

EMPLOYEE LUNCHEON

Mr. LeDuc also reminded Council of the annual City employee luncheon on December 12, 2003, at 12:30 P.M. at the Weeks Center to honor City employees.

HORIZONS

Mr. LeDuc also stated he would like to set Council's Horizons for January 30 – 31, 2004, starting at noon on Friday and ending about noon on Saturday.

Aiken City Council Minutes

REGULAR MEETING

November 10, 2003

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

Absent: Mayor Cavanaugh

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Anita Lilly, Ed Evans, Pete Frommer, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and about 40 citizens.

Mayor Pro Tem Clyburn called the meeting to order at 7:00 P.M. Mr. LeDuc led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Pro Tem Clyburn stated Council needed to approve the agenda. Councilman Sprawls moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session of October 21 and work session and regular meeting of October 27, 2003 were considered for approval. Councilman Cuning moved that the minutes be approved as written. The motion was seconded by Councilwoman Price and unanimously approved.

RECOGNITION

Public Safety Department

Award

Richard S. Campbell Award

SC Fire Chief Association

Mayor Pro Tem Clyburn stated Council would like to recognize the Public Safety Department.

Mr. LeDuc stated Council would like to recognize the Public Safety Department and especially those that serve in the Fire Division. He said that at the recent South Carolina Fire Chief's Association Conference we received the Richard S. Campbell Award. This is the highest honor bestowed upon a fire department for its work in fire prevention and education. We were recognized for many of our programs including: 1) installing over 5,000 smoke detectors in homes of local residents who otherwise would have no means to get a detector installed; 2) being the first in the state to start a Junior Cadet Fire Camp, which is still active and viable during the summer; 3) introducing Freddie Fireless Feline for our educational programs which are taught in the local elementary schools; 4) establishing the fire house for birthday parties which are held on the weekend; 5) developing fire safety videos for our City Channel; 6) holding child safety seat

inspections at Public Safety on selected weekends; 7) welcoming fire station tours and trainings for schools, businesses, hospitals, and nursing homes giving them the opportunity to have a better understanding of our fire department.

We would like to recognize Captain Gerald Taylor, who heads up our Fire Division, and the entire department for the work they have done to win this prestigious award. This past year the total number of fires was down 20% and is at their lowest level in over five years. We believe this is not by accident and can be credited to Captain Taylor and all of our many Public Safety personnel and volunteers who work tirelessly in the fire prevention program.

Mayor Pro Tem Clyburn read the wording of the Richard S. Campbell Award for Excellence in public fire safety education presented by the South Carolina State Association of Fire Chief's to the Aiken Department of Public Safety.

Captain Gerald Taylor introduced the 7 employees present. He stated they appreciated the award from the Chief's Association and were proud of the award.

BOARDS AND COMMISSIONS

Appointments

Reynolds, Bill

Planning Commission

Reynolds, Leland

Cherry, Len

Historic Preservation Commission

Anderson, Arthur

Board of Zoning Appeals

Shirley, Catherine

Park Commission

Mayor Pro Tem Clyburn stated Council needed to consider five appointments to the city's boards and commissions.

Mr. LeDuc stated there are 10 pending appointments to boards and committees of the city and 5 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended reappointment of Bill Reynolds to the Planning Commission. If reappointed his term would expire December 1, 2005.

Councilman Cuning has recommended reappointment of Leland Reynolds to the Historic Preservation Commission. If reappointed his term would expire December 31, 2005.

Councilwoman Vaughters has recommended reappointment of Arthur Anderson to the Board of Zoning Appeals. If reappointed his term would expire December 1, 2005. She has also recommended reappointment of Catherine Shirley to the Park Commission, and if reappointed her term would expire December 1, 2005. Councilwoman Vaughters has recommended reappointment of Len Cherry to the Historic Preservation Commission, and if reappointed the term would expire December 31, 2005.

Councilwoman Vaughters moved, seconded by Councilman Smith and unanimously approved, that Council appoint Bill Reynolds to the Planning Commission with the term to expire December 1, 2005, Leland Reynolds to the Historic Preservation Commission with the term to expire December 31, 2005, Arthur Anderson to the Board of Zoning Appeals with the term to expire December 1, 2005, Catherine Shirley to the Park Commission with the term to expire December 1, 2005, and Len Cherry to the Historic Preservation Commission with the term to expire December 31 2005.

STRATFORD HALL – ORDINANCE 11102003 and 11102003ADedicationStreetsStratford DriveWaterSewerStorm SewerDetention PondRoadsUtilitiesShaffer Builders

Mayor Pro Tem Clyburn stated this was the time advertised for second reading and public hearing of two ordinances to accept the roads and utilities in Stratford Hall Subdivision.

Mr. LeDuc read the title of the ordinances.

AN ORDINANCE ACCEPTING THE DEDICATION OF STRATFORD DRIVE
OWNED BY STRATFORD HALL HOMEOWNERS ASSOCIATION, INC.

AN ORDINANCE ACCEPTING THE DEDICATION OF ROADS AND UTILITIES
OF STRATFORD HALL SUBDIVISION OWNED BY SHAFFER BUILDERS, INC.

Mr. LeDuc stated that in 1990 the Stratford Hall Subdivision was built and several homes started. Shortly thereafter, the developer of the subdivision went bankrupt, with the bank taking over completion of the subdivision. Since that time, Shaffer Builders, Inc. purchased the remaining lots and finished construction of homes within that development. There has been much confusion since then as to who owns the utilities and the roads within that area. With the original developer being unavailable and the inability of the subdivision to maintain the utilities and roads, the city has responded to requests to maintain the streets and utilities as necessary. To clear up this confusion the Homeowners Association and Don Shaffer, President of Shaffer Builders, Inc., have agreed to formally deed the utilities and the roads to the City of Aiken. This will help clear up any inconsistencies as to the ownership of this property and allow the City to maintain the utilities and streets as we have provided in all other subdivisions that have developed since the late 1980's in Aiken.

Based on the recommendation by the Public Works Director and our City Attorney, we are recommending City Council approve the acceptance of the streets, water, sewer, and storm sewer system, along with the detention pond, in Stratford Hall Subdivision and Stratford Hall Drive leading to the subdivision.

We are currently developing possible changes to the Subdivision Regulations which would require the developers to extend their bond past one year or to develop another form of guarantee. This should help avoid the problems associated with bankruptcy or undue delays in deeding the utilities to the city. Once we have developed these regulations they will be reviewed by the Planning Commission for recommendation to City Council. He said this would involve a Letter of Credit instead of the bond system currently used by the City.

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 the two ordinances accepting the dedication of the roads and utilities of Stratford Hall Subdivision owned by the Stratford Hall Homeowners Association and by Shaffer Builders, Inc. and that the ordinances become effective immediately.

AIKEN CORPORATION – ORDINANCEBabb HouseBlue HouseChesterfield Street S.LoanChesterfield Street N.Revolving FundNorthside DevelopmentBarnwell AvenueHampton Avenue

Mayor Pro Tem Clyburn stated an ordinance had been prepared for first reading to loan funds to the Aiken Corporation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE AIKEN CORPORATION TO BORROW \$135,000.00 FROM THE CITY OF AIKEN FOR THE PURPOSE OF FINANCING THE RENOVATIONS OF SEVERAL PROPERTIES IN THE CHESTERFIELD STREET AREA.

Mr. LeDuc stated the City of Aiken at the time we proposed to work with the Aiken Corporation to build the combination Washington Center for the Performing Arts and the Washington Center Building needed to acquire a house behind the proposed building so the workshop could be built in the area. The City negotiated with Joe Babb and paid \$135,000 for the Blue House on Chesterfield Street. Recently the City sold the house and has placed in escrow the funding received from the sale of the house, which was \$135,000.

Mr. LeDuc stated at the last Council meeting Wade Brodie, Chairman of the Aiken Corporation, requested the \$135,000 the City received from the sale of the Blue House on Chesterfield Street to be used for a revolving loan plan. Their intention is to offer no interest 80% loans to builders for two years or less, or whenever the house is sold or rented. The funds would be used to refurbish or build new houses in the Chesterfield Street area north of Barnwell Avenue to Hampton Avenue. Through a recent land planning study by John Burgess they identified 17 lots in the Chesterfield Street area and several homes needing to be upgraded or totally rebuilt.

Aiken Corporation has used all their existing home funds, totaling \$128,000, for a no interest, 80% loan to Darrin Bryant to remodel two homes on Chesterfield Street and to move and remodel the house currently at Children's Place. Use of the city money would allow them to set up a revolving fund for renovation and construction, with a maximum of \$75,000 per house and a minimum of 20% of the project cost being borne by the developer. This program will meet their objectives of increasing housing density and would provide a perpetual fund for loaning money to individual contractors. Through this agreement Council could call for the return of these funds at any time with Aiken Corporation, paying them back within a two year period or less, depending on their loan obligation at the time.

At the worksession there were some questions from Council concerning the use of the \$135,000 we received from the sale of this house. Some of Council felt that the money should be used as a loan to Aiken Corporation, while others felt that some of this money could be used to help reduce the debt owed by the Playhouse. Currently the Playhouse owes the City approximately \$380,000, with the debt being reduced by about \$10,000 each month through the differential in interest rate with Aiken Corporation and what the city currently would get from the money being invested in the State Fund.

Mr. LeDuc pointed out the Playhouse loan is being reduced by the \$10,000 differential and the Playhouse is continuing with their fundraising. He said the Playhouse is interested in getting some of the \$135,000 to be used to reduce their debt. He said if Council chooses not to lend \$135,000 to the Aiken Corporation, the ordinance could be changed to whatever figure Council desired.

Mayor Pro Tem Clyburn stated this is first reading of the ordinance, however, she understood there were some people present who would like to speak on the issue.

Ms. Mary Ellen Krippner, 144 Crane Court, stated when she moved here about five years ago one of the first things she was introduced to was the Playhouse. She said they became very involved with the Playhouse and served on the steering committee for the fundraising for building the new Playhouse. She said the committee worked very hard to get pledges and also had some small fundraisers. She said, however, most of their fundraisers only raised about \$5,000 per event. She said she is presently on the Playhouse Board and the board is very cost conscious about their spending. She said the funds from the Blue House interest the Playhouse. She said they did not want to take anything away from the projects of the Aiken Corporation because they are a wonderful body with good projects. She said perhaps Council could consider splitting the funds between the Playhouse and Aiken Corporation. She said the Board wanted to get the debt paid as soon as possible. She said the \$10,000 per month helps, but it will still take some time to pay off the loan. She asked that Council consider splitting the funds for the two organizations.

Mr. Phil Porter, 915 Whitney Drive, stated currently the loan from the City is about \$520,000, and with the sale of the old Playhouse to the City the loan will be about \$400,000. He said last year the Playhouse was very successful and was able to increase the membership significantly and increase the attendance at the plays. He said, as a result of that, the Playhouse was able to take from their operating expenses, in addition to the capital campaign, about \$15,000 to pay against the loan. He said this year the Playhouse is about \$18,000 below the projected income for the year. He said this means that it will be harder to pay on the loan. He said the \$10,000 interest differential from the Washington Building is helping. He said, however, he felt it would be in the best interest of all parties to retire the debt as soon as possible. He asked Council to consider a split of the \$135,000 funds between the Playhouse and the Aiken Corporation. He said the Playhouse has been working hard to raise money for the loan, but a lot of time is spent preparing for the play productions. He said the Playhouse still intends to have fundraisers and to pursue additional pledges, but it is difficult. He said anything Council can do to help reduce the loan would be greatly appreciated.

Councilwoman Vaughters stated she felt the project of the Aiken Corporation was a good project and she had no problem loaning them money for their project. She said, however, she did not feel that it should be from the \$135,000 as she felt that money belonged to the Playhouse as the Playhouse was the reason the Blue House was bought in the first place.

Mr. LeDuc stated if Council wanted to change the amount for the Aiken Corporation that could be done to help get them started on their project. He said Council could see how the project goes and possibly loan them other funds later.

Councilman Cuning stated he was a supporter of the Playhouse. He said the \$128,000 of the Aiken Corporation uses up their housing money and they would like to do more on the project. He said he felt the city should allow the Playhouse to do what they can do as far as the pledges and fundraisers. He pointed out that \$120,000 per year on the loan is actually coming from the differential from the Washington Group loan. He said from that standpoint the Playhouse loan gets paid off because of the lease on the Washington Group. He suggested that if the interest rates go up and the differential gets lower, and the Playhouse doesn't get credit for \$10,000 per month then the loan to Aiken Corporation could be called. He said his concern was the loan for the Aiken Corporation. He said the City had helped tremendously. He said he was concerned about the taxpayer. He said every year the \$120,000 differential is used for the Playhouse, but he felt the \$120,000 should be used to lower the mortgage for the Aiken Corporation to the City of Aiken for the Washington Group building. He said he was concerned about the money that is owed on the Washington Group lease. He pointed out the project of the Aiken Corporation is to renovate homes which will increase the tax base in the Chesterfield area.

Councilwoman Vaughters stated she would like for the Aiken Corporation to come to Council with a project and get approval for funds from Council. She said she was under the impression that the funds from the Blue House would be used for helping the Playhouse to get the loan retired as quickly as possible.

Councilman Smith stated his opinion is that having the Blue House in the equation complicates the matter. He said the City paid for the Blue House, and the City sold the Blue House. Therefore, the money came to the City reserves. He felt the issue should not be talking about money from the Blue House. He said the City has a request from the Aiken Corporation for \$135,000 and the Playhouse is also requesting money to reduce their debt. He pointed out the City had been giving the Playhouse a great deal of support through the \$10,000 per month. He said he felt this was working well in reducing the debt for the Playhouse. He said there was a plan from the Aiken Corporation and his feeling was that Council probably should loan the money to the Aiken Corporation and then look at the situation of the Playhouse as time goes on and if they need relief then Council could give relief. He felt the \$135,000 was the taxpayers' money. He said he felt the Aiken Corporation request was a good request which will make an investment in the northside. He said he felt that sort of trumps reducing some of the debt from the Playhouse at this time. He said, however, he does care about the Playhouse.

Councilwoman Price stated she supported Councilman Smith's comments. She said as she reflects on the Playhouse and the fundraising they were probably naïve to think that volunteers could raise that much money. She said the Playhouse is a good thing to have in the community and to support, but they usually don't make a lot of money. She was concerned whether they would be able to pay off the debt and at some point the City will probably have to help pay off the debt. She said she supports giving the Aiken Corporation the loan. She said, however, she did feel that the City was going to have to help the Playhouse at some time.

Councilwoman Vaughters pointed out the loan of the Playhouse is as great as it is because the scope of the project increased dramatically after it was initiated and after they committed to the project. She pointed out that the interest rates may go up and then the Playhouse will not be getting the \$10,000 per month paid on their loan.

Council continued to discuss this matter at length, whether the money should go to the Playhouse, the Aiken Corporation, or if the money should be split between the two organizations.

Councilman Sprawls stated he was in favor of splitting the money between the two organizations. He pointed out the City bought the Blue House because of the Playhouse and probably would not have bought it if the area wasn't needed for the Playhouse.

Councilwoman Vaughters suggested that Council split the money as suggested by Councilman Sprawls. Then both organizations could come back to Council if they need more funds. This would give Council an opportunity to see how the Chesterfield Project goes.

Councilman Cunning stated he did not really object to Councilman Sprawls' suggestion because his concern is that the faster the debt is paid off the faster the loan to the Aiken Corporation can be paid off and this will reduce the risk to the taxpayers.

Mr. Wade Brodie, 422 York Street SE, stated when he appeared before Council at the last meeting he represented the Aiken Corporation and was speaking for Aiken Corporation. He said at this time he was speaking as a citizen since he serves both the Aiken Corporation and works with the Playhouse. He said five years ago when he and Mike Anaclerio were negotiating with the Playhouse one of their great concerns was debt. He said they made a commitment to them at that time that they would try to the best of their ability to not leave the Playhouse with a large debt. He said their negotiations with the City on the interest differential have played a big part in reducing the debt. He said having nurtured the project for years, he could not object to splitting the funds. He said he felt that splitting the funds would not have a major effect on their Chesterfield Street project.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council amend the proposed ordinance and loan \$67,500, one-half of the \$135,000 from the Blue House funds, and pass the ordinance on first reading with second reading and public hearing set for the next regular meeting of Council.

Mr. Gary Smith, City Attorney, stated a separate ordinance would be prepared for the next meeting to donate \$67,500 to the Playhouse to reduce their debt as directed by Council.

ASHEON OAKS SUBDIVISION – ORDINANCE

Covenants

Restrictive Covenants

Camellia Trailer Park

Hampton Avenue

Camellia Street

Mayor Pro Tem Clyburn stated an ordinance had been prepared for Council's consideration to approve covenants for Asheton Oaks Subdivision.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SUBDIVISION RESTRICTIVE COVENANTS FOR ASHETON OAKS SUBDIVISION.

Mr. LeDuc stated a couple of years ago the City of Aiken purchased the property formerly known as the Camellia Trailer Park. At one time there were over 60 trailers in this park, and the city has removed the trailers and has since built a new single family residential subdivision.

This area has been subdivided into 25 lots and H. G. Reynolds, at their expense, has built four new homes for sale within this development. We recently held a couple of Open Houses and there are several individuals that have made an application to purchase some of these homes. All of them have carports and range from approximately 1300 square feet and above.

Before we finalize any sale within this development we would like all of those purchasing properties to adhere to a set of restrictive covenants which we are asking Council to approve. Most of these are very similar to other covenants that you would find in any new development and these will set up a homeowners association and an architectural review committee within this development. The City would head up the homeowners association until 80% of the lots are sold, and we would collect an annual fee of \$70 to help maintain some of the common right of way and a landscaped island at the entrance to the subdivision. A new sign will be added at this entrance and should be delivered within the next several weeks to complete this work. We also have installed a berm around the outer edges of the subdivision which will be landscaped this winter by our Buildings and Grounds crews.

Council discussed the covenants with Councilwoman Vaughters asking several questions.

Councilman Cuning moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to approve subdivision restrictive covenants for the Asheton Oaks Subdivision and that second reading and public hearing will be set for the next regularly scheduled meeting.

HERITAGE SQUARE SHOPPING CENTER

Kroger
Whiskey Road
Pine Log Road
Resolution
Red Cross
American Red Cross

Mayor Pro Tem Clyburn stated a resolution had been prepared to approve the Planned Commercial Concept Plan at Heritage Square.

Mr. LeDuc read the title of the resolution.

A RESOLUTION APPROVING THE CONCEPT PLAN FOR PROPERTY LOCATED
IN HERITAGE SQUARE SHOPPING CENTER.

Mr. LeDuc stated at the October 14, 2003, meeting the Planning Commission unanimously approved the PC concept plan at Heritage Square to allow Kroger to rebuild at this location along with a Kroger Fuel Center and outparcel. He said this is really the first redevelopment that the City has had of a major big box in the City of Aiken. He said the matters considered were things looked at for the first time in how to redevelop existing commercial property. He said the developer had been working with the city on the matter.

The Planning Commission considered twelve possible conditions concerning the PC concept plan, and they decided to include these conditions along with a few modifications. These conditions are as follows. Mr. LeDuc reviewed each of the conditions.

1. that the development conform with the approved concept plan specifically including the Whiskey Road elevation and building materials and specifically including the use of brick on the East Pine Log Road façade.
2. that the driveway on East Pine Log closest to Whiskey Road be closed unless it is proven to the satisfaction of the Planning Director that existing easements will not allow its closure in which case the driveway will be right-in and right/out only.
3. that a sidewalk be continued along East Pine Log Road.
4. that City staff approve the design of all roadways and utilities.
5. that all utilities, dumpsters and loading docks be screened with evergreen shrubbery and/or a brick wall.
6. that lighting be directed so that it does not cast a glare on adjacent residentially used or zoned properties.
7. that the design for the eastern façade facing Whiskey Road conform with the submitted elevation and that the southern façade facing East Pine Log Road be consistent with the eastern façade shown in an elevation submitted prior to consideration by City Council.
8. the traffic impact statement would be only a differential analysis comparing the traffic that would be generated by the current development with that generated by the proposed development.
9. that a revised copy of the landscape plan consistent with the rest of the concept plan be submitted.
10. that if approval of the requested variance is not granted by BZA compliance will be required.
11. that the signage conform to the drawing submitted with the concept plan.
12. that proof of recording of conditions of approval at the RMC Office be provided.
13. that truck traffic not use Thomas Street.

Mr. LeDuc stated the Planning Department staff since this meeting has reviewed our current agreement with Home Depot which says no truck traffic should use Thomas Street. It also conditions that the Home Depot site would not allow any truck traffic on Fore Street. We recommend that Council consider including in condition number 13 that truck traffic would not be allowed on Fore Street also.

Mr. LeDuc stated the traffic study concluded that the new Kroger would add up to 1,700 new trips per day. The addition of these trips should not affect the current Level of Service (LOS) D on Whiskey or Pine Log Road. Only at the driveways entrance could you possibly experience a D/E LOS. He said there is some confusion regarding the traffic. He said the traffic engineers went back and forth as to what would be the appropriate differential. A traffic engineering manual gives charts on different shopping centers and the traffic that would be generated. He said a grocery store has more traffic than a shopping center. He pointed out Kroger is a different situation in that when the charts were developed in the 80's and 90's many of the supermarkets were stand alone, and they did not have a pharmacy or many of the convenience factors that are now in the supersize grocery stores. The developer's engineers feel that Kroger should be treated as a shopping center and our engineers feel it is more like a grocery store. He pointed out there are only 1700 trips difference in the centers and in either case it does not affect the level of service on Pine Log Road whether it is a grocery store or a shopping center. To complicate the matter, on December 1, 2003, there will be new charts which will consider projects like superstores—a new category will be created. Based on the information the engineer felt there was no problem with Whiskey or Pine Log Road. They did feel that in the future possibly a traffic signal should be placed at the exit onto Pine Log Road opposite Pawnee. However, until the development occurs the State Highway Department will not approve a signal until they can see how much traffic is generated. He said there would be no problem getting into the center, but exiting could be delayed at times depending on the time of day.

Mr. LeDuc reviewed each of the conditions. For condition 1, he stated the City had received the façade for the front of the building facing Whiskey Road, but had not received the façade for the side facing Pine Log Road. He stated on condition 2 the city and the developer were working on the matter regarding the driveway closest to Whiskey Road to determine if there were existing easements which will not allow it to be closed. Condition 13 should state that truck traffic will not be allowed to use Thomas or Fore Street.

Council discussed condition 2 regarding easements for the driveways. It was felt that the banks probably have easements for the driveways. Councilmembers felt that for safety reasons the driveways should probably be kept open for right-in/right-out only.

Mr. Mark Senn, of Blanchard and Calhoun, stated they had looked at the driveways. The attorneys had looked at the driveways as well as Kroger and there are easements for the driveways. Mr. Chad Treadwell, of Kroger Company out of Atlanta, was also present.

Councilwoman Vaughters asked about the signs and if they met the sign regulations. She also asked about the Red Cross and stated they had recently moved to a building in the shopping center. She said she understood the Red Cross had a five year lease on their building. She said the Red Cross is a good organization, and they really have a nice facility.

Mr. Senn stated the signs recommended by the Planning Commission are consistent with the city's ordinance. He said Kroger is entitled to a certain amount of square feet of signage on Pine Log Road. He said they are working with Home Depot for a joint sign. He said he did not know the terms of the Red Cross lease as this is not something they would get involved with as Kroger would be buying the property from Kimco. He said he understood there is a cancellation clause in the Red Cross lease. Mr. Senn stated he felt that Kroger would meet with the Red Cross and see what they could do to treat them fairly. He said Kimco still owns the land and it would be inappropriate for them to contact their tenant and start negotiating with them. Mr. Senn stated after approval by the City, provided Kimco gives permission, Kroger will sit down and talk with the Red Cross.

Mr. Chad Treadwell stated Kroger does try to be a good corporate citizen, and they would work with the Red Cross to find a new location. He said they could work with a developer in trying to help the Red Cross find another location.

Ms. Sandy Hemrick, 62 Joann Drive and an employee of the American Red Cross, stated the Red Cross does have a 5 year lease on the building. She said the Red Cross renovated the building under the assumption that the Red Cross would be there for a while. She said no one has contacted the Red Cross about the possibility of the lease being terminated or the future of the Red Cross being there. She said they had spent about \$200,000 on the building and had been there only about 2 months.

Council then discuss the façade for the side of the building facing Pine Log Road. It was pointed out they have the façade for Whiskey Road, but need it for Pine Log Road.

Mr. Chad Treadwell then briefly reviewed the proposed façade for the Pine Log Road side of the building and said the design is still a work in process. He said the Whiskey Road and Pine Log Road sides of the building would predominantly be brick. He said the drive-thru pharmacy would be on Pine Log Road. He also briefly reviewed the landscape plans.

Mr. Jon Samuels, 121 Live Oak, Woodside Plantation, asked questions about the space that will be used and the construction schedule. It was pointed out the space from the Home Depot to the space where the present building ends would be used for Kroger and that the construction schedule had not been set.

Ms. Sandy Hemrick, of the Red Cross, asked if the matter could be tabled until something is worked out with Kimco and the developers for the movement of the Red Cross.

It was pointed out this is a matter between the Kimco and the developer. Council's consideration now is the Planned Commercial. It was pointed out Council certainly wants to help the Red Cross, but this is a matter for the developer and the owner of the property.

Councilwoman Vaughters was concerned about the Planned Commercial being approved by a resolution. She pointed out a resolution is a one time consideration. She felt Planned Commercial should be approved by an ordinance.

Councilman Cuning stated Council needs to see what they are approving and needs to see the design for the Pine Log Road area.

Mr. Gary Smith stated Council could approve the plan and require the developer to come back with the Pine Log Road elevation prior to approving the final construction.

Mr. Senn stated he would appreciate Council's consideration of the plans at this time as Kroger has a deadline of November 15, 2003. He said Mr. Treadwell had made an effort to get the side elevation done, but he wanted to make some changes. He said it could be submitted to Council tonight. He said if Council feels okay with the rest of the plans, he would appreciate their consideration and Kroger could come back and show the Pine Log Road elevation prior to construction.

Mr. LeDuc pointed out if Council approves the plan with the conditions listed that it would be approved with the knowledge that they have not seen the Pine Log Road elevation. He said Council could ask them to return for Council to give approval on the Pine Log Road façade at a later date before construction. He said Council could approve the resolution, but have a condition in the resolution that before construction is started Council must approve the Pine Log Road façade.

After discussion of the conditions Council was in agreement to remove number 2 of the conditions from the Planning Commission as they felt there were easements on the driveways and the traffic only allowed right-in/right-out. They also agreed that for condition 12 that truck traffic not be allowed to use Thomas Street or Fore Street. As far as the façade for the Pine Log Road elevation, the following wording would be added to condition 1: Council shall be allowed the opportunity to approve the Pine Log Road façade prior to the issuance of a building permit.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council approve the resolution approving the concept plan for property at

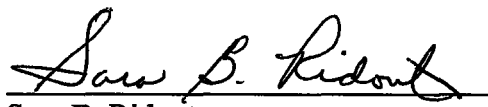
Heritage Square to accommodate a 70,000 square foot Kroger, a Kroger Fuel Center and a building of about 16,000 square feet as an outparcel behind the Kroger Center with condition 2 in the proposed resolution regarding the driveway easements be deleted, that in condition 12 truck traffic not be allowed to use Thomas Street and Fore Street, and that in condition 1 a sentence be added that Council shall be allowed the opportunity to approve the Pine Log Road façade prior to the issuance of a building permit.

RECOGNITION

Mayor Pro Tem Clyburn then recognized the students who were present at the Council meeting.

ADJOURNMENT

There being no further business the meeting adjourned at 8:45 P.M.



Sara B. Ridout
City Clerk