

Aiken City Council Minutes

October 7, 2002

WORKSESSION

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

Others Present: Roger LeDuc, Gary Smith, Ed Evans, Bill Huggins, Susan French, Larry Morris, Tom Rapp, Sara Ridout, Karen Daily, Aiken Standard, Lee Poe, Bruce and Janice McGhee, William McGhee, Gregg Smith, Wade Brodie, Kiki Blalock, Wilkins Byrd, Lucy Knowles, and Marianne Pecoraro.

Mayor Cavanaugh called the meeting to order at 7:30 A.M. He stated the purpose of the meeting was to discuss three items, including cut throughs in the parkways, homes on demolition list, and landmark designation for the McGhee Mile Track.

CUT THROUGHSParkwaysPark Commission

Mr. LeDuc stated about a month ago the Park Commission presented a recommendation to Council at a work session regarding closing of nine cut throughs in parkways which they feel are no longer needed. Council asked that Public Safety review the locations to determine if any problems would occur if they were closed. In their review it was felt that some locations might cause problems. These cut throughs were in the 100 block of Fairfield Street SW near St. Mary's school and Robert Brooks Funeral Home. Possibly the center cut through could be closed, but if the two end locations were closed there could be problems at times when a large funeral proceeded from the Brooks Funeral Home or when school is dismissing at St. Mary's. The other location is on Marlboro Street south of the railroad track. Over the years a number of vehicles have cut through the area leading into a business on the east side of Marlboro Street. Also, currently there are three cut throughs on Lancaster Street. It is felt that at least one cut through could be eliminated.

Mr. Lee Poe, Chairman of the Park Commission, stated the cut throughs recommended for removal were reviewed again with Public Safety to see if there might be any traffic problems if the cut throughs were closed.

Councilwoman Vaughters stated she had talked with the neighbors on Lancaster Street, and they did not want any of the three closed on Lancaster Street. They felt it would present a traffic hazard if the cut throughs were closed. The cut throughs help keep traffic off Hayne Avenue and Highland Park Drive. She pointed out where the cut throughs were paved it would be an expensive project to remove the pavement. She felt curb and gutter should not be around each parkway. She also stated on Fairfield Street it was hoped that new businesses would open in the area where the buildings have been empty for many years, and the cut throughs would be needed. She felt that the paved cut throughs probably should remain, but possibly some of the dirt cut throughs could be closed. She was particularly opposed to closing the three cut throughs on Lancaster Street. She stated if the cut throughs are to be closed she felt the area should be posted to let the neighbors know what is proposed so they can voice their opinions.

Mayor Cavanaugh stated over the years people have taken advantage of the parkways and made cut throughs which were not necessary. He said he felt those needed to be closed. He supported the Park Commission in what they were trying to do and in wanting to keep the parkways looking nice. He said whether the cut through was paved or not did not make a difference as far as removal. The concern was the reason, and whether the cut through is needed. He said he questioned three cut throughs on Lancaster Street. He said possibly the ones on the end were needed, but felt the one in the center should be eliminated.

Mr. Poe, of the Park Commission, stated he felt Council will get requests for cut throughs in the future and there should be some guidelines on when and when not to grant a cut through. He said the Park Commission would be glad to work on some guidelines.

Council reviewed the proposed list for closing of cut throughs. Council asked that the cut throughs on the 100 block of Horry, center cut through on Lancaster Street, 100 block of Marion Street, 100 and 200 block of Marlboro Street, 400 block of Newberry Street, 100 block of Orangeburg Street, 100 block of Sumter Street, and 100 block of Williamsburg Street be posted notifying the residents of the proposal to close the cut throughs.

Councilmembers stated they did not want to close the cut throughs on Fairfield Street because of the school and the funeral home. They also discussed the parking in the area and felt that parking should not be eliminated in the area.

Mr. LeDuc stated the cut throughs would be posted and on October 28, 2002, there would be a public hearing on the closings.

DEMOLITION PROGRAM

Mr. LeDuc stated Council discussed about a year ago a list of 10 homes which were listed for demolition. Two teams from the Historic Preservation Commission looked at the homes. One team stated all the homes should be saved, and the other team stated five of the homes should be saved and the other five demolished. In January, 2002, Council authorized funding to purchase a couple of the homes which the teams said should be saved. These homes were at the corner of York Street and Barnwell Avenue. The intent was for the city to purchase the homes and restore them. He said once the city purchased the property and started looking at restoring the houses, the city received a number of offers on the house at York and Barnwell, which recently the city sold. It was decided that the other house should be demolished, however and the city has received several requests from individuals who would like to buy the lot on which the white house is located to build a new home. He said the staff will soon be bringing some proposals to Council on the white house on Barnwell Avenue. He said this means there are three more houses left on the top five list and the remaining five of the original ten list. He pointed out the homes are still vacant, and no one has done anything to the homes one year later. He said these abandoned homes devalue the surrounding properties and also discourage individuals from wanting to live in the neighborhoods.

Mr. LeDuc stated he and Wilkins Byrd had looked at the houses on the list. He said the city needs to move forward on the project, and it is felt that the last five homes on the list: 208 Barnwell Avenue, 716 and 720 Abbeville Avenue NW, 441 Greenville Street NW, 669 Horry Street NE, and 307 Chesterfield Street N. should be demolished. He said the city could look at the top five on the list and use some of the money from the sale of the first house on Barnwell Avenue and consider purchasing some of the homes, which include 519 Sumter Street NE, 114 Marion Street SE, and 441 Horry Street. He said there are three other houses that are to be placed on the list for demolition--536 Hampton, 355 Kershaw, 331 Kershaw and 356 Kershaw. He said possibly a contractor could look at those to see if they are structurally sound. He said possibly the city could purchase some of the homes and either fix them up or try to sell them. He said he feels the city needs to move forward with demolishing the homes or trying to purchase and renovate them. He said he gets calls from neighbors who are concerned about the empty houses. He said if there is to be a difference in the neighborhood the city needs to move forward with the project. He felt if something is not done there will be continued blight and problems.

Mr. LeDuc stated the recommendations are that the city demolish the last five homes on the list and then look at the other seven to see if any would be suitable for rehabilitation.

Councilwoman Clyburn stated she was concerned about the northside and the loss of population in the area. She asked if the homes that were listed for demolition could be posted so citizens would have a chance to possibly purchase the homes before they are torn down. She also asked if the city could consider possibly putting more money into renovating houses so people could move into the neighborhood. She said if the houses

are torn down and there is a vacant lot there are no voters or population there. She felt possibly the city should look at another approach, since the city is losing population on the north side. She asked that the city look at the matter further before clearing the lots.

Mr. LeDuc stated the city has been having trouble getting qualified individuals for the purchase of the new homes on the north side, even though the homes are subsidized. He said the city has not done a lease to buy program, but the staff has been discussing the possibility of a lease program where the first few months could be applied to the loan.

Councilman Cunning stated he felt the city should continue with its program and do one house at a time. He said it would not be good to tear all the houses down and have vacant lots, but we should try to get houses built or renovated and occupied. He pointed out the city needed to be careful with designing the right homes for the area. He said the city could purchase some of the homes with the \$150,000 but would have to be careful to get a return on the investment to have money to continue the program.

Mr. Bill McGhee expressed concern about the northside and the area continuing to become a blighted area and with the city encouraging low income housing for the area. He said last year he tried to get the city interested in working with private citizens in a non-profit foundation to purchase homes and try to renovate them. He said he sees the city setting up a containment area for all low income minorities. He pointed out the lots and homes are not being purchased because of the location. He said until a different approach is taken in trying to integrate the neighborhood, as far as economic level, it will remain a sore spot. He said some other areas have offered incentives for people in higher income levels to come into the communities and save the houses. He said putting up another low income house will not help the neighborhood. He said low income housing should not be concentrated and contained in one area.

Councilwoman Clyburn stated she agreed that something needed to be done to the houses other than tearing them down. She said she didn't want an abandoned house next door to her either, but wanted them cleaned up. She suggested that the houses on the list be posted, and possibly some individual may want to revive the houses and neighborhood. She said it may take other things such as sidewalks, pavement, and more landscaping in the parkways. She asked that the matter be looked at a little differently and not build all the houses alike except for the color.

Mr. Gregg Smith, of the Historic Preservation Commission, stated the Commission had discussed how other communities have used historic preservation to bring these issues and solutions together by going into communities that are historic but have been marginalized over time by changes in demographics and create attractive starter communities that attract not only blacks but also whites into a safe area. He said improvements should not be done in a spotty way, but should be done by a block or two blocks to fix up the dilapidated houses and revive the neighborhood. He said the Commission's interest and the interest in an economic and viable community should all come together. He said the focus should be on an area and extensive infill, with housing made available with subsidizing. He felt there was an historic preservation driven solution to these problems.

Council continued to discuss the matter at length. The consensus was that something needed to be done to the houses, either renovation or demolition. It was pointed out that people do not want the vacant houses next door to them and want them cleaned up.

Councilman Smith stated there were three items for this work session. He said this matter is a very deserving topic and felt it needed a lot of discussion and possibly a meeting to discuss this topic only.

Councilwoman Price pointed out there are several people who are interested in the property on which the white house is located on Barnwell Avenue, so this is a start in revitalizing this area.

Mr. LeDuc stated the problem didn't happen yesterday. He said the city is taking an active approach towards it. He said in the past year 45 new homes have been built on the

north side. Currently there are 93 new units being built on the north side. He said the spotty housing was a start, and the next thing will be a critical mass for an area. He said the city will post the properties currently on the demolition list and see what happens. He said the city was heading towards an overall plan for an area. He said he would set a time for discussion just on housing on the north side.

LANDMARK DESIGNATION

McGhee Mile Track

Banks Mill Road

Mr. LeDuc stated the next item for discussion is landmark designation for the McGhee Mile Track on Banks Mill Road. He said he had given Council the history on the mile track and information on possible alternatives to the current Historic Preservation Ordinance. He said the city purchased the track in the late 80's. The city bought the property because there was concern that the property would be sold for a housing subdivision. The city invested a lot of money in the track and built some new buildings and made a lot of improvements to the track. About the middle 90's the city started looking for potential buyers, as it was felt the city did not want to continue to be in the training track business. He said in 1996 the city sold the track to Bruce McGhee with several conditions regarding use of the track. He said other cities have landmark designations very similar to Aiken's. He said Aiken has a number of landmark designations where individuals have asked that their property be designated as a landmark. He said he had asked the staff to see if other cities have accepted, through the petition method, property for landmark designation where the owner of the property did not want landmark designation. He said the only example was some older homes owned by USC in Columbia and citizens petitioned for the homes to be designated as landmarks. He also pointed out that citizens proposed that St. Mary's Church be a landmark designation. The church originally opposed the designation and there was a compromise where some of the property and some of the buildings were designated as landmarks.

Mr. LeDuc stated Council has a lot of flexibility as to what and how they want to handle this matter. He pointed out Councilman Smith had proposed an alternative to create a new category known as "Historic Equestrian Site" for landmark designation. The proposal is that McGhee Mile Track, the Aiken Training Track and the Whitney Polo Field properties be included in this category, so all the horse training facilities would be in the same category and special design and review standards would be established for this category. Mr. LeDuc stated he wanted Council to have an opportunity to discuss the matter before it is placed on the agenda for action.

Mayor Cavanaugh then gave a history of the purchase and sale of the Aiken Mile Track (McGhee Mile Track), how the city got involved in the Mile Track and why. He said the city purchased the property because it was felt it was the thing to do at the time because the property was to be sold for a housing development. It was felt the track was a part of Aiken's history and important to the city. The city started advertising the track for sale sometime around 1992 to 1994, as it was felt the city could not stay in the training track business. In 1996 Mr. Bruce McGhee inquired about buying the track. The city sold the track to Mr. McGhee with conditions and restrictions in 1997, with one being that the track would remain a horse training or racing facility in perpetuity.

Councilman Smith stated he had seen the hard work that the McGhees do in maintaining the track. He said he felt it was in everyone's interest that the track remain viable and that restrictions not be imposed that would really prevent the McGhees from making it a profitable enterprise. He said after looking at the Historic Preservation Ordinance he felt it was clear that the McGhee Mile Track deserves landmark status. He said it is an historic site within the criteria of the ordinance. He said the question was how to do it and not stifle the McGhees' business. He said this was the reason he came up with a separate category for a compromise that would put all horse training facilities in the same category, with review and design standards for this category which are not as strict as the standards for other historic landmarks. He said he felt they could work together for a compromise on this matter. He said he felt it could be in the interest of the McGhees to work together for standards that they could live with without imposing burdens on them, and have the same standards for the other training facilities.

Mayor Cavanaugh pointed out that more restrictions will make the cost of operating the track more costly. He said he was having trouble with considering the track for landmark designation against the owner's wishes.

Councilwoman Vaughters expressed concern about the city not having city properties designated as historic designation. She said in considering rights of property owners the rights of big and small property owners should be considered. She said the city had heard from those who support the McGhees and those who live across the street or across town that are concerned about the track. She said the city does want the McGhees to be successful in their operation and sold the track to them for less than the city paid for it. She said the reason people are concerned about the track is because of some of the proposals that the McGhees have made for the track. She said for protection they are asking for design standards and review. She pointed out that every area that has been designated as a historic landmark or in an historic district has appreciated in value. She said if she felt the designation would be an economic hardship she would not be in favor of it.

Mr. Gregg Smith, of the Historic Preservation Commission, stated the Commission faces property owners who want to do things which the Commission feels should not be done at every meeting. He said the way he looks at it is that the property owner wants to do something and the Commission is there to help the property owner do it the right way and consistent with the needs of the community as expressed in the ordinance. He said the Commission has guidelines when the property owner wants to do something with the property so it is consistent with the character of the neighborhood. He said he would be concerned about saying they could never do something against the owners will. He said the Historic Preservation Commission would have very little control of the track, but their effort was that the track is important to Aiken's history and deserves some protection. He said they tried to design their proposal for protection in a way that was sensitive to the fact the track is a commercial enterprise. He said he would like for Council to focus on the reasonableness of the restrictions proposed to be imposed. He said the Commission works very hard to respond to the property owners' needs.

Mayor Cavanaugh stated he appreciated the Historic Preservation Commission, but he understood that in most cases owners bring applications and requests to the Commission. He said in this case the owner did not ask for the landmark designation.

Councilman Cunning stated he felt the Historic Preservation Commission does a good job and they function as they should. He said, however, it does cost more to have property designated in a historic district or as a landmark. He also asked if a person could opt out of designation. He said he felt many people would opt out if they knew that was possible. The process for being taken off the historic designation was explained by Mr. Evans, who stated Council has the final vote on whether a person can withdraw from designation.

Mr. Will Britt, attorney for the McGhees, stated some of the issues are that the buildings there now have vinyl siding on the eaves, there are metal doors, and the grooms' quarters built by the city are made out of synthetic stucco. He stated the buildings there do not hold any architectural significance or historical significance. He said the issue is that if the property is designated a landmark there would be oversight on buildings that have no significance. He said the issue he keeps hearing is protection. He asked what are we protecting. He said if the buildings are not worthy of protection, then what does need to be protected. He said the thing that needs to be protected is the entity which is the track. He said there is already protection there for the track. He said the protection he sees is the restrictive covenant in the deed that requires the property to be used only as a horse training or horse racing facility. Also, Mr. McGhee has to allow the Triple Crown to be held on the track each year. He said there is also protection as the track is in the Horse District. He said there are only a few things that Mr. McGhee can do as a matter of right without seeking approval from the Board of Zoning Appeals. He said when Mr. McGhee wanted to build more grooms quarters he had to submit an application to the Planning Department, and it had to be reviewed by the Board of Zoning Appeals and a public hearing was held. The BZA allowed the construction of the grooms quarters, a tack shop,

the track kitchen, but decided not to allow parking of recreational vehicles. He said there is protection there. Mr. Britt pointed out even though the BZA allowed the track kitchen, that was not the end of it. The granting of the track kitchen has been appealed. Mr. McGhee had to go to Circuit Court along with the city and defend the decision of the BZA. The Circuit Court judge sided with the BZA, but that is not the end of it. It has been appealed again to the South Carolina Court of Appeals and Mr. McGhee has to respond to the S.C. Court of Appeals. He said if Council adds the historic designation, not only does Mr. McGhee have to go through this process if he wants to build on his property where it has to be approved by the BZA with a public hearing and can be appealed to the courts, but he also has to get a Certificate of Appropriateness where there is a public hearing which again can be appealed by citizens. He said this is a burden and the McGhees do not want this. Mr. Britt pointed out the petitioners who are asking that the track be designated as a historic landmark are the same petitioners who have appealed the decision of the Board of Zoning Appeals to the Circuit Court. The petitioners are also the same people who petitioned the Planning Department to amend the Zoning Ordinance to place additional restrictions on eating establishments in the Horse District.

Mr. Britt stated Mr. McGhee put in new barns and the comment was made that the barns are not attractive. He said he disagreed. He said he felt they were attractive and also the veterinarians of horses prefer those type of barns because there is an openness.

Mr. Gregg Smith pointed out there is plenty of vinyl siding and other synthetic materials in the historic district. He stated in an historic district the rules for new construction are far more liberal than for renovating old historic structures. He said there are mechanisms in place sensitive to the fact that for new buildings there is greater latitude for the materials that can be used than if restoring an old house. He said he was concerned about the tendency to exaggerate the burden imposed.

Mayor Cavanaugh stated he was concerned about the matter at this time when there are already restrictions on the property imposed when the property was purchased.

Mr. Britt stated he would like for members of City Council to visit the track and look at the buildings and talk about protection and the present restrictions.

Council felt it would be a good idea to visit the track. After discussion Council decided to discuss a date for visiting the track at the regular Council meeting on Monday, October 14. Mr. LeDuc stated he would discuss a meeting time with the McGhees and let Council know what dates and time would be available for Council to visit the track.

The meeting adjourned around 9:45 A.M.



Sara B. Ridout
City Clerk