

Aiken City Council MinutesWORK SESSIONNovember 27, 2006

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Richard Pearce, Glenn Parker, Larry Morris, Sara Ridout, John Moore of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle, and about 10 citizens.

Mayor Cavanaugh called the meeting to order at 6:21 P.M. He stated Council had two items to discuss in the worksession—the Pavilion/Bandshell at Hopelands Gardens and space needs for City Hall employees.

HOPELANDS GARDENSPavilionBand Shell

Mr. LeDuc stated a committee consisting of Executive Committee members of the Friends of Hopelands and some other knowledgeable individuals, has been meeting for the last couple of years concerning a bandshell at Hopelands Gardens. They reviewed several different types of pavilions and bandshells to better meet the needs of the performers and those attending the concerts. Earlier this year the Friends showed Council some drawings of a proposed bandshell. However, after getting an acoustical engineer to look at the proposal and the scale of the bandshell covering and how it would look in relationship to the building there, it was felt that based on the configuration, the size of the audience, and the shape of the amphitheater that the shell portion really was not needed. It was decided not to include a formal covering of the stage. They felt a new building could be reconfigured to better project the sound back toward the audience. Based on comments from the committee a revised drawing was developed for a new pavilion/bandshell. These renderings were shared with the committee on October 13, 2006, and approved by the Executive Committee of the Friends at their November meeting. Cam Scott, the architect hired by the Friends, would like to review these plans with City Council. If City Council is satisfied with these plans, the Committee will begin moving forward with final design plans for a construction start in the fall of 2007. \$200,000 has been approved in the One Cents Sales Tax for a new building which we'll refer to as the pavilion/bandshell. This should provide half or more of the funds required, and the Friends will begin looking at other possible sources of funding for the remaining amount. The Friends are hoping to receive Council's blessing on these plans so they can move forward with this exciting project.

Mr. Cam Scott, architect, showed Council renderings of the proposed pavilion/bandshell for Hopelands Gardens and discussed the proposed plans. He stated the plans are to tear down the old building and build a new building. He said some of the main goals of the project were to provide restrooms for the general public, dressing rooms for the performers, to be able to load equipment from the back of the stage, a central passage to the stage, and storage for equipment. He pointed out the pavilion/bandshell was designed to look similar to the Hall of Fame architecturally.

Mr. LeDuc stated if Council approves the proposed pavilion/bandshell the Friends would go ahead with the final drawings and would hope to have a bid package ready by summer, 2007, and have a contractor hired so they could begin work immediately after the concert series next summer. During the fall/winter season the contractor would construct the building so it would be ready for spring, 2008. The Friends hope to have some fundraisers and other sources of revenue for the proposed building.

Mr. Marshall Cain, Chairman of the Friends, stated the committee had looked at many things to try to accommodate the needs for concerts and performers at Hopelands.

Council discussed the proposed plans, and the general consensus of Council was that they were impressed with the plans and that the Friends should move forward with the project.

SPACE NEEDS

City Hall

Needs Assessment and Feasibility Study

Municipal Building

Park Avenue SW 214

Additions

Renovation

Moorman, Hank

Holland, Mike

Mr. LeDuc stated that at the 2006 Horizons City staff discussed the need and concern for additional office space for city personnel. Ten years ago our Municipal Building was occupied by Planning, Finance, City Manager's Office, and the Public Works Administration and Engineering staff. These operations occupied approximately 10,000 square feet of office space with an additional 3,200 square feet used for the Council Chambers and 4,000 square feet for the Conference Center. Since that time the Public Works/Engineering staff has vacated the building, allowing us to utilize their 3,000 square feet. The space is now occupied by Inspections, Legal Services, and Neighborhood Services. In addition we have utilized through building expansion and rearrangement an additional 2,250 square feet now occupied by Finance and the Public Safety Pact Team Office. We are again at the stage where immediate space is needed by our Planning Department and IT staff. In future years we realize that the other departments will also need additional space. Therefore, we are at the point where we need to determine what short and long term options are available concerning future City Hall space. In the short term we plan to move the Legal Services and Neighborhood and Community Development to another location, but as this continues our staff becomes more scattered making it more difficult in meeting day to day needs, both internally and for our citizens. Long term we need to look at either expanding our existing building and trying to keep as many functions within this building or scattering most of the functions and keeping only the Finance and City Manager's Office in this building. At the City Council/Staff Retreat there appeared to be a preference by Council to stay in this building and to keep as many operations together as possible. Tonight we would like to present a Needs Assessment and Feasibility Study showing 5 alternative ways to utilize the existing building. Lastly we compared what it would cost to construct a Municipal Building on a new site in the downtown area. Whereas, the cost to renovate the present building would be \$4 million or less, a new building would cost over \$15 million. Hank Moormann and Mike Holland who completed the Needs Assessment and Feasibility Study are present to answer any questions Council may have.

Mr. LeDuc stated the architects will present five alternatives. He said one of the decisions Council will have to make is whether they feel the city needs to maintain the Conference Center. If so this will eliminate several alternatives. He said a suggestion had been to extend the Municipal Building on the back to the street, and another suggestion was to add a third floor on the rear half of the building. He said there are some estimated prices for the alternatives. He said staff is looking for some guidance from Council as to the direction to take.

Mr. Hank Moormann, architect, stated he felt the information would take some time and study to determine which options Council would elect to proceed. He stated they had worked with staff in the development of the alternatives, determining the number of employees in each department and the square footage used by each department. Then they projected the current needs. He said the current staff in the Municipal Building is 47.5 people with 26,192 square feet of office space. Presently 6 additional employees are needed with 1,320 square feet of additional space needed. Mr. Moormann briefly reviewed the proposed alternatives. He pointed out that each of the options has its pros and cons. He said Council would need to determine which option they prefer.

Council briefly discussed the alternatives.

Mayor Cavanaugh stated he hoped staff never had to leave the present City Hall. He felt the present building is a historic building and in the center of town. He stated that alternate 3 gave room for the most number of employees, however it would eliminate the Conference Center. He stated presently he was wondering if the city needed the Conference Center since there are other meeting spaces in the downtown area. He said he personally would like to keep the Conference Center, but in looking at the overall picture and vision for the future, it possibly should be eliminated.

Mr. LeDuc pointed out that Option 4 could be an interim scheme that would get 10 to 20 years of additional life by adding a third floor. He stated Option 4 gives the most flexibility as an interim, with expansion later. He pointed out that Option 4 would meet the needs for employees and the structural work could be done at the time of adding the third floor so expansion could be done later. He said this cost is about \$2 million. He pointed out that North Augusta and Aiken Council are looking at new buildings for over \$20 million. He said he felt the proposal for the City of Aiken would be very cost effective.

After discussion Council thanked the architects and staff for the proposals. It was pointed out that Council will study the proposals and discuss the options further at Horizons in February, 2007.

Councilwoman Vaughters stated she appreciated the option to allow the city to keep the Conference Center. She felt the Conference Center had made the building City Hall and not just a city office building. She stated she would like to see the Conference Center remain at City Hall.

Councilman Smith stated an option for an overflow at a Council meeting would be to use big screens and sound in the Conference Center.

It was pointed out the cost estimates on the options are current prices and did not include inflation.

It was pointed out by Council that the architects had given Council a number of options to consider.

Aiken City Council Minutes

REGULAR MEETING

November 27, 2006

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Larry Morris, Glenn Parker, Pete Frommer, Richard Pearce, Anita Lilly, Sara Ridout, John Moore of the Aiken Standard, Betsy Gilliland, and about 20 citizens.

Mayor Cavanaugh called the meeting to order at 7:06 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 Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session and regular meeting of November 13, 2006, were considered for approval. Councilman Smith moved that the minutes be approved as submitted. The motion was seconded by Councilman Wells and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Hudgins, Mark

Gladden, John

Environmental Committee

Law, McDonald

Broderick, Don

Design Review Board

Boatwright, Frank

General Aviation Commission

Giobbe, Ed

Brohl, Kay

Byrd, Wilkins

Planning Commission

Coones, Keith

Board of Zoning Appeals

Mayor Cavanaugh stated Council needed to consider appointments to the various boards and commissions of the city.

Mr. LeDuc stated there are 22 pending appointments to boards and committees of the city and 9 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended that Mark Hudgins be reappointed to the Environmental Committee with the term to expire December 31, 2008. He has also recommended that McDonald Law be reappointed to the Design Review Board with the term to expire December 31, 2008.

Councilwoman Price has recommended that John Gladden be reappointed to the Environmental Committee with the term to expire December 31, 2008. She has also recommended that Frank Boatwright be reappointed to the General Aviation Commission with the term to expire September 1, 2008.

Councilman Smith has recommended that Don Broderick be reappointed to the Design Review Board with the term to expire December 31, 2008. He has also recommended that Ed Giobbe be reappointed to the Planning Commission with the term to expire December 1, 2008.

Councilman Sprawls has recommended that Keith Coones be reappointed to the Board of Zoning Appeals with the term to expire December 1, 2009 (three year terms). He has also recommended that Kay Brohl be reappointed to the Planning Commission with the term to expire December 1, 2008.

Councilwoman Vaughters has recommended that Wilkins Byrd be reappointed to the Planning Commission with the term to expire December 1, 2008.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Mark Hudgins and John Gladden be reappointed to the Environmental Committee with the terms to expire December 31, 2008, that McDonald, Law and Don Borderick be reappointed to the Design Review Board with the terms to expire December 31, 2008, that Frank Boatwright be reappointed to the General Aviation Commission with the term to expire September 1, 2008, that Ed Giobbe, Kay Brohl, and Wilkins Byrd be reappointed to the Planning Commission with the terms to expire December 1, 2008, and that Keith Coones be reappointed to the Board of Zoning Appeals with the term to expire December 1, 2009.

Councilman Smith stated he would like to appoint S. J. Paterniti to the Board of Zoning Appeals to replace George Krist who has resigned. Mr. Paterniti has resigned from the Community Development Committee, and he would like to nominate Keith Shaver to replace Mr. Paterniti on the Community Development Committee. He said he would like

to recommend the appointment of Channing Jones to the Housing Authority to replace Deborah Brooks who has resigned.

Councilwoman Clyburn stated she would like to reappoint Robert Stallworth to the Board of Zoning Appeals.

Councilman Wells stated he would like to recommend reappointment of Ed Woltz to the Planning Commission and also John Burckhalter to the Park Commission.

Mayor Cavanaugh stated he would like to recommend the appointment of Nancy Dukes to the Board of Zoning Appeals to replace Lee Boylston who has resigned.

ANNEXATION – ORDINANCE 11272006

Redd Street

Lloydtown Road

Cooper, Jack

Mixon, T.E.

Evans, Richard

DeSisto, Ralph

TPN 104-10-03-020

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property off of Lloydtown Road north of Redd Street and zone it Planned Residential.

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 30.76 ACRES OF LAND, MORE OR LESS, OWNED BY JACK COOPER AND T.E. MIXON AND LOCATED AT LLOYDTOWN ROAD NORTH OF REDD STREET AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Mr. LeDuc stated a special meeting was held by the Planning Commission on October 30, 2006, to discuss the annexation of 30.67 acres on the east side of Lloydtown Road just north of Redd Street to be zoned Planned Residential (PR). The property went before the Planning Commission in August and September for RS-6 and RML zonings. However, in both cases the Planning Commission recommended the PR zone with detached units. Within this site on a separate parcel is a city-owned water tank which needs to be annexed to complete the annexation of the whole area. The annexation of the water tank site will be considered at a later date. Application is being made to the Planning Commission for annexation of the city property at the January meeting of the Planning Commission.

The applicant is requesting 117 units on the property consisting of patio type lots with houses to range from approximately 900 to 1300 square feet and larger lots with cottages of 1200 to 1500 square feet. All the properties would have either attached carports or garages and no vinyl siding. They have agreed to a privacy fence along the northern portion of the property which adjoins a dirt road in the county. In addition the Planning Commission requested a minimum 25 foot undisturbed buffer along the eastern side of the property which backs up to homes along Tennessee Avenue. The developer requests approval from the city to construct their entrance road off Lloydtown Road through the city's property. Larry Morris, the Public Works Director, has reviewed this request and has expressed support for this road to be constructed along the edge of this property.

Mr. LeDuc stated he had had some questions and some concerns from some citizens regarding some tires which had been buried on the property to be developed. He pointed out this had been discussed at the Planning Commission meeting, and the proposed developer had stated there should be no problem with the removal of the tires. He said if Council wishes they could add the removal of the tires as a condition for approval.

The Planning Commission unanimously approved this annexation with the following conditions:

1. that the lot owned by the applicant and the City-owned lot through which the access road off Lloydtown Road would be constructed be annexed;
2. that the proposed entrance road from Redd Street be deleted.
3. that the requirement for a landscaped entrance median on Tennessee Avenue be waived;
4. that if applicable, a revised Concept Plan addressing conditions of approval be submitted as determined by the Planning Director;
5. that each dwelling unit would have either an attached carport or garage;
6. that the structures conform in general terms to the sample elevations submitted with the application and that vinyl siding not be used on the exterior;
7. that a privacy fence be erected along the northern area parallel to Pope Road;
8. that there be a 25-foot deep buffer between the patio homes and the rear of the lots fronting on Tennessee Avenue right of way;
9. that a waiver be granted from the 1000-foot limit for a dead-end-street which may be necessary as a result of the elimination of the entrance from Redd Street;
10. that any conditions placed on the annexation be recorded at the RMC Office; and
11. that all conditions be met within 180 days or the annexation would be null and void.

Mayor Cavanaugh stated he would like to see the condition regarding removal of tires from the property added to the list of conditions. He said there had been discussion over the years regarding tires being buried in the area.

Mr. Gary Smith, City Attorney, pointed out that the proposed ordinance had been modified from the last meeting because of the discussion regarding “undisturbed buffer.” He said wording in Condition 8 had been changed from the Planning Commission wording to read as follows:

“8. That there be a 25-foot-deep buffer between the patio homes and the rear of the lots fronting on the Tennessee Avenue right-of-way. This 25 foot buffer shall be undisturbed in such a way that no existing vegetation is to be removed except diseased, dead, or dying trees and shrubbery and noxious plant material (e.g. Wisteria, Ivy, Kudzu, etc.) and other plants/trees that may compromise the health of vegetation to be kept as approved by the City Horticulturist. Additional trees and shrubbery may be required at the discretion of the Planning Director in order to form a dense evergreen buffer.”

The public hearing was held.

Mr. Lindsey Williams, of 1354 Representative Drive, stated that in 1989 DHEC gave the owners, Jack Cooper, Tommy Mixon and Shorty Mixon options for cleaning up the property behind Redd Street which contained 30,000 to 40,000 tires. He pointed out that at a June 20, 1989 meeting of Aiken County Council, Pinecrest residents asked the County to tell the landowners to remove the tires. Instead Council voted to ask the Aiken office of DHEC to take action against the property owners, Jack Cooper, Tommy Mixon, and Shorty Mixon. DHEC sent the owners a letter on June 22, 1989, giving them 30 days to get rid of the tires. After nothing was done DHEC sent the owners a second letter dated July 28, 1989, giving them 15 days to clean up the site and if nothing was done the owners would be fined \$200 per day. The owners of the property were requested to attend the July 18, 1989 County Council to give a report on the status of the removal of the tires. Mr. Williams referenced a letter from Jack Cooper to Mr. Kenneth Montgomery of the Aiken County Health Department regarding tires which had been dumped on his property and asking for assistance in the removal of the tires. He pointed out DHEC gave the owners three options to get rid of the tires—which included hauling to the County landfill, hauling them out of the state, or burying them on site. He pointed out that at the July 18, 1989, County Council meeting, Cooper asked the County to haul the tires to the landfill and waive a fee charged to dump the tires in the landfill. Aiken County Council refused saying they did not have the money or the equipment to do the job. After refusal of help from the County the owners decided to bury the tires.

Mr. Williams stated he had concerns about hazards from digging up the tires. He asked if anyone was looking at the soil and water contamination? If the tires were dug up, how would they be disposed of?

After discussion it was the general consensus of Council that they would like to add a condition that the tires be removed from the property.

Mr. LeDuc stated he is on a committee appointed by the Governor regarding waste tires in South Carolina. He pointed out there are several ways the tires can be disposed of, but there are some very strict DHEC standards to dispose of tires. He pointed out there is a \$2 fee on each purchase of new tires to dispose of old tires. He said that fund has been used to clean up numerous sites throughout the state. He said old tires have been used in many ways. He said if Council wants a condition that the tires be removed, it could be added to the list. He said it would be up to the owner of the property to get rid of the tires in the proper manner required by DHEC.

Councilwoman Price reviewed what happened to the tires in 1989. She pointed out the new landfill was not completed at the time and the amount of tires on the property would have filled up the old landfill so the option to bury the tires was used. She pointed out before the tires were buried mosquitoes were very bad in the area as well as rats.

Mr. Gary Smith asked Mr. Richard Evans if removal of the tires could be met in the 180 day requirement in the ordinance for the other conditions.

Mr. Richard Evans, Fox Grove Farms, Florida, stated it would take a minimum of 60 days to get a site grading permit, and if the process were slowed down, it might be a problem to get the tires removed in 180 days. He pointed out his company had done a search and DHEC did not have a record of the tires being buried on the property. He said this is not an issue for his company, but he did want Council to know they had talked to DHEC in detail and there was no record of the tires being buried.

Mr. Gary Smith suggested that wording for condition 12 be as follows: "Any tires located on the property shall be removed according to DHEC standards."

Councilwoman Price asked what material would be used to build the houses.

Mr. Richard Evans responded that the houses would be stick or metal frame, and they would use the best product possible to be energy efficient.

Councilwoman Clyburn asked if the restrictive covenants had been developed for the property. She pointed out that at the last meeting Council was assured that covenants would be developed to ensure that the homes that would be constructed behind Redd Street and Tennessee would fit into the neighborhood.

Mr. Evans stated restrictive covenants had not been developed yet as they were awaiting approval of the annexation of the property. He said the covenants would be what the neighbors in the area would like to see such as where vehicles park and regulations the homeowners would like to see. He said the material for the homes to be constructed is bound by what was submitted for the elevations, character of the community, carports or garages, etc.

Mr. LeDuc pointed out Conditions 5 and 6 outline material for the houses. He pointed out the outside cannot be vinyl siding, but could be hardiplank, brick, or stone. The houses would have a garage or a carport which has to conform in general to the designs submitted to Council.

Councilwoman Price asked about landscaping at the Lloydtown Road entrance and Tennessee.

Mr. Evans responded there would be a landscaped median on Lloydtown Road but not Tennessee. He said Tennessee is an existing easement or road and there would not be enough room for a landscaped median since the road is not wide enough. He said there

could be some landscaping on either side of the road but not room for a landscaped median. He said they prefer not to touch any trees along the side of the road.

Councilwoman Vaughters asked about the open space/buffer/recreation area. She asked if it would be green space.

Mr. Evans stated the space would be classified as improved open space with natural trails throughout the 1.34 miles of walking trails in the development. In the open space area behind the Club House he said they had considered some picnic pavilions, grills, maybe some recreation area for children, more of a park-like setting. He said they were thinking about opening it up, not leaving just trees in the area. He said an open area would blend more in the community and centers everyone. He said with the open space and the ponds and the trails, they felt it was a nice blend. Mr. Evans stated they would probably thin the trees for the center open space/green space. He said they were not really interested in cutting down trees. He said after the houses are built the homeowners association would decide how they want to develop the 1.75 acre green space.

Mr. William Clyburn, 664 Edrie Street, stated he represented District 82, and he had received a few calls regarding the proposed development. He said he just wanted to be sure the City would be overseeing the development and that the conditions would be met. He said he was concerned about the engineering and wanted to be sure engineering for the project was correct.

Mayor Cavanaugh pointed out the proposed zoning is Planned Residential and with conditions which gives the city more authority over what is to be constructed on the area and how it will look. He pointed out there is a conceptual plan and any changes in the plan have to be approved by the Planning Commission and City Council.

Mr. LeDuc stated Council has a concept plan for the project. He said once the concept plan is approved, the developer will go back to the engineer and ask for final drawings to be submitted. These plans would have to go through the city's Engineering staff for review and DHEC for final approval.

Mr. LeDuc pointed out that if there are any other conditions that Council wants to see on the property now is the time to do it. He said Council had asked questions about the design of the houses, the material to be used, etc. He said if there is something Council wants to see for the open area, the detention pond, or the tree line now is the time to specify it. He pointed out if Council does not specify something then it would be up to the homeowners association as to what they want to do with the property and how they want to maintain it unless the developers dedicate the property to the city.

Councilwoman Vaughters stated this is one of the first times Council has had the opportunity to have a say about an open space, and she felt it was very important that it be right.

Council discussed whether there should be a condition regarding the green space behind the club house and the amount of trees that should remain or be cut since this is to be a recreation area for the homeowners in the area.

Mr. Gary Smith proposed wording for condition 12 regarding the open space area. "In the area designated as Open Space/Recreation Area behind the Rec. Building, the developer shall not remove more than 30% of the existing trees without the approval of the Planning Department to insure that a park-like atmosphere is maintained."

Council continued to discuss the open space, the project as a whole, the size of the houses and lots, and the tires buried on the property until 9 P.M.

Council was concerned about the tires buried on the property. There was a lengthy discussion on where the tires may be buried and how many tires are buried. The number of tires buried varied from 2,500 to 30,000 to 40,000.

Mr. Richard Evans stated they knew the tires were buried, and they knew how to take care of them. He said he understood the tires were all buried in one area. He said there were conflicting reports on the number of tires.

Mr. Ronnie West, 804 Tennessee Avenue, stated he was concerned about low income houses being built in the area. He pointed out he was also concerned about small houses being built in the area. He felt the proposed housing was very small. He felt that 900 to 1,100 square feet was a small house for a family. He felt the houses should be at least 1,500 square feet.

Mr. Evans stated the houses would be single family homes. He said presently they are not planning on putting basements in all the units since they have changed plans for the housing. He said on the back half of the property they may have to put basements or half basements.

Mr. Robert White, 435 Orangeburg Street SE, stated his concern was the tires buried on the property. He was concerned about the number of tires which had been buried in a small concentrated area. He was concerned about contamination from the tires. He was concerned about annexing any property that had a cloud on the property such as environmental matters and providing services to the property.

Mr. Richard Evans pointed out a Phase I environmental had been completed on the property and reviewed by DHEC. He stated they know the regulations and what they have to do. He said tires are generally not very toxic. He said the oil base is minimal and it does not seep out into the soil. He said DHEC would be involved in the removal of the tires. He said they would meet the state requirements for the removal of the tires.

Mr. LeDuc stated he serves on the state appointed committee for waste tires. He said there have been sites cleaned up where there were millions of tires buried. He said in 1989 there was no legislation on tire control and what should be done with tires. He said the main thing they were trying to do at this site was to get rid of the health concerns. He said to his knowledge tires are not toxic. He said in 1991 legislation was passed which gave the means for the state to clean up tire piles and to assist local communities and property owners. He said there has not been a tire clean up in South Carolina for years since they have all been cleaned up. He said he felt the state would make sure the tires are cleaned up properly. He said cleanup of the area would be a benefit for everyone in the neighborhood. He said he did not see where the city would have liability because it would not be city property and the responsibility would be on the state and DHEC to be sure the tires are cleaned up according to DHEC regulations.

Discussion then centered on the fact that the conditions for the property must be met prior to the issuance of a building permit.

Mr. Gary Smith, City Attorney, pointed out that 10 of the conditions would have to be met within 180 days or the annexation would not take effect. He said the tires would have to be removed in accordance with DHEC regulations prior to the issuance of the first building permit. He stated conditions 11 and 12 would not fall in the 180 day requirement.

Councilwoman Clyburn pointed out the tire issue concerns her, but the property will not be a part of the city until the conditions are met. She stated that takes away any fears about annexing the property and it becoming a part of the city and the city being responsible for the clean up. She pointed out the annexation would not take place until the conditions are met.

Ms. Susan Haslup, 432 Orangeburg Street SE, stated she was concerned that a phase 2 environmental study was not required because of all the concern about the tires. She pointed out that DHEC is very busy and it takes time for tests these days. She wondered how DHEC would identify where the tires are buried if no one knows where they are.

Mr. Richard Evans stated presently they do not own the property. He said at this time they don't know if they can build on the property.

Mr. Ralph DeSisto, 1597 Graymare Hollow Road, stated the only time a phase 2 environmental is required is when the engineer or the environmentalist doing phase 1 recommends that a phase 2 is necessary. He said a qualified environmentalist did phase 1 and they said there was no reason for a phase 2. He said if they had said a phase 2 is needed they would have done a phase 2. He said they have no plans to do a phase 2 at this point. He said the phase 1 environmental was an expensive and extensive study. He said they had been talking with DHEC from the very beginning and the tires will be removed and disposed of under DHEC standards. He said the fact that there will be a cleanup of the tires should make everyone happy since they have been there for many years. He pointed out that a phase 1 environmental study was done by a private firm not DHEC.

Mr. Jeff Beckum, 188 Governors Lane, commended the proposed developers for what they had been doing to be able to develop the property. He pointed out they will spend millions of dollars and will be taking a lot of risks to develop property that produces a small amount of taxes at this time. He was concerned that Council was getting into the small details of development when they don't have the expertise. He said that is what engineers and environmentalists do. He was concerned about all developments being Planned Residential or Planned Commercial.

Councilwoman Vaughters stated she felt it was her responsibility to the citizens to be concerned about developments and what will be done. She said Council was trying to do the best thing for the citizens and to create the kinds of developments that will make money for everyone.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council adopt the ordinance on second and final reading to annex property consisting of 30.76 acres owned by Jack Cooper and T. E. Mixon located off Lloydtown Road north of Redd Street and zone the property Planned Residential with the conditions recommended by the Planning Commission and wording which had been added regarding plantings and buffers and the addition of two conditions regarding the removal of the tires that are buried on the property and removal of trees in the recreation area behind the proposed club house.

ZONING ORDINANCE – ORDINANCE 11272006A

Amendments

Planned Residential

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning Planned Residential developments.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING PARAGRAPH 2.3.1 OF THE ZONING ORDINANCE REGARDING PLANNED RESIDENTIAL DEVELOPMENT (PR) DISTRICT.

Mr. LeDuc stated that in October Tad Barber, when questioned about amending his rezoning request to PR, stated that the Zoning Ordinance states "The PR zone should only be used if the proposed project cannot be developed under another zoning category and if the goal is to develop a project of a higher quality than would be likely to occur in another zone." This sentence was added with the amendments to the PUD zone in October, 2004. We believe this statement was a hold over for some individuals that did not want PUD's in the city limits and therefore, only agreed to allow them with this wording to discourage the proliferation of PR zoning.

Mr. LeDuc stated Council had recently adopted a policy that any new annexation or rezoning over four acres for residential or five acres for commercial would come to Council under the PR or PC zones. He pointed out that since the statement regarding that the PR zone should only be used if the project cannot be developed under another zoning category is clearly in contradiction to this policy, it is recommend that it be

removed from Section 2.3.1. There will be other changes at some point that will be made to the Zoning Ordinance to accommodate Planned Residential and Planned Commercial as per Council's adopted policy for new annexations and rezonings. We feel these changes can wait until we have more experience working with this new policy. However, we feel this adjustment should be made now. City Council sent this to the Planning Commission for their review, and they approved the amendment unanimously.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to amend Section 2.3.1 of the Zoning Ordinance concerning language which is in contradiction with the new PR and PC policy and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE

University of South Carolina – Aiken

Pacer Downs Complex

Aiken County Commission for Higher Education

Pacer Commons

Dormitories

TPN 087-15-01-008

TPN 087-14-01-001

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property on the USC-Aiken campus.

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 16.83 ACRES OF LAND, MORE OR LESS, OWNED BY THE AIKEN COUNTY COMMISSION FOR HIGHER EDUCATION AND TO ZONE THE SAME RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML).

Mr. LeDuc stated the University of South Carolina-Aiken campus would like to annex two tracts totaling 16.83 acres located west of the Pacer Downs Complex to build dormitories. These dormitories are considered group living and will require BZA approval for the RML zone. The property is currently in the county under the Rural District zoning. The proposed RML zoning is compatible with adjacent city's RML zone.

The Planning Commission reviewed this request and unanimously approved this annexation under the RML zone with the following conditions.

1. that proof of recording of a plat creating lot lines corresponding to the proposed City limits be provided;
2. that any conditions of approval be recorded;
3. that the annexation not take effect until all conditions are met; and
4. that all conditions be met within 180 days or the annexation application becomes null and void.

Mr. LeDuc stated that condition one had already been met which made the rest of Planning Commission conditions not necessary.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to annex 16.83 acres under the RML zone at the University of South Carolina-Aiken campus and that second reading and public hearing be set for the next regular meeting of Council.

REZONE - ORDINANCE

Charleston Street SE 307
Legacy Design, LLC
Jarvis, Craig
TPN 121-11-15-003

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property at 307 Charleston Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY
LEGACY DESIGN, LLC FROM GENERAL BUSINESS (GB) TO RESIDENTIAL
SINGLE-FAMILY (RS-8).

Mr. LeDuc stated that Legacy Design, LLC would like to rezone a .22 acre lot at 307 Charleston Street from General Business to Residential Single Family RS-8 in order to build a single family home. Until recently the property had been occupied by a two-unit apartment building. Last year the property at 309 Charleston Street was rezoned from GB to RS-8. The lot width is under 60 feet which is less than the 70 foot minimum required for a RS-8 property. However, because this is an existing lot, a building can be constructed on it as long as the required setbacks are met. The zoning for this property is consistent with the Comprehensive Plan and is a good fit for the area.

The Planning Commission voted unanimously to approve the rezoning of this property as RS-8.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to rezone property at 307 Charleston Street SE from General Business to RS-8 and that second reading and public hearing be set for the next regular meeting of Council.

OPEN SPACE PLAN

Open Space Task Force
Consultant

Mayor Cavanaugh stated the next item concerned hiring a consultant for the Open Space Plan.

Mr. LeDuc stated that at Council's worksession on November 13, 2006, Bill Reynolds, Chairman of the Open Space Task Force, presented Council with a review of what they had accomplished. Based on the criteria they developed, the Committee recommends an Open Space property evaluation model. This model would evaluate property both inside and outside the city in and near the city's Comprehensive Plan area and map the results. The criteria developed for evaluation would be used to identify areas as to their suitability for purchase for green space, conservation easements, or donation to the city. He said at that time there was some discussion as to what is considered open space by City Council. He said some considered the need for open space to be areas that have connectivity, or large areas of several acres near or in the city. Some members of Council felt the open space should be areas such as a neighborhood park or small area within neighborhoods. He said he considered the small areas to be identified by the Recreation Department or neighborhood associations to be purchased by the city. He said the area that the Task Force was asked to consider was for the large areas. He said in discussing this with Mr. Reynolds and with Dacre Stoker, he would suggest that a consultant be hired to look at areas. He said to develop this open space map, we feel it would require expertise and resources well beyond the Planning Department and Task Force capability. Therefore, we recommend hiring an outside consultant with special software to complete this work. We estimate a cost of approximately \$20,000 for this work. With Council's approval we hope that this can be accomplished sometime during the first half of 2007.

He further suggested that someone who is very knowledgeable about green space/open space be brought in to talk to City Council and County Council regarding open space, the

importance of open space, what we are trying to achieve, what other communities have achieved and hold some worksessions and then have a session for the general public. He said this would probably be done some time in January.

He said in the meantime the Committee feels strongly that the city should go ahead and hire a consultant to begin work to identify general areas for open space and to map those areas.

Mayor Cavanaugh stated much work had been done on this project and he feels it is very important and that the city should go the next step in identifying areas for open space. He said he was in favor of hiring a consultant.

Councilwoman Vaughters asked how this phase would differ from the work that had already been done for the Open Space Plan about five years ago.

Mr. LeDuc stated this would be a different level of study of the areas. He said the previous plan was a preliminary discussion and a report on the importance of open space/green space and giving some general ideas of criteria and some general maps showing potential open space areas. He said the Task Force had set up criteria and a rating system which could be used as a tool in considering certain properties. He said consultants would start looking at areas and properties and evaluating them as to the criteria suggested by the committee. He said the consultants would be looking at areas not individual properties and suggest direction for areas.

Councilwoman Vaughters stated she was concerned about not addressing small areas for open space inside the city. She stated the Recreation Department had not suggested any green space in areas that she was aware of. She felt there were areas that would be great to have as green space in neighborhoods. She stated she would also like to know if the County owns some small properties inside the city limits.

Mayor Cavanaugh suggested that Council talk about small open space areas in neighborhoods at Horizons.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the hiring of a consulting firm to develop an inventory of land in and near our Comprehensive Plan that could be identified on a map using the Open Space Evaluation Model.

COUNCIL MEETING

Meeting
Schedule
December, 2006

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

Mr. LeDuc stated that typically in December Council only has one City Council meeting. This year the fourth Monday of the month falls on Christmas Day, December 25. We are recommending that City Council consider having only the first meeting in December, and if a second meeting is necessary we could schedule another time.

Councilwoman Vaughters moved, seconded by Councilman Sprawls and unanimously approved, that Council cancel the second City Council meeting in December due to the holidays.

EXECUTIVE SESSION

City Manager
Annual Review

Mayor Cavanaugh stated Council needed to go into executive session to discuss the annual review for the City Manager and potential salary increase.

Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that Council go into executive session to discuss the City Manager's annual review. Council went into executive session at 9:18 P.M. After discussion Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved that the executive session end. The executive session ended at 9:48 P.M.

At 9:50 P.M. Mayor Cavanaugh convened the regular meeting to make a report from the Executive Session on the review of the City Manager, Roger LeDuc. He stated Council discussed the City Manager and the work of Mr. LeDuc. He pointed out some comments regarding the City Manager were that he is a man of character, very responsive to phone calls both from Council and citizens, does what he says he will do, a visionary and looks ahead for several years not just tomorrow, a patient person, works well with others, a bridge builder, tries for win-win situations, works very closely with the County in building a good relationship, a fair person, and presents both sides of an issue. It was stated Mr. LeDuc is an excellent City Manager and the City of Aiken is fortunate to have him.

Councilman Smith moved, seconded by Councilman Sprawls and unanimously approved, that after review and evaluation that Roger LeDuc be given a 3% merit increase in salary effective November 25, 2006.

Councilmembers expressed comments that the City Manager was very deserving of the increase and really worth more.

Mr. LeDuc thanked Council for their comments and their confidence, support and faith in him as the City Manager.

CONFERENCE CENTER

Councilman Sprawls submitted some information to City Councilmembers regarding the illness of a child of Allen Turner, a city employee in the Fire Department. He said the child has 5 cancerous tumors in his stomach and will be going to Texas for special treatment. He said the family will need some extra support, and the employees in the Fire Department want to sponsor a benefit for the family to help defray some expenses. He said they are requesting use of the Conference Center for a benefit for the family, and are asking the city to waive the rental fee for the Center. He pointed out the event would be to help a city employee.

Councilwoman Clyburn discussed a situation when her son was very ill and had to have treatment out of town. She pointed out how much the support of citizens in Aiken meant to her family. She said it was not just the financial support, but the support and care of people in the time of need that meant so much. She said she felt the city should waive the fee for this event even though this is not a normal procedure or Council could collect the money for the rental.

Mr. LeDuc stated many times city employees band together to help fellow city employees. He said this was the first request for waiving the fee for the rental of the Conference Center. He was concerned about other requests in the future. He did point out the use would be for a city employee and would be a city event.

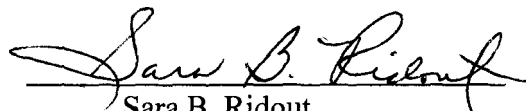
Councilman Sprawls stated he was not asking the City Manager to make a decision on this matter, but was asking City Council to consider the request.

After discussion the general feeling of Council was that this would be an event for a city employee and would show support for the family. It was felt that Council should waive the fee in this case and if there are other cases Council will have to make a decision on the requests.

Councilwoman Clyburn moved, seconded by Councilman Wells and unanimously approved, that Council waive the fee for use of the Conference Center for use by city employees for a benefit for support of a city employee who has a very sick child who needs treatment.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:06 P.M.


Sara B. Ridout
City Clerk