

Aiken City Council Minutes

September 11, 1995

EXECUTIVE SESSIONContractual Matter

Present: Mayor Cavanaugh, Councilmen's Anaclerio, Papouchado, Perry, Price and Radford.

Absent: Councilmember Clyburn

Others Present: Steve Thompson, Frances Thomas, Ted Kinghorn, Gary Smith, and Sara Ridout.

Mayor Cavanaugh called the meeting to order at 6:05 P.M. Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that Council go into executive session to discuss a contractual matter. After discussion Councilwoman Papouchado moved, seconded by Councilman Anaclerio and unanimously approved, that the executive session end. The executive session ended at 7 P.M. Council then held a pre-Council discussion of agenda items.

REGULAR MEETING

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

Absent: Councilwoman Clyburn

Others Present: Steve Thompson, Frances Thomas, Gary Smith, Larry Morris, Ed Evans, Anita Lilly, Carrol Busbee, Terry Rhinehart, Sara Ridout, Andy Anderson, Philip Lord and Chastity Kirkland of the Aiken Standard, and 12 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag.

The minutes of the regular meeting of August 14, 1995, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

ANNEXATION - ORDINANCE 091195

Casper, William
196 Dogwood Drive
Whiskey Road
Boardman Road
Tax Parcel No. 30-055.0-05-002

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to annex 196 Dogwood Drive.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.22 ACRES, MORE OR LESS, OWNED BY WILLIAM C. AND GLADYS M. CASPER, LOCATED AT 196 DOGWOOD DRIVE AND TO ZONE THE SAME R-1, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated the city had received a petition from Mr. and Mrs. William Casper to annex a portion of a lot on Dogwood Drive. The Planning Commission has reviewed the request and recommends approval.

Mr. Thompson stated the Caspers' lot is split by the city limit line. The property owners have requested that the remaining southern most portion of the lot, totaling .22 acres be annexed under the R-1 zone.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to annex and zone the lot at 196

September 11, 1995

Dogwood Drive as R-1 Single Family Residential be passed on second and final reading to become effective immediately.

ANNEXATION - ORDINANCE 091195A

Adams, Carl
507 Chatham Street
East Pine Log Road
Virginia Acres Subdivision
Tax Parcel No. 30-077-06-009

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex 507 Chatham Street.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.33 ACRES, MORE OR LESS, OWNED BY CARL W. ADAMS, JR., LOCATED AT 507 CHATHAM STREET AND TO ZONE THE SAME R-1A, SINGLE FAMILY RESIDENTIAL.

Mr. Thompson stated the Planning Commission had considered a request from Carl Adams, Jr. for annexation of a .33 acre lot on Chatham Street. After review the Planning Commission recommended annexation with a zoning classification of R-1A Single Family Residential. Mr. Adams is interested in having city services such as inside city water rates, police protection and sanitary sewer service.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilman Radford and unanimously approved, that the ordinance to annex a .33 acre lot at 507 Chatham Street and zone it R-1A be passed on second and final reading to become effective immediately.

WILLOW WOODS SUBDIVISION - ORDINANCE 091195B

Dedication
Water Lines
Utilities
Easements
Sewer Lines
Banks Mill Road

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to accept dedication of utility easements in Section II of Willow Woods Subdivision.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING DEDICATION OF UTILITY EASEMENTS LOCATED IN SECTION II OF WILLOW WOODS SUBDIVISION.

Mr. Thompson stated the city accepts utility easements within residential and commercial subdivisions on evaluation of the installation and construction of the lines within these easements. The city requires that the developer install utility lines to the city's standards and the city inspects these facilities approximately a year after completion to make sure that the quality of the construction was adequate. Council has received a petition from Frank Thomas, representing investors and developers for Willow Woods Subdivision, asking the city to accept the utilities and easements. The Engineering Division of Public Works has inspected these lines and facilities and is recommending acceptance. This includes the water lines and easements within the subdivision, gravity sewer lines and easements, manholes, and fire hydrants and service lines with easements within the subdivision.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance to accept dedication of utility easements in Section II of Willow Woods Subdivision be passed on second and final reading to become effective immediately.

CITY COUNCIL - ORDINANCE 091195CSalaries

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to increase the salaries of members of City Council.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO CHANGE THE ANNUAL SALARY OF EACH MEMBER OF CITY COUNCIL AND THE MAYOR FROM ONE THOUSAND TWO HUNDRED (\$1,200) DOLLARS AND TWO THOUSAND FOUR HUNDRED (\$2,400) DOLLARS, RESPECTIVELY, TO AN AMOUNT, FOR COUNCIL MEMBERS, EQUAL TO THE COST OF FAMILY HEALTH AND DENTAL INSURANCE WITH THE CITY OF AIKEN, ROUNDED-UP TO THE NEXT ONE HUNDRED (\$100) DOLLAR FIGURE, WITH THE MAYOR'S SALARY BEING DOUBLE THAT AMOUNT, AND TO PROVIDE FOR INFLATIONARY INCREASES OF THESE SALARIES.

Mr. Thompson stated during the budget discussions Council discussed the need to increase the salaries of members of City Council. Council has discussed this issue at length. Council members are presently compensated for their time and work at the rate of \$1,200 per year, and the Mayor receives \$2,400. The city has surveyed other cities in our size category in South Carolina, and the average salary for Council members of our size municipality is \$3,536 per year, and the average salary for the Mayor is \$6,388. Members of Council have repeatedly emphasized that salaries for the sake of compensation have never been the interest of City Council, but that members of Council should be compensated at least for their expenses with health coverage. The annual cost for family health and dental coverage with the city presently totals \$1,924.52 for family coverage. For the ease of administration the staff is suggesting that Council consider adopting salaries of \$2,000 per year. The Mayor would receive double the amount for a member of Council.

Mr. Thompson stated if Council adopts the proposed ordinance, it would establish Council salaries at \$2,000 per year and \$4,000 per year for the Mayor. The ordinance would also adopt the cost for health insurance as the standard for Council's salaries and as the cost for health insurance increases, Council's salaries would increase, rounded to the next higher \$100. The proposed ordinance includes an inflationary increase for Council salaries and the proposed ordinance adopts either the increase with health insurance or the rate of increase in salaries for all city employees whichever is greater. The effective date of the proposed ordinance would be November 14, 1995, which would be effective after the next general election.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Price, that the ordinance to increase the salaries of Council members using the cost of health insurance as the standard for Council's salaries, be passed on second and final reading to become effective November 14, 1995.

Councilwoman Papouchado stated this being an election year it would be easy for her to vote against the ordinance. She stated however, she did not feel this was the right thing to do because if the city is interested in being an inclusive community and allowing and encouraging anyone interested to serve in public office then Council should take this step to increase salaries. She pointed out there is expense involved in being a council member.

In favor of the motion were: Mayor Cavanaugh, Councilmembers Anaclerio, Price, Papouchado and Radford. Opposed was: Councilmember Perry. The motion passed by a vote of 5 in favor and 1 opposed.

BOARDS AND COMMISSIONSAppointmentsGeneral Aviation Commission

Findley, James

Coward, Ira E. II

Community Development Committee on Housing

Lloyd, Ossie

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

September 11, 1995

Mr. Thompson stated the terms of James Findley and Ira E. Coward expired on September 1, 1995, on the General Aviation Commission. Terms on the General Aviation Commission are for three year terms. Mr. Findley and Mr. Coward are interested in continuing to serve if appointed by Council.

Councilman Radford moved, seconded by Councilwoman Price and unanimously approved that James Findley and Ira E. Coward be reappointed to three year terms on the General Aviation Commission with the terms to expire September 1, 1998.

Mr. Thompson also stated the terms of Frank Alexander and Mrs. Ossie Lloyd expire on September 2, 1995, on the Community Development Committee on Housing. Mrs. Lloyd is interested in continuing to serve, but Mr. Alexander would like to be replaced on this committee. Terms on the Housing Committee are for four years.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that Mrs. Ossie Lloyd be reappointed to the Community Development Committee on Housing for a four year term to expire September 2, 1999.

ZONING ORDINANCE

Amendment
Parking Areas
Residential Zones
Commercial Zones

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance to limit parking areas from commercial projects to extend into residential areas.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION III.J.1.a.(4) OF THE ZONING ORDINANCE TO REQUIRE AREAS IN COMMERCIAL OR INDUSTRIAL ZONES TO EXTEND INTO RESIDENTIAL ZONES.

Mr. Thompson stated recent discussions over the SRP Credit Union site on Price Avenue have raised several questions for the Planning Commission concerning the city's Zoning Ordinance. The Planning Commission has reviewed the Zoning Ordinance and is recommending that the city amend the Zoning Ordinance to prohibit public parking areas from commercial projects to extend into residential zones. The proposed ordinance would amend the Zoning Ordinance to limit commercial and institutional parking within residential zones.

The Zoning Ordinance requires a minimum amount of parking for all commercial and institutional development and the ordinance allows businesses and churches to extend their parking lots into residential areas to meet this requirement. The proposed ordinance would delete this particular section. The Planning Commission has reviewed this section of the Zoning Ordinance and has recommended that Council delete the section which allows public parking in commercial or residential zones to extend into residential zones.

The philosophy behind the present ordinance is that parking lots may provide a transition area between commercial properties and residential zones, but of course under certain circumstances this is not always correct. This has been an issue under discussion with the new Credit Union building proposed to be placed at the intersection of Price Avenue and Colony Parkway. The Credit Union purchased a two acre tract, and this tract includes a portion that is zoned Neighborhood Business and a portion zoned Residential. The Credit Union proposed placing the parking lot on the residential area under the existing ordinance.

Council discussed the proposed ordinance. Mayor Cavanaugh stated he was concerned about the proposed ordinance since it seemed it had come up because of a particular issue.

Councilwoman Papouchado stated she did not like to see residential lots paved, but at the same time Council had to be extremely sensitive to small businesses. She stated in looking around town she had not seen too many places where this would have an impact in the future. She stated she was in favor of placing the ordinance on first reading for further discussion of the ordinance.

Councilwoman Price moved, seconded by Councilwoman Papouchado, that the ordinance to amend the Zoning Ordinance to delete the section of the Zoning Ordinance regarding public parking for commercial projects extending into residential zones be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council. The motion was passed by a vote of 5 to 1 with Councilman Perry opposing the motion.

ZONING ORDINANCE

Conditional Use
Church Parking
Off-Site Parking

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to require conditional use approval for off site church parking.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION III.J.1.a.(4) OF THE ZONING ORDINANCE TO REQUIRE CONDITIONAL USE APPROVAL FOR OFF-SITE PARKING IN A RESIDENTIAL ZONE FOR A CHURCH.

Mr. Thompson stated the recent discussions of parking within commercial projects has also raised the issue of parking for churches within residential zones. Church parking has continued to be a problem. In 1992 City Council amended the Zoning Ordinance to reduce the requirement for parking for churches and to allow churches to use other off-site parking spaces to be counted in meeting the parking requirement for churches. The Planning Commission has reviewed the issue of off-site parking for churches, and is recommending that the Zoning Ordinance be changed so churches cannot extend parking into residential zones as part of the off-site formula unless the church receives conditional use approval by City Council and the Planning Commission.

Council discussed the proposed ordinance. Councilman Perry asked what prompted this proposed change in the ordinance for parking for churches. He pointed out parking around the churches is usually for about two hours on Sunday morning. He stated he did not see a need to change the ordinance.

Mr. Buzz Jackson, of the Planning Commission, stated he was not present at the Planning Commission meeting when the proposed ordinance was discussed and if he had been present he would not have voted for it. He stated he did not feel that the parking for two hours on Sunday morning at the churches was a big problem that needed more regulation.

Ms. Lucy Knowles, of the Planning Commission, stated the purpose of the amendment to the Zoning Ordinance regarding off-site parking for churches was in conjunction with the Zoning Ordinance amendment to limit public parking areas from commercial projects from extending into residential areas. She pointed out if the first ordinance regarding parking is passed it might be difficult for churches to have parking in residential areas because it would no longer be permitted as a right. The purpose of the second amendment was to allow churches who want to utilize a lot in a residential area for off-site parking to come before the Planning Commission and City Council to obtain that right. She said this gives citizens the opportunity to come before Council to comment about things happening in their neighborhood.

Council continued to discuss the proposed ordinance at length. Councilman Perry pointed out when a church locates in a residential area it must get permission. He pointed out parking is addressed when permission is requested for the church location.

Mr. Gary Smith, City Attorney, pointed out the present Zoning Ordinance requires that when building plans are submitted that churches have a certain number of parking spaces for each seat in the church. He said that part of the ordinance would not change. He pointed out if the previous ordinance passes churches may not be able to have off-site parking in a residential area. Under the proposed ordinance off-site parking for churches would be allowed as a conditional use and the church would have to request permission from the Planning Commission and City Council.

Several members of Council felt that Council looks at parking when the plans are submitted for the church location and felt this proposed amendment would require an additional approval and was not necessary.

September 11, 1995

Mayor Cavanaugh pointed out the ordinance regarding off-site parking for churches as a conditional use should be considered in conjunction with the previous ordinance amendment regarding parking extending into residential zones from commercial zones. He suggested that this ordinance be discussed on second reading and public hearing at the next meeting.

Mayor Cavanaugh made a motion that the proposed ordinance amending the Zoning Ordinance to require conditional use approval for off-site church parking be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council. The motion was seconded by Councilwoman Papouchado. The vote was three in favor and three opposed so the motion did not pass. In favor of the motion were Mayor Cavanaugh, Councilwoman Papouchado and Councilwoman Price. Opposed to the motion were Councilmembers Anaclerio, Perry and Radford.

REZONING - ORDINANCE

Laurens Street
Public Safety Headquarters
Lutheran Homes Property
Trinity Place
Barnwell Avenue
Pendleton Street
Edgefield Avenue

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone the Public Safety Headquarters property and a portion of the Lutheran Homes Property on Laurens Street from R-3 Multi-Family to Professional.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE REZONING THE LOT LOCATED BETWEEN LAURENS AND PENDLETON STREETS SOUTH OF EDGEFIELD AVENUE WHICH IS ALSO DESIGNATED AS AIKEN COUNTY TAX MAP PARCEL NO. 30-043-02-001, FROM R-3, MULTI-FAMILY RESIDENTIAL, TO PROFESSIONAL (P).

Mr. Thompson stated Council has received a conditional use request from the developers and owners of the new Lutheran Homes facility on Laurens Street. During the discussions of the Planning Commission, the Commission recommended that a portion of the lot owned by Lutheran Homes and the Public Safety Headquarters building property should be rezoned to Professional so all the property of Lutheran Homes and the Public Safety property would be Professional. A portion of the property owned by Lutheran Homes of S.C. is currently zoned Professional. The proposed ordinance would make all of the Lutheran Homes property and the City of Aiken's Public Safety Headquarters property zoned Professional.

Under the proposed ordinance the primary change would be the rezoning of the Public Safety Headquarters. The primary difference in the Professional zoning will be that the sign at the Public Safety Headquarters Building will be nonconforming. On replacement of the sign at some point in the future, the city will have to change the sign design and size.

Council discussed the proposed ordinance.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that the ordinance to rezone a portion of the property owned by Lutheran Homes of S.C. on Laurens Street and the Public Safety Headquarters property on Laurens Street be rezoned from R-3 Multi-Family to Professional be passed on first reading and the second reading and public hearing be set for the next regular meeting of Council.

CONDITIONAL USEResidential Assisted LivingLaurens StreetPendleton StreetBarnwell AvenueEdgefield AvenueLutheran Homes of S.C.Trinity PlaceTax Map Parcel No. 30-043-02-001

Mayor Cavanaugh stated the city had received a request for a conditional use for a residential assisted living facility to be constructed on property of the former Aiken Junior High School on Laurens Street by Lutheran Homes of S.C.

Mr. Thompson stated a request had been received from the architects for the proposed assisted living facility at the former Aiken Junior High School site on Laurens Street for a conditional use. The Planning Commission reviewed the conditional use request and recommended approval with conditions.

The developer, Lutheran Homes of S.C. is proposing a 53,000 square foot facility and the property is split by two zoning districts. A portion of the property is zoned Professional and the remainder is zoned R-3 Multi-Family. The Planning Commission has recommended rezoning of the multi-family portion including the Public Safety Building property to Professional zone.

The Planning Commission reviewed the request at length and based on tentative plans has recommended that the project for an assisted living facility be approved with the following conditions.

1. The exterior design of the facility should follow as closely as possible the design depicted on the drawings presented to the Commission as determined by the Planning staff;
2. The facility should not exceed the height restriction for Professional zone;
3. Curb cuts should be limited to one each for Laurens Street and Barnwell Avenue; no more than two curb cuts should be allowed on Pendleton Street to allow the shifting of the service drive from Barnwell Avenue to Pendleton Street if the South Carolina Department of Transportation approves;
4. A minimum of 41 parking spaces should be provided;
5. Adequate evergreen shrubbery should be planted to screen parking and service areas as approved by the City Horticulturist; and
6. The approval should apply to that portion of the site zoned R-3 should it be rezoned to Professional as proposed by Application #947.

As designed, the facility would house a total of 54 residents and the buildings will be situated on the site to allow an additional three story complex that would add approximately 66 more units on this site.

Mr. Thompson pointed out the matter before Council at this time is the conditional use approval and not approval of plans.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council approve the conditional use request for a residential assisted living facility within the Professional Zone on Laurens Street between Barwnell and Edgefield Avenues as requested by Lutheran Homes of S.C. with the conditions as recommended by the Planning Commission.

In response to a question from Councilman Anaclerio regarding removal of any of the oak trees, Mr. Sam Herin, architect, pointed out there was one oak tree in the area proposed for a curb cut but he was working with the Highway Department to try to move the curb cut so the tree could remain. Council stated they would be glad to help work with the Highway Department to be sure the oak tree can remain.

SIGN ORDINANCECentral Business District

Councilman Perry pointed out he was concerned about the sign situation in the downtown area. He stated Aiken County National Bank had a difficult situation regarding the bank's sign when the bank transferred ownership. He said he would like to suggest that approval of any sign in the Central Business District come before Council for approval. He stated he felt the present sign ordinance was not working for businesses which might like to come into the Aiken area. He pointed out the Planning Commission is in the process of reviewing the Sign Ordinance but that might take a year. He felt something should be done in the meantime so businesses are not discouraged from opening in the Aiken area.

NEWS MEDIALord, Philip
Aiken Standard

Mayor Cavanaugh stated he had received notification that Philip Lord of the Aiken Standard would not be covering the City of Aiken any longer but would be transferred to another assignment. He stated Mr. Lord had been covering the City of Aiken for seven years and Mr. Lord had worked well with the city and in his reporting for the city. City Council recognized Mr. Lord for his work with the city.

Mayor Cavanaugh introduced Ms. Chastity Kirkland who will take Mr. Lord's place in reporting for the city.

EXECUTIVE SESSIONLegal Issue

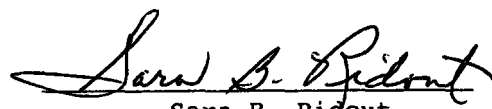
Mayor Cavanaugh stated Council needed to discuss a potential legal matter and needed to go into executive session for discussion of the matter.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council go into executive session to discuss a legal matter. Council went into executive session at 8:20 P.M.

After discussion Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved, that Council adjourn the executive session.

ADJOURNMENT

There being no further business, Council adjourned at 8:50 P.M.


Sara B. Ridout
City Clerk