

Aiken City Council Minutes

November 26, 2001

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Cunning, Price, and Sprawls.

Absent: Councilman Radford

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Larry Morris, Ed Evans, Glenn Parker, Anita Lilly, Stanley Quarles, Sara Ridout, Phillip Lord from the Aiken Standard, Josh Gelinas from the Augusta Chronicle, Channel 12 and about 90 citizens.

Mayor Cavanaugh called the meeting to order at 7:40 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda.

Councilman Cunning moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be accepted as listed.

MINUTES

The minutes of the regular meeting of November 12, 2001, were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Anaclerio and unanimously approved.

ELECTION REPORT

- November 6, 2001
- General Election
- City Council
- At-Large
- Cunning, Pat
- Vaughters, Jane
- District 2
- Price, Lessie
- District 4
- Smith, Richard

Mayor Cavanaugh stated the Election Commission would give a report on the results of the General Election held on November 6, 2001, for two at large seats and one seat for District 2 and one seat for District 4.

Mr. Richard Johnson, Chairman of the Election Commission, made the following report to Council on the election held on November 6, 2001.

The City of Aiken conducted a General Election on Tuesday, November 6, 2001 to fill four (4) expiring seats on City Council. The election was conducted under the 4-2-1B Single Member District Plan. Two (2) members were elected at large, one (1) member was elected from District 2 and one (1) member was elected from District 4.

Notification of the election was made public through newspaper advertising as prescribed by law. The following persons qualified and their names were placed on the ballot.

- At Large: Wilkins Byrd Democrat
- At Large: Debbie Williams Democrat
- At Large: Patrick D. Cunning Republican
- At Large: Jane Vaughters Republican

District 2: Lessie B. Price Democrat  
 District 2: Davis Cheek Republican  
 District 4: Richard W. Smith Republican

With 3,689 ballots cast including 63 write-ins and 16 challenged ballots the results are as follows:

		<u>Votes</u>
At Large:	Wilkins Byrd	1159
At Large:	Debbie Williams	924
At Large:	Patrick D. Cuning	2090
At Large:	Jane Vaughters	2193
District 2:	Lessie B. Price	541
District 2:	Davis Cheek	118
District 2:	Ron Harrison (Write-in)	14
District 2:	Jack Rogers (Write-in)	1
District 2:	Carl Langley (Write-in)	1
District 4:	Richard W. Smith	1090
District 4:	Eric Radford (Write-in)	28
District 4:	Patricia Nierman (Write-in)	1
District 4:	Tad Barber (Write-in)	1
District 4:	Richard Lamar (Write-in)	3
District 4:	Merrill Keller (Write-in)	1
At Large:	Bill Jackson (Write-in)	1

We hereby certify the election of Lessie B. Price for Council District 2, Richard W. Smith for Council District 4, and Patrick D. Cuning and Jane Vaughters for the two (2) At Large seats.

The term of their office shall be for a period of four (4) years.

Attached is a tabulation of votes by precincts and districts.

Respectfully submitted,  
 MUNICIPAL ELECTION COMMISSION  
 Richard Johnson, Jr., Chairman  
 s/ H. A. McClearen  
 Keith Wood

#### AT LARGE

Precincts	<u>Wilkins Byrd</u>	<u>Debbie Williams</u>	<u>Patrick D. Cuning</u>	<u>Jane Vaughters</u>
1	97	25	272	271
2	54	92	33	36
3	67	116	66	63
4	123	143	5	7
5	95	96	115	107
6	121	22	263	268
16	0	0	0	0
20	52	36	215	239
35	18	8	46	52
46	91	152	3	9
47	52	22	167	173
52	47	43	130	117
53	206	75	553	595
60	5	5	12	20
Absentee	<u>131</u>	<u>89</u>	<u>210</u>	<u>236</u>
	1159	924	2090	2193

DISTRICT 2

Precincts	<u>Lessie B. Price</u>	<u>Davis Cheek</u>	<u>Ron Harrison (Write-in)</u>
1	38	38	0
2	117	18	5
3	39	8	5
4	39	1	0
5	47	18	1
16	0	0	0
35	34	19	0
46	157	4	2
Absentee	<u>70</u>	<u>12</u>	<u>1</u>
	541	118	14

DISTRICT 4

Precincts	<u>Richard W. Smith</u>
5	54
6	122
20	31
52	110
53	628
60	0
Absentee	<u>145</u>
	1090

Precincts	<u>Eric Radford</u> (Write-in)
5	1
6	3
52	9
53	14
Absentee	<u>1</u>
	28

	<u>Patricia Nierman</u> (Write-in)
Absentee	1

	<u>Tad Barber</u> (Write-in)
6	1

	<u>Richard Lamar</u> (Write-in)
20	1
52	1
53	<u>1</u>
	3

	<u>Jack Rogers</u> (Write-in)
2	1

	<u>Carl Langley</u> (Write-in)
Absentee	1

Merrill Keller (Write-in)

52 1

Bill Jackson (Write-in)

5 1

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that the report of the Election Commission be accepted as presented.

#### OATH OF OFFICE

Cunning, Pat  
Price, Lessie  
Smith, Richard  
Vaughters, Jane

Sara Ridout, City Clerk, administered the Oath of Office to Councilmembers Cunning, Price, Smith and Vaughters.

#### PRESENTATION

Thoroughbred Racing Hall of Fame  
Nelson, Barbara  
Sculpture  
Watch Out  
Savager

Mayor Cavanaugh stated Barbara Nelson would like to make a sculpture donation to the Thoroughbred Racing Hall of Fame.

Mr. LeDuc stated Barbara Nelson from Aiken, South Carolina, has created some sculptures to honor Aiken's exercise riders and the city is honored to accept two sculptures. They are entitled "Watch Out" and "Savager." She would like to donate both of these sculptures, which she modeled after Jean Pierre Fourchault, who was the exercise rider for Paul Mellon and Mac Miller, to the Thoroughbred Racing Hall of Fame. Jean Pierre currently rides for Aiken trainer Mike Freeman who is also a member of the Racing Hall of Fame. Barbara's work has been featured on the cover of several magazines including Chronicle of the Horse, USCTA Magazine, The Equine Image, Wildlife Art News, Wild Fowl Carving and Collecting and many others. These two sculptures are valued at approximately \$5,000, and we are excited about this generous addition to the Hall of Fame.

Ms. Nelson said when she moved to Aiken a few years ago she felt Aiken was a charming town and she felt she wanted to do something for the town. Ms. Nelson stated she created the sculptures two years ago that honor the exercise riders in Aiken. She said her contribution was to the Racing Hall of Fame and she hoped people would find them interesting. She thanked the city for accepting the donation.

Council thanked Ms. Nelson for her donation, for sharing her talents, and for her generosity to the City of Aiken.

UTILITY REQUEST

C. P. Price Property  
Powderhouse Road  
Whiskey Road  
Water  
Sewer, Sanitary  
Annexation  
Holley Property  
TPN 00-158.0-01-066

Mayor Cavanaugh stated a request had been received for approval of water and sewer to the

C. P. Price property on Whiskey Road near Powderhouse Road.

Mr. LeDuc stated C. P. Properties has requested city services for a 45.72 acre tract of land south of Elmwood Park along Whiskey Road and the back portion borders on Powderhouse Road. He said approximately 51% of the property would be developed as residential and 49% would be developed as commercial. This plan was previously reviewed by the Planning Commission on March 13, 2001, and was denied by a 5 to 1 margin. The applicant then revised the plan to address the concerns that were raised at the Planning Commission meeting and asked to resubmit these plans a few months later. The plans came back to the staff in May, 2001. The City asked them at that time to delay this request until the LDR Report could be completed or further action could be made with the Comprehensive Plan. The LDR report has been completed and was accepted by Council at the last meeting. At the last meeting the developers had asked Council for action on the request, but Council delayed action until this meeting to have public input on the request. The applicant would now like to go forward with this process requesting city water and sewer for this property. City staff has stated that the current development does not meet our current Comprehensive Plan. However, the plan appears to meet all the requirements of the LDR Report and based on the proposed changes that have been discussed by the Planning Commission and Comprehensive Plan Task Force this plan would appear to meet the proposed wording being discussed by these two groups. However, no public hearing has been held concerning this plan.

Our City Planning Department has reviewed this plan and feel any motion to approve the request should consider the following:

- (a) Immediate annexation of the property.
- (b) That subdivision of the proposed project would not disqualify it from mixed-use approach being considered by the Planning Commission.
- (c) That the plan conform with the concept plan presented.
- (d) That the residential use be a density not to exceed that allowed by RS-6 zone or 7.62 units per acre.
- (e) That buildings along Whiskey Road frontage would have a residential appearance and that their renderings be approved by City Council or staff.
- (f) That they comply with the Landscape and Tree provision and that a Tree Survey be completed locating all specimen and significant trees on the property.
- (g) That they comply with the recommendations of the Whiskey Road Corridor Study or LDR Report.
- (h) That they comply with the sign regulations and that any free standing monument sign not exceed 50 square feet or 11 feet in height, therefore allowing them to be consistent in design.
- (i) That the city staff approve the design of all roadway and utilities.
- (j) That the road stubbed out to the southern boundary be paved to the property line.
- (k) That the off street parking be limited to no more than 25% over the minimum required by the Zoning Ordinance, thus allowing shared parking within the development.
- (l) That an untouched buffer of 30 feet in depth be located along the Powderhouse Road frontage.
- (m) That all vegetation in the 50 foot deep buffer along the northern boundary remain and where necessary additional green shrubbery be planted no more than 10 feet on

- center and at least three feet in height at the time of planting to be able to reach 7 feet at maturity
- (n) That on the southern boundary behind the shopping center there be a 25 foot buffer and where necessary evergreen shrubbery planted no more than 10 feet on center at least three feet in height at the time of planting to reach a 7 foot height at the time of maturity.
  - (o) That no manufactured housing be allowed and that the deed restrictions state that no manufactured housing be allowed.
  - (p) That at least 25% of the commercial and residential area be completed within three years.

Council can consider any or all of these recommendations made by the Planning staff concerning this property or consider other conditions whichever Council feels are suitable.

Mr. LeDuc stated Council also discussed in the worksession that if Council denies the request for utilities the developer could seek these services from other parties or develop them themselves.

For City Council consideration, this is approval of a request for water and sewer to C.P. Properties including 45.72 acres of land along Whiskey Road south of Elmwood Park to serve a commercial and residential development.

Mayor Cavanaugh stated Council would hold a public hearing on the matter.

Mr. Mark Graham stated he represented C.P. Price Properties. He said the developers feel they have made all the changes the Planning Commission suggested. He said he had just received the conditions, and he had talked to the developer about the conditions. He said they agree with them, but have a concern with the item that the residential use be a density not to exceed 7.62 units per acre. He said they had requested 10 units per acre and would like for Council to approve 10 units. He said that was very important. He also pointed out one condition was that the building plans be brought back to Council. He said this had been approved by the staff in the past and he hoped this would be the process again.

Mr. LeDuc pointed out that item referred to the building plans for the properties facing Whiskey Road.

Mr. Graham then briefly reviewed the plans for the citizens present, pointing out the curb cut on Whiskey Road.

Mayor Cavanaugh then asked for citizen comments on the request.

Mr. Robert Sharpe, 201 Crestwood Drive, was concerned about traffic in the area and asked if the LDR report considered the other proposed developments in the area. He felt something should be done to improve the traffic conditions in the area. He also asked that a 10 foot fence be erected behind Elmwood Park all the way between the properties of C.P. Price and Elmwood Park.

Mr. LeDuc pointed out the LDR report was not a traffic study, but was a report on how to lessen traffic by having interconnections, safety measures and aesthetics. He said the ARCADIS report did involve a traffic study on Whiskey Road, but did not go into any depth. He said Council discussed in the worksession about hiring a traffic consultant to go into greater depth on traffic and do traffic generation studies. He said traffic is something that will have to be studied in the future, looking at all the developments.

Mayor Cavanaugh pointed out the city is working on projects as far as traffic in an effort to keep traffic off Whiskey Road. He said several things include interconnections between the shopping areas and businesses. As far as a fence Mayor Cavanaugh pointed out there would be a 50 foot buffer between the development and Elmwood Park.

Mr. Sharpe stated residents in the area were concerned about people walking from the shopping center into their neighborhood.

Ms. Betty Hamm, 206 Heathwood Drive, stated Whiskey Road was built in the early 50's and there had been no changes to Whiskey Road except the turn lane in 50 years. She felt Whiskey Road needed to be improved to take care of the proposed developments to help with the traffic flow. She stated she did not like all the growth on the southside. She said she also would like to have a fence behind her property to keep people from coming from the shopping area onto her property. She stated the proposed development would mean more jobs for people in the area which would be good, but she felt traffic on Whiskey Road should be taken care of.

Mr. Vern Jones, 2237 Powderhouse Road, stated his concern was traffic on Whiskey Road, which is at its capacity and the proposed developments along Whiskey Road. He said he was concerned that the traffic would go up Powderhouse Road which is where he lives at the corner of Furman Drive. He said the proposed roadcut is in a bad place, as the visibility is bad at Furman Drive and he was concerned about this with increased traffic in the area. He said he did not need any more shopping centers in his area.

Councilwoman Vaughters stated it had been mentioned that the neighborhood needs a shopping center and she asked how the residents in the area felt. Mr. Vern Jones stated he personally did not need another shopping center. Several of the other residents voiced from the audience they did not need another shopping center.

Concern was expressed by Council about tying in a road at this location near Furman Drive if the visibility is bad at this location. Mr. Mark Graham stated the developer would have to deal with the Department of Transportation on the proposed road and before the plans could be approved a sight distance study would have to be done in the area. He said the proposed road was lined up at the request of the Planning Department, but it could be shifted for safety purposes if required.

Ms. Lucy Knowles, 1141 Two Notch Road, pointed out this particular project does not meet with the requirement of the current Comprehensive Plan in that it allows commercial development. She said there had been comments about the feeling of the Comprehensive Task Force about developments on Whiskey Road, but she said this had not been approved yet. She felt Council would be short changing the citizens of Aiken if Council does not allow the Task Force to complete its work and allow all the citizens to have input on the Comprehensive Plan before it is changed. She urged Council to table the plan until after Council has made what modifications they deem appropriate to the Comprehensive Plan.

Mr. Jim Wetzel, 320 Huntington Court, commended Council on their recommendation that the city hire a traffic consultant. He said, however, he wanted to call attention to some procedural matters. He said he was not familiar enough with the proposed development to comment on whether it was good or bad. He said he felt if the request for utilities had come to Council immediately after being denied by the Planning Commission that the procedure would have been correct. He said, however, two things have happened since that time. The developer broke the chain by withdrawing the request to make changes and now the property is contiguous to the city and could be considered for annexation. He felt Council should table the request and ask the developer to proceed with the request by annexation. He said under that procedure a traffic study would be required and from the comments people in the area are concerned about traffic.

Mr. Gary Smith, City Attorney, stated the petitioner voluntarily withdrew the petition prior to coming to Council as there were concerns at the Planning Commission about the appearance and traffic on Whiskey Road. He said the City Manager asked that the request be delayed until the LDR Report was completed which was approved by Council at the last meeting. He said the request was presented as a utility request and this request was never decided by Council so he felt Council could go forward with the utility request. He said he felt Council could either request that the property come into the city by an annexation agreement or go back to the Planning Commission for the annexation

process. He pointed out that the city had asked them to delay their process and in the meantime the property became contiguous to the city by another annexation.

Mr. LeDuc stated the applicant delayed the request because they wanted to make some changes due to the comments at the Planning Commission meeting. He said the developer came back to the city with a revised plan in May to present to City Council. Mr. LeDuc stated, however, the city had already started the LDR report and the Comprehensive Plan study so he asked them to wait until the city had received information on the LDR Report or the Comprehensive Plan as to how the proposed development would fit into the plan before proceeding. He said if they had insisted on coming to Council in May there would be no question about annexation as the property would not have been contiguous at that time so it would have been a utility request.

Councilman Cunning expressed concern about the property being developed outside the city without city utilities. He said this had happened with the proposed hotel development at Hunter's Glen and there would be no city requirements on that property.

Mayor Cavanaugh also expressed concern about developments being outside the city without city utilities and without city controls. He pointed out this was not a scare tactic, but something which could and had happened.

Councilwoman Clyburn stated she was concerned about Furman Drive and the intersection on Powderhouse Road and what already exists as far as traffic and the blind spots, as pointed out by Mr. Vern Jones. She asked if it had been called to the attention of state or county officials to see if something could be done as far as possibly getting a light now if the traffic is that bad already. It was stated that this would be brought to the attention of the state. Councilwoman Clyburn stated she had heard residents in the area expressing concern about traffic on Whiskey Road. She said she felt there was an attempt to study that issue. She said she had also heard that the proposed developments in the area could provide jobs for young people in the area.

Mr. Mark Graham stated he did not know what would be in the development either. He said he did understand from the developer that there would be a grocery store, some restaurants, some small shops or professional buildings. The development would be built out in about 5 to 10 years. Mr. Graham stated he agreed with turn lanes, but the plans did not show turn lanes. He said he felt there should be turn lanes on Whiskey Road and on Powderhouse Road. He pointed out the LDR report recommended against turn lanes. He said the ARCADIS report did recommend turn lanes. Mr. Graham stated the traffic generation would be the number of trips and would not be new cars on Whiskey Road. He said the residential area would generate new traffic in the area. He said a traffic study would not indicate 4,600 new trips on Whiskey Road. He said a request had been made for a 10 foot fence along the border of Elmwood Park. He said there is always a problem maintaining fences. He said if there was a fence there, people from Elmwood Park could not walk to the area but would have to get out on Whiskey Road to get there. He said they would work with DOT to get a safe entrance and exit to the development near Furman Drive. He pointed out utilities had been granted to developments in the past which were contiguous to the city and then the property annexed to the city at a later date. He said to grant this utility request would not be setting a precedent as it had been done in the past. He said it would be up to the city as to when they would like to have this property annexed as they had no problem in annexing the property.

Ms. Linda Taylor, 204 Heathwood Drive, asked if there would be access behind the buildings that back up to Elmwood Park. Mr. Graham answered that there would be a landscaped area between the development and Elmwood Park.

Mr. Wilkins Byrd, 434 Berrie Road, stated he had two points. One point was the procedure for the request. He said if there had not been a public hearing Council would not have had the opportunity to hear some of the comments of the citizens such as the concern of Mr. Jones for the traffic problem at Powderhouse and Furman Drive. He said anytime a procedure denies the Planning Commission an opportunity to review, it also deprives the citizens of a chance to be acquainted with the problems. He said if Council does see fit to proceed with approval of the project he urged Council to require the 16

conditions recommended by the Planning Director. He also asked that Council add a 17<sup>th</sup> condition—that serious effort be given to the attempt to create a combined access onto Whiskey Road for this property and the property immediately to the south.

Mr. Henry Krippner, 144 Crane Court, stated he was concerned that the public hearing was not held earlier on the proposed project. He said, however, he did commend Council for postponing the project to this meeting to give the opportunity for public hearing. He said his concern was that cities don't create the growth; he said developers and the need and demand create the growth and the city has to respond. He said then either the city controls it or someone else controls it. He said he lived in an area where the city did not take the opportunity to annex and control a large development, but another entity took the opportunity and took control. He said the other city complained about the development but there was nothing they could do because they did not take the opportunity to take the control. He said he was concerned that Aiken should not avoid taking control. He said if granting water and sewer and requiring annexation would be taking control then that is what the city should do.

Mr. Andy Dyer, 44 Longwood Drive, stated he spoke against the proposed development in February and March and the main reason was because there was very little detail. He said the city was being asked to provide services for something about which they knew very little. He said the developer did go back and put in some enhancements. He said eight months ago the development looked like a strip mall, but today it is not being called a strip mall. He said the proposed plans do not show any substantial changes from the original plans. He said there had been some cosmetic changes, but it is still basically a strip mall. He said he was not opposed to the particular development, but he would like to see the city go forward and work with C. P. Properties on this development. He said this is an attractive design, but it is only 1% over the minimum that the city has asked for this development. He said there is 51% residential and a minimum amount of landscaping and buffer zones requested by the Comprehensive Plan, the Planning Commission and the Planning Office. He said he would like to see more interaction between the city and the developer to decide what the residents need rather than have the developer tell us what they want to put there. He said the city should not be in the job of accommodating developers. He said this is an opportunity to take control of the development, but he felt more needs to be done. He said not enough is known about traffic, safety, what businesses will be going into the buildings, and what the appearance of the buildings will be like.

Mr. Chris McNeely, 132 Heather Way, stated he was concerned about traffic at Powderhouse and Furman Drive. He was also concerned about traffic on Whiskey Road and growth on the south side. He was concerned about being annexed into the city if growth continues.

Ms. Carol Carver, 108 Crestwood Drive, stated her house backs up to the proposed development. She said the plans are better, but she was still not happy. She said they had moved to the area to be in the country. She was concerned about the road being very close to the buffer and being a cut through. She also felt the road should come out somewhere else besides Furman as this is a dangerous intersection. She was concerned about the 22 acres designated as residential and whether this would be apartments. She said presently there are big lots in the area. She was concerned about increased traffic in the area and about apartments in the area. She also felt a fence should be erected between Elmwood and the development to keep walking traffic out of the neighborhood.

Ms. Maryann Pecoraro, 194 Gadwell Lane, stated this was an interesting project and she saw some positives in it, but there were a lot of questions as to whether this was the right thing. She said when the project was originally submitted to the Planning Commission there was discussion that the project was inconsistent with the existing Comprehensive Plan, which is the plan of record at this time. She said there was some discussion that the direction of the Task Force seems to be consistent with this, but the Task Force does not really have the right to approve and set the direction, as it is the job of Council as the representatives of the people. She said another concern is the increase in traffic in the area. Another problem is the issue of the City of Aiken, the County and New Ellenton. She felt they should work together more. She said the City of Aiken always feels they

need to annex property adjacent to the city because terrible things might happen if it is outside the city. She asked if there was some vision as to where the boundaries of the City of Aiken should be. She said maybe this is the time to do things differently. She said if we continue like we are going we will have urban sprawl. She said people were concerned about growth and the way it is taking place and about traffic.

Councilwoman Price stated she had been talking to people who have moved to Aiken in the last 3 to 5 years. She said there were amenities which attracted them to Aiken. Then there are those who say there are terrible problems with growth in Aiken. She asked why is it so bad all of a sudden when they were attracted here earlier.

Ms. Pecorara stated she was one of those people and she was amazed at the growth which had taken place during the two and one-half years she had been in Aiken. She said she saw the charm of Aiken, the historic charm and history, the openness, and the simplicity. She said the whole nature of the south side had disappointed her.

Mayor Cavanaugh stated something which had not been pointed out was the rights of the owners of property to use property to its best use. He said there is a bill in the legislature now called Takings Bill which is a real concern to the city. He said basically the bill states if the city passes regulations which restrict an owner's property from the highest value then the owner has the right to go to court and get paid for what they are losing for that property. He said Florida has such laws and in one six months period the municipalities paid \$43 million for court cases. He pointed out that 70% of the property along Whiskey Road is outside the city. He said the property will be developed with something on it, but the city has an opportunity to control some of the developments through granting utilities with conditions to make the developments better.

Councilwoman Vaughters stated regarding the Takings bill that the value of one land owner may be diminished because of restrictions, but some developments may also diminish the value of the land of the people surrounding the area. She said the Takings Bill is to protect the big property owner not the small property owner. She said she wanted to protect the small property owner.

Holly Abele, 304 Heathwood, stated she was concerned about traffic in the area and would like for the project to be postponed until something could be done about the traffic.

Mr. Tommy Coward stated he owns Hopelands Farms on Banks Mill Road. He said he was a small developer. He said he was supporting the landowners. He said people have to realize that progress is coming and people are moving to Aiken because it is a good place to live. He asked Council to be sure developments are done right because he has had some problems with developments which have not been done right. He said with the city granting water and sewer the city can control the project to some degree with conditions and regulations for the service received.

Mr. Bob Kurzeja, 1269 Woodbine, expressed concern about big buildings that are empty, but buildings continuing to be built. He said big empty buildings are ugly.

Mayor Cavanaugh pointed out the city is working diligently on the empty buildings and several have been filled.

Councilwoman Clyburn stated she really wanted the public hearing so she could hear the concerns of the people and she has heard some things regarding traffic and some other problems. She pointed out there are traffic problems on all roads into Aiken. She also stated she works in a town where there is no growth and the young people suffer from this. She said the youth can't find part time jobs; she can't get industries to contribute to the schools. She said she hoped the citizens did not want to shut down growth in Aiken. She felt the growth should be done in the right way.

Mr. Ed Woltz, 524 York Street, stated he is Vice-Chairman of the Planning Commission and Chair of the Comprehensive Plan Task Force. He said some comments had been made about tabling the request until the Task Force completes their job of reviewing the plan. He said this would be slowing down growth completely. He said the proposed plan

would meet the recommendations of the Task Force and the Planning Commission for this area. Mr. Woltz stated Councilwoman Price had made a comment about people who have been in Aiken for two or three years complaining about the growth and traffic. He stated builders build because there is a demand. When people move to Aiken they create more demand and there will be more buildings. He said some of the people complaining helped create the demand for the growth. He did not feel the city should stop development, but try to control it. He said he felt the proposed plan seemed to be a good development as it meets the present criteria and criteria planned for the future. He said he felt this could be good for Whiskey Road and an example for other developers.

Councilwoman Vaughters stated Mr. Woltz stated developers only build what people need. She stated she did not agree with that because Aiken has so many empty buildings. She was concerned about building more buildings when there are many buildings already empty.

Mr. Woltz pointed out many of the buildings that are empty are not because the business moved out of town, but because they built a bigger building to meet the demands such as Lowe's, White's, and Goody's.

Councilman Smith stated traffic seems to be basically the problem. He said the idea that all growth is good, means more traffic. He said this particular project concept seems to be good. He said he was concerned about traffic. He said he had heard the comments about interconnecting roads which should help alleviate some of the traffic. He said no traffic study had been made so it was not known how much traffic the project would generate. He said he felt the Planning Commission did not pay enough attention to the traffic.

Mr. Chris McNeely, Heather Way, stated today was the first time he had heard about the meeting and the shopping center. He said the signs posted on the property were very small and hard to read. He said he was understanding from the discussion that something could be built whether or not the city granted utilities, but if the city granted utilities then the city would have some control over the development.

Councilwoman Vaughters stated Mr. McNeely had stated he had just found out about the project and this was what she was concerned about. She felt the public hearing on the project should have been held by the Planning Commission.

Mayor Cavanaugh stated normally on water and sewer requests the city does not post the property, but to make sure people knew about the project the property was posted. He said the city did not have to have a public hearing on the utility request.

Mr. Andy Dyer stated he was on the Comprehensive Task Force and the committee had been slowed in their deliberations. He said they had discussed south Whiskey Road only three hours, and he said if Mr. Woltz could predict what the Task Force would recommend for the Comprehensive Plan then he did not see the point in having the Task Force. He felt the project was being pushed through.

Mayor Cavanaugh stated after comments at the last Council meeting Council decided to wait and hold a public hearing on the project. He said it was not unusual to add an item to the agenda after it was discussed in a work session. He said this had been done in the past.

Council and the citizens continued to discuss the project and traffic along Whiskey Road. It was pointed out that a majority of Whiskey Road is not inside the city so it was difficult for the city to improve the road. Mr. LeDuc stated the city had met with businesses along Whiskey Road, and they are working with the city to make interconnecting roads to the businesses to keep traffic from having to get out on Whiskey Road. He said the city had done a lot in the last six months to try to do something about traffic and Council had authorized up to \$250,000 to make improvements to connect roadways to the businesses. He also said money had been authorized from the state to do planning for a connector road between Whiskey and Silver Bluff Road.

Ms. Lucy Knowles asked why the property had not been required to annex into the city as it is now contiguous to the city. She said to get water and sewer the project should annex to the city and pay taxes on the property. She said if the city wants to control the property it should be annexed. She said the matter should be sent to the Planning Commission and go through the annexation procedure before they get water and sewer.

Mayor Cavanaugh pointed out they had agreed to annex the property. He also stated the city had asked them to wait to present their plans until the LDR Study was approved so the city had an obligation to proceed on their request for utilities.

Mr. Mark Graham stated one lady was concerned about the location of the dumpster. He said the plan could be altered and the dumpster moved further away from her property.

Councilman Cuning moved, seconded by Councilman Sprawls, that Council grant the request for water and sewer for a 45.72 acre tract for C.P. Properties on Whiskey Road with the 16 conditions recommended by the Planning Department and with the recommendation that the owners of the property provide their best efforts to work with the adjacent property owners, being the Holley tract to the south, to provide a single access road to the subject tract if possible, and the dumpster be moved to a better location.

Councilman Smith stated there had been a lot of input and he appreciated the comments. He said there had been comments about the property being annexed immediately, and he asked if the developer would move ahead with annexation immediately.

Mayor Cavanaugh stated there had been several comments about a fence and he would like to see a fence included as protection for Elmwood Park. He also stated he would like to see deceleration and acceleration lanes, turn lanes, installed.

Mr. LeDuc stated the LDR Report did say that at major intersections they would recommend deceleration or acceleration lanes. He said, however, when the lanes are installed you lose some green space.

Mayor Cavanaugh stated he would like to see deceleration or acceleration lanes installed by the developer for this project if it is deemed appropriate.

Councilman Cuning stated he thought Mr. Graham stated they would like to have deceleration or acceleration lanes, but he thought it conflicted with the LDR recommendations.

Councilman Cuning stated he would like to amend his motion to require deceleration and acceleration lanes for the project if deemed appropriate and that the property go through the process to be annexed to the city immediately. The amendment was seconded by Councilman Sprawls.

Then there was discussion again on requiring a fence between the project and Elmwood Park, where the fence would go, how high the fence should be, and what the fence should be constructed of. After much discussion the residents felt they would better off with the buffer rather than a fence since a fence would have to go on the property line and might interfere with the dirt road used by residents of Elmwood Park and would be close to their back yards.

Councilwoman Vaughters stated she was going to vote against the project. She said she had been campaigning for City Council for four months and no one ever said they wanted more commercial property on Whiskey Road. She said they wanted to do some careful planning. No one said not to have any more growth in Aiken. She said they said they want things handled differently. She said in her opinion this property is contiguous to the city and there is no reason they cannot apply for annexation before they get water and sewer. She said she wanted to start a policy that City Council do this in the right order. She said when property is contiguous to the city they should have to ask for annexation, go through the Planning Commission and have a public hearing there on the actual proposal not on something different. She said all these details should not be hashed out

at City Council. They should have been hashed out before getting to Council. She pointed out that at the last meeting the project was added to the agenda which she felt was not minor because it was 22 acres of commercial on Whiskey Road. She said she objected to the procedure.

Mayor Cavanaugh stated the motion was that Council grant the request for water and sewer for a 45.72 acre tract for C.P. Properties on Whiskey Road with the 16 conditions recommended by the Planning Department, that the owners of the property provide their best efforts to work with the adjacent property owners, being the Holley tract to the south, to provide a single access road to the subject tract if possible, the dumpster be moved to a better location, that the property owner go through the process to annex the property immediately, and that deceleration and acceleration lanes be required for the project if deemed appropriate. The motion was approved by a vote of six in favor with Councilwoman Vaughters voting against the motion.

#### ANNEXATION – ORDINANCE

Woodward Street 804  
Guy, Robin and Jon  
Boardman Road  
Whiskey Road  
TPN 30-055.0-07-003

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex .55 acres at 804 Woodward 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 .55 ACRES OF LAND, MORE OR LESS, OWNED BY ROBIN AND JON GUY AND LOCATED AT 804 WOODWARD STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated Robin and Jon Guy would like to annex .55 acres of land into the City of Aiken to be zoned as RS-15 (Residential Single-Family) at 804 Woodward Street.

In 1999 the City of Aiken extended sewer throughout this area and annexed 20 of the lots in this area. Currently three lots along Woodward Street are not in the city, one of which is owned by Mr. and Mrs. Guy. All the surrounding land is occupied by single-family dwellings and therefore the proposed zoning is RS-15.

At the November meeting the Planning Commission voted unanimously to recommend approval of the annexation request.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the ordinance to annex .55 acres at 804 Woodward Street to be zoned RS-15 be passed on first reading and second reading and public hearing be set for the next regular meeting of Council.

#### ANNEXATION – ORDINANCE

Lincoln Avenue 573  
Pendergrant, LLC  
Apartments  
SC 19 North  
Laurens Street  
SC 118 By Pass  
TPN 30-040.0-01-030

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex 573 Lincoln Avenue.

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 .52 ACRES OF LAND, MORE OR LESS, OWNED BY PENDERGRANT, LLC, AND TO ZONE THE SAME RESIDENTIAL MULTIFAMILY LOW DENSITY (RML).

Mr. LeDuc stated Pendergrant, LLC would like to annex .52 acres at 573 Lincoln Avenue which is contiguous to a piece of property which they own and on which they intend to construct apartments. The property to the east and south is zoned RML (Residential Multifamily Low Density) and this property is currently zoned in the County as Urban Development. They discussed this with Council several months ago. They did receive the grant for the project and would like to proceed with construction. He said .52 acres of the property is outside the city and the city requested that this be included with the entire development so all would be inside the city.

The Planning Commission at their November, 2001 meeting voted unanimously to recommend approval of this annexation to City Council.

Councilman Sprawls moved, seconded by Councilwoman Clyburn, that the ordinance to annex .52 acres at 573 Lincoln Avenue to be zoned RML (Residential Multifamily Low Density) be passed on first reading and second reading and public hearing be set for the next regularly scheduled meeting of Council.

Councilwoman Vaughters pointed out that Pendergrant was the developer who built Trotters Run on Varden Drive. She pointed out that on Varden Drive they had taken down all the trees. She stated this area on Lincoln Avenue is a heavily wooded area and under two acres and needs a tree survey to keep the same thing from happening.

Councilman Cunning stated he was also concerned about properties being cleared of trees. He asked if the Planning Department could be sure trees are left on developments.

Mr. Evans stated if the development is more than two acres they only have to do a tree survey of the perimeter not the interior. He said they always encourage leaving as many trees as possible. It was pointed out this is a weakness in the Tree Ordinance and one of the areas the Planning Commission is working on.

Council continued to discuss the project and requiring trees to be left on the site. It was pointed out that the only part being annexed is .52 acres and Council could put a condition regarding trees on only that portion of the project being annexed. Any proposed conditions could not be attached to the other part of the property.

Councilwoman Price stated there was concern about trees, but her worry was the quality of the project to be built. She stated she still has reservations about the quality of the structure to be built and how it will look after a few years.

Mayor Cavanaugh called for a vote on the motion to approve the ordinance on first reading. The motion was approved by a vote of 4 in favor and 3 opposed. Opposed were Councilmembers Clyburn, Price and Vaughters.

ZONING – ORDINANCE

Camellia Trailer Park  
Camellia Street  
Sundy Avenue  
Hampton Avenue  
TPN 30-083.0-03-002

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone property at the former Camellia Trailer Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY THE CITY OF AIKEN FROM RESIDENTIAL MANUFACTURED HOME PARK (RMP) TO RESIDENTIAL SINGLE-FAMILY (RS-6).

Mr. LeDuc stated this spring the City of Aiken purchased 7.56 acres formerly known as the Camellia Trailer Park at Camellia Street and Sundy Avenue. At that time the property was occupied by manufactured homes. These trailers have now been removed and the city would like to proceed with the development of a single family residential subdivision.

In October the Planning Commission considered the proposed rezoning of this property from RMP (Residential Manufactured Home Park) to RS-6 (Residential Single-Family Home) 6,000 sq. foot lots.

The city hopes to work with grant funding from the South Carolina Housing Authority and with private contractors to build approximately 30 single family homes within this neighborhood. These homes would be similar to those recently constructed across from Smith-Hazel. A car wash which is located on the property at Camellia Street and Sundy was originally proposed to remain but is now scheduled to be removed due to the fact that rehabilitation of the car wash would cost between \$25,000 and \$30,000. We have discussed this with the tenant and would propose that this property become a small park for this neighborhood. All the trailers, pads and other out buildings have been removed from this property and the city is preparing plans to move forward with the necessary infrastructure and streets for this new development. At the public hearing one neighboring property owner expressed concern about the density of the park and the city will be looking at trying to enlarge some of the lots, especially on the northern end of the property.

The Planning Commission voted unanimously to recommend to City Council to approve the rezoning to RS-6. Their only concern was the possible removal of the car wash since they felt it was not appropriate for this area. Since the meeting in October, the city has decided to cease operation of the car wash early next year.

Mr. LeDuc stated some property owners in the area were concerned about small lots. If the lots are increased to 8,000 to 10,000 square feet, we would lose 4 to 5 lots in the development. The city just finished a tree survey on the property. The city is trying to work around the trees and shape the lots to fit it. He said the proposal for the park was to go to a lot as small as 6,000 square feet, but most of the lots will be larger. He said the city will have a better plan for the project at the next meeting. He said the proposed development is a much better development than was there, but the city would like to see larger lots if possible.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that the ordinance be passed on first reading to rezone property known as Camellia Trailer Park at the intersection of Camellia Drive and Sundy Drive from RMP to RS-6 Single Family Residential and that second reading and public hearing be set for the next regular meeting of Council.

LOST LOAN – ORDINANCE

Loan

Local Option Sales Tax

Aiken County

Sales Tax

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to borrow funds from Aiken County for the projects under the Local Option Sales Tax Funds.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO BORROW UP TO \$12,451,740.00 FROM AIKEN COUNTY FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF SPECIFIC PROJECTS.

Mr. LeDuc stated in November, 2000, voters in Aiken County decided to add 1 cents to the sales tax to do a number of capital projects throughout the entire county. The city had listed several recreational projects, the Community Playhouse and improvements to some of our roads and parkways within the city. These projects had been on going since 1999, and we previously had used Accommodations and Hospitality Tax funds to construct these projects. Due to the way the ordinance listed funding priorities for these projects we do not anticipate receiving money from the sales tax until the spring of 2003.

Earlier this year City Council had given the staff the ability to borrow money internally to continue paying for these projects as they developed while we waited to receive funding from the Local Option Sales Tax (LOST). Recently the County passed an ordinance which allows them to loan excess money from the LOST Funds to the municipalities until the municipality's funding is received. We would like to consider using these funds and are recommending to Council that we approve a funding mechanism that will allow us to borrow money from the County. This borrowing would be on a short term basis and at little or no interest payments to the County.

With Council's approval of this ordinance we would send a letter to the County requesting funds at which time they will let us know under what conditions those funds would be available. We feel this is a very viable option and one we should investigate further and recommend your approval of this ordinance.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass the ordinance on first reading to borrow money from Aiken County to help pay for projects under the Local Option Sales Tax funds and that second reading and public hearing be set for the next regularly scheduled meeting of Council.

COUNCIL MEETING

Meeting  
Schedule  
December, 2001

Mayor Cavanaugh stated Council needed to consider adoption of the December meeting schedule for Council.

Mr. LeDuc stated the second meeting in December falls on Monday, December 24, Christmas Eve, and City Council's practice in the past has been to cancel the meeting between Christmas and New Year's Day. With the extended holiday schedule we rarely have any issues that require Council's immediate attention, but if an issue should arise then we would schedule a special meeting for City Council. He pointed out Council will have two worksessions in December with a meeting on December 3 with the Historic Preservation Commission and on December 17 with Mac Burdette regarding the Traffic Study Ordinance in Mt. Pleasant.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved that Council cancel the Council meeting on the fourth Monday in December.

EXECUTIVE SESSION

Pending Litigation  
Personnel

Mayor Cavanaugh stated Council had three items to discuss in Executive Session. He said two items are legal matters and one is a personnel matter.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council go into executive session to discuss two legal matters and a personnel matter.

Council went into executive session at 11:20 P.M. After discussion Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that the executive session end. The executive session ended at 12:00 midnight.

Debt Set Off Collection  
Law Suit

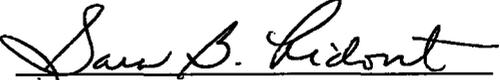
Mayor Cavanaugh stated Council had one item to discuss and asked Mr. Smith to review the matter.

Mr. Smith, City Attorney, stated that Council discussed in executive session the possible settlement of a law suit that the city is involved in regarding the city's collections under the statute known as the Debt Set Off Collection Act. He said Council needs to vote on whether or not to authorize him to enter into a settlement agreement based on the terms and conditions discussed in executive session.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council authorize Mr. Smith to enter into a settlement agreement for the Debt Set Off Collection suit based on the terms and conditions discussed in executive session.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:05 A.M.

  
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Sara B. Ridout  
City Clerk