

Aiken City Council Minutes

July 22, 2002

WORKSESSION

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Pete Frommer, Larry Morris, Leasa Segura, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and 14 citizens.

Mayor Pro Tem Clyburn called the meeting to order at 6:35 P.M. in the absence of Mayor Cavanaugh who arrived at the meeting about 7 P.M.

ZONING ORDINANCE

Commercial Vehicles

Parking

Residential Areas

Mr. LeDuc stated last year, City Council asked the Planning Commission to review the Zoning Ordinance restrictions for commercial vehicles in residential zones. The review was to determine whether large commercial vehicles such as delivery trucks could be parked overnight in residential areas. Specifically, this involved a resident living in Crosland Park who drives a Frito Lay truck daily and parked it overnight in front of his house. During the review period, Council asked that the truck be parked alongside the house and the resident has complied with this request. The Planning Commission discussed this matter in June and recommended 5 – 0 that the Zoning Ordinance restrictions on commercial vehicles in residential zones not be changed. They stated that allowing commercial vehicles to park overnight threatens the integrity of residential areas and decreases their livability. Information regarding regulations concerning commercial vehicles in other cities who responded to a survey was given to Council. The current regulations prohibit any commercial vehicle that exceeds 10,000 lbs. gross vehicle weight or 20 feet in length, or has more than two axles, to be parked overnight in a residential area. If Council affirms the Planning Commission decision, then we would notify the resident with the commercial truck that after 30 days the vehicle could no longer be parked at the house. If Council desires to make a change to this ordinance, then staff could develop the desired changes specified by Council and bring it back for review. Mr. LeDuc pointed out there have been other instances of trucks parked in neighborhoods and whatever Council decides will affect all areas.

Councilman Sprawls stated he thought Council had talked about using the Recreation Vehicle regulations to control the parking of commercial vehicles. He pointed out RV's are parked in the yard all day long most of the year. However, a commercial vehicle would be gone during the daytime.

Mr. LeDuc pointed out the RV's have to be parked so that the edge of the vehicle is behind the front edge of the house. He said if Council wants to follow these regulations, the Zoning Ordinance would have to be amended.

Councilman Cunning stated Council did discuss using the RV regulations. He said the problem is enforcing the law and getting people to adhere to the regulations. He said Council had talked about this because these trucks are used in a person's livelihood. He pointed out in some cases it may not be possible to get the truck alongside the house.

Councilwoman Clyburn also stated she felt something should be worked out because these vehicles are used in a person's livelihood. She stated an RV is recreation, but these vehicles are a person's way of providing a living.

Ms. Al Payne stated the Crosland Park Association had tried to work with this man, but had not been successful. She stated he has a metal carport and the metal posts could be

raised to accommodate the truck, but he has chosen not to do this. She stated they did not want people not to be able to earn a living, but they were trying to preserve the neighborhood.

Mr. LeDuc stated the staff needed some direction from Council. He stated the ordinance needed to be changed or the present law enforced. He said something could be done like the emergency vehicle ordinance.

After discussion it was the consensus of Council that the present ordinance regarding emergency vehicles and the ordinance governing RV's be considered in looking at the problem of commercial vehicles parking in neighborhoods, and that an ordinance be proposed similar to those two ordinances for Council's consideration.

#### DEMOLITION PROGRAM

York Street  
Richland Avenue  
Jackson, William C. III  
Pownell, Virginia F.  
Gas Station  
Service Station  
Garage  
Barnwell Avenue  
Williamsburg Street  
Cagle, John

Mr. LeDuc stated the city had been asked by the owners of the buildings located at the northeast corner of York and Richland for help in the demolition of these buildings. This would include the former gas station and the adjoining garage building to the north, which is an eyesore for the neighborhood. Council previously asked that demolition of all commercial buildings be brought to City Council for review and approval. In this particular case any environmental problems would need to be removed first, such as asbestos. He said there may be some environmental problems involved, since the building was a former gas station. Should Council give the staff permission to remove the buildings, the staff would then discuss any particular details with the owner, and upon removal of these buildings require that the site be grassed and seeded until further use of the property occurs. As a reminder, Council did approve the removal of a commercial structure at Barnwell and Williamsburg a couple of months ago. Upon inspection, the City found asbestos, which will require an additional \$6,000 for its removal. At this point in time the owner is still determining how to deal with this problem.

Council discussed the city's ability to take down buildings such as this and the cost that might be involved. Mr. LeDuc reviewed the buildings removed by the city. He stated the city has the equipment and the staff and work is performed between projects. He stated money is available if the city needs some help in taking some portions of the building down. He stated he had not come back to Council on the building on Williamsburg Street to ask for additional funds to remove the building because he did not want to set a precedent in removing commercial buildings. He stated demolishing the building is not a big problem, but if there are any environmental problems an additional cost is involved.

Council felt the York Street area should be cleaned up, as it is a major intersection of the city. Council discussed whether the owners might be willing to participate in removal of the buildings, especially if there are any environmental problems.

Councilwoman Clyburn stated she felt the buildings at York and Richland should come down, but she was also concerned that the building at Barnwell and Williamsburg Street be removed. She stated people who live in this area see the building everyday. She asked if the city could not work with the owners to see what could be done to get the buildings in both these areas removed.

It was pointed out the city cannot do environmental clean up such as asbestos removal as this is specialized, and the city would have to hire someone to do the work. It was

pointed out removal of the buildings is an economic benefit to the owners. After discussion it was felt that the property owners should contribute to the removal of the buildings if environmental problems exist, but possibly the city could work with the owners and provide some portion of the cost for removal of environmental problems. It was felt there needs to be an agreement with the owner before the city goes on the property to do any removal, especially if there might be environmental problems. Council discussed that possibly the city could contribute to a portion of the environmental removal, but it would be the responsibility of the owners to get the material removed and to get the clearance from DHEC; then the city would remove the buildings.

Mr. Wade Brodie stated Council may want to consider the zoning of the property and what can be rebuilt on the property. He said possibly something could be constructed that is worse than what is there. He said Council may want to get some control on what can be rebuilt on the property.

Mayor Cavanaugh stated he felt there needed to be a clear understanding with the owner as to who will do what, and that the demolition will be completed as well as what the property may be used for in the future.

Mr. LeDuc stated the reasons for bringing these matters to Council was to discuss the issues. He said there are several vacant commercial properties and these properties have become an eyesore to the community. The vacant properties are not aesthetically pleasing at the entrance to the city. He said it is hoped that something will be rebuilt which will raise the tax base. If the buildings are removed it is more enticing to build something on the lots and infill the areas.

Mr. LeDuc stated, after finding the asbestos problem in the building on Williamsburg Street, he was not sure how hard the owner was pushing to get the building removed, but if the city possibly offered some help in removing the problem this might be an incentive to get the building removed. He said the city could set a limit on how much the city would participate and a time limit when the participation would be available. Council discussed the possibility of \$2,000 to \$3,000 incentive to help with removal of asbestos.

Mr. LeDuc stated on the buildings on York Street and Richland Avenue Council had discussed several matters. One matter was what might be rebuilt on the property and another was if the property owner would be willing to participate in any environmental problems so the buildings could be removed and the project completed. Mr. LeDuc asked what Council would like to ask as far as what will be on the property in the future. It had been brought out that the old Salvation Army building next door to these properties is being proposed to be used as an African-American Museum, so it is important what these lots will be used for, considering that building and the other buildings in the area, since this is on a major intersection. It was suggested it could be an open space for parking.

Councilman Cunning stated Council had to be careful in deciding what they would like to require in exchange for demolishing the buildings. He said the property owner may just decide to let the property sit if Council requires something that is not reasonable. The owner may not have a use in mind yet so he could not say what the property will be used for.

Mr. Wade Brodie stated the city could ask for an option on the property for 12 months and this would give the city time to look at the whole corner. He said he thought the asking price for the property was \$170,000.

Mayor Cavanaugh stated he felt the staff needed to talk to Mr. Jackson and get some answers to some of Council's questions to see if the owner would continue removal if there are environmental problems and be sure what will happen to the property if the buildings are removed. He said possibly the City could participate in the removal of the asbestos for the building on Barnwell and Williamsburg, so the building and area can be cleaned up.

CAMELLIA TRAILER PARK

Homes  
Camellia Street  
Williamsburg Street  
Hampton Avenue  
Camellia Downs

Mr. LeDuc stated the City is nearly finished with the installation of the infrastructure at the former Camellia Trailer Park. This includes stormwater, water, sewer, and roads. The City is now ready to approve the construction of homes at this site. We have received three bids from our RFP to construct up to 25 homes in this area, while using the corner of Camellia and Sundy as a park or open space. In former developments the City financed the building of the homes and then marketed them for sale, thus carrying the cost of the homes until they sold. The RFP, however, requires the builder to construct three or four different house plans using their own financing, thus minimizing the City's financial involvement in the project. The apparent low bidder is H. G. Reynolds, who has submitted four design plans for review. We need to officially approve him as the low bidder. Pictures of the proposed house designs and details are available. These homes include columns, picket railings, porches, bay windows, and a nice open floor plan. All the homes are three to four bedrooms with two full baths and a minimum of 1,150 square feet up to 1,400 square feet. The construction cost of the homes, not including the land and development costs, is \$68,000 to \$82,200. With Council's approval they would like to begin construction of the four house plans sometime in September or October, with the houses ready to move into by February, 2003.

Mr. LeDuc stated several people who live in the area are present to express some concerns. He presented pictures of houses currently being built on Charleston Street, which are similar to the houses which would be constructed in the former Camellia Trailer Park. He also had plans for the proposed development which neighbors in the area reviewed and expressed some views.

Councilwoman Clyburn pointed out some of the neighbors were concerned about some of the houses on Sundy having the back of the houses facing the street. She said they were also concerned about a road which would go out the back of the development. She suggested that houses other than those on Sundy be constructed first so it could be determined how the development would look. She suggested building the houses on the back of the project first.

Council and members of the neighborhood reviewed the plans.

After discussion Mr. LeDuc summarized the discussion. He stated some of the neighbors had some concerns. He said some of the concerns were that there be some type of screening between neighborhoods. It was suggested that a wooden fence could be constructed which would shield the houses from other neighborhoods. He said a wooden fence would be constructed along the rear and side yards of the development. Along the front of the development on Sundy there are five lots where the houses would face the street. He said this is a different concept, but it has worked in other areas. He said the city will not make a decision on building along Sundy Drive at this time, but start construction of houses at the back of the development and the interior, put in a berm along Sundy and Camellia and irrigation and let the berm develop before constructing the houses along that area. After the berm has developed the staff will come back to Council and look at whether to construct houses along Sundy. On Camellia Street the intention is to have a sidewalk all the way from Sundy and Williamsburg back to Laurens Street along Hampton Avenue. He said a lot of children and adults walk in the area. Eventually the sidewalk will go all the way to Beaufort Street.

Mr. LeDuc stated he wanted Council's suggestions and comments and wanted Council's consent to go forward with the plans. He pointed out some of the construction that will be in the project, such as architectural style shingles. The front yards will be sodded; there will be concrete driveways. Most of the houses have a brick façade, three to four bedrooms, and a great room. The wiring will be underground. It was suggested that the houses be raised off the ground, and it was agreed to raise the houses about 8 inches to 24

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inches depending on the grade. It was pointed out 3 to 4 houses would be built at a time. Mr. LeDuc pointed out the RFP has a \$10,000 cost for the lot. He stated this was before the water impact fee of \$750. He said this could be reduced to \$9,250. He said the city may not recover its cost for the land. He said, however, when the houses are completed there will be a tax value which is not there now.

Council agreed for the staff to go forward with the project.

### REGULAR MEETING

July 22, 2002

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Larry Morris, Ed Evans, Glenn Parker, Kim Abney, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and 20 citizens.

Mayor Cavanaugh called the meeting to order at 8:05 P.M. Mayor Cavanaugh 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. Councilwoman Vaughters stated she would like to make a report on the application to the Lower Savannah Council of Governments for a loan from the U.S. Department of Agriculture Rural Development Program for the construction of a hotel on Whiskey Road. It was agreed to place this item under Petitions and Requests. Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved as amended.

### MINUTES

The minutes of the regular meeting of July 8, 2002, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilman Smith and unanimously approved.

### GARBAGE – ORDINANCE 07222002

#### Recycling Bins

#### Garbage Cans

#### Street

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to require removal of garbage cans and recycling bins from the street.

Mr. LeDuc read the title of the ordinance.

### AN ORDINANCE AMENDING SECTIONS 32-1 AND 32-8, OF THE CODE OF THE CITY OF AIKEN TO REQUIRE REMOVAL OF REFUSE CONTAINERS AND RECYCLE BINS FROM THE STREET WITHIN A REASONABLE TIME.

Mr. LeDuc stated current City ordinances require that all recycling bins be set at the street for collection. However, our ordinance does not require that the bins need to be removed in a timely manner. Also, many residents take their garbage cans to the streets even though it is not required. In some instances, the residents do not take the containers back to their house, and they are left at the street. We have talked to many residents about this, and still some of them have not cooperated in taking their containers back to the house but leave them at the street. This ordinance would require that the container (whether for recycling or garbage) not be placed at the street more than twenty-four hours in advance of the collection day and must be removed within twenty-four hours after the