

Aiken City Council MinutesREGULAR MEETINGAugust 9, 2004

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

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Anita Lilly, Pete Frommer, Glenn Parker, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle, Channel 6, 12, and 26, and about 100 citizens.

Mayor Cavanaugh called the meeting to order at 7:04 P.M. Mr. LeDuc 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. Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as submitted.

MINUTES

The minutes of the work session and regular meeting of July 12, 2004 were considered for approval. Councilwoman Clyburn moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

PRESENTATIONSouth Aiken High School
Golf Team

Mayor Cavanaugh stated that Council would like to congratulate the South Aiken Golf Team. He said Council appreciates what they have done and would like to recognize the team for what they have done for Aiken.

Mr. LeDuc stated the South Aiken Golf Team has carried on a long standing tradition of great golfers in South Carolina. The team finished the year with a perfect 19-0 match record and finished in the top 5 in every tournament. They went on to win the Region IV AAAA champs, and then became the state AAAA champions.

He said the Mayor would present certificates to the team. The team consists of seven individuals: Seniors – Patrick Cuning, Ian Price, and Robert Cross; Juniors – Eric Radford and Jayson Hinkson; and Sophomores – Ben Dangerfield and Philip Stutts. They were coached by Jeremy West and assisted by Mike Mercer.

Mr. LeDuc stated one of the individuals, Patrick Cuning, was the AAAA state champion and will play golf this year at USC.

Ian Price won the iron Capitol City Classic and was the 2004 Region player of the year and will play golf at Belmont Abby College. Robert Cross made the Capital City Classic All Tournament team. Eric Radford was an All State golfer and made the all tournament team at the Capital City Classic. Ben Dangerfield was All Region and was selected as the State Newspaper's Player of the Week. Jayson Hinkson was a 2003 Region Player of the Year. Philip Stutts had a 40 stroke average in match play.

Mr. LeDuc stated this outstanding golf team has made Aiken proud and has carried on the excellent longstanding golf tradition at South Aiken High School. We highly commend them for their great season and all the honors they received this year.

Mayor Cavanaugh presented each team member and the coaches with a certificate

COMMENDATION

Dixie World Series Parks, Recreation, and Tourism

Mr. LeDuc stated the next recognition was for the Dixie Boys World Series Aiken team. He said he saw almost every game and Aiken was so proud of the team. He said the Aiken Baseball team was one of the top three teams. He said Council would like to congratulate each and every one of the players and the coaches for being not only a great host, but a championship caliber baseball team. The citizens of Aiken came out by the thousands to support this team and the excitement at the games was electrifying. Their coach Mark Mathis did an excellent job, and we are proud to honor all the players and coaches that represented us so well at the World Series in Aiken.

Mr. LeDuc stated he would also like to commend Glenn Parker, Phil Berley, Kim Coleman and their staff for the excellent job they did at the World Series this year. They outdid themselves in giving visitors across the South real southern hospitality, along with outstanding fields to play on every night. He read a letter from Dan Smith from Troy, Alabama, the home of the winning team, commending the City and staff for the excellent job in hosting the Dixie Boys World Series. We have received nothing but great comments from everyone concerning Citizens Park, our staff and the time they had here in Aiken. Everyone is to be highly commended for a job well done!!

Mayor Cavanaugh pointed out the Dixie League included 11 states and 24 teams. He said he felt Aiken's team was a wonderful team and they played with determination. He named each player and coach and presented certificates to each. The coaches were Richard Hazen, Wes Brown, and Manager Mark Mathis. They pointed out that Coach David Brinkley also helped every day. The team members were: Nicholas Hatcher, Hudson Smith, Tucker Hawley, Josh Pruitt, Andrew Leitzow, Hamilton Mathis, Jimmy Bass, Nathaniel Bowman, Josh Boerstler, Tyler Evans, Frazer Hazen, Hunter Scott, and James Barber.

Mr. Glenn Parker, Recreation Director, stated he wanted to thank the citizens of Aiken for their support, the sponsors, the volunteers, host families, Aiken Standard, hotels, restaurants, and golf courses. He pointed out that the host team has never won the Dixie Boys World Series. He stated the Aiken team came as close to winning as anyone, going into the last night. He also commended the other baseball teams from the Recreation Department, citing the successes they had had, stating the baseball program was very strong at this time. He also commended Kim Coleman, of the Recreation Department, for putting the program together.

BOARDS AND COMMISSIONS

Appointments Penland, Peggy Cwalina, Jan Accommodations Tax Committee

Mayor Cavanaugh stated Council needed to make an appointment to the boards and commissions of the city.

Mr. LeDuc stated there was 1 pending appointment to the boards and commissions of the city and 1 appointment is presented for Council's consideration.

Mayor Cavanaugh has recommended appointment of Peggy Penland to the Accommodations Tax Committee to replace Jan Cwalina. If appointed, her term would expire March 25, 2006.

Mayor Cavanaugh moved, seconded by Councilman Cuning and unanimously approved, that Council appoint Peggy Penland to the Accommodations Tax Committee, with the term to expire March 25, 2006.

Mayor Cavanaugh stated he would like to recommend that Eugene McKie be reappointed to the Community Development Committee; Councilman Cuning recommended

reappointment of Suzanne Haslup to the Recreation Commission; Councilwoman Price recommended Bill Elkins be appointed to the General Aviation Commission to replace Mark Gibbons. Councilwoman Clyburn recommended reappointment of John Owen to the General Aviation Commission. Councilwoman Vaughters recommended reappointment of Stephen Peterson to the Aviation Commission. These recommendations will be on the next agenda for Council's consideration.

Mr. LeDuc pointed out there are a number of other appointments expiring in September and Council needs to consider appointment. He also pointed out that Richard Johnson's term on the Election Commission expires in August, and the position is an at large appointment.

ANNEXATION – ORDINANCE 08092004

East Pine Log Road

Banks Mill Road

Quick Shop

Gas Station

Circle K Convenience Store

TPN 122-08-05-006

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex the Circle K store located on the corner of East Pine Log Road and Banks Mill Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.0 ACRE OF LAND, MORE OR LESS, OWNED BY CIRCLE K STORES, INC., AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated the owner of a quick shop and gas station on the southwest corner of the intersection of East Pine Log Road and Banks Mill Road is requesting annexation as General Business zoning. The property is currently occupied by a Circle K Convenience Store, and the owner would like to take advantage of our Public Safety protection and be able to sell beer on Sunday. The proposed General Business zoning is compatible with those properties fronting on East Pine Log Road.

The Planning Commission at their June meeting reviewed this annexation and is recommending its approval with the following conditions being met prior to the annexation becoming effective.

1. That proof of recording of a plat combining the lots into one parcel be provided.
2. That signage comes into compliance with city regulations, including the removal of a billboard.
3. That the curb cut on East Pine Log Road be narrowed to no more than 40 feet.
4. That the northern curb cut on Banks Mill Road be closed and replaced with a planting strip.
5. That landscaping be installed along the street frontage to meet the city's requirement to the extent possible as determined by the Planning Director.
6. That all conditions be recorded at the RMC Office.

The owners of the store are in agreement with these conditions.

The public hearing was held.

Ms. Cheryl Eiring, 211 Pleasant Home Road, Martinez, GA, stated she was present on behalf of Circle K. She stated all of the conditions requested are in the process of being met and will be complied with.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex property

at the southwest corner of Banks Mill Road and Pine Log Road under the General Business zoning.

ANNEXATION – ORDINANCE 08092004A

Deodar Plantation
East Pine Log Road
DeLoach Way
Woodward, Jack P.
Woodward, Lorenz S.
Squire Street
TPN 00-180.0-01-041
TPN 00-180.0-01-044

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property adjoining the Deodar Plantation Subdivision.

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 111.33 ACRES OF LAND, MORE OR LESS, OWNED BY JACK P. AND LORENZ S. WOODWARD, AND LOCATED ON SQUIRE STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-6)

Mr. LeDuc stated City Council recently annexed property south of DeLoach Way, formerly East Pine Log Road, for a new subdivision called Deodar Plantation. They would like to develop an additional 111.33 acres immediately south of this subdivision with the same RS-6 Residential Single-Family zoning. The property is within the City sewer district, but is in the Couchton-Montmorenci water district, and water would be served by that agency. A traffic study was completed, and portions of the study were given to Council for information. Five conditions were placed on this annexation by the Planning Commission when they voted unanimously to approve this project as follows:

1. That a road be stubbed out to the western property line to provide for future connection with the subdivision to the west, or that a performance guarantee be posted for connection prior to final plat approval.
2. That a road be stubbed out to the northern property line to provide for future connection to the Deodar Plantation, or that a performance guarantee be posted for a connection prior to final plat approval.
3. That the water lines and hydrants meet city specifications.
4. That a traffic study be prepared and mitigation measures called for in the study would be paid for by the developer, and the study would be consistent with the proposed traffic impact ordinance.
5. That proof of recording of conditions of approval at the RMC office be provided.

Mr. LeDuc stated the City received information from Roger Dyar on the traffic study. He concurs with the recommendations in the report to widen Banks Mill Road to add a left hand turn lane at Wild Haven. This would be done by the developer. Also, two exiting lanes off Wild Haven would need to be widened. He said the Highway Department would have to look at whether a left turn phase would be needed on Pine Log Road as one turns southbound. This would have to be reviewed by the Highway Department at some future date. This would be a signal head change. Mr. Dyar also looked at the fact that, as one approaches Pine Log Road going northbound on Banks Mill, there is a possibility in the future that a right-hand turn lane would be needed on the southeast corner of Banks Mill Road. On the southwest corner of Banks Mill a right hand turn lane may be needed, and there is a possibility that Pine Log Road may need a right hand turn lane as one approaches DeLoach. He said all these right hand turns are over one-half mile from the development. He said in this particular case they would not have been studied under the new Traffic Management Ordinance, and the cost would not be incurred. He said the reason most of the right hand turn lanes would be needed is because of existing traffic, not because of what will be added by the development. He said there will be a number of developments over the next several years in the southeast

part of Aiken and will probably include a grocery store, drug store, and other commercial developments. He said at that time it will probably be more appropriate that the right hand turn lanes be improved and included.

The public hearing was held and no one spoke.

Councilman Cunning stated he felt Fox Run, which is adjacent to this area, should be annexed.

Councilwoman Price pointed out the area is 111 acres and about 600 homes. She asked if the homes would be attached or detached single residential. She also asked about green space.

Mr. Mark Graham, of Southern Partners represent the developer, stated the traffic study addressed 492 units, with 417 being single family residents and 75 townhouses. He said the study includes Fox Run. He said the townhomes would be on Fox Run. He said that was zoned in the County for townhomes. He said there is already water and sewer on Fox Run. He said when Fox Run was developed a traffic study was done and the three lane exit is already there. He said green space was not one of the requirements. He pointed out that Figure 2 Conceptual Site Plan includes the existing Deodar Subdivision. The 472 units include the existing Deodar as well as the property proposed to be annexed. He pointed out there would be a detention pond on the property with a lot of green space around the detention pond. He said the existing Woodward house will be a clubhouse and recreation area. He said the 417 homes would be detached single family. He stated the 492 homes in the traffic study included all the existing homes in Deodar, the next two phases of Deodar, the Woodward tract, Fox Run and the next section of Fox Run. The price range of the homes will be \$115,000 to \$125,000.

Councilwoman Vaughters asked if there was a recreation area in Deodar, to which Mr. Graham responded there was no recreation area in Deodar. He stated there would be recreation in the new area, but not in the existing Deodar.

City Attorney Smith pointed out that in the ordinance there are three blanks in paragraphs 4 and 5. He asked if the numbers should be filled in with the figure 492 dwelling units which includes all of Deodar Plantation Phase I, II, and III and Fox Run to which Mark Graham responded they should. Mr. Smith stated he would amend the ordinance to include those figures.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council amend the proposed ordinance to include the number 492 dwelling units in conditions 4 and 5 including Deodar Plantation Phase I, II, and III and Fox Run and that the ordinance be passed on second and final reading to annex 111.33 acres of land owned by Jack P. and Lorenz S. Woodward, located on Squire Street and to zone the same Residential Single-Family (RS-6).

REZONING – ORDINANCE 08092004B

Whiskey Road

Beam's Supply

Barber, Tad

Aiken County Board of Education

South Aiken Lane

TPN 122-10-14-011

TPN 00-157.0-01-001

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to rezone property on Whiskey Road north of Beam's Supply.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF .54 ACRES OF LAND, OWNED BY THE AIKEN COUNTY BOARD OF EDUCATION FROM RESIDENTIAL SINGLE-FAMILY (RS-10) TO GENERAL BUSINESS (GB).

Mr. LeDuc stated that Tad Barber recently came to City Council with the annexation of Beam's Supply on Whiskey Road to be developed into a small shopping center. He is now working with the Aiken County Board of Education to rezone 0.54 acres of land north of Beam's Supply from Residential Single-Family RS-10 to General Business. Mr. Barber proposes to combine the school board property with the existing property at Beam's in order to provide an alternate vehicular access from this property to South Aiken Lane and to provide sufficient setback, landscaping, and parking for the project.

This proposal is consistent with the Comprehensive Plan and was approved by the Planning Commission. Two conditions should be met prior to the rezoning taking effect.

1. That the parcel be combined with the Beam's Supply parcel.
2. That any conditions be recorded at the RMC Office.

The public hearing was held.

Mr. Tad Barber, 334 Walker Avenue, stated he was available to answer any questions. He stated at the last meeting there was a question about the site plan. He presented a copy of an early version of the center to give Council an idea of where the road will run and how the layout will be.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on second and final reading an ordinance to rezone 0.54 acres of property north of Beam's Supply from RS-10 to GB.

ZONING ORDINANCE – ORDINANCE

Amendment Tattoo Facilities

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Zoning Ordinance regarding tattoo facilities.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING TATTOO FACILITIES.

Mr. LeDuc stated that the Legislative body in South Carolina recently passed a law allowing tattoo facilities. For this reason the Planning Commission has recommended several amendments to the Zoning Ordinance to help with their regulation. The amendments would be similar to those in place for adult businesses, and we would treat tattoo facilities in a like manner.

- (1) The tattoo facility would be added to the Use Table at 3.1.6 and would be permitted in the Industrial District as a Special Exception, requiring approval of the Board of Zoning Appeals.
- (2) Vocational restrictions would require a minimum distance of 1,000 feet from churches, schools, and playgrounds.
- (3) That a definition be included of tattoo and tattoo facilities as used in the state laws.

The Planning Commission unanimously approved these amendments to the Zoning Ordinance.

Mr. LeDuc stated DHEC is putting together a definition as to what they consider a tattoo facility and regulations for such facilities. He said the City wants to be prepared when tattoo facilities are allowed. Currently there is nothing in the Zoning Ordinance for tattoo facilities.

The public hearing was held.

Councilwoman Clyburn stated she had done some research on the areas to see where tattoo facilities might be able to locate. She said she had some concerns about Marlboro Street. She felt that area was not 1,000 feet from Schofield School, however she did not feel a tattoo facility could locate on Beaufort Street because it would be too close to a school which is located in the area. She had concerns about tattoo facilities all being located on the north side of town.

Councilwoman Price stated North Augusta was considering allowing tattoo facilities on major thoroughfares only and were not placing them in neighborhoods. She stated she was hoping that the City of Aiken would do something similar to North Augusta and place such facilities in high traffic areas and not in neighborhoods.

Council then discussed at length the proposed locations of tattoo facilities in Industrial zones. Councilmembers pointed out that North Augusta and Aiken County's ordinances were proposing to allow such facilities on major thoroughfares. Mr. LeDuc pointed out that there were many areas along Whiskey Road, Pine Log and Silver Bluff Road that tattoo facilities could be located, because the areas are outside the city and the County ordinance would allow such facilities on major thoroughfares. Councilmembers felt that they wanted to look at the ordinance more before passing such an ordinance and the areas where tattoo facilities may locate. It was pointed out that if there are no areas in the Industrial zone that tattoo facilities could locate that could be a problem for the Zoning Ordinance.

Mr. Gary Smith pointed out if the city's ordinance includes that tattoo facilities cannot locate closer than 1,000 feet to a residential area that could be more restrictive than the state law and if there is a question typically the state law is held to govern. It was also pointed out that if the city changes to allow tattoo facilities on major thoroughfares, but only 1,000 feet from a residential area, church, school or playground, there may not be any areas where they would be allowed.

After much discussion of locations, Council asked that the staff look at what other cities are doing and also look at what North Augusta and Aiken County are doing as far as allowing tattoo facilities on major thoroughfares, and also do an analysis to see what areas in the Industrial zone would qualify for the location of a tattoo facility, if they could not be located within 1,000 feet of a residential area, church, school or playground area.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council continue the ordinance to amend the Zoning Ordinance regarding tattoo facilities until further information is provided.

BUILDING CODE – ORDINANCE 08092004C

Amendment

Downtown Central Business Fire District

Burning Ban

City Limits

International Building Code 2000

Building Code

Central Fire District

Fire District

Fires

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to reestablish the Downtown Central Business Fire District and burning ban within the City limits.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 10-2, AIKEN CITY CODE, TO RE-ESTABLISH A CENTRAL BUSINESS FIRE DISTRICT UNDER THE APPLICABLE PROVISIONS OF THE 2000 INTERNATIONAL BUILDING CODE, AS REVISED, AND TO PROHIBIT OPEN FIRE BURNING WITHIN THE CITY LIMITS.

Mr. LeDuc stated that a couple of years ago the City of Aiken approved the use of the 2000 International Building Code. This was done in conjunction with the City of North Augusta and Aiken County. Prior to that time the City had established a designated fire district for the Downtown Central Business area which required an owner to utilize approved non-combustible or fire retardant building materials due to the zero lot line setbacks. Since our most recent code omitted it inadvertently, we are asking City Council to reenact this special fire district through this ordinance. A map of the proposed Central Business Fire District and Appendix D of the 2000 International Building Code which would apply for those properties within that district were provided to Council for information.

Mr. LeDuc stated we would also like to reestablish the burning ban within the city limits. Under our prior Building Code, burning within the city limits was banned unless a permit was first obtained from the Public Safety Director. The proposed ordinance would prohibit burning of open fires, yard trash, wood or other combustible material in the city limits. Burning fires in residential fire places and wood stoves is approved, so long as they done in a safe and proper manner.

He pointed out the International Building Code did not have these two provisions, and the staff would like Council to reenact these two provisions for safety purposes.

The public hearing was held and no one spoke.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to reestablish the Downtown Central Business Fire District under the 2000 International Building Code and a burning ban within the city limits.

RYE PATCH – ORDINANCE 08092004D

Hubbell, Harvey
Masters
Lease
Hubbell, Inc.
Whiskey Road
Berrie Road 100

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to lease property at Rye Patch.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE LEASE OF PROPERTY OWNED BY THE CITY OF AIKEN AND LOCATED AT 100 BERRIE ROAD, ALSO KNOWN AS RYE PATCH, TO HUBBELL, INCORPORATED (DELAWARE).

Mr. LeDuc stated that for the past ten years the City of Aiken has leased Rye Patch to Harvey Hubbell for the week during Masters. Over the past three years we have leased the property for \$10,000 a week. This is approximately three times our normal rental rate, and they only occupy the building during a small portion of the day. This funding has been a tremendous asset and helped us pay for the renovation of the upstairs portion of the building in 2002.

They would like to continue this lease arrangement, and we are recommending a three year lease for \$11,000 a year for years 2005, 2006 and 2007.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Cuning and unanimously approved, that Council pass on second and final reading an ordinance to lease property at Rye Patch to Harvey Hubbell for three years for \$11,000 each year.

ANNEXATION – ORDINANCE

Henry Street 780
Edwards, Melissa
Edwards, Stephen
TPN 122-05-22-012

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 780 Henry 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 0.24 ACRES OF LAND, MORE OR LESS, OWNED BY MELISSA AND STEPHEN W. EDWARDS, JR. AND LOCATED AT 780 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated that Melissa and Stephen Edwards at 780 Henry Street would like to annex their .24 acre property under the RS-10 zoning. The applicant is interested in receiving city sewer and other benefits of being in the city. The property is surrounded by other single family homes and is currently served by city water. Several other properties in this neighborhood have annexed to the city over the last 18 months as we made sewer available.

The Planning Commission unanimously approved this annexation, and the right-of-way of the adjacent street is not included in the annexation.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Council pass on first reading an ordinance to annex property at 780 Henry Street under the RS-10 zoning and that second reading and public hearing be held at the next regular meeting of Council.

ANNEXATION – ORDINANCE

Whiskey Road 2223
Miles, Kathy
Publix Shopping Center
Aiken Bowl
TPN 122-17-04-004

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 2223 Whiskey Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.43 ACRES OF LAND, MORE OR LESS, OWNED BY FOUR STAR, INC. AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated that Kathy Miles, the owner of a .43 acre lot at 2223 Whiskey Road, is requesting annexation into the city under the General Business zoning. This property is between the Aiken Bowl and Golden Corral in the Publix shopping center and is currently vacant. The proposed General Business zoning is consistent with the Comprehensive Plan.

The Planning Commission unanimously approved this annexation with two conditions:

1. That there only be one curb cut with one way in and one way out constituting a curb cut on Whiskey Road.
2. That any conditions be recorded by the applicant at the RMC Office prior to annexation taking place.

Mayor Cavanaugh expressed concern about ingress and egress from this property. He felt that it would be an accident prone area. Councilman Cuning also expressed concern about access to the property. He suggested that perhaps the owner could try to get access to the road to the south of this property so people could use the road through the shopping center and not have to exit onto Whiskey Road. Other Councilmembers as well expressed concern about the location being so near Dougherty Road and were concerned about access to the property and accidents in the area. They suggested that the owner try to work with the owners of the Publix Shopping Center to try to get access to the road near Golden Corral. They felt it was a very serious matter and that they would not like to move ahead with the annexation until they felt something could be worked out for access to the property other than Whiskey Road, as they felt it was a serious safety matter.

Mr. LeDuc pointed out that trying to get permission for access will take some time. He stated it had taken the City about 6 months to get permission for access off Dougherty Road to the shopping center.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council continue first reading of the ordinance to annex property at 2223 Whiskey Road under the proposed General Business (GB) zoning until something is worked out as far as access to the roadway to the Publix Shopping Center rather than access on Whiskey Road, as they felt Whiskey Road access is a safety hazard.

ANNEXATION – ORDINANCE

Pine Log Road
Highland Forest Drive
Houndslake Drive
Patel, Ketan
TPN 106-18-10-022

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property located on the north side of Pine Log Road between Highland Forest Drive and Houndslake Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 6.71 ACRES OF LAND, MORE OR LESS, OWNED BY KETAN PATEL AND LOCATED ON PINE LOG ROAD AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated that Mr. Ketan Patel would like to annex 6.71 acres along the north side of Pine Log Road between Highland Forest Drive and Houndslake Drive to be zoned RS-15. The land surrounding this property consists of established single-family neighborhoods with typical lot sizes of 1/2 acre or larger and zoned RS-15. There was a lot of discussion by several of the neighbors concerning this project and Council may want to consider some of the suggestions made by the neighbors.

The Planning Commission unanimously approved this annexation with the following conditions that must be satisfied prior to the annexation being finalized.

1. That the only access to the site can be from the existing right of way connecting to Englewood Drive.
2. That the toe of the exterior slope or edge of the required stormwater detention pond be no closer than 25 feet to any adjoining property zoned or used residentially.
3. That there be a maximum of five lots on the property to be annexed.
4. That there be a minimum side yard setback of 15 feet.
5. That the proof of recording of any conditions with the Aiken County RMC Office be provided to the Planning Director.

The first four items must be shown on any approved site plan.

Councilmembers stated they had had residents in the area express concern about the proposed annexation and use of the property. It was pointed out several of the residents in the area were concerned about the size of the lots compared to the lots presently in the area and stormwater problems. It had been their understanding that there would be 10 lots on the property, but the proposal is now for 5 residential lots with access from Englewood Drive.

Councilman Cuning pointed out he felt that a 50 foot right of way off Englewood was put there for access to this 6.71 acres. He said to have access off Pine Log Road would not be good with all the traffic on Pine Log Road. He also pointed out that the area is designated as residential in the Comprehensive Plan, and the proposed lots are equal to the size of the lots in the area.

Mayor Cavanaugh stated it had also been suggested that perhaps there could be one curb cut off Pine Log Road and have a frontage street that would go to each individual lot, if it is determined that the entrance will not be off Englewood Drive.

Mr. Evans, Planning Director, was asked to let the developer know that a suggestion had been made that possibly access could be off Pine Log Road with a frontage road for access to each lot, and the 50 foot right of way off Englewood could be used as a buffer or detention pond.

Councilman Cuning moved, seconded by Mayor Cavanaugh, that Council pass on first reading an ordinance to annex 6.71 acres of land located on Pine Log Road to be zoned Single Family Residential (RS-15) and that second reading and public hearing be set for the next regularly scheduled meeting. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters was opposed to the motion.

LAND DEVELOPMENT REGULATIONS - ORDINANCE

Amendment

Detention Ponds

Retention Ponds

Buffer

Subdivision Regulations

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Land Development Regulations concerning detention and retention ponds.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AIKEN REGARDING THE SEPARATION AND SCREENING OF DETENTION AND RETENTION PONDS.

Mr. LeDuc stated the current Land Development regulations do not require the separation or screening of a detention/retention pond associated with new subdivisions from adjacent off-site property. In a recently built single family subdivision a new detention pond was located next to an existing residential area and all of the trees were removed right up to the property line for this pond.

The Planning Commission unanimously approved rewording the regulations to require an untouched buffer of at least 25 feet in depth to be maintained between the toe of the existing slope or edge of the detention or retention pond and adjacent off-site land zoned or used residentially. If the existing buffer does not provide sufficiently dense screening, additional shrubbery or trees could be planted as approved by the Planning Director.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on first reading an ordinance to amend the Land Development Regulations regarding the separation and screening of detention/retention ponds and that second reading and public hearing be set for the next regular meeting of Council.

LAND DEVELOPMENT REGULATIONS - ORDINANCEAmendmentCurb and GutterGutterSubdivision Regulations

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Land Development Regulations concerning curb and gutter.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AIKEN REGARDING CONCRETE CURB AND GUTTER.

Mr. LeDuc stated that last year City Council asked that staff review our Land Development Regulations concerning the need for concrete curb and gutter on new roads. Larry Morris, Public Works Director, is recommending that we require concrete curb and gutter on all new roads for the following reasons:

1. Streets without curb and gutter, even those with rolled asphalt edges, present major problems during maintenance and sweeping, because asphalt chunks will break from the edge of the pavement.
2. Streets without curb and gutter tend to become narrower due to encroachment from grass and pine straw.
3. The broken pieces of pavement many times end up in storm drains.
4. If grass swales are used instead of concrete curb and gutter, the results can become breeding places for mosquitoes.

For these reasons the Planning Commission unanimously approved an amendment which would require all new roads to be constructed with concrete curb and gutter unless waived by the Director of Engineering/Public Works.

Councilman Smith expressed concern about the Director of Engineering/Public Works being able to make the decision on whether to waive concrete curb and gutter. He felt if concrete curb and gutter is required that Council should be the one to waive the use. He felt there should be some guidelines as to the situations that might justify not using concrete curb and gutter.

Councilwoman Vaughters stated she had attended a Park Commission meeting and Mr. Morris had discussed that he did not want to use concrete curb and gutter on all the city's parkways because it keeps water from the parkways. The parkways that have curb and gutter have to have irrigation systems because water does not naturally flow into the parkways. She pointed out that there are a lot of beautiful streets in Aiken that do not have curb and gutter. She said before this is a requirement for all new developments she felt that Council should carefully consider this. She felt that concrete curb and gutter is ugly in a lot of places.

Council continued to discuss whether concrete curb and gutter should be required. Some members felt that there may be areas that concrete curb and gutter may not be desirable and this should be considered carefully.

Mr. LeDuc stated there should be a standard, and that if concrete curb and gutter is not to be used in new developments there has to be a specific reason other than cost. He said presently a developer can put in whatever he desires, concrete or asphalt.

Councilwoman Price moved, seconded by Councilman Cuning, that Council pass on first reading an ordinance to amend the Land Development Regulations concerning concrete curb and gutter, and that second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 6 to 1, with Councilwoman Vaughters opposing the motion.

WHISKEY ROAD – ORDINANCEDonation of PropertyWLA EnterprisesDetention PondTPN 30-059.0-01-005City PropertyDrainageStorm DrainageCVS PharmacyCorporate Parkway

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to donate property off Whiskey Road to WLA Enterprises.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ABANDON ITS RIGHT, TITLE AND INTEREST IN THE REAL ESTATE COMPRISING A DETENTION FACILITY TO THE DEVELOPERS OF A PROPOSED COMMERCIAL DEVELOPMENT ON WHISKEY ROAD.

Mr. LeDuc stated that WLA Enterprises, Inc. recently rezoned three properties at the corner of Corporate Parkway and Whiskey Road. One of the three properties consists of a detention pond owned by the City of Aiken. In February, 2003, the City of Aiken prepared an ordinance to donate this property to another limited partnership to develop this area. They were unsuccessful in putting together the venture needed at this location, at which time WLA Enterprises stepped forward. They would like the City to donate this detention pond to them under the following conditions:

1. They would fill in the pond and pipe the storm water to an existing detention pond east of this site.
2. They would work with the City to follow the landscaping and signage provisions and interparcel access as discussed in the LDR report.
3. The detention pond would be combined with the property from the Church of Christ and the parcel east of this property for the development.

With this approval, the City would eliminate an unattractive detention pond and the maintenance associated with it and have the opportunity for the ditch to be filled in with piping along Whiskey Road, along with proper landscaping as part of enhancing this area.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to donate a detention pond north of the CVS Pharmacy to WLA Enterprises, and that second reading and public hearing be set for the next regular meeting of Council.

JAMESTOWN COURT – ORDINANCEPerry, DonnaJamestown Court 104Sale of PropertyCommunity Development and Improvement CorporationChesterfield North SubdivisionHousing Authority

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to approve the sale of property at 104 Jamestown Court.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF PROPERTY OWNED BY THE CITY OF AIKEN, AND THE COMMUNITY DEVELOPMENT AND IMPROVEMENT

CORPORATION, LOCATED IN CHESTERFIELD NORTH SUBDIVISION, AT 104 JAMES TOWN COURT, TO DONNA PERRY.

Mr. LeDuc stated that a couple of years ago the City of Aiken entered into a contractual agreement with the Aiken Housing Authority Community Development Investment Corporation (CDIC). At that time the Corporation had purchased a tract of land off of Chesterfield Street N. and developed 11 residential lots. Ten of the homes within this development have been purchased, and we need Council's approval for the final house sale in this development. The home at 104 Jamestown Court is for sale at a price of \$97,000 to Donna Perry. The City would use HOME Grant money to reduce the cost of this home by approximately \$27,000.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance approving the sale of property at 104 Jamestown Court, and that second reading and public hearing be set for the next regular meeting of Council.

ACCOMMODATIONS TAX COMMITTEE

Aiken Exotic Car Festival

Car Festival

Aiken Railroad Depot

Fundraiser

Newberry Street.

Mayor Cavanaugh stated Council needed to consider approval of a request for Accommodations Tax Funds for the Aiken Exotic Car Festival.

Mr. LeDuc stated that yearly the City of Aiken receives funds from motels and hotels in Aiken which are used for projects that increase tourism and overnight stays. This year 17 projects were recommended at 100% funding and 8 at partial funding. The Committee recently received a request from the Aiken Exotic Car Festival. The show is a fundraiser for the Aiken Railroad Depot which they hope will become an annual event. They will bring in 250 exhibitors, who will display their cars on Newberry Street on Saturday, October 30, 2004. The requested funds will be used to acquire advertising from newspapers, radio and billboards. The Committee members voted unanimously to fund their entire request for \$10,000.

Since the last funding approval, nearly \$14,000 in Accommodations Tax money has been returned from the requesting agencies. If Council agrees to fund this request, there will still be over \$9,000 available for any future projects that might come prior to our new funding cycle this fall.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approve the use of \$10,000 from the Accommodations Tax funds for the Aiken Exotic Car Festival.

GRANT

Department of Justice

Equipment

Public Safety Department

Grant

Mayor Cavanaugh stated Council needs to consider approval of a grant from the Department of Justice for purchase of equipment in the Public Safety Department.

Mr. LeDuc stated that yearly the Department of Justice grants funds to the Public Safety Department for needed equipment. This is a 90%-10% grant and this year's amount is for \$9,810. The Department would like to use this money to purchase Taser units that produce an electrical shock and are used as a last resort during an arrest for individuals who fail to comply with officers' orders during life threatening incidents. The Municipal Association has reviewed the use of Tasers and has approved their use by police.

departments. Several cities have been using these for the past year and have found them to be very helpful during life threatening incidents.

Public Safety would also use the funds to purchase 8 GPS units that an officer could use during the investigation of traffic accidents to provide exact longitude and latitude information on accident reports that are submitted to the South Carolina Department of Transportation.

The remainder of the funds would be used to purchase mini digital cameras for officers use to document traffic accidents, injuries from domestic violence and evidence from crime scenes.

The Department would match the Department of Justice grant with \$1,090 for total purchases of \$10,900.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved that Council approve a grant from the Department of Justice for \$9,810 to purchase needed equipment at Public Safety.

UTILITY REQUEST

Water

Hotel

Whiskey Road

New Ellenton Commission of Public Works

Hunters Glen

Conference Center

Mayor Cavanaugh stated Council needed to consider the request for water service for the hotel/conference center being constructed on Whiskey Road at Hunters Glen.

Mr. LeDuc stated that at the February 11, 2002, meeting, City Council passed a resolution and agreement with the New Ellenton Commission of Public Works. This agreement resolved the disputed water service area along Whiskey Road and Hunters Glen with New Ellenton. It also allowed New Ellenton to tap into our water supply system for use during emergency periods. By having the city's water supply as a backup for their system, they were able to acquire a Farmer's Home Administration Loan and avoided building a new water tank, thus saving several hundreds of thousands of dollars.

Mr. LeDuc stated the request before Council in February, 2002, was a request for water, as the City of Aiken had already agreed to supply sewer to the property. At that time Council voted not to supply water to the proposed hotel and conference center. The developer then went to New Ellenton requesting water service.

At that time New Ellenton entered into an agreement with the new hotel and conference center to supply them with water. Our joint agreement stated that if the hotel was not occupied by December 31, 2003, that New Ellenton's Commission of Public Works right to serve the hotel would revert to the City of Aiken. On September 22, 2003, City Council agreed to modify this contract to extend the agreement to serve the hotel to July 31, 2004. According to the agreement, it further states that the building has to be occupied prior to this date. Since the building is currently not occupied City Council needs to decide whether they should extend the date for New Ellenton to serve the hotel past July 31, 2004, or whether the City of Aiken should provide water to the hotel.

Construction of the hotel is almost complete and the owner has been working under a building permit from Aiken County which has eleven conditions. One of the conditions is that the Conference Center would be limited to 250 persons; originally the occupancy of the Conference Center was to be 500 people. This has been a concern of many of the residents in the surrounding area, especially for parking for the users of the Conference Center. Under the agreement for the City of Aiken providing sewer, the developer is abiding by the City's landscape ordinance.

City Council either needs to vote to extend the agreement or to supply the hotel with water under agreed conditions. If you feel you need further consultation from our City Attorney concerning this matter, you could ask to go into executive session at this time.

Mr. Mark Graham stated he felt Mr. Meybohm, the builder, should address the timeframe for building the hotel. In response to a question regarding the water, he stated that approvals have been received from the tests for the water line which had been hooked up from New Ellenton. He said the meter had not been set yet, awaiting the outcome of this meeting. He said if the City of Aiken furnishes water, the present line from New Ellenton would have to be abandoned, and it would have to be determined how the City of Aiken line would be run to the project.

Ms. Kathy White, a resident of Hunters Glen, appeared before Council regarding the hotel and conference center. She was concerned about when the project would be completed and the feeling that the project is too large and not suitable for the location. She also expressed concern about the Conference plans being able to accommodate more people than 250 and parking for the center. She said the Conference Center could hold 1,400 people. She said the hotel is almost completed, but the Conference Center has not been started yet. She pointed out that Mr. Patel took four months after the extension for water service from New Ellenton before the hotel construction was started. She said if the City of Aiken grants water rights to the hotel, she would suggest that the matter be delayed until the next meeting, giving all a chance to look at the project and place specific stringent restrictions on the water service and remove the conference center from the water rights agreement, as it does not need to be included in this location with the hotel. She asked that a deadline be placed on when the hotel needs to be completed. Another concern has been the use of the Hunters Glen entrance for construction vehicles. It was part of the agreement to not have construction access to the site through the Hunters Glen entrance until the project was complete. She said they would like the construction to only use Whiskey Road for construction vehicles as promised. She said if the City of Aiken is to furnish water to the project, delaying the matter to the next meeting should not matter, since there have been many delays on the project. She felt the City of Aiken could provide specific guidelines that will benefit the area. She was concerned that the construction is still using the cut-through that they opened to the project.

Mr. Patel stated he already had site plan approval for the conference center which he received with the hotel approval. He said the maximum capacity for the conference center is 250 people. He said he plans to have 87 parking spaces for the conference center. Mr. Patel stated the meeting room would be 5,900 square feet, with the other square footage being for the kitchen, restrooms, halls, office space, and two lobbies. The total footprint of the slab is 11,700 square feet. He said he planned to start the conference center within the next two months, after the hotel is completed. He said New Ellenton is still willing to provide water to the project. He pointed out the dates set in the agreement for providing water with New Ellenton and Aiken were set without his consultation. He pointed out if Aiken decides to furnish water to the project; he will have additional costs, because the New Ellenton line is already run to the project. He said he has had opposition to the project in all areas. He said he had the right to use the construction gate, though he had not used it. He said, however, when the main entrance is closed he does have to use the gate. He pointed out there are others who use the gate that have nothing to do with his project. He stated the process takes time and applications for various items require certain time frames, so these take time for the project. He stated he had lost two architects and one attorney during the project and this causes time delays for the project.

Mr. Bobby Meybohm with Meybohm & Associates stated the time frame was ambitious, and that Mr. Patel had lost two architects because of deaths since he had been involved in the project. He said changing architects does involve a lot of time. Also, some engineering services had to be obtained to review some items. Another delay had to do with the fire codes, as each one seems to be different. He said without an architect to give direction regarding the fire protection, it took months to get an engineering firm to work with the fire protection people. He said there had also been some very rainy weather when the hotel was first started, which caused delays. These delays then caused

conflicts with the workers on other projects. He said the hotel is now approximately 65% complete. He said the hotel should be completed by the first of December 2004. The conference center is about a 5 to 6 month project and should be completed in early spring. He said no one wants the hotel completed any faster than he does. He said his contractors and subcontractors had been instructed to only use the Whiskey Road entrance. He said if they are doing otherwise he had not been made aware of it.

In response to questions regarding the drainage, Mr. Mark Graham stated that the storm drainage system was designed for both the hotel and the conference center and met city and county specifications. He also stated there were about 200 parking spaces for the hotel.

Council then discussed at length the request for water service to the hotel and conference center.

Mayor Cavanaugh expressed concern about the agreement with the County for construction and what problems might occur if the City at this time tries to change any conditions or make additional restrictions.

Mr. Gary Smith, City Attorney, stated presently the hotel is being constructed under a building permit issued by Aiken County with conditions. The developer has stated the building is about 65% complete. If the City decides to take over the service of water to the hotel at this time and imposes additional conditions that are not included under the County building permit, and the developer does not agree with the conditions, he could possibly go to the state to see about having the state intervene and try to find a way to get New Ellenton to serve under the present conditions or try to force the City of Aiken to serve them and not impose additional conditions. He said the developer is developing the property with the Aiken County conditions and there is a requirement that the conference center only allow 250 people. He said the easiest thing for City Council to do is to extend the agreement with New Ellenton and allow the development to continue as it has been permitted by Aiken County. If Council decides they want to serve water to the hotel and there are other conditions that the city wants to improve there would have to be a process of negotiating with the developer.

Mr. Larry White, 2528 Goldenbridge Court in Hunters Glen, stated he did not see any of the members of the New Ellenton Public Works Commission present. He said at the New Ellenton Public Works Commission meeting he understood from the Commission that they were not going to extend their agreement with Mr. Patel to provide him water past July, 2004. He also pointed out that the construction workers are using the entrance along Hunters Glen Road. He stated as far as the number of 250 for occupancy for the conference center, it is not enforceable. He said the number is by fire code only. He said the conference center will hold more than the 250. He said the number for occupancy goes by the total square feet for the fire code and 1,200 people could go in the area and not break any fire code rules. He asked how the 250 would be enforced with Aiken County. He said the hotel was already being built so he had no problem with it being completed. He pointed out other buildings which had been started in the area and which have already been completed. He stated he did not understand all the delays in constructing the building.

Mr. LeDuc stated he had talked with New Ellenton and they were willing to provide water if the City of Aiken was willing to extend the date, or if Aiken wanted to provide water they would also abide by that decision.

Councilwoman Vaughters stated her concern was that Mr. Patel picked that lot to place a hotel and conference center on near a residential area. She stated there were a lot of other places along Whiskey Road where the hotel could have gone. She said she was concerned that such a large project was being placed on such a small lot. She said she felt there would be a parking problem at the project.

Mr. Patel stated at this point he prefers to receive water from New Ellenton because he had already spent money for the water line from New Ellenton. He said the New Ellenton Commission has agreed to furnish water if Aiken extends the contract. He said

earlier he wanted to get water from the City of Aiken, but not at this point because of the cost involved.

Councilman Smith stated he was opposed to the idea of the hotel being located at Hunters Glen. He said he was concerned about the size of it. He said he was not on Council at the time the request for water was presented. He said, however, at the time he felt it probably would have been better for Aiken to approve water with conditions and there might have been a different situation now. He said the hotel is being constructed and he did not feel there was going to be any way for the City of Aiken to furnish water now as there would be legal questions. He said at this point he felt the extension should be granted.

Councilman Cunning stated this project points out that the overlay district is needed and this should encourage this process being moved along.

Councilwoman Price stated she was opposed to the hotel in the beginning, but the project is now 60% complete so she was supporting extending the contract to allow New Ellenton to furnish water.

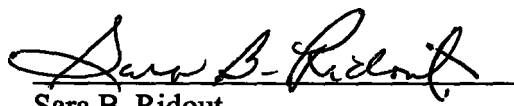
Mayor Cavanaugh stated he supported extending the contract with New Ellenton to provide water for the project. He said he did not like putting the hotel there in the beginning, but he did respect the right to build the hotel on that property because the property is zoned to allow it.

Councilwoman Clyburn moved, seconded by Councilwoman Price, that the City of Aiken extend the contract with New Ellenton to April 30, 2005, to allow New Ellenton to provide water to the hotel and conference center being constructed by Mr. Patel located on Whiskey Road at Hunters Glen. The motion was approved by a vote of 6 in favor.

Councilwoman Vaughters stated she was not voting because she was so disgusted with the whole thing.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:19 P.M.


Sara B. Ridout
City Clerk