

Aiken City Council Minutes

WORKSESSION

April 14, 2008

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

Others Present: Roger LeDuc, Gary Smith, Richard Pearce, Sara Ridout, Sandra Korbelik, April Bailey of the Aiken Standard, and about 10 citizens.

Mayor Cavanaugh called the meeting to order at 6:33 P.M. He stated Council had one item to discuss in the worksession – Board of Zoning Appeals sworn testimony.

BOARD OF ZONING APPEALS

Testimony

Oath

Mr. LeDuc stated the Board of Zoning Appeals has not taken a vote on this matter, but has discussed it at several of their meetings. Before they go any further deciding what direction to take, they wanted to get some information from Council as to their feelings to see if Council would want to consider having applicants, staff and others to be sworn in prior to giving any information.

Mr. LeDuc stated the city recently received a letter from the chairman of the Board of Zoning Appeals, Larry Ogletree, asking if Council would like the boards and commissions that act in a quasi-judicial capacity to initiate sworn testimony. The BZA Board members have discussed the pros and cons of allowing sworn testimony by staff, applicants and the public as part of their hearing process. State law permits persons appearing before the BZA to be sworn in by the Board Chair, but does not require it. If the Common Pleas Court reviews a BZA decision they do not look at sworn testimony with any more weight in an appeal. There are some cities in South Carolina that routinely require the persons to take an oath before appearing before their local board. However, in January, 2008, the South Carolina Supreme Court unanimously decided that a case from the City of Camden's Planning Commission that treating these gatherings in a more formal setting is unnecessary. The Court's opinion clearly states that these type proceedings are not formal court proceedings; thus the State Court feels that it is not necessary for applicants or speakers to be sworn in. However, some members of the BZA feel that sworn testimony will be more truthful when giving evidence.

Mr. LeDuc stated to date BZA, the Design Review Board, the Planning Commission, and City Council have operated without sworn testimony with no apparent harm. Hopefully, city meetings project an atmosphere of trust and assumption that speakers are truthful.

Mr. LeDuc stated if Council decides that BZA should use sworn testimony you may also want to discuss should the Design Review Board also have sworn testimony since it is also a quasi-judicial board, or even City Council.

Mr. LeDuc stated that at tonight's meeting the BZA wants to receive Council's direction on whether or not sworn testimony should be required.

Mr. Larry Ogletree, Chairman of the Board of Zoning Appeals, stated he was present to hear Council's comments regarding the matter. He pointed out the information given to Council is a good summation of the discussion and the opinions at this point of the BZA. He said they would like to present the package put together by the staff for Council's consideration and listen to Council's comments.

Mayor Cavanaugh stated he had some questions and concerns about the issue. He wondered if the BZA members felt people were not telling the truth and how often they felt this happens. He said he has concerns that if sworn testimony is adopted how the citizens will feel about this. He pointed out people do see things differently and have

different opinions, but he was concerned about going to something which he feels is a drastic change. He pointed out the City Code already states that it shall be unlawful for a person to knowingly provide false information to any official of the city. He said Sandra Korbelik had suggested that the application forms for variances could include Section 22-9 of the City Code, requiring all information and testimony to be truthful. He said including the statement on the application seems like a good idea.

Mr. Ogletree stated BZA members can think of several instances where variances have been granted, and then the owner or the applicant has used the variance for profit or to sell a piece of property or enhance the property for sale. He said, however, he did not think they were convinced that a person being sworn in is going to give any more a search for the truth than the BZA members asking more probing questions. He said his feeling is that the current city ordinance that is read at the beginning of each meeting giving general instructions and being printed on the application form would serve the same purpose as being sworn in. Then they would have the teeth of the ordinance for enforcement. There is no enforcement guaranteed simply by swearing in.

Mayor Cavanaugh stated in some of the information there were statements that the BZA approves something and the people do not do what they say, but do something else. He said he felt the charge for the BZA members was to look at the property, not the person. If the property warrants approval, then the BZA makes judgments based on that. He pointed out the property owner at the time may not have any idea of selling the property. However, it is the property owner's right to ask for the variance and the BZA to judge on the request based on the property. Over the years the property may change hands several times, but the BZA makes the decision based on the property. He said he did not know how the BZA could judge whether or not to approve something based on whether the owner may sell the property and make a profit. He felt the variance should be based on the property and whether it warrants that decision.

Mr. Ogletree stated there had been examples of requests that would point to "for profit." He said there had also been examples where the integrity of the applicant is questionable when the applicant agreed to do certain things, but then did not do what they agreed to do. He said it is questionable if the person had been sworn in whether they would have done it or not.

Mayor Cavanaugh stated if there are certain things BZA wants done, then the matter should be made a condition of the approval.

Councilman Dewar stated he had done some research on the matter. He said he had the Comprehensive Planning Guide for Local Officials published by the Municipal Association. He pointed out the publication says the BZA organizes itself and develops their own procedures, one of which is the oath administered to witnesses. It also states there is no requirement for due process in a board hearing, and it is appropriate to provide for rules of evidence and for a method of examining witnesses that avoids intimidation. He felt the guide implies that witnesses should be sworn since it is a quasi-judicial board.

Mr. Ogletree stated he felt they needed to look at how they conduct business. He said if business is conducted in a strict, formal way, it can tend to intimidate the citizens. However, if a meeting is conducted in an orderly manner, following Roberts Rules of Order, there can be a comfortable setting for the citizens to address the board, and there is control and the extra hammer is not needed such as taking an oath. He said he was not a judge, and he would not want to operate under those circumstances.

Councilman Dewar asked how you would make very clear to the people that come before the Board for a decision that they are coming for a very serious matter, and that they should be open and honest in the entire proceeding.

Mr. Ogletree stated that is done by stating at the beginning of each meeting the City ordinance that is in place now which states they must tell the truth and if they lie to a city official in the conduct of formal business there is a penalty. He said they had begun to say that at each meeting.

Mr. Pearce, Staff Attorney, stated the penalty is 30 days in jail or \$1,087.50 in fines, which is the penalty for violation of any City Code ordinance.

Mayor Cavanaugh stated he was concerned that if one board requires an oath all boards may do so. He said if an oath is required for the citizens, then the oath needs to be done by the board members also, so everyone is abiding by the same understanding. He questioned who would be the detective to determine whether someone lied and knew beforehand that he was going to sell his property for profit when requesting a variance or whether a sale came about normally. He felt this would be setting up a big bureaucracy. He pointed out the Code already contains a statement regarding telling the truth and no lying to city officials, employees, etc. He felt requiring an oath would intimidate the citizens who wish to speak about a matter.

Councilman Dewar stated he felt the issue is should we swear witnesses in, not should we cross examine them, etc.

Mr. Ogletree stated when he has appeared in court and taken an oath it scares him. He said he has to be on guard for everything he says and does. He said BZA has started quoting the City Code in the opening statements stating the City Code will be enforced if a person lies to city officials, etc. He pointed out the BZA board members go around and look at the properties they have approved for variances. If they see they are not following the board's approval, the Zoning Official enforces the regulations. He said they monitor the things they approve and use city resources to enforce their approvals.

Mayor Cavanaugh pointed out that Councilman Dewar had read from the guidelines that BZA has a right to set their own policies.

Mr. Gary Smith stated each commission or board has the authority to set its own rules and procedures, and that is done by adopting by-laws. Most of the commissions follow Roberts Rules of Order. The board can set its own rules. However, the question may become whether Council wants a rule to administer an oath to be a uniform rule throughout the commissions. This is something Council could impose as a requirement.

Mr. Ogletree said the feeling of BZA was that there may be other commissions this might apply to, and BZA wanted to get some feedback from City Council as to the direction they would like the city to move, rather than BZA striking out on their own.

Mr. Keith Coones, a member of the BZA since 2001, stated he agreed with Mr. Ogletree, but disagreed slightly on the stance of using the Municipal Code, but tended to refer directly to the Comprehensive Planning Act, which has the language for the provision of administering an oath to those who speak. He said some cities do administer oaths. He said the question is whether the City of Aiken should administer an oath. He said he would feel more confident with the statements made if an oath were administered. He said of the cities that do take the sworn oath, none indicated that it made citizens reluctant to speak. It was suggested that administering an oath was working. He said swearing in is different from the City Code issue of providing false information to a city official. He said the swearing in is a tool allowed in the Comprehensive Land Use Planning Act of 1994. He felt swearing in would be a good idea. He said in checking properties they have found that people have not done what they said they would do. He said swearing in is not new. He said the question is about the Board of Zoning Appeals and whether they should take sworn testimony.

Councilman Wells stated the city has an ordinance in place now about lying to city officials. He asked if taking an oath would make the fine any stiffer than the present city ordinance. He pointed out making the statement at each meeting makes the citizens aware of the Boards rules that everyone must tell the truth. He also asked if the Board makes a variance with conditions could not they be held to the conditions.

Mr. Gary Smith stated committing perjury is a violation of state law, and it is a felony and carries a minimum jail penalty of a year.

Mr. Coones stated the difference in the two matters is that one is listening to the rules and obligations. The oath is an affirmative act by the person to tell the truth. He pointed out that having sworn testimony is a measure that would raise the bar and point out the actual situation with no withholding of information.

Councilman Wells expressed concern about someone taking an oath to tell the truth and a variance is granted. At the time the person states he does not intend to sell the property, but then later the person does sell their property. He was concerned about the person being perjured because he stated under oath he did not intend to sell the property.

Mr. Coones stated that was not the issue that he was concerned with what happens after the fact. He said the BZA can make variances or special exception to run with the land or can grant a variance or special exception to the applicant only so if the property is sold the variance would no longer be in effect. He pointed out a variance actually changes the zoning ordinance for that piece of property and Council can do nothing to alter that. He said granting variances or special exceptions are a serious matter.

Council continued to discuss the matter and examples of problems which had happened in the past and the concerns of the BZA and the concerns of City Council and how one proves the intent of an applicant.

Mayor Cavanaugh stated it seems to be a different problem than just telling the truth. Rather than making people swear to tell the truth, perhaps the Board needs to look more at details as to what is approved and tie as many things as possible to conditions of the approval. Then the conditions of the approval are listed and enforceable. He was concerned as Councilman Wells that situations change from the time approval is granted to even a few weeks later. He pointed out situations change as far as selling property after a variance is granted, but that is the property owner's right.

Mayor Cavanaugh pointed out again that it seems according to the law that the BZA as a group can set their own rules and guidelines for their meeting without approval of City Council. He said he was personally against making each person take an oath to tell the truth. He felt it was not necessary and there was not enough reason to do it.

Councilwoman Clyburn stated she also felt it was up to the BZA to decide whether they wish to swear the witnesses. She said it is clear from what Mr. Smith had stated and what is in the manual that the decision rests with the Board. She said if the Board is asking what they feel Council wants them to do because they are appointed by Council, then the BZA should see clearly that there are some who feel the BZA should not change what they are currently doing. There is nothing in the ordinance to keep BZA from swearing in witnesses if the majority of BZA wants to do so. She pointed out the current policy seems to be working well.

Councilwoman Vaughters stated she felt making the statement at the beginning of the meeting quoting from the City Code and stating the penalty should someone lie to them should bring to the attention of all those present the seriousness of the matter without being threatening. She felt that all who are granted variances should do what they say they will do, and it is not acceptable for a few not to follow the approval. She said the enforcement comes when board members see something has not been done as approved and action is taken by the Zoning Official. She pointed out if something is stated in the minutes it is as valid as if it were sworn. She felt Mr. Ogletree's approach is good. She pointed out the boards and staff have to be very specific as to what people can do. Mr. Ogletree stated he could include not only the ordinance regarding telling the truth but also the penalty in the opening statements at the BZA meeting.

Councilman Dewar stated he felt it was important that the board understand that it is their decision as to what they do. He said he had no strong feeling one way or the other, but the guide strongly suggests that the board administer oath. The bottom line as he understands it is that it is the decision of BZA as to how they run the board.

Mr. Ogletree stated BZA had already made that determination and only wanted to get Council's feeling and see whether or not they wanted to apply the policy to other quasi-judicial boards.

It was the general consensus of Council that the Board of Zoning Appeals could make their own rules and determine how they wish to conduct their meetings.

REGULAR MEETING

April 14, 2008

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

Others Present: Roger LeDuc, Gary Smith, Richard Pearce, Anita Lilly, Pete Frommer, Glenn Parker, Ed Evans, Larry Morris, Sara Ridout, April Bailey of the Aiken Standard, and about 30 citizens.

Mayor Cavanaugh called the meeting to order at 7:19 P.M. Councilwoman Price 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 Dewar stated he had received an e-mail from the MASC regarding the Senate's consideration of a proviso to the State Budget which would require the S.C. Department of Revenue to collect Local Hospitality taxes, charging a 1% fee for this collection. Councilwoman Clyburn stated she would like to add a request to Petitions and Requests regarding renaming of a street to Martin Luther King Boulevard. Councilwoman Vaughters asked to discuss an article from The State Newspaper regarding growth and impact fees and various items from Issues. Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that the agenda be approved as amended.

MINUTES

The minutes of the worksession and regular meeting of March 24, 2008, and worksession of March 31, 2008, were considered for approval. Councilman Dewar asked that two questions he asked at the special worksession of March 31, 2008, be added to the minutes concerning the activities of CDIC outside Aiken County and the question regarding the City receiving financial statements from the Aiken Housing Authority. Councilwoman Clyburn moved that the minutes be approved as amended. The motion was seconded by Councilman Wells and unanimously approved.

BOARDS AND COMMISSIONS

Appointments

Community Development Committee

Kelly, Sr., Robert

Housing Authority

Buckley, Martin

Mayor Cavanaugh stated Council needed to consider appointments to the various boards and commissions of the city.

Mr. LeDuc stated there are 5 pending appointments to boards and committees of the city and 2 appointments are presented for Council's consideration.

Councilwoman Clyburn has recommended appointment of Robert Kelly, Sr. to the Community Development Committee to replace Mrs. Ossie Lloyd. If appointed Mr. Kelly's term would expire September 2, 2009.

April 14, 2008

Councilwoman Vaughters has recommended appointment of Martin Buckley to the Housing Authority to fill the unexpired term of Robert Stack who has resigned. If appointed Mr. Buckley's term would expire May 28, 2010.

Councilwoman Clyburn moved, seconded by Councilman Dewar and unanimously approved, that Council appoint Robert Kelly, Sr. to the Community Development Committee with the term to expire September 2, 2009 and Martin Buckley to the Housing Authority with the term to expire May 28, 2010.

Councilwoman Vaughters stated Rosamond McDuffie had resigned from the Design Review Board, and she would like to nominate Lucy Knowles to fill the unexpired term and filling the historic preservationist position on the board.

Councilwoman Clyburn asked what position her appointment for the Accommodations Tax Committee needed to be. It was pointed out that the Committee must have 4 hospitality appointments with 2 of the appointments being specific to lodging, and 2 at large appointments. It was stated her appointment was an at large appointment.

ZONING ORDINANCE – ORDINANCE 04142008

Amendment

Downtown Overlay District

Expansion

Old Aiken Overlay District

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning the expansion of the Downtown Overlay District.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO EXPAND AND RENAME THE DOWNTOWN OVERLAY DISTRICT AND TO AMEND AND RENAME THE DOWNTOWN ARCHITECTURAL DESIGN GUIDELINES.

Mr. LeDuc stated in June, 2006, City Council approved changes to the Zoning Ordinance giving the Design Review Board the responsibility to review changes for new residential single-family units and their additions in the Downtown Business District. At that time Council asked the Planning staff to expand these guidelines to incorporate the entire old grid of Aiken.

Last September City Council denied the first reading of an ordinance to expand this district bordered approximately by Richland Avenue on the north, South Boundary on the south, Union Street on the west and the city limits to the east. This denial was based on concerns from several of the citizens in the area that even minor additions would require them to obtain approval of the Design Review Board.

City Council asked that the proposed ordinance be amended and give the Design Review Board the authority only for demolitions, construction of new homes, and major expansions of over 50% of the value of the property. At the last meeting a question came up about accessory buildings. He pointed out the information for Article 3 states that no approval shall be required for any work involving an accessory building associated with a residential use and not used for commercial purposes, including, but not limited to, a shed or garage. Those citizens who spoke at the September, 2007, meeting were notified of the changes coming before City Council at tonight's meeting. The changes to the Zoning Ordinance will also give the Design Review Board the authority to review these same items for commercial and industrial buildings within this area. Information from the Planning Department concerning these revisions was provided to Council.

Mr. LeDuc pointed out if the proposed ordinance is approved by Council that similar guidelines will be expanded to include the northeast and northwest quadrants of old Aiken, following the Old Aiken Master Plan approved by Council a few years ago.

City Council approved this ordinance on first reading at the March 24, 2008, meeting. For City Council consideration, this is second reading and public hearing of an ordinance to amend the Zoning Ordinance to expand the Downtown Overlay District Guidelines into the Old Aiken Overlay District.

The public hearing was held.

Mr. Art Gregory, 210 Arbor Terrace, stated he was concerned about residences and lots in the overlay district. He said he was particularly interested in residential homes on Newberry Street and Laurens Street. He was concerned about residences being able to be built all the way to the property line. He said it did not seem right to be able to build residences back to back. He was concerned about being able to build residences in the downtown without a setback.

Mayor Cavanaugh stated this matter had been discussed by Council and another citizen, and he thought Council was still looking at this matter.

Mr. LeDuc stated staff was not reviewing the issue of residential zero lot lines in the Downtown Business District, but was looking at residential off street parking, and incentives for open space and landscaping in the downtown associated with commercial buildings. He said he understood that Council did not wish to consider residential setbacks in the downtown district at this time.

Mayor Cavanaugh stated he felt Council should take another look at the matter of zero lot lines for residences in the downtown area. He said commercial in the downtown is built adjacent to each other. However, he felt Council should reconsider setbacks for residences in the downtown.

Mr. Gregory was concerned about residences in the area and felt the zero lot lines included a large area. He felt zero lot lines for commercial were all right, but not for residential. It was pointed out that the Downtown Business District goes to Union Street on the east, to Barnwell on the north, Park Avenue on the south, and Pendleton Street on the west.

After discussion Council felt the issue regarding zero lot lines for residential in the downtown district should be revisited.

Mr. Jack Jacobs, 1316 Park Avenue SE, stated he had submitted a letter requesting that his property be excluded from the expansion of the Downtown Overlay District. He said he had several questions. He said he had visited the Planning Department, but was having trouble getting a grasp of the exact application of the overlay and what it applies to. He pointed out from the information in the Council packet it appears that the proposed ordinance applies primarily to residential, but it does seem to address all the zones in this area. He asked if the overlay would change any of the usages of the property. He pointed out he had renovated the property on Park Avenue and is the only residence between Richland and Park Avenue from Williamsburg Street to Pine Log Road. He said his property is on Park at Gaston Road. He said he is totally surrounded by industrial and commercial uses. He said the property next to him had been leased to a truck park. He said this changes his landscape. He said he is concerned about the direction of his property with the changes which have occurred in the area over the last two years. He pointed out if the proposed ordinance does not change any of the zoning or land uses in his surrounding area then he would like to request that he be excluded from the overlay district. He said his property would come under Article 4, and if he chose to restore and remodel the old barn on the property he would have to obtain a Certificate of Appropriateness and have public hearings on the request and would be subject to preservationists. He asked that he be excluded from the overlay area.

Mr. LeDuc pointed out Mr. Jacobs' property is located at the very edge of the boundaries of the proposed area for the Downtown Overlay District. He said the line could be moved, however, if one property is excluded others may ask for exclusion. He said the idea is that the Design Review Board would have the ability to make sure that the character of the older homes and property is preserved in the area when major

renovations are made. He pointed out Mr. Jacobs' property is zoned so that apartments could be allowed if he wished at some point, but the Design Review Board would review the proposed use.

Councilwoman Vaughters stated she would hope the Design Review Board would not be an impediment, but that it might be a help with their expertise and experience. She said the point was to try to keep buildings such as Mr. Jacobs's house from being demolished. Right now there is nothing to prevent that.

Mr. Jacobs stated his intent is to maintain the integrity of the property, but he was concerned about what he could do. He pointed out the area adjacent to his property has freight trucks going and coming all hours of the day and night. The problem is the property is zoned Light Industrial, which allows this use. He said with what is surrounding him, he did not feel that he would be able to sell the property as an estate with a stable. He said this was forcing him to consider something more commercial for the utilization of the old barn. He said he would not tear the barn down, but he was considering a restaurant in the barn. It was pointed out such a use would go before the Design Review Board for review. Mr. Jacobs felt to be included in the overlay area would put restrictions on his property, as he would have to go before the Design Review Board for review of any changes.

Council discussed at length the situation of Mr. Jacob's property with the adjacent use and his request for the removal of his property from the overlay district area and what he might be able to do with his property.

Councilwoman Vaughters stated the concern is what would happen if someone else bought Mr. Jacob's property. She said the purpose of the overlay district is not to persecute, but to try to save the buildings in the area. She said she could not support the request to remove the property from the area as she felt the structures on the property are significant.

Mr. Eric Schmidt, 345 East Boundary, asked if any other criteria were considered for the enactment of rules regarding Design Review Board other than a dollar amount. He asked if the city had considered enactment based on the percentage of the property that is developed or currently has a dwelling rather than a dollar amount, which is not consistent with the economy fluctuating. He felt that a percentage of the property might be of help to Mr. Jacobs. He said this might also help with building to the property line.

Mr. LeDuc responded originally there was no dollar amount, but it would have been any renovation that would significantly impact the architectural or historical portions of a property. A dollar amount was added as that is what was used in the past to trigger whether or not they are grandfathered under old rules and regulations or what applies now. This criteria of 50% of the appraised value is used throughout the city. He said if Council wished they could consider 50% of the appraised value of the property or if over 50% of the square footage of the property was improved it would trigger Design Review Board review.

Mayor Cavanaugh said the suggestion may be something worth looking at later. However, at this time Council needs to decide what to do with the matter before them.

Mr. LeDuc reviewed the process to go before the Design Review Board, the time involved for an application, and the appeal process in response to a question by Mr. Jacobs regarding what is involved in additional studies or plans to go before the Design Review Board.

In response to a question regarding an application being denied by the Design Review Board, Mr. Evans stated a person must wait one year to refile. If substantial changes are made in the design, the person can come back immediately with the changes. However, if the same plan is submitted it must be one year from the original submittal. Mr. Evans pointed out Mr. Jacobs had mentioned a restaurant in the old barn. He stated a restaurant would require a Special Exception from the Zoning Board of Adjustment in the Light Industrial Zone. He stated there would have to be a public hearing to have a restaurant in

the Light Industrial Zone unless the property was rezoned. The process takes about two months.

It was pointed out that a restaurant might be a good project for this area of town, and if Mr. Jacobs chose to do this it would take about two months anyway since it would be a Special Exception.

Councilwoman Price stated the process may seem bureaucratic, but there are reasons for the protections. The intent is not to screen anyone out, but to work with individuals. She felt Council, the Design Review Board and the Planning Commission have volunteers with the intent to not only protect the applicant, but to also help the applicant. The boards are not there to keep someone from doing what they want to with their property, but to help them with the process.

Mr. Jacobs stated he felt he still would prefer to be excluded from the overlay district and go for a rezoning on the property to commercial to allow a restaurant. He would then volunteer for the property to be included in the overlay district at a later date.

Mayor Cavanaugh stated he felt the concern is that if Council excludes one property there may be other requests for exclusion also.

Councilmembers pointed out the purpose of the district is to protect the house and the barn. It was pointed out Mr. Jacobs may sell the property next month, and the new buyer may not have the same desire to protect the property as does Mr. Jacobs.

Ms. Terry Lee Young, 1211 South Boundary, stated she appreciated how Council had worked with her on this matter. She hoped this might give Mr. Jacobs some comfort. She did ask for clarification on one point—will the overlay be called the Old Aiken Overlay District or the Old Aiken Historic District. It was pointed out the ordinance calls the overlay the Old Aiken Overlay District.

Councilwoman Clyburn stated Council had worked hard on this matter and had listened to the citizens. She felt the ordinance is a good ordinance and that 50% would take care of the economic fluctuations.

Councilwoman Clyburn moved, seconded by Councilman Wells, and unanimously approved, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance concerning the expansion of the downtown Overlay District with the ordinance to become effective immediately.

ORDINANCE

Stormwater Management

South Carolina Department of Health and Environmental Control

SCDHEC

Federal Municipal Stormwater Program

Mayor Cavanaugh stated two ordinances had been prepared for Council's consideration to amend the City Code, one adding new sections regarding stormwater quantity and quality management requirements and another adding a section regarding illicit discharges into stormwater runoff.

Mr. Leduc read the titles of the ordinances.

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 44 OF THE CITY CODE OF AIKEN, SOUTH CAROLINA TO ADD NEW SECTIONS 44-174, ET SEQ., REGARDING STORMWATER QUANTITY AND QUALITY MANAGEMENT REQUIREMENTS.

AN ORDINANCE ADDING ARTICLE IV, CHAPTER 44 OF THE CITY CODE OF AIKEN, SOUTH CAROLINA TO ADD NEW SECTION 44-192, ET SEQ., REGARDING ILLICIT DISCHARGES INTO STORM WATER RUNOFF.

Mr. LeDuc stated essentially the ordinance is being required by the Federal Government of all cities and counties throughout South Carolina. Mr. LeDuc stated the South Carolina Department of Health and Environmental Control (SCDHEC) issued a permit to the City of Aiken under their Federal Municipal Stormwater Program. As part of their approval process they are asking us to approve the two proposed ordinances which comply with the model ordinance required by EPA. Once Council has approved these ordinances, we will send SCDHEC a signed copy as required by our permit. He pointed out the two ordinances had been reviewed by the city's stormwater consultant and some minor changes were made that are agreeable to all parties.

Councilman Dewar had several questions regarding the ordinances. He expressed concern about Section 2 regarding the statement that any ordinances in conflict with this ordinance are repealed.

Mr. Larry Morris, Public Works Director, and Gary Smith, City Attorney, pointed out this statement is a standard statement that is included in all ordinances in case there are some conflicts in previous ordinances that are discovered later.

Councilman Dewar also questioned the section of Review and Approval which gives the city 10 working days to act on an application and if the city does not act the application is automatically approved. He was concerned about the work load this may require.

Mr. Morris pointed again that this is a requirement from DHEC. He said the city has no problem in giving out comments within 10 working days on an application. He said they had hired an additional Technician in the Stormwater section and trained the person so he is a certified stormwater inspector to look at the detention ponds and erosion control measures. He is required after ½ inch of rain or more to inspect each site. He said if it becomes an issue the department will ask for additional staff.

Councilman Dewar pointed out this document gives the City Engineer the authorization to make modifications to plans as opposed to City Council or having a Certified Engineer from the applicant.

Mr. Morris stated the city would require the applicant to revise the plans. He said the city could not change a stamped set of plans prepared by another engineer, but the city would tell the applicant that the proposal would not meet the required ordinance either for pollution load or for volume load, and they must revise it and resubmit it to the city with a new set of stamped plans.

Councilman Dewar pointed out the ordinance outlines what should be done for clearing and grading, but it does not give any specific penalties for failure to comply with the plan.

Mr. Richard Pearce, Staff Attorney, stated the penalties are under the enforcement section 44-204 and there is a catch-all provision which states that the general penalties contained in the City Code also apply. There is also a civil penalty section.

Mr. Morris pointed out Sections 44-204 and 44-205 refer to the City Code for penalties to keep the penalty schedule the same.

Mr. Pearce pointed out the City had an engineering consultant to review the proposed ordinance and also used the legal services of Mary Shahid in Charleston, SC, who had formerly worked for DHEC as a staff attorney. He also pointed out that other cities in South Carolina have been required by DHEC to adopt the proposed ordinances.

Mr. Morris pointed out DHEC was trying to force cities to become a Qualified Local Program (QLP) which meant the City of Aiken would have total authority over all the stormwater ordinances without having to go to DHEC. However, if the City had total authority they would also have total liability. He said the regulations do not require the City to be a QLP. He said the City of Aiken chose not to take that liability from DHEC so DHEC still has to maintain records and people to do inspections.

Councilman Dewar pointed out that in post-construction water quality there is mention of properties greater than one acre. He asked the effective date of the ordinance and how the ordinance interfaces with the ecological restoration of Hitchcock Woods.

Mr. Morris stated this is a rule of DHEC. It used to be 5 acres and has been reduced several times and is now down to one acre. The effective date of the proposed ordinance would be when the ordinance is approved by Council on second reading. The proposed ordinances would interface with the program for Hitchcock Woods. He pointed out in the ordinances there is a section on illicit connections, addressing finding them and eliminating them. One of the issues with storm drainage is when someone has a connection with a sanitary sewer or a break in a sanitary sewer which runs into a storm sewer. The proposed ordinance gives the city the authority to find those connections and have the people responsible to make restitution. He felt this would work very well with the program in protecting the eco system in the Woods and other systems as well, including Hollow Creek, and Shaws Creek.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading a Stormwater Management Ordinance and Discharge Detection and Elimination Ordinance as per SCDHEC and EPA's standards, and that second reading and public hearing be set for the next regularly scheduled meeting of City Council.

RESOLUTION 04142008A

Deed of Dedication
Woodside Plantation, Phase II
Glen Haven
Bellewood
Oakman's Bluff
Utilities

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept deeds of dedication for utilities in Woodside Plantation Phase II.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION OF WATER, STORMWATER, AND SEWER UTILITIES, AND UTILITY EASEMENTS FROM WOODSIDE DEVELOPMENT LIMITED PARTNERSHIP.

Mr. LeDuc stated there are three deeds of dedication for water, sanitary sewer and storm sewer in Woodside presented for Council's acceptance. These are for Woodside Plantation Phase II, Section 26, Woodside Plantation Phase II, Section 22, and Woodside Plantation, Phase II, Section 23. These dedications are not the roads, but for utilities, water lines, sewer lines, and storm drainage.

Mr. LeDuc stated the utilities were installed from three to seven years ago. The various sections were recently inspected by City personnel and no defects were observed and these are well beyond the warranty period. It is the recommendation of our Engineering Department that the utilities in these sections be approved by City Council for acceptance. He pointed out there has very seldom been a problem with water or sewer lines that have been installed.

Councilman Smith was concerned about acceptance of utilities so many years after they were installed. He said usually they are accepted within two years. He questioned this, particularly the maintenance during this time.

Mr. Morris stated that for several years Woodside did not ask for dedication of utilities. He said Woodside has been maintaining them. As pointed out there are very few problems with water and sewer lines. It was pointed out they will be asking the city to accept more lines in the future. Mr. Morris stated the City had informed Woodside the city would not accept their lake system. If they were accepted by the city they would

become public property, which means other people would be able to use them. Since the lakes are in the middle of Woodside, which is a private residential area, the city should not accept the lakes. He said the city would maintain the same staff for maintenance of the lines.

Mr. LeDuc stated over time, as more water and sewer lines are accepted, there will have to be an increase in staff to maintain the lines. However, as the number of services is increased, the city collects more money from the services to help pay for the additional staff.

Councilwoman Price moved, seconded by Councilman Wells and unanimously approved, that Council accept the deeds of dedication for three sections of Woodside Plantation in Phase II.

PURCHASE OF LAND – RESOLUTION 04142008B

Toole Hill
Cox Avenue
Toole Street
Edgewood
Camellia
Hampton
Marion Street

Mayor Cavanaugh stated Council needed to consider the purchase of land in Toole Hill and Edgewood neighborhoods.

Mr. LeDuc stated one of City Council's goals is to continue purchasing property in Toole Hill and the Edgewood neighborhoods. He stated staff would like to recommend the purchase of two lots in Toole Hill at the northwest corner of Cox and Toole, each approximately 60 feet by 100 feet. They are asking \$8,000 for each lot. The City will be able to construct a house on each lot.

Mr. LeDuc stated the second property is located in the Edgewood neighborhood and would be a gift from Second Baptist Church. It is the triangle portion of land surrounded by Camellia, Hampton, and Marion Street. Although this property consists of over 15,000 square feet, we recommend the City obtain it by paying all closing costs and leaving it as open space. The neighborhood is asking that an Edgewood neighborhood sign be erected at this location.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the purchase of two lots in Toole Hill at the corner of Cox and Toole for a total of \$16,000 and pay for closing costs to obtain the triangular property located at Camellia, Hampton and Marion Street for open space.

DOWNTOWN PARKING

Parking
Central Business District
Two Hour Parking Policy

Mayor Cavanaugh stated Council needed to consider revisions to the downtown parking policy.

Mr. LeDuc stated the Downtown Association has a group of merchants and other citizens that formed a Parking Advisory Committee. They originally came to City Council asking Council to consider a two-hour parking limit in the downtown area. Council approved the policy last fall. Public Safety studied the matter as far as enforcement and control before starting to enforce the policy.

Mr. LeDuc stated on March 1, 2008, Aiken Public Safety started to enforce the two hour parking limit in downtown Aiken. Since that time we have been observing how these changes affected the downtown merchants and customers. The areas affected are primarily on Richland and Laurens, but are also on the merchants' side of Newberry

Street, Park Avenue, Barnwell, Pendleton and Hayne. He said there had been a variety of comments, especially the first few days when Public Safety monitored the parking. He said most of the comments from the merchants were very positive.

Mr. LeDuc stated on Wednesday, April 2, 2008, several merchants representing realtors, restaurants, bed and breakfasts, and three retail stores met to discuss possible changes. They stated there has been a major change in the parking habits, especially with employees in the downtown area. This has provided numerous spaces on Richland and Laurens and other side streets for customers to park on. The biggest complaint heard from many of the merchants is employees having a problem parking near their place of business. However, out of towners have expressed to many of them that this is exactly what they do in their town and seem to have less of a problem.

Mr. LeDuc stated the Parking Committee would like to suggest a couple of changes for City Council's consideration. They include allowing hotels, bed and breakfasts and all day conferences the ability to provide mirror hangers which allows them to park anywhere in the downtown area. They also suggest that the center median of Richland Avenue be available for all day parking, and that the 30 minute signs be removed throughout the downtown area. In addition they asked Public Safety to evaluate whether parallel parking spaces on Pendleton and Newberry Street can be removed and angle parking provided. They also asked the City to meet with a few downtown property owners to arrange a purchase or long term lease of vacant lots for additional parking such as some of the church parking lots.

Mr. LeDuc suggested that possibly one of the through lanes on Park Avenue could be eliminated, and angle parking allowed on either side of the street to provide more parking space. He said Council needed to look at various considerations to determine what should be done in the future for parking in the downtown area.

Mr. LeDuc stated the Committee had made recommendations at this time for some possible changes, but would continue to discuss the parking situation to determine if other changes need to be made in the policy. He stated the recommendations at this time are: (1) to adopt mirror hangers, (2) all day parking in the median on Richland Avenue and (3) removal of the 30 minute parking signs.

Mr. Art Gregory stated there is a vacant lot behind his residence at 210 Arbor Terrace which would be great for employee parking and would solve his problem of someone building on the lot.

Councilwoman Price who works at Washington Group said they frequently use Newberry Hall catering services for some of their meetings. In talking with one of the officials of Washington Group he supports the policy of two hour parking. She pointed out many times they have 50 to 75 people at their meetings, so they use most of the parking spaces in the area. She said they agreed that parking in some of the church lots would work since they are only a block away, especially considering how far they have to walk to be cleared and then go to their work place at the SRS site.

Councilwoman Clyburn pointed out that sometimes the classes at the Arts Center last three hours. She wondered if there could be some consideration for the participants in these classes.

It was pointed out that there are several other stores in the downtown that hold classes also, and if we do something special for one we would have to do so for all of them. It was also pointed out there is a loading dock at the back of the Arts Center so items could be loaded or unloaded there and then the vehicle parked where allowed. It was also pointed out that if all day parking is allowed in the median on Richland Avenue that may help with some of these problems.

Mr. LeDuc stated the Committee will continue to study the matter and will make recommendations as they see a need for other changes in the policy.

Councilwoman Vaughters expressed concern about the reopening of Newberry Hall and the number of parking spaces that will be needed for events held there. It was also pointed out there is concern about parking for the new Pizza Joint that has opened at Newberry and Richland.

Councilman Wells stated the new two hour parking policy has helped with the parking near his business on Park Avenue, and usually there are some open spaces in the area. He said he had noticed the open spaces in the median on Richland Avenue. He felt possibly this area should be opened for all day parking. He said he had a concern about mirror hangers for patrons of the hotels. He pointed out Hotel Aiken has their own parking lot. He felt giving out mirror hangers could be opening up something big for hotels and all day seminars. He said, of course, we want to encourage people to stay downtown and to have seminars downtown, but he felt there are alternate spaces that can be used rather than giving out mirror hangers.

Mr. Johnny Johnson, 316 Pine Drive, was concerned about handing out mirror hangers for hotels and all day seminars. He was concerned about who would issue the hangers and a possible misuse of the hangers. He was concerned that other hotels may want mirror hangers for their patrons who want to come downtown to shop. He felt issuing mirror hangers would be opening up problems. He also disagreed with opening up the median of Richland Avenue for all day parking and felt employees would start parking there again. He said he did agree with the removal of the 30 minute parking signs.

Mayor Cavanaugh had questions regarding businesses on Richland Avenue and wondered how they felt about all day parking in the median on Richland Avenue. He wondered if the businesses were all contacted.

Ms. Carla Cloud, of the Aiken Downtown Development Association, stated they had not gone individually to talk to the merchants. She pointed out that ADDA had been pleasantly surprised at how little uproar there had been with the change in the parking policy. They thought there might have been more negative comments. She said the recommendations being made were not instigated by the Parking Committee, but from observations made by Public Safety during the enforcement of the ordinance. The Parking Committee felt that based on the observations of Public Safety that possibly the proposed changes should be made. It was pointed out the policy was not set in stone, but would be something that would change as situations change. She said most of the comments had been positive. She said she had one call expressing concern about making any changes in the policy at this time. They felt it had not been in effect long enough to really know what changes may need to be made. She said Newberry Hall had been concerned about parking for their luncheons. There had also been a concern about opening up the median on Richland Avenue again for all day parking and that employees would be parking there again.

Council discussed at length the recommendations and their concerns about making changes at this time. They expressed concern that possibly more signs are needed to indicate the two-hour parking areas so people from out of town will be aware of the two hour parking areas.

It was pointed out two kiosks have been put in the downtown area and maps of the downtown, and the two-hour parking area is noted on the map.

Councilwoman Price commented that having a problem with parking in the downtown is a good problem to have. In some cities there is nothing downtown so there is no parking problem.

It was pointed out staff and others have talked to businesses that have parking lots in the downtown area. Some may be willing to lease their area, but others will not. Contacts are still being made for use of parking lots after determining where parking may be needed the most.

Mr. Henry Krippner, 144 Crane Court, stated he did not think there had been enough time under the policy to know what changes should be made. He suggested that no changes be made at this time, but that the parking be monitored longer before making changes.

Councilwoman Price stated there had been several comments about the policy not having been given enough time yet before making changes.

Councilman Dewar stated he agreed there had not been enough time yet to evaluate the policy. He stated Public Safety, however, could proceed with evaluating whether angle parking would work on Newberry and Pendleton Streets. He said he was not a fan of the mirror passes.

Councilwoman Clyburn stated she did not think the median on Richland Avenue should be marked for all day parking as she felt this would create the same problems we have had in the past with all day parking.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that at this time Council not approve any changes to the downtown parking policy, and that the median on Richland Avenue remain designated as two-hour parking. However, Public Safety could proceed with evaluating whether angle parking on Newberry and Pendleton Streets will work. Council was not in favor of issuing mirror hangers at this time for patrons of downtown hotels or all day seminars or removing the 30 minutes parking signs in the area. They wanted to give the policy more time before making any changes.

MEETING DATE

May, 2008

July, 2008

August, 2008

Memorial Day

Mayor Cavanaugh stated Council needed to discuss the meeting dates for May, July, and August, 2008.

Mr. LeDuc stated that over the last few months, City Council has had several special meetings to deal with important subjects within our community. City Council typically does not schedule a second meeting in May when Memorial Day falls on the fourth Monday. At this time, we do not know of any important issues that we would need a second meeting in May. If something does come up, we can always call a special meeting that could be held to cover these issues. As we approach the summer season, we also typically cancel our second meetings in July and August. Again, if some important issues come up, we can schedule another meeting in each of those months.

Councilman Dewar moved, seconded by Councilwoman Price and unanimously approved, that Council approve cancellation of the second meetings in May, July, and August.

STREET NAME

Winfield, John

Martin Luther King Boulevard

Beaufort Street

Councilwoman Clyburn stated Mr. John Winfield, who was a former Public Safety Department employee, wished to make a request of Council.

Mr. John Winfield, 1344 President Drive and a retired former Public Safety Officer, stated he would like to submit a proposal for Council's consideration to rename a portion of Beaufort Street from York Street to Park Avenue as Martin Luther King, Jr. Street.

Mayor Cavanaugh asked if others were in agreement for the renaming of this street or if there will be other requests for other streets to be considered.

April 14, 2008

Council briefly discussed the request. It was pointed out that a portion of Beaufort Street is named Rudy Mason Parkway and staff would need to see what portion is Rudy Mason Parkway before considering the request.

Mr. LeDuc stated if there is a consensus of Council the matter could be brought back to Council after checking the street to see what portion is named Rudy Mason Parkway. He said the residents on the street would need to be notified of the proposed change so Council could receive their comments and have a formal hearing and action by Council on the request.

Council asked that staff gather further information for Council on the request and bring the request back to Council for action.

HOSPITALITY TAX

Municipal Association Department of Revenue

Councilman Dewar brought to Council's attention an e-mail from the Municipal Association pointing out a proviso that the Senate Finance Committee has added to the state budget which would require the SC Department of Revenue to collect local hospitality taxes. The Municipal Association had asked that local officials contact their Senator opposing the proviso. Councilman Dewar suggested that Councilmembers may want to contact Senator Ryberg regarding the matter. He pointed out this proviso is for collection of the local hospitality taxes, but there is a concern that they will want to add collection of the accommodations taxes next.

Council discussed the matter and their concern that accommodations taxes will be added next. It was pointed out the local governments are already collecting the taxes and have the infrastructure in place to collect the taxes.

Mr. LeDuc pointed out the City of Aiken does not have a hospitality tax at this time. However, in 1999 City Council did approve a hospitality tax. The tax was 2% on a dollar and was charged for all prepared food. The tax was in effect in Aiken from 1999 to 2000. In 1999 the City of Aiken collected approximately \$1.2 million a year for hospitality taxes. He pointed out a 1% fee for the State Department of Revenue to collect the fee would be \$12,000. He pointed out that is a revenue source available to the city if Council wants to seek another revenue source that is not a tax on property. He stated if the State starts collecting the hospitality tax, then the next would probably be collection of the Accommodations taxes. The City of Aiken receives about \$400,000 a year on accommodations taxes and at 1% that would be \$4,000 for collection of the fee.

Mayor Cavanaugh stated he felt for each of the Councilmembers to contact the Senators does make an impression and is effective. It was the general consensus of Council that since the matter is to be discussed tomorrow that the Mayor call the Senators and express the concern of City Council on this matter.

GROWTH

The State Newspaper Who Pays for Growth

Councilwoman Vaughters presented a copy of an article from The State Newspaper entitled "Who Pays for Growth." She said the article concerns levying an impact fee.

Mr. LeDuc stated an impact fee must be justified, formulas must be set up and a lot of paper work is required. He said in the past year the City of Aiken came up with a Transportation Enhancement Fee, which Aiken uses to help with traffic matters. He said Mr. Ed Giobbe had e-mailed him some information on this matter last week. He said he had talked with Representative Skipper Perry on the matter. He said in principle a lot of good things could be done with the proposed fee. However, there are a lot of details involved and the jurisdictions must be careful with this. He pointed out this proposed fee is an assessment or tax over and above the regular taxes for the city and the county. The assessment could be used for road improvements, schools, etc. He said an example

would be that there would be an agreement before a development is approved whereby the city would collect an assessment fee to widen a road and other enhancements outside the proposed development such as for schools, a fire station, etc. He said there are some great aspects, but as pointed out in the article the developer would not be required to agree with it. He pointed out that most cities could come up with some leverage to make developers want to agree with the assessment fee. He said the proposal is a great idea, but there are some details that must be changed if it is to be a good bill.

Council then briefly discussed the article and the proposed fee.

Mr. Ed Giobbe stated he felt the bill is important. He said he felt the bill opens up an avenue of abuse. He said like the TIF legislation, the intent is good and many good things can come from the TIF. It is the abuse that can come from this type of legislation that can cause severe problems. Bill 4745 gives developers a blank check for all costs related to development and then some. It transfers the cost to residents of the improvement district, including costs for promotion and marketing for real estate development. He felt this should not be in public financing. He felt this would affect bond ratings. He pointed out the non-contiguous provision in the law is geographically limitless. The owners/developers have complete authority to determine the improvement district and assessments. Assessments could be made for existing improvements, as well as those under construction. He felt it was a developers dream with the potential for gross abuse. He felt homeowners could suffer from rising costs beyond their control with devastating consequences. He felt if the improvements run into trouble some level of government will be forced to bail them out and the taxpayer will bear the cost. He said if we could count on all the good intentions of everyone, we would not have to worry about it. He felt the legislation was special interest and should be looked at very carefully.

Councilman Smith stated he felt Councilmembers needed to understand more about the bill and should speak to the entire legislature about the bill. He pointed out only one voted against the bill, so this would indicate that our representatives voted for the bill.

Mayor Cavanaugh suggested that each Councilmember look into this matter and talk to the representatives about this bill.

Mr. LeDuc pointed out there is already existing legislation called a Mid-Municipal Improvement District that could be used for improvements. However, the newly proposed bill should be looked at very carefully.

BUDGET WORKSESSION

It was the general consensus of Council to hold the budget worksession on April 29, 2008, at 3 P.M.

PUBLIC NOTICE

Committee Meetings Worksessions

Councilman Dewar asked how the various worksessions and special meetings are advertised.

It was pointed out public notices are posted on the bulletin board at City Hall and the press is notified of worksessions and special meetings. After discussion it was decided that all committee meetings, worksessions, and special meetings should be posted on the bulletin board, on Channel 4, the web site, and the press notified.

ELECTION

Non-Partisan

Council then briefly discussed the proposed election for the referendum for non-partisan elections.

Mr. Richard Pearce stated the special referendum for the vote on non-partisan elections will be a separate election conducted on the same date as another election. A separate ballot, advertisement and voting table will be set up for this special election for the City of Aiken. He said he had checked with the State, the local Election Commission and the Department of Justice, and there was no objection to the election being held on the same day as another election. The election to be conducted on June 10, the date set for the referendum, will involve both Democratic and Republican parties and all precincts will be open for voting. It was pointed out the ordinance calling for the referendum stated an election must be held no later than 60 days after receiving clearance from the Department of Justice to hold the election. After submitting all the materials to the Justice Department, they contacted the city and wanted an election date, so staff checked with the Election Commission and set June 10, 2008, as the election date. He said it was an economic issue, since the polls will all be open anyway, and there was clearance from the State and local Election Commissions that it was all right to have a separate area set up for the election.

SMOKING BAN

City Council asked that staff gather information on a smoking ban ordinance and bring the information back to City Council for action. Council asked that a worksession be set for discussion of the issue by City Council and citizens.

Mr. LeDuc pointed out there are two ordinances that Council can look at, those being Aiken County's ordinance and the City of Greenville's ordinance. He stated the City of Greenville's ordinance had been tested and approved by the Supreme Court. The County ordinance has not been contested, but has been in operation for a year and some cases have been made.

Mr. LeDuc stated after gathering information, he will give Council some dates for a special worksession on a smoking ban.

SOUTH BOUNDARY

Trucks

Stohlman, L.E.

Mr. LeDuc stated Mr. L. E. Stohlman has suggested that large trucks and tractor trailers be prohibited on South Boundary, as they are harming the live oaks on South Boundary. Mr. Stohlman had written to the Highway Department regarding the matter. The Highway Department has no objections to prohibiting through trucks on South Boundary from Whiskey to Powderhouse Road, however, they would like City Council to pass an ordinance prohibiting trucks. Mr. LeDuc stated in discussing the matter there is a question as to what kind of trucks would be prohibited. He said in discussing the issue with Public Safety there was a concern that UPS, garbage trucks and horse trailers are of similar size to other vehicles that Mr. Stohlman had suggested be prohibited. Ms. Jenne Stoker had also e-mailed her thoughts that trucks should be prohibited on South Boundary to protect the oak trees.

Mayor Cavanaugh stated his thoughts are that the city not prohibit the trucks. His concern was where would the truck traffic go. He suggested that the lower limbs be trimmed so the trucks will not hit them. It was suggested prohibiting trucks on South Boundary may cause more traffic on Whiskey Road or Colleton Avenue. He also pointed out that many horse trailers go down South Boundary.

Councilwoman Price pointed out some problems in prohibiting trucks on South Boundary, include the cost of gasoline now and having to travel further to get to a destination, the time element involved, putting traffic on other streets, and causing people to get lost by asking them to take another route. She felt prohibiting truck traffic on South Boundary would probably create other problems.

Mr. LeDuc pointed out that garbage trucks go through the area and will have to continue in the area to service the residents. He said there are not many trucks higher than the garbage trucks. He felt it would be difficult to prohibit trucks on South Boundary.

Councilman Dewar stated he would support restricting trucks on South Boundary. He felt heavy vehicles should be channeled on the main roads, and he does not consider South Boundary a main road for traffic. He said, however, we could not eliminate vehicles that have a legitimate need to be on South Boundary regardless of size. He felt those trucks which are using South Boundary as a short cut and have no business in the neighborhood should be eliminated.

Council continued to discuss the request, but it was the general consensus of Council that it would be difficult to enforce the elimination of trucks on South Boundary.

MUNICIPAL CUP

Award Emergency Responder Service

Mayor Cavanaugh pointed out the City had won the Municipal Cup again for its Emergency Medical Response Program. Council congratulated the Public Safety Department for winning this award.

AIKEN COUNTY LIBRARY

Donation

It was pointed out that the City of Aiken donates \$12,000 each year to the Aiken County Library and the City had received a letter thanking Council for this contribution.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:27 P.M.



Sara B. Ridout
City Clerk