

Aiken City Council Minutes

May 10, 1999

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

Others Present: Roger LeDuc, Gary Smith, Pete Frommer, Larry Morris, Anita Lilly, Richard Pearce, Sara Ridout, Nina Nidiffer of the Aiken Standard, Margaret O'Shea of the Augusta Chronicle, and 35 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of April 26, 1999, were considered for approval. Councilwoman Price moved that the minutes be approved as written. The motion was seconded by Councilwoman Papouchado and unanimously approved.

AIKEN ELECTRIC COOPERATIVE - ORDINANCE 051099

Franchise  
Electric Franchise  
Agreement

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set the franchise fee for Aiken Electric Cooperative at 3%.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NUMBER 020899A TO REDUCE THE FRANCHISE FEE OWED BY AIKEN ELECTRIC COOPERATIVE.

Mr. LeDuc stated that in February, 1999, City Council approved a Franchise Agreement with Aiken Electric Cooperative with a 5% franchise fee. Council has discussed this fee in comparison with SCE&G whose fee was set at 3% and the feeling is to lower Aiken Electric Cooperative's fee to 3% to match that currently charged by South Carolina Electric & Gas. With both franchise fees at 3% all of our citizens would be charged the same fee throughout the City no matter where they live. The staff is recommending that a 3% franchise fee go into effect as of July 1 along with the city's new fiscal budget. Reducing the fee from 5% to 3% will be a revenue loss of approximately \$45,655 and this reduction has been factored into next year's fiscal budget.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved that Council pass on second and final reading an ordinance to reduce the franchise fee from 5% to 3% for Aiken Electric Cooperative with the ordinance to become effective July 1, 1999.

ANNEXATION - ORDINANCE 051099A

Gregg Avenue 113  
Aiken Cardiology Associates  
Pennington, Don L.  
TPM 30-002.0-01-003

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 113 Gregg 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 1.094 ACRES OF LAND, MORE OR LESS, OWNED BY AIKEN CARDIOLOGY ASSOCIATES, P.A. PROFIT SHARING PLAN AND LOCATED AT 113 GREGG AVENUE AND TO ZONE THE SAME PROFESSIONAL (P).

Mr. LeDuc stated Aiken Cardiology Associates is requesting annexation of 1.094 acres located at 113 Gregg Avenue to be zoned Professional. The property is contiguous to property inside the city directly across from Gregg Avenue.

The current Aiken County zoning is RC Rural Conservation, the County's most restrictive single family zone. The property in the city is zoned for single

family residential purposes and most of it is used in this manner. However, the lot immediately to the south is a former single family dwelling unit converted to a medical office before Aiken County adopted the current zoning for this area and is considered now to be a legal non-conforming use. In addition the lot to the north is a church which is an allowed usage in the County's RC zone. There are three Planned Unit Developments nearby--one to the southwest which includes the Pickens Place single family residential subdivision, the Pepper Hill Nursing Home, Kings Sport which is largely a single family residential unit, and Kalmia Landing, a currently developed project which includes patio homes.

The Planning Commission voted 4 to 2 to annex this property under the Professional Zone with no conditions.

Mr. LeDuc stated he had received a letter from the Church of God adjacent to the area proposed to be annexed stating they had no objections to the annexation and zoning as Professional.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance approving annexation and Professional zoning of 1.094 acres located at 113 Gregg Avenue owned by Aiken Cardiology Associates with the ordinance to become effective immediately.

#### ZONING ORDINANCE

S.C. Local Government Comprehensive Planning Enabling Act of 1994  
Duncan and Associates  
Revised Ordinance

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on a proposed revised Zoning Ordinance.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE ADOPTING THE REVISED ZONING ORDINANCE OF THE CITY OF AIKEN.

Mr. LeDuc stated that in May, 1998, a Task Force was appointed by the Planning Commission to begin work on revising the Zoning Ordinance with the assistance of Duncan and Associates of Austin, Texas. The Task Force has held over fifty hours of meetings and has reviewed several drafts of the ordinance. At the April 13, 1999, Planning Commission meeting the Zoning Ordinance revisions were approved unanimously by the Planning Commission.

Mr. LeDuc stated that in 1994 the state legislature passed a law stating that local governments must revise their zoning ordinances and gave five years for the revision with the deadline in May, 1999. Recently Governor Hodges signed an extension of this law to December 30, 1999.

Council has discussed the proposed ordinance at length and has suggested several changes: the percentage of land to be landscaped, sidewalk and wall changes, change from 15 to 30 days for an appeal process, and a statement that in one year the ordinance will be reviewed for any possible changes. Several revisions have been made to the Zoning Ordinance which was originally adopted in 1947, and there has not been a complete overhaul of this ordinance in 25 years. The ordinance under consideration represents an effort to streamline the regulations to make them easier to use, understand, to eliminate outdated provisions and to better incorporate the numerous amendments made over these years.

Mayor Cavanaugh pointed out that in the pre-Council session Council talked about the Zoning Ordinance and Council still has questions. The consensus of Council was that Council would have a third reading on the ordinance.

The public hearing was held.

Buzz Jackson, of the Planning Commission, spoke on the issue of minimum open space in the commercial zones and in the multi-family areas. He stated at the Planning Commission meeting he had made the recommendation that the minimum open space for multi-family be decreased from 40% to 30% and that the minimum open space for commercial be reduced from 20% to 15%. He stated he understood at the last Council meeting, Council had concerns about this and recommended that the percentages be the same as in the existing Zoning Ordinance. He said he understood Council felt open space had never been a factor. He said he

understood open space had been a factor in several applications that have come before the Planning Commission in the last 12 to 18 months. He said he feels that the percentage of open space provides problems economically and practically for individuals. He pointed out that when 20% of an expensive piece of commercial property cannot be used to provide a return on an investment or to further the business, it gets to be a weighty consideration for a potential developer. He said the same applies to multi-family. He pointed out that 40% of land for multi-family cannot be developed. He said we want to encourage development, not discourage it. He said he felt the percentages for landscaping needed to be reduced to more practical levels.

Ms. Liz Blount, 1023 Hayne Avenue, stated she understood that Council had talked about accessory apartments to be built on small, narrow lots or too close to the line. She urged Council to support amendments to the ordinance to make it difficult to build on such lots.

Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved that Council pass on second reading and public hearing an ordinance to approve the revised Zoning Ordinance with the changes pointed out and that Council study the ordinance further and that a third reading be held at the next regularly scheduled meeting of City Council.

REZONING - ORDINANCE 051099B

Colony Parkway  
Whiskey Road  
Holiday Inn Express  
Motel  
Shah, Ramesh  
NAS of Aiken, LLC

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to extend the time for construction of an addition to the Holiday Inn Express on Colony Parkway.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NUMBER 031196A.

Mr. LeDuc stated the City of Aiken granted rezoning to the Holiday Inn Express for 2.31 acres located to the east of the Holiday Inn from Professional to Neighborhood Business for the expansion of their motel property. This agreement, made on October 1, 1997, had a three year limit from the date of approval by Aiken City Council, which was March 11, 1996. Due to the economy this project has been delayed and for several reasons construction has not taken place on this property as of this date. One of the conditions for the rezoning in 1996 was that if the building permit was not obtained within three years from the date of approval the rezoning to Neighborhood Business would revert to Professional. That time limit has expired.

Mr. Ramesh Shah, owner of this property, has requested that the City of Aiken extend this agreement to allow him to construct the motel later this year with construction to be completed in the year 2000. The amendment of this ordinance also includes the change of the transfer of the title of this property from RAS, Inc. of Aiken to NAS of Aiken, LLC, but it is still owned by Mr. Shah. Conditions in this area have not changed since City Council rezoned the property from Professional to Neighborhood Business, and the staff concurs with this extension of time. The other conditions of the agreement would remain in effect.

The public hearing was held and no one spoke.

Councilman Radford stated he was opposed to the ordinance. He pointed out when the ordinance was passed the time limit was clearly stated. He said it was not until Mr. Evans sent Mr. Shah a letter on April 6, 1999, that the three years was over that Mr. Shah started to do anything about the addition.

Councilwoman Price moved, seconded by Councilwoman Clyburn that Council pass on second and final reading an ordinance amending Ordinance 031196A and the agreement by extending the rezoning of the property adjacent to the Holiday Inn Express on Colony Parkway from Professional to Neighborhood Business with construction of the expansion of the Holiday Inn Express to be completed by December 31, 2000, or the zoning will revert to Professional. The motion was approved by a vote of 6 in favor. Councilman Radford opposed the motion.

DEDICATION - ORDINANCECVSWhiskey RoadStreetDetention PondLift StationSewer Lift StationHolley TractShannon LaneDS Whiskey Road, LLC

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to accept dedication of the street, detention pond, and lift station at the CVS on Whiskey Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF REAL PROPERTY OWNED BY DS WHISKEY ROAD, L.L.C.

Mr. LeDuc stated about a year and a half ago CVS, Sonic, and Payless Shoes built several commercial buildings off of Whiskey Road. In their approval process they built to city standards a road which went through this development with the idea that future commercial development would be built behind the stores and a sanitary sewer lift station and detention pond were installed. The owners of the property, DS Whiskey Road, L.L.C., have asked the city to accept the dedication of the street, sewer lift station, and detention facility. It is customary for the city to do this after a one year period. Larry Morris, Public Works Director, has inspected this and is satisfied that they comply with all of the City of Aiken specifications and recommends that the city accept these facilities.

Councilman Anaclerio moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance approving the dedication of a road, sanitary sewer lift station and detention facilities at the CVS Store off of Whiskey Road and that second reading and public hearing be set for the next regularly scheduled meeting of City Council.

ADDITIONS TO AGENDAResolution

Mayor Cavanaugh stated he had two resolutions that he would like for Council to add to the agenda.

Mayor Cavanaugh moved, seconded by Councilman Radford and unanimously approved, that Council add two proposed resolutions to the agenda for consideration by Council.

RESOLUTIONNational CemeteryAugusta, GeorgiaYoung, Bob Mayor

Mayor Cavanaugh stated Mayor Bob Young of Augusta, Georgia, had asked the City of Aiken to support the establishment of a national cemetery in Augusta. He had asked that Council pass a resolution in support of a national cemetery in Augusta, Georgia, possibly at Fort Gordon. He said Mayor Young understands that a decision will be made shortly by Congress for a new national cemetery. He said the proposed resolution is a resolution asking Congress to select the Augusta, Georgia, area as the site for a national cemetery.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass the resolution in support of a national cemetery in Augusta, Georgia.

RESOLUTIONClyburn, William Jr.Surface Transportation Board

Mayor Cavanaugh read a resolution recognizing the accomplishments of William Clyburn, Jr. who has been appointed by President Bill Clinton to serve as one of three members of the Surface Transportation Board after receiving unanimous confirmation by Congress.

Mayor Cavanaugh moved, seconded by Councilwoman Price and unanimously approved, that Council adopt the resolution recognizing William Clyburn, Jr.

Mayor Cavanaugh presented the resolution to William and Beverly Clyburn, parents of William Clyburn, Jr.

Councilman Perry pointed out that William Clyburn, Jr. is the youngest person to be confirmed to the Surface Transportation Board and one of a few people in the history of confirmations by the Senate to receive a unanimous vote.

#### RECOGNITIONS

Mayor Cavanaugh recognized Webeloes, Pack 124 from St. Thaddeus Church. The Webeloes are working on their citizenship activity badge.

Mayor Cavanaugh also recognized students from South Aiken High School who were in attendance.

#### EXECUTIVE SESSION

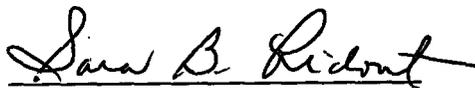
Mayor Cavanaugh stated Council needs to go into executive session to discuss a personnel matter.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved, that Council go into executive session to discuss a personnel matter.

Council went into executive session at 8:05 P.M. After discussion Councilwoman Papouchado moved, seconded by Councilwoman Price and unanimously approved, that the executive session end.

#### ADJOURNMENT

There being no further business the meeting adjourned at 8:40 P.M.



Sara B. Ridout  
City Clerk