

Aiken City Council Minutes

November 22, 2004

WORK SESSION

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

Absent: Councilwoman Clyburn

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Larry Morris, Ed Evans, Glenn Parker, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinias of the Augusta Chronicle, and about 10 citizens.

Mayor Cavanaugh called the meeting to order at 6:01 P.M. He stated Council had three items that they would like to discuss in the work session.

TRANSPORTATION STUDY

- Pine Log Road
- Silver Bluff Road
- Dougherty Road
- Whiskey Road
- Connector Road

Mr. LeDuc stated Roger Dyar could not be present to make the presentation, so he was going to review the study and recommendations.

Mr. LeDuc stated for the last several months Roger Dyar has studied the area bordered on the North by Pine Log Road, on the South by Dougherty Road, on the East by Whiskey Road, and on the West side by Silver Bluff. He pointed out a sentence on page 5 of the Study of Possible Roads Between Pine Log, Silver Bluff, Dougherty, and Whiskey Roads. "Assumptions about changes in land use for the existing shopping centers were provided by the City of Aiken, and a five year road factor of 2.5% was applied." He said in looking at Hitchcock Plaza there are some parcels that will have more buildings on them than at present and there will be more traffic generated from the Kroger Shopping Center at Whiskey. He said these considerations had been factored in the study plus a 2.5% road factor on Whiskey Road, Dougherty Road, Pine Log, and Silver Bluff Road. He said what they hoped to show in the study is that the level of service would be improved by having an east-west connector to Whiskey Road and Silver Bluff and a north-south connector between Pine Log Road and Dougherty. If the level of service cannot be improved even with the roadway then it may not be worth the funding necessary to build the two roads. He pointed out that Figure 3 shows the current traffic volumes. He stated that Fabian Drive, which is not completed, now carries 4,100 cars per day at the Hitchcock Plaza area and 3,200 cars per day at Ola Hitt Lane. He said 3,000 to 4,000 cars already use that roadway. He stated that just south of Pine Log Road on Whiskey Road there are 30,200 trips per day which is a very high traffic volume for that section of roadway. Dougherty Road at the western end is 13,300 cars per day and at the eastern end 13,600. For a two lane roadway a volume of 13,000 is not bad. He said, however, at the intersection during certain times of the day a gridlock does happen at Dougherty Road and Pine Log Road. He then reviewed Figure 7, which shows current traffic volumes during peak p.m. periods. He said that on the section of Whiskey Road between Dougherty Road and Corporate Parkway, the study shows that the road is already at a service level of E. Also, on Dougherty Road on the western end going toward Silver Bluff Road the level of service is E. He said Council has expressed the feeling that they wanted all roads to be a Level of Service of D or higher. He then reviewed Figure 9, which shows the area with the two proposed roadways--Fabian Drive connecting to Old Towne Road and then through the Wal-Mart Shopping Center and the north-south connector going through Pawnee Drive near Kentucky Fried Chicken down to Dougherty Road. That area would be carrying around 7,000 cars per day. The study reviewed the possible east-west connector along Fabian and a north-south connector

extending from Pawnee. Our consultant agrees with Council that we need to construct an east-west connector utilizing Fabian Drive. Approximately 6,000 cars a day would use this roadway once it is completed. In addition, his analysis states that a traffic signal would improve the traffic flow at Silver Bluff Road and Fabian/Old Towne Road. This signal when installed would be coordinated with the existing signal at Silver Bluff and Pine Log Road. Based on traffic modeling, the extension of Pawnee Drive to Dougherty Road (7,000 cars per day) would improve traffic on all the other major roadways in this area. He recommends a feasibility study to determine where this route should be located through the detention pond east of the former K-Mart building and west of Wal-Mart. This route could also connect both the Hitchcock Plaza and Wal-Mart parking lots and would likely utilize the existing Neilson Drive right of way. The construction of one or both of these options will result in an improved level of service and the diversion of traffic from the Whiskey Road-Silver Bluff Road, Pine Log and Dougherty Road corridors.

Mr. LeDuc then reviewed Figure 16, which shows what the traffic volume would be on the Fabian Drive connector. He said a recommendation is that a traffic signal be installed at Fabian and Silver Bluff. He said with the traffic volume at the intersection a traffic signal is justified. He said Ola Hitt Lane will probably have to be widened with an additional lane. He said a traffic signal at Pawnee and Pine Log Road had already been approved by the Highway Department and will be installed prior to Kroger opening up their shopping center. He then discussed the extension of the roadway from Pawnee to Dougherty Road and the detention pond behind the old Kmart. He said a way would have to be worked out to go around the pond. He then reviewed Figure 19, which shows the portion of Whiskey Road from Dougherty Road up to the Target area as a Level of Service E. He said even with a 5 year growth of 2 ½ %, this roadway would be able to be reduced to a Level of Service D with the two proposed connector roads.

Mr. LeDuc then pointed out the three recommendations in the study. The first recommendation is to complete the Fabian east-west connector. The second recommendation is to consider authorizing a feasibility study and the preliminary design of the north-south Pawnee connector. Also, based on this report and the Hitchcock Plaza developer's agreement, we will be requesting the State Highway Department to consider a new traffic signal at the Fabian/Old Towne Road intersection with Silver Bluff. The third recommendation is that a traffic model needs to be created for Aiken.

Councilman Cuning expressed the opinion that Dougherty Road needed to be widened, as he felt it was absolutely the key to carrying traffic from Silver Bluff to Whiskey Road. He said he also felt it was important to try to figure out the best way to get from Dougherty to the Mall.

Council discussed the recommendations briefly and the general consensus was that staff proceed with recommendations 1 and 2, with the City Manager getting further information for Council on the cost of creating a traffic model for Aiken.

#### AIKEN ARTS TASK FORCE

##### Report

Mr. LeDuc stated for the last several months a task force made up of representatives from fourteen arts organizations in Aiken has been meeting. The City hired Doug Rabold to put together a group of individuals that represent the various arts in the community. He said eleven individuals were selected, and they have been working very hard for the last three months. They have researched various community models for nurturing the arts and conducted a needs assessment of the Aiken arts organizations. The eleven citizens on this committee have generated several recommendations to move Aiken forward in cultivating the arts. Their ultimate goal is to take action so that the arts organizations in Aiken could realize their full potential. The Aiken Arts Task Force recommends a three pronged approach for nurturing the arts.

1. Charge the City Tourism Supervisor with marketing the arts and cultural tourism.

2. Charge the Parks, Recreation and Tourism Department with publishing an arts calendar. (Both of these could be done within a relatively short time frame.)
3. Consider a municipal commission with oversight of arts and cultural tourism and related economic developments.

Should City Council decide to develop this voluntary advisory commission, seven members would be appointed, one by each of the Council members. This committee would serve in an advisory capacity involving any future arts issues within our community. Bill Reynolds was the chairman of the Arts Task Force, and Doug Rabold facilitated this group in developing these goals, and both are present to discuss these recommendations in greater detail.

Mr. Bill Reynolds, Chairman of the Task Force, first introduced Kristin Brown of the Aiken Center for the Arts. He then briefly reviewed the process of the Task Force. He said they identified the 20 largest cities in South Carolina and tried to determine if they had an arts alliance and how it was set up. He said about one-third of the cities didn't have an art alliance. He said of those that did, Spartanburg had a United Way kind of approach. He said they have a budget of \$1.4 million. He said that model was driven 10 years ago by some of the prominent businesses in Spartanburg that wanted to have a "one-time give" per year to the arts. He said Spartanburg provides all kinds of science and art classes and education to the public schools. He said they want every citizen in the community to be exposed to art and science. He said the group had been told that an attempt had been made in the past to establish an art alliance, but it had failed. He said the group was very sensitive to try to understand the needs and wants of this community in the terms of those that are most impacted by the Arts. He said they contacted about 15 organizations that are in some way tied in with the arts. He said there did not seem to be a desire or need to have a United Way kind of art approach in Aiken. Some of the major corporate donors to the arts stated they liked the present set up so they could pick and choose where they want to spend their money. Some of the arts organizations said they have a hard time finding funds, and if the city went to a United Fund approach they felt they could be lost and end up with less money, losing their sponsors and some of their funding. They were very concerned about a United Way kind of approach. He said, however, the positive side was they all said they felt collectively they could be more than what they presently are but they need leadership. He said they were looking to the City to provide the leadership. He said with the Tourism Director position being created, they felt there was an opportunity to be able to take this position and tie it in to market the arts in Aiken, so the total is bigger than the individual parts. He said they wanted to be able to take some of the common needs and wants of the organizations and to be able to use the Tourism Director position to market the arts outside of Aiken to be able to bring people into Aiken and help use it as an economic development tool. At the same time everyone recognized that we need a common art calendar so we don't have three art events the same night. The third item was that some leadership was needed from the City to help coordinate the arts. It was suggested that a group of volunteers be appointed who have a passion for trying to help improve the arts and form an arts commission, with the charge to help develop the arts in conjunction with the Tourism Director and the art calendar. He said he felt there needed to be some team work and some confidence so the commission could go to the next level.

Council discussed the recommendations briefly and felt the key was coordination of events and funding of Accommodations tax funds.

Mr. Glenn Parker, Recreation Director, stated his staff had no problem with the recommendations and the first two could be started the first part of January when the Tourism Director comes to work, including coordination of the calendar. He said the third recommendation would be the decision of Council as to the forming of a commission or alliance.

Councilwoman Price asked about the discussions on the inclusiveness of having all people in Aiken enjoy the arts in terms of wanting to engage all citizens in an appreciation of the arts.

Mr. Reynolds stated the task force discussed the matter. He pointed out input from the other cities was that Aiken include a cross section of the community and involve the total community.

The general consensus of Council was that the City proceed with the recommendations. Council asked that staff give Council some structure for an advisory commission for the arts such as by laws, responsibilities, etc.

### ROUNDBOUT

Streetscape  
Aiken Mall  
East Gate Drive

Mr. LeDuc stated that on Tuesday, November 16, 2004, the East Gate roundabout was opened to traffic. The only items remaining to be completed are pavement markings and the streetscape within the roundabout circle. We would like Council's input of how to finish the center portion of the circle. It could be as simple as a tree and some minor landscaping or a fountain or statuary in the circle. Staff would like direction from Council on what Council would prefer and staff would then begin the process to complete this work. Irrigation and electrical lines have already been installed to the center of this circle.

Some Council members expressed the opinion that they would like to see a fountain and some flowers in the area rather than a statue. It was suggested that some permanent low shrubbery be planted in the circle, so there would be some greenery in the area and the city not have to spend a lot of money on flowers for each season. It was stated that trees probably would not be a good choice, since people need to see across the way of the roundabout.

The worksession ended at 6:50 P.M.

### Aiken City Council Minutes

### REGULAR MEETING

November 22, 2004

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Larry Morris, Ed Evans, Pete Frommer, Glenn Parker, Anita Lilly, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and about 45 citizens.

Mayor Cavanaugh called the meeting to order at 7 P.M. Mr. LeDuc 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. Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that the agenda be approved as submitted.

### MINUTES

The minutes of the work session and regular meeting of November 8, 2004, and the work session of November 10, 2004, were considered for approval. Councilman Cuning moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsPlanning CommissionGiobbe, Ed

Mayor Cavanaugh stated Council needed to make one appointment to the boards and commissions of the city.

Mr. LeDuc stated there are 13 pending appointments to boards and committees of the city, and 1 appointment is presented for Council's consideration.

Councilman Smith has recommended reappointment of Ed Giobbe to the Planning Commission. If reappointed his term would expire December 1, 2006.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council reappoint Ed Giobbe to the Planning Commission with the term to expire December 1, 2006.

For the next meeting Councilman Sprawls stated he would like to reappoint Kay Brohl to the Planning Commission.

Councilman Cunning stated he would like to reappoint Charles W. Newton to a full term on the Environmental Committee, with the term to expire December 31, 2006. Also, he would like to reappoint Ed Woltz to the Planning Commission with the term to expire December 1, 2006.

Councilwoman Price stated she would like to recommend reappointment of John Gladden to the Environmental Committee, with the term to expire December 31, 2006 and recommend reappointment of James Milledge to the Historic Preservation Commission with the term to expire December 31, 2006.

GARBAGE - ORDINANCE 11222004Residential GarbageRoll Cart Program

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to establish new residential garbage service.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ESTABLISHING NEW CHARGES FOR RESIDENTIAL GARBAGE SERVICE.

Mr. LeDuc stated one of the goals that City Council approved at this year's Horizons was to develop a pilot roll cart program. The City began this program in June, with 1,500 roll carts within five neighborhoods throughout the City. In October we surveyed all the citizens in those areas including those with backyard service. Of those surveyed, we received 958 responses, a 60% return rate. Of those, 85% participated in the roll cart program while 15% continued with the backyard service. Of those responding, only 81 or less than 9% preferred to keep backyard service. Also, over 80% wanted to continue with roll cart service using the 90 gallon roll cart, with the rest split between using a 45 or 60 gallon cart. The cost differential between a 45, 60, or 90 gallon is insignificant, and different sized carts can be offered to those within the program.

Based on the results of the survey, we recommend that City Council implement a city-wide roll cart program. Since some of the residents would like to continue with backyard service, we suggest that Council consider a dual rate system for those not wanting roll cart service. We currently charge \$12.50 for our solid waste service, which consists of household garbage, recycling and yard waste collection. Based on actual data for the last two years, our current cost to provide these services is \$15.84. For those wanting to continue with backyard service, we recommend an additional fee of \$5.00 per month. If Council decides in the future to raise the \$12.50 base rate, then the backyard service

would increase by an additional \$5.00 per month over this rate. In a fee comparison, other cities provide the same type of service as Aiken and, except for North Augusta, all of them charge over \$16 per month.

We have made several changes recently concerning our solid waste service in Aiken. For this reason we are uncertain what that rate will be in the future. We know there will be some cost savings by reducing each crew by one toter for curbside service. We should also realize some reduction in overtime by not having to collect non-yard waste items at the curb. Once these two operations have been in operation for several months, we will then be able to determine what our actual costs will be for that service.

Many cities provide backyard service for elderly and handicapped persons, which we recommend in Aiken. Their rates would be adjusted so they would pay the same rate for someone receiving curbside service. City personnel would identify these addresses and retrieve the container from the backyard, dump it and take the container back to its original position. This service would incur some additional cost on the part of the city, but would be well received by those individuals.

Since some of the garbage collected at a residence may not fit in the cart every week, our personnel would pick up any bagged or boxed items that are set by the cart. If a resident continually has additional garbage or wants a second cart, we recommend an additional fee of \$65 each year. This would allow the city to recoup its cost for the additional cart dump. We also recommend the City inspect all neighborhoods approximately 24 hours after the garbage service has been completed to determine if the roll carts and recycling bins have been removed from the street. If not, we would give the resident a warning letting them know that in the future, if we have to return the cart or recycling bin, that they would be charged an additional \$5 for this service. This would provide an incentive for residents to return their carts or bins to the backyard.

The public hearing was held.

Mr. Willar Hightower, of 682 Edrie Street NE, stated he had some questions regarding the proposed garbage fee. He spoke at length regarding the matter. He said he was confused about the garbage pickup and what he could or could not put on the street. He asked various questions such as how much the city received in property taxes. He pointed out the city had about \$25 million income from the 1 cent local option sales tax over 7 years and would get another \$28 million over the next 5 years. He said with this income he did not understand why the city needed to raise the garbage rates, a reflection of the character of the city, including the quality of the neighborhood. He said with backyard service there are no containers at the curb. He asked how is a person to dispose of a refrigerator? He said this affects the environment, as he feels they will be dumped in various locations. He said if the city has grown and added citizens, then the city should be receiving more in taxes to cover any additional costs. He asked that Council consider not having curbside garbage pickup and that fees and taxes not be increased, since the city would be getting additional income from the 1 cent sales tax. He said his request was that Council consider sideyard pickup and containers that are attractive placed near the driveway, rather than backyard. He said there are a lot of options to consider other than raising the rates, doing away with the cleanliness of the City of Aiken, and damaging the environment.

Mayor Cavanaugh addressed some of the items stated by Mr. Hightower. He pointed out that the 1 cent sales tax is a project tax and is specified for certain projects as voted on by the citizens. He said the 1 cent sales tax is not a general fund tax to be used for garbage pickup and is not a tax increase to the budget of the City. He said the millage rate for property taxes has not been increased in 16 years. He said, however, fees have been increased at times to pay for the services. He said one of the main reasons for looking at the garage pickup fee and change in service is the loss of revenue, including a \$900,000 reduction in revenue. He said the vehicle tax rate has decreased over the last several years and will go down from 10% to 6%. The other loss of revenue is the telecommunications fee on long distance phone calls. Previously the City of Aiken was getting 5% on long distance phone calls. Presently the City is getting .75%, which is a major decrease. He said the loss of revenue for just these two items is about \$900,000.

He said Mr. Hightower had asked about disposing of a refrigerator. He said when a person buys a new refrigerator they should ask the supplier to take the old refrigerator. If not, the City will make a special pickup for a cost. Mayor Cavanaugh pointed out that Mr. LeDuc had reviewed the charges for other cities for garbage pickup, and Aiken was lower than the others. He said the City's actual cost is \$15.84, but the city is only going to charge \$12.50 per month at the present time. He said other cities do not allow white goods to be put at the curb for pickup without a charge. He said that service was nice, but times have changed. He also stated if people cannot physically take their roll cart to the curb, then the city will provide backyard service and there will be no extra charge besides the \$12.50 normal curbside fee. For those who elect not to take the roll cart to the curb, there will be an extra \$5 per month charge. He said Council had looked at the service for several years, and this is what is being proposed at this time. He said he did not know that curbside service would make the city look worse. He said he had had a roll cart for months because he wanted to try the service, and he was well pleased with it. He said there was no doubt that the city had to make some change in the service.

Councilwoman Vaughters stated she agreed with the debris not being picked up any more. She said the debris situation had gotten very bad, and the City had many more pounds of debris being picked up, especially at rental houses. She said the debris being placed at the curb was dangerous for children playing, and that had gotten out of hand. She said when raising garbage rates was discussed for special pickup of debris it seemed fair. She said it did not seem fair for everybody to have to pay for taking some people's debris away when some people never had white goods to be taken away, plus the danger of some things which were left at the side of the road. She said it did not bother her to eliminate the pickup of white goods and ask people who want that service to pay a reasonable amount for it. She said, however, it seems the city is so much better since the white goods are not at the curb that she hates to see an ordinance passed that encourages garbage to be taken to the curb. She said she did feel it was safer to use the roll carts for the workers. She said, however, she did not want to see the roll carts on the street. She felt the City would save a lot of money by not picking up furniture, white goods, etc. She said she would support the roll carts, but she was not for having the roll carts for curbside service. She said she was not for increasing the garbage fee until the City knew what they would save from not picking up white goods.

Mr. Hightower stated people who have rental houses are charged more for property taxes, so he felt he should get something for the extra money paid for rental houses. He said as far as the refrigerator pickup, he was concerned about the poor people who buy used appliances and there is no pickup of their old appliances. He felt they could not afford to pay the city's pickup fee. He pointed out that the debris put out by rental houses is not created by the landlord, but by the person living in the house. He said he felt a private garbage service would be glad to pick up garbage, and he felt someone would pick it up for \$12.50 per month if they could service the whole city. He said he wanted Council to look at the situation in a different perspective.

Ms. Al Payne stated she could not tell Council how much she appreciated her neighborhood and what the new trash pickup had accomplished for Crosland Park. She said some people on the southside had also stated their neighborhoods were now cleaner, with the new regulations of debris pickup.

Mayor Cavanaugh stated Council has been flexible over the years and, if things don't work out, Council is open for suggestions on how to do things better.

Councilman Cuning stated at first Council had asked that the trash piles be no larger than 5 cubic yards, but that had been changed, so Council is flexible and changes things if they don't work.

Ms. Rosamond McDuffie, 5 Oakmont Drive, stated she wanted to commend Council because she felt the new regulations are a housekeeping project for Council. She stated the matter had been studied, and if roll carts need to be used then it needs to be done. She said some people will complain, but she felt the City should proceed, and, if there are problems, work with the people. She commended Council, as she felt the City was doing a good job.

Councilwoman Clyburn stated she personally did not want the roll cart service. She said she had received some phone calls expressing the opinion that those people who have been in the downtown area for all these years are used to the backyard pickup and might have some problems with roll cart curb service. She said, however, most of them probably would qualify for elderly service. She said she wanted to know if staff had determined what "elderly" is. She also asked if the city was increasing the garbage rates.

Mr. Larry Morris, Public Works Director, stated the city has an application for a person to complete if they consider themselves elderly or handicapped. He said the form would not have to be signed by a doctor. He said some people are elderly at 60 whereas others never get elderly. He said a person would qualify for backyard service if they were physically incapable, whether age related or handicapped related, to roll the cart to the curb.

Mr. LeDuc stated in answer to Councilwoman Clyburn's question regarding the garbage fees, the curb fee is \$12.50 per month, which includes garbage collection, recycling, and yard trash. He said several changes had been made in the yard waste regulations. He said staff does not know what kind of savings the city will have by not picking up construction debris, furniture, white goods, etc. He said staff knows there will be a savings by going to the roll cart system and picking garbage up at the curb. He said a larger number of households can be picked up at the curbside compared to backyard pickup. He said currently he did not know how much savings the city would have from the roll cart curbside pickup or the new yard waste collection. He said this would take several months to determine. He said currently the majority of the residents understand the change in the yard waste policy, and staff is having to leave less door hanger violation notices. It will probably take 3 to 6 months to determine the costs. He said currently the cost is \$15.84 per month. He said he was sure the cost would be higher than the current fee of \$12.50, but he hoped it would be less than \$15.84. He said he would not ask Council for an increase in garbage fees until staff knows what the new costs are. Mr. LeDuc pointed out the roll cart service would have to be phased in over a period of several years, with the city providing roll carts to one neighborhood at a time. He said backyard service would continue at some residences until the city could provide roll carts for the area.

Councilwoman Vaughters pointed out the proposed ordinance would add \$5 per month for a resident that wants to continue to have backyard garbage service pickup.

In response to a question regarding how long the roll cart can remain at the curb and the penalty for leaving a cart at the curb, Mr. Morris stated currently there is an ordinance on the books that says cans or recycling bins cannot remain at the curb more than 24 hours. The way for Public Works to enforce that policy has been to issue a summons and take the person to court. He said staff is asking in the proposed ordinance that staff go through neighborhoods after the 24 hour period and, if a cart or recycling bin is at the curb, staff return the cart to the backyard and leave a door hanger reminding of the policy as a warning. Later, when residents should be familiar with the policy, a \$5 fee would be charged on the water bill for staff returning the cart to the back yard. Mr. Morris stated sanitation workers are the most susceptible to being injured on the job picking up garbage because of weight or being stuck by things protruding through the bags. He said injuries had been about 33% for workers, and it was felt this could be reduced with the roll cart curbside service.

Councilman Cunning stated if Council wanted to continue the backyard service the only other way to cover the cost is through a tax millage increase.

Mr. LeDuc stated if Council wanted to continue backyard service, an additional crew would have to be added. He pointed out the workers are not only having to pickup garbage from more residents, but also a larger geographical area. He said if no change is made, the city will have to increase the fee to \$15.84 or higher to cover cost.

Councilman Cunning stated the proposed ordinance is to try to make city staff more efficient. He said city will be able to save on personnel.

Mr. LeDuc stated the city will be able to save on personnel by going from four individuals per truck to three individuals per truck. He said it had been stated that roll cart service would make the city less clean. He said staff feels that because of the material that can be put inside the cart that the city will be cleaner. He said staff would be reduced through attrition.

Mayor Cavanaugh stated several terms had been used: elderly, senior citizens, and handicapped, or physically unable to take the roll cart to the curb. He said he wanted to be sure everyone understood what the application says.

Council then discussed the 24 hour period for putting the roll cart at the curb for pickup. Mr. Morris suggested that a neighbor could help a resident and roll the cart to the curb for the neighbor if he is out of town.

Councilman Smith pointed out residents will have a choice of roll carts, including a 45, 60, or 90 gallon container.

Councilman Cunning moved, seconded by Councilman Smith, that Council pass on second and final reading an ordinance to establish a new roll cart service in the City for garbage pickup. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters was opposed to the motion.

#### AVIATION BUSINESS PARK – ORDINANCE 11222004A

##### Sell Property

##### U. S. Highway 1 North

##### Airport

##### Security Federal

##### Industrial Park

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to approve the sale of real estate in Aviation Business Park.

Councilwoman Clyburn left the Council room, as she may have a potential conflict of interest, since she is a shareholder of Security Federal Bank.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE APPROVING THE SALE OF REAL ESTATE IN AVIATION BUSINESS PARK.

Mr. LeDuc stated for the last several months staff has been negotiating with Security Federal concerning the purchase of property at Aviation Business Park. They would like to purchase approximately 6.5 acres from the City adjacent to the airport entrance drive shown as Lots A and A1 on a sketch of the park. Recent appraisals of the property in the I-20 and Highway 1 area show prices ranging from \$15,000 per acre to \$45,000 per acre. Mr. Clifton Weeks of Security Federal has offered us the price of \$36,000 per acre, which we feel represents a fair and equitable price for the property when we look at the averaging of the sales prices in this area. Security Federal would like to construct their operational center at the location.

As Council remembers, we recently borrowed money from the General Fund to help lengthen and strengthen the major runway, to overlay the secondary runway, and to repair a ditch along the new runway. The 6.5 acres based on \$36,000 per acre would yield \$234,000, which is approximately one-half of the cost of these three items.

In the proposal from Security Federal, they are asking that the City dispose of all the stormwater off site in a regional pond and allow a one lane road to run across property to the airport entrance drive. This would avoid traffic leaving the Security Federal operation site and having to travel on Highway 1 to get to the airport. Water and sewer are already available on site. Since they are not anticipating any construction for approximately one or more years they currently do not have any site plans or drawings

concerning what the building would look like. All city landscaping and signage requirements would be followed at this site. The building material would be similar to the Airport Terminal, and the contract allows for a buy-back by the City if for some reason Security Federal decides not to use this site.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to sell 6.5 acres at the Aviation Business Park to Security Federal for \$36,000 per acre.

Councilwoman Clyburn returned to the Council Chambers.

#### ZONING ORDINANCE

##### Amendment

##### Beauty Salon

##### Waterloo Street 138

##### Livingston, Judy

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the zoning for beauty salons.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING BEAUTY SALONS.

Mr. LeDuc stated that currently beauty salons are not allowed by right in the Limited Professional (LP) zone. The Planning Commission at their November 9, 2004, meeting considered a request to recommend to City Council that the Zoning Ordinance be amended to allow beauty salons in LP zones. An LP zone provides locations for limited scale professional offices, institutions, and services adjacent to residential uses. The only commercial uses allowed in LP zone are health services and other offices such as lawyers, accountants, bookkeepers, engineers, architects, etc. The main issue in this hearing was whether or not beauty salons are consistent with the uses currently within the LP zone, and in particular are they compatible with residential areas which will be adjacent to the LP zones. He pointed out an amendment to the Zoning Ordinance would not just be for the particular location on Waterloo Street, but would allow beauty shops in all LP zones if amended.

At the November meeting the Planning Commission voted unanimously to recommend **denial** of the proposed amendments to the Zoning Ordinance regarding beauty salons in Limited Professional Zones.

Mayor Cavanaugh stated several residents were present who wanted to speak on this item. He said this was first reading, and if Council wanted to allow the citizens to speak, Council needed to suspend the rules.

Councilwoman Clyburn moved, seconded by Councilman Cunning and unanimously approved, that Council suspend the rules and allow those present to speak on this matter regarding beauty salons in LP zones.

Ms. Judy Livingston stated she was requesting the change in the Zoning Ordinance to allow a beauty shop at 138 Waterloo Street. She stated she had been a licensed professional cosmetologist since 1968 and had been a salon owner since 1970. She stated she presently owns Hair Designs at 146 Greenville Street SW and also a home at 204 Florence Street SW. She said she works by appointment only at her salon, and is a specialized salon and not a barber shop. She said traffic flow is minimal. She said her shop is not retail and pointed out that Crosby Dance Studio and Fascopy generate more traffic in one day than Hair Designs in three days. She said she had purchased property on Waterloo Street in serious need of renovation and that had stood vacant and for sale for at least 3 years, giving all professionals ample time to purchase the property and place

their offices at 138 Waterloo Street. She said the property will be refurbished in a manner superior to the condition it was. She said the property will be an asset to the community, as is her present business on Greenville Street.

Mr. Bill Tucker, attorney representing Judy Livingston, stated he was present to ask Council to adopt an amendment that was denied by the Planning Commission. He said he was puzzled by the Planning Commission's action, as when they met in work session after discussing the various alternatives this path was considered to be the best course and most logical course to deal with the issue of not having spot zoning and to provide this as not applicable to any one particular spot. He said people have a tendency to make this request applicable to the 138 Waterloo Street issue. He said what is being asked is for the Zoning Ordinance to be amended to allow beauty salons by special exception, which would mean they would have to go before the Board of Zoning Appeals on the specific request on Waterloo Street. At that time people could express their concerns about that particular site and the particular proposal. He asked that Council support the proposed ordinance on first reading and allow a public hearing on the request. He pointed out a beauty salon is a service business and is not unlike businesses that are allowed in Limited Professional already. He said a beauty salon is consistent with businesses that are allowed in the area. He pointed out that a traffic study done by Roger Dyar had some statistics about traffic volume that probably were not realistic. He said a beauty salon is not inconsistent with the kinds of businesses that are allowed in the Limited Professional zone. He said there is already a beauty shop at the corner of Waterloo in a Limited Professional Zone. He said to deny the amendment is to suggest that there never be a beauty salon in any Limited Professional Zone anywhere in the City of Aiken. He said, however, a beauty shop has existed in the LP zone for many years at the corner of Hayne and Waterloo. He pointed out Council would not be voting on the specific request for a beauty shop at Waterloo Street. He asked that Council afford them the opportunity to take the matter before the Board of Zoning Appeals for their specific request.

Councilman Cunning stated that he had looked at the area, and it seemed there are already exceptions in the area, either grandfathered or granted. He said a special exception will allow something in one area while not allowing it in another area with the same zone.

Mr. Tucker said that staff and Planning Commission members have acknowledged that there have been changes in the permitted uses list which was developed for the 1999 Zoning Ordinance because some items were left out erroneously when the original list was created. He said there is no magic about the list. He pointed out having an item as a special exception does not mean that it is going to pass, but it gives the citizen the opportunity to make the specific request.

Mayor Cavanaugh stated he had looked at the Zoning Ordinance and found that there are 13 special exceptions on the list that have already been made to the Zoning Ordinance.

Councilwoman Vaughters stated that the beauty shop at Waterloo and Hayne was facilitated by the late Mayor Odell Weeks, who explained to her when the neighborhood complained about the beauty shop in the early 1980's that the item was left off the list by a typographical error, and 25 years later we are dealing with it again because we said "well all right." That was probably a big mistake, but it was grandfathered in 1999 when the Limited Professional zone was established. She said she disagreed regarding the laundry list. She said there were a lot of people who wanted the laundry list to be specific as to what is allowed. She said the list includes the uses which were felt to be okay in the LP zone.

In response to Mr. Tucker's question regarding her objections to the beauty shop at the corner of Hayne and Waterloo, Councilwoman Vaughters stated as a resident of the neighborhood she felt the feeling was that the laundry list was broad enough, there were uses that would fill that building and that when you start adding one use why not add others, etc. Councilwoman Vaughters stated she felt that professional people should have informed Ms. Livingston that the property at 138 Waterloo Street was not zoned for a beauty shop. She said two people had come to her about moving into Waterloo Street and were asking ahead of time whether the street was zoned for their particular business.

She said she sent them to the Planning office, and they found the property was not zoned for their particular use, so they did not purchase the property. She asked why the real estate agent did not check on this and why the lawyer did not do a title search on the property.

Mr. Tucker stated he was the lawyer for the transaction, and he did a title search, but zoning was not covered. He said zoning did not come up as an issue until after the property was purchased. He said the real estate agent did inquire as to the zone, but did not go far enough to ask what is allowed in the zone. He said they were asking for a fair hearing, and he felt the way to accomplish that was to add beauty shops as a special exception and let the Board of Zoning Appeals hear the request on its merits. At that time those who have a particular problem with the one on Waterloo Street can voice their objections.

Mayor Cavanaugh pointed out the list of items allowed as special exceptions in LP, including fire stations, public safety stations, emergency medical, detention centers, and different types of institutions. He said certainly a beauty shop would fit in the LP as a special exception. He felt the process of using the Board of Zoning Appeals to request special exception for a beauty shop in LP should be used.

Mr. Bill Sloan, 204 Florence Street, then reviewed some statistics regarding the acreage of the city and the square footage involved in the LP designation. He pointed out the LP zone is not a massive amount of land in the city that is being asked for special exception. He pointed out the present uses of land around the School District Maintenance yard near Vaucluse Road, which is in the LP zone. He said another issue raised in the Planning Commission work session is the vehicular traffic flow per 1000 square feet on a daily basis. He said he had observed the traffic flow of each of the buildings on Waterloo Street and had also spent time at Hair Designs beauty salon to view the vehicular traffic flow at their location. He said the beauty salon would fit in the traffic flow of a lawyer, accountant, or insurance agent office, rather than the specialty retail level as suggested by Roger Dyar. He said the traffic data is flawed.

Mr. Sloan then asked Councilwoman Vaughters why she did not recuse herself from participation in this matter, as he felt she had a conflict of interest since her son, Bauer Vaughters, had circulated a letter to residents and the professionals in the area regarding the proposed change to the Zoning Ordinance to allow beauty salons as special exception. He pointed out that Councilwoman Vaughters has family members who are involved

Councilwoman Vaughters stated she had not recused herself because she has no financial interest in the area. She said she has a son who does not own property on Waterloo Street. She said she thinks he is interested in property on Waterloo Street, but he is waiting to get the proper zoning. She said since she has no financial interest, and her son has not purchased any property on Waterloo Street at this point, she did not see a conflict of interest. She said she does live in the neighborhood and that makes her have a knowledge of how hard the residents have worked over the years to keep the zoning extremely stable. She said the residents have never asked the city for a dime to improve the neighborhood. She said all the neighbors have asked in about 20 appearances before City Council between 1974 and 2004 is that the City keep the zoning stable. She said this is what she has expressed to Mr. Tucker. She said many people had looked at the area, but did not pursue it because the zoning was not appropriate. She said to go ahead and buy a piece of property and then say because you have already bought it that the City needs to change the zoning to do what you wish to do on the property is not the way zoning is supposed to work. She said she does not own property on the street, but she lives two blocks away and does care immensely about the neighborhood. She said the neighbors had worked very hard to maintain neighborhoods downtown and not allow businesses to filter into neighborhoods.

Councilwoman Price asked about parking for the potential business, to which Mr. Sloan responded that parking would be in the front and back.

Councilwoman Clyburn asked how many stations would be in the beauty salon, to which Mr. Sloan responded three.

Mr. Sloan then reviewed uses that are currently allowed in the LP zone, pointing out that the beauty salon would be a much better fit or use than many of the uses currently allowed in the zone. He said when they purchased the property on Waterloo Street, he was not aware that a beauty shop was not permitted.

It was pointed out that there is a beauty shop on the corner of Waterloo and Hayne, so it is reasonable to assume that a beauty salon would be allowed in the area.

Mayor Cavanaugh stated he hoped Council was not approaching the matter on the basis that the property was bought without approval for such use. He said he felt the property was a good location for a beauty salon, and he felt it should be a special exception regardless of whether they bought the property before they knew about the zoning.

Councilwoman Vaughters was concerned about people buying property and then wanting zoning changed to fit whatever use they desire.

Ms. Marci Clark stated she worked at Hair Designs and had been a cosmetologist since 1988. She said her issue was about the question of whether beauticians are professionals. She reviewed the requirements for beauticians regarding licensing and required hours of study. She said their livelihood is not based on retail, but based on service.

Dr. Bauer Vaughters stated he was a physician in Aiken and is related to Councilmember Vaughters. He said he had sent a letter to everyone in the neighborhood and had sent it publicly not privately. He said he took the letter to every business on the street. He said he has a contract on property on Waterloo Street. He said he does not have protection from the city with the current zoning. He said he was not asking for a special exception. He said he would plan to do significant improvements to the building which he proposes to purchase. He said there are other medical practices on that side of the street, and his office would help the neighborhood. He said he reads the rules and knows what the rules are. He said he does not do things and then come back later and say "these are the rules that we need to fit our needs." He said they would do everything by the book. He said he was asking Council to uphold the present regulations for the zoning in the area. He said he had a problem changing the rules midstream. He said if Council changes the rules, then there is nothing to stop the next person from asking the same thing. He said he did not feel Council should reward people if they do not follow the letter of the law and the rules. He said to change the rules does not give assurance to people who own property in the professional districts that they can buy property and invest money and be protected.

Council asked what would be allowed in the Waterloo area prior to 1999. Mr. Ed Evans, Planning Director, stated prior to 1999 the Professional zone would allow retail uses, and that was one of the major changes in creating the Limited Professional zone. He said the change reduced the number of uses that would be allowed or cut out retail use in that zone.

Councilman Cuning stated that in 1999 the standards were increased for the zone. He said he was trying to understand how the other current uses were allowed in the area. He said his point was that prior to 1999 some retail type businesses could go on the street, and that is how some of the businesses are there.

Councilman Smith stated he felt it was only fair to make the point that Council is hearing this matter because a mistake was made on the part of the purchaser, the attorney and the realtor. He said the initiation of this request to Council comes because someone bought property intending to use it for something that is not permitted in that particular zone. He said it was unfortunate that the purchaser did not know the proposed use was not allowed.

City Attorney Gary Smith pointed out that state law does require the Planning Commission and City Council to consider modifications to the Zoning Ordinance if a petition is properly presented to do so.

Councilwoman Clyburn stated that in the Limited Professional zone it is assumed that a lender or a radio or TV studio equate to the level of professionalism and a beautician does

not. She said she is fully aware of their training and what it takes for them to be certified through the State. She is fully aware of what it is for someone from DHEC to drop by to check to make sure things are proper. She said she knew what they go through to keep their license. She said the present beauty shop at Waterloo and Hayne does not seem to have hurt the neighborhood.

Councilwoman Vaughters stated the point that everyone is worried about is the precedent of buying a piece of property and then saying it is not zoned for what they wanted to do so the zoning needs to be changed.

Mayor Cavanaugh stated that Council had received 8 letters in favor of the request for special exception in the LP zone for beauty shops and 2 letters against the change in the ordinance.

Councilwoman Vaughters pointed out this property had not been posted about the hearing at this meeting. Mayor Cavanaugh pointed out this was not a public hearing on the request. Councilwoman Vaughters stated she had talked to Eddie Sanders of Lominick's Pharmacy, and he said he had no idea the matter involved rezoning for the entire Limited Professional zone across town.

Ms. Livingston pointed out that improvements had been made to the property already, and a lot of debris removed from the property. She said the property is already an asset to the area considering what has already been done.

Mr. Hugh Efir, 124 Waterloo Street, stated he was the sole resident of Waterloo Street and had been there since 1994. He said he had renovated the inside of his home and was almost through with the outside. He said he was very proud of his home and would be honored to have Ms. Livingston's store move in two doors from him. He said he was familiar with Ms. Livingston and would like to go down and get a hair cut. He said Ms. Livingston deserves to be heard. He said he was in favor of Hair Designs.

Ms. Mimie Wiland stated she bought a house in 1988 on the corner of Chaffee Spring and Dibble. She said they are about two to three blocks away from the property Judy Livingston has bought. She said she is pleased that Ms. Livingston has the opportunity to open a shop on Waterloo Street. She said she was not disturbed about it. She said Ms. Livingston will do a wonderful job on the outside and inside of the building. She said she could not believe all the problems she was hearing about the proposed use.

Mr. Robbie Purvis, Chaffee Lane, stated in the last 5 years he has invested more than \$500,000 in his property. He said he would not be concerned if the beauty shop were on the same street. He said he could not understand what is detrimental with the beauty salon on Waterloo Street. He said if Ms. Livingston wanted to rent the property she could paint the property chartreuse and rent it to a family of 10 people and they could have cars parked everywhere on the yard and people coming and going. She would be following the letter of the law. He said he could not understand how the beauty salon could be detrimental or less than professional. He said the fact that Ms. Livingston already owns the property should not be the issue now.

Dr. Lee Grantham, Ophthalmologist on Waterloo Street, stated his business is across the street from Ms. Livingston's property and that he lives in a house on Florence Street which is back of the property. He stated he felt Ms. Livingston was a very professional person, and he felt she would do a good job with whatever she does. He said the process is working with people expressing their opinions. He said, however, if Council approves the change in the ordinance, Council would be penalizing the 20 people before who have wanted to do something on the property but did not because of zoning. He said it would also be setting a precedent, and Council would face other requests where realtors do not give the clients the right information. He said he played by the rules in buying and fixing up his house and also in buying his office on Waterloo Street. He said if Council says the rules do not apply, or they are a work in progress, you are basically telling people who have invested a lot of money your investment depends entirely on the whim of City Council.

Dr. Rocky Napier, Pediatric Dentist, stated he had been on Trafalgar Street since 1989, and he had submitted a letter to Council concerning the proposed ordinance. His letter encouraged Council to preserve and protect the professional neighborhoods. He said his other concern was not the specifics of this individual's situation, but what Council could be setting in motion depending on what Council does. He was concerned about commercialization, and hoped Council would be extremely particular about what they decide to do. He said his third concern was considering legal loopholes to correct a single mistake. He said adoption of the proposed ordinance would be changing the laws for everyone in one degree or another, a special exception or not, because of a single mistake. He said the fourth thing he would like to mention was his concern about increasing special exceptions. He said he would like for Council to consider reducing the number of special exceptions and doing something to maintain an environment and assuring that the environment is maintained for many years to come rather than see it slowly deteriorate over the decades through the passage of additional special exceptions.

Councilman Cunning stated that in 1999 Council took something that was allowed away from the residents in the area. He said Council reduced the number of uses allowed in the area. He said, however, in looking at the list, he felt there were things on the list that were more negative for the neighborhood than a beauty salon would be.

Dr. Napier stated the reason Council was discussing this matter was because a real estate transaction was handled inappropriately. He said he did not feel the remedy for that mistaken transaction lies with City Council.

Councilman Smith stated he agreed that there were some things on the list that are allowed in the zone that are more negative for the neighborhood than a beauty salon. He said he did believe that beauty salons are fine, and that they are professional. He said that, however, is not the issue; it is the rezoning issue. He said he agreed with Councilman Cunning that there are things on the allowed list that would be far worse than a beauty salon. He felt Council should consider reducing the allowable uses on the list, not adding to the list.

Mayor Cavanaugh stated he disagreed and felt that if a beauty salon is a valid use it should be added as a special exception. He stated he was not trying to make up for an error.

Dr. Napier stated one of the things that troubles him is that we continue to say this is better than nothing, and we keep making these "better than nothing" decisions rather than addressing the root of the problem, which is the zoning as it exists today. He said it is not appropriate, and it needs to be changed. He said it would have been nice if it had been changed in a more appropriate manner in 1999. He said it could be handled by preserving this as an area for physicians, dentists and attorneys, rather than saying we are going to open it up to wholesale professionals with special conditions as they come before Council on a case by case basis.

Councilwoman Price stated she felt very strongly about protecting neighborhoods. She said her question was whether Ms. Livingston had the right to make a special request, and as a professional would her business improve and enhance the current environment. She said her answer to both questions was yes. She said the question of whether someone made a mistake personally did not enter into her thinking. She said she felt Ms. Livingston would operate a business that is of quality and of which they could be proud.

Council continued to discuss the matter at length. They discussed at length how the beauty shop at the corner of Hayne and Waterloo came to be at that location.

Councilman Smith mentioned that similar types of businesses were mentioned in the Planning Commission memo. He said similar types of businesses such as barber shops, tanning salons, nail salons, and spas were mentioned. He asked if Council would be opening up special exceptions to these businesses as well as beauty salons, since there are other businesses similar to beauty salon.

It was stated Council could make the special exception for beauty salons only if they wished. It was pointed out that beauty salon could be defined so there would be no question whether similar businesses would be allowed.

Councilman Cunning moved, seconded by Councilman Sprawls, that Council pass on first reading an ordinance to amend the Zoning Ordinance to add to the list the allowance of beauty salons as a special exception in the Limited Professional zone, and that second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 5 in favor, with Councilmembers Smith and Vaughters opposing the motion.

Mr. LeDuc noted that there will be a second reading and public hearing on the matter at the December 13, 2004, meeting of Council.

#### DEVELOPER AGREEMENT

Marion Street Cottages  
Cottages  
Marion Street  
Charles, Samantha  
Wright, Chuck  
Barnwell Avenue

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept a developers agreement for Marion Street Cottages.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SAMANTHA CHARLES.

Mr. LeDuc stated that at a work session, City Council discussed with Samatha Charles and Chuck Wright a proposed developer's agreement. This agreement meets one of City Council's goals to help with the redevelopment of neighborhoods and to add residential units on the north side. They would like to develop several cottages off of Marion Street just north of Barnwell. The six to eight cottages would range in size from 1,000 to 1,200 square feet and would be built in the early 1900's style, with hardwood floors and wood interiors. They anticipate the price to be in the low \$100,000's to \$150,000 range. The land which they purchased is platted for 13 lots, and they would like to enter this property via a private drive off of Marion Street. A couple of the lots currently face Williamsburg Street and would not be developed at this time.

One of the major highlights of this agreement includes the City installing the water and sewer mains and laterals to the property line for this development. The developer would reimburse the city for the cost of the lines at the time they obtain building permits. The City would also deed one half of the right of way of Marion Street in front of the project to the developer, and they would install a private drive to the homes. The driveway would be located to minimize tree cutting and shall meander if necessary. The deeded portion of the Marion Street right of way shall be maintained in a natural state, with a minimum of trees cut for the driveways and utilities. No houses could be built on the newly deeded street right of way, and the area would remain green space for the homeowners.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to approve a developers agreement for the Marion Street Cottages, and that second reading and public hearing be set for the next regularly scheduled meeting.

LAND RELEASE

Sauerborn, Paul  
Audubon Drive 1245  
South Carolina Highway Department  
Colleton Avenue  
East Boundary Avenue  
Right of Way  
Street

Mayor Cavanaugh stated that city staff needed approval from Council to acquire the lot formed by Colleton Avenue and East Boundary from the South Carolina Department of Transportation.

Mr. LeDuc stated that Paul Sauerborn, who lives at 1245 Audubon Drive, purchased some property on Colleton Avenue at East Boundary. He wants to acquire the vacant corner lot owned by the South Carolina Highway Department consisting of 8,268 square feet. This lot is formed by the East Boundary and Colleton Avenue rights-of-ways. At Colleton Avenue there are houses to the east of this property and a city park to the west, and on East Boundary there are several houses that are built on the east side of the street right-of-way. It appears that this right-of-way is no longer needed for any roadway improvements and could be used for another purpose, should Council desire.

Before City Council can make this decision, the property would need to be obtained from the Highway Department. Should the City of Aiken acquire this lot, Council can then decide whether or not they would like to release it to Mr. Sauerborn and under what conditions.

Typically, it takes approximately three to four months for the City to acquire property from the Highway Department. He stated Council had acquired property from the Highway Department on Highland Park, where the speed hump was installed. Also, Newberry Street between Park and Richland Avenue is another example of property obtained from the Highway Department. Mr. LeDuc stated this request is unusual, in that Mr. Sauerborn wants to build a house on the property.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council approve city staff contacting the Highway Department to acquire the lot formed by Colleton Avenue and East Boundary Avenue from the South Carolina Department of Transportation.

AIKEN CORPORATION

York Street  
Richland Avenue  
Open Space  
One Cent Sales Tax Referendum  
Sales Tax Referendum  
African-America Cultural Center

Mayor Cavanaugh stated that Council needed to consider a request to purchase property at the northeast corner of York and Richland for \$250,000, with a one year option at \$10,000.

Mr. LeDuc stated that last spring Aiken Corporation asked Council to purchase the corner lot at York and Richland for open space. This was discussed at the time the African-American Cultural Center purchase of property was considered. At that time Council discussed taking the African-American Cultural Center off the one cent sales tax list and putting it under the Accommodations Tax funds. At that time, Council decided to wait and reconsider the purchase of the adjacent vacant lot as open space once the voters had approved the one cent sales tax referendum.

The Aiken Corporation is again asking City Council to take a year's option on this property for purchase at a later date to be used as a parking lot and open space for the African-American Cultural Center. It is our understanding that the purchase price for this

land is \$250,000, and that the option will cost \$10,000, which can be applied to the sales price. Money for this purchase would be from the one cent sales tax. It was pointed out that the city will not receive money from the one cent sales tax for about two years. He said money could be borrowed internally until money is received from the one cent sales tax.

Mayor Cavanaugh stated he would like to hear from Wade Brodie why Aiken Corporation is coming to City Council to do this, as opposed to fund raising for the Cultural Center.

Mr. Wade Brodie, of the Aiken Corporation, stated the purchase of the vacant lot was not a new request. Aiken Corporation came to Council with a package request including the Cultural Center and the lot at the corner of Richland and York. The recommendation was that they both be included in the one cent sales tax package. As Council worked on the one cent sales tax items he said the Cultural Center and the purchase of the lot were pulled out of the one cent sales tax, with the Cultural Center being funded by the Accommodations taxes. He said there was discussion that in the one cent sales tax there was \$1 million for green space, and the lot could be purchased from that money. He said the concern of Aiken Corporation is that anybody can buy the lot and build anything on the lot. He said he would hate to see it be used for anything other than green space. He said he was requesting the city to purchase the lot.

Mayor Cavanaugh asked about the proposed use of the lot. He said he recalled the discussion was that half of the lot would be used as parking space for the Cultural Center.

Mr. Brodie stated there was discussion that a small part of the lot would be used for parking for the Cultural Center, but not half of the lot. He said possibly adjacent to the Cultural Center there could be some parking next to the building. He said the main emphasis was on the lot being green space. He said he thought of the lot as being like a park. He said First Baptist Church uses the Cultural Center facility on Sunday morning for parking, as well as the adjoining lot, which they own. He said a cross agreement could be work out with First Baptist Church for use of their parking lot. He said he did not see parking as a problem for the Center.

Some Councilmembers expressed the feeling that the price for the lot was too high. It was pointed out that no formal appraisal had been made of the property. Mr. Brodie stated he talked to the owner of the lot about a year ago, and, as he remembers, the price was \$300,000. He said he negotiated with them and they agreed to \$250,000, and, if the appraisal was more than that, they would like a tax letter for the difference between the \$250,000 and the appraised value. He stated there was no written agreement as the negotiations had all been verbal.

Councilwoman Price pointed out a concern was that, just as with the Cultural Center the price would escalate once the word is out that there is an interest in the property on the corner as well.

Mr. Brodie stated that based on his knowledge of property and property sales in Aiken, he did not feel that \$250,000 is way out of line on the property, as it is a major corner in the city.

Mayor Cavanaugh stated his concern was that half or more of the lot would be used for parking. He stated another concern is that if Council does nothing about purchase of the lot what might be built on the lot in the future.

Councilwoman Price stated the interest was to keep all of the lot if possible as green space and use other property in the area for parking.

Councilman Cuning stated he was not in favor of taking a commercial piece of property off the tax books. He said looking at the land plan for the Housing Committee, the proposal was to buy the property and put townhomes on it to increase housing downtown. He said one committee he is on wants to put townhomes on the property, and another

wants the city to buy the property and take it off the tax base. He said he plans to vote against it.

Councilman Sprawls stated he would like to have a contract before he votes on the matter. He said he would like for staff to go back and talk with the owner.

Mr. Brodie stated what Aiken Corporation is asking is for approval to go back and negotiate with the owner. He said he was not asking to approve the purchase at any price at this time. He said he was asking that Roger LeDuc and or he be allowed to go back and negotiate with the owner.

Mr. Mike Anaclerio, of the Aiken Corporation, stated one of the items discussed was that the lot would be a good place for public art as well as green space. He said he knew the city would get more money from the lot as a commercial development, but he felt in the long run green space and public art on the lot would be great for the downtown.

Councilwoman Price moved that the city get at least two appraisals on the vacant lot at the corner of York and Richland Avenue, and that the City Manager be asked to negotiate with the owner of the property for a purchase price for the lot. The motion was seconded by Mayor Cavanaugh and approved by a majority vote with 5 in favor and 2 opposed. Councilmembers Cunning and Vaughters were opposed to the motion.

#### SIGNS

##### Downtown

##### Temporary Signs

##### Aiken Downtown Development Association

##### Directional Signs

##### Laurens Street

##### Hayne Avenue

##### Richland Avenue

##### Park Avenue

Mayor Cavanaugh stated that Council needs to consider approval of temporary pedestrian informational signs to be located at no more than three downtown intersections during the Christmas season.

Mr. LeDuc stated that on several occasions City Council members have received inquiries from downtown merchants concerning pedestrian mounted informational or guide signs for off street commercial locations. He said he met last week with a committee of Aiken Downtown Development Association, and the Association has requested that temporary informational signs be erected in the downtown area. They would like to erect these pedestrian signs at three possible locations, indicating the businesses located on the adjoining block. The signs would be attached to a metal post with each business identified by a sign no larger than 4" by 15." They would like to have these signs displayed during the Christmas season in order to receive public comments concerning them. They would like to locate them at the corner of Laurens and Hayne, Laurens and Richland, and Laurens and Park.

Mr. LeDuc stated after he met with ADDA and worked out details, it was determined by the Planning Director that the proposed signs were not allowed. He said there could not be advertisement signs on public property. He said, however, if the signs were considered as special event signs during the month of December as an experiment, and the request came from the Aiken Downtown Development Association, they might be allowed. He said he talked with Janet Morris about this, but Ms. Morris did not feel comfortable sending a letter without director from the ADDA Board. He said he thought the Board had already given indication to go ahead with the signs, but Ms. Morris did not think so. The ADDA Board meets next week and will vote on the matter. He said, however, by the time the Board votes on the matter and it comes back to Council, that will be December 13, so there would not be much time to have the signs up.

Mr. LeDuc stated he was asking if Council would give approval based on the fact that the city will receive a request from the ADDA Board at their meeting next week. He said if

Council did not want to consider the request at this time with this condition, then the request could be considered in January or February. If Council decides in the future that this signage is something they would like to consider, it could be handled similar to the request for the time sign for Bank of America. He said Council would have to approve the signage and then the request would have to go to BZA for approval. He said knowing that the process would take several months, the suggestion is to consider the matter at this time temporarily and judge the effectiveness of the signs. He said the City needed the letter from ADDA, since this would be special event signs, and the request needs to be from a non-profit organization.

Mayor Cavanaugh stated he did not feel good about the request. He said he felt this was being rushed. He said Council does not know what the signs will look like. He asked if the signs will cover all businesses and who determines what businesses will have a sign? He said the city had been talking about signs for a long time, and now all of a sudden there is a rush for the signs. He said Council has not seen what the signs look like.

Councilwoman Vaughters stated she could live with the signs being up if they would only be up through a certain date and then would come down. She asked who would make the signs and what material would be used. She said three merchants had talked to her and expressed the feeling that signs would really help their business over the next month, and they were willing for them to come down after Christmas.

Mr. LeDuc stated the City would make the signs. He said the signs would be on a metal post, painted black with fluting on the top. He said the examples staff had seen from other cities are from 3" by 12" or 4" x 15". They are generally painted black with white lettering with chains holding them from sign to sign. Mr. LeDuc stated typically the businesses that want a sign would pay for the sign, including the sign for the name, plus the post and other work involved. He said the request is to have the signs just for the month of December at the present time. He said he was pushing the request because he felt this was the time to see the results and if people want the signs. January or February is a slower time for business.

Councilman Cuning stated the request seemed reasonable to him. He said it was trying to do something for the downtown merchants. He suggested that the city move forward with the signs.

Mr. LeDuc stated with Council's approval staff would try to have the signs fabricated and installed during the first week in December. After the holiday season ADDA would evaluate the public's response to these signs and report to City Council on whether or not permanent signs should be erected.

Councilman Cuning moved, seconded by Councilman Smith and unanimously approved, that Council approve temporary pedestrian informational signs to be located at no more than three downtown intersections during the Christmas season subject to a formal request from ADDA at their next board meeting.

#### OLD AIKEN MASTER PLAN

##### Worksession

Mayor Cavanaugh stated that Council needed to set up some additional dates to further discuss the Old Aiken Master Plan.

Mr. LeDuc stated that City Council has met on three occasions to discuss the planning and zoning for the Old Aiken Master Plan. We need to set up some additional dates to further discuss the remaining districts. To date we have completed the Northwest and Downtown District and most of the district along East Richland. We still need to complete the Northwest and Southeast districts, and then begin reviewing the objectives and goals.

After discussion Council set Wednesday, December 8, 2004, from 4:30 P.M. to 6:30 P.M. as the next worksession date for discussion of the Old Aiken Master Plan. The January meeting is to be set at the December 8 meeting.

COUNCIL MEETING

Meeting  
Schedule  
December, 2004

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

Mr. LeDuc stated typically in December Council only has one City Council meeting. This year the fourth Monday of the month falls on December 27, or two days after Christmas. Staff is recommending that City Council consider having only the first meeting in December, and if a second meeting is necessary we will schedule one.

Councilman Sprawls moved, seconded by Councilwoman Vaughters and unanimously approved, that Council approve the December 2004 meeting schedule, canceling the second regular meeting of City Council for the month of December.

PARK AVENUE

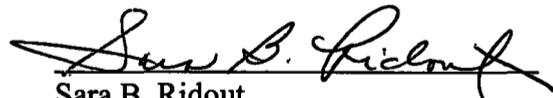
Park Avenue SW 224  
Sklizovic, Davor  
Demolition

Councilwoman Price stated that Council discussed with Davor Sklizovic on October 25, 2004, regarding trying to preserve the building at 224 Park Avenue SW. She pointed out he was proposing to demolish or restore the building to open a market or grocery store. She asked that staff work with Dr. Sklizovic to at least preserve the front façade of the building. She stated the building was owned by the Stoney family in the early 1900's. She pointed out Edward Stoney was one of five founders of Aiken County. She said with that sort of recognition she would ask that Dr. Sklizovic at least save the bottom portion of the brick front façade. She was concerned that Dr. Sklizovic did not have the same value for the building as people in Aiken.

Mr. LeDuc stated that Councilwoman Vaughters has suggested looking into a possible façade grant, and he has papers to consider a grant application. He said he would work with Dr. Sklizovic to see what could be worked out.

ADJOURNMENT

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

  
Sara B. Ridout  
City Clerk