can be built, and they are requesting a 48-unit apartment complex for senior citizens. A similar complex has been built in Greer, South Carolina, and a city staff member along with a resident went with the Housing Authority to review this complex. They both felt that if the proposed complex, is built to the Greer design, it could be positive for this area. One of the major issues concerning this project is that if City Council rezones this property for R-2 zoning, and the project is not built any other type of apartment complex up to 54 units could be built there. The staff would ask City Council to consider making the rezoning with the condition that if approval for these units is not given within a specified time period or if a building permit is not acquired within 270 days that the property would revert to R-1A zoning.

Questions that neighbors have voiced concerning the property include drainage problems, traffic, and noise.

The public hearing was held.

Mr. Reggie Barner, Executive Director of the Aiken Housing Authority and President of New Labor Housing and Economic Development Corporation, said the intent is to develop 48 units of senior housing on a 5 acre tract of land on Dupont Drive. The property is contiguous to Beverly Health Care Nursing Home as well as two mentally retarded group homes. He stated he had renderings of the proposed project. He pointed out the proposed project is behind two group homes. He stated the Housing Authority had withdrawn its second application which was for 50 units of single family housing on the same property zoned Single Family Residential. He said the only request at this time is the rezoning of the 5 acre tract for the 48 seniors apartments. Mr. Barner stated the Housing Authority had looked at two sites, one being the site on Dupont Drive and the other on the corner of Lincoln Avenue and Highway 19. He stated they looked at these sites because of the close proximity to nursing homes in both locations. Because of the population the apartments would target, i.e. low to moderate income, he felt when the transition needs to be made from an independent living situation into a retirement or skilled facility, the people would not have to lose their neighborhood environment in making a move. If a spouse had to live in a skilled facility then the other one would be close by. He pointed out the site on Dupont Drive is a good distance from the nearest house. He stated two group homes for the mentally retarded and a retirement facility are in the area. He said they felt the proposed \$4 million development for seniors would be a complement to the area. It was pointed out the units would not be seen from the road as the complex would be off the road. He stated the units would not be an assisted living community nor a nursing home, but one and two bedroom units for seniors.

Mr. Larry Morris, Public Works Director, addressed questions about drainage in the area. He said he had looked at the site and pulled the original plans for the site when Mr. Rangos first started developing the area as Sedgewood Subdivision. The wetlands area appears to be behind the area that is proposed for the apartments. He said the city would look at the proposed plans in the design stage to see what impact drainage would have on the area. Some type of detention would be required for the stormwater and possibly it could be worked into the wetlands. He said there is presently a wetlands behind the proposed site and the Variety Restaurant. He said the wetlands is important and cannot be disturbed. He pointed out the yards which are currently flooding are along Teague Street and Dupont and are lower than the proposed apartment site. He said the apartment would be required to channel their water away from the area and would be directed to the rear of the proposed site toward the wetlands area. He said currently the water that is coming off Teague is caused by a pipe which comes off Teague which was installed by the original developer. He said by taking the water which will come off the proposed site in a different direction it will not hurt the area or increase the water on Teague. He said he did not feel that any work that would be done would make the drainage along Teague worse.

Mrs. Sandra Baxter, 909 Teague Street, presented pictures of her yard showing a drainage problem. She stated she moved into her house in 1989 and the houses across the street had not been built. She stated she did not have a drainage problem until the houses across the street were built. She stated she had complained to the city about the problem. She said the city had cleaned the pipe out and replaced the pipe. She stated she had a water problem any time there is a heavy rain. She pointed out the city was saying that perhaps the proposed project would not make her drainage problem worse. She stated currently her property is vacant on Teague Street. She felt the problem with drainage is real and not something which just came up because of the project. She stated traffic in the area is heavy with the high school, elementary school, city public works department, UPS vehicles, etc. She stated she was concerned about concentrating low rental properties in an area. She stated there is a criminal element in the world that preys on these people and the more concentrated an area the more the crime rates increase. Ms. Baxter stated she was concerned about the water problem. She stated the city had not fixed the problem in five years and the problem was caused when six houses were built. She felt the impact on drainage would be a lot more with the number of units proposed to be built.

In answer to Councilman Radford's question regarding drainage, Mr. Morris stated the developer would have to have some kind of detention pond, probably on site to take off the drainage. The detention pond should be toward the rear of the property on the eastern side away from the homes on Teague. Mr. Morris pointed out Mrs. Baxter does have a drainage problem at 909 Teague Street. He said one problem is that Mr. Rangos never finished his development. Councilmembers pointed out Mrs. Baxter's problems seem to be a problem between Mr. Rangos and Mrs. Baxter. Councilwoman Clyburn stated it seemed that Mrs. Baxter's drainage problem was a separate problem from the building of apartments on Dupont. Councilwoman Clyburn stated she felt the State of South Carolina holds the developer responsible for problems such as Mrs. Baxter's.

Councilwoman Price stated the people that she had spoken with support the proposed development. She stated her concern, however, was could the city assure that the drainage problem would not increase.

Mr. Morris stated he would require the engineer doing the design work to install a larger design storm drain than usually required. He said he could not give a 100% assurance that at some time the drainage system might not fill up, even though well designed, in unusual rains.

Mr. Richard Pearce pointed out that under South Carolina law adjoining land owners are answerable to one another and cannot create an artificial condition that would concentrate water and dump it on adjoining property.

Councilman Perry pointed out that the property in this area for many years was a swamp and was not developed. He said that is why the property has not been completely developed.

Mrs. Roseanne Cooper, 712 Brucewood Street, asked for clarification on the proposed condition that if funding for the units is not given within a

specified time period or a building permit not acquired within 270 days from approval by Council that the property would revert to R-1A zoning.

It was pointed out that if the Housing Authority does not obtain a building permit within 270 days from approval by Council that the property would revert to R-1A zoning.

Mrs. Cooper stated she had been in the neighborhood for over 40 years and the property had never developed because it was a lake and always had water on it. She also pointed out that there was already property at the corner of Lincoln and S.C. 19 zoned R-2 for multiple family units. She also pointed out an area on Chesterfield Street where housing was being demolished and felt it would be a great place to build apartments and there would be sidewalks in the area. She questioned placing the units in the proposed area in a hole with the possibility of a water problem and behind a very active high school.

Mayor Cavanaugh stated he was very concerned about the water problem and wanted to be sure water would not be increased in the area.

Mr. Howard Lawton, 740 Teague Street, pointed out the area has been a swamp for many years, and he felt there would be a problem with water. He also pointed out a sewer problem in the area and a mosquito problem with water standing in the area.

Mrs. Kay Lawton, 740 Teague Street, stated Mr. Rangos had never developed all the property probably because of the water problem. She pointed out Mr. Morris did not give a specific location as to where water from the area would drain but referred to the Carolina Bay. She pointed out 80% of the Carolina Bay is on property now owned by Mr. Royal Robbins, and she felt more water would go to the Carolina Bay area. She also pointed out the zoning would be spot zoning and would be in conflict with the Comprehensive Zone Plan. She stated if the decision was in favor of the rezoning she asked that Council consider how it would affect the people in the neighborhood. She pointed out that over 80% of the people in the area object to the rezoning of the five acres. She asked that Council consider what their decision might do to the existing neighborhood. She also stated the request at the present time is only for five acres, but in the future someone may want to develop the rest of the area. She felt the effect of development of all the property should be considered since whatever is developed will affect the whole area. She pointed out the value of her house had decreased since small houses had been built in the area. She was concerned about drainage in the area and lowering the value of the homes in the area.

Mr. Robert Cato, 102 Columbia Avenue, was concerned about water in the area and drainage in the area.

Mr. David Osbon, 119 Dupont Drive, was concerned about noise in the area, water and the lowering of property values.

Councilman Perry pointed out if the property is rezoned Council needs to give the reason for not following the Comprehensive Plan. He pointed out the Planning Commission vote was not unanimous but was 4 to 3 in favor of the motion to rezone.

Mr. Evans, Planning Director, stated Council can go against the Comprehensive Plan but they need to state the reason for doing so.

Councilman Perry pointed out the people who live in the area are concerning about drainage in the area and the value of their homes with multi-family units in the area. He said he felt this was the wrong piece of property for the development as it would increase density in the single family area.

Mayor Cavanaugh stated he agreed with Councilman Perry and felt there were a number of problems in the area such as the drainage, and he was not sure the drainage problem would not increase. He felt there should be a good reason for rezoning, and he had not heard a good reason for rezoning. He said because the project would be down the street from the nursing home was not a good reason. He was concerned that the Housing Authority had not looked at other areas for the project.

Councilwoman Clyburn stated there are some people who live in the area who are in favor of the project. She pointed out if other property is selected for the project there will be people opposing the project in that area also. She pointed out Mr. Morris had stated that the project probably would not impact

on the drainage situation that already exists. The proposed project would take care of itself, but something different needs to happen to correct the problem on Teague Street. She pointed out that if the Housing Authority cannot come up with a plan to take care of the drainage in the 270 day period the zoning will revert to R-1A zone.

Councilwoman Price stated Council is concerned about the drainage in the area and concerned about the value of the community. She stated, however, there is a need for the proposed facility in the community. She felt the facility would enhance the area.

Councilwoman Clyburn moved, seconded by Councilwoman Price, that the ordinance rezoning 5 acres located on Dupont Drive owned by N. W. Rangos from R-1A Single Family Residential to R-2 Multi-Family Residential be passed on second and final reading with the condition that a building permit must be obtained within 270 days from April 12, 1999, or the rezoning does not occur. The motion was approved by a vote of 4 to 3. Voting in favor were Councilmembers Anaclerio, Clyburn, Papouchado, and Price. Opposed were Mayor Cavanaugh, and Councilmembers Perry and Radford.

MRS. AMERICA

Friedman, Stephanie

Mayor Cavanaugh recognized Stephanie Friedman, Mrs. America. He stated this was quite an honor for Mrs. Friedman and for the City of Aiken.

SUBDIVISION REGULATIONS - ORDINANCE

S.C. Planning Enabling Act
Planning Act

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration amending the Subdivision Regulations.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF AIKEN.

Mr. LeDuc stated that at the March 9, 1999, Planning Commission meeting, the Planning Commission recommended some minor changes which are needed to the Subdivision Regulations in order for the city to bring these regulations into compliance with the South Carolina Comprehensive Planning Enabling Act. Amendments are needed as follows concerning the Subdivision Regulations:

1. The name be changed from Subdivision Regulations to Land Development Regulations.
2. The definitions for land development and subdivisions be further defined.
3. That the appeals be amended to reflect that a decision by the Planning Commission is appealed to the Circuit Court rather than City Council.

The Commission voted unanimously to recommend approval of the amended Subdivision Regulations to City Council.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance amending the Subdivision Regulations and that second reading and public hearing be set for the next regular meeting of Council.

Councilwoman Papouchado pointed out that adoption of the revised Subdivision Regulations would be a change for the city and citizens, noting that citizens would no longer appeal a decision to City Council but to the Circuit Court.

Councilman Perry stated he would like to find out how to challenge the law requiring the revision of the Subdivision Regulations and the Zoning Ordinance. He pointed out this legislation affects the cities and Home Rule.

ALCOHOLIC BEVERAGES - ORDINANCE

Hours
Closing
Wine
Beer

Mayor Cavanaugh stated an ordinance had been prepared for first reading setting hours of operation for establishments serving alcohol.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 4-5 TO THE CITY OF AIKEN CODE TO SET THE HOURS OF OPERATION FOR ESTABLISHMENTS SERVING ALCOHOL.

Mr. LeDuc stated the Public Safety Department has recommended that the city set hours for the sale of wine and beer consumed on the premise. Currently the state law sets a 2:00 a.m. closing period for the sale of all alcoholic beverages except for wine and beer for on site consumption. Without a time limit there are several establishments in the City of Aiken, some near neighborhoods, that experience noise created by music, patrons talking loudly, and overflow parking into the neighborhoods. At times the sales go on until 5:00 or 6:00 a.m. Because of this, the city has received complaints from these neighborhoods, especially Aiken Estates and Crosland Park, but at times have also received them from other areas. Although the city has charged many patrons for littering and urinating in public, these problems continue and are a nuisance to our citizens who live nearby these establishments.

The staff is recommending that the City of Aiken set the hours for beer and wine sales for consumption at the establishment to be from 10:00 a.m. to 2:00 a.m. which complies with the state law for the sale of all other liquor and alcoholic beverages. Within the ordinance there is also a provision that they could extend their hours to 3:00 a.m. on certain holidays by requesting a permit from Public Safety.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance establishing hours for the sale of beer and wine for on premise consumption and that second reading and public hearing will be set for the next regularly scheduled City Council meeting.

ADDITIONS TO AGENDA

Garbage Service
Savannah River Site

Mayor Cavanaugh stated one item needed to be added under New Business regarding extending the trial period for commercial garbage pickup by private businesses. Under Petitions and Request a request has been received for funds for the 50th Anniversary celebration.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh, that the items be added to the agenda. The motion was unanimously approved with Councilwoman Price not participating in the vote.

GARBAGE

Commercial Garbage Service
Contractor
Solid Waste
Sanitation

Mayor Cavanaugh stated the staff had made a request that the trial period for pickup of commercial garbage service by private firms be extended for another six months.

Mr. LeDuc stated that about six months ago City Council amended the City Code to allow private firms to perform commercial garbage collections in the city. Council had asked that the staff review the pilot program in six months. Since that time nine establishments have changed their service to a private company because they could get a lower price. The staff feels that the competition is good. He stated the staff would like to continue the program for another six months to be sure the city wants to continue allowing private service.

Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve continuance of the program allowing outside vendors to pickup commercial garbage at businesses located within the city for another six months to further evaluate the program.

BUS SERVICE

Bus

Dial-A-Ride

Best Friend Express

Funding Request

Aiken County Transit System

Council on Aging

Aiken Area Council on Aging

Mayor Cavanaugh stated Council had received a request for support of the Aiken County Transit System.

Mr. LeDuc stated George Alexander, Executive Director for the Aiken Area Council on Aging, had written a letter requesting Council's support of the Aiken County Transit System with funding in the amount of \$15,000.

For several years City Council has approved funding in the amount of \$15,000 for support of transportation for the elderly and disabled. Mr. George Alexander, of the Council on Aging, was to be present to discuss the request. Mr. Alexander has stated that ridership on the bus service has been increasing steadily, especially for the elderly and disabled and that there is a great need in the city and the county for this type of transportation. In the past the city has designated that the funds given to the Aiken County Transit System be allocated for the Dial-A-Ride System.

Council discussed the request briefly and since Mr. Alexander was not present to answer questions, Council members wanted to postpone action on the request.

Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved, that Council table the request for funds until Mr. Alexander can be present to answer Council's questions.

SAVANNAH RIVER SITE

50th Anniversary

Request for Funds

Celebration

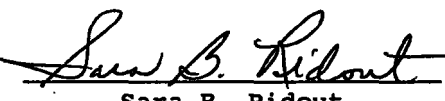
Mayor Cavanaugh stated a request had been received from the Savannah River Site 50th Anniversary Committee for \$5,000 to help fund events for celebration of the 50 years of achievement of the Savannah River Site.

Mr. LeDuc stated there will be several programs celebrating the 50 years of the SRS. The committee is asking for \$5,000 in support of the events with a large gala to take place on November 28, 2000, which is the 50th anniversary. If approved, the funds would come from the Contingency Funds of the General Fund and the Utilities Fund.

Councilman Anaclerio moved, seconded by Mayor Cavanaugh, that Council contribute \$5,000 to the 50th anniversary celebration of the Savannah River Site. The motion was approved by unanimous vote with Councilwoman Price not participating in the voting.

ADJOURNMENT

There being no further business the meeting adjourned at 9:35 P.M.


Sara B. Ridout
City Clerk