

Aiken City Council MinutesWORK SESSIONMarch 12, 2007

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Glenn Parker, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle, and about 11 citizens.

Mayor Cavanaugh called the meeting to order at 6:25 P.M. He stated Council had one item to discuss in the worksession – Graniteville, Vaocluse, Warrenville (GVW) incorporation.

GVW INCORPORATIONWood, RonHilton, CharlesHolly, JimPine Log RoadHighway 1Vaocluse RoadHitchcock ParkwayRichland AvenueUniversity ParkwayRobert M. Bell ParkwayGranitevilleVaocluseWarrenville

Mr. LeDuc stated an incorporation committee made up of Ron Wood, Charles Hilton, and their attorney Jim Holly, have met with him and the Mayor on two separate occasions to discuss the proposed incorporation of the GVW area. They are present at this meeting to discuss their potential incorporation, and answer any questions that City Council may have. The area they plan to incorporate is similar in size to the City of Aiken, and, in particular, their proposed borders will include the land along the border of the northwest by-pass from approximately Highway 1 to Vaocluse Road. Much of this area is of particular interest to the City of Aiken due to our annexation of the by-pass in 1984 and some annexation agreements that we have along this area. In 1984 the City annexed the known by-pass at that time from Richland Avenue on the east along present day Pine Log Road, to Hitchcock Parkway, to Highway 1/Richland, east along Richland Avenue to University Parkway, University Parkway to the then existing by-pass, to Beaufort Street, and south to Richland Avenue. The only area on the northwest portion that was not annexed was the portion of the roadway that was not completed and now known as the Robert Bell Parkway. Currently the City is serving utilities to the Roberto Hernandez Baseball Complex and the soon-to-open Convocation Center. We are also serving the Spring Hill apartments with utilities and fire protection located on the by-pass near Vaocluse Road. According to their incorporation map, their intention is to include all the land north and west of the by-pass to Vaocluse Road. The basis for the annexation of the by-pass during the 1980's was the city's future plan of incorporating this area. Originally, GVW left some of this area out of their incorporation, but, in order to meet the State law of a minimum 7,000 population, this area is now included in their future city limits. The by-pass is also the assigned boundary for the census tracts which GVW was instructed to follow for all incorporation boundaries. The City currently has water and sewer along most of the by-pass. A copy of the City of Aiken's annexation plat from 1984 was provided to Council for information.

Mr. LeDuc stated some of the committee members are present to explain what they are doing, why they are doing it, where they go from here, and to answer any questions Council may have.

Mr. Ronald Wood, of the GVW Committee, stated he appreciated the opportunity to appear before Council and explain what they had been doing over the past 14 months. He said the meetings had involved a limited group of concerned citizens who have been involved in the process. He stated Charles Hilton is the Chairman of the Committee, but is presently out of town. Mr. Wood said he would make the presentation to Council for the Committee. He said two others were present, including Tina Bebbington and Robert James Abraham. Another member not present is Wanda McGhee.

Mr. Wood stated the Graniteville area had had two devastating events to occur in Graniteville over the past two years, including the train derailment wreck and the chlorine spill with the loss of nine lives, many, many others treated at the hospital and evacuation of about 5,000 people from the area. He said the chlorine spill in some fashion led to the closing of the Avondale Plants, and hundreds of jobs have been lost. These events have made quite an impact on the GVW communities. He said the committee feels that incorporation is the engine that can drive some future improvements for the communities and keep the communities from decaying. He said there is a lot of historical value and heritage in the Graniteville, Vaucluse, Warrenville area. He said they want to preserve that value and heritage. It is felt that incorporation can also provide opportunities for development and cultural improvements. He said they also want to participate in state shared revenue, franchise fees and the local option sales tax money to be able to improve the communities and to self govern their communities. He said revenue from these sources could amount to more than \$1 million. He said they feel incorporation is a way to accomplish these goals.

Mr. Wood stated a map of the proposed incorporated area had been prepared. He said it had not been an easy process, and there are still some concerns and questions about the area. He said the map has been a source of consternation and controversy since the first meeting. He said the map is based on law, not where they would like for the boundaries of the proposed incorporated area to be. He said the incorporation area is governed by laws dealing with census tracts and census blocks which cannot be arbitrarily split and is based on the 2000 census. He said they had worked long and hard with the Office of Research and Statistics in Columbia to be sure the maps could be certified for incorporation. He said a major concern to the City of Aiken is the parkway from Highway 1 to 118 which leads to Vaucluse. He said the committee would like to propose a compromise and wants to cooperate with the City of Aiken. He said they are present to make friends and not do anything that would be adversarial. He said, however, there are things they cannot do in following the laws for incorporation. He said they were willing to concede the Convocation Center and the Roberto Hernandez Baseball facility to the City of Aiken. He said they would reconfigure the map if the Office of Research and Statistics will allow that. He pointed out that Mr. Gary Smith, City Attorney, and Mr. Jim Holly, GVW Attorney, had been to Columbia and talked with the Office of Research. He said he feels they have a favorable reaction to their request for incorporation. He said Kents Korner could also be included in the concession, and they would make sure the boundary maps are corrected to reflect that. He said they could not move further up the parkway to SC 118 to the apartment complex because the Office of Research and Statistics has indicated that there are residents involved there and they would not approve taking that out of the boundaries. He said this is their proposal to City Council for consideration.

Mayor Cavanaugh stated it would be good to have a map showing the boundaries since he was not sure that all of Council had seen the map of the proposed boundaries.

Mr. Wood pointed out some numbers. He said the proposed incorporated area involves 7,021 residents. The density requirement has to be 300 people per square mile. The area is just slightly over that figure. The area is 23.2 square miles. He said the proposal meets the state code in every respect as far as the numbers. He said if the proposed area meets the state code requirement of a population of 7,000 people with 300 people per square mile, then the law requires the proposed incorporation to officially notify the existing municipalities within a five mile distance from the proposed incorporated area. If the population is less than 7,000 people the City of Aiken could oppose the incorporation and stop the incorporation.

Mayor Cavanaugh stated he had heard concerns that the proposed incorporation is a tremendously large area to start with, being 23.2 square miles. He pointed out this is actually a little larger than the City of Aiken. He said some had said they felt they should start with a smaller area and then annex areas as they could. He said certainly there is a learning curve for governing an area and this is a large area to start with. He asked why start so big and why not start smaller and then grow.

Mr. Wood stated they had to take one bite and what dictated the geographical land mass is the census tracts. This way they would not have to get approval from the surrounding cities.

Mr. Jim Holly, Attorney for GVW, pointed out that because of the sparse population throughout the area of the County if a census tract is taken out half of Graniteville will not be included. He said there is no way to configure this using the census tracts that is rational and keeps the core communities together. He said taking out census tracts they begin to lose Graniteville, Vaucluse and Warrenville because the census tracts are so large. He said the committee is telling Council that this is the option, and there are no other options that they can use to accomplish the same thing to incorporate the three communities in a way that state law allows.

Mayor Cavanaugh stated if the incorporation left out a census tract and a city was formed, then the city could annex later into the areas without taking the whole tract as an annexation.

Mr. Holly stated South Carolina has some of the most conservative annexation laws in the nation, and it is very difficult to annex and that might be a problem. He said also, they are dealing with other municipalities who may not be supportive of the efforts and might want to oppose the incorporation and this has to be considered, not just the interests of the City of Aiken.

Mr. Wood pointed out that there are very few people in some of the areas now, but those areas are currently being considered for development. He said with the three major developments that will be going on in the area, they look for the population in ten years to be more than 15,000 people. He said the next process is that as soon as the boundary lines are determined and an agreement or compromise can be reached, the committee will proceed with getting a petition signed. He said 15% of the registered voters in the proposed incorporated area have to sign a petition for incorporation. The petition along with a budget and list of the services to be provided will be sent to the Secretary of State. A legislative committee will review the petition and application to make sure the criteria meet the state law. If the criteria is met then the Secretary of State will call for an election. The election is determined by a simple majority, winning or losing by one vote. He said once the Secretary of State sends the information back, an election must be established within 20 to 90 days. During that time information must be sent to the Justice Department for review. He said their goal is to have the incorporation on the ballot in October or November, 2007.

In answer to a question from Councilwoman Price regarding the meeting in Columbia, Mr. Gary Smith, City Attorney, stated that he and Mr. Holly went to Columbia and met with Mr. Bowers of the Office of Research and Statistics. He said Mr. Bowers is the person helping the committee go through the process of putting together the census tracts and reporting to the Secretary of State that the census tracts total the amount that they need in order for the incorporation to go forward under the 7,000 resident rule. He said Mr. Bowers does the analysis to let the Secretary of State know whether or not they qualify for incorporation. The purpose of the meeting was to see if Mr. Bowers could vary at all from the hard and fast rule that the census tracts must be used in order to determine the boundary lines for the incorporation. He said he pointed out to Mr. Bowers that the City of Aiken has certain areas that it is already serving with water and sewer and have signed annexation agreements that were not contiguous at this time, such as the Convocation Center, the baseball field at USC-Aiken, and Kents Korner. He said Mr. Bowers was satisfied that since those areas were not residential properties that the map could probably be configured showing the census tracts and deleting those tracts of

properties mentioned that are currently served by utilities from the City of Aiken. He said, however, they could not delete the apartments from the area, as there are residents in the area, and the proposed incorporated area is only 21 people over the 7,000 requirement for incorporation. He was concerned that if any of them were deleted from the area he would not be able to give the certification to the Secretary of State that the area meets the population requirement.

Mr. LeDuc pointed out on the by-pass annexation map of 1984 the area that the City of Aiken currently has water and sewer service. He said it is his understanding that the intent when annexing the by-pass in the 1980's was to be able to serve the area and annex it in the future. He said he understands from Mr. Wood that the GVW would give up the Convocation Center, Roberto Hernandez Baseball field and Kents Korner, but the other area just north and west of the by-pass that the City of Aiken had anticipated serving, the city would not be able to serve any more. He pointed out the City of Aiken had put in water and sewer infrastructure years ago to serve the area and under the proposal Aiken would not be able to serve both sides of the by-pass. He stated presently the City of Aiken provides water and sewer service to the apartments, the Convocation Center and the baseball fields.

Councilwoman Vaughters stated she would really like to see a map of the boundaries of the proposed incorporated area. She said she felt the area could grow from 7,000 to 15,000 people in a short time. She asked how they felt about impact fees and the effect of the growth on the roads and traffic in the area. She said she would like for the cities to work together on that matter. She pointed out the growth would not only affect the GVW, but would also affect the City of Aiken.

Mr. Wood stated there are so many acres that need to be developed that he was not sure they would be concerned about impact fees for a long time. He said the west side of Aiken and Graniteville would grow together in the next few years, and they may have to work with the City of Aiken on matters in this area. He pointed out there had only been three incorporations in the State of South Carolina in the past 10 years and others had not been able to meet the criteria. He said they hoped that Aiken and GVW would work together and be good neighbors.

Mr. Gary Smith pointed out to Council that under state law that if the committee is able to put together the map that shows that they have the 7,000 residents and the minimum per square mile requirement, there really is not a lot the City of Aiken can do to object to their incorporation. By them coming to the City of Aiken and offering to allow the City of Aiken to have the Convocation Center, the baseball fields and Kents Korner, they are making a concession that they do not have to make. He said Aiken could file an objection to the Secretary of State but unless we are otherwise able to thwart their efforts any objections that Council might make as a body will not stop the incorporation.

Mayor Cavanaugh stated he had mentioned a smaller area previously and then annexation of smaller areas later. He did point out that the annexation laws are antiquated. He said he did not want the request to be negative at all, but he said he felt that all the issues needed to be discussed. He said Aiken did have the thought in the past of being able to annex some of these areas where the infrastructure was extended across the by-pass. He said he felt there are still some questions that need to be answered. He said he felt incorporation was a good idea, but he questions the size and the need for that size at this time. He felt the area could be smaller and the city could then grow.

Councilwoman Price asked what would happen if Aiken objects to the incorporation, and Mr. Jim Holly responded that the committee would be disappointed because they want to work together and not create an adversarial relationship. He said legally if the committee meets the population requirements, the City of Aiken has no legal standing to object to the incorporation and it would be a negative comment that carries no legal significance under the law. He pointed out that with respect to any utilities that the City of Aiken has in the ground, it may be once the incorporation is successful that the Council of GVW could work with the City in allocating service areas. He stated no one could take Aiken's utility lines without paying for them. He said the City's interests are protected through

certain mechanisms. He said he remembers there is an agreement with the Valley Public Service area for the service area along a portion of the by-pass.

Mr. LeDuc stated the agreement is that the City of Aiken would have 300 feet north and west of the by-pass. He said the 300 feet was set up as typically most of the commercial development will fall within the 300 foot area. The commercial tax base along the by-pass is in the area the city would serve with water and sewer.

Mr. Holly pointed out there have been no annexations in this area for the City of Aiken for some time and the residents of GVW have certain rights that they are trying to assert and to govern themselves. He said they hope to do it in a positive fashion as permitted under law. He said it is difficult for them to take actions that would undercut what they are trying to do and create potential adverse action against their efforts. He said this is an area that has been overlooked for a long time, and they have a right to try to govern themselves and make it work. He said they have enormous challenges to overcome, but they are willing to try to make the effort to help themselves.

In response to a question from Councilwoman Price, Mr. Wood stated if Graniteville is not incorporated he sees deterioration for the area, including the homes and churches. He felt it would decline unless there is some revenue stream to not just maintain, but to also improve. He said there are some development opportunities in Graniteville moving now, and they feel that if they are a city and have local option sales tax that they can assist and accelerate some of the developments.

Councilwoman Clyburn stated she appreciated the committee coming to Aiken and sharing the information with Council of what they are doing since they have the 7,000 population needed for incorporation. She said she was familiar with the area, having worked in the area for many years. She pointed out that in looking at the map the committee has some challenges ahead, and it would be interesting to see how they are worked out. She wished them good luck. She felt incorporation would probably benefit the area to have more funds coming in.

Mr. Wood stated they wished the land mass were smaller but there was nothing that could be done about it because of the limitations caused by the census tracts and census blocks. He said the land mass area is a concern. He pointed out there are only 2,400 plus registered electors in the proposed incorporated area. To meet the 15% signatures required for the petition less than 360 signatures are needed for the petition. A simple majority wins. He said it is not as monumental as it may appear looking at the land map.

Councilman Smith stated his problem is that the numbers are driving the boundary map. He pointed out the area is a gerrymandered and unusual district. He felt the interface with the city would be difficult.

Councilwoman Clyburn pointed out it seems that in the future it would be like some of the other cities where you don't know when you go from one city to another. She pointed out that in the future the cities will meet and there will be issues to work out. She stated if the area is developed, there needs to be some concerns about traffic needs, as this will cause more traffic for each city, and the cities will need to work out who helps to pay for the traffic concerns.

Mr. Holly stated he disagreed with calling the boundary gerrymandered as it complies with the law. He said trying to incorporate with less than 7,000 would cause problems, as other cities might object to the incorporation. He said the people want to assert their rights and to govern themselves and do it in a lawful way. He said there are ways to work together on the matter for the betterment of the area.

Mr. Wood thanked Council for allowing them to present their information to Council. He said they want to move ahead and they want Council's blessings and support on the matter. He said they are willing to make the concessions mentioned and to work with the City of Aiken in any way possible. He said they want to be good neighbors.

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Councilman Wells stated in looking at Graniteville, Vaucluse and Warrentonville and the devastation they have been through in recent months and the past year, he could understand how they would want to incorporate so they would have a future. He said his hope is that they would work with the City of Aiken and look at the way the City of Aiken is developing and some of the mistakes the city has made and try to develop this area as much in the character of Aiken as possible.

Mayor Cavanaugh thanked the committee for their time and efforts and for presenting the information to Council.

Aiken City Council Minutes

**REGULAR MEETING**

March 12, 2007

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Glenn Parker, Richard Pearce, Pete Frommer, Anita Lilly, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland, of the Augusta Chronicle, and about 45 citizens.

Mayor Cavanaugh called the meeting to order at 7:07 P.M. He said Council has a special treat at this meeting as this is the 95<sup>th</sup> birthday of Girl Scouts. He said the Girl Scouts present will be leading Council in the Pledge of Allegiance after the prayer. Mr. LeDuc led in prayer, and the Girl Scouts led in the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Mayor Cavanaugh stated that in addition to being Girl Scout Week, this week is Sunshine Week. This has to do with the freedom of information to the public. He said a proclamation had been prepared declaring this week Sunshine Week and this would be added as the second item under recognitions. Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be approved with the addition requested.

RECOGNITION

Girl Scouts  
Proclamation

Mayor Cavanaugh stated Council wanted to recognize the 95<sup>th</sup> anniversary of the Girl Scouts and read the proclamation declaring the week of March 11-17, 2007 as Girl Scout Week. The proclamation was presented to the Girl Scouts. The Girl Scouts presented a gift of bread to each of the Councilmembers.

Proclamation  
Sunshine Week  
Freedom of Information

Mayor Cavanaugh read the proclamation declaring the week of March 11-17, 2007 as Sunshine Week.

MINUTES

The minutes of the work session and regular meeting of February 26, and work session of March 5, 2007, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as submitted. The motion was seconded by Councilman Sprawls and unanimously approved.

## BOARDS AND COMMISSIONS

### Appointments

Krippner, Mary Ellen

Arts Commission

Erb, Sam

Accommodations Tax Committee

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

Mr. LeDuc stated Council has 9 pending appointments to boards and committees of the city and 2 appointments are presented for Council's consideration.

Councilman Sprawls has recommended that Mary Ellen Krippner be reappointed to the Arts Commission. If reappointed the term would expire April 11, 2009. He has also recommended that Sam Erb be reappointed to the Accommodations Tax Committee with the term to expire March 25, 2009.

Councilman Sprawls moved, seconded by Councilman Wells and unanimously approved, that Mary Ellen Krippner be reappointed to the Arts Commission, with the term to expire April 11, 2009, and Sam Erb be reappointed to the Accommodations Tax Committee, with the term to expire March 25, 2009.

Councilwoman Clyburn stated she would like to reappoint Stephen Anaclerio to the Design Review Board with the term to expire December 31, 2008. She said she would also like to appoint Wendy Bryce to the Accommodations Tax Committee. She pointed out that she had made an appointment earlier to the Accommodations Tax Committee that did not meet the state guidelines for the category needed, and the proposed appointment would fill that position.

Councilwoman Vaughters stated she would like to recommend reappointment of Anne Lattimore to the Arts Commission and Neel Shah to the Accommodations Tax Committee.

Mayor Cavanaugh stated he would like to reappoint Thom Abbott to the Arts Commission.

These recommended appointments will be considered at the next meeting of Council.

## REZONE – ORDINANCE 03122007

Douglas Drive

Gingrey, William C.

East Pine Log Road

Henry Street

City Well Site

TPN 122-06-07-003

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property off of Douglas Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED ON EAST PINE LOG ROAD FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO PLANNED RESIDENTIAL (PR) AND TO APPROVE PROPOSED CONCEPT PLAN.

Mr. LeDuc stated Bill Gingrey has requested the rezoning of 4 acres of property along Douglas Drive at Henry Street from Residential RS-15 to Planned Residential (PR) and the approval of the Concept Plan for detached single family dwellings on this property.

The owner of this property purchased 9 acres from the City last summer after an agreement to sell the property to him was approved in March, 2006. The appraised value

for 9 acres was \$117,000 and Mr. Gingrey's bid was \$30,000 per acre for the front two acres and \$10,000 per acre for the remaining acreage. The city asked that the rear portion remain as open space and for city utilities.

In January the applicant asked the Planning Commission for rezoning from RS-15 to Planned Residential for the property which he purchased. That plan was for 25 dwelling units with an internal roadway to reach many of the lots. That plan and rezoning was approved on a 6 to 1 vote. There was some question at that time when it came to City Council and Council asked that he meet with some citizens and Mr. Gingrey regarding the rezoning and the proposed development. Mr. Gingrey is now requesting the City to consider a less intense development with all the units fronting on Douglas Drive. Under the proposed PR plan, 20%, or .8 acres, must remain as open space. As shown on the plan this portion of the property would be deeded back to the city. The City will refund Mr. Gingrey \$50,000 for the excess property. A proposed resolution is on the agenda concerning the reconveyance.

The Planning Commission at their January meeting voted 6 to 1 to approve the rezoning on Douglas Drive for the more intense development. Since there are less lots (25 vs 12), and more area will eventually be open space, it was felt the proposed development on 4 acres, which would decrease what Mr. Gingrey would own and increase what the city would own, would be a better way to present the proposed development. The proposed plan is for 12 lots, which are basically the square footage for RS-10 or larger, except for one lot which is near the well site. The road has been taken out, and the remainder of the property will be deeded back to the city at the same price that he paid for the property.

He said Councilman Smith had asked staff to determine how many lots could be developed if the 9 acres was zoned RS-15. He said it had been determined that there could be 18 to 20 lots on the 9 acres under RS-15 zoning.

Mr. LeDuc stated the plan presented to Council is a Planned Residential plan and Council has the ability to place conditions on the development. He said at the last meeting Council had asked for several house plans, and proposed drawings had been presented for Council's review. The drawings include two-car garages, and the houses range from 1,400 to 1,600 square feet, which would mean the cost of the homes would be about \$160,000 to \$200,000.

The following conditions would apply for this PR plan.

1. That the project comply with the Concept Plan as shown and that a note be added to the Plan that the project will comply with the provisions of the Planned Residential zone at 4.2.6.
2. That water for these properties will be served from the front [to be shown on Concept Plan].
3. That sewer will be connected from the rear and the fees for both water and sewer will be paid for by the home builder when they obtain the building permit [to be shown on Concept Plan].
4. That there be a notation on the Concept Plan identifying the possible location of a vehicular connection to the 33 acre parcel to the north.
5. A stormwater detention pond would not be required, since there is adequate space in the drainage ditch behind these proposed homes.
6. That conditions of approval be shown on the Concept Plan.
7. That the applicant execute an agreement listing the conditions of approval, and that the agreement be recorded by the City at the RMC Office within 120 days of approval by City Council.
8. That all conditions be satisfied to the satisfaction of the Planning Director within 180 days of approval by City Council, or this rezoning shall be null and void.
9. Each residence built in this project shall have a minimum heated interior living space of 1400 square feet and at least a 1 car garage [to be shown on Concept Plan].
10. No Grand or Significant trees [as defined by the City of Aiken Zoning Ordinance] shall be removed from this property, except as may be necessary for the purpose of siting houses, driveways, and/or utility lines. Prior to removal of any Grand or Significant trees, the Developer or his successor shall mark where the houses,

driveways, and utility lines will be sited, and the City Horticulturist will review to insure that all Grand or Significant trees that can be saved will be saved. [to be noted on Concept Plan]

11. The house design shall substantially comply with the designs set forth in the attached Exhibit "B" [to be provided by Mr. Gingrey] and as determined by the Planning Director. If the Planning Director determines that the design of a home(s) does not substantially comply, the design must be presented to City Council for approval as a modification to the Concept Plan for this property.

The public hearing was held.

Mr. Robert Raymer, 618 Douglas Drive, stated the residents had thought long and hard over this topic for the last two weeks. He said only recently was there a consensus on what they feel is best for the neighborhood. He said, all options considered, they would like to support Mr. Gingrey's proposal for rezoning to PR with the 11 plus 1 homes on Douglas and Henry. He said this allows them to retain some green space and allows for keeping some semblance of integrity to the neighborhood. He said they feel the alternatives would be devastating to the community. He said the residents request Council to vote for the rezoning to PR for the parcel in question with the stipulations of a minimum of 1,400 square feet heated space, a minimum of one car attached garage, similarity to the home drawings attached to the agenda memo, retention of mature trees in the neighborhood that are not encumbering the homes, and some teeth in the proposal with monetary repercussions if not adhered to.

In response to a question by Councilmember Vaughters regarding the green space, Mr. Raymer stated the green space should be left as natural as possible. He said they would also like to have as many trees on the property left as possible that do not encumber the homes. He said they do not want to see the land stripped.

Councilwoman Vaughters pointed out that no mature trees had been identified on the property, and this was one reason for the Planned Residential zone. She pointed out she was concerned about no tree survey, as this had happened in several other areas and the property was cleared. She was concerned about the rezoning being approved and there being no tree survey.

Mr. LeDuc stated that a tree survey had not been done. He pointed out that sewer will be served from the rear of the lots being developed and the city would try to save as many trees as possible, but, with the sewer line being run at the rear of the property, some trees would have to be removed. He said that could be vegetated, but they would not plant trees over the sewer line. He pointed out that most of the property proposed to be reconveyed to the city which Mr. Gingrey had originally purchased, except for 4 acres, could be left natural. He said that unless the city specifies which trees are to be saved and that is not specified in the conditions, Mr. Gingrey could cut the trees down. He pointed out Council could allow staff to work with Mr. Gingrey to make sure the significant and grand trees would be left on the site unless they would be where a house would be built. This would be similar to the development on Park Avenue.

Mr. Raymer suggested that a committee be appointed to work with Mr. Gingrey on the trees to be left and the placement of the homes, and Mr. Gary Smith responded that City Council should not give up their authority to a citizen group to review such things, as he felt this would be a violation of state law. Mr. Smith pointed out that there would be monetary penalty if the developer did not comply with the ordinance. He said every ordinance passed by Council should be complied with and failure to comply with the ordinance does carry penalties.

Councilman Smith suggested that a condition of approval be that a tree study be submitted to the Planning Department and that the trees be identified and follow basically the same principle in the Tree Ordinance for Planned Commercial.

Mr. LeDuc suggested that a plat could be brought back at the next meeting of the 3.2 acres, identifying the significant and grand trees and the approximate layout of the houses on the lots. Another alternative would be to give the authority to the staff and the City

Horticulturist, and have the Planning Director make certain that all the grand and significant trees are saved unless they are where the houses will be built.

Councilman Wells stated he felt giving the staff authority to make sure the grand and significant trees are saved would be the way to go. He pointed out that the issue had been going on for several months, and it was time to move on. He said he felt the staff could be trusted to take care of the matter and make recommendations on the trees to be saved. He said he did not want to see the land stripped. He said giving staff authority could be done as a condition.

Mr. Bill Gingrey, 104 Englewood Drive, stated some trees would have to be removed to build a house and make driveways. He said, however, he loved trees. He said it costs money to take down big trees. He said he had no intention of taking down a nice tree as trees would enhance the development. He said he would be selling the property, and the developer who will build the houses feels as he does. He said he would stay involved to be sure as many trees are saved as possible. He said he would be glad to have as part of the ordinance that he would flag the trees to be saved and let someone from the Planning Department look at the trees to make sure they are saving trees. He said some trees would have to be removed to place the houses on the lots.

Councilwoman Price stated she wanted a condition in the ordinance regarding the trees to be saved. She pointed out there had been some problems in the past, and Council wanted to be sure that all the trees are not removed on this property.

Mayor Cavanaugh suggested that there be a condition in the ordinance regarding the city checking the trees to be saved to be sure the grand and significant trees are saved. He said the city staff would work with Mr. Gingrey on the trees to be saved.

Mr. LeDuc said he and Mr. Gary Smith would come up with the exact language, but it would be similar to: "Except for the location of the homes, driveways and utilities, all other grand and significant trees would be saved on each lot."

Mr. Gingrey stated he did not want to lock it in so he would not be able to get a house on a lot because of a tree so he would be glad to work with the city on the matter.

Councilwoman Vaughters stated this is what had happened in the past. She felt that unless the trees to be saved are actually identified and approved by Council this could happen again.

Mr. LeDuc stated Tom Rapp, the City Horticulturist, could work with Mr. Gingrey on this matter.

Mr. Gingrey stated they would lay the houses and driveways out so one could see where they would be and trees in that area would have to come out. The rest of the trees to be left would be flagged. He said the City could inspect it and if there is a problem he would work with the city. He pointed out that before a house is built a permit must be obtained so the city would be aware of any work to be done.

Mr. LeDuc pointed out that Building Inspection does not do this at this time, because in a single family home, site regulations allow a developer to take down all the trees. He stated, however, the staff will identify that any building permits applied for will first have to go to the Planning Department to make sure the trees are preserved to meet the condition approved by Council.

Councilwoman Clyburn thanked both sides of the issue for coming to some kind of compromise so the matter can be put to rest. She said it was not easy to get there, but she was glad they had decided to do that.

Ms. Melita Wilson, 401 Henry Street, stated she was concerned about the 12<sup>th</sup> lot. She suggested that there only be 11 lots. She felt there would only be enough room for a driveway on the lot at the corner, and the lot would have no street frontage. She felt that would devalue her property. She also pointed out there is a large drainage ditch in the

corner of the area that she was concerned about. She wanted the lot to remain as green space.

Mr. Gingrey stated the lots would all fit on the property, and engineering had been done. He said if there is a problem with the drainage, another piece of pipe would have to be installed.

Mr. LeDuc pointed out that Mr. Morris had stated at the last meeting that there is a drainage problem there, and that some drainage work would have to be done in the area.

Mr. LeDuc pointed out that if Mr. Gingrey wanted to vary the lots any, he would have to come back to Council. He said the development would have to be built according to the plans approved.

Ms. Jenne Stoker, 331 Kershaw Street SE, stated she was glad the matter regarding trees would be taken care of. She asked that more of the commercial guidelines be included such as if a tree has to be removed for a driveway that another tree be planted. She was concerned about another person buying the lots and how restrictions regarding trees would be enforced. She asked if there could be trails to and through the open space. She also asked if there could be a restriction that driveways be of a permeable substance to help with drainage in the area, and not be paved.

Mr. Gary Smith responded that the Concept Plan would be made a part of each individual title at the RMC Office, so anyone who buys a lot will have notice that they have to comply with the Concept Plan before they build a house. If someone violates that, they will have to go to City Court.

Mr. LeDuc stated he did not feel that the intention of Council was to open the green space up for formal walking trails, but to leave it open space. He said Council could require the driveways to be a permeable substance, but he did not know if Council wanted to make that requirement.

Ms. Stoker stated she was glad a lot of the area was to be left as open space, and she appreciated the fact that there will not be 20 houses built on the property.

Councilwoman Vaughters passed out a packet of material concerning the history of the purchase of the property by Mr. Gingrey. She stated she had been very frustrated about the matter, and she reviewed the sequence of events on the issue. She said because of the events she wanted to review them so Council could see where she is coming from. She pointed out she had thought there was to only be about 6 or 7 lots along Douglas Drive and not other development. She was disappointed in the way staff had handled the matter and that the property had not been advertised for sale. She said Council had expected to get fair market value for the property and she did not feel that about \$6,600 per lot was fair market value for a 10,000 square foot lot. She was concerned about the closing that was held when some Councilmembers had asked that the closing be delayed. She was concerned about the error that had been made in selling more land than Council intended to sell to Mr. Gingrey. She was concerned about how City Council is going to function in order to be sure that what people tell them is what they do. She stated she was very frustrated over the whole matter.

Mr. LeDuc pointed out that the error occurred with the total property consisting of 11.2528 acres listed on the plat dated March 23, 2006, was used rather than 9 acres. He said it was very clear from the minutes that Council had agreed to sell 9 acres with RS-15 zoning.

Mr. Gingrey stated he was not present at all the meetings when the matter was discussed. He said he had also listened to the tapes of the meetings. He said he had not said anything about 6 or 7 lots. He pointed out his project was not on one of the agendas because the matter had been delayed, but a group of citizens was present and they were allowed to speak on the matter.

Councilwoman Vaughters continued to discuss the matter at length, expressing her concern about the property and the way the matter was handled. She was concerned about how the property was posted or advertised for sale. She felt there should have been a legal ad in the paper.

Mr. LeDuc responded that the property was posted with a sign for sale. He reviewed the discussion on posting or advertising and pointed out he restated his understanding of how the property was to be advertised, which was posting a sign on the property. He pointed out the city had never even posted city property which had been sold in the past.

Mr. LeDuc pointed out in the future Council needs to be very specific what they want to be done on any matter. He said his problem was that he probably did not ask enough questions to get the information wanted.

Councilwoman Vaughters stated she was disappointed that Council had not ended up with what they thought they would.

Councilwoman Clyburn stated that over the years that she had been on Council there had been some times that she had regretted doing some things, but you have to move on. She said if something is not put in place then mistakes will be repeated. She felt a lot had been learned from this experience, but she felt it was time to move on with a lot of education, knowing that whatever was not done right last time needs to be done right next time.

Councilwoman Price stated no one likes to see this happen, but things have happened several times. She stated she had accepted the fact that a human error had been made, and it is hoped that things are in place to avoid this kind of error again. She said it is time to move on. She pointed out she voted against the development on first reading, because she felt the property should remain zoned RS-15. She said hearing the neighbors and their change of heart and having talked to Mr. Gingrey also, she would support the rezoning to PR at this time. She pointed out staff tries to do their best and does not make errors intentionally.

Councilman Smith stated he would like to associate himself with Councilwoman Vaughters resume of what had transpired. He asked several questions about the closing, asking if an attorney was used for the closing and whether Mr. Gingrey had read the contract and the closing papers. He asked if Mr. Gingrey saw the 11.3435 acres on the Title to Real Estate papers when he knew Council had agreed to 9 acres.

Mr. Gingrey responded that the City Attorney was present at the closing. He said he did see the 11.3435 acres on the Title papers. He said he had the plat drawn up. He reviewed the wording in the minutes of February 22, 2006. He said the words were that the acreage would be determined by a final survey and how much land Mr. Gingrey wants to buy. He said there was no mention of 9 acres. He said he assumed that the acreage was not fixed, that he could buy 11.3 acres which is what he had the plat drawn up for. He said that plat was submitted for the sale of the land.

It was pointed out the motion stated approximately 9 acres to be sold to Mr. Gingrey. Mr. LeDuc pointed out his letter to Mr. Gingrey stated approximately 9 acres to be sold.

Mayor Cavanaugh stated he appreciated the working relationship bringing the matter to this point. He stated the proposed development is less housing units, with 12 lots in the PR concept. Under the RS-15 zoning Mr. Gingrey could have from 18 to 20 lots. He stated the acreage other than the 4 acres sold to Mr. Gingrey would be preserved as green space. He stated he felt the proposal had turned out for the best. He stated the property was advertised as a sign was posted on the property and second reading was advertised. He suggested that Council have a meeting to discuss what could be done to do a better job. He said in his opinion if a mistake was made, it was made by all for not asking enough questions and making sure before voting that they know exactly what they are voting on. He pointed out there is a lot of discussion on matters, but that does not mean that everything that is said is included in the final decision. He said he felt that everyone had learned something from the experience.

Councilman Smith stated the neighbors had accepted what they felt they had to accept so he was going to vote for the rezoning.

Councilman Wells moved, seconded by Councilwoman Price, that Council pass on second and final reading the revised ordinance approving the rezoning from RS-15 to PR Planned Residential and the Concept Plan for 4 acres off Douglas Drive, with the conditions discussed, including language concerning staff working with Mr. Gingrey regarding the trees to be kept on the property. The motion was approved by a 6 to 1 vote, with Councilwoman Vaughters opposing the motion.

RESOLUTION 03122007A

Gingrey, William  
Douglas Drive

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to reconvey property on Douglas Drive.

Mr. LeDuc read the title of the resolution.

A RESOLUTION APPROVING THE RECONVEYANCE OF A PORTION OF PROPERTY TO THE CITY OF AIKEN LOCATED ON DOUGLAS DRIVE IN AIKEN, SOUTH CAROLINA.

Mr. LeDuc stated last March City Council agreed to sell 9 acres of property to William Gingrey at \$30,000 per acre for the first two acres and \$10,000 per acre for the remaining 7 acres. He pointed out Council had just approved a Planned Residential (PR) development for the front 4 acres on Douglas Drive. Since Council approved this plan Mr. Gingrey is willing to reconvey the remaining property that was deeded to him for \$50,000. This would leave him the front 4 acres of which .8 acres will be left as open space. Thus 3.2 acres will be owned by Mr. Gingrey.

By reconveying the property to the City for a sum of \$50,000, the City would own approximately 7.2 acres as open space including the stormwater ditch area.

Councilwoman Clyburn moved, seconded by Councilman Wells that the resolution be adopted approving the reconveyance of a portion of property off Douglas Drive from William Gingrey to the City of Aiken for \$50,000, leaving him 4 acres to be rezoned as PR. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

REZONING – ORDINANCE 03122007B

Charleston Street SE 206  
Charleston Street SE 222  
Park Avenue  
Jacobs, D.P.  
Patterson, Scott  
TPN 121-11-12-009  
TPN 121-11-12-001

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at 206 and 222 Charleston Street, SE as RS-6 Single Family Residential.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE TWO LOTS CONSISTING OF 0.7 ACRES OF LAND, OWNED BY D.P. JACOBS AND SCOTT PATTERSON FROM LIGHT INDUSTRIAL (LI) TO RESIDENTIAL SINGLE-FAMILY (RS-6)

Mr. LeDuc stated D. P. Jacobs and Scott Patterson own two lots totaling 0.7 acres on the east side of Charleston Street at Park Avenue and are requesting rezoning from Light Industrial (LI) to RS-6 Residential Single-Family.

Their intention is to develop these lots into three detached single family homes. One lot is currently vacant while the other has a single family house in disrepair, which will be demolished. The approved Old Aiken Master Plan shows this property to be low density residential. The property to the east is zoned Light Industrial, to the south Residential Multi-Family Low Density, and to the west LI and RML. The area is currently served by city water, sewer and streets.

The Planning Commission voted unanimously to approve the rezoning of this property to Residential Single Family RS-6.

The public hearing was held.

Mr. Doug Jones, 708 West Rollingwood Road, stated he owns property two blocks away from these lots on Charleston Street and Council made him rezone his property RS-10. He said he did not understand why he had to have RS-10 zoning. He said he would like to have RS-6 zoning for his property at Colleton and Williamsburg Street too. He said that was his original request. He said he had also had to agree to several conditions on his development, such as what kind of house to build, the size, etc. He did not understand how Council could rezone the property on Charleston Street as RS-6 and not give RS-6 zoning to him for his development.

Councilwoman Vaughters pointed out that in the area that Mr. Jones is to develop there are large houses, and that he had stated that he was going to build big houses on the lots that would be compatible with the rest of the neighborhood. In response to a question from Mr. Jones as to whether she was for the RS-6 zoning on Charleston Street, she responded that she felt the RS-6 was more compatible. She said she did not like to see too many small lots; she did not feel this had any connection with Mr. Jones property on Williamsburg Street. She said she feels that two blocks can make a lot of difference in the zoning and type housing in an area. She said she felt the 200 block of Charleston Street is much different in character from the area where Mr. Jones planned to develop. She said she did not feel that Mr. Jones could do the quality development that he plans on RS-6 lots.

Mr. LeDuc pointed out one difference was that in the area of Colleton and Williamsburg there is a mixture of sizes of houses to the west of the property and around the property the zoning is primarily RS-8 and larger. He said in the Charleston Street area the houses are predominantly much smaller, and the lots in the area have RS-6 zoning. He pointed out that the further to the east from Mr. Jones property the smaller the lot sizes and the further to the west from his property the larger the lots. He said Council was looking for a way that could meet both ends and transition from the larger lots and estates to the smaller ones that are on the eastern part of Colleton Avenue. He said in the Charleston Street area most of the lots are currently RS-6, and the rezoning would be compatible with the area. He pointed out Colleton and Williamsburg Street was a transitional area. Mr. LeDuc reviewed for Council a map showing the zoning in the area of both properties. He said there is a difference in the areas, and when Mr. Jones came to Council asking for rezoning there was a lot of debate on what the zoning should be, since there is a mixture of zoning in the area. He did point out, however, that at one time both areas were zoned Light Industrial (LI).

Councilman Wells pointed out to Mr. Jones that some of Council did work to help him get RS-10 zoning rather than RS-15 which surrounding citizens were requesting Council to do.

Councilwoman Clyburn pointed out that to be sure there is some affordable housing in town some lots are zoned RS-6 and RS-8. She pointed out the area on Charleston Street fits RS-6 zoning. She said the houses in the area would probably be more affordable homes.

Councilwoman Vaughters pointed out possibly the zoning could be RS-8 rather than RS-6 and just two houses put on the property.

Mr. Jake Jacobs, 3603 Charleston Highway, stated if his property is to be zoned RS-8, he would like to see the rest of the houses in the area torn down and the lots zoned RS-8. He said his lots are the same size as the others in the area. He said the housing he would put on the property could possibly be \$200,000 to \$250,000. He said he did not have plans for the lots yet, as he was waiting to see about the rezoning. He said at this time he does not have plans to build. He said he was just asking for rezoning to residential to protect his property, which he is renovating directly across the railroad tracks at 1316 Park Avenue. He said he wanted to be sure the property around him is rezoned residential. He said he had no drawings for housing, but was thinking about cottage type housing.

Councilwoman Vaughters stated she was asking about plans for housing because she was concerned about what might be built on the property and where the parking would be. She said she was concerned about RS-6 zoning for the area. She wondered if Council could ask for designs for housing on Charleston Street. She pointed out Council did require Mr. Jones to provide plans and he does have a point.

Mr. LeDuc pointed out the Housing Authority has affordable homes in the area which were built about three years ago.

Mr. Jacobs pointed out the Housing Authority homes is multiple units on larger lots.

Mayor Cavanaugh reviewed the situation. He said the lots proposed to be rezoned are adjacent to lots zoned Light Industrial, across the street is also zoned Light Industrial, and to the south is RML. He pointed out that most of the lots in the area are RML and LI zoning but the size of the current lots in the area that are platted are all under 6,000 square feet, except along Park Avenue.

Council continued to discuss the matter at length as to whether the zoning should be RS-6 or RS-8, and there was concern about whether Council should require certain conditions in the various zones.

Mr. Gary Smith stated Council could make housing designs a condition for rezoning. He said Council could make the rezoning not become official until such time as the developer satisfies certain requirements, which may be housing designs.

Mr. LeDuc pointed out conditions such as housing designs, etc. on RS-6, RS-8, etc zoning is difficult for staff to track. He said if conditions are going to be put on all zones, then Council needs to review the Zoning Ordinance and the conditions allowed in each zone. He said the PR category was created for conditions and being able to track the conditions. He pointed out that once the Design Review Board is expanded to review the Old Aiken Master Plan area, they would be reviewing the house designs in the area. He said in the past it has been a market driven situation and that determines what people pay for the property and how it is developed. He said it is hoped that by the end of the summer the Design Review Board will be reviewing housing in the Old Aiken Master Plan area in this area.

Mr. Jacobs stated he did not understand the issue. He said he did not have any plans for the housing for the lots. He said the concept is cottages compatible with the neighborhood. He pointed out he felt Mr. Jones' property is in a different area. He said he was reluctant to place design restrictions on the lots.

Mayor Cavanaugh stated he felt Mr. Jacobs would be careful as to what will be built on the lots, since he will be living just across the street. He said he did not necessarily want house designs and pointed out the city does not have an ordinance which requires house designs.

Councilwoman Price stated given the fact that the property in question is zoned Light Industrial, and Mr. Jacobs is concerned about what will be on the property since he will be across the street with his personal investment in his home, and property in the area is

currently zoned RS-6, Councilwoman Price moved, seconded by Councilwoman Clyburn, that Council pass on second and final reading an ordinance to rezone property at 206 and 222 Charleston Street from Light Industrial to Residential Single Family RS-6. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters voted in opposition to the motion.

Mr. LeDuc stated that hopefully the discussion that had been going on would be a moot point in six months, because staff will be coming back to Council asking that Council give the Design Review Board the authority to make review of the properties that would be renovated or built in the area.

ABANDONED SEWER EASEMENT – ORDINANCE 03122007C

Shoppes at Whiskey

Corporate Parkway

Whiskey Road

Dedication

Easement

Sewer Easement

Deed of Dedication

Quit Claim Deed

Abandoned Sewer

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to abandon a sewer line easement and accept dedication of a new sewer line easement for the Shoppes at Whiskey.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ABANDON A SANITARY SEWER MAIN RIGHT-OF-WAY AND ACCEPTING THE DEDICATION OF THE SANITARY SEWER MAIN FOR THE SHOPPES AT WHISKEY.

Mr. LeDuc stated The Shoppes at Whiskey Shopping Center located at Corporate Parkway and Whiskey Road recently completed their facility. During the course of their construction, they had to relocate an existing sanitary sewer main and install it in a new location. The proposed ordinance along with the Deed of Dedication and Quit Claim Deed will abandon the old sewer line easement and deed to the city the new sewer line easement. This will allow the City of Aiken's Public Works Department to have the ability to service this line during maintenance periods. The City Engineer and Utility staff have reviewed these documents and recommend their approval.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on second and final reading an ordinance authorizing the City of Aiken to abandon a sanitary sewer main and right of way and to accept the deed of dedication of the new sanitary sewer main at the Shoppes at Whiskey.

TOOLE HILL – ORDINANCE 03122007D

Lease/Purchase Agreement

Jenkins, Brendolyn

Dillon Avenue 804

Agreement

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to modify the lease/purchase agreement for a house in Toole Hill.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO REVISE ITS LEASE AGREEMENT WITH AN OPTION TO SELL PROPERTY IN THE TOOLE HILL AREA AT 804 DILLON AVENUE.

Mr. LeDuc stated in the spring of 2004, City Council approved a lease/purchase agreement with Brendolyn Jenkins for her home at 804 Dillon Avenue in Toole Hill. The agreement was for a three year period ending on March 1, 2007. Due to various circumstances we are asking that this agreement be extended for an additional six months to allow Ms. Jenkins to obtain financing for her home. The proposed lease will allow this agreement to extend to September 1, 2007. During this time Ms. Jenkins will be contacting several financial institutions to obtain private financing for this home.

The public hearing was held and no one spoke.

Councilman Wells moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to modify a lease/purchase agreement with Brendolyn Jenkins for an extension of six months for the purchase of a house at 804 Dillon Avenue.

NOISE ORDINANCE – ORDINANCE 03122007E

Horizons Retreat  
Livability Court  
Nuisances

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the noise ordinance.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE OF AIKEN, SOUTH CAROLINA TO ADD NEW SECTION 22-31, ET SEQ., REGARDING NOISE VIOLATIONS.

Mr. Leduc stated that at this year's Horizon Retreat, City Council received a presentation from Richard Pearce concerning revisions to our Noise Ordinance. Currently our Noise Ordinance deals strictly with nuisances and noise annoyances as they pertain to a person's quality of life. The new ordinance addresses the annoyances and nuisances as they pertain to equipment and devices that have become audible irritants. He said our current ordinance needs to be updated.

The City is trying many of these cases in our Livability Court as individuals come forward concerning noises that disturb their comfort, health, peace and well being. This involves the individuals documenting these disturbances and being willing to testify about the events and the problems they cause. At all times a Public Safety Officer and our City Solicitor assist in these cases, but rely heavily upon the testimony of the individuals involved. The new ordinance will also use decibel meters, which give a clearer definition for different noises, times of day, minimum and maximum levels, categories of sounds and locations. Although these decibel meters will help in many cases, much of the ordinance will still rely upon noise complaints which disturb a neighborhood or business in the city. The proposed ordinance is based on 75 decibels as measured by this device at more than 50 feet from the origin of the noise. Research shows the 75 dB is a common level amongst cities that have developed a modern noise ordinance.

He pointed out that the ordinance had been revised from last meeting removing some sections that caused some concern. He pointed out the proposed ordinance will not solve all noise problems. He said he had read in the paper that a person wanted an ordinance so no noise will cross the invisible boundary between his house and his neighbor. He said that is impossible and will never happen. He pointed out the ordinance had been drawn from ordinances from other communities and has proven itself in court. He said it is felt it is a reasonable and good ordinance.

He said he had provided a copy of what different decibel levels of various noises produce to Council at the Horizon's Retreat. Richard Pearce is present to answer any questions Council may have concerning this new ordinance.

Mr. Pearce stated he felt the ordinance was workable, enforceable, and has a decibel meter measurement as part of the ordinance, but it is not the entire ordinance. He said he had talked with the patrol officers, and they are comfortable with the proposed ordinance. He said the ordinance was crafted from ordinances from other cities, and it is felt that the proposed ordinance is an improvement over the present County ordinance.

Councilman Smith stated that Jann Smith who was present at the last meeting and spoke regarding the ordinance had e-mailed him telling him that she had read the revised proposed ordinance and she felt it was a very good ordinance.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to amend Chapter 22 of the City Code regarding noises and noise violations.

#### ANNEXATION – ORDINANCE

Richland Avenue West  
Shah, Neel  
Quality Inn Suites & Motel  
Traffic Management Ordinance

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property on Richland Avenue, West.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.94 ACRES OF LAND, MORE OR LESS, OWNED BY LIZA, INC., AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated Neel Shah, owner of a .94 acre lot on Richland Avenue W. adjacent to the Huddle House, is requesting annexation of the site as a General Business zoning. This site is next to the Quality Inn Suites & Motel and at one time was the site of a small motel. According to the Traffic Management Ordinance a Traffic Study is not required if there are less than 2,000 trips per day being generated by this project.

The Planning Commission voted 5 to 1 in favor of this annexation with the following conditions:

1. that the property is conveyed to the contract purchaser.
2. that proof of recording of a restrictive covenant at the RMC Office permanently limiting the total number of net new vehicle trips by all uses on the site to no more than 2,000 be submitted;
3. that stub-outs be provided to the eastern and western property lines to allow vehicular connections to adjacent lots;
4. that the freestanding sign for the adjacent motel be removed from the site;
5. that there be no playground equipment on the outside of the building;
6. that the applicant and contract purchaser sign an agreement with the City listing any conditions and that the agreement be recorded at the RMC Office prior to the annexation taking effect; and
7. that all conditions except those involving future development of the property be met within 180 days or the annexation will be null and void.

Mr. LeDuc stated the owner is in agreement with the conditions except two. He pointed out Mr. Jim Holly representing the owner will address Council regarding two of the conditions. He stated they wish to have some minor word changes in the condition

regarding the stub outs to allow vehicular connections to adjacent lots. He said, however, condition 4 is still the major condition outstanding regarding the free standing sign for Quality Inn & Suites on the subject property. This sign is not in compliance with city sign regulations. He said they did agree on the 2,000 vehicular trips per day but if the number of vehicle trips goes over 2,000 per day then there would have to be a traffic study of the area.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved that the rules be suspended to allow citizens to speak on first reading.

Mr. Jim Holly, attorney for Neel Shah owner of the property, stated that on the traffic study condition there should be some clarifying language to state what Mr. LeDuc had stated regarding any increase in the traffic over 2,000 vehicles requiring a traffic study. He pointed out the present wording of condition 2 does not reflect what Mr. LeDuc had stated regarding a future use that might trigger a traffic study. He said they were going to work to try to find a solution to the other issue regarding a sign on the site that would be satisfactory to all concerned. He said he would have to come back to Council with a proposed solution. He said this will take some work on the owners part to accomplish that and at this time they do not have an answer for Council. He said there had been some effort to get the sign removed, but it had been unsuccessful to this point. He said they are okay with Council passing the ordinance on first reading, but they may have some modifications for second reading on the conditions regarding the traffic study and the sign for the motel.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex .94 acres on Richland Avenue W. west of the Huddle House Restaurant as General Business, and that second reading and public hearing be set for the next regularly scheduled meeting.

Mr. LeDuc pointed out that second reading will be scheduled for March 26, 2007, and if for some reason the second reading needed to be delayed because they are still working on the sign issue, please contact his office.

#### COUNCIL SALARIES - ORDINANCE

##### City Council Salaries

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to adjust City Council salaries.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING SECTION 2-36 OF THE CODE OF THE CITY OF AIKEN TO AMEND THE SALARIES OF THE MAYOR, THE MAYOR PRO TEM, AND THE MEMBERS OF COUNCIL.

Mr. LeDuc stated every year our Human Resource Department reviews 25% of the city's classified positions to make sure the salaries are competitive with the salaries within the area and other governments. Based on this review they recommend any needed adjustments to the salaries for these positions. Based on a review of the 2006 City Council salaries throughout the state, we are recommending that Council consider adjusting the salaries for City Councilmembers. He said he had asked that the Council salaries be reviewed. He said in reviewing the salaries he felt that Council is being underpaid when reviewing the salaries of the average cities in South Carolina. He said he felt Aiken was far above average in all other ways and is a very progressive and innovative city.

Currently Aiken City Councilmembers receive \$3,806 per year, the Mayor Pro Tem \$7,613, and the Mayor \$11,419. Based on the survey of ten other cities with an average population of 33,353 the average city council salary was \$8,718 and the Mayor's salary \$14,681. The City of Spartanburg and Rock Hill Councilmembers both receive a stipend per month for miscellaneous expenses.

We believe our City Councilmembers have major responsibilities well beyond those of the cities surveyed within the state. According to state law any salary increase that Council approves cannot go into effect until after the next election, which occurs in November, 2007. We are therefore recommending that the City Council salaries be increased after the November, 2007 election to \$9,000 for each Councilmember, \$15,000 for the Mayor, and \$12,000 for the Mayor Pro Tem.

Councilwoman Vaughters stated she had never been for increasing City Council salaries. She felt the increases were not enough to make a difference to anyone, and that plenty of people would serve on City Council for nothing. She said presently she feels that Council has not been able to provide the leadership which produces a contract that reflects the city ordinance and has not sold land for what it is actually worth, so she did not feel that Council really deserves a salary increase and that she would not vote for an increase.

Mayor Cavanaugh stated over the years Council has worked very well together with the citizens, and many things have been done right. He said as the city grows, Council gets busier and busier, and he felt it was a sad reflection that the Council salaries are not higher. He said in talking with some citizens they are appalled when they are told the Council salaries. He said he felt the Councilmembers certainly deserve a salary increase. He pointed out there is a long list of items that Council needs to work on, and Council will be having more special meetings. He said he supports the proposed salary increases.

Councilman Smith stated he agrees with Mayor Cavanaugh. He said he had found that as a Councilmember he actually spends more money than he receives from the Council salary. He said Councilmembers are expected to attend many functions and contribute to many activities. He said a raise is a good and fair idea. He said he hoped Council would consider approving the increase even though it is an election year.

Councilman Sprawls stated he and Councilman Smith had agreed that Council is at least average.

Councilwoman Clyburn pointed out Councilmembers are expected to contribute to many activities and to attend many events, all which cost money, and being a Councilmember does take a lot of time. She stated she felt that, even with human failings, Council is above average.

Councilwoman Price pointed out that Councilmembers are asked to speak at many functions, and this takes time and money. She pointed out Councilmembers are not Councilmembers for the money, but do it for the community.

Councilman Smith moved, seconded by Councilman Sprawls, that Council pass on first reading an ordinance to approve the new salary levels as proposed for Council and the Mayor and that second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters was opposed to the motion.

#### PLANNING COMMISSION

##### Action Agenda

##### Fiscal Year 2007-08

Mayor Cavanaugh stated Council needed to consider approval of the Planning Commission Action Agenda for 2007-08.

Mr. LeDuc stated Council met on March 5 with the Planning Commission to develop an Action Agenda for the upcoming year. Based on the meeting the new Action Agenda is as follows:

- 1) Require all new wiring to be underground (not just service lines to buildings).
- 2) Evaluate electronic signage.

- 3) Determine how to provide Public notice for text amendment to Zoning Ordinance and Land Development Regulations.
- 4) Revise Tree protection regulations based on zoning of the land and not on use.
- 5) Update the Traffic Management Ordinance.
- 6) Consider amendments to the Land Development Regulations regarding maintenance and guarantees.
- 7) Creation of an institutional zoning category.
- 8) Evaluation of uses within the Limited Professional (LP) zone.
- 9) Examine expansion of Comprehensive Plan Study area to the south.
- 10) Examine expansion of Comprehensive Plan Study area to the east.

The Planning Commission and City Council also agreed that the Design Review Board should undertake two tasks: 1) develop design standards for buildings along major roads; and 2) how property maintenance should be enforced, through city and state regulations (by our Code Enforcement personnel) and/or the Design Review Board.

In addition the undergrounding of existing wiring would be reviewed by the Park Commission with the Task Force appointed last year by City Council.

We feel that several items on the new Action Agenda will be completed this year through the continued cooperation of the Planning Commission and City Council.

Mayor Cavanaugh thanked the Planning Commission for all their work and efforts in helping to improve and help the city to move forward. He also thanked Mr. Evans for the help he gives the Planning Commission and the work of the Planning staff.

Councilwoman Price also thanked the Planning Commission for their work, the volume of work they have, and the thorough job they do in checking things out before the issues come to Council.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the Action Agenda for the Planning Commission for fiscal year 2007-08.

SPECIAL WORKSESSION

Mr. LeDuc reminded Council of the special work session on Monday, March 19, 2007, at 5 P.M. to discuss downtown issues, including parking, signage, newspaper publication boxes and the sidewalk sales.

ELECTION SCHEDULE

- 2007 Election
- City Council
- District 1
- District 3
- Mayor

Mayor Cavanaugh stated the schedule for the 2007 election for Council is presented to Council as information.

Mr. LeDuc stated Sara Ridout, City Clerk, has reviewed the ordinance for the election schedule, and has provided the schedule for conducting the upcoming election as follows:

- |   |                    |
|---|--------------------|
| 1. Opening of filing for nomination petitions and entry of candidates for primaries | August 6, 2007     |
| 2. Closing of entry of candidates for primaries                                     | August 13, 2007    |
| 3. Closing of entries for nomination by petition                                    | September 11, 2007 |
| 4. Municipal Party Primaries or Conventions   | September 21, 2007 |

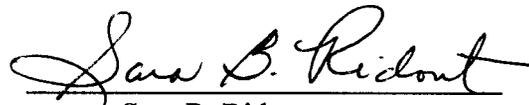
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|--|--------------------|
| 5. Municipal Party Primary Run Offs, if necessary            | September 25, 2007 |
| 6. Last day for certifying candidates to Election Commission | October 5, 2007    |
| 7. Election Day  | November 6, 2007   |

The schedule is presented to Council to give Council notice of the election. This year Council members Sprawls and Clyburn will be eligible for reelection as well as Mayor Cavanaugh. This election includes seats for Districts 1 and 3 as well as the Mayor's seat. The schedule was received as information.

Mr. LeDuc pointed out there had been a question about Aiken having non-partisan elections. He said this will probably be presented to Council at the next meeting. He said, however, if Council makes the decision to have non-partisan elections, then the citizens would have to vote on the matter at the next General Election so a non-partisan election could not take place until 2009.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:42 P.M.



Sara B. Ridout  
City Clerk