

Mr. LeDuc stated the Comprehensive Land Use and Transportation Plan is on the agenda for first reading and Council will need to decide whether they want a third reading on this plan as they did for the south side, or if they would like to stay with the normal two readings for approval. Council felt the Comprehensive Plan was very important and that three readings on the ordinance should be held.

#### BOARDS AND COMMISSIONS

Erb, Sam

Accommodations Tax Committee

Councilman Sprawls stated he would like to reappoint Sam Erb to the Accommodations Tax Committee and asked that this be placed on the next agenda.

#### REGULAR MEETING

January 27, 2003

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Glenn Parker, Anita Lilly, Pete Frommer, Larry Morris, Sara Ridout, Karen Dailey of the Aiken Standard, and 35 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M.. Councilwoman Price led in prayer, which was followed by the pledge of allegiance to the flag.

#### APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. He stated Council had discussed in the worksession that a group might be present to discuss the annexation of 4 lots on Hampton Avenue. He stated Council could add the discussion to the agenda if Council wished. Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that the agenda be approved with the addition.

#### MINUTES

The minutes of the work session and regular meeting of January 13, 2003, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilman Cuning and unanimously approved.

#### PRESENTATION

Character

Mayor Cavanaugh stated he would like to make a presentation to Council recognizing Aiken as a City of Character.

Mr. LeDuc stated one of the goals of Council over the last couple of years was to promote the City of Character and to help facilitate character within the community. Last fall the Mayor attended an initiative in Oklahoma and received on behalf of the City of Aiken recognition by the International Association of Character Cities for our perseverance and creativity in promoting character in our city. He would like to present this to City Council and the City of Aiken.

Mayor Cavanaugh presented the plaque to the city. He stated there are over 150 entities involved in the Character program. He pointed out the City of Aiken was the 15<sup>th</sup> entity to join the program. He pointed out the City of Aiken approved becoming a community of character on March 8, 1999. He stated Aiken was the first city in South Carolina to become a community of character. There are now 28 to 30 cities in South Carolina that are character communities. South Carolina has the state with the most cities of character. Mayor Cavanaugh thanked the citizens of Aiken and the steering committee for all that they had done in promoting the city of character.

Business Character  
Character Award

Mayor Cavanaugh stated the Character Steering Committee was a volunteer committee of diversified citizens in the community. He said the Aiken Downtown Development Association has been working with several businesses to promote the character initiative and to develop a Business of Character Award. Janet Morris, of ADDA, would like to present on behalf of the Character Steering Committee the first Business of Character Awards. Ms. Morris explained to Council the criteria needed to receive this award and how other businesses can also become businesses of character in Aiken. She stated the businesses receiving the award tonight have done a wonderful job of implementing character training within their organizations. The first award was presented to Creative Program Planners, owned by Anita Hanna. The second business recognized was Serv Pro of Aiken, represented by Colleen Lucas.

RECOGNITION

Boy Scouts  
Troop 110  
First Presbyterian Church

Mayor Cavanaugh recognized Clarke McCants, of Schofield Middle School, a Boy Scout of Troop 110 of First Presbyterian Church.

BOARDS AND COMMISSIONS

Appointments  
Owen, John E.  
Oliver, Gerald  
General Aviation Commission  
McKinsey, Timothy  
Environmental Committee

Mayor Cavanaugh stated Council needed to make some appointments to the various boards and commissions.

Mr. LeDuc stated Council has 6 pending appointments to boards and committees of the city as of December, 2002 and 2 appointments are presented for Council's consideration.

Councilwoman Clyburn has recommended appointment of John E. Owen, of 614 Medinah Drive, to the General Aviation Commission. If appointed Mr. Owen would replace Dr. Gerald Oliver and the term would expire September 1, 2004.

Councilwoman Vaughters has recommended reappointment of Timothy McKinsey, of 718 West Rollingwood Road, to the Environmental Committee. If reappointed the term would expire December 31, 2003.

Councilwoman Clyburn moved, seconded by Councilwoman Vaughters and unanimously approved, that Council approve the appointment of John E. Owen to the General Aviation Commission to replace Dr. Gerald Oliver with the term to expire September 1, 2004 and reappointment of Timothy McKinsey to the Environmental Committee with the term to expire December 31, 2003.

REZONE – ORDINANCE 01272003Spencer DriveADIZ, LLCTPN 11-158.0-01-009Aiken MallDoubletree LaneSingletree Lane

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone 5.72 acres northeast of Spencer Drive from Limited Professional to Residential Multi-Family Low Density.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY  
ADIZ, LLC FROM LIMITED PROFESSIONAL (LP) TO RESIDENTIAL  
MULTIFAMILY LOW-DENSITY (RML).

Mr. LeDuc stated ADIZ, LLC would like to rezone 5.72 acres on the north side of Spencer Drive from Limited Professional to Residential Multi-Family Low Density (RML). This is a change from the Planning Commission meeting, when they requested an RMH zoning. With the RML zone they will need to acquire a variance approval from BZA for narrower lots. They propose to build attached single-family housing similar to what they are currently constructing along Spencer Drive in the Single and Double Tree developments, where the minimum lot width is 26 feet. The current LP zoning allows single-family units, but requires a lot width of 60 feet, whereas RMH has a minimum lot width of 25 feet and RML 35 feet. The property on the southwest side of Spencer Drive is currently zoned PUD, which allows the developer to receive staff and Council approval on this type of development prior to its construction. These units have a minimum lot width of 26 feet. Since property in the city cannot be zoned PUD, the developer, to duplicate this type of housing, would need to rezone this property.

The Planning Commission, at their December meeting, voted 4 to 2 to deny the RMH zoning request. They discussed this further at their January meeting and agreed that the RML zoning, as currently proposed, would pose no problem for this property. At the December meeting, there was a lot of discussion by the commissioners and citizens concerning the construction of Spencer Drive from its current terminus to Target and building a detention pond northeast of Spencer Drive. According to the April 24, 2000 minutes, Council approved the PUD concept plan for the development on the south side of Spencer Drive, stating that once they had developed the housing on the other side of the hill on Spencer Drive, or approximately 1,000 feet, then they would continue the road to Target. The proposed development would not be to that point yet. The detention pond was required; however, it is unclear as to when it needs to be constructed. The proposed pond would involve only a minor amount of stormwater coming from the current developments, but without a lot of engineering it is hard to tell how much would actually go into this basin. Should Council desire to approve the RML zoning, and also desire the pond and/or roadway, they could condition the approval with these improvements being developed by a certain date. This would allow the developer to go forward with the development as he proposes and still allow him to make the necessary improvements that Council may desire, but at a later agreed-upon date.

According to the current Comprehensive Plan, the property should be Low-Density Residential, and if Council desires to change the zoning, they should give a reason why they are changing from the current Comprehensive Plan. When the land was purchased, the zoning was Professional, but was later downgraded to the more restrictive LP zone.

The public hearing was held.

Mr. Allen Radcliffe, 117 Tall Pine Drive, stated his property is in Woodside immediately behind the Single and Doubletree developments. He said he was representing the Woodside Plantation Property Owners' Association. Mr. Radcliffe stated he appeared before Council about three years ago when the development first started and expressed

concern about the development and several changes were made to improve the development. He said they were not against the rezoning, but they were concerned about drainage in the area and felt the detention pond should be installed. He showed pictures of drainage in the area and drainage to Royal Lake. The group was concerned about the drainage. They were concerned about the open channel flow and the soil conditions causing a big problem with loss of property and the bank and filling up one end of Royal Lake with silt. The group strongly recommended that steps be taken to reduce the flow so deterioration of the channel and silting of the lake could be avoided. He said they believe the detention pond is needed now to help solve the drainage problem. He said anything that could be done to slow down the erosion would be a help.

Council continued to discuss drainage in the area at length.

Mr. LeDuc stated if the detention pond were built below Target and the Mall it would help. He said, however, there would still have to be some action below Tall Pine Road because that area will still continue to erode to a certain degree, even if there is another detention pond. Whenever the detention pond is built it will help the area, but some other action will have to be taken below Tall Pine Road. He said the city had agreed that, whenever the Woodside property owners are ready, the city will address the problem below Tall Pine Road. Mr. LeDuc stated the proposed detention pond will help the problem, but the pond is not needed for the proposed development, as that drainage will not go in the direction of this problem. He said, however, Council could make this a condition of approval if they wished. He said putting in the detention pond would help Woodside. Putting in the detention pond does not do anything for the development before Council at this time. Mr. LeDuc stated in 1999, when the matter was discussed, a time was not set for the detention pond to be built. He said the original agreement did discuss the road and a verbal agreement made between the developer and Council. The pond was discussed but nowhere in the original agreement or in the discussion was a time set for the pond. He pointed out the detention pond would help the drainage for Woodside, but additional work will have to be done to help stop the erosion.

Mr. Woody Belangia, developer from Augusta, Georgia, stated there was not an explicit agreement of a time for the installation of the pond, but he felt it made sense to put the pond in when it is actually serving his developments. He said nothing had been done on his land to increase the problem. He pointed out drainage is coming from Target and the Mall. He said when he crossed the crest of the hill to build on that property, then he felt that was the time to install the pond. He said he was not saying that installation of the pond would not help the Woodside situation, as it probably would help Woodside. He said he was saying that right now installation of the pond would not help drainage from his property and he was not creating the problem.

Mr. LeDuc stated there was one solution that Council might want to consider. He said at some point Mr. Belangia would have to build the detention pond. He said that time depends on how quickly he sells his development. He said since some of the responsibility is the city's, since some of the water is from the Mall detention pond, which is now owned by the City, the Target detention pond will become the city's at some point, so the City could go ahead and upfront the money. The pond could be built now and Council set a date for the developer to reimburse the City for construction of the pond.

Mr. Belangia stated he would be agreeable to that. He said he was currently working with the city on a potential land swap with the city installing the infrastructure. He said he was agreeable to the city installing the pond and then he would reimburse the city when he develops the property that would use the pond. He said he just did not want to spend the money for something that he won't use at the present time.

Mr. LeDuc stated if Council wanted to build the pond at this time, the money could come from the Stormwater Fund. He said the cost for the pond would probably be about \$63,000. He said agreements on the land would have to be worked out with the developer before the city could install the pond, since the city does not own the land. He pointed out construction of the detention pond would resolve some of the problems that Woodside is currently having. He pointed out it would not solve all the problems, as

work would still have to be done below the pond to help the erosion. He said if the pond is built and nothing is done downstream, there will still be more erosion and more silting into Royal Lake. He said building the pond would help, but the city would still have to work with Woodside to help take of the problem downstream. He said legalities would have to be worked out to be sure the city gets reimbursed for building the pond.

Mr. Gary Smith, City Attorney, stated if Council wishes for the city to build the pond at this time, he would suggest that Council add a condition to the rezoning request. The condition would be that the City and the owner or developer would enter into a development agreement regarding the detention facility that would have time frames associated with when reimbursement would be expected and when the city would be allowed to go onto the property to construct the detention facility and other issues that would come up as far as permission to go onto the property. He said he would suggest that the rezoning not take effect until such time as the development agreement is approved by Council. He said if Council wished they could make the rezoning contingent on the entry into an agreement between the city and the developer that is acceptable to the City Manager. He said the agreement needs to be done before the rezoning will take effect.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to rezone 5.27 acres north of Spencer Drive from Limited Professional to Residential MultiFamily Low Density conditioned upon the city and owner entering into a development agreement to be approved by the City Manager. City Council is approving RML zoning because residential zoning conforms more with what is already in the area.

#### ANNEXATION – ORDINANCE 01272003A

Penland, Margaret I.  
Westover Drive 15  
Whiskey Road  
TPN 30-055.0-09-011

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 15 Westover Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF .27 ACRES OF LAND, MORE OR LESS, OWNED BY MARGARET I. PENLAND, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated Peggy Penland the owner of a duplex at 15 Westover Drive consisting of .27 acres would like to annex this property into the city under the RS-6 zoning. The primary reason for this annexation is the need to have an emergency hook-up to the city sewer. The proposed RS-6 zoning is compatible with the surrounding RS-15 zoning to the north and the General Business zoning to the south. The lot meets the minimum standard for RS-6 zone.

The Planning Commission unanimously approved this annexation, with the condition that if the existing building, a duplex, ever needed to be intentionally demolished, it could be rebuilt as a duplex. The condition would run with the land. This condition was not included in approval of first reading of the ordinance by City Council. Council discussed this at length at the last meeting, and the City Attorney advised such a condition would not be lawful. He said, however, if the building was damaged by fire she could rebuild the duplex according to the Zoning Ordinance. Mr. LeDuc stated, under the proposed ordinance, if Ms. Penland decided to tear the duplex down, she would not be able to rebuild the duplex unless she got some special permission to do so.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass the ordinance on second and final reading to annex .27 acres of property at 15 Westover Drive with RS-6 zoning without the condition stipulated by the Planning Commission and that the ordinance become effective immediately.

REZONING – ORDINANCE 01272003B

Equity Investments, LLC  
York Street NE 969  
Hazlett, Roberta  
Emel, Sharon  
TPN 30-081.0-03-003  
Rutland Drive  
CVS

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone 1.93 acres at 969 York Street NE.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF 1.93 ACRES OF LAND, OWNED BY ROBERTA HAZLETT AND SHARON EMEL FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB).

Mr. LeDuc stated Equity Investments, LLC is requesting the rezoning from Light Industrial to General Business for a 1.93 acre lot at 969 York Street, NE. The site currently is partially developed as a car lot, and the applicant wishes to develop the entire lot for retail use. The property to the north is occupied by CVS, and across the street is the Winn-Dixie Shopping Center. Development on the northside has recently increased and, although the property is currently zoned Light Industrial, most of the development within the area is General Business, which is consistent with the Comprehensive Land Use Plan. The Planning Commission voted unanimously to approve the rezoning of this property.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on second and final reading an ordinance to rezone 1.93 acres at 969 York Street from Light Industrial to General Business and that the ordinance become effective immediately.

REZONING – ORDINANCE 01272003C

Richland Avenue  
Beaufort Street  
R&H Maxxon, Inc.  
CW Retail Development, Inc.  
TPN 00-155.0-01-121

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

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF 1.03 ACRES OF LAND, OWNED BY R & H MAXXON, INC. FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB).

Mr. LeDuc stated E. Palmer Hudson, representing C.W. Retail, is requesting the rezoning of property at the northwest corner of Richland Avenue and Beaufort Street from Light Industrial to General Business. The 1.03 acre lot is currently vacant and the applicant wishes to develop the lot for retail use. The property is currently in the study area of the Old Aiken Master Plan which is now in progress, and therefore future zoning for this area

is unclear, although General Business zoning is consistent with the current plan. The Planning Commission voted 5 to 1 in favor of this rezoning request.

The public hearing was held.

Mr. Robert F. Fuller, attorney, was present representing the applicant C. W. Retail from Columbia, regarding rezoning of the 1.03 acres at the corner of Beaufort Street and Richland Avenue. He stated the anticipated use for the property is for the development of a general mercantile business, such as a Family Dollar Store. He said the building would be an 8,000 square foot, one-story building, for general commercial retail department store type traffic. He said a retail business would be permitted in the General Business, but not in the Light Industrial Zone. He said many of the businesses along Richland Avenue are more like businesses allowed in the General Business zone than Light Industrial.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council approve on second and final reading an ordinance to rezone property at the intersection of Richland Avenue and Beaufort Street from Light Industrial to General Business and that the ordinance become effective immediately.

AIRPORT – ORDINANCE 01272003D

Lease

Reassignment

Wyatt, Weldon

Wyatt Development Co., Inc.

Aiken Aviation Enterprises, Inc.

BW Airplane, LLC

Sport Plane, Inc.

AV Serv, LLC

Assignment

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to reassign a hangar lease at the Airport.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE ASSIGNMENT OF A LEASE BETWEEN BW AIRPLANE, LLC WITH SPORT PLANE, INC. (NOW KNOWN AS AIKEN AVIATION ENTERPRISES, INC.) TO AV SERV, LLC.

Mr. LeDuc stated several years ago Weldon Wyatt, of BW Airplane, LLC built a hangar at the Aiken Airport, which is located on property in the leased area of our Fixed Base Operator (FBO). This project involved a sublease between BW Airplane, LLC and Sport Plane, Inc. (now Aiken Aviation Enterprises, Inc.), the FBO. According to Article X of the lease agreement between the Fixed Base Operator and the City of Aiken, all sublease agreements need to be approved by the city. Av Serv, LLC, who owns a hangar adjacent to the BW Airplane hangar, would like to purchase this hangar, and City Council needs to formally approve the reassignment of this sublease.

John F. Gibson, III on behalf of Av Serv, LLC has made the request for the reassignment of the sublease.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving the reassignment of the sublease agreement between Aiken Aviation Enterprises and BW Airplane, LLC to Av Serv, LLC and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE

Pine Log Road 1351  
Alpha Street  
Kisner, Steve  
Wyatt, Thomas W. 1997 Trust  
TPN 00-133.0-01-074

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex property at Pine Log and Alpha.

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 5.87 ACRES OF LAND, MORE OR LESS, OWNED BY THOMAS W. WYATT 1997 TRUST AND LOCATED AT 1351 PINE LOG ROAD AND TO ZONE THE SAME PLANNED UNIT DEVELOPMENT (PUD).

Mr. LeDuc stated the city has received an application from Steve Kisner to annex 5.87 acres of property at 1351 Pine Log Road. This property is immediately west of Centre South Shopping Center and east of Alpha and is currently zoned Office/Residential in the county. The applicant is requesting a PUD zoning for the construction of 35 – 37 attached single-family dwelling units. PUD zoning is allowed for areas being annexed to the city.

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

1. If the project cannot use a detention pond on the adjacent property, the applicant is permitted to replace the first two units, between the entrance roads, with storm drainage detention.
2. The project shall have a minimum 4-foot high brick wall along Pine Log Road and a decorative wrought iron fence with brick piers along Alpha Drive.
3. Any chain link fencing shall be vinyl covered in either black or dark green.
4. In lieu of an entrance median, the Alpha Drive frontage shall be heavily landscaped according to a plan approved by City staff.
5. The building design should be as depicted in the drawings submitted by the applicant.
6. All trees shown on the concept plan as preserved are to remain.

Currently the right-of-way in front of this development on Pine Log Road is not included in this annexation. The right-of-way of Pine Log Road east of this development in front of Centre South is in the City and Pine Log Road to the west is outside the City, since properties on either side of Pine Log Road are still in the county. If Council would like to include the right-of-way of Pine Log Road with this development, this should be included in the motion.

Councilwoman Clyburn moved, seconded by Councilman Smith, that the ordinance to annex a 5.87 acre site at Pine Log Road and Alpha Drive as PUD zoning be approved on first reading and second reading and public hearing be set for the next regular meeting of Council and that the ordinance be amended to include in the annexation that portion of Pine Log Road from Centre South to Houndslake Drive.

Councilwoman Vaughters asked questions regarding the development, in particular what trees would remain on the property. A drawing was presented which showed the trees that would be preserved.



Mr. Steve Kisner, 248 Willow Lake Drive, stated the intention for the property was to save every tree not on a building site or roadway or not within 8 to 10 feet of a building. He pointed out every tree that is to be saved is marked on the property presently with orange flagging tape. He said there are trees between the property and Centre South Shopping Center. He said their intent was to build a 6-foot brick fence along Pine Log Road and also along a portion of the Centre South property line. Some of the trees between Centre South and the property will have to come down because of the brick fence. He said, however, on the southeast corner of the property there is a natural area that probably has 50 to 60 good size trees that will be left. On the south side of the property the power line will have to be relocated and some of those trees will have to be removed because of the relocation of the power line. He said they will probably save from 75 to 100 trees currently on the property. Approximately 75 trees will have to be removed, and according to the landscape plan several new trees will be planted.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance on first reading. The motion was unanimously approved.

#### ANNEXATION – ORDINANCE

Gregg Highway 1036  
Barnes, Donald E. Trustee  
Kalmia Hill Chapel  
TPN 00-104.0-01-028

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 1036 Gregg Highway, the location of the Kalmia Hill Chapel.

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 1.0 ACRES OF LAND, MORE OR LESS, OWNED BY KALMIA HILL CHAPEL AND LOCATED AT 1036 GREGG HIGHWAY AND TO ZONE THE SAME LIMITED PROFESSIONAL (LP).

Mr. LeDuc stated the Kalmia Hill Chapel would like to annex their 1 acre site at 1036 Gregg Highway under the Limited Professional (LP) zoning. This site currently is zoned RUD in the county and the proposed zoning is compatible to the O zoning, which is currently south of this area. The LP zoning is intended to provide locations for Limited Professional offices and selected institutional services within residential areas. The right-of-way along Gregg Highway is not included in this annexation.

The Planning Commission voted unanimously at their January meeting to approve the annexation of this property.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve on first reading an ordinance to annex 1 acre at 1036 Gregg Highway as a Limited Professional zone and that second reading and public hearing be set for the next regular meeting of Council.

#### LANDMARK - ORDINANCE

Historic Landmark  
Historic Designation  
Waugh, Jan  
Huckabee, Ginny  
Laurens Street 241  
Legare-Morgan Site  
#10 Downing Street  
TPN 30-028.0-06-002

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to remove an historic landmark designation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE MODIFYING THE LANDMARK DESIGNATION OF THE  
LEGARE-MORGAN HOUSE LOCATED AT 241 LAURENS STREET SW.

Mr. LeDuc stated the city had received an application from Jan Waugh and Jenny Huckabee, owners of the Legare-Morgan site at 241 Laurens Street, to remove two structures currently designated as landmarks. In 1996, the City approved their request to have the Legare-Morgan house and its entire property designated as a historic landmark. This included the main house, the carriage house, and two other out-buildings. At that time, these two out-buildings were included in the designation because the owners were under the impression that it was necessary that the whole site be designated in order to receive the benefits of the local tax incentive program. This amendment is to request the removal of these two out-structures at the rear of the property from the historic designation. The Aiken Historic Preservation Commission and the Planning Commission both voted unanimously to recommend that the designation of the Legare-Morgan house be amended to remove the two rear structures from the landmark designation. This is based on the fact that one of the structures known as the tree house is not historic nor does it contribute to the historic or aesthetic character of the landmark. The other structure known as No. 12 Downing Street is made substantially of reclaimed material from other locations and its history cannot be determined or demonstrated, and several changes to the structure have destroyed whatever historic or aesthetic integrity it may have had. Therefore, it also does not contribute to the historic and aesthetic character of the landmark.

For these reasons, both bodies have recommended that these two structures could be removed from the landmark designation.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to remove two out-structures at the rear of the property of the Legare-Morgan site at 241 Laurens Street SW from their landmark designation and that second reading and public hearing be set for the next regularly scheduled meeting.

COMPREHENSIVE PLAN

Mayor Cavanaugh stated an ordinance had been prepared for first reading to approve the Comprehensive Plan.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN COMPREHENSIVE LAND  
USE AND TRANSPORTATION PLAN.

Mr. LeDuc stated City Council, last summer, approved the revisions to the Comprehensive Plan for all areas south of Pine Log Road. Over the last couple of months, Council has reviewed those districts located north of Pine Log Road and, at this meeting, the recommendations for the Comprehensive Land Use and Transportation Plan are presented for Council's consideration. He said Council had discussed the Plan at the worksession, and Council will hold two public hearings on the Plan to allow the public opportunity to give input. This portion of the Plan will be combined with the Plan adopted for the southside. Once Council has approved these plans, the Planning Department staff will summarize the goals and action plan necessary to officially revise those changes needed within our various ordinances.

Mayor Cavanaugh stated the City Attorney had stated Council needed to suspend the rules to include a third reading on the Comprehensive Plan.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council suspend the rules and allow a third hearing on the Comprehensive Plan.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to approve the revised Comprehensive Land Use and Transportation Plan for the area north of Pine Log Road with the revisions made in the plan at this point and that second reading and public hearing be set for the next regular meeting of Council.

#### STREET – ORDINANCE

Morgan Street  
Aiken County Office Complex  
Richland Avenue

Mayor Cavanaugh stated an ordinance had been prepared for first reading to close a portion of Morgan Street.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ABANDON ITS RIGHT, TITLE AND INTEREST IN AND CLOSE A PORTION OF THE RIGHT OF WAY OF MORGAN STREET.

Mr. LeDuc stated several years ago City Council approved plans to close a portion of Morgan Street as part of the streetscape improvements along Richland Avenue. By closing this section of Morgan Street, a formalized parking lot could be created in front of the County Council Annex to beautify this area and to enhance safety along that portion of Richland Avenue. The County and State have now given the city permission to go forward with these plans. For the City to complete this work Morgan Street will have to be officially deeded over to the city. This would then allow us to close this section and to complete the plan.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to close a portion of Morgan Street next to the Aiken County Annex and that second reading and public hearing be set for the next regularly scheduled meeting.

#### STREET NAME

Eidson, Gene W.  
Hills Woodland Lane  
Wood Pond Lane  
Forest Hills Drive

Mayor Cavanaugh stated a request had been received to change Hills Woodland Lane to Wood Pond Lane.

Mr. LeDuc stated Gene Eidson is currently building a home at 6 Hills Woodland Lane. He recently asked the City for a quit claim deed on a never-opened road in order for him and other property owners to build houses off a private drive. The other owners, Shellhouse and Shealy, also asked for this quit claim deed previously and are in favor of the name change. Mr. Edison would like to rename the eastern portion of the road from Hills Woodland Lane to Wood Pond Lane. The current road, Hills Woodland Lane, no longer goes through to the applicant's property, and there are now two Hills Woodland Lanes off of Forest Hills Drive which do not connect. This is not only confusing to people looking for the applicant's property, but could result in delays by emergency personnel. Thus, the applicant is requesting that the eastern portion of the road be renamed Wood Pond Lane. Both the City's Engineering Department and the Aiken County 911 have approved the proposed name change.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the changing of the street name from Hills Woodland Lane to Wood Pond Lane.

ANNEXATION – ORDINANCE

Hampton Avenue 1215  
Florida Avenue  
Bell, Horace  
TPN 30-025.0-01-005  
TPN 30-025.0-01-004  
TPN 30-025.0-01-003  
TPN 30-025.0-01-002

At the request of Mr. Horace Bell this matter was not placed on the January 27, 2003, Council meeting agenda for second reading and public hearing as Mr. Bell could not be present. He requested that the matter be placed on the February 10, 2003, agenda.

However, Mr. Ronny West, 804 Tennessee Avenue, was present to discuss with Council the possible annexation of Mr. Bell's property on Hampton Avenue, the proposed zoning and use of the property.

Mr. LeDuc stated Mr. Horace Bell had requested annexation of four lots on Hampton Avenue with the two lots facing Hampton Avenue zoned as General Business and the two rear lots zoned residential. Mr. Bell had requested that the matter not be placed on the agenda for this meeting as he could not be present. However by the time the city received the request for postponement the property had already been posted for public hearing. Residents in the area have asked to speak opposing the General Business zoning.

Mr. Ronny West stated he represented residents in the area of Mr. Bell's property. He said residents have been working a long time to try to get the area cleaned up. He pointed out part of the property is in the city and part outside the city. He said the residents in the area are concerned about a business in the area, especially one that sells liquor. He pointed out a business had just been closed in the area because of drugs. He said the residents want the area to be residential. He pointed out there is a church and a school in the close vicinity of Mr. Bell's property. He said residents in the area have pride in their property and they are opposed to a business in the area.

Council discussed the matter of annexation and zoning at length. It was pointed out it is difficult to control matters when property can be developed just outside the city without controls. If the property is annexed the city does have regulations that have to be met. After much discussion it was decided that city staff and some Councilmembers would meet with Mr. Bell and discuss the matter to see if something could be worked out for use of the property that would not be objectionable to the surrounding property owners.

EXECUTIVE SESSION

Legal Matter  
Shaws Creek Water Shed

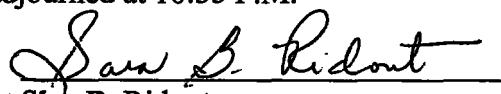
Mayor Cavanaugh stated Council needed to go into executive session to discuss a legal matter and potential purchase of land.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council go into executive session to discuss legal matters.

Council went into executive session at 9:30 P.M. After discussion Councilman Sprawls moved, seconded by Councilman Cuning and unanimously approved, that the executive session end. The executive session ended at 10:35 P.M.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:35 P.M.

  
Sara B. Ridout  
City Clerk