

Aiken City Council MinutesREGULAR MEETINGSeptember 27, 2004

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

Absent: Councilman Smith

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Larry Morris, Ed Evans, Anita Lilly, Glenn Parker, Sara Ridout, Philip Lord of the Aiken Standard, and about 50 citizens.

Mayor Cavanaugh called the meeting to order at 7:02 P.M. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Mr. LeDuc stated the item under Presentations regarding Tree City USA had been removed from the agenda, as the person making the presentation did not come because of the bad weather. Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as submitted with the one deletion.

MINUTES

The minutes of the work session of September 7, 2004, the work session and regular meeting of September 13, 2004, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilman Cuning and unanimously approved.

PRESENTATION

Recreation Department
Agency of the Year Award
Award
SC Parks & Recreation Association

Mayor Cavanaugh stated that Council would like to recognize the Parks, Recreation and Tourism Department for receiving the Agency of the Year Award.

Mr. LeDuc stated every year the South Carolina Recreation & Parks Association recognizes four agencies across the state as "Agency of the Year" based on their respective population. This year the City of Aiken was awarded the Class 3 Agency of the Year Award. From the late 1980's throughout the 1990's Aiken won this award eleven times, at which point they established the "Aiken Rule" where agencies could not apply for this award for two years after winning it. We are now in the 25,000 to 50,000 population category, and this is the first time we have won the award in that class.

This year we also submitted an entry for a special award given to an outside agency. This award considers organizations and agencies with special interests such as foundations, armed forces, and other non-profits. We recommended Hitchcock Healthcare for their physical occupation, speech therapy and special populations work, and more specifically for taking the lead in forming the Aiken Community Fitness and Recreation Coalition and spearheading the Aiken Taking It Off Program. The Aiken Taking It Off Program was awarded with an innovative program award, along with the special award for Hitchcock Healthcare from the South Carolina Recreation & Parks Association.

Glenn Parker, Recreation Director, stated the staff had worked extremely hard this year to receive this award. He said when Aiken moved into the 25,000 to 50,000 category, they knew the competition would be stiff. He said the staff was challenged, and they jumped

at the chance to upgrade. He said for Aiken to be recognized for the award was quite an honor. He also mentioned two other awards which were received by Aiken, including Aiken County for Aiken's "Taking It Off," an innovative program where the participants exercised and lost over 2,000 pounds. The other award went to Hitchcock Healthcare as a special award recognizing the work that Hitchcock Healthcare does in the community.

Mr. Brian Sanders, Recreation Director for Aiken County and incoming President of the South Carolina Recreation and Parks Association, recognized the Aiken Recreation Department for their outstanding work and presented the "Agency of the Year Award" for Class 3 to Mayor Cavanaugh for the City's outstanding programs.

Mayor Cavanaugh thanked Glenn Park and the staff for their outstanding work and for winning the Agency of the Year Award. He presented the plaque to Mr. Parker.

BOARDS AND COMMISSIONS

Appointments

Community Development Committee

Brohl, Edward

General Aviation Commission

Barnes, Don

Environmental Committee

Newton, Charles W. III

Yates, Jim

Recreation Commission

Gratop, John A.

Election Commission

Johnson, Richard

Mayor Cavanaugh stated Council needed to make 5 appointments to the boards and commissions of the city.

Mr. LeDuc stated Council has 8 pending appointments to boards and committees of the city and 5 appointments are presented for Council's consideration.

Councilman Sprawls has recommended reappointment of Edward Brohl to the Community Development Committee. If reappointed his term would expire September 2, 2006. He has also recommended reappointment of Don Barnes to the General Aviation Commission with the term to expire September 1, 2006, if reappointed.

Councilman Cuning has recommended Charles W. Newton III, for appointment to the Environmental Committee to replace Jim Yates who has resigned. If appointed he would fill the unexpired term of Jim Yates and the term would expire December 31, 2004.

Councilman Smith has recommended reappointment of John A. Gratop to the Recreation Commission and if reappointed the term would expire September 1, 2006.

At the September 13, 2004, meeting Council also discussed reappointment of Richard Johnson to the Election Commission. Terms for this committee are for six years, and if reappointed his term would expire August, 2010.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council reappoint Edward Brohl to the Community Development Committee with the term to expire September 2, 2006, Don Barnes to the General Aviation Commission with the term to expire September 1, 2006, John A. Gratop to the Recreation Commission with the term to expire September 1, 2006, Richard Johnson to the Election Commission with the term to expire August, 2010, and appoint Charles W. Newton, III to the Environmental Committee to replace Jim Yates who has resigned with the term to expire December 31, 2004.

Councilwoman Price pointed out that at the last meeting Council had voted to confirm her appointment of Bill Elkins to the General Aviation Commission to replace Mark Gibbons with the term to expire September 1, 2006. She pointed out that Mr. Elkins will

not be able to serve as he is being sent to Bagdad, Iraq. She would recommend another appointee at the next meeting of Council.

Councilwoman Vaughters stated she would like to recommend the appointment of William McGhee to the Community Development Committee to replace Robert Faulkner, who has served eight years on the committee.

ZONING ORDINANCE – ORDINANCE 09272004

Amendment

Golf Course

Woodside Plantation Golf Course

Mayor Cavanaugh stated this was the time advertise for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning golf courses.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 4.6.6 OF THE CITY OF AIKEN ZONING ORDINANCE.

Mr. LeDuc stated that an issue arose recently at the Woodside Plantation Golf Course which involved removal of some trees on the golf course in the Planned Unit Development (PUD) zone. According to our Zoning Ordinance, any trees removed on a golf course in the PUD zone need the approval of the City's Horticulturist. All other golf courses in Aiken are zoned Single Family Residential and do not need the City's approval to remove trees.

At the August Planning Commission meeting, they unanimously approved an amendment to the Zoning Ordinance to allow trees on golf courses in PUD zones to be removed without City approval.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance allowing trees on golf courses in PUD zones to be removed without City approval.

ANNEXATION – ORDINANCE 09272004A

Pine Log Road

Summerville Homes

Southwood Subdivision

Dicari Development

TPN 089-10-02-001

TPN 00-106.0-02-002

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex 32.66 acres of land located along Pine Log Road west of Southwood Subdivision to be zoned RS-6 Residential Single Family.

Councilman Cunning left the Council Room and did not participate in the discussion or voting on the matter because of a potential conflict of interest. Councilman Cunning stated the bank where he works has a construction line of credit for the owner of this property.

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 32.66 ACRES OF LAND, MORE OR LESS, OWNED BY DICARI DEVELOPMENT, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated that Summerville Homes, Dicari Development, would like to annex 32.66 acres of land located along Pine Log Road west of Southwood Subdivision to be zoned RS-6 Residential Single Family. This is the same developer who is building the townhomes on the Aiken Prep property north of Barnwell. The applicant has submitted a concept plan showing 70 lots, although there is room for additional development. The subject property is outside of our Comprehensive Plan Study area, but it appears to be compatible with the surrounding single family homes.

The application was approved by the Planning Commission on a 3 to 1 vote with conditions. At the last Council meeting Council made some changes in the proposed ordinance. The proposed conditions are:

1. That no more than two curb cuts be allowed on Pine Log Road.
2. That there be a second entrance on Pine Log Road, or that a variance from the Land Development Regulations from the 1,000 foot limit on the length of deadend streets be obtained.
3. That a street right of way extend to the property line to allow for future road connections to the adjacent property to the south on the subdivision plat submitted for approval.
4. That a subdivision plat be presented for approval with no more than 72 buildable lots.
5. A 50 foot buffer be left along the Southwood side along with enough landscaping to form an evergreen screen three feet high at planting and a minimum seven feet at maturity as determined by the city.
6. That any conditions placed on the annexation be recorded at the RMC Office.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex 32.66 acres of land located along Pine Log Road west of Southwood Subdivision to be zoned RS-6 with the six conditions listed in the ordinance.

Councilman Cuning returned to the Council Room.

BUSINESS LICENSE – ORDINANCE 09272004B

Telecommunications Business License Tax License

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the business license ordinance for telecommunication services

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE LEVYING A BUSINESS LICENSE TAX ON RETAIL TELECOMMUNICATIONS SERVICES.

Mr. LeDuc stated that last year, the top initiative of the Municipal Association was the passage of House Bill 3530. This bill allowed a smooth transition from franchise fees for telecommunication companies to a business license tax. Once the Governor signs the law, it will raise the tax from .75% to 1%. Since the Municipal Association collects our business license tax for all telecommunication companies, we must amend our current business license ordinance to impose this higher rate. They have given us a model ordinance for our approval and moved the date the tax is due from January 1 to February 1 for year 2005 only. After that, the tax will be due on January 1. Passage of this ordinance will give the Municipal Association the flexibility needed to react to numerous scenarios which may involve this legislation.

It was pointed out that the residents of the City of Aiken should see a reduction on their telephone bill. It was stated the City of Aiken's revenue from telecommunications has been reduced by \$400,000 to \$500,000 per year.

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 the business license ordinance for telecommunication services.

CITY COURT – ORDINANCE 09272004C

Ministerial Recorder
Municipal Court
Aiken Municipal Court
Court

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to establish the City Municipal Court office of Ministerial Recorder.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 20, AIKEN CITY CODE, TO ESTABLISH THE CITY MUNICIPAL COURT OFFICE OF MINISTERIAL RECORDER.

Mr. LeDuc stated that the South Carolina Code allows City Councils to create an office of ministerial recorder. This individual would aid City Court operations by designating an official who is empowered to set and accept bonds, issue summons, subpoenas, arrest warrants, and search warrants. This would allow the individual to process any criminal case as county magistrates are currently authorized. They will provide much needed assistance in allowing us to process the over 7,000 cases that go through the Aiken Municipal Court each year, as well as those cases we send to General Sessions court for disposition. It will avoid needing to go through the Magistrate's Office for many of these cases and reduce the amount of time it now takes to issue this paperwork.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading an ordinance to establish the City Municipal Court office of Ministerial Recorder.

MORGAN STREET – ORDINANCE 09272004D

City Property
Conveyance
Toole Hill
Morgan Street 309
Merriwether, LaShawn
Edgefield Avenue
TPN 30-026.0-12-008

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to adjust the property lines of the lot owned by Ms. LaShawn Merriwether so she can construct her new residence on this lot and the city in turn can construct homes on the three contiguous lots to the south of her property.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED NEAR THE INTERSECTION OF MORGAN STREET AND EDGEFIELD AVENUE, BEING A PORTION OF AIKEN COUNTY TAX PARCEL NUMBER 30-026.0-12-008

Mr. LeDuc stated that, for the past year, the City has been working on obtaining the necessary properties to complete the revitalization of Toole Hill. One remaining property needs to be developed, which is located on Morgan Street, just north of Edgefield. The house at 309 Morgan Street, owned by LaShawn Merriwether, would be torn down, and

her property would be reconfigured with other properties at the northwest corner of Morgan and Edgefield. This would allow the City to establish three lots facing Edgefield and to move her lot farther to the north. She, or her family, in turn, will build a house that would fit within the character of the neighborhood within a specified time period. We have been working with Ms. Merriwether for the last six months on this agreement, and both are mutually satisfied with the conditions. This is the last property that we needed to reconfigure the entire Toole Hill neighborhood. The City staff, especially Leasa Segura, is to be highly commended for all of their hard work in obtaining all of these properties in the Toole Hill neighborhood.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance to adjust the property lines of the lot owned by Ms. Merriwether so she can construct her new residence on this lot and the city in turn can construct homes on the three contiguous lots to the south of her property. Councilwoman Price also commended the efforts of Leasa Segura and Sabrina Craig for their efforts in obtaining this agreement with Ms. Merriwether.

ANNEXATION – ORDINANCE

Henry Street 792
Griffin, Linda P.
Price, Mattie Estate
Virginia Acres
TPN 122-05-22-006
TPN 30-057.0-01-006

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 792 Henry Street.

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 .34 ACRES OF LAND, MORE OR LESS, OWNED BY THE ESTATE OF MATTIE J. PRICE AND LOCATED AT 792 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE FAMILY (RS-10).

Mr. LeDuc stated the owners of a lot at 792 Henry Street would like to annex their .34 acre property under the RS-10 zoning. The single-family dwelling unit is in a residential neighborhood and the zoning is compatible with all the adjacent properties. The owners would like to receive city sewer and the other city benefits. At the September Planning Commission meeting they voted unanimously to approve this annexation.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to annex property at 792 Henry Street under the RS-10 zoning and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Clifton Street 103
Virginia Acres
Fowler, Gladys
Fowler, Ollie
TPN 122-09-03-005
TPN 30-057.0-04-013

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 103 Clifton Street in Virginia Acres.

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 .25 ACRES OF LAND, MORE OR LESS, OWNED BY OLLIE AND GLADYS FOWLER AND LOCATED AT 103 CLIFTON STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the property owner at 103 Clifton Street would like to annex a .25 acre lot to be zoned RS-10. They would like to receive several of the benefits of being in the City, including sewer. This zoning is compatible with the adjacent property and the Planning Commission, at their September meeting, unanimously approved this annexation.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex property at 103 Clifton Street under the RS-10 zone and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Two Notch Road 1726
King, Stephen C.
Virginia Acres
TPN 122-09-02-025
TPN 30-057.0-05-004

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 1726 Two Notch Road.

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 .27 ACRES OF LAND, MORE OR LESS, OWNED BY STEPHEN C. KING AND LOCATED AT 1726 TWO NOTCH ROAD AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated the owner of a .27 acre parcel at 1726 Two Notch Road would like to be annexed into the city under the RS-10 zoning. The property is surrounded by single-family homes on three sides and is across the street from the City's new tennis complex. They would like to come into the city to receive sanitary sewer service and the other city benefits. The Planning Commission, at their September meeting, voted unanimously to approve this annexation.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex property at 1726 Two Notch Road under the RS-10 zoning, and that second reading and public hearing be set for the next regularly scheduled meeting.

ZONING ORDINANCE

Industrial Zones
Limited Manufacturing Zone

Mayor Cavanaugh stated an ordinance had been prepared to amend the Zoning Ordinance adding a Limited Manufacturing Zone.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO ADD THE LIMITED MANUFACTURING USE.

Mr. LeDuc stated the Planning Commission at their August and September meetings discussed adding a new industrial zone to allow some manufacturing within parks like Willow Run while preventing industrial uses that would not be appropriate. He pointed

out currently there are several different zones in Willow Run, including Light Industrial, General Business, Residential Multi-family and Industrial. He pointed out the current spec building is on property zoned Industrial. He stated, however, the proposed ordinance change is not specifically for Willow Run, but to amend the Zoning Ordinance to allow other zones. If approved the Willow Run property and other properties could be rezoned with other zones if approved by Council.

Currently within the city we have either Light Industrial or Industrial. Presently the Industrial Zone allows heavy industrial uses which may be considered obnoxious and too intense for the business park. The Light Industrial Zone primarily consists of warehousing, wholesale activities and the repair of motors and tools. Willow Run Park which is being developed by Aiken Corporation is currently zoned Light Industrial, General Business, Residential Multi-Family, and Industrial.

The Planning Commission looked at adding a use category. Unfortunately, this would allow the same types of uses in other Light Industrial areas. The alternative creates a new zoning classification with a new use category. The Planning Commission decided to add the third industrial zoning classification which could be used much the same as Light Industrial but allow some limited manufacturing. They also adopted a new use category which would restrict what type of industrial uses would be in that area. The proposed amendments to the Zoning Ordinance regarding the industrial zones adds the new zoning classification Limited Manufacturing. This would allow low and medium intensity industrial manufacturing uses, warehousing, and wholesaling activities. If Council approves the Limited Manufacturing zone, it would not automatically apply to Willow Run. They would need to seek the Planning Commission and City Council's permission to rezone the remainder of their property to this new zone. The Planning Commission voted unanimously to approve the new Limited Manufacturing zone.

Council then discussed the proposed amendment briefly and uses allowed in the various industrial zones. Councilwoman Vaughters expressed concern about Willow Run. She said her understanding in the beginning was that Willow Run was to be a business park. She pointed out there are already several industrial parks which are not full. She said several years ago the neighbors in the area were opposed to an industrial park in this location. She said she thought a business park would have small businesses. She said she expected the spec building to be a building that a small business could move into, but this is not the case. She said she was disappointed in the spec building and felt that Willow Run has a different character than she thought it would have.

Councilwoman Clyburn stated the Aiken Corporation has been good for the city and done some wonderful things. She said she hoped that Willow Run would eventually also be good for the city. She said she was waiting for the time she could be somewhat proud of voting to put the park in the area. She said she felt the Aiken Corporation would do what was promised and what is right for the area. She said she would be watching the area closely.

Mr. LeDuc pointed out that some landscaping will be done along Willow Run Road by December 1, 2004, which should help beautify the area. The area around the detention pond will also be planted with trees.

Councilman Cuning stated the proposed rezoning will actually help protect the area because presently anything could be put in the spec building. He said he would do what he could to help beautify the park.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to add a Limited Manufacturing zone to the Zoning Ordinance and that second reading and public hearing be set for the next regularly scheduled meeting.

ANNEXATION – ORDINANCE

Pine Log Road
Ridgemoor Drive
Cherry Hills Drive
TPN 106-09-08-002
TPN 106-09-08-001
TPN 106-09-08-003
TPN 106-09-08-005
TPN 00-133.0-01-398
TPN 00-133.0-01-072
TPN 00-133.0-01-340
TPN 00-133.4-06-001
Lunsford, Sarah Elizabeth
Gerstenberger, Eric

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex 3.4 acres located between Pine Log Road and Cherry Hills Drive east of Ridgemoor Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROERTY CONSISTING OF 3.48 ACRES OF LAND, MORE OR LESS, OWNED BY SARAH ELIZABETH LUNSFORD, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated an application has been received to annex four parcels totaling 3.4 acres located between Pine Log Road and Cherry Hills Drive east of Ridgemoor Drive. One of these parcels is currently occupied by a vacant single family dwelling. This annexation application was originally reviewed by the Planning Commission in June but was withdrawn before coming to Council after the Planning Commission had recommended against the annexation. The surrounding area is zoned RS-15, and they would like this property to be zoned RS-6 Single Family Residential, which is a more dense development than the surrounding area. Under this proposed zoning, approximately 18 units could be developed on this property. Eight individuals from the area spoke against this annexation, with many of them expressing concerns about traffic and stormwater retention.

The Planning Commission voted 3 to 2 to recommend approval of the annexation of the tract at Pine Log and Ridgemoor Drive with the following conditions:

1. that the developer limit the number of homes to 13 within the development.
2. that there be no curb cuts on Pine Log Road.
3. that the toe of the slope of the pond be 25 feet from the right of way of Cherry Hill Drive.
4. that proof of recording of any conditions of approval would be recorded at the RMC Office and provided prior to the annexation becoming effective.

Mayor Cavanaugh pointed out that there were several people present regarding this proposed annexation. He said normally Council does not have a public hearing on first reading. He said, however, if Council wished they could suspend the rules and allow people to speak at this meeting.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council suspend the rules and allow those present to speak on the issue.

Mayor Cavanaugh asked that the petitioner for annexation speak first regarding the proposed annexation and project.

Mr. Eric Gerstenberger, developer of the proposed project, stated the property is loc, with a portion of the property backing up to Pine Log Road and contains 3.48 acres and four parcels. The property is currently zoned in the county as RC. The property currently has a single residence on the property, which is in disrepair. The owner has moved out of

state and wishes to sell the property. He said in order to develop the property it needs to be annexed to the city with RS-6 zoning. He said the intent is to build 13 luxury patio homes on the property in the price range of \$240,000 to \$250,000. The size of the homes would be 1,600 to 1,800 square feet minimum. He said the request was originally submitted in June, 2004, to the Planning Commission. He said when he first heard of objections to the project from the neighborhood, he held an open meeting at Houndslake and invited the residents to discuss the project. He said erroneous information had been spread on the project. The Planning Commission denied the annexation at their meeting in June.

Mr. Gerstenberger stated after denial by the Planning Commission he addressed several of the issues raised concerning the project. He said he hired someone to do an appraisal of the neighborhood who said patio homes would fit in with the neighborhood and would sell. He said he hired Southern Partners to do a traffic study which showed a minimum impact to traffic in the area. He said he had also been working with Peggy Penland concerning covenants for the development to make sure the project would be consistent with Houndslake. He said he felt the concept of the development is consistent with the Comprehensive Plan. He said it is a small development with one street and would be a downsizing for people, a market that is now accelerating in Aiken with a retirement type community.

Council then discussed the proposed project with Mr. Gerstenberger asking several questions. Council pointed out some of the comments from residents is they feel the project will devalue their property because of the density. It was stated that 6 to 7 single family residents could be constructed on the property, which would be the same density of the surrounding property. It was pointed out by Council that with the price stated the cost per square foot for the units would be about \$150 which they felt was high considering the surrounding housing and other similar units being built on Pine Log Road.

Councilman Cunning stated he felt patio homes and single family homes can be compatible if they are land planned properly. He said he had looked at this area and the problem is the developer plans to put patio homes in a single family area, which would be changing the land plan. He said Council's job is to protect and make sure the neighborhoods are planned properly. He said he felt the proposed use did not fit the neighborhood.

Mayor Cavanaugh stated he agreed with Councilman Cunning on most of his comments. He said he had walked the area also and he felt the proposed development did not fit the character of the surrounding area, which is all single family homes.

Councilwoman Vaughters stated a petition had been received from people who live in the area and are residents of the City of Aiken opposing the proposed development. She said she felt an obligation to the residents of the city who pay taxes. She said she did not feel the proposed development fits in the neighborhood.

Councilman Sprawls stated he had walked the property also. He felt Mr. Gerstenberger's development was a good project and felt there was a need for such housing in Aiken, but he did not feel Ridgemoor Drive was the right place for the project.

Mr. Joe Yanek, 150 Innwood Drive, stated he had been a resident of Aiken for over 24 years. He said he had submitted a letter of opposition to the proposed development. He felt the development would have an irreversible effect on the neighborhood, with increased density and additional traffic in the area. He felt the development would change the character of the neighborhood and would depreciate the value of housing in the area.

Mr. John Berk, 112 Cherry Hills, stated there are no patio home developments in Houndslake that are in a traditional neighborhood. He reviewed each of the four patio home developments near the Houndslake area, pointing out the zoning, density allowed for each and the surroundings of each development. He pointed out he was concerned about the proposed development in his neighborhood and did not feel that it was in

character with the neighborhood. He did not feel that RS-6 zoning was compatible with the RS-15 zoning of the surrounding area. He pointed out there could be 6 single family lots in the area which would be compatible with the area. He pointed out that none of the homes in the area are selling for \$150 per square foot, and he was concerned that the homes might not sell if allowed.

Mayor Cavanaugh pointed out that the property is in the county, and if the property is not annexed many things can be built on the property. Mr. Berk reviewed uses which could be built on the property if the property is not annexed to the city, versus RS-6 and RS-15 zoning.

Ms. Linda Lane, 96 Cherry Hills Drive, presented a petition with 266 signatures in opposition to the proposed development. The main objection is that the proposed homes are not compatible with the neighborhood and that the homes would detract from the character of Houndslake.

Mr. David Schenken, 105 Cherry Hills Drive, expressed concern that with the property zoned RS-6 eighteen houses could be built on the 3.4 acres. He was concerned about the cost of the patio homes being so much that they might not be able to sell, and that more than 13 houses might be built on the property. He was also concerned about a curb cut being on Cherry Hills Drive. He was concerned about increased traffic in the area and safety.

Mr. Richard Herold, 1039 Kismet Drive in Gem Lakes, stated some friends in Houndslake had asked him as a developer to comment on the proposed development. He discussed four items of the proposed development--appearance, salability of the proposed houses, feasibility of the undertaking and financing the development. He was concerned about the width of the proposed lots, the salability of the homes with the cost of the homes and the lot size in this area. He felt the homes would not be compatible with the surrounding homes. He also felt it would be difficult to get financing for such a project.

Mr. Dean Sackett, 80 Cherry Hills Drive, stated he felt the proposed development would do serious harm to the character of the neighborhood. He pointed out the neighborhood is quiet, family oriented and established. He said he also had concerns about the financial viability of the project. He said the construction presents a challenge, as it will go on for several years and cause noise pollution in the area, environmental challenges, traffic and people working. He also pointed out he was concerned about a proposed holding pond on the property and if it would handle runoff water. He said he was opposed to the project, and the neighborhood was almost unanimously opposed to the project. He pointed out that the residents are taxpayers, voters and civic minded. He asked that Council reject the proposal.

Mr. Dwain McMullin, 35 Cherry Hills Drive, stated he echoed previous comments and felt the project would be bad for the neighborhood. He was concerned about traffic and safety. He was concerned about whether the houses would sell because of the high cost. He said he was very much opposed to the project.

Councilwoman Price stated Council had heard much opposition to the project from residents in the area and she felt the matter should not go to second reading. Councilwoman Price moved, seconded by Councilman Cuning, that Council deny on first reading the ordinance for annexation of 3.4 acres located off Pine Log Road and Ridgemoor Drive in Houndslake to be zoned RS-6 and that the ordinance not be scheduled for second reading and public hearing. The motion was unanimously approved.

Mayor Cavanaugh stated he had received a telephone call from Mrs. Robert McKellar stating she was opposed to the project. He said he had also received a letter from Abby Montenyohl stating she was opposed to the project.

Councilmembers Clyburn and Cuning commended the residents for the manner in which they handled the matter in expressing their opposition but not condemning the developer.

Councilman Sprawls stated again he felt the project was a good project, but he did not feel Ridgemoor Drive was the place for the development. He said he had looked at the property and listened to the people in the area.

Mayor Cavanaugh thanked Mr. Gerstenberger for answering questions regarding the project. He said Mr. Gerstenberger builds excellent homes, but he did not feel this location was the right place for the proposed project.

HOPELANDS GARDENS

Labyrinth

Broderick, Donald Mrs.

Aiken Community Labyrinth Project

Grant

Resolution

Mayor Cavanaugh stated Council needed to consider acceptance of a grant for construction of a labyrinth at Hopelands Gardens.

Mr. LeDuc stated several months ago the City was approached by Mrs. Donald Broderick who represents the Aiken Community Labyrinth Project Committee. They recently applied for a grant to build a labyrinth in Hopelands Gardens. The group is composed of citizens who have a great interest in adding this feature to the city, and the Friends are receptive to this idea. However, since this is not part of the master plan for Hopelands Gardens, we felt Council should review and approve the \$10,000 grant to build this feature.

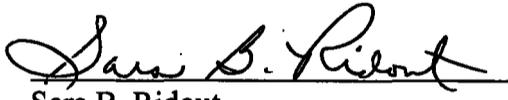
The labyrinth would be constructed adjacent to the Color Garden near the Caretaker House, and would not impact any of the proposed improvements for the Gardens. The history of the labyrinth can be traced back to the Celtic time in European history. The most famous labyrinth is one that was constructed at a cathedral in France for the purpose of contemplative meditation.

The committee has requested the City to construct a Chartres labyrinth in Hopelands. Their grant funds would purchase all the material while the City would provide the labor and maintain it as part of the Gardens. We are recommending acceptance of the \$10,000 donation from the Committee for this construction.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council accept a \$10,000 construction grant for a labyrinth to be located in Hopelands Gardens.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:04 P.M.


Sara B. Ridout
City Clerk