

### REGULAR MEETING

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

Absent: Councilman Cuning

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Richard Pearce, Ed Evans, Glenn Parker, Anita Lilly, Lalita Ashley, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, and about 20 citizens.

Mayor Cavanaugh called the meeting to order at 8:05 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag. Mayor Cavanaugh stated that Councilman Cuning was in the hospital.

### APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. He stated in the work session Council had asked that the matter of appointment of a task force for study of the Old Aiken Master Plan be added as item 8 under New Business.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be accepted as amended.

### MINUTES

The minutes of the regular meeting of March 25, 2002, were considered for approval. Councilman Sprawls moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

### PRESENTATION

Boards and Commissions  
Certificates of Appreciation  
Anderson, George  
Board of Zoning Appeals  
Findley, James  
General Aviation Commission

Mayor Cavanaugh stated Council would like to recognize volunteers who had rotated off some of the boards and commissions of the city and present a Certificate of Appreciation.

Mr. LeDuc stated this is recognition of two volunteers that have given of their time and support to the City of Aiken.

George Anderson served on the Board of Zoning Appeals from November 25, 1968 to February 25, 2002.

On behalf of Council Mayor Cavanaugh thanked Mr. Anderson for all of his work and service to the community and presented a Certificate of Service.

Mr. Anderson stated his service on the Board of Zoning Appeals had been a rewarding experience and that he had learned a lot. He said he was so happy to have been a part of the Board of Zoning Appeals. He said if he can help in any way in the future he would be happy to do so.

Mayor Cavanaugh stated James Findley served on the General Aviation Commission from December 14, 1998 to October 8, 2001. Mr. Findley could not be present at the meeting so his certificate will be mailed to him.

ANNEXATION – ORDINANCE

Pine Log Road East  
Squire Street  
TPN 00-180.0-01-008  
TPN 00-180.0-01-055  
TPN 00-180.0-01-274  
Home Sites, Ltd.  
Toolebeck Road  
Deodar Plantation Subdivision

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

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 53.2 ACRES OF LAND, MORE OR LESS, OWNED BY HOME SITES, LTD. AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated that, in February, City Council approved a request for water and sewer to a 53.2 acre development off of East Pine Log Road at Squire Street. The developer intends to construct stick built homes on this property and at the time of the utility request Aiken City Council asked that the property be annexed into the city. Since this time we have discussed the utilities with the Couchton-Montmorenci Water District, and they are allowing the City of Aiken to serve this site with sewer, but they will provide the water to this development since this is in their territory. This is according to an agreement that the city and Couchton-Montmorenci Water District approved several years ago as their territory. Montmorenci will give us the monthly water billings for each of these homes which we will then use to produce a monthly billing for sewer, garbage and stormwater at each of these home sites.

The Planning Commission unanimously recommended annexation based on two conditions:

1. that paved stub-outs connect with future developments to the south and southwest prior to connection of sanitary sewer lines to any house;
2. that a protective barrier is installed to the drip line around the Deodar Cedar near the current house located on the site prior to any work being done, including demolition of the house, and should be maintained until the entrance road is completed.

Mr. LeDuc stated the developers will be appearing before the Planning Commission on Tuesday to ask for a variance on the 200 foot length that is required for a landscape island. He said most landscape islands are long and narrow. In this case the developer is asking that the landscape island be much larger to protect the Deodar Cedar for which the subdivision is named.

The other condition concerned the paved stub-out to the southwest and southern portion of this property. A road is proposed to go to Toole Beck Road. The condition of the Planning Commission is that no sanitary sewer lines be allowed to be installed to any new houses until that road is in place. The developers have agreed to build the road, but they would like to wait until the second or third phase of the project to provide the stub out. Their reason is that they are concerned that people will come off Toole Beck Road and vandalism and other problems could result on that property. He said they were also concerned that this could become a short cut in the future, and they plan to ask the Planning Commission for calming devices to be provided on that road in the future, possibly some kind of island at the intersection just beyond Toole Beck Road so people will not go from Toole Beck Road up to Pine Log Road through this development.

Mr. LeDuc stated the developers are asking that the condition that the stub outs be provided prior to connection of sanitary sewer lines to any house be changed. He said

they agree to the stub outs, but the stub outs would be placed at a later phase so as not to get people cutting through the area. He said if the stub outs are delayed that means for a period of time there will be road lengths that will be at 1,000 feet or greater, which is in violation of the Subdivision Regulations. He said the developers would like to ask that they be allowed to have a deadend over 1,000 feet in length until the stub out is made. He said the developer plans to put in about 20 to 25 homes per year so in about 3 or 4 years the stub out to Toole Beck should be in. Within 5 years the development should be built completely.

The public hearing was held.

Mr. Mark Graham stated he would like to request that annexation be delayed. He pointed out that if Council passes the ordinance the property would be annexed to the city. If the Planning Commission denies the variance request at the Planning meeting on Tuesday or places stipulations on the development that are not agreeable, the property would be in the city and the developer did not want that. He said they would like to get a community developed before they make the stub out connection to Toole Beck Road. He said the Planning staff had recommended that the variance be denied. He said they did not want to be in that situation. He said they would like to build a nice project and build on their timeframe. He said in the third phase they would tie the road in. He said if this is not something that the city can do he would prefer that Council either postpone the annexation ordinance or the developer would withdraw the annexation petition. Mr. Graham stated the concern was explained at the Planning Commission, but he felt the recommendation made to Council was not the correct recommendation from the Planning Commission. He pointed out that the way the recommendation is written is that the developer could develop 25 lots or more, but could not connect to the sewer until the stub out to Toole Beck Road is made. He said the developer could not afford to build houses and not be able to tie into the sanitary sewer until the development is built to Toole Beck Road. He pointed out the present plans are to build about half way to Toole Beck Road. He said his request is that Council delete the phrase "prior to connection of sanitary sewer lines to any house" at the end of the condition that paved stub-outs be provided. He said they plan to do the stub outs, but the stub-out to Toole Beck Road would not be done until the third phase of the development. He asked that Council delay action on adoption of the ordinance or he would request that the petition for annexation be withdrawn. He said they needed to know the Planning Commission's recommendation before completing the annexation. He said they want to annex the property, but they are having to go back to the Planning Commission for a variance. They did not want to annex if the variance will not be granted or if there is a stipulation that the developer cannot comply with.

Councilwoman Vaughters expressed concern about large trees on the property and if they would be removed during development. Mr. Graham stated the plan shows green space, but there are no parks in the subdivision. He said they plan to save as many trees as possible as it would be better for their development and for prospective buyers.

Ms. Rosamond McDuffie stated she was concerned about the Deodar Cedar and wanted to be sure it was protected.

Mr. Graham stated a horticulturist had been hired. He has looked at the tree and he suggested how far the road should be from the tree to protect the tree. He said this tree is important since the subdivision will be named Deodar Subdivision.

Councilman Smith moved that the annexation request for 53.2 acres of property on East Pine Log Road at Squire Street with RS-6 zoning be continued to the next meeting of Council after the Planning Commission has acted on the variance request. The motion was seconded by Councilwoman Clyburn and unanimously approved.

ZONING ORDINANCE – ORDINANCE 04082002AAmendmentLandscaping and Tree OrdinanceTree Ordinance

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance to enhance landscaping and tree preservation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE TO ENHANCE LANDSCAPING AND TREE PRESERVATION.

Mr. LeDuc stated that at the work session on March 11, 2002, Bill Reynolds of the Planning Commission discussed the results of working with city staff to amend our current Tree Ordinance. The proposed changes are shown in Article 6 of the Landscaping and Tree Ordinance and Design Standards. Several meetings were held, with the last attended by a dozen individuals who either were involved with the design, landscaping plans, nurseries, or installation of trees for many of the commercial and residential developments in Aiken. Based on their comments and information received from many other cities, plus general comments from the community, Mr. Reynolds has put together these changes for Council's review and approval.

The Planning Commission discussed these changes at their February 12, 2002 meeting and voted unanimously to recommend approval of the proposed amendments on the condition they be reviewed after one year to determine if any additional changes are necessary.

Some of the major changes include requiring irrigation to be installed in all new locations, whereas currently over 25% of the time locations do not have irrigation. It will also be a requirement that a tree survey be completed for all new developments, where currently only those under two acres are surveyed. This survey should help avoid some of the problems we faced like at Trotters Run Apartments off Varden Drive. The new ordinance will also establish a Tree Fund if the developer cannot for some reason meet the number of inches required to be planted on the site with the funds being deposited in a city account for planting of trees on city property. The new language also requires that no more than 80% of the significant tree inches on a site should be removed and that landscaping islands be placed every 10 parking spaces and offset so as not to be in a straight line. This will help break up the vast asphalt expanse and discourage vehicles criss-crossing through a shopping area. The new ordinance will be counting inch diameters of trees not the number of trees and gives credit for saving significant trees, thus giving more flexibility to the developer and staff. Along with all of these requirements the developer will also be able to reduce the diameter of newly planted trees from 3 inches to 2 inches.

The public hearing was held.

Mr. Bill Reynolds of the Planning Commission stated a survey had been done of about 20 cities in the Southeast of landscaping and tree preservation ordinances to get a sense of where Aiken falls in the saving of trees in developments. He said they also talked to about 20 interested parties who do business in Aiken such as landscapers, developers, business owners, etc. He said they tried to separate fact from opinion. He said there are very few facts regarding tree preservation and landscaping; it is mostly opinion. He said there were two major areas it was felt Aiken needed to improve. One deals with trees in terms of the number, kind, how they are inventoried. He said the study involved comparing Aiken's ordinance to other cities. He said a one acre area was used to do the comparison with some assumptions. He said under the current ordinance versus other cities only 2 significant trees would have to be saved under Aiken's ordinance. Only two other cities surveyed required fewer trees to be saved. The average is 15 significant trees to be saved versus Aiken's 2. The proposed ordinance would bring Aiken in line with the average of the other cities. He pointed out the proposed ordinance suggests counting

inches not trees. Mr. Reynolds showed some slides of before and after projects permitted under the current tree ordinance.

Mr. Reynolds stated the other major area in the proposed ordinance is parking lots. He stated the proposed ordinance suggests that landscaping islands be placed every 10 parking spaces and offset so as not to be in a straight line. This will help break up the vast asphalt expanse and discourage vehicles criss-crossing through a shopping area.

Mr. Reynolds asked that Council consider the proposed ordinance as a package. He said he felt the proposed package provides fair and reasonable development requirements and would better perpetuate the natural beauty of Aiken.

Mr. Mark Graham stated he works a good bit in Augusta, and they are not required to save any trees in Augusta, but are required to have a certain number of tree points after the development is finished. He also pointed out that no trees were saved on the Hitchcock Plaza and Publix Center developments. He said the areas look good now because trees were planted and they are now matured. He said he felt this needed to be taken into consideration. He pointed out the Bi-Lo Center on the northside of town was one of his projects, but he said the Bi-Lo could not have been built if a tree had to be saved in the middle of the area as the area had to be cut or filled. He said trees could be saved on the front, sides and rear, but not in the middle.

Ms. Rosamond McDuffie pointed out the shopping center on Whiskey Road where Goodwill is presently located and the vast parking area. She said all those parking spaces will never be used. She asked that Council cut back on the number of parking spaces allowed for developments.

Council then briefly discussed the number of parking spaces allowed in developments. It was pointed out the present ordinance has a minimum of spaces required but no maximum number allowed. It was stated the number of parking spaces is not addressed in the proposed ordinance, but the Planning Commission could be asked to address this matter. Council agreed to ask the Planning Commission to address having a maximum number of parking spaces for developments.

Mr. Lynn Zody, of Burger King, spoke to Council. He stated the properties that he had developed had no trees to begin with, but now the properties have many trees. He said trees are important so he was not anti-tree or anti-landscaping. He said there were things in the proposed ordinance which he did not like and which he felt were not good for Aiken. He then reviewed each of his concerns, which included DBH or drip line, tree fund, sign visibility, protected areas-DBH, area required to be landscaped-20% and 40%, and islands at the end of a row-traffic hazards. He was concerned that the regulations would make some properties unusable.

Mr. Reynolds stated most of the matters are opinions. He said they looked at other cities, and they received input from businesses and citizens and took this back to the Planning Commission. He asked that Council consider approval of the proposed ordinance. He said the ordinance would be reviewed in a year.

Councilwoman Price moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance to enhance landscaping and tree preservation and that the ordinance become effective immediately.

#### BUILDING CODES – ORDINANCE

##### Electrical Code

Mayor Cavanaugh stated an ordinance had been prepared to repeal Article II of the Electrical Code of 1966.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE REPEALING ADOPTION OF THE AIKEN OFFICIAL BUILDING CODE, ARTICLE 2, ELECTRICAL CODE, OF 1966.

Mr. LeDuc stated in November, 2001, City Council approved the adoption of the International Building Code for the City of Aiken along with all other governmental agencies throughout the state. Recently the staff discovered that one of the city's current Electrical Sections, 106, is in direct conflict with the new International Building Code and needs to be repealed. This particular code was adopted as a local ordinance, and the city cannot adopt its own code without review and approval of the Building Codes Council for the State of South Carolina. Since the city has adopted the International Building Codes they no longer need to have their own local code since the International Code overrides all those on a local level.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to repeal the city's official Building Code Article II Electrical Code of 1966 and that second reading and public hearing will be set for the next regular meeting of Council.

RECREATION VEHICLES – ORDINANCE

Campers  
Trailers

Mayor Cavanaugh stated an ordinance had been prepared for first reading to repeal Chapter 30 of the Aiken City Code regarding Recreation Vehicles and Campers.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE REPEALING CHAPTER 30 OF THE AIKEN CITY CODE REGARDING RECREATIONAL VEHICLES AND CAMPERS AND PERMITS TO LOCATE THEM OUTSIDE TRAILER PARKS.

Mr. LeDuc stated Section 30 of the City code entitled "Recreation Vehicles and Campers" currently conflicts with certain provisions of our Zoning Ordinance and should be repealed. Section 30 was apparently adopted in the 1950's probably in response to the many trailer parks that sprung up in conjunction with the construction of the Savannah River Site, and this ordinance has not been enforced for many years.

In November, 1999 when City Council adopted the Aiken Zoning Ordinance it defined a recreational vehicle as a unit which would provide temporary living quarters for recreation, camping and vacation use and would not include mobile or manufactured homes.

Chapter 30 of the City Code defines a trailer coach as a portable structure having no foundation other than wheels, so designed or constructed to permit occupancy for dwelling or sleeping purposes, and requires a permit for storage on any location within the city other than a trailer park.

One of the regulations within our Zoning Ordinance currently allows the storage of recreational vehicles by right in residential districts under certain restrictions. The City Code meanwhile requires a special permit from the city for recreational vehicles to be stored, as is now common place. The second conflict with Section 30 prohibits the issuing of a permit to park, place or occupy a trailer for sleeping or dwelling purposes at any place outside of a city trailer park. However, our new Zoning Ordinance allows by right the temporary storage or parking of a recreational vehicle and for housing of temporary guests for a period not to exceed two consecutive weeks during any one calendar year.

For these two reasons we feel that Section 30 needs to be repealed since it is in direct conflict to the Zoning Ordinance.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that an ordinance be passed on first reading to repeal Section 30 of the Aiken

City Code and that second reading and public hearing be scheduled for the next regularly scheduled meeting.

### REZONING – ORDINANCE

Rose Hill

Barnwell Avenue

Greenville Street

Florence Street

Edgefield Avenue

TPN 30-027.0-04-001

TPN 30-027.0-04-002

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone Rose Hill Estate from Residential Multi-Family to Limited Professional.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE KNOWN AS 215 GREENVILLE STREET NW AND 248 FLORENCE STREET NW, BEING THE BLOCK BOUNDED BY BARNWELL AVENUE, GREENVILLE STREET, FLORENCE STREET, AND EDGEFIELD AVENUE, FROM RESIDENTIAL MULTIFAMILY HIGH-DENSITY (RMH) TO LIMITED PROFESSIONAL (LP).

Mr. LeDuc stated Steven and Eva Mueller are requesting the rezoning of Rose Hill Estate, a 4 acre parcel comprising the entire block surrounded by Barnwell Avenue, Florence Street, Edgefield Avenue and Greenville from Multi-Family High Density to Limited Professional. This property is within the Historic District. The estate consists of a main house and several out buildings and the Muellers have a contract to purchase the property. They are presently living in the main house and propose to move their business, Skelley Dental Arts, to one of the out buildings on Edgefield Avenue. This business, which employs eight individuals, produces custom ceramic dental appliances by prescription and there is little or no customer traffic. The property to the north of this property is zoned Residential Multi-Family Low Density with some single family residential. To the south property is zoned Multi-Family High Density and Limited Professional and currently is occupied by Aiken Preparatory School. To the west the land is zoned Residential Multi-Family High Density, to the east it is zoned Limited Professional with primarily single family residential and offices, and diagonally across the intersection of Barnwell and Greenville the property is zoned Downtown Business.

The current Residential Multi-Family High Density zoning would allow up to 60 dwelling units on the site. The LP zone would only allow small office buildings and can be considered compatible because to the east and southwest it is also zoned LP. However, since the property is in the Historic District any significant changes or new construction would need to be approved by the Historic Preservation Commission. This historic estate has been vacant for more than four years and, although Limited Professional would allow any of the permitted uses for LP, all significant changes to the property would require approval by the Historic Commission and therefore any major changes are unlikely.

The Planning Commission met at a special meeting and voted to unanimously approve the rezoning with the condition that only a custom dental office use can be moved to this property or the zoning would revert to Residential Multi-Family High Density and that the rezoning of the separate lot at the northwest corner of the block not take effect until the applicant takes ownership of the property.

Mr. LeDuc stated there is a separate piece of property on the northwest corner that the Muellers plan to purchase. They would like to make the entire block Limited Professional. Once they own the property the recording of the plat would eliminate the property line so the smaller lot is combined with the rest of Rose Hill and there would be one parcel zoned as Limited Professional.

Councilwoman Clyburn moved, seconded by Councilman Sprawls, that the ordinance to rezone Rose Hill Estate, including the block bounded by Barnwell Avenue, Greenville Street, Florence Street and Edgefield Avenue, be rezoned from Residential Multi-Family High Density to Limited Professional and that second reading and public hearing be set for the next regularly scheduled meeting.

Mr. Steve Mueller stated he had a contract to purchase the property, but it was contingent on Council rezoning the property from Multi-Family High Density to Limited Professional. He stated he was requesting that Council delete the portion of the condition for rezoning "that only a custom dental office use can be moved to this property or the zoning would revert to Residential Multi-Family High Density." Mr. Mueller pointed out the Limited Professional zone is a narrowly defined zone. He stated if the property were to revert to Residential Multi-Family High Density apartments could be on the property, and if there were 60 apartments the traffic in the area could be greatly increased. He pointed out that it had been demonstrated that the property can't be easily sold as residential because the nature of the property is too burdensome. He said if something were to occur that he had to sell the property, if the property reverted to residential he would have to try to get someone to purchase the property as a residence, which would be difficult. He said if the property could remain as Limited Professional, if he had to sell the property the uses are narrowly defined as to what it could be used for and any changes would be controlled by the Historic Preservation Commission.

Mr. Mueller stated he would not be changing the exterior of the buildings and the only Limited Professional use planned for the property is the dental lab. He stated, however, that he would like to have the condition removed regarding the zoning reverting to Residential High Density because if he had to sell the property it would be very difficult to sell the property as a residence.

Councilwoman Clyburn stated it had been clearly stated by some of the Historic Preservation Commission members that if the property were left zoned Limited Professional that the Historic Preservation Commission would have to approve any changes to the property and the Commission would be very careful about protecting the integrity of the property.

Mr. Gary Smith stated he felt that a condition that would apply to something happening in the future where the property would revert to Residential High Density is not a legally enforceable condition. He said from his point of view it is acceptable to impose a condition that can be satisfied prior to the rezoning. However, to impose a condition at some time in the future can be challenged in the future.

Councilman Smith pointed out he understands that the house cannot be changed because of Historic Preservation Commission regulations so if Mr. Mueller has to sell the property something similar will have to be on the property because regulations will keep it from being changed for other uses.

Councilwoman Vaughters pointed out that presently there are very limited uses allowed in the Limited Professional zone so Council will have to be careful about amending the ordinance and allowing other uses in the LP zone in the future.

Councilwoman Clyburn pointed out that at the Planning Commission meeting Mr. Mueller got the zoning that he requested but the Commission put a condition on the rezoning which Mr. Mueller was not happy with at the time. She said, however, the Historic Preservation Commission says it doesn't matter whether it is zoned Limited Professional or Residential Multi-Family because the Historic Preservation Commission will have a lot to say about what kind of changes can be made to the property. She pointed out the neighbors in the area supported Mr. Mueller's request for rezoning.

Councilman Smith stated he would like to ask that the motion be amended to remove the clause that only a custom dental office use can be moved to the property or the zoning would revert to RMH zone.



Councilwoman Clyburn and Councilman Sprawls stated they would accept the proposed amendment to the motion to remove the reverting clause.

Attorney Gary Smith stated he felt the Planning Commission should not agree to a rezoning only to be used for a particular purpose. He said when property is rezoned you should agree that the property can be used for whatever that zone allows.

Mayor Cavanaugh called for a vote on the motion that the ordinance to rezone Rose Hill Estate from Residential Multi-Family High Density to Limited Professional, including the block bounded by Barnwell, Greenville, Edgefield and Florence, with only one condition that the rezoning of the separate lot at the northwest corner of the block not take effect until the applicant takes ownership of the property and the lot line is removed with the property being one parcel, be approved. The motion was unanimously approved with second reading and public hearing set for the next regular meeting of Council.

### DESIGN MANUAL

#### Historic Preservation Commission

Mayor Cavanaugh stated an ordinance had been prepared for first reading to revise the Design Manual for the Historic Preservation Commission.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE ADOPTING DESIGN GUIDELINES PREPARED BY THE CITY OF AIKEN HISTORIC PRESERVATION COMMISSION FOR HISTORIC PROPERTIES.

Mr. LeDuc stated last December City Council held a joint meeting with the Historic Preservation Commission to discuss the new Design Manual. The current guidelines have been in effect for eleven years and over the last two years the Commission has worked diligently to modify and to make several changes to the guidelines.

The Design Manual has now been completed and the Historic Preservation Commission would like City Council to consider the approval of this manual. The Design Manual is used by staff and the Commission alike and is the basis for all the decisions which are made concerning any renovations or new construction within the Historic Overlay District. Margaret Marion, a former city staff member, has been working with the Commission and is available to answer any questions concerning the manual.

Councilwoman Price moved, seconded by Councilwoman Vaughters and unanimously approved, that the ordinance to approve the new Design Manual for the Historic Preservation Commission be passed on first reading and the second reading and public hearing be set for the next regularly scheduled meeting.

### DEVELOPER AGREEMENT

#### Spring Stone Subdivision

#### Twin Lakes

#### Statford Hall Drive

#### Whiskey Road

Mayor Cavanaugh stated a developers agreement had been prepared for Council's consideration for Spring Stone Subdivision.

Mr. LeDuc stated for several years the City of Aiken has approved a developer's agreement between the city and the developer for any large commercial or residential subdivision. Country Home Builders is nearing completion of their infrastructure work at the Spring Stone Subdivision, formerly known as Twin Lakes, just off Stratford Hall Drive.

The developer's agreement sets up the responsibilities for both parties concerning the infrastructure and their maintenance. The only major change in this development agreement from others concerns item 6 which requires the developer to provide a 50 foot

right of way across the remaining portion of the developer/owner's property to Sizemore Drive. This will provide another access to this development and Statford Hall and provide an inter-parcel access between properties.

Mr. LeDuc stated there had been some controversy between the homeowners in Statford Hall, as there were questions as to who owns Statford Hall Drive and other roads in the subdivision. He said the city had been maintaining the streets.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved that Council approve the developers agreement between the City of Aiken and Country Home Builders of Aiken, LLC for Spring Stone Subdivision.

#### AUDITORS

Cherry, Bekaert and Holland

Fiscal Year 2003

Fiscal Year 2004

GASB 34

Mayor Cavanaugh stated Council needed to consider approval of auditors for fiscal year 2003 and 2004.

Mr. LeDuc stated the city's auditors, Cherry, Bekaert and Holland, have been providing auditing services to the City of Aiken for the past three years, and our current fiscal year is scheduled to be their last one. Beginning this year the Governmental Accounting Standards Board (GASB) has made significant changes to Statement 34, Basic Financial Statements and Management Discussion and Analysis for State and Local Governments. These changes include the establishment of new requirements to be prepared by all state and local governments. This new standard which is acronymed GASB 34, will require an accounting of all governmental assets and infrastructure for each governmental community. This will necessitate the development of a new asset management system for several of our funds within the city. We feel that with these new procedures that need to be developed that Cherry, Bekaert and Holland would be the obvious choice to do this work and to make sure that these procedures are implemented properly. For this reason we are asking for an extension on their audit contract through this implementation period for years 2003 and 2004.

The staff conducted a survey of several other local governments in South Carolina and many of them have used their auditors for more than four years and are also looking at extending their contracts due to this new requirement. Once we have completed this process we will then rebid the audit and look for a new auditor for the City of Aiken.

This year's 2002 audit is budgeted for \$28,000. For the following two years Cherry, Bekaert and Holland is requesting \$29,500 with an additional \$2,950 for the auditing procedures relating to the implementation of GASB 34. In addition, they will set up the city's entire system to implement GASB 34 for a one time fee of \$12,000.

The staff is recommending approval of Cherry, Bekaert and Holland to provide these services for an additional two years.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Cherry, Bekaert and Holland be approved to complete the city's audit for years 2003 and 2004 and to set up the auditing procedure for the new implementation of GASB 34.

#### BID

Hidden Haven

Sewer

Mayor Cavanaugh stated Council needed to approve the bids for the Hidden Haven Sewer.

Mr. LeDuc stated a new sewer line at Hidden Haven adjacent to Woodside Plantation is not listed in this year's budget, but the line is needed to replace the septic tank within this

development, which annexed into the city about ten years ago. Once completed the sewer line will safeguard the water quality in the area and eliminate the need for a septic tank hauler to maintain the septic tanks. With the new well being constructed in the area it becomes necessary to avoid any problems concerning possible contamination.

Four bids were received for this work with the lowest bid from Gene Ray Fulmer at \$33,600. This money is available in our Holding funds, and we recommend its approval.

The bids received were as follows:

Mabus Brothers	\$85,402.50
LAD Corporation	59,207.60
Beam's Pavement	41,680.20
Gene Ray Fulmer Const.	33,600.00

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the bid of Gene Ray Fulmer Construction to construct a sewer line in Hidden Haven for \$33,600.

### SIGNS

#### Banners

Strawberry Festival

St. Thaddeus Church

Mead Hall Episcopal School

Mayor Cavanaugh stated Council needed to consider a request from Mead Hall Episcopal School for banners advertising the Strawberry Festival.

Mr. LeDuc stated Mead Hall Episcopal School is planning their second Strawberry Festival for Saturday, May 11, 2002, at St. Thaddeus Church. They would like to advertise the festival by using banners in the downtown area similar to the Character banners. They would hang two to four banners at the intersection of Richland and Laurens or at Richland and Pendleton Street, both of which are close to their school. The banners would have a large picture of a strawberry and state "Mead Hall Strawberry Festival, May 11, 9 a.m. - 3 p.m., at St. Thaddeus Church."

According to our Zoning Ordinance requests of this nature are approved by City Council. Gary Smith our City Attorney has reviewed this request concerning the hanging of temporary banners and signage for events like this festival, and his opinion is that Council has the right to approve such signs to advertise public events, but once such a request is granted there would probably be other requests and Council would have no control over what types of other events may make this request. He felt once Council allows one group to utilize the lamp post banners, it will be difficult to forbid others from hanging such banners.

City Council discussed the request at length. There was the feeling that they did not want banners in the parkways. It was also felt that if a banner is allowed at Richland and Laurens everyone would want to start putting a banner on Laurens Street.

Ms. Renee Reid, PTO President of Mead Hall Episcopal School, pointed out that the light poles have another arm so there is room for a banner.

Mayor Cavanaugh stated he felt that the arms for banners were basically put there for City use for such things as Christmas banners and other banners for city use, not necessarily for other organizations to advertise. He felt to allow this would be opening this up for requests from many others.

Councilman Smith moved, seconded by Mayor Cavanaugh and unanimously approved, that Council deny the request from Mead Hall Episcopal School to hang banners on the light poles advertising the Strawberry Festival. Councilman Smith stated he felt to grant the request would be setting a precedent that could cause problems in the future.

OLD AIKEN MASTER PLANDowntownTask ForcePlanning Commission

Mayor Cavanaugh stated Council had added an item to the agenda to consider how the Old Aiken Master Plan Task Force is to be formed.

In the work session Councilwoman Vaughters had discussed with Council the procedure which was being followed to appoint members to the Task Force for the Old Aiken Master Plan. She had expressed the opinion that she would like Council to be more involved in the process of naming the Task Force.

At the March 11, 2002, meeting Council approved the Action Agenda for the Planning Commission to implement this project next year. This was a result of a meeting which was held jointly with the Planning Commission in February. The Planning Commission has moved forward and named Ed Woltz and James Holland as co-chairmen to set up a task force to begin this process. They have also discussed adding other task force members by advertising in the newspaper for prospective task force members. They hope to choose four owners of property within the affected area and representatives from ADDA, the Historic Preservation Commission and the Park Commission. The Planning Commission intends to continue discussion on the make up of this task force at its meeting on Tuesday, April 9, 2002, and if City Council has any thoughts concerning the Master Plan this could be given to them at that time.

Councilwoman Price stated she would like to offer a proposal for Council to consider. She stated she would propose that each Councilmember be allowed to appoint an individual to the Task Force and that there be a representative from ADDA, the Historic Preservation Commission, and the Park Commission as suggested by the Planning Commission and that Ed Woltz and James Holland be co-chairs as approved by the Planning Commission. She suggested then that the appointed group get together and, if they so choose, select a chairman from the group.

Mr. Gary Smith, City Attorney, stated he was concerned about Council appointing a committee. He stated he was having difficulty in determining if the purpose of the committee was to provide input into the Comprehensive Plan review process or if the purpose of the committee was to give the Comprehensive Plan Review Committee ideas about what they would like to see in Old Aiken. He said under state law the Planning Commission is the only entity that has the ability to review the Comprehensive Plan and make recommendations to City Council. He said the Old Aiken Master Plan would be a part of the Comprehensive Plan. He said whatever the committee comes up with he would perceive changes to the Comprehensive Plan, the Zoning Ordinance, and the Historic Preservation Ordinance.

Councilman Smith stated if Council made the Old Aiken Master Plan Task Force a completely separate committee organized by Council, including Planning Commission members, but appointed outside the Planning Commission, and they are charged with the responsibility of developing an Old Aiken Master Plan with the instruction when that is done that it be provided to the Planning Commission for evaluation, modification and presentation to City Council, he did not see any conflict with that and the state law.

Attorney Smith stated if the committee makes a recommendation that the Planning Commission chooses not to adopt, then Council will have two separate opinions as to an Old Aiken Master Plan to deal with.

Councilwoman Clyburn pointed out that there was a greater possibility of having different recommendations on the matter if Council gives the impression that they want to be in control of the committee versus letting the Planning Commission have the committee's ownership. She said if the Planning Commission puts the task force together

they will have ownership of the task force and there would be more of a working together. She said sometimes Council sets the tone for the way the outcome will be.

Councilman Smith stated he felt competition is probably good as there would be more diversity of opinion and this could be ironed out and there would be an even better product. He felt this would be better than having the same group of people who have been involved with a lot and who have their own preconceived notions. He said if there is an independent group working on the Plan first and then have it go to the Planning Commission, Council would be able to make intelligent, responsible choices.

Mr. LeDuc stated as the city goes through the process there will have to be a lot of input from the citizens within the various areas and a lot of public meetings and getting citizens to help with the process. As the process goes along to shape the information into final report form there will have to be some outside help to be sure it is put together properly. Some money will be in the budget to hire consultants to help in some way. He said in the Old Master Plan a lot will be driven by what the citizens want as far as having an historic preservation overlay district and what the regulations will be. He said the question is whether Council wants to direct who's going to be on the committee or whether there will be a mix of some Council direction and some Planning Commission direction.

Councilwoman Clyburn stated Councilmembers could go to any member of the Planning Commission and suggest names and then let them choose the members. She felt they would be receptive to suggestions.

Councilwoman Vaughters stated she did not have a problem with the suggestion by Councilmember Price with each Councilmember selecting a person and then the group selecting a chairman.

Mr. Gary Smith pointed out the suggestions would not be a binding recommendation on the Planning Commission. He also pointed out the Task Force would make their recommendations to the Planning Commission. Then the Planning Commission would go through the process of how to update the Comprehensive Plan for the Old Aiken area.

Councilman Smith suggested that another way is for Council to appoint the Task Force, selecting two people from the Planning Commission and each Councilmember appointing a member, with ADDA, Historic Preservation and the Park Commission each having a representative on the committee. He also suggested an appointment from Smart Growth. He said this would keep the control with City Council and he would be in favor of this.

Councilman Sprawls stated he was in favor of letting the Planning Commission appoint the Task Force.

Council continued to discuss a process for appointment of a task force committee to prepare an Old Aiken Master Plan. There was discussion of adding representatives from other interested groups such as Smart Growth. It was pointed out with Council appointing 7 members and other organizations having representatives the committee could become quite large and could become more difficult to manage. It was pointed out that about 9 members is a manageable group. It was pointed out that with Councilmember Price's suggestion there would be 12 members on the committee, 7 appointed by Councilmembers, 2 Planning Commission members, a representative from ADDA, Historic Preservation, and Park Commission with each of those three groups appointing their representative. The proposal would be a recommended composition for the task force to the Planning Commission. The recommendation included that the present two co-chairs, Ed Woltz and James Holland, would be the representatives from the Planning Commission and the proposed group could elect a chair if they wished or keep the two co-chairs.

Councilwoman Price moved that Council recommend to the Planning Commission that a task force composed of 12 members be appointed to prepare an Old Aiken Master Plan, that James Holland and Ed Woltz continue in their co-chairman position representing the Planning Commission on the Task Force for the Old Aiken Master Plan, that each member of City Council be allowed to make a recommendation of an individual to serve

on the task force, and that ADDA, Historic Preservation Commission and the Park Commission each appoint a representative to the task force. Further that when the group is formed if they desire they may appoint a chairperson. The motion was seconded by Councilman Sprawls. The motion was approved by a vote of 5 in favor and 1 opposed. Councilwoman Clyburn opposed the motion.

#### AIKEN'S MAKIN

##### Chamber of Commerce Parkways

Mayor Cavanaugh stated Council needed to consider a request from the Chamber of Commerce for use of the parkways for Aiken's Makin.

Mr. LeDuc stated the Aiken Chamber of Commerce would like to request permission from City Council to hold Aiken's Makin in the parkways on Park Avenue, Laurens Street, Newberry Street, and Chesterfield Street in downtown Aiken on Thursday, September 12, 2002, after 6 P.M. and for Friday and Saturday, September 13, and 14.

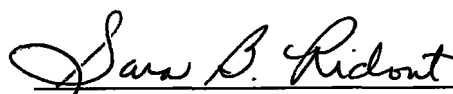
This event has been held in downtown Aiken for the past 25 years and this past year through the cooperation of the City and Chamber disruptions in the downtown area were kept to a minimum. However, after the event a public hearing was held with merchants downtown to determine if there were areas they could improve upon. As a result a task force consisting of City personnel from Public Safety and Public Works along with representatives from ADDA and the Chamber met to determine what further improvements could be made.

The Chamber surveyed all the downtown merchants as to their opinion of Aiken's Makin. A survey was sent out with only 14 out of 88 responses returned. Due to the lack of response a second survey was sent out which was hand delivered and 18 out of 36 were completed and returned. One of the major conclusions from the survey was the willingness of the merchants to have their employees park in off site areas for these two days and that the vendors should not be able to use more than one parking space in the area along Park Avenue. One of the other basic questions that was asked of the merchants was whether or not they felt some timed parking on Laurens, Newberry and Richland in front of their stores should be used. They received a mixed response and may consider on a limited basis a few short timed locations on each of these streets. They will also be asking students from USC-Aiken to conduct a formal survey of the downtown merchants to determine if timed parking in downtown Aiken during Aiken's Makin would be a positive or negative for the merchants' regular customers and consequently their business. On a long term basis they will try to continue to identify ways to make accessibility to permanent businesses easier for customers without discouraging visitors to Aiken's Makin and to actively promote downtown businesses during the Aiken's Makin Festival. Overall the merchants in the downtown felt this festival was positive for their businesses although it disrupts the downtown area during one business day during the year.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council approve the request from the Chamber of Commerce to use the parkways for Aiken's Makin on September 12, 13, and 14, 2002.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 11:15 P.M.

  
Sara B. Ridout  
City Clerk