

Aiken City Council Minutes

March 13, 2000

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Cuning, Price, Radford, and Sprawls.

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Pete Frommer, Larry Morris, Sandra Korbelik, Stanley Quarles, Terry Rhinehart, Anita Lilly, Richard Pearce, Sara Ridout, Adam Burton of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle and about 48 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Councilwoman Price led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of February 28, 2000, were considered for approval. Councilman Radford moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

ELECTION REPORTFebruary 15, 2000Special ElectionAt-LargeCouncilman CuningCuning, Pat

Mayor Cavanaugh stated the Election Commission would give a report on the results of the Special Election held on February 15, 2000.

Mr. Richard Johnson, Chairman of the Election Commission, made the following report to Council on the election held on February 15, 2000.

The City of Aiken conducted a Special Election on Tuesday, February 15, 2000, to fill one (1) unexpired at large seat on City Council. The seat became vacant upon the resignation of former Councilman Robert S. Perry, Jr.

Notification of the election was made public through newspaper advertising as prescribed by law. The following person qualified and his name was placed on the ballot.

Patrick D. Cuning

Republican

With 430 ballots cast the results are as follows:

Patrick D. Cuning	418 votes
David Ridlgy (write-in)	1 vote
Jim Sutherland (write-in)	5 votes
Susan Sodowski (write-in)	1 vote

We hereby certify the election of Patrick D. Cuning to fill the unexpired at-large seat. His term of office shall expire in November, 2001.

Attached is a tabulation of votes by precincts and districts.

Respectfully submitted,

MUNICIPAL ELECTION COMMISSION  
s/ Richard Johnson, Jr., Chairman  
Keith R. Wood

Councilmember

Patrick D. Cunning

<u>Precincts</u>	<u>Votes</u>
1	61
2	2
3	11
4	2
5	38
6	62
16	0
20	43
35	9
46	1
47	25
52	33
53	82
60	2
64	0
Absentee	47

David Ridlgy (write in)

6	1
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Jim Sutherland (write in)

1	3
52	2

Susan Sadowski (write in)

53	1
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Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the report of the Election Commission be accepted.

OATH OF OFFICECunning, Patrick D.

Sara Ridout, City Clerk, administered the Oath of Office to Councilmember Cunning.

PRESENTATIONCharacter BannersBannersWomen's Clubs of AikenCharacter FirstDowntown

Mayor Cavanaugh stated the Character First Banners for the downtown had been designed and made for the City of Aiken by 15 women's clubs of Aiken. He said the clubs had supported the Character First initiatives. He said the banners had come in and the group would like to present them to the city.

Judy Gran of the Women's Clubs of Aiken was present to make the presentation of the new Character First banners to City Council. At the February 14, 2000, meeting, Council voted to approve the use of a dark blue banner with light blue lettering designed by Linda Hunley for location on the traffic signal poles at the intersections in the downtown area. The 32 banners with the approved design have been delivered and Ms. Gran was present to make the presentation to Council. The 15 women's clubs in the Aiken community decided to do this project as an expression of support for our Character First program. The various character traits are listed on the banners.

Mrs. Gran stated they felt Aiken is a city where character comes first and the banners represent that wonderful spirit. She said the women's clubs of Aiken

proudly present the banners to the City of Aiken. She called the names of the clubs involved in the project.

Public Safety Officer  
Hudson, Jamie  
Fire Academy  
Order of the Maltese

Mayor Cavanaugh stated Council would like to honor Jamie Hudson for receiving a very prestigious honor.

Mr. LeDuc stated one of the Public Safety recruit officers received a very special and very prestigious honor at the Fire Academy Candidate School recently. Officer Jamie Hudson received the Order of the Maltese, which is given to the recruit firefighter who most exemplifies the eight perfect points of the Maltese Cross. In view of our character training program for City staff, it is certainly interesting that the points of the Cross represent eight character traits which include: Truth, Faith, Humility, Sincerity, Repentance, Mercy, the Love of Justice and Endurance. We believe that Officer Hudson is the first recruit officer from the Aiken Department of Public Safety to receive the award. We would like to recognize Officer Hudson for this honor.

Mayor Cavanaugh presented the Order of the Maltese award to Jamie Hudson for most exemplifying the eight perfect points of the Maltese cross in the Fire Fighter II program.

#### BOARDS AND COMMISSIONS

Appointments  
Aiken Corporation  
Price, Lessie  
Aiken Downtown Development Association  
Sprawls, Don  
Executive Board

Mayor Cavanaugh stated Council needed to consider an appointment to the Aiken Corporation Board of Directors.

Mr. LeDuc stated Council needs to select at least one Councilmember to replace Skipper Perry as a Council representative on the Aiken Corporation Board of Directors. At the last Council work session, Pat Cuning indicated his interest in remaining on the Board in order to maintain continuity and to assist in moving several critical projects forward. Pat currently serves on the Executive Committee as the chairman of the Housing Committee.

The Executive Committee by-laws require that at least two representatives of Aiken City Council serve on the Executive Committee. Council does need to make this appointment to fill the vacant slot and could either ask Pat Cuning to fill it or have him continue in his role and add another councilmember.

Don Sprawls has indicated an interest in serving on the Aiken Downtown Development Association (ADDA) Board, and in order to make this official, Council could appoint Mr. Sprawls to the Aiken Corporation Board of Directors and ADDA.

Lessie Price has indicated a desire to fill one of the two positions on the Executive Committee. Gary Smith has indicated to Council that he finds there is apparently no limit in the by-laws regarding the number of Councilmembers who may serve at any one time, and there are several reasons why Council may wish to consider limiting the level of Council appointments to less than four. If Council chooses to go ahead with these appointments, the Aiken Corporation Board would in turn determine the membership on its Housing Committee, and as you know Pat Cuning is already a member of that body, though not as a Council appointee. If Council desires, Lessie Price could become a member of the Executive Committee which meets monthly; Don Sprawls could be appointed to the ADDA and thus by this position be a general member of the Aiken Corporation which meets once a year, and Pat Cuning could remain on the Executive Committee as the Chairman of the Housing Committee.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Councilwoman Price be appointed as a member of the Aiken Corporation Executive Board, and Councilman Don Sprawls appointed as a member of the Aiken Downtown Development Association and a member of the Aiken

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Corporation Board with the terms expiring October, 2002, and with Pat Cunning remaining as Chairman of the Housing Committee and a member of the board not representing the City of Aiken.

ANNEXATION - ORDINANCE 03132000

Scott, Leola  
Cushman Drive 802  
S.C. 19 North  
TPN 30-040.0-01-014

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 802 Cushman Drive.

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 1.91 ACRES OF LAND, MORE OR LESS, OWNED BY LEOLA SCOTT AND LOCATED AT 802 CUSHMAN DRIVE, BEING KNOWN AS TAX MAP PARCEL NUMBER 30-040.0-01-014 AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-15).

Mr. LeDuc stated the next three ordinances are all concerning annexation of property on Cushman Drive and the surrounding area which is off S.C. 19. He said this is an area which has experienced a lot of difficulty with crime, and the people in the area want to annex to the city for public safety protection and for sewer.

Mr. LeDuc stated Leola Scott at 802 Cushman Drive would like to annex 1.91 acres to be zoned RS-15. The property is currently occupied by a single family home, and this property, along with several others, is involved in an annexation effort consisting of thirteen lots in the Cushman Drive area. Ms. Scott, along with other residents in the area, desires annexation to the city for Public Safety protection and sewer service that the city can provide.

The Planning Commission at their February 15, 2000, meeting unanimously approved this annexation request for RS-15 zoning.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving annexation of 1.91 acres at 802 Cushman Drive to be zoned Residential Single Family RS-15 to become effective immediately.

ANNEXATION - ORDINANCE 03132000A

Cushman Drive 814  
Lake, Weldon  
S.C. 19 North  
TPN 30-040-0-01-032

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex 814 Cushman Drive.

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 .78 ACRES OF LAND, MORE OR LESS, OWNED BY WELDON LAKE AND LOCATED AT 814 CUSHMAN DRIVE, BEING KNOWN AS TAX MAP PARCEL NUMBER 30-040.0-01-032 AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-15).

Mr. LeDuc stated last summer the city began working with the homeowners in the Cushman Drive area concerning possible annexation. This application is one of thirteen lots in the area which are requesting annexation. This .78 acre lot is occupied by a metal storage building/garage, and they are requesting RS-15 zoning. Both water and sewer are available in the area for this property.

The Planning Commission at their February 15, 2000, meeting recommended unanimously to annex 814 Cushman Drive as Residential Single Family RS-15 zoning.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance approving

the annexation of 814 Cushman Drive to be zoned Residential Single Family RS-15 to become effective immediately.

ANNEXATION - ORDINANCE 03132000B

Sanders, Diane  
Cushman Drive 817  
TPN 30-025.0-05-005  
Bennett, Ernestine  
Cushman Drive 830  
TPN 30-040.0-01-033  
Hightower, Willar  
TPN 30-025.0-05-017  
Allison Street  
S. C. 19 North

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex three lots at 817 and 830 Cushman Drive.

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 THREE (3) LOTS TOTALING 3.12 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL PROPERTY OWNERS AND LOCATED ON CUSHMAN DRIVE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15) AND (RS-6).

Mr. LeDuc stated the owners of three lots totaling 3.12 acres fronting on Allison Street and Cushman Drive are requesting annexation. Two of these lots are developed with single family homes and one is a large vacant parcel. This request is part of an application totaling thirteen lots in this area for annexation. The lot at 830 Cushman Drive and the vacant lot are being proposed for RS-15 zoning, and the lot occupied at 817 Cushman Drive is recommended for RS-6 zoning.

These three lots were reviewed at the February 15, 2000, Planning Commission meeting and unanimous approval was given to their request, including the right of way on Cushman Drive and Allison Street.

The public hearing was held. Ms. Laverne Nicholson, 811 Cushman Drive, pointed out that it had been stated that the sewer line would not be available for 6 months to a year. She asked if the owners of the properties would have to pay taxes before any of the improvements are made. Mr. LeDuc pointed out that currently the residents are paying outside city water rates and fire service. These fees would become in-city rates and as of April 1 the residents would receive garbage service. Sewer rates would not be in effect until sewer is available and city taxes would not be due until 2001.

Mr. Shelby Saunders, 817 Cushman Drive, pointed out he is on a hill and wondered if that would affect his sewer rate. Mr. LeDuc stated the sewer line would be installed so that it would be available for his residence. If for some reason sewer is not available that will be taken into account.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving annexation of three properties which front on Allison Street and Cushman Drive with the lot at 830 Cushman Drive and the vacant lot being zoned Residential Single Family RS-15 and zoning for the lot at 817 Cushman Drive as Residential Single Family RS-6 to become effective immediately.

ANNEXATION - ORDINANCE 03132000C

Cushman Drive 807  
Butler, Calvin  
TPN 30-025.0-05-002  
TPN 30-025.0-05-008  
Holloway, David Estate  
Cushman Drive  
TPN 30-025.0-05-001  
Davis, John C.  
Cushman Drive  
TPN 30-025.0-06-001  
TPN 30-025.0-06-005

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 8 lots on Cushman Drive and an Unnamed Dirt Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF EIGHT (8) LOTS TOTALING 6.98 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL PROPERTY OWNERS AND LOCATED ON OR NEAR CUSHMAN DRIVE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15) AND (RS-6).

Mr. LeDuc stated the owners of eight lots fronting on and south of Cushman Drive are requesting annexation. One of these lots is occupied by a single family home. A second lot is occupied by two single family homes and the third lot has three single family homes. The remaining five lots are undeveloped. A portion of the right of way of Cushman Drive plus another portion of the right of way of an unnamed dirt road are included with this annexation.

This request is one of several applications totaling thirteen lots in the area requesting annexation into the City of Aiken. These lots are smaller in size and the neighborhood is predominately single family residential in character and thus an RS-6 zoning is being requested for these properties, except for one lot to be zoned RS-15.

At the February 15, 2000, Planning Commission meeting, the Commission recommended unanimously to approve the annexation of seven lots under the RS-6 zoning and one lot as RS-15 zoning. The right of way of the streets in front of these lots is also included in this annexation petition.

Mr. LeDuc pointed out that just prior to the meeting he received a note from Freddie and Viola Lloyd, of 811 Cushman Drive, owners of TPN 30-025-0-05-007 and 30-025-0-05-003, stating they do not want to annex their property. Also, Thomas Lloyd, 811 Cushman Drive, owner of TPN 30-025-0-05-015 does not want to annex his property. Mr. LeDuc pointed out this means that three lots will be deleted from the annexation ordinance leaving 5 lots to be annexed.

Mayor Cavanaugh pointed out that Council needs to amend the ordinance deleting the three lots which the owners do not want to annex.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council amend the annexation ordinance by deleting three lots including TPN 30-025.0-05-003, 30-025.0-05-007, and 30-025.0-05-015 from the ordinance as requested by the property owners.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving annexation of five lots on Cushman Drive and an Unnamed Dirt Road to be zoned Residential Single Family RS-6 and lot 30-025-0-06-005 to be zoned RS-15 to become effective immediately.

ANNEXATION - ORDINANCE 03132000D

Laurens Street NW 1120  
Emission Control Technology  
S.C. 19 North  
Hedge Road  
TPN 30-064.0-03-006  
TPN 30-064.0-03-007

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 5.73 acres at 1120 Laurens Street NW.

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 5.73 ACRES OF LAND, MORE OR LESS, OWNED BY EMISSION CONTROL TECHNOLOGIES, INC., AND LOCATED AT 1120 LAURENS STREET NW BEING KNOWN AS A PORTION OF TAX MAP PARCEL NUMBERS 30-64.0-03-006 & 007, AND TO ZONE THE SAME LIGHT INDUSTRIAL (LI).

Mr. LeDuc stated Emission Control Technology owns two parcels totaling 5.73 acres located at 1120 Laurens Street NW and is requesting annexation under Light Industrial zoning. The surrounding land, which is currently not in the city, has a mixture of development currently located in this area. To the west is vacant land; to the north are a couple of junk yards and a truck driving school; to the east is Aiken Fabrication and industrial use; and to the south within the city limits is residential property along Peach Orchard Place. In this changing area our main concern is the placement of an industrial zone next to a housing development and the protection of this neighborhood. The proposed application for this site includes a 5,000 square foot building with a second future 5,000 square foot addition attached to this building and a separate 10,000 square foot building.

The Planning Commission at their February 15, 2000, meeting voted 5 to 2 in favor of annexing this property under the Light Industrial zoning (LI). They further recommended that this approval be conditioned upon their placement of a dense buffer at least 50 feet in depth with evergreen trees and shrubbery to protect the houses on Peach Orchard Place.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilman Sprawls and unanimously approved, that Council approve on second and final reading an ordinance approving annexation of 5.73 acres at 1120 Laurens Street to be zoned Light Industrial (LI) and subject to the condition that a dense buffer at least 50 feet in depth with evergreen trees and shrubbery be placed to protect the houses on Peach Orchard Place, with the ordinance to become effective immediately.

#### ANNEXATION - ORDINANCE

Woodside Plantation  
TPN 00-136-0-01-004 (portion of)  
Chukker Creek Road

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 186.09 acres of Woodside Development Company.

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 186.09 ACRES OF LAND, MORE OR LESS, OWNED BY WOODSIDE DEVELOPMENT, LLC AND LOCATED ON WOODSIDE PLANTATION DRIVE AND CHUKKER CREEK ROAD, BEING KNOWN AS A PORTION OF TAX MAP PARCEL NUMBER 00-136.0-01-004 AND TO ZONE THE SAME PLANNED UNIT DEVELOPMENT (PUD).

Mr. LeDuc stated Woodside Development Company is requesting annexation and zoning of 186.09 acres which is an expansion of Woodside Plantation, Phase II. Woodside is a gated community zoned Planned Unit Development (PUD) and is predominately developed with single family homes and two golf courses.

The annexation request is proposed to be zoned as Planned Unit Development and the concept plan depicts development that is a continuation of the type of development that has taken place in Woodside so far. Twenty and three tenths percent (20.3%) of the area would be used for open space, which is just above the minimum 20% required. The concept plan meets the ordinance except that one of the deadend streets shown exceeds the maximum length of 1,000 feet and this plan would need to be approved with the understanding that a variance will have to be obtained at a later date from the Planning Commission to allow this street. The annexed area will include an extension of Woodside Plantation Drive and other future right of ways.

The Planning Commission voted unanimously to approve the annexation request of 186.09 acres as Planned Unit Development zoning.

The public hearing was held.

Ms. Virginia Dunkelbarger, of Oak Brook located off Chukker Creek Road, stated she was concerned about entrances from the property onto Chukker Creek Road. She was concerned about the amount of traffic that might occur as a result of 218 multi-family units and 288 single family units proposed for the area. Ms. Dunkelbarger stated residents in the area appeared before Council several years ago when the Chukker Creek School was being built concerned about

traffic with a 40 foot wide road. She stated there is an entrance from Woodside onto Chukker Creek Road but she understood that it was approved for emergency vehicles and for the use of Woodside residents to bring their children to the school. A barrier is across the road part of the time.

Ms. Korbelyik cited from the Council minutes a motion that made the road restricted to school traffic, public safety and other city service vehicles; however, this motion failed to pass by a majority vote of Council, so the entrance off Chukker Creek Road has no restrictions.

Mr. Lewis Warren, of Woodside Development, stated currently there are two entrances to Woodside Plantation that are operational full time, one being off Silver Bluff Road and the second entrance being off East Gate Drive behind the Aiken Mall. The third entrance planned in the original master plan off Chukker Creek Road is operational a couple times a day to let residents back and forth from the school. At some point in the future that entrance will become a full time gate for residents from Woodside not only for school purposes but for access to Woodside. He pointed out most of the traffic from Woodside currently goes in and out of East Gate because that is where most of the commercial amenities are located. Mr. Warren stated that when Woodside made the application for the expansion under the existing PUD the allowable requirements were listed. He said they had not completed a conceptual plan yet as to what would be on the 186 acres. He said a lot of the acreage is existing lakes and wetland areas that will not be developed. He said the multi-family would probably be townhomes complementing the development in Woodside. Mr. Warren stated as Woodside develops each neighborhood they will have to go before the Planning Commission to get approval of the plans.

Ms. Dunkelbarger asked if Council could delay action on the annexation until Council knows more about what is proposed for the area. She asked if Woodside would consider an exit going through Stratford.

Mr. Warren stated Woodside did not have any plans to build additional entrances or exits to Woodside at this time. When asked what is proposed for the 186 acres, Mr. Warren stated the only thing planned presently is 38 patio homes to be located adjacent to the school on 20 acres. He said this will be on the Planning Commission agenda on March 14. Mr. Warren pointed out the Chukker Creek Gate meets all the current road requirements for the City of Aiken. He said there is an existing stationary gate there and the Homeowners Association opens the gate for school traffic. He said at some point in the future the gate will be used on a full time basis and may be an automated gate.

Mr. LeDuc pointed out if Council approves the annexation with PUD zoning, the plans will not come back to Council as improvements are made within the development, but will be reviewed by the Planning Department. He said everything the city has seen so far except for the long cul de sac meets city requirements.

Council expressed concern that they were not sure what the plans were for the property.

Ms. Sandra Korbelyik, of the Planning Department, stated the concept plan presents the maximum densities that would follow the PUD guidelines. Upon approval of Council the development would be handled internally and would not go before the Planning Commission but would be approved at staff level.

Ms. Sandra Heath, a resident of Woodside Plantation, stated she did not feel that the plans were consistent with the present development. She pointed out the proposal seemed to be a great number of units. She was concerned about apartments being built in the area. She felt the proposal needed more study.

Council discussed the proposal and there was concern about what would be placed on the property since there were no plans at the present time and this is a major development.

Mr. Warren stated it would take considerable time to plan 186 acres of property. He said the application was submitted with the requirements allowed under the PUD zone. He said presently there are properties being planned for development and he would not like to wait six or eight months to plan the community and go through the annexation process again. Mr. Warren stated Woodside Development didn't want to annex all 186 acres at one time. He said that was a request of the Planning Department that the property all be annexed. He said they would prefer to annex property as neighborhoods are

built. He said there was no need to annex all the acreage until they are ready for development. He said presently there are two neighborhoods, one which will be 38 patio homes on 20 acres. The other proposed neighborhood is about 70 to 80 home sites on about 60 to 70 acres. He asked Council to consider annexation of those two sites rather than the whole 186 acres. Mr. Warren stated Woodside had not built any apartments in Woodside at this time. He said the only multi-family homes in Woodside are the Club Villas and the new section called Cotton Wood Creek, which is attached villas.

Ms. Sandra Korbek pointed out the Planning Commission meets on Tuesday, March 14, and she stated Council could choose to continue the annexation request to the next Council meeting and ask the Planning Commission to look at the present applications and provide a recommendation to City Council. If the Planning Commission recommends approval and City Council concurs that would give the developer approval to start the next phase and provide time to do an overall concept plan for the remaining acreage. She said as a planner she encourages an overall concept plan so road connections are completed and so some of the environmentally sensitive areas of the project such as the wetlands and hills are looked at and planned.

Ms. Korbek stated the 20 acre parcel is not before the Planning Commission on Tuesday, but it is a preliminary subdivision. She said Council could request the Planning Commission to look at the subdivision and make a recommendation for Council to consider at the March 27 meeting.

Mr. Warren pointed out that when they started planning the 20 acre section it was noted that part of the property is already in the city so it was decided to ask for annexation of the balance of the 20 acre project. At that time the Planning Department asked that Woodside annex the whole 186 acres.

Mr. Gary Smith, City Attorney, stated Ms. Korbek's proposal seemed fine. He suggested that Council continue second reading on the proposed ordinance until the next Council meeting with a request to the Planning Commission for review of the 20 acre proposed development with a recommendation to Council. At the next Council meeting Council could amend the annexation ordinance to annex only 20 acres with a particular zoning.

Ms. Korbek stated she would suggest that, given the environmental constraints and that this was the final piece, that Woodside should master plan the property and annex the 20 acres now and then ask for a master plan for the remaining acreage.

Councilman Anaclerio moved, seconded by Councilwoman Price, that Council continue the hearing on the ordinance to annex 186.09 acres of Woodside Development Company until the next regular meeting of Council and that Council ask the Planning Commission to consider review of the proposed 20 acre project at its March 14 meeting with a recommendation to Council and that a master plan be prepared before the next area for development is presented to Council. The motion was approved by a vote of 6 in favor and with Councilman Cunning not participating in the voting because of a possible conflict of interest.

ANNEXATION - ORDINANCE 03132000E

Westwood Drive 107  
McNally, Anne C.  
TPN 30-019-0-01-050  
Aiken Estates

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 107 Westwood Drive in Aiken Estates.

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 1 ACRE OF LAND, MORE OR LESS, OWNED BY ANNE C. MCNALLY AND LOCATED AT 107 WESTWOOD DRIVE, BEING KNOWN AS TAX MAP PARCEL NUMBER 30-019.0-01-050 AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-15).

Mr. LeDuc stated the owner of 107 Westwood Drive, Anne C. McNally, would like to annex 1 acre of property occupied by a single family home to be zoned Residential Single Family RS-15. The surrounding property is within unincorporated Aiken County. This property is contiguous from the rear.

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At the February 15, 2000, Planning Commission meeting the Commission voted unanimously to recommend the annexation of this property. The right of way of the street fronting this property is not included in the annexation.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance approving annexation of a 1 acre lot at 107 Westwood Drive to be zoned Residential Single Family RS-15 with the ordinance to become effective immediately.

ZONING - ORDINANCE 03132000F

Hampton Avenue NE 104  
Johnson, Bernard and Trudy  
TPN 30-067-0-05-033  
Rezoning

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at 104 Hampton Avenue NE from RS-10 Single Family Residential to LP Limited Professional.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT 104 HAMPTON AVENUE NE, TAX MAP PARCEL NUMBER 30-067.0-05-033, FROM RESIDENTIAL SINGLE-FAMILY (RS-10) TO LIMITED PROFESSIONAL (LP).

Mr. LeDuc stated the city received a request from the owners of property at 104 Hampton Avenue NE consisting of .27 acre to rezone the property from Residential Single Family RS-10 to GB General Business. The lot is currently occupied by a single family dwelling. The property to the east is currently occupied by a car wash, to the north by a city water tank, and to the south the zoning is multi-family residential and General Business. Only the property to the west is zoned as single family RS-10.

The Planning Commission reviewed the application for General Business and felt that this would not be suitable for such an intense commercial use. They further felt that a Limited Professional zone would be more appropriate for this area. The Commission at their February 15, 2000, meeting voted unanimously to deny the General Business zoning, but to allow a Limited Professional zoning for this property.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving the rezoning of property at 104 Hampton Avenue from Residential Single Family RS-10 to Limited Professional (LP) with the ordinance to become effective immediately.

ZONING - ORDINANCE 03132000G

Aiken County Administrative Building  
Aiken County Complex  
Voter Registration Office  
Richland Avenue W. 700 and 800 Blocks  
Vaucluse Road  
Barnwell Avenue  
Morgan Street

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone the property occupied by the Aiken County Administrative Building and Voter Registration in the 700 and 800 blocks of Richland Avenue W.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY AIKEN COUNTY FROM LIMITED PROFESSIONAL (LP) TO OFFICE/INSTITUTIONAL (O).

Mr. LeDuc stated when City Council adopted the new Zoning Ordinance on November 22, 1999, the Professional zoning category disappeared and was replaced throughout the city by two new categories, "Limited Professional," intended for small scale office projects near low density residential areas

and Office Institutional, which is intended for large scale offices and institutional projects. When the Zoning Ordinance was adopted all the property that had been zoned Professional automatically became Limited Professional with the intent that the Planning Commission and City Council would rezone some property to Office/Institutional when it was clearly suited for intense uses that the Limited Professional would not allow. This is the first of several that will come before City Council over the next several months. The property being requested for the rezoning includes the blocks bounded by Richland Avenue West, Vaucluse Road, Barnwell Avenue and Morgan Street and the property to the east of Morgan Street occupied by the Voter Registration Office and a parking lot to the north. The area surrounding this property largely consists of Limited Professional and General Business.

At the February 15, 2000, meeting the Planning Commission voted unanimously to approve the rezoning of the property occupied by the Aiken County Administrative Building and Voter Registration Building from Limited Professional to Office/Institutional.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on second and final reading an ordinance approving the rezoning of property occupied by the Aiken County Administrative Building and Voter Registration from Limited Professional (LP) to Office/Institutional with the ordinance to become effective immediately.

#### PURCHASING - ORDINANCE

Purchasing Agents  
Bidding Process  
Procurement

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the purchasing policies.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING ARTICLE V OF THE CODE OF THE CITY OF AIKEN TO AMEND THE CITY'S PROCUREMENT CODE TO CHANGE LISTED PURCHASING AGENTS AND TO MODIFY AND CLARIFY THE BIDDING PROCESS FOR THE CITY OF AIKEN.

Mr. LeDuc stated for some time, our designated purchasing agent and other staff have been exploring ways to improve our purchasing procedures. This review has focused on bringing greater flexibility to the process while making sure that an adequate level of internal control is maintained. We want to make sure that the process is fair to all interested vendors and that the language contained in the Code itself is consistent with our written policies concerning bid requirements and the opening of bids. In some cases we found that the Code does not provide a clear road map for staff. The Code also lacks the flexibility to allow the City Manager to designate more than one purchasing agent for the City. In practice, the City does not have a centralized purchasing system. The primary role of the designated purchasing agent is to provide internal control in cases where a purchase exceeds \$2,500 or where a formal sealed bid procedure is required. We feel that by allowing the designation of additional agents, particularly if the Assistant City Manager or City Manager is not available, the City can avoid significant delays in processing requests which may have some degree of urgency.

The proposed changes would also accomplish the following:

1. Allow for the purchasing agent to remove temporarily from our bidder list any vendor who fails to respond to three consecutive requests for bid;
2. Clarify a procedural requirement that the purchasing agent approve any purchase in excess of \$2,500 prior to award of a bid or ordering of supplies;
3. Adjust Section 2-114 to increase the maximum level for oral bids from \$2,000 to \$2,500. This will coincide with the minimum purchase amount which requires formal approval by the Purchasing Agent;
4. Require that bids or quotes be sought from at least

three suppliers on the bidder's list (where possible).

Councilman Anaclerio stated he would like for the staff to clarify, that in the removal of vendors from the bidders list if they do not submit a bid after three requests, that the city be sure that the local vendors are notified of their pending removal from the list.

Councilwoman Clyburn suggested that the staff send information regarding the policy of removal from the list on the request for bids rather than having a separate mailing.

Councilman Anaclerio moved, seconded by Councilman Cunning and unanimously approved, that Council pass on first reading an ordinance to amend Article V, Section 2-112, 2-113, 2-114, 2-115, 2-117, 2-118, and 2-119 of the City Code of the City of Aiken and that second reading and public hearing be set for the next regularly scheduled meeting of Council. It was proposed by Council that the new policy regarding removal of vendors that do not submit bids after three requests be placed on the bid request information which is mailed to vendors.

#### DRUGS - ORDINANCE

##### Drug Paraphernalia Counterfeit Drugs Penalties

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to regulate drug paraphernalia and counterfeit drugs.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE ADDING SECTION 26 TO THE CODE OF THE CITY OF AIKEN TO REGULATE DRUG PARAPHERNALIA AND COUNTERFEIT DRUGS, AND TO DETERMINE PENALTIES FOR THE VIOLATION OF SUCH AN ORDINANCE.

Mr. LeDuc stated Council discussed a proposed drug paraphernalia ordinance at Council's last work session. This idea was recommended by Chief Frommer to provide a tool to allow the city to bring charges in cases where items used to enable drug consumption are seized but no drugs are recovered. Drug paraphernalia is defined as any equipment, products or materials which are used for processing, preparing, storing, ingesting, or inhaling controlled substances in violation of State law. The items may include testing equipment, scales, dilutant, mixing devices, needles or other objects used to consume illegal substances like marijuana or crack cocaine.

One major issue led Public Safety to recommend the introduction of this new enforcement tool. Often drug paraphernalia may contain trace amounts of controlled substances; but due to its heavy caseload, the State Law Enforcement Division (SLED) is unable to test the devices to make that determination. This ordinance will allow us to bring misdemeanor charges against suspects who have been found to be in possession of any items identified and defined by the ordinance.

We have also encountered a number of cases where a person who claims to be selling drugs is, in fact, selling counterfeit or "fake" drugs. There is no State statute enabling us to arrest someone for this practice. This ordinance would allow us to bring charges against such an individual. Our Public Safety Department feels that this law will give them one more tool in the battle to deter drug use in the City of Aiken. Persons found guilty of violating this ordinance would be fined or imprisoned, or both, no more than \$500 plus authorized costs and assessments, or no more than thirty days in prison.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council pass on first reading an ordinance to add Section 26 to the Code of the City of Aiken to regulate drug paraphernalia and counterfeit drugs, and to determine penalties for the violation of the ordinance and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

LAND DEVELOPMENT REGULATIONS - ORDINANCESidewalksStreetsSubdivision Regulations

Mayor Cavanaugh stated an ordinance had been prepared to amend the Land Development Regulations to require sidewalks only in conjunction with the construction of new streets.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AIKEN.

Mr. LeDuc stated during the past few years, sidewalk development has emerged as an important policy issue for the Planning Commission. The real concern is when and where to require developers to install sidewalks in conjunction with new development. Our present Land Development Regulations (formerly the Subdivision Regulations) require developers to provide sidewalks along arterial and collector streets adjoining new development where subdivision of property is involved. Sidewalks are also required on both sides of streets within one-half mile of an existing or proposed public school or park of over one acre in size. Private developers have argued that this requirement is excessive where streets already exist, because of the high cost associated with installing sidewalks along existing road rights-of-way. Also, some have complained that the return on this investment, particularly for areas adjoining commercial development, is insignificant. They believe that a new sidewalk segment in an area without existing sidewalks will essentially "lead to nowhere" and so will have no practical use.

At its last regular meeting, the Planning Commission considered an amendment to address the issue. The amendment would require sidewalks only in conjunction with the construction of new streets. Following a hearing at which no one spoke in opposition, the Commission voted 6-1 to recommend approval of the amendment.

Mr. LeDuc pointed out that under this change that if the roads are already existing that sidewalks would not apply to those particular cases. Only when new roads or streets are built would the regulation requiring sidewalks apply.

Councilman Cunning stated the way he reads the ordinance is that if someone wants to develop a new subdivision in the City of Aiken they have to have sidewalks in the subdivision.

Mr. LeDuc stated sidewalks are required if it is along an arterial road or within one-half mile of an existing or proposed public school or park. He said the intent is to make sidewalks less restrictive to developments.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on first reading an ordinance amending Section 5.7.1(a) of the Land Development Regulations to delete the phrase "Sidewalks shall be encouraged in all subdivisions" and to add the sentence "Sidewalks shall only be required in conjunction with new streets, not existing ones" and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

AIKEN CORPORATION - ORDINANCENewberry StreetWestinghouse Corporate HeadquartersTheatrePlayhouseCommunity PlayhouseCity PropertyTPN 30-047.0-01-010TPN 30-047.0-01-011TPN 30-047.0-01-012

Mayor Cavanaugh stated Council needed to consider approving the sale of a portion of the property owned by the city on Newberry Street to the Aiken Corporation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE AND CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON NEWBERRY STREET.

Mr. LeDuc stated that at the last Council work session, Council discussed several options available for moving the Westinghouse corporate office project forward. The staff felt that the best approach is for the Aiken Corporation to construct the building and either lease the space or sell the lease to another party. There was general agreement by Council on this point, and members also felt that the city should sell rather than donate the property to Aiken Corporation. Under this scenario, the City would continue to own the theatre portion of the site for the present time.

With several conditions in mind, we have developed an ordinance to authorize the property sale and transfer to the Aiken Corporation for Council's review and approval. The sale price will be calculated by prorating the City's original purchase price of \$302,500 for the properties, and this will be based on the percentage of the total property that is sold to Aiken Corporation. The exact dollar figure is not known, because it has not yet been determined just how much acreage will be needed for the Westinghouse portion. Of course, prior to the actual transfer of land, City-owned property will have to be subdivided to reflect ownership of the two projects (offices and theatre).

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance authorizing the City Attorney to negotiate a contract of sale with the Aiken Corporation subject to the terms of the ordinance approving the sale and conveyance of a portion of the property owned by the City of Aiken located along the east side of Newberry Street to the Aiken Corporation and that second reading and public hearing be scheduled for the next regularly scheduled meeting of City Council. Councilwoman Price did not participate in the voting because of a possible conflict of interest.

Councilman Cunning pointed out that the City of Aiken is not putting money into construction of this building for Westinghouse. He stated that Aiken Corporation has to get their own funds for purchase of the property and construction of the building.

RESOLUTION

Aiken Corporation  
Newberry Street NW 115  
Conte Building  
Johnson, William and Janice  
Parker Property  
TPN 30-044.0-03-009

Mayor Cavanaugh stated a resolution had been prepared to accept a land donation from the Aiken Corporation for property located at 115 Newberry Street NW.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PROPERTY FROM A LOCAL LANDOWNER FOR THE PURPOSE OF DEVELOPING THE FORMER PARKER PROPERTY.

Mr. LeDuc stated the Aiken Corporation has acquired the final piece of land involved in the redevelopment of the former Parker Auto Body property. He pointed out some have been donations and others have been easements. The property in question is a strip of land approximately 150 x 40 feet located at the rear of the Conte Building at 115 Newberry Street NW. This 6,000 square foot strip will provide a much needed parking area and will allow the city to further improve this portion of the downtown area. The property, which until recently was owned by Joel Conte, was purchased by William and Janice Johnson, who have in turn agreed to donate the property to the Aiken Corporation with a number of significant conditions. Of course, the agreement, is subject to the approval and acceptance of a deed by City Council.

The agreement requires that Aiken Corporation work with the City to provide a paved parking area with landscaping on the donated strip. Under the terms of this agreement, the City must also address the following conditions:

- \* Redo the retaining wall
- \* Provide steps from the new parking area to the existing driveway on site

- \* Paint the rear of the Johnson building
- \* Pave the existing driveway
- \* Work through the S. C. Downtown Development Association to provide design assistance for renovation of the Johnson building facade
- \* Install sidewalk pavers along the rear of the building
- \* Dedicate three parking spaces in the new lot for the use of the Market Place Wholesale
- \* Provide signage to dedicate the area closest to the driveway as a loading area
- \* Have an appraisal made and provide the donor with a gift letter accepting the property as a donation to the Aiken Corporation
- \* Pay for closing costs

While there are some significant conditions associated with this donation, Aiken Corporation feels that this is a vital piece of property in rounding out the Parker project and in providing a central parking and an attractive public space in the vicinity of this important project. Mr. LeDuc stated one of the major considerations is the fact that, just like at Eulalie Salley, they opened up the back of the business to the parking lot. He said the Johnsons plan to do the same thing by opening up the back of the building and providing one or possibly two more businesses within that building.

Councilman Cunning moved, seconded by Councilman Anaclerio and unanimously approved, that Council approve the resolution to accept the deed to the property identified as Tax Parcel No. 30-044-0-03-009, a strip of land estimated to be 150 feet by 40 feet located at the rear of the building at 115 Newberry Street NW with the conditions as stated in the agreement.

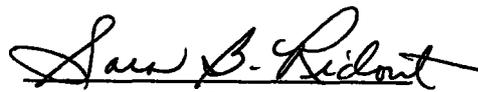
Mayor Cavanaugh thanked Wade Brodie and others who had worked in obtaining the property and easements to make the project possible.

#### LEGISLATION

Mayor Cavanaugh called the Legislative Alert bulletin from the Municipal Association to Council's attention and pointed out there is some important legislation coming up and that Councilmembers need to contact the Representatives and Senators regarding pending legislation. He pointed out Manufactured Housing is one item which Council needs to make some contacts.

#### ADJOURNMENT

There being no further business the meeting adjourned at 9:30 P.M.

  
Sara B. Ridout  
City Clerk