

Aiken City Council Minutes

June 28, 1999

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Perry, Price, and Radford.

Others Present: Roger LeDuc, Gary Smith, Pete Frommer, Larry Morris, Anita Lilly, Ed Evans, Bill Huggins, Richard Pearce, Sara Ridout, Nina Nidiffer of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, and 63 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. The minutes of the regular meeting of June 14, 1999, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

ADDITION TO AGENDAPresentation

Mayor Cavanaugh stated he would like for Council to add recognition of South Aiken High School Tennis Team to the agenda.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council add to the agenda a presentation to the South Aiken High School Tennis Team.

PRESENTATIONSouth Aiken High SchoolTennis TeamAward

Mayor Cavanaugh stated Council would like to recognize the South Aiken High School Tennis Team.

Mr. LeDuc stated the 1999 South Aiken High School Boys' Tennis Team had won the state championship for two years in a row as the South Carolina Class AAAA State Champions. He stated a plaque had been prepared for presentation to the team.

Mayor Cavanaugh asked Coach Mike Hicks and the tennis team to come forward for the presentation. Mayor Cavanaugh read the plaque and presented it to Coach Mike Hicks.

BOARDS AND COMMISSIONSAppointmentsDicks, NathanielHousing Authority

Mayor Cavanaugh stated Council needed to consider an appointment to the Housing Authority.

Mr. LeDuc stated there is an opening available on the Housing Authority and Councilmember Clyburn has suggested the reappointment of Nathaniel Dicks to the Housing Authority. Mr. Dicks has served on the Housing Authority since 1992 when he was appointed to fill an unexpired term and was reappointed in 1993 for a five year term which expired in May 1998. The terms on the Housing Authority are five years by state law. On approval by City Council this appointment would expire May 20, 2003.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Nathaniel Dicks be reappointed to the Housing Authority for a five year term with the term to expire May 20, 2003.

DEMOLITION - ORDINANCE 062899Buildings  
Substandard Houses  
Building Inspection

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the code regarding demolition of substandard buildings.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6-4, THE "UNSAFE BUILDINGS, DWELLINGS, APARTMENT HOUSES AND ROOMING HOUSES ORDINANCE" OF THE CODE OF THE CITY OF AIKEN.

Mr. LeDuc stated that Council has discussed the problem of demolition of sub-standard housing structures. The ordinance currently states that the building official must give a homeowner 120 days in which to upgrade a structure to standards or the house will be declared unsafe and a demolition order issued. Typically, after 120 days, the homeowner will ask for an extension of time to do this work and this will, in many cases, drag out to a year or more. Mr. LeDuc stated the staff has looked at various alternative methods to have the sub-standard houses torn down that are in very bad shape to help avoid an adverse relationship between the City and homeowner.

The staff is proposing that the City establish a program where the homeowner would sign an agreement with the City allowing the city to tear down the building in return for \$200. This would be paid by the homeowner and the funds would be used by the City to pay for non-labor costs in this removal. The City in turn, would use its crews to tear down the majority of these buildings and take the debris to the County landfill. A similar program is being used in Rock Hill and has resulted in a win/win situation for several hundred homes that have been taken down over the last five years. The ordinance change would be for a trial period of six months, after which time the City Manager would report to City Council the results of this program to determine whether to extend the program or terminate the program. When the City has ordered the demolition of these homes in the past, the average cost to the homeowner is between \$3,000 and \$4,000 using an outside contractor. To have a house torn down becomes quite expensive and many times prohibitive, thus causing delays and hurt feelings because of the difficulties in removing these houses. Mr. LeDuc stated the city wanted to try to clean up neighborhoods, reduce crime and try to make the area better for all living in the area. He said there were probably about 100 homes that the city needed to look at.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance amending the unsafe buildings portion of the Code to allow the City to remove unsafe structures upon payment of \$200 by the owner of these residences and that the ordinance become effective immediately.

WOODSIDE - ORDINANCE 062899AEasement  
Woodside Plantation  
Nichols, Donald C. & Emma Lou  
Encroachment  
Utility Easement  
Drainage Easement  
Storm Drainage Easement  
TPN 00-134.02-012

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to grant an easement encroachment to Donald C. Nichols owner of Lot 245, Section 9, Phase I of Woodside Plantation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ALLOWING AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN THE CITY OF AIKEN AND DONALD C. NICHOLS AND EMMA LOU NICHOLS.

Mr. LeDuc stated Donald C. Nichols and Emma Lou Nichols, the owners of Lot 245, Section 9, Phase I of Woodside, desire to build a home that encroaches the storm drainage easement at the back of the property and a side lot line easement. Both Larry Morris and Richard Pearce have reviewed the building layout and restrictions needed on this easement and have no problems with granting the homeowner a portion of the easement to build upon.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass on second and final reading an ordinance to grant an encroachment on a portion of the storm drainage easement for property owned by Donald C. and Emma Lou Nichols in Woodside and that the ordinance become effective immediately.

ANNEXATION - ORDINANCE

Robin Road  
Well  
City of Aiken  
Water  
Pine Log Road  
TPN 00-157.0-01-368

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex the Robin Road well site owned by the City of Aiken.

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 2.2592 ACRES OF LAND, MORE OR LESS, OWNED BY THE CITY OF AIKEN AND LOCATED ON THE WEST SIDE OF ROBIN ROAD AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1B).

Mr. LeDuc stated the City of Aiken purchased 2.259 acres of property along the west side of Robin Road to construct a well to serve the south side of the city. The well site which occupies a small portion of the property is surrounded by a cyclone fence. The parcel is contiguous to the City of Aiken on the west, east, and south side of the parcel. The City is proposing to annex the property and zone the site as R-1B. He said the staff is recommending annexation of all the property, but at some time will probably sell a portion of the property not needed for the well site.

The Planning Commission voted unanimously to recommend approval of the annexation of the Robin Road well site with the condition that the perimeter of the fence be planted with evergreen shrubbery at least three feet in height when planted and to reach a minimum of seven feet in height at maturity. All shrubbery to be placed is to be approved by the City Horticulturist.

Councilman Anaclerio moved, seconded by Councilman Radford and unanimously approved, that Council approve on first reading an ordinance annexing 2.259 acres along Robin Road owned by the City of Aiken with second reading and public hearing to be scheduled at the next regularly scheduled meeting of City Council.

ANNEXATION - ORDINANCE

Whiskey Road 1953  
Owens, Mildred Tyler  
Bojangle's Restaurant  
Ryan's Steak House  
TPN 30-059.0-02-002

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex 2.25 acres owned by Mildred Tyler Owens at 1953 Whiskey Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 2.2566 ACRES OF LAND, MORE OR LESS, OWNED BY MILDRED TYLER OWENS AND LOCATED AT 1953 WHISKEY ROAD AND TO ZONE THE SAME NEIGHBORHOOD BUSINESS (NB).

Mr. LeDuc stated Mildred Tyler Owens has requested annexation of 2.256 acres located at 1953 Whiskey Road immediately north of Bojangles Restaurant to be zoned Neighborhood Business.

This site is located across the street from Ryan's Steak House which intends to move their operations to this property. The property has frontage on a driveway in the WalMart parking lot to the west and Bojangles is situated to the south with Teresa's Mexican Restaurant to the north. The site is heavily wooded on the sides and rear and the Planning Commission has recommended that as many trees as possible be preserved.

The Planning Commission voted unanimously with one person abstaining to recommend approval of this annexation on the following conditions:

1. that trees with a 6" caliper or more along the northern, southern, and western property lines remain except for driveway entrances and essential utility locations to be approved by staff.
2. If possible, a driveway no wider than thirty (30') feet shall be provided to the Wal-Mart property and to each adjacent lot to the north and south of the property as approved by city staff.
3. Within the buildable area, the 18-inch Oak tree, 30-inch Hackberry tree, 18-inch Sugar Maple tree, and 28-inch Pecan tree shall remain.

Councilwoman Papouchado pointed out that Ryan's had been a good partner and she understood the need for development, but she pointed out the city is making sacrifices.

Councilman Anaclerio asked if access would be available through the Wal-Mart property to get to the traffic signal so a person would be able to make a left turn onto Whiskey Road. He said he did not want to have to have a traffic signal that close to the signal at Wal-Mart. He asked if the staff could be sure there would be access through the Wal-Mart property to the traffic signal so people could turn left onto Whiskey Road.

Councilwoman Price moved, seconded by Councilman Anaclerio and unanimously approved that Council pass on first reading an ordinance to annex 2.256 acres at 1953 Whiskey Road with Neighborhood Business zoning and that second reading and public hearing be set for the next regularly scheduled meeting of City Council. Included in the motion was the request by Councilman Anaclerio that the staff check to be sure there was access through the Wal-Mart property to get to the traffic signal to make a left turn.

#### ANNEXATION - ORDINANCE

Evans Road  
Conger Drive  
Bailey, Robert  
Patterson, Karen  
Hedrick, Ernestine  
TPN 30-034.0-02-001 and 002  
TPN 30-033.0-03-008

Mayor Cavanaugh stated an ordinance had been prepared to annex 3 lots at the intersection of Evans Road and Conger 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 THREE (3) LOTS AND 2.12 ACRES OF LAND, MORE OR LESS, OWNED BY SEVERAL OWNERS AND LOCATED AT THE INTERSECTION OF EVANS ROAD AND CONGER DRIVE AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1).

Mr. LeDuc stated three owners of lots totaling 2.75 acres at the intersection of Evans Road and Conger Drive are requesting annexation. Each of these parcels is occupied by a single family home. The area is contiguous to the City on the east. The proposed R-1 zoning is compatible with that of the surrounding neighborhood and each lot meets the minimum requirement for R-1 zone. The annexation would also include that portion of Evans Road from the existing City limits to the intersection with Conger Drive. The Planning Commission voted unanimously to recommend the annexation of this property and that portion of Evans Road.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved, that Council pass on first reading an ordinance to annex three lots located at the corner of Evans Road and Conger Drive with R-1 Single Family Residential zoning and that second reading and public hearing be set for the next regular scheduled City Council meeting.

ANNEXATION - ORDINANCE

Faulkner, Elise D.  
DeLoach Property  
Powder House Road  
Rieter Corporation  
Ford Conger Field  
TPN 00-156.0-01-015

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex 33.59 acres on Powder House Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 33.59 ACRES OF LAND, MORE OR LESS, OWNED BY ELISE D. FAULKNER AND LOCATED ON THE WEST SIDE OF POWDER HOUSE ROAD AND TO ZONE THE SAME PLANNED UNIT DEVELOPMENT (PUD).

Mr. LeDuc stated Elise Faulkner has requested the city consider annexation of 33.59 acres located west of Powder House Road and immediately south of Ford Conger Field all of which is to be zoned Planned Unit Development (PUD). The land is currently vacant and contiguous to the city limits on the east and west sides. To the south of this property is the industrial property of Rieter Corporation, and Carolina Equine Clinic is located on the northeast corner of the property. Planned Unit Development allows for more flexibility for the developer and allows them to vary the size of the lots and the housing choices on that property. With PUD zoning the developer could put in a mixture of housing types and land uses and allow more usable open space and preservation of the environment within the development. A PUD does not have any minimum lot sizes or setbacks which would allow for the mixture of uses. In exchange for this increased flexibility the city has complete control over the design of the PUD and the intensity of its uses.

The developer has met with the Planning Commission on several occasions and as a result of a work session on April 29, 1999, has revised the concept plan that was approved by the Planning Commission. The plan has a mixture of housing units, and they have decreased the number of units from the original proposal from 186 to 168. The number of single family detached units has increased from 81 to 88, and the number of duplexes has decreased from 56 to 28 with 52 townhomes included in the plan. There is more open space arranged within the plan, particularly an area on the northeastern portion of the site. The townhomes and duplexes have now been located at the southern portion of the site which is near Rieter Corporation. Instead of two entrances from Powder House Road they now have only one entrance onto this roadway. A wall is shown along the Powder House Road frontage and in addition there is an acceleration/deceleration lane for the subdivision. PUD would allow up to 75% of the area to be used for residential while the plan shows 42%. Twenty-five percent open space is required whereas this plan has over 42% with a walking trail around the perimeter of the property as well as within portions of the interior. All roads within the development would be dedicated to the city except for the road serving the townhome units which would be private.

The Planning Commission voted 4 to 2 to recommend approval of the concept plan with the following conditions:

1. that buffers along the property line remain untouched except to allow the hiking and jogging trail,
2. that the 25 foot deep buffer along the western boundary adjacent to Douglas Drive and Virginia Acres includes a berm at least 5 feet high,
3. that explanatory notes be added to the concept plan regarding the depth of the buffers,
4. that a wall be erected along Powder House Road, and
5. that the length of the dead end street be allowed to exceed 1,000 feet.

June 28, 1999

With this annexation Council would also be approving the concept plan for this development. This plan would need to be followed by the developer and could only be changed upon approval by City Council.

Mr. Gary Smith, City Attorney, stated he had received a new plat which had a minor modification. He said the minor modification is that a portion of the tract has already been annexed, that portion being an easement on the property.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved that Council pass on first reading an ordinance approving the annexation of 33.59 acres located west of Powder House Road immediately south of Ford Conger Field with Planned Unit Development zoning and with the amended plat being presented before second reading and that second reading and public hearing be set for the August 9, 1999, meeting of City Council.

#### PLANNING COMMISSION

##### Action Agenda

##### FY2000 Action Agenda

Mayor Cavanaugh stated Council needed to approve the FY 2000 Action Agenda for the Planning Commission.

Mr. LeDuc stated that at the June 15 Planning Commission meeting, the Commission developed their Action Agenda for fiscal year 2000. At the beginning of each fiscal year the Commission recommends to City Council an Action Agenda prioritizing a list of issues which they feel needs to be addressed. The Action Agenda was unanimously approved by the Planning Commission and is submitted to City Council for approval, or should Council desire, they can change their priorities. In this plan, the Commission's number one concern is the reconsideration of the draft zoning ordinance which was sent back to them by City Council on May 24. If Council would like to add, delete or change the priorities, it could be done at this time.

Councilman Perry moved, seconded by Councilwoman Price and unanimously approved, that Council approve the FY 2000 Action Agenda developed by the Planning Commission.

Councilwoman Papouchado expressed concern about priority number 8 which is amending the Zoning Ordinance regarding horses in single family residential zones. She said she did not have a problem with the item being evaluated, but did not want to approve anything beyond looking at the issue. It was pointed out that any proposed changes would have to be approved by City Council by ordinance.

#### MILLENNIUM COMMUNITY

Mayor Cavanaugh stated he had received a letter from Hillary Rodham Clinton congratulating the City of Aiken for being selected as an official Millennium Community and for planning meaningful community projects for the millennium.

#### HOPELANDS GARDENS

Councilman Anaclerio pointed out some citizens had mentioned the unsightly canal at Hopelands Gardens. He asked that Mr. LeDuc comment on the problem.

Mr. LeDuc stated there was an algae condition at Hopelands which is really an exotic weed called spike weed. He said the city had tried a number of things to kill it but had not been successful. He said the staff is still trying to find something to kill the weed.

#### ADJOURNMENT

There being no further business the meeting adjourned at 8:15 P.M.



Sara B. Ridout  
City Clerk