

Aiken City Council Minutes

WORK SESSION

April 25, 2005

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Ed Evans, Sandra Korbelik, Sara Ridout, Erin Brooks of the Aiken Standard, and about 16 citizens.

Mayor Cavanaugh called the meeting to order at 6:34 P.M. He stated Council had one item to discuss in the worksession, locations for tattoo parlors.

TATTOO PARLORS

Locations

Zoning Ordinance

Tattoo Facilities

Mr. LeDuc stated last fall City Council discussed possible locations for tattoo parlors. At that time there was also some discussion that possibly a community could interpret the law to state that regulations were not needed. Our City Attorney and Staff Attorney both feel that the City should pass an ordinance regulating their location. This past week we received two phone calls from two different individuals who are interested in opening up a tattoo business in the city, and who wanted to know where they could locate their facility. Staff has reviewed possible locations and has two options to discuss with Council at this next meeting. The first option would involve locating tattoo facilities in the Office/Institutional Zone. Factoring in the 1,000 feet from all churches and schools, would drastically limit the number of locations they could occupy in the city. The other possibility that Council discussed was locating them along all major state and federal highways in the General Business zone. This would involve numerous properties along the By-Pass, Laurens, York, Richland, Pine Log, Silver Bluff and Whiskey Road. Since the regulation has passed the State Legislature, and DHEC has issued the regulations and rules for tattoo parlor operations, we feel it is important for Council to determine the locations for these facilities within the City of Aiken.

It was pointed out Council had previously discussed possible use of the Industrial Zone for tattoo parlors, but it would put all the locations on the east and north side of the city. The Industrial and Light Industrial areas are on the north side of town. Mr. LeDuc pointed out there had been objections by Councilmembers to placing tattoo parlors in the Industrial zones.

Councilwoman Vaughters stated she did not like the idea of the tattoo parlors being near the hospital and the University of SC or on major highways where everybody sees them. She asked if a tattoo parlor zone could be created and placed on property owned by the City of Aiken.

Mr. Gary Smith, City Attorney, stated Council could consider a tattoo parlor zone. He stated Council could create a zone that is only for tattoo parlors. He pointed out the area would have to satisfy the requirements of the state regulations. He pointed out the proposal for tattoo parlors on highway frontages that are zoned General Business. He stated this would not be creating a new zone, but would be allowing a new use in an existing zone. He stated this is done whether the city has the property owner's approval or not. It was pointed out Council could limit the locations to federal highways or state highways or highways with a certain amount of traffic.

Council then discussed at length the possibility of tattoo parlors in the General Business zone along state and federal highways. A map was presented showing possible locations. It was pointed out that Council could stipulate certain criteria for the highway, such as a

highway that carries a certain number of cars a day. This would limit the number of locations even more than shown on the proposed map.

Councilman Cunning pointed out if Council wants to limit the locations, a possibility is allowing tattoo parlors in the downtown zone, DB. He pointed out this would locate the parlors in one location. He pointed out the map showing the allowable zones in the GB zone are all over town. He stated if they are to be allowed in the GB zone, the best thing to do is limit the locations to streets with a certain amount of traffic.

Mayor Cavanaugh stated he was concerned about the GB zone, as that included a lot of locations, but Council could place additional conditions on the locations, such as on a federal or state highway with a certain amount of traffic.

Councilwoman Clyburn stated she did not feel that the locations should be scattered out in so many different areas, but should be pinpointed in a few places.

Councilwoman Price stated she would recommend going south and looking at Whiskey Road, Silver Bluff and Pine Log Road.

Mayor Cavanaugh stated he felt the locations should be allowed in all directions so no one could say the tattoo parlors were being put in one particular area of the city. He pointed out Council would not be able to make every one totally happy with the locations.

Councilwoman Vaughters stated she felt the property owners should be notified of the areas designated.

Mr. LeDuc stated there would essentially be an overlay showing where in a particular GB area a tattoo parlor would be allowed. He asked what Council wanted staff to bring back to Council for consideration.

Mayor Cavanaugh stated he felt the locations should go in four directions - north, south, east and west. He said limited locations could be selected in each direction, and this would be an overlay.

Council also discussed the possibility of tattoo parlors locating on Whiskey Road or other roadways in areas outside the city and the county having no zoning for tattoo parlors.

In response to a question by Councilwoman Vaughters regarding the concept of having a zone and only allowing certain uses in a certain area, Gary Smith responded this is accomplished now through special exceptions. He said certain things are allowed in certain zones if the property satisfies special exceptions that Council has imposed.

Mr. LeDuc stated if Council wanted to discuss the legal matters regarding zoning for tattoo parlors the matter could be discussed with the City Attorney in executive session after the Council meeting.

Mr. LeDuc stated he would have staff look at some of the areas in each direction to see what could be recommended to Council for consideration at the next Council meeting. He said if Council wanted to consider four areas, staff could look at Whiskey, Richland, York Street and Pine Log Road and see what areas would be 1,000 feet from churches or schools.