

Aiken City Council MinutesWORK SESSIONSeptember 10, 2007

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

Absent: Councilwoman Price

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Sara Ridout, April Bailey of the Aiken Standard, Michelle Guffey of the Augusta Chronicle, and about 7 citizens.

Mayor Cavanaugh called the meeting to order at 6:41 P.M. He stated Council had one item to discuss in the worksession – engineering inspections.

ENGINEERING INSPECTIONSPublic Works

Mr. LeDuc stated the City of Aiken's Engineering Department is involved in many projects on a regular basis. These include the design and inspection of City projects like the tennis court, Citizens Park, road paving, new and major rehabilitation of water, sewer and storm drainage projects, and numerous other engineering investigations for citizens. Along with these tasks the City also has the responsibility of inspecting the infrastructure installed for new subdivisions, ensuring that these projects comply with City standards throughout this process. He stated that approximately a year after they are completed, the owner of the development will ask the city to go back out and re-inspect. He stated that if it passes inspection then they bring it back to City Council, and Council approves a deed of dedication which allows the city to take over those infrastructure items. The limited staff has to respond to the demands of a multitude of contractors needing inspections for various projects throughout our community. This results in staff having an inadequate amount of time to address the problems that occur with these projects and to provide adequate inspection of the infrastructure construction. The staff has found it increasingly difficult to balance their response to citizens' requests and the need to inspect these other projects. We have also recently had to include implementation of an EPA mandated stormwater phase II discharge program.

Mr. LeDuc stated that due to the increasing demands placed on our Engineering Technicians we would like to propose a change on who should be inspecting the installation of infrastructure for new developments. He stated that staff suggests that the Engineer of Record certify and inspect the project, including testing of the contractor's work, to provide sufficient information to determine adherence to City specifications. This would require certification by the Engineer of Record for the project's design, inspection, and liability, which in turn would relieve the City of Aiken of these responsibilities. This would allow the owner to ensure quality construction by requiring the Engineer of Record to inspect and certify the infrastructure's installation to the City and regulatory agencies' specifications. We believe the certification by the Engineer of Record will result in superior installation and construction, since the certification is supported by the professional license of the engineer. The owner or developer will have better control over the job and will save time and funding for each project as a result of being better able to schedule these projects for construction and inspection. We would like to suggest that the City of Aiken's Engineering Department cease inspection of all new projects as of January 1, 2008. This will allow the developer 90 days to establish a contractual relationship with an engineering firm. Any projects that are currently underway or have been approved by the City of Aiken will continue under the City's inspection services. The Engineer of Record would be required to fill out the necessary paper work to ensure that the construction meets all City specifications. The City would still inspect the infrastructure prior to City Council accepting it through a deed of dedication. This physical review would be coupled with the certification by the Engineer of Record stating that the project design and construction meets all City specifications.

Mr. Reggie Ebner, 165 Foxhound Run, stated there was nothing in the proposal that says how exceptions from the city specs will be handled. He stated the foreword of the city specifications says the city engineer will allow exceptions. He stated that exceptions are a problem now. He stated that when the Engineer of Record takes responsibility, that he should follow the

specifications and not allow excessive exceptions. For an example, he stated there have been problems with allowing exceptions in compaction and the way it is back filled.

Mr. LeDuc stated that when an exception is made that it is done in the design process. He stated that typically exceptions are not allowed unless there are very good reasons.

Councilman Smith stated that his problem with the process is that exceptions have been too easy to come by. He stated that one example is the Gem Lakes addition regarding whether there would be curb and gutter or rolled asphalt. He felt there were other examples and that exceptions are too easy to get.

Mr. Ebner stated he feels an Engineer of Record will be less likely than a developer to ask for some changes. The engineer will be more interested in the integrity because his license is on the line. He stated he was not at the meeting to represent Woodside or the development company, but as a citizen. He stated he is interested because his street needs to be rebuilt. He stated he supports the proposal because he formerly worked with Engineers of Record. He stated one thing he would like to see, if the proposal passes, is that the developers that are currently working be followed more closely to make sure they are following the specifications. He stated this would benefit everyone and save on infrastructure repairs in the future.

Councilwoman Clyburn asked for further explanation of the Engineer of Record and who can be an Engineer of Record and how it will work.

Mr. LeDuc stated that most developers will hire an engineering firm to draw up the set of plans. He stated that set of plans is based on a set of specifications that are obtained from the City of Aiken. He stated the Engineer of Record would certify the work that is done in the field meets or exceeds those specifications. He stated they have to go out to the site on a regular basis to make sure the water lines, sewer lines, storm drainage lines, and streets are being built according to those specifications. He stated at this time, the city tries to do it, but they cannot cover every location. He stated that at the end of a project, before the city will accept it and bring it to City Council for dedication, the Engineer of Record will sign and stamp a piece of paper saying that the work has been done according to the specifications and meets all the criteria that has been set up within the City of Aiken. He stated it releases the city from the inspection business and puts the inspection on the developer to certify that everything is being done properly. He stated the city will still double check to be sure the project meets the specification before bringing it to Council for dedication after a year. Mr. LeDuc stated under the new process that if 5 years from now a road fails in some manner, then the Engineer of Record would be responsible.

Mayor Cavanaugh stated he felt the accountability for the work done should be near the level where the work is done, not the city.

Councilwoman Vaughters asked if this were a move forward and Mr. Ebner responded he thought so.

Ms. Jane Page Thompson, 240 Knox Avenue, stated that road width is the easiest thing on which to get a variance approved in the City of Aiken. She stated the Planning Commission approved 12 variances for road width in about two minutes. She stated all of them, except three, are in Woodside. She stated that she questioned that committee concerning road width reduction in a development like Woodside, which has sufficient space and has given 140 acres for open space. Yet, they compromise road width by six feet so they can double trunk houses on roads. She stated Mr. Krippner lives on a street such that if two people are parked in front of the house, there is not room for two lanes of traffic to pass. She stated that if the city gives up the control they have to the developers, then there will be more problems. She stated her concern is the engineers not doing their job and making exceptions. She feels the city should not relinquish their inspections, but set up a developer fee to pay a salary for another city engineer to certify the projects.

City Council discussed the concept of having an Engineer of Record perform inspections and felt it would be a great improvement. It was pointed out the Engineer of Record would have the responsibility both from a financial standpoint and a certification standpoint by certifying work has been done according to specifications.

Councilman Smith expressed concern about exceptions and felt the ability to make exceptions is too broad. He felt there should be a better oversight on exceptions.

Councilwoman Vaughters expressed concern about the cost of law suits if work is not done properly.

Mr. LeDuc stated staff had looked at the matter and what other cities are doing. He stated the city would either have to hire more engineers or get the Engineer of Record for a project to certify the work. He stated staff felt the Engineer of Record would be the best approach.

Mayor Cavanaugh asked that Mr. LeDuc bring this back to City Council after it is in writing so Council can review the process.

Mr. LeDuc stated he would check with Larry Morris on exceptions and how that might be tightened if necessary.

REGULAR MEETING

September 10, 2007

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Glenn Parker, Anita Lilly, Pete Frommer, Richard Pearce, Sara Ridout, April Bailey of the Aiken Standard, Michelle Guffey of the Augusta Chronicle, and about 50 citizens.

Mayor Cavanaugh called the meeting to order at 7:17 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the worksession and regular meeting of August 13, 2007 were considered for approval. Councilman Sprawls moved that the minutes be approved as submitted. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONS

General Aviation Commission

Woodrum, Bear

Jarvis, Craig

Recreation Commission

Pelfrey, Lisa

Aaron, Robert

Gibbs, Johanna

Building Code Appeals Committee

Besley, Bob

Community Development Committee

Craig, Jr., Henry

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

Mayor Cavanaugh stated that at the last meeting he had recommended that Lisa Pelfrey be reappointed to the Recreation Commission. He stated, however, she is teaching this year and will not be able to serve so he will make another recommendation.

Mr. LeDuc stated we have 12 pending appointments to boards and committees of the city and 6 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended reappointment of Bear Woodrum to the General Aviation Commission with the term to expire September 1, 2009.

Councilwoman Clyburn has recommended reappointment of Robert Aaron to the Recreation Commission with the term to expire September 1, 2009.

Councilman Sprawls has recommended reappointment of Johanna Gibbs to the Recreation Commission with the term to expire September 1, 2009. He has also recommended that Bob Besley be appointed to the Building Code Appeals Committee to replace Brunson Cromer who is presently working part time in the Building Inspections Division.

Councilman Wells has recommended reappointment of Henry Craig, Jr. to the Community Development Committee with the term to expire September 2, 2009, and reappointment of Craig Jarvis to the General Aviation Commission with the term to expire September 1, 2009.

Councilman Wells moved, seconded by Councilwoman Clyburn and unanimously approved, that Council reappoint Bear Woodrum and Craig Jarvis to the General Aviation Commission with the terms to expire September 1, 2009; Robert Aaron and Johanna Gibbs to the Recreation Commission with the terms to expire September 1, 2009; Henry Craig, Jr. to the Community Development Committee; and appointment of Bob Besley to the Building Code Appeals Committee to replace Brunson Cromer with the term to expire May 12, 2009.

Mayor Cavanaugh stated he would like to recommend that Brenda Mills be appointed to the Recreation Commission to replace Lisa Pelfrey, with the term to expire September 1, 2009.

REZONING – ORDINANCE 09102007

Hampton Avenue
McCormick Street
TPN 104-16-21-001
TPN 104-16-21-002
TPN 104-16-21-006
City of Aiken

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at Hampton and McCormick Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF THREE (3) TRACTS OF REAL ESTATE OWNED BY THE CITY OF AIKEN AND LOCATED AT THE INTERSECTION OF HAMPTON AVENUE AND MCCORMICK STREET FROM RESIDENTIAL MULTIFAMILY LOW-DENSITY (RML) TO RESIDENTIAL MULTIFAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated the City of Aiken has requested the rezoning of 1.71 acres of property at Hampton and McCormick Street from Residential Low Density (RML) to Residential Multifamily High Density (RMH). The property was formerly an apartment complex and includes property the city has purchased over the last few years.

He stated that this past February, City staff met with a number of citizens within the area and Councilmembers Price and Clyburn concerning the use of this property. It was the consensus of the group that a two-story multi-family senior citizens center be built on this site. This center would be similar to one recently built in Greer, South Carolina, with an entrance foyer and activities center in the center of the building and the senior citizen apartments extending along the wings on either side of the entrance area.

He stated the City would like to move this forward as a tax credit project so the senior citizens' rent could be reduced. Currently under the Multi-Family Low Density zoning not enough units could be built to allow for the amenities that we would like to see at this complex. Prior to

moving forward with this project City Council will have the opportunity to approve the design features for the complex, its landscaping and other planned improvements for the area.

Mr. LeDuc stated for this to qualify as a tax credit there needs to be as many units as possible. He said the city is requesting multi-family high density zoning and would like to have about 28 units.

This rezoning was approved unanimously by the Planning Commission with the following three conditions:

1. that a plat combining the three lots involved be approved by the City and recorded at the RMC Office.
2. that the applicant and owner sign a developers agreement listing the conditions of rezoning and that the agreement be recorded at the RMC Office; and
3. that all conditions be met within 180 days of approval or the rezoning is null and void.

The public hearing was held and no one spoke.

Councilwoman Clyburn pointed out there were members of the community in the audience present to support the rezoning for the requested use. She stated staff had met with residents in the community regarding the proposal. She felt the proposed use would be a definite improvement for the area. She stated the residents want it, and it is needed.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to rezone property at the southeast corner of Hampton and McCormick Street from Residential Multi-Family Low Density to Residential Multi-Family High Density with the ordinance to become effective immediately.

ANNEXATION AGREEMENT

East Pine Log Road 462

Waffle House

Robin Road

TPN 122-10-13-003

Mayor Cavanaugh stated Council needed to consider an agreement listing conditions for annexation of property at 462 East Pine Log Road

Mr. Leduc stated that at the August 13, 2007, City Council meeting Council approved on first reading the annexation of property at 462 East Pine Log Road for a Waffle House Restaurant. The property is located at the southwest corner of East Pine Log Road and Robin Road and is proposed to be zoned General Business (GB).

Council asked that the Waffle House representatives and the City develop an agreement concerning the issues involved with this project considering the items discussed at the last meeting. This primarily involved the building design for the new restaurant. They have agreed to use the brick-looking super block for the entire structure. The yellow stripe at the top would be eliminated as well as the striped awning. The awning would be a solid green. The lettering for the Waffle House would be similar to what they used for the structure on Georgia Avenue in North Augusta. This agreement also includes the right-turn in for the property and language concerning the signage.

Mr. LeDuc stated because of the fencing and the utility substation adjacent to the property, the developer felt they needed to have a pole type sign rather than a monument type sign.

The proposed agreement has been added to the agenda to precede the second reading of the annexation of the property. Upon approval of this agreement Council should then be in a position to objectively look at the annexation request which would follow.

Council then briefly discussed the proposed agreement and stated the agreement basically includes the items they discussed at the last meeting.

Councilman Wells moved, seconded by Councilman Smith and unanimously approved, that Council approve the agreement for conditions of annexation between the City of Aiken and Waffle House for property at 462 East Pine Log Road.

Councilwoman Clyburn thanked the representatives for agreeing to the items which Council had requested.

ANNEXATION – ORDINANCE 09102007A

East Pine Log Road 462

Robin Road

Waffle House

JRW II, LLC

TPN 122-10-13-003

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex 462 East Pine Log Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED AT 462 EAST PINE LOG ROAD, CONSISTING OF 0.55 ACRES OF LAND, MORE OR LESS, OWNED BY JRW II, LLC AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated the property owners at 462 East Pine Log Road would like to annex a .55 acre lot under the General Business zoning with the intent to build a Waffle House Restaurant. The property is located at the southwest corner of East Pine Log Road and Robin Road and under the General Business zoning a wide range of uses would be allowed on this site. The right of way of Robin Road adjacent to this subject property is included in the annexation as the remainder of Robin Road is already in the city. The applicant has requested that the annexation be contingent upon the sale of the property.

Mr. LeDuc stated the Comprehensive Plan currently lists this property as suitable for commercial and retail operations. A traffic study would not be necessary if the number of trips is fewer than 1,000 per day.

He stated at the Planning Commission meeting a lengthy discussion ensued concerning the design elements for the proposed building. Currently there are no standards for new construction along Pine Log Road. This is an item that the Design Review Board will be discussing sometime within the next year. Staff has worked with the developer and created an annexation agreement concerning the exterior look of this building. This agreement was reviewed by City Council and approved. This item is now before Council as a second reading of an ordinance to annex this property with new conditions as per the Agreement on Conditions of Annexation.

Mr. LeDuc stated the Planning Commission voted 5 to 2 to deny the annexation of this property due to concerns about the appearance of the proposed Waffle House.

Mr. LeDuc pointed out since Council approved the Agreement on Conditions of Annexation the ordinance needed to be changed to include the items in the agreement.

Mr. Gary Smith, City Attorney, stated the ordinance could be modified, changing Section 2 to read that the conditions to be met would be the developer's agreeing and complying with the Agreement on Conditions of Annexation. He said all the conditions in the proposed ordinance are set forth in the Agreement approved by Council.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Wells and unanimously approved, that Council pass on second and final reading an ordinance to annex .55 acres of property at 462 East Pine Log Road to be zoned GB with the developer agreeing to comply with the conditions agreed to in the "Agreement on Conditions of Annexation."

Councilwoman Price arrived at the meeting at this point.

ANNEXATION – ORDINANCE

Whiskey Road
Dougherty Road
Walgreens
TPN 122-13-09-007
TPN 122-13-09-008
TPN 122-13-09-009
TPN 122-03-09-010
Street, Ed H. Jr.

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 1.46 acres at the northwest corner of Whiskey and Dougherty Roads.

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 1.46 ACRES OF LAND, MORE OR LESS, OWNED BY ED H. STREET, JR. AND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WHISKEY ROAD AND DOUGHTERTY ROAD AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated the owner of four lots totaling 1.46 acres located at the northwest corner of Whiskey and Dougherty Road is requesting annexation under the General Business zone. The applicant proposes to build a Walgreens at this location. This property use to contain several stores which have been demolished.

The proposed GB zoning is compatible with the UD zoning which surrounds it in Aiken County. There are currently a couple of very small trees located on the former building site at the corner of Whiskey and Dougherty that the Horticulturist states are healthy. The applicant is requesting that the two trees on the Whiskey Road frontage be moved. The Planning Director states that this approval would be granted as long as they are replanted in approximately the same area. When the City of Aiken previously had tried to put a planting strip between the sidewalk and curb along Whiskey Road, this request was denied. For this reason we are requesting the developer to place a landscaped planting strip on their property.

A traffic study was completed for this project indicating a current level of service of F for Whiskey Road. For this reason our on-call Traffic Engineer agrees with the conclusions and recommendations of the Traffic Study for the Walgreen site. The study recommends a right-turn in and a right-turn out onto Whiskey Road, a right turn lane on westbound Dougherty Road into Owens Street and an additional turn lane from Owens onto Dougherty. This will allow traffic from Owens to turn onto Dougherty from a separate right turn and left turn lane.

Currently there are no building design standards for new construction on Whiskey Road. Council has asked the Design Review Board to review this issue later this year. Along with a recent project being considered on Pine Log Road, we are recommending that the exterior of the building be brick of red or comparable color, and that bright colors not be allowed except as an accent for the new building.

The Planning Commission unanimously approved the annexation of this property with the following conditions:

- 1) that the two Oak trees on the Whiskey Road frontage be relocated to allow installation of the sidewalk but that they be kept essentially the same distance from Dougherty Road as determined by the Planning Director;
- 2) that proof of recording of a plat combining the lots be provided;
- 3) that the requirement for landscape islands at the ends of the rows of parking at the entrance to the proposed building be waived;
- 4) that any redevelopment of the site have only one curb cut on Whiskey Road, and that it be right-in/right-out only, and that there be no curb cut on Dougherty Road;
- 5) that the improvements recommended by the Traffic Study be installed by the developer including (1) a deceleration lane westbound on Dougherty Road to provide a right-turn

- lane onto Owens Street, and (2) widening the southbound approach on Owens Street to provide separate left-turn and right-turn lanes onto Dougherty Road;
- 6) that the site may be developed with 58 parking stalls rather than the required 73;
 - 7) that the exterior façade of the principal building be brick of red or comparable color, and that yellow, orange, or other bright colors not be allowed except as an accent;
 - 8) that the developer comply with the provisions of the LDR Study regarding streetscape improvements in the right-of-way of Whiskey Road including piping the stormwater and sidewalks;
 - 9) that the applicant 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
 - 10) that all conditions other than those regarding development of the property be met within 180 days.

Mr. LeDuc pointed out that under a development for a PC or PR Council would be approving the development based on the drawing submitted. He stated, however, this property is not large enough to be a Planned Commercial development. He pointed out the drawings shown are not exactly what is being asked for in the plans. He said the drawings show a brick type material which is more of a gray split block face. He said the city is asking for a brick building. Compliance for the right of way would give four lanes on Dougherty Road—two lanes going in the east bound direction, and a fourth lane would be a lane going onto Owens Street or a deceleration lane. Coming down Dougherty Road from Pine Log the only way to get into Walgreens would be to make a left hand turn from Dougherty onto Owens Street. He pointed out Jim Holly is present representing Walgreens.

Mr. Jim Holly, Attorney, 111 Park Avenue, pointed out the Planning Commission unanimously recommended annexation of the property with conditions. He stated he would like to make a few requests for some language changes in the conditions which will not change the substance of the conditions. Mr. Holly stated there are a lot of public benefits for this project. He stated this property is a donut hole property, five stores have been removed that had parking where people backed out into Whiskey Road, a lot of signs were taken down with the demolition, and the developer will run sanitary sewer down Owens Street which will allow sewer tie-ins to the properties on Owens Street. This sewer line will run all the way back to Sonic. Sidewalks will be installed on Dougherty and Whiskey Road. He said these are public benefits from this project. He asked that the word “including” in Conditions 5 and 8 be changed to “consisting of.” He felt “including” left implication there may be other things that have to be done. In regard to the turn lanes on Owens Street, turning right and left, the work will be done within the existing right of way which is sufficient to accommodate the turn lanes. He asked that, rather than saying widening Owens, that it state widening the paving to accommodate the two turn lanes. He asked that the wording be “widening Owens Street within the existing right of way.” On Conditions 5 and 8 where there is reference to the LDR Study and the Traffic Study he asked that the author of the studies and the date of the studies be included. Mr. Holly pointed out the proposed building would be partially red-brown brick with pre-cast stone which is more expensive than brick. He pointed out there would be two rows of split-space block around the bottom as an accent. The awning would be green. He pointed out the building is not proposed to be all brick. He said they would ask that Condition 7 be changed to reflect the exact description of the building or attaching a color photograph of the proposed building.

Council then discussed the exterior façade of the building. Mr. Street stated he was proposing to build a brick building with accent of pre-cast stone. He said there would be two rows of split space block at the bottom for accent. He said the pre-cast stone is more expensive than brick. He said, however, if Council wished the building could be entirely brick. He said he did not feel that the all brick building was as attractive as the brick and pre-cast stone. After discussion Council agreed to the brick with pre-cast stone building.

Councilman Smith stated he was concerned about traffic. He stated he felt the project was very good, however, he pointed out that traffic on Whiskey Road is already at an “F” level. He pointed out the project would add 960 additional trips per day. He said he did not have a problem with the deceleration lane on Dougherty Road from Whiskey to turn into Owens. He said he was concerned about a left turn from Dougherty Road into Owens Street. He pointed out there is a constant stream of traffic from Whiskey onto Dougherty Road, and he felt it would be difficult to make a left turn onto Owens Street. He felt Dougherty Road needed to be widened beyond Owens Street so there would be a left turn lane from Dougherty Road. He was concerned about adding to the congestion on Dougherty Road. He said Dougherty Road needs to

be widened. He stated he did not agree with the Traffic Study. He said he was not asking the developer to widen Dougherty Road, but he did feel it was a problem which needs to be addressed.

Mr. Holly stated a traffic study was done and signed off by the City's Traffic Engineer. He said the developer has no plans to widen Dougherty Road.

Mayor Cavanaugh stated concern about traffic is important. He expressed concern about customers being able to get to the Walgreens.

Councilwoman Price stated she felt that with the development on the northwest side of town with the Walmart some of the traffic would be eliminated on Whiskey Road. She also pointed out that six businesses had been eliminated from the area and would be replaced with one. She felt this should help to some extent as far as traffic. She pointed out that a Title Max and a liquor store attract a lot of ingress and egress.

Council continued to discuss concerns about traffic. It was pointed out that 6 businesses had been eliminated from this area and would be replaced by one. Previously cars were backing out into Whiskey Road from these stores.

Mr. LeDuc stated that presently it is unsafe to make left turn lanes into a number of commercial operations along Dougherty Road. He said at some point Dougherty Road will have to be widened to three lanes. He said at some point if traffic is backing up because of left turning, perhaps Dougherty could be widened, working with the Highway Department. He said at peak times there may be a problem making a left turn into Owens.

Councilwoman Vaughters wanted to be sure the city had the right of way needed to make the Dougherty Road-Whiskey Road widening improvements before landscaping is done in this area. She was also concerned about possible left turns from Whiskey into Walgreens. It was pointed out that a right turn-in and right turn-out to Whiskey similar to Walmart is proposed.

Councilman Smith stated he felt the proposed project is a great improvement. He said he mentioned the traffic as he wanted to point out there is a problem that City Council needs to recognize and will have to face. He said he knows the problem is not the developers because the traffic is already there.

Mayor Cavanaugh stated he felt the Walgreens would be a good improvement. He said he was glad to see the small old stores gone. He said he shared Councilman Smith's concerns about traffic.

In response to a question from Councilwoman Clyburn, Mr. Street stated he anticipated Walgreens to be opened in six months. In response to Councilwoman Clyburn's question regarding right of way along Dougherty Road, Mr. Leduc stated there is enough right of way along Dougherty Road to widen to three lanes.

Councilman Smith stated given the congestion in the area and the fact that the right of way is there why wait when it is known there will be a problem. He suggested that the road be widened in this area now. He was concerned about approving the project without taking care of the traffic problem or agreeing to look at the problem soon.

Councilman Wells stated there would be a right turn-in and right turn-out for Walgreens from Whiskey Road. He also pointed out traffic can turn onto Dougherty Road from Whiskey and to Owens Street to get to Walgreens. He pointed out there is a traffic problem along Dougherty Road and has been for some time during peak times. He pointed out Dougherty Road is located in the county. He said he agreed that something needs to be done about Dougherty Road. He said the proposal is a great improvement for the area from what was there.

Since a citizen wanted to speak, Councilwoman Price moved, seconded by Councilman Smith, that Council suspend the rules and allow citizens to speak on first reading of the ordinance for annexation.

Ms. Nina Hazen, 303 Limerick Drive, stated as a consumer she would be concerned about traffic and trying to get into Walgreens. She stated she hoped there would be a way to expand Dougherty Road for easier access to Walgreens so there would not be accidents.

Councilwoman Vaughters stated she did not understand why not have an entrance in and out off Whiskey Road to this property. She pointed out previously there were many people in and out of businesses in this strip. She said she wanted to see Walgreens succeed, but she felt there was a serious problem of access to the property. She pointed out there is a middle lane on Whiskey Road which could be used to make a left turn into the proposed Walgreens.

Mr. Gary Smith, City Attorney, pointed out that Mr. Holly had suggested some language changes in the proposed ordinance for the conditions. He said Mr. Evans had no problem with the proposed changes. He said he wanted to be sure Council agreed to the proposed changes in the ordinance for second reading.

Councilman Wells moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex property at the northwest corner of Dougherty and Whiskey Road and zone as General Business and that the comments proposed by Mr. Holly regarding language changes in some of the conditions be incorporated in the ordinance for second reading and public hearing at the next regular meeting.

Mr. LeDuc stated that before the next meeting staff would get some information for Council as to what it would take to put a left turn lane off Dougherty onto Owens.

ZONING ORDINANCE

Amendment

Downtown Overlay District

Expansion

Rename

Old Aiken Overlay District

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance concerning the expansion of the Downtown Overlay District.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO EXPAND AND RENAME THE DOWNTOWN OVERLAY DISTRICT.

Mr. LeDuc stated that in June, 2006, City Council approved changes to the Zoning Ordinance giving the Design Review Board the responsibility to review changes for new and additions to detached single-family units in the Downtown Business District. He stated that at that time Council asked the Planning staff to expand these guidelines to incorporate the entire old grid of Aiken. He stated they thought it would be a simple process, until they examined possible standard commercial designs on Richland Avenue or Park Avenue. He stated there was really nothing there to use as far as Design Guidelines are concerned.

He stated approval of this ordinance will change the Zoning Ordinance and give the Design Review Board the authority to review all the developments for commercial buildings and industrial buildings, plus single family homes in the grid area bordered approximately by Richland Avenue on the north, South Boundary on the south, and the city limits to the east. All the property owners within this area were sent a letter concerning this change and notification of the upcoming hearings.

He stated the Design Review Board unanimously recommended the changes to City Council. The Planning Commission voted 3 to 3 and therefore did not approve the amendment.

He stated that as Council discussed last June, most of the residential properties will only need administrative approval for residential improvements. Ed Evans has shown those items which would require approval by the entire Design Review Board versus the Chairman and the Planning Director's review. He stated those items requiring full Design Review Board action would include additions, demolitions, new dwelling units, and garages. Other items such as new roofing, siding, walkways, walls, fences, driveways, patios, painting, doors and windows would

typically only need administrative approval. He stated that to his knowledge since we began this review process last year for the downtown area we have had no problems with these guidelines.

He stated, that as expected, several owners of residential property in the area are concerned with these new regulations and voiced them at the last Planning Commission meeting. He stated we are using the same guidelines in this area as Council approved last year for the detached single family residential units in the downtown area.

Ms. Terry Lee Young, 1211 South Boundary Avenue, read a letter to Council. She stated when she bought her house it was not in any restricted district and the homes are not historic. She stated the people in her neighborhood have not banded together and asked for Design Review of any changes in the area. She stated she is against the proposed expansion, and its proposed infringement on her personal property rights. She stated to have their non-historic, non-restricted neighborhood morphed into a restricted designated district is grossly unfair to the property owners. She stated she does not want the freedom of making repairs or anything else she does to her home to be taken away from her. She stated there are adequate zoning restrictions and city ordinances in place to address any concerns the city or neighbors may have with her property. She stated the proposed expansion of the downtown district and proposed subjection to the Design Review Board goes far beyond any legitimate concerns anyone should have regarding her private property. She stated that she, as a private property owner, objects and does not consent to this proposed expansion and would like to formally request exemption from the proposed expansion district. She believes this project should be abandoned and Council should concern themselves with other issues rather than policing property owners.

Ms. Dianna Crowley, 1202 South Boundary Avenue and 423 Banks Mill Road, stated she respects her neighbor's opinion, but, she would not object to the historic zone being brought into the areas she owns. She stated she does not understand why Council brought the overlay district in because it does not carry the strength of historic areas. She asked how they will judge the residential as far as design. She stated she does not believe the Design Review Board is qualified to look at the residential areas, many of which are not historic. She stated as it stands right now, she does not support the overlay district. She stated if it was an historic district, she would support it. She stated that setbacks should not be attached to the overlay district as an amendment, but should be a separate issue.

City Attorney Gary Smith stated the amendments that were proposed do not include anything about a setback. That was something the Planning Director said they might want to consider. He stated a motion was not made in the Planning Commission to consider that amendment.

Councilwoman Clyburn stated she is concerned about a ruling where the home owner would have to go to circuit court to appeal. She said that would be an expense because they would have to hire an attorney. She stated she is also concerned with how much restriction would be placed on a piece of property should someone want to tear something down or renovate. She asked how much grief the city will cause an individual by placing this in the Zoning Ordinance. She stated she was not trying to restrict what someone can do with their home, but trying to set something up so that nothing undesirable happens in the neighborhood.

Councilwoman Price stated Council does not want to pose an undue burden on anybody and she understood Ms. Young's concerns.

Councilwoman Vaughters stated the overlay district was brought up because at that time, Council saw the danger of unwanted changes such as demolishing existing structures and constructing much larger structures happening, which in effect causes what the neighborhood does not want to happen. She stated she does not think this was someone's idea of having power over what someone does with their property. She stated she thinks it was brought up out of concern that neighborhoods, particularly not very expensive homes, would disappear if something wasn't done.

Ms. Young suggested that if Council wanted to help protect neighborhoods that things such as demolitions, major additions, and new construction be covered rather than the small items such as windows, siding, etc.

Mr. LeDuc stated this came about primarily when the Old Aiken Master Plan was developed. He stated there were five different committees from five different neighborhoods that suggested that

the city come up with some design standards because so many buildings were possibly going to be torn down and new buildings constructed. He stated shortly thereafter, a warehouse was taken down at Williamsburg and Colleton. He stated a large amount of discussion went into what was going to go back in its place. He stated finally Council said for the Planning Director and the chairman of the Design Review Board to make that decision. He stated they wanted some design standards to say whether the homes should be demolished and what would replace them. He stated what they are looking for are guidelines for demolition and major construction. He stated the ordinance can be revamped to cover demolitions and new construction or major expansions of 50% or more of a structure, and take out the things the citizens and Council are concerned about. He stated if that does not work modifications can be made. He stated that would at least start the protection process.

Mr. LeDuc pointed out Council had asked staff to look at other areas as well, including the northeast and northwest area of the original grid because of the concern about demolitions and new construction in these areas.

Councilwoman Clyburn asked that the staff and Planning Commission look at businesses as well as residential because some of them have been concerned also.

Mr. LeDuc stated he would like to go through the Planning Commission and start the process over again to give a public hearing for citizens to re-look at it again.

Dr. Rebecca Newall, corner of South Boundary and Powderhouse stated she never received a notification about the meetings. She stated however a sign was in her side yard and her neighbor let her know what was going on.

Councilwoman Price moved, seconded by Councilwoman Clyburn that Council deny on first reading an ordinance to amend the Zoning Ordinance to expand the Downtown Overlay District guidelines into the Old Aiken Overlay District and send it back to the Planning Commission to consider including demolitions, new constructions, and major expansions. The motion was unanimously approved.

ANNEXATION – ORDINANCE

Millbrook Baptist Church
Garvin Oil Company
Powderhouse Road
Rieter Textile
TPN 122-06-07-002

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property off Powderhouse Road as Planned Residential.

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 28.36 ACRES OF LAND, MORE OR LESS, OWNED BY MILLBROOK BAPTIST CHURCH AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Mr. LeDuc stated Millbrook Baptist Church owns 33.59 acres of land on Powderhouse Road north of Reiter Textile and south of the Steeplechase track. They would like to request annexation of this property under the Planned Residential zone for the rear 28.36 acres and the front 5.23 acre portion zoned Planned Commercial. This property would be developed by Garvin Oil Company as shown on the proposed concept plan.

There have been several requests to annex this property under various zoning designations since 1990. In every case the annexation was denied because of the density of the development requested at that site. Council was concerned primarily about the amount of traffic that would be funneled onto Powderhouse Road from the property. In the past several hundred homes have been proposed for the property. The entire site is surrounded by property in the county and to the east Gatewood Subdivision which is zoned RS-15.

The Planned Residential area is to be an equestrian community with a center paddocks, barn, riding rink and formal gardens held in common by the owners of the property. The concept plan shows over 40% of the property left as open space with a maximum of 34 detached single family dwelling units within the proposed acreage. The plan currently shows a 25 foot buffer along all sides except the Planned Commercial and the Rieter plant areas where a 10 foot deep buffer is shown. All the buffers should be undisturbed with the condition that additional vegetation may be added as determined by the Planning Director. Council could ask for additional buffers or other changes that they deem suitable for the development. In addition, building elevations are required in all PR zones. The developer has stated that this is a very unique development, and he is requesting waiver of this provision or that individual plans be approved by the Planning Director or an Architectural Review Committee could be established to review the plans.

The front portion of this property consisting of 5.23 acres will also be under consideration by City Council for annexation under the Planned Commercial zone. This will be the next item on City Council's agenda.

The annexation for the PR zoning for this property was denied by the Planning Commission on a 5 to 2 vote. The following conditions were a part of the original recommendation by the staff.

1. that the development comply with the Concept Plan and narrative submitted and there be a note added to the plan that the project will comply with the provisions of the Planned Residential zone at 4.2.6;
2. that the proposed road be allowed to exceed the 1,000 foot limit;
3. that the perimeter buffers be undisturbed and that there be vegetation added in the buffers to create a dense screen as determined necessary by the Planning Director;
4. that a right of way be shown on the plan to allow a future connection to the property to the south;
5. that the adjacent tract of 5.23 acres fronting on Powderhouse Road be annexed;
6. that a plat be submitted creating the property lines separating the PR from any other zone and establishing the entrance road right of way to the residential property;
7. that conditions of approval be shown on the Concept Plan;
8. that the design of the houses be based on the elevations and narrative and that either the Planning Director or the developer's Architectural Review Committee be given the authority to approve the design; and
9. 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 90 days of approval by City Council.

Mr. Derrick Peake, architect for the project, Pelion, SC, stated the developer would like to withdraw the request for annexation and zoning of 5.23 acres as Planned Commercial and just proceed with the Planned Residential. He stated they were in agreement with most of the conditions for annexation. However, they would like to strengthen item 3 regarding the buffers by adding a fence 8 feet tall that would protect Dunbarton and Douglas streets in addition to the landscaping. He said the type fence had not been determined, but would be a visual barrier so headlights would not shine into the adjoining homes. This would just be on the west side. He said that had been a great concern to the neighbors. Condition 4 asked that a right of way be shown on the plan to allow for a future connection to the property to the south. He said this is the Rieter property, and also the City owns 7 acres in the area. He said the premise in developing the property was to create a cul de sac for use of the residents and not to be a pass through from one neighborhood to another. He asked that Condition 4 be deleted from the conditions. He pointed out for Condition 5 that they plan to withdraw consideration for the 5.23 acre tract for consideration at this time. Condition 6 would be fine, especially with the withdrawal of the Planned Commercial tract.

Mr. Peake pointed out the proposed development is extremely low density, and they were trying to create a park-like atmosphere for the residents of the development. He stated there would not be horse properties for individuals. However, there would be a facility on the property for a limited number of horses to be accommodated. He stated the proposed development is a residential community with some facilities for a limited number of horses. He said the residents would have to trailer their horses to an area for riding or ride within the facility. He said there would not be a riding trail, but there would be a riding ring.

Mayor Cavanaugh asked if the developer had talked to the neighbors along Powderhouse Road and Two Notch concerning the traffic. He said traffic had been a big concern for this area the first time there was a request for annexation and development of the property. He said we need to be very careful of anything that is to be done that will generate more traffic down Powderhouse Road and also Two Notch Road, as this is a very sensitive area with the horses in the area.

Mr. Peake stated Mr. Chad Ingram had spoken to many of the neighbors in the area, including Jack Wetzel, Lisa Handy, and neighbors on Douglas Drive. He said due to the fact there was to be a Planned Commercial area, a traffic study was done. The traffic study indicated there was a negligible impact on traffic. He pointed out the development is limited to 34 lots.

Ms. Leah Guillebeau, Traffic Engineer with Cranston Engineering in Augusta, Georgia, stated the trip distribution as far as north on Powderhouse and East Pine Log Road was discussed and approved by Ed Evans, Planning Director, and Roger Dyar, the city's Traffic Consultant. She stated originally she had about 30% north on Powderhouse Road. Mr. Dyar, after studying the situation, stated he did not think the traffic would be that significant, and she was asked to revise her study to show only 15% of the traffic going north on Powderhouse Road which they felt better reflected the current traffic pattern. She said because Powderhouse is so narrow and winding it seems that most people on the southern section of Powderhouse prefer to go to Pine Log Road and make a right to go to town. She said daily the residential portion of the development would generate 325 trips with only 34 trips occurring in heaviest hour of the day, which is significantly less than any proposal previously submitted for this property. She said this proposal would not have the traffic impact as previous proposals since this would only be 34 units. She said the intersection at East Pine Log and Powderhouse at the signal is at level C and is projected to be level C in the future which is within the city's defined level of service standard, and no improvements were recommended based on the traffic generated by the proposed development. At the access to the property the level of service was A. It was pointed out the traffic survey included the commercial traffic, but at this time the commercial development has been withdrawn.

Councilman Wells asked about the projected build-out of the property and when the middle portion containing the stables, gardens, water feature, etc. would be done. Mr. Peak responded that total build-out would probably be about 5 to 7 years. He felt lot sales would occur in about two years. He pointed out the homes would be individual custom homes with no two allowed to be alike. He said the common area would be done initially by the developer.

Councilwoman Price asked how much space is needed for housing the horses and riding the horses.

Mr. Peake stated it was not intended to be a commercial set up for horses, but a place to overnight a horse, or keep a horse for a season. It would not be a training facility. He stated the proposed barn was drawn for 20 horses. He said, however, they would be amenable to a lesser number of horses, which is not the primary purpose of the facility but is an added attraction.

Councilwoman Vaughters asked about the 5.23 acres which had been requested to be withdrawn. She pointed out this portion of the property would not be annexed at this time and would remain in the county.

Councilwoman Clyburn stated she had a concern about annexing the back portion of the property and the road leading to Powderhouse Road and leaving the front portion in the county. She also pointed out that many people using Powderhouse go to East Pine Log Road rather than going to South Boundary, as it is hard to negotiate the intersection with South Boundary.

Mr. Peake stated that at this time they wished to withdraw the request for annexation of the 5.23 acres for PC as, at this time, they are not certain what they will do with that portion of the property.

Mr. Robert White, 435 Orangeburg Street, stated he owns the horse stables called the Old H. & D. He stated he had some comments regarding the equestrian theme and the 20 stall barn with paddocks. He said his operation is similar to the proposed development. He then reviewed the activities which are involved in a 20 stall operation. He reviewed on-site activities and off-site activities. On-site activities involve removal of manure daily, stalls cleaned daily and picked

several times a day as well as the paddocks picked to comply with the ordinance. This is done 7 days a week. Two loads of hay as well as two loads of shavings must be brought in weekly. Feed must be brought in also. On-site activity involves a lot of traffic supporting the horses. He pointed out the horses must be shod, which means vets come. Then there is therapy as needed. He said to move 20 horses takes a minimum of 8 trailers, and this is done about twice a week. He continued to review the activities involved in keeping horses. He said he felt the traffic study made no consideration for running 20 horses, even under leisure conditions down Powderhouse Road. He felt there was some serious safety considerations in moving horses in this area. He asked if Planned Residential is allowed in the Horse District.

Mr. Evans, Planning Director, stated Planned Residential zoning would allow single family dwellings and horses. The Horse District is a separate, different zoning category from Planned Residential. The proposed development is not in the city's Horse District zoning classification.

Mr. Derrick Peake stated the property is suitable for residential according to the City's Future Land Use Map. He said the developer is proposing low density residential which is in accordance with the Land Use Map. He stated the intention of the development was to do something nice for the area.

Mayor Cavanaugh expressed concern about doing anything which might impact the existing Horse District area. He pointed out the density of the proposed development is the best of any of the proposals submitted for this property. He pointed out there is concern about the property being in the County and other developments being allowed on the property which may be much less desirable than the proposed development.

Councilman Wells stated his concern was the same as the Mayor's with the large parcel of land being outside the City and other undesirable developments being able to use the land. He stated he understood the proposed development would be upscale homes, and that horses were added as an amenity. He asked if the developer would be willing to reduce the number of horses allowed to possibly 10 considering the activities which Mr. White stated would be involved for horses. He asked if there could possibly be a trail for riding rather than having to trailer the horses in and out of the area frequently. Councilmembers Clyburn and Price also expressed concern about the number of horses proposed for the property.

Mr. Peake stated they could possibly reduce the number of horses allowed, and he could look at developing trails in the area. He said the area was not envisioned as a commercial operation, but would be horses for individuals and would not be a concentrated move of everything in the barn. He said he would consider a reduction of the number of horses and revision to the Concept Plan to include some trails.

Mr. Charles Thomas, Two Notch and Audubon, stated he had lived in the area for several years and seen a big change in the area. He said he did not care what the Traffic Study shows, he knows the traffic has increased because he lives in the area. He was concerned about development of the property piecemeal if the strip for commercial is withdrawn at this time. He stated the flavor of the property along Powderhouse is residential. He said he was not opposed to the development of 34 houses, but felt horses would cause more traffic problems. He was opposed to commercial along Powderhouse Road. He felt the property should be looked at in its entirety rather than piecemeal. He was concerned about the plan and if it fails what will happen to the property.

Mayor Cavanaugh explained that Planned Residential requires a Concept Plan and the development must be as approved by Council on the Concept Plan. If it does not work, then the developer has to come back to Council to get approval for any changes in the Concept Plan.

Mr. Jack Wetzel, 494 Powderhouse Road, expressed concern about the proposed development, especially the Planned Commercial. He said he had suggested that the property be donated to a Land Trust for open space. He was also concerned about more horses in the area and more housing. He pointed out Powderhouse Road is very narrow and there are traffic problems already. He said he has difficulty now getting out of his driveway. He was concerned about more traffic problems and affecting the horse industry in Aiken.

Mr. Ed Giobbe, 541 Grace Avenue, stated he was concerned about the 5 acres being withdrawn for annexation at this time and the property being left in the county. He pointed out the

developer has stated they possibly will come back in the future for development of that property. He said the desirable thing is for the residential to be developed in a sensible fashion. He was concerned about the horse aspects of the development. He pointed out that horses take time, effort, and space is required for horses. He suggested that the developer annex the whole tract and develop all of the parcel as Planned Residential in a way that would mitigate traffic as much as possible. He stated he understood that the property will be developed at some point in some way, and the most desirable would be for the whole tract to be developed as residential. He also emphasized the fragility of the horse industry with an increase of traffic in the area. He said he feels that everything possible should be done to help preserve the horse industry in Aiken. He pointed out that the horse industry is in the middle of an urban area, which is unusual. He stated the proposed development is not just a Planned Residential but is a Planned Residential adjacent to an unusually unique and fragile environment. He said that takes the consideration beyond the fact that the development is only 34 houses. He felt that because there is the possibility of some commercial in the future for the tract, that is a negative for the development. He felt there should be no further commercialization down Powderhouse and there should be no increase in traffic that would funnel its way into the Horse District. He suggested that the developer consider asking for annexation of the whole tract and developing the entire tract as PC.

Mr. Charles Thomas suggested that Council had some control over the development by providing water and sewer. He said he feels more people are opposed to commercial than they are to 34 homes on the property.

Mr. LeDuc stated that the area could probably support wells and septic tanks and remain in the County. By doing that probably 50 to 60 homes could be built on the property. He said, however, it would have to be a limited type of operation for a well and septic tank to serve a commercial area.

Councilwoman Clyburn stated she would like to urge the developer to annex all the tract at one time as residential rather than only a portion of the property, so the city can know what is to happen to the property. She said she felt the project was good without the commercial area.

Mr. Derrick Peake stated they were not prepared to annex all the property at this time. They only wanted to consider annexation of the 28 acres as Planned Residential.

Council continued to discuss the project with the developer. It was suggested that the developer consider 34 homes with no horses. Mr. Peake stated after conferring with the developer they would be willing to limit the number of horses to 10 but did not want to eliminate horses completely.

Mayor Cavanaugh stated he felt the proposed project is the best project proposed for the area, but he was still concerned about the traffic that would be created in the horse district. He stated Aiken did not want to lose its horse community.

Councilman Sprawls asked if the residents in the Douglas Drive community were opposed to the project.

Mr. Don Swindler, 608 Douglas Drive, stated he lives adjacent to the proposed project. He said the project is the best one he has seen for this property. He stated if this project is not accepted, he was concerned that someone would come along and put in a project that would not be nearly as acceptable as this project. He was concerned there may be 100 homes or more on the property with some other project which he felt would create more traffic. He said he grew up with horses, and he knows about taking care of horses and the long hours involved in taking care of them. He asked Council to reconsider their thoughts about the project and vote for the project.

Mr. Pete Seaha, 161 Laurel Ridge Circle, stated he had listened to Council's concerns about 34 homes and the major traffic created from that. He said he had also noted Council's approval of the Walgreens which will create more traffic on Whiskey Road and Dougherty Road. He said Council seemed to be very concerned about 68 cars in the fragile Horse District, but not about the traffic at Walgreens. He said the horse community is important to Aiken, but they don't own Aiken. He wondered how Council would treat a request if Mr. Wetzell or Mr. White owned the property and decided to put horses on the property. He said he felt what the Ingrams plan is a great project.

Mr. Bob Reiter, 59 Cherry Hills Drive, Finance Chairman at Millbrook Baptist Church, stated he had known the property for a while since Millbrook owned the property. He pointed out one previous plan for the property was 183 homes, whereas the present proposal is 34 homes. He pointed out some proposals from the church for the property included holding the property, building recreational facilities for baseball and soccer with lights and leave the property in the county. He pointed out Millbrook Church never advertised the property for sale; people came to them to purchase the property. He said Millbrook did not want to approve anything for the property that would not be compatible with what they felt would be good for the City of Aiken so they turned down many opportunities to sell the property. He said, however, they felt the proposal by Chad Ingram was a very good project and would be low density for the area and would fit in with the community. He said he was not sure that any better opportunity would come along for this property. He pointed out the traffic study indicated there would not be a traffic problem with the project and the project was very low density. He pointed out the original plan for the property along Powderhouse was for offices for Mr. Ingram's company. He said Millbrook had made a decision which they felt was right for the city. He stated they had turned down other opportunities because they didn't think the projects would be right for the city. He urged Council to consider approving the proposed PR project.

Councilman Wells stated he would like for the equestrian portion of the proposed project to be reconsidered in some fashion, either limiting the number of horses or redesigning that portion of the project so it works better. He said perhaps that could be done between the first and second readings. He said if they would be willing to accomplish that he would be willing to support the annexation on first reading. He said he felt the proposal was the best use which has come to Council for use of the property. He said he would not like to see baseball, soccer field, and lights on the property. He felt the traffic count from recreational use would be more than for 34 homes and there would be lights at night and noise from the crowds. He said he respected the horse industry and did not want to see anything happen to it. He felt the proposed development is a quality development, and he would support the development. He said if they were willing to make some changes he would like to make a motion. He said he would like to see the equestrian development portion of the project changed to become more useful from the equestrian standpoint. He suggested that the number of horses be reduced, that possibly a trail system could be developed within the development, and the number of paddocks needed discussed and possibly reduced. He said he would like for them to talk with someone who is an expert on horses who knows what is needed for horses in a certain size area.

Mayor Cavanaugh stated with the area being close to the horse community he felt they should talk with someone from the horse community. He pointed out Millbrook could sell the property to anyone, and it could be someone who wanted to keep the property in the county and the city would have no control at all as to what would happen to the property. He suggested that someone from the horse community and Millbrook work together to try to come to some agreement. He pointed out something will go on the property at some time in the future. He said he would like to see the owner and some of the residents in the area try to work together on the matter.

Councilwoman Vaughters pointed out she realized something could go on the property, but it would have to be residential since it is zoned for residential in the county. For there to be commercial use the county zoning would have to be changed. She pointed out also if it is not annexed and septic tanks are used there could be about 50 to 60 homes. She pointed out if 400 homes were to be on the property inside the city, water and sewer would have to be provided to the area to meet regulations. She did not think the property would be used for manufactured housing because the property is too valuable and no one would pay what the property is worth in order to put manufactured homes on the property. She stated her reservation about the project is not the horses, but the potential commercial frontage on Powderhouse Road. She felt the whole property should be considered for Planned Residential and not leave the frontage on Powderhouse for potential commercial. She pointed out there had been mention about parking and traffic at the future Walgreens. She said she had only seen 5 to 6 cars at CVS during the week so possibly 50 parking spaces are not needed at the future Walgreens. She said her reservation is that the property should be residential and should not have commercial frontage.

Council continued to discuss the proposed project and the potential uses.

Mr. Chad Ingram stated he was agreeable to compromise and work with someone who was willing to be flexible. He said at this time he would like for the request for PC on the 5.23 acres to be tabled, and he would like to go forward with the Planned Residential portion.

Mayor Cavanaugh asked Mr. Bob White, Mr. Don Swindler, and Councilman Wells to work with Mr. Chad Ingram to try to come to some agreement on the proposed Planned Residential project.

Councilman Wells moved, seconded by Councilwoman Price that Council pass on first reading an ordinance to annex 28.36 acres of property off of Powderhouse Road under the Planned Residential zone with the understanding that the developer meet with the group suggested by the Mayor, including Bob White, Councilman Wells, and Don Swindler to discuss the development and try to come to some agreement as far as use of the property and that second reading and public hearing be set for the next regular meeting.

Councilwoman Clyburn stated she would support the request on first reading and await the results from the conference committee.

Councilwoman Vaughters stated she could not support it on first reading because she felt the 5.23 acre request for commercial should be included in the Planned Residential project.

The motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Smith and Vaughters opposed the motion.

ANNEXATION – ORDINANCE

Millbrook Baptist Church
Garvin Oil Company
Powderhouse Road
Rieter Textile
TPN 122-06-07-002

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 5.23 acres of land off of Powderhouse Road as Planned Commercial. He pointed out the applicant had asked that the request be tabled at this time.

Councilwoman Price moved, seconded by Councilman Clyburn and unanimously approved, that the request for annexation and zoning of 5.23 acres off Powderhouse Road as Planned Commercial be tabled until it is asked to be brought back by the applicant.

ANNEXATION – ORDINANCE

Watts, Jay
East Pine Log Road 620
TPN 122-07-13-005

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 620 East Pine Log Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED AT 620 EAST PINE LOG ROAD, CONSISTING OF 0.89 ACRES OF LAND, MORE OR LESS, OWNED BY JRW II, LLC AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated the owner of a .89 acre lot at 620 East Pine Log Road is requesting annexation of the site under the General Business zoning. He stated the site is currently occupied by a warehouse which has a lease until 2011. The property currently does not have any city services which the applicant feels they may need in the future. This property is adjacent to 640 East Pine Log Road which is under consideration for annexation by City Council. The applicant will annex this property if the property at 640 Pine Log Road needs to provide additional off street parking. If they determine that parking is not needed, he intends to withdraw this annexation request. The annexation of the subject property was approved by a 5 to 2 vote by the Planning Commission with the two negative votes due to not wanting to set a precedent of annexing

property that is associated with a billboard. He stated that state laws are specific now on what municipalities can do concerning annexing properties with billboards. He stated the city cannot ask that the billboards be removed unless someone is willing to make fair compensation to the billboard company.

Suggested conditions for approval are as follows:

- 1) that a plat be submitted combining the subject lot and the adjacent one to the east;
- 2) that there only be two curb cuts on the combined site;
- 3) that covenants be recorded at the RMC Office limiting uses to those that would generate fewer than 1000 trips per day;
- 4) that the warehouse portion of the site be landscaped in accordance with the Zoning Ordinance as deemed practical by the Planning Director
- 5) that there be connections between the parking lots and that stub-outs be provided to the eastern and western property lines to allow vehicular connections to adjacent lots if deemed practical by the Planning Director;
- 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.

In response to a question by Councilwoman Vaughters it was stated the billboard is located on 640 East Pine Log Road.

Mr. LeDuc stated they want to annex 620 East Pine Log Road but not 640 East Pine Log Road unless they have to.

Mr. LeDuc stated that within 180 days of City Council taking action, if they find they do not need to annex the property at 640 East Pine Log Road, they will not follow through with the paperwork necessary for the annexation.

Mr. Jay Watts, 421 Good Hope Farms Road, stated there will be no horses on the property and there are five lanes of traffic on East Pine Log so there should not be any traffic issues. He stated when he started the annexation process, all he wanted was water and sewer, and it has been an interesting process. He stated the property is commercial and contains approximately 10,000 square feet of warehouse with 5,400 feet of retail, and it has been underutilized. He stated there was not enough parking on it, so he bought the lot next to it. He stated that he objects to a proposed 10 foot landscape strip in front of the building. The edge of the curb on East Pine Log Road to the front sidewalk of the store is 37 feet. If he put a 10 foot landscape strip there, the front of this business would have to use parallel parking only. In the spirit of looking to improve retail business and commercial use, he finds that highly impractical. He stated he is willing to do robust things with landscaping on both of the properties. It is his intention to combine the two lots, and he is presently working with an architect and engineer to get a site plan. Regarding the curb cuts, he feels the three are needed for the commercial uses which are presently in these buildings for access by customers and 18 wheelers who serve the businesses. He felt it would be detrimental for the use of the building as commercial to have a 10-foot planting strip in front of 640 East Pine Log Road. There is also a question regarding a sprinkler system for the building at 640 East Pine Log Road.

Councilwoman Vaughters asked if he would use the building that is presently the office supply. She stated her problem with this is the billboard is on the property. She stated the city is being forced to take billboards into the city.

Mr. Watts stated the building at 620 East Pine Log has warehouse and retail space. He stated he is working with an architect and site engineer. He stated they have a big square building with one bathroom. To make that viable commercial, retail, or office space will require revamping. He stated he feels the best use would be retail/commercial space. He stated if the billboard is a problem for annexation, could he possibly withdraw the request for annexation and still get water and sewer for the property.

Councilman Sprawls pointed out the billboard will be on the property until 2028 regardless of whether the property is annexed or not.

Mr. LeDuc stated that if City Council decides to give water and sewer to a property that is currently adjacent and can be annexed into the city, and an exception is made, then the next person may want the same thing. It will set a precedent for any future property.

Mr. Watts asked if the precedent would be more or less detrimental than accepting a billboard.

Mr. LeDuc stated the city has been very firm with the policy of requiring annexation for contiguous properties requesting city water and sewer, otherwise a lot of developments would not annex. He pointed out unless the legislation changes the billboards can remain on the property and the city may have to accept some billboards to annex some properties.

Councilwoman Vaughters expressed concern about annexing properties with billboards and with billboards being erected just prior to requesting annexation.

City Attorney Gary Smith stated the decision regarding annexing properties with billboards is one that Council would make on a case by case basis.

Mr. Ed Giobbe, 541 Grace Avenue, stated the legislature has put Council in a difficult position. He stated that when Mr. Watts came before the Planning Commission, they felt he had a viable application. He stated the billboard will be there whether the property is annexed or not. He feels Council should weigh the facts. He does not believe that the city should be rewarding bad behavior. He stated the legislature behaved badly. He was concerned about other property owners asking Council for annexation with a billboard. He felt there should be some penalty for a property putting up a billboard. He stated the question is not just this billboard but other properties with billboards. He stated that Council should adopt a resolution and send it to the delegation expressing their total and complete disagreement with what they are doing and ask them for a repeal.

City Council discussed the annexation of 620 East Pine Log Road at length.

Mr. Watts reviewed for Council his requests for changes in the conditions for annexation. He stated he would like to retain the three curb cuts on the properties at 620 and 640 East Pine Log Road. He also expressed concern about the landscaping requirements.

It was suggested that Mr. Watts and the Planning Director review the landscaping requirements to see what could be worked out before second reading on the ordinance.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved that Council pass on first reading an ordinance for annexation of a lot at 620 East Pine Log Road under the General Business zoning, eliminating condition #2 that there only be two curb cuts on the combined site, and the applicant and the Planning Director reviewing the landscape requirements and that second reading and public hearing be held at the next regular meeting of Council.

ANNEXATION – ORDINANCE

Watts, Jay

East Pine Log Road 640

TPN 122-07-13-005

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 640 East Pine Log Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED AT 640 EAST PINE LOG ROAD, CONSISTING OF 0.84 ACRES OF LAND, MORE OR LESS, OWNED BY JRW II, LLC. AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated the owners of a .84 acre lot at 640 East Pine Log Road has requested annexation of this lot along with the property directly to the west at 620 East Pine Log Road. He stated this site is currently occupied by the Aiken Office Supply Warehouse and Clearance Sale

Center which will be vacating the site. He stated the owner plans to subdivide this building and make it into smaller retail shops. The occupant would like to have City sewer services for the new stores that will be located in this center. The major issue at this site concerns an existing billboard with a lease that will not expire until 2028. He stated that although billboards are not allowed in the city, a new state law does not allow a local jurisdiction the authority to remove billboards as part of an annexation. However, if the billboard is altered by 80% or more then this would trigger its removal. Since the billboard can't be removed, two of the seven Planning Commissioners voted against this annexation.

In the discussions, Mr. Watts stated he felt the properties at 620 and 640 East Pine Log Road should both be annexed rather than just one of the properties as they really go together.

The annexation was approved by the Planning Commission 5 to 2 with the following eight conditions:

- 1) that, if additional off-street parking is needed,
 - a) the lot to the west be annexed;
 - b) the two lots would be combined;
 - c) the existing parking in front of the building be converted to parallel and that a planting strip at least 10 feet deep with the required landscaping would be installed along the frontage of East Pine Log Road as deemed practical by the Planning Director;
 - d) at least one connecting driveway be constructed between the two lots; and
 - e) there only be two curb cuts for the combined lots.
- 2) that if the lot to the west is not annexed, that shrubbery be planted in the existing planting strip along East Pine Log Road if deemed feasible by the Planning Director;
- 3) that a planting strip 10 feet in depth with the required landscaping be provided along the existing western property line of the subject lot except to provide a driveway;
- 4) that landscaping be added on the east side of the building where deemed practical by the Planning Director;
- 5) that stub-outs be provided to the eastern and western property lines to allow vehicular connections to adjacent lots if deemed practical by the Planning Director;
- 6) that a fire sprinkler system be installed in the existing building according to specifications of the Department of Public Safety;
- 7) 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
- 8) 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 that Mr. Watts has asked that Item 1(c) be removed from the conditions. He would also like 1(e) to be eliminated because he would like to keep three curb cuts. He stated that 1(e) was eliminated in the previous agenda item. He stated that Item 2 was also agreed to in the previous agenda item. He stated that Mr. Watts is also concerned with Item 6 regarding a fire sprinkler system and would like it eliminated.

Public Safety Director Pete Frommer stated that Building Inspections would be the one to ask about the sprinkler system.

Councilwoman Vaughters stated she agreed that parallel parking would be a problem in front of this building and that angle parking is more practical.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on first reading an ordinance to annex property at 640 East Pine Log Road under the General Business zoning with Item 1(c) being eliminated and angle parking being allowed, Item 1(e) regarding two curb cuts being eliminated, Item 2 being eliminated and that Item 6 be changed stating a fire sprinkler system be installed in the existing building according to specifications with the Building Inspector and that second reading and public hearing be held at the next regularly scheduled meeting of Council.

HISTORICAL MARKERS

Downtown
Whitney Park
Whiskey Road
South Boundary
Aiken-Augusta Railway System
Trolley Line
Park Avenue
Laurens Street
Aiken County Historical Society

Mayor Cavanaugh stated a request had been received from the Aiken County Historical Society for the placement of two historical markers in the downtown area.

Mr. LeDuc stated the Aiken County Historical Society would like to request City Council's permission to erect two historical markers in the downtown area. The first historical marker is for the Aiken-Augusta Railway System to commemorate the trolley line that ran between Aiken and Augusta. This historical marker can be placed at one of several locations with the first choice being at the northeast corner of Park and Laurens Street in front of Nandina's. Other alternative sites could include Park Avenue at Fairfield, Chesterfield Street, or York, all of which had stops along this route. Another alternative would be on Laurens Street in the parkway located at Barnwell. He pointed out there are already many other things at the corner of Park and Laurens such as trees, traffic light, newspaper racks, street light, etc.

The second historical marker is for Whitney Park, and they would like to locate it at the northwest corner of Chesterfield (Whiskey Road) and South Boundary. The triangular park was named in his honor, but a sign was never erected.

A copy of the language to be placed on each of these historical markers was given to Council for review. Mr. Allen Riddick is present to answer any questions Council may have concerning these two markers.

Mayor Cavanaugh asked if the trolley marker would be placed on the side of the street in front of Nandina's or across the street in the parkway.

Mr. Allen Riddick, 1111 Parsons Lane, stated they preferred for the trolley marker to be in front of Nandina's. He stated Mr. Larry Morris had told them that the parkway had a lot of underground infrastructure and would not be a good location for a pole. He said in front of Nandina's was their first choice but there were alternative locations. He pointed out the trolley went from Park Avenue to Laurens Street so anywhere along the route would be acceptable.

Council discussed briefly the location for the Aiken-Augusta Railway System and what might be the best location for the marker.

Ms. Carla Cloud, of Aiken Downtown Development Association, stated Mr. Riddick had discussed the matter of the markers with ADDA. She said ADDA would recommend the proposed location for the Whitney Park marker, but for the trolley historical marker they felt the location for the newspaper boxes and wayfinding signs should be considered in conjunction with the location of the trolley marker. She said ADDA wants the marker, but they want it in keeping with other items that will be placed in the area.

Councilwoman Price moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the requests for the two historical markers commemorating Mr. William C. Whitney and the Aiken-Augusta Railway System with the locations to be determined in conjunction with ADDA at a later date.

Councilman Wells stated he felt the City needed to do some work in Whitney Park before the historical marker was placed in the park.

TOOLE HILL – ORDINANCE

Jenkins, Brendolyn
Dillon Avenue 804
Lease Agreement
Lease/Purchase Agreement
Agreement
Toole Hill

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to revise the lease agreement for property at 804 Dillon Avenue

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 that in March, 2004, the City of Aiken entered into a lease-purchase agreement with Brendolyn Jenkins for a house at 804 Dillon Avenue. In March, 2007, Council was asked to extend this agreement for an additional six months to give her additional time to obtain a loan for this property.

We recently met with her and a representative from Security Federal concerning her loan application. We were told that for her to obtain adequate financing six previous debts needed to be paid so they could be removed from her credit report. Over the last three and one-half years she was required to deposit \$125 per month towards an escrow account. We recommend that the accrued balance of these funds totaling approximately \$5,000 be withdrawn and paid in full to Security Federal Bank. Security Federal Bank would use these funds to pay off the six debt balances reflected on her current credit report. Any remaining funds would be placed in a Security Federal Bank savings account that could not be withdrawn until a closing upon the purchase of this property by the lessee. It was further agreed to by the lessee that she would open a savings and loan account at Security Federal Bank to establish credit at this institution which could be shown on her credit report.

We are requesting that City Council continue with the lease-purchase agreement until June 1, 2008, to purchase this property at the original price of \$75,000. After discussions with her, the bank, and Leasa Segura, we feel confident that she should be able to acquire the necessary financing prior to that time to purchase the property from the City of Aiken at 804 Dillon Avenue under the aforesaid conditions.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to approve an extension of the lease agreement with Brendolyn Jenkins with the option to purchase 804 Dillon Avenue and that second reading and public hearing be held at the next regular meeting.

RENTAL REGISTRATION PROGRAM – ORDINANCE

Registration
Rental Housing

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to approve a Rental Registration Program.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE OF AIKEN, SOUTH
CAROLINA, TO ADD NEW SECTION 10-12, ET SEQ., REGARDING RENTAL HOUSING
REGISTRATION.

Mr. LeDuc stated earlier this year City Council asked staff to provide information concerning a rental inspection program. After discussing this and meeting with several of the landlords in Aiken, it was decided to include only the rental registration of the property. The proposed rental registration will **NOT** involve the inspection of any property, but will only consist of obtaining information to be able to contact individuals in case of a Code or safety emergency relative to

their piece of property. The proposed ordinance was sent to all the landlords who attended the meeting to discuss a proposed inspection program. We have received two responses. One stated that when a property manager acts as the authorized representative for the owner, we should only need contact information from the manager, not the owner. Another individual expressed his belief that this program is not necessary. No additional comments were received from the other owners.

The proposed program would require owners to register the properties on an annual basis and to designate a responsible local agent who could be contacted in case of an emergency or problems associated with the property. This agent could be the owner or anyone they designate who lives within 50 miles of our community. The registration forms would be made available for on line registration or a hard copy version could be filled out.

Although there will be staff time involved in setting up the program and to enter this information into our data base, we propose **NO CHARGE** or fee for the owners to register. The proposed Rental Property Registration Form was provided for Council to review.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance regarding rental housing registration and that second reading and public hearing be set for the next regular meeting.

TOOLE HILL- ORDINANCE

Morgan Street 340

Toole Hill

Lease-Purchase Agreement

Pontoo, Paris

Pontoo, Tamika

Agreement

Purchase

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration for a lease/purchase agreement for 340 Morgan Street.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ESTABLISH A LEASE AGREEMENT WITH AN OPTION TO SELL PROPERTY IN THE TOOLE HILL AREA AT 340 MORGAN STREET.

Mr. LeDuc stated the City of Aiken recently completed a home at 340 Morgan Street with a contract sale to Paris and Tamika Pontoo. Unfortunately, shortly before closing we learned that there was a cloud on the title to the land, and we were not able to complete the sale of this property. The Pontoos would like to move into this house, and therefore we are recommending that City Council develop a lease/purchase agreement with the Pontoos for this house until this title problem is cleared up.

The proposed lease is for an eight month period starting September 1 and is for \$525 per month with \$125 of this amount to be placed as a security deposit for them. According to the individuals that are working on this problem we should be able to clear it up within the next few months.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance to establish a lease/purchase arrangement for 340 Morgan Street with the option to purchase to be exercised on or before May 1, 2008, and that second reading and public hearing be set for the next regular meeting.

TOOLE HILL – RESOLUTION 09102007B

Purchase Property
Cox Avenue 817
Toole Hill
Patel, Ketan
TPN 104-16-31-003

Mayor Cavanaugh stated Council needed to consider a resolution for the purchase of property at 817 Cox Avenue.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED IN
THE CITY OF AIKEN ON COX AVENUE.

Mr. LeDuc stated that to support the City of Aiken's ongoing renewal of the northside, we are requesting Council to approve the purchase of property at 817 Cox Avenue. This lot is approximately 50 feet wide and 136 feet in depth, and we own the property to the left of this home and are currently constructing a house on that property. Currently a home is on this property which we intend to remove to construct a new house similar to what is being built in the Toole Hill area. The property was appraised for \$12,000 which is the asking price by Mr. Ketan Patel.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the purchase of property at 817 Cox Avenue for \$12,000.

MEMORANDUM OF UNDERSTANDING

EMS
Emergency Medical Response
Agreement
Aiken County
EMT Program
Public Safety

Mayor Cavanaugh stated an agreement concerning Emergency Medical Responders had been prepared for Council's consideration.

Mr. LeDuc stated that at City Council's 2007 Horizons Retreat Pete Frommer presented a session concerning the use of Emergency Medical Technicians (EMTs) in a new program. With an ever growing senior population the County's goal is to respond to emergency medical requests within a few minutes. However, due to the growing number of calls it sometimes takes 30 minutes or more to receive this service. He suggested that Public Safety begin a new program which would take two of our existing Driver/Operators at the Fire Substation on the southside and two at our Headquarters Station and elevate those to EMT Responders. These individuals would be used as backups to the County's system. The County would still meet the obligation of responding first to any calls. If another call came in, and they could not respond in a prompt fashion, they would call the City who would send our trained EMT to the address. These individuals would respond to calls such as heart attacks, difficulty breathing, bleeding and traumas from falls or traffic accidents until the EMS unit can arrive. Our EMT personnel would work under the County's DHEC license, their policies and medical protocols. In addition they would communicate with on-line medical staff and the County Dispatch Center.

The County has approved the proposed Memorandum of Understanding (MOU) between the City and the County, and we would begin this program by using two of our existing EMT trained staff members. Three other members are currently receiving training, and once they have become certified we will expand this program to include the entire city of Aiken. The City proposes to use two vehicles already within our Public Safety fleet and add the necessary medical equipment to those vehicles. By working under the Aiken County EMS regulations, we would assist them and save over \$10,000 annually by being under the required medical control of a physician. We believe this is a great partnership between the City of Aiken and Aiken County and recommend moving forward with this MOU.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve a MOU between the City of Aiken and Aiken County to provide EMT responders from the City of Aiken to assist the Aiken County EMS operation.

WOODSIDE PLANTATION – ORDINANCE

Woodside Executive Park

Lewellyn, Ron

Silver Bluff Road

Woodside Executive Court

TPN 107-06-04-001

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to revise a Planned Residential Concept Plan for Woodside Executive Office Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR WOODSIDE EXECUTIVE PARK.

Mr. LeDuc stated that Ron Lewellyn is requesting approval for revisions to the Concept Plan for the Woodside Executive Office Park. He is proposing two 5,000 square foot office buildings with associated parking which is not depicted on the subject property. Under the PR zone there are requirements for open space and a limit of less than 5% of the total area of Woodside could be used for other than residential and open space. This development meets those requirements.

This year City Council amended the Zoning Ordinance to require elevations depicting the exterior appearance of the buildings for PR and PC zones. These elevations have been provided to Council for review. As Council is probably aware Silver Bluff Road will be widened in the very near future at this location. Based on these improvements and the fact that there will be an increase of only 360 trips per day indicates that there should be no problems with the traffic from this development. However, the project cannot exit directly onto Silver Bluff Road or have access to Woodside Executive Court.

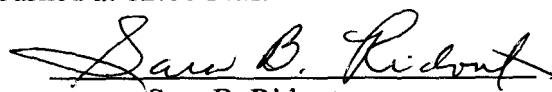
The Planning Commission unanimously approved the proposed revisions to the Concept Plan with the following conditions:

- 1) that the building design is as depicted on the submitted elevations and that the Planning Director be authorized to approve minor changes;
- 2) that any development maintain the required distance from the City well as required by the Department of Engineering/Public Works;
- 3) that the developer improve the northbound right-turn lane on Silver Bluff Road in accordance with SCDOT standards;
- 4) that there be no access from either Silver Bluff Road or Woodside Executive Court;
- 5) that only parking spaces required for the handicapped be provided;
- 6) that new buildings and parking spaces be as close to the existing developed area of the Office Park as possible in order to preserve the open character of the frontage along Silver Bluff Road;
- 7) that a developer's agreement listing the conditions be signed by the owner and recorded at the RMC Office within 180 days

Councilman Wells moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance for revision of the Planned Residential Concept Plan for Woodside Executive Office Park and that second reading and public hearing be held at the next regular meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:08 P.M.


Sara B. Ridout
City Clerk