

portion to Whiskey Road would be made until a permanent connecting road is built through the commercial portion.

Councilman Smith pointed out eventually there will be a signal in that area. He said if there is a road there without a light and it is used, that will be a safety problem.

Mr. Dyar stated the potential signal was not addressed by the engineers who did the traffic impact study. He said the study shows about 450 to 500 cars at the peak hour using the main entrance. He said if Council considers this to be a major entrance, a lot of people who may live in the residential may want to use the access. He said with that many trips the entrance probably will have to be signalized. He said it will tend to split up some of the residential traffic, and many people will use it opposed to going out Powderhouse Road.

### ELECTION

#### Redistricting 4-2-1 Plan

Mayor Cavanaugh stated he had talked with Jim Holly regarding the progress of the redistricting and if there had been any comments from the Justice Department. Mr. Holly stated the Justice Department has until July 20, 2003 to make a decision on the submittal.

### Aiken City Council Minutes

### REGULAR MEETING

July 14, 2003

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

Absent: Councilwoman Clyburn

Others Present: Roger LeDuc, Gary Smith, Ed Evans, Larry Morris, Anita Lilly, Wendell Hall, Glenn Parker, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinis of the Augusta Chronicle and about 40 citizens.

Mayor Cavanaugh called the meeting to order at 7:30 P.M. Mayor Cavanaugh 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 Smith moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved as presented.

### MINUTES

The minutes of the work session and regular meeting of June 23, 2003 were considered for approval. Councilman Sprawls moved that the minutes be approved. The motion was seconded by Councilman Smith and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsAaron, RobertHaslup, SuzanneRecreation CommissionCromer, BrunsonBlack, SteveBuilding Code Appeals Committee

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

Mr. LeDuc stated Council has 5 pending appointments to boards and committees of the city and 3 appointments are presented for Council's consideration.

Councilwoman Clyburn has recommended that Robert Aaron, of 200 Stone Drive, be appointed to serve on the Recreation Commission. If appointed his term would be for two years and expire in 2005.

Councilman Cuning has recommended appointment of Suzanne Haslup, 432 Orangeburg Street SE, to the Recreation Commission for a one year term with the term to expire in 2004.

Councilman Sprawls has recommended appointment of Brunson Cromer to the Building Code Appeals Committee to replace Steve Black who has resigned because he moved outside the city. If appointed Mr. Cromer's term would expire May 12, 2005.

Councilman Cuning moved, seconded by Councilman Sprawls and unanimously approved, that Council appoint Robert Aaron to the Recreation Commission for a two year term to expire in 2005, Suzanne Haslup to the Recreation Commission for a one year term to expire in 2004, and Brunson Cromer to the Building Code Appeals Committee to replace Steve Black with the term to expire May 12, 2005.

AIKEN PREPARATORY SCHOOL – ORDINANCE 07142003Morgan StreetCity PropertyBarnwell AvenueEdgefield AvenueEustis Park Property

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to donate property along Morgan Street to the Aiken Preparatory School.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE DONATION AND CONVEYANCE OF A PORTION OF THE PROPERTY OWNED BY THE CITY OF AIKEN LOCATED ON MORGAN STREET.

Mr. LeDuc stated this matter was discussed at the June 9, 2003, meeting in executive session.

He stated the City of Aiken owns approximately 1.1 acres of land along Morgan Street, between Barnwell Avenue and Edgefield Avenue. Adjoining this property to the east are 4.2 acres owned by the Aiken Preparatory School. The school would like to combine these properties to be sold as residential single-family property. Since they are a 501(3)c, they are asking that the City donate the land to them, as they have on several other occasions to nonprofits in the area.

The total acreage for the site is 5.2988 acres. The city's donation is 21% of the total land for this project. In discussions with Neil Winter and Tara Bostwick regarding this contract, the city's donation is one-fifth of the total, and they are suggesting that Council

have one seat on the Architectural Review Panel and the school have four seats. As they stated in the work session, the Aiken Preparatory School is committed to the downtown area, however they can't commit for future boards and therefore asked to delete the buy back provision from the contract. The proposed contract has a condition which states the City will not deliver the deed to Aiken Preparatory School until such time as the developer of the property will have procured a building permit for this property. It is further conditioned that the ultimate developer of the property must be a for-profit corporation that is not exempt from the payment of real property taxes pursuant to South Carolina law. This will allow the City of Aiken to receive real estate property taxes once the property has been developed.

This property currently receives no tax dollars, and upon completion of the development, the City will begin receiving approximately \$30,000 per year in taxes and fees and an initial \$30,000 from tap and permit fees. The development also complements the development work the City is doing in the Toole Hill area and the other areas on the north side of the City.

The public hearing was held and no one spoke.

Mr. Gary Smith stated the matter had been discussed with the sellers and a change needs to be made on the second page of the contract. He said a portion of the contract states single family townhomes are intended for the property. He said the city staff wanted to make sure that if the developer comes back with a proposal for single family homes that there not be a problem. He said rather than limit the development to townhomes it was felt it would be better to state single family homes.

Councilman Sprawls moved, seconded by Councilman Cunning, that Council pass on second and final reading an ordinance to donate 1.1 acres of land, more or less, to the Aiken Preparatory School for residential development with the change in the contract to "single family homes" rather than "townhomes" in paragraph 2.c. and that the ordinance become effective immediately.

Mayor Cavanaugh pointed out the strip of land proposed to donate to the Aiken Prep School is a long strip that is probably good for nothing unless it is combined with other property. Presently it brings in no tax money or revenue to the city. He said no matter what the income may be it is more than presently being received on the property. He felt the donation would be a win-win for not only Aiken Prep to sell for housing that will bring in revenue, but also complement what the city is proposing to do in the Toole Hill area.

Councilwoman Vaughters stated she had a problem with the city giving away any property when she does not see a definite benefit for the city more than just taxes on the property. She said she was for the Prep School and she understood that at the last meeting the Prep School's five year strategic plan is to stay at their present location on Barnwell Avenue. She said she felt it was an advantage to the city to have the Prep School downtown. She said if the city is going to donate any property to any entity she felt it needed to be very clear as to what benefits the city is getting for the property.

Councilwoman Price stated the city had indicated the 1.1 acres would be donated to the Prep School to combine with the 4.2 acres of Aiken Prep, and that the city's property is of limited value by itself. Also, the Prep School has indicated that they expect to be at their Barnwell Avenue location for five years. She asked what recourse the city had in the event the Prep School leaves downtown.

Mayor Cavanaugh stated if homes or some tax generating development is not constructed on the property the land will revert to the city and that is included in the contract. It was pointed out the city will not deliver the deed to Aiken Prep for the property until such time as the developer of the property procures a building permit for the property.

Mayor Cavanaugh called for a vote on the motion to approve the ordinance on second reading to donate the 1.1 acres to the Aiken Prep School. The motion was approved by a vote of 5 in favor and 1 opposing. Councilwoman Vaughters opposed the motion.

VENTURES PARK – ORDINANCE 07142003ALoanSRRDISpec BuildingAiken Electric CooperativeSavannah River Regional Diversification Initiative

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to authorize the borrowing of \$275,000 to construct a spec building in the Ventures Industrial Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO BORROW UP TO \$275,000.00 FROM THE SAVANNAH RIVER REGIONAL DIVERSIFICATION INITIATIVE FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SPECULATION BUILDING AT VENTURES INDUSTRIAL PARK.

Councilman Cunning stated since he is a member of the SRRDI board he was recusing himself from discussion and voting on the matter.

Mr. LeDuc stated the City of Aiken would like to build a 50,000 square foot expandable to 130,000 square foot speculative building at Ventures Park. We recently received bids from contractors to complete this building by Fitch and Goodwin for \$675,000. The City has a \$400,000 grant in reserve from Aiken Electric Cooperative to help pay for this building. In addition, the City and Aiken County will help in the preparation and grading of this land. In order to complete the building, driveway, and parking lot, the City will need to borrow \$275,000, which would be paid off upon the sale of the building. Typically, most banks require loans to be paid off on a monthly basis. In this case, the Savannah River Regional Diversification Initiative (SRRDI) will allow the City to make a lump sum payment upon the sale of the building. The city should receive over \$500,000 from the sale of the building, which would be available for more projects.

The \$275,000 loan would be at 7% interest, with the principal and interest to be paid as a lump sum within 5 years from the execution of this note. This is the same interest rate that SRRDI has given to other agencies as they have expanded or constructed new industrial sites.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to borrow \$275,000 to be used for construction of a spec building in Ventures Industrial Park and that the ordinance become effective immediately.

Councilman Cunning returned to the Council Chambers.

TOWING – ORDINANCEWreckersPublic Safety DepartmentWrecker Service

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to establish towing procedures.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE ADDING SECTION 42-11 TO THE CODE OF THE CITY OF AIKEN TO ESTABLISH INVOLUNTARY TOWING PROCEDURES FOR CERTAIN VEHICLES IN THE CITY LIMITS AND TO GRANT FRANCHISES TO PERFORM THIS SERVICE.

Mr. LeDuc stated for over 25 years Public Safety has used a rotation list for involuntary wrecker service. This would involve calling a towing service for an individual who is involved in an accident or break down, and does not know who to call, or when there is a DUI arrest, abandoned, or stolen vehicle that needs to be towed. Currently there are 19 companies on that list, five of which are in the City limits. The companies rotate and the one at the top of the list is called for service when needed. Once they have been called, they are then moved to the bottom of the list and rotate up to the top of the list as needed. Some of the towing companies, located in Aiken County are as far away as Windsor, New Ellenton, Vaucluse, and Warrentville. On the average, the department uses this method 780 times during the year. It has recently come to our attention that, due to a South Carolina Supreme Court ruling, an involuntary towing list is now considered a franchise agreement. For this reason, we have developed a Request for Proposal to be given to City towing companies asking if they are willing to meet the specific requirements within this agreement, including an insurance policy of \$1 million, which is a municipal standard. There are also storage and zoning requirements, such as screening, which would be required.

Currently, the towing companies follow a policy which has little enforcement action versus a proposed contract which would be signed by both parties. As part of this new proposal, we are recommending that only in City companies be placed on the list. As a franchise agreement, the City can limit who they use for this type of service. This will also avoid comments which we have received in the past from citizens who state that it is difficult to find these towing companies in the County, and their hours of operation are limited when trying to get back their vehicle. Also, one of our officers inspects each of these properties and their equipment twice a year, and this will make this inspection procedure much easier for Public Safety. According to the policies and procedures the tow fee is generally at \$85, with a certain storage fee for a standard tow. If it involves more than putting on a rollback on towing behind a truck, the tow fee may be more. We have received some complaints from citizens concerning the towing service, but the real reason for the change is that the South Carolina Supreme Court made a ruling that if there is a listing of towing companies there should be a franchise or contractual agreement made with the companies. The City of Aiken presently does not have the franchise agreement. Public Safety looked at the matter with the staff attorney and came up with a contractual agreement that is before Council. Presently the city requires \$100,000 for liability insurance and \$50,000 for insurance on the customer's vehicle. The new contractual arrangements would require \$1 million liability insurance, as recommended by the Municipal Association. The other major change is the fact that we would be requiring the companies to have their area fenced and screened from view from the public. Another recommendation Public Safety made was that instead of having 19 companies the towing companies would be narrowed down to the 5 within the city limits. Presently one of our officers checks the companies for proper equipment.

If Council agrees with the proposed request, we will send out this proposal to all five City towing companies, which include Aiken Paint and Body, Kelly's Collision on York Street, Kalmia Exxon on Richland, Wesley's on Park Avenue, and Parker's Paint and Body behind Krogers. Once we have received the proposals back and they state that they can meet our requirements, a contract would be signed with them to establish the new list.

The public hearing was held.

Ms. Mary Delaney, Custom Finish Paint & Body, Warrentville, stated many of the towing services on the rotation list existed before the present businesses in the city existed. She pointed out that most of the wrecking companies on the list are located less than five miles from the city. She pointed out the wreckers had signed to agree to certain policies to remain on the city rotation list. She pointed out that their equipment is inspected every year, and their property is lighted and fenced. She said they purchase a city business license. She said like any other business the majority of the towing companies work Monday through Friday from 8 A.M. to 5:30 P.M. Most of the towing companies are not open over the weekend, but neither are the city wreckers. She pointed out that many of the towing businesses located inside the city have employees who live outside the city

and take the trucks home with them after hours so the response time is the same for businesses inside or outside the city. She was concerned that the wreckers outside the city purchase a business license, but will not be able to serve on the rotation list. She pointed out the wreckers do business in the city, purchasing parts from businesses and shop at the stores in Aiken. She asked that Council review the matter further and talk with the officers that are on the street to find out what kind of service the wreckers in the county are giving. She said that most of the wreckers carry \$100,000 liability insurance and many have much more than that. She said not allowing the wreckers outside the city to be on the rotation list would be taking their livelihood from them. She said the city rotation is very much a part of their business. She said there are 19 wreckers on the list. They average about 1 call per week. She said out of the 19 wreckers sometimes 4 or 5 are unavailable. She said probably about 15 wreckers are used per week. She pointed out if there are only 5 wreckers on the list they may not be available all the time. She said the city wreckers also tow for the Highway Patrol in the County. She said 5 tow trucks are not adequate to cover the calls inside the city. She said there are 780 rotation calls per year, but there are many other calls inside the city where people make a request for a certain wrecker. She pointed out all the wreckers on the rotation list are only allowed to charge \$85 for a normal hook.

Mr. Benjamin Miller, owner of Aiken Paint & Body Shop located inside the city, stated the towing fee of \$85 had been set by the Aiken Department of Public Safety. He said the businesses in the city had complained to the city over the years about the city's practice of allowing wreckers outside the city to compete against the city businesses and take work from the city businesses. He said the response time was regulated by the policies and rules established by Public Safety. He said during the day a 20 minute response time is difficult to meet when the truck may be on the north side of Aiken and have to travel to the southside on Whiskey Road, depending on the time of day. He pointed out that most of the wreckers do operate Monday through Friday and are on call 24 hours a day. He said to mandate that the wreckers be open outside the normal hours would be a hardship on the wreckers. He said the fee is currently set by Public Safety and that fee is low based on the other municipalities within the state. He said Columbia is at \$125, and the Aiken businesses charge \$125 for the Highway Patrol and for Aiken County. He said his insurance had increased from \$3,500 to \$13,800. He said the insurance companies penalize the businesses that are on a rotation list. They reevaluated their potential losses for those on rotation and they have raised the wreckers insurance. He said that was the reason he was addressing the city's \$85 fee. He said such a fee will create a hardship if they can't charge more than \$85. Mr. Miller said he did have \$1 million insurance. He said in the policies the city would have to be more specific if they are requesting on-hook insurance. He said the city would also have to be specific on garage keepers insurance. He said the question had come up that 5 trucks would not be sufficient to handle the number of calls that are generated within the city. He said that could possibly be a concern. He said he does receive approximately one call per week for rotation. He said his recommendation is that instead of excluding all the wreckers outside the city, the city give preference and priority to the wreckers within the city. If, for some reason none of the five are available, or there are insufficient number of trucks, then there should be an alternative list. He said, however, he felt the priority should be given to the city wreckers. He said he pays his business license on 100% of the income for his business. He said his business license is considerably higher than those outside the city, and he also has to pay city property tax that the businesses outside the city do not have to pay. He said the businesses in the city have a heavier burden, having to pay taxes and city license. He said it is hard to compete with those outside the city, because their operating expenses are not as high as those businesses located within the city. He asked that Council consider an alternate list in the event that the rotation list is reduced to five wreckers, so the wreckers within the fire limits can be called in case none of the five on the list can respond to the call. He said the \$85 fee has been in effect for at least eight years. He said the fees do need to be increased as their costs have all increased. Mr. Miller stated he was asking that since he is a city taxpayer that the city give preferential treatment to the businesses located within the city.

Mr. Eddie Willing, Eddie's Towing and Automotive from Windsor, stated he was the farthest business from the city on the list, but had been on the list for 11 years. He said he had never missed a call time-wise and had a great working rapport with all the

officers. He said he carries \$1 million liability insurance. He said he felt it was unfair for the businesses outside the city not to be able to participate on the rotation list. He said this would reduce his income. He said there had not been complaints regarding his service. He asked that businesses outside the city be allowed to remain on the rotation list.

Steve Bigg, Carolina Collision in Vauluse, asked that he be allowed to remain on rotation. He said he had \$1 million liability insurance. He said all the wrecker owners are like family and they all help each other. He said he was concerned that no one contacted the wrecker owners to tell them about the proposed new rotation changes. He said he could understand the concerns of the wreckers located inside the city. He said, however, some of the wreckers in the city have depended on him at times to bail them out.

Mr. Glenn Campbell, Campbell's Auto Body in Montmorenci, spoke against the city reducing the rotation list to the five businesses in the city. He was also concerned that the towing companies had not been notified about the proposed change. He said Aiken Public Safety had told the wreckers that were on the list that they were grandfathered in, but if they moved they would be removed from the list. He said they used to meet with the wreckers about once a year. He did not feel that five wreckers in the city could handle the rotation calls.

Mr. Freddie Hill, F & T Motors in Gloverville, stated he had been on the City of Aiken rotation list for about 8 years. He said he had never heard that \$125 could be charged for a regular hook up in the County. He said his charge had always been \$85. He also said he did not feel the five wreckers in the city could handle all the calls on the rotation list. He said not only do they tow for the County and the Highway Patrol, but they also have their own customers that they tow. He said a lot of the calls are after hours. He pointed out many of the drivers live outside the city and have the trucks at their homes outside the city. He pointed out his wrecker driver lives inside the city limits of Aiken, so after hours he is inside the city. He was also concerned about not being notified of the proposed change. He said he felt the county wreckers are doing just as good a job or better as far as response time as the city wreckers.

Mr. Jeff Corbett, Wayne's Automotive Center, stated he had been on the towing list for 23 years. He stated the five towing services inside the city don't have the equipment to handle all the towing services the City of Aiken will need. Some of the wreckers in the County have different size wreckers and equipment to handle the different situations that come up. He said if the rotation is limited to just the five in the city, what will happen when there is something they can't handle. He said looking at the different equipment needed for the various situations all the wreckers are needed at various times not just the city wreckers. He suggested that possibly the towing services could form an organization for the city to communicate any problems or needs. He was also concerned about communication about any problems and the wreckers not knowing of the proposed change. He said he felt it would take more than five wreckers to handle the rotation. He suggested that the wreckers form an organization and have a spokesman to meet with the city to try to work out any problems before Council makes a decision on the matter. Mr. Corbett stated he was located in the city at Newberry and Richland for nine years. He said he moved outside the city because not only did he tow but he had an auto repair shop. He said he could only leave the cars they were repairing on the street for so long. He said he had to juggle the cars every day to get them off the street and this took a lot of time each day. He said he did not move out of the city by choice, but because he could not continue to spend time moving cars every day.

Mr. Chris Randall, stated as a county resident he was concerned about the matter. He said he sees only one issue that the city is basing their exclusion of the county businesses from the rotation list and that is that calls were received from citizens stating that it was difficult to find some of the businesses. He asked if there was any other basis for excluding the county wreckers.

Mayor Cavanaugh pointed out that the city businesses are located within the city limits and are paying property taxes, vehicle taxes, business license, etc. He said he did have

some concerns about make the change, however. He said the rotation list had been working for 25 years, and he did not see any good arguments for changing the operation. He said he had never received a complaint about a towing company not doing their job well. He said if people specify who they want then the rotation list is not used.

Councilman Cunning stated those businesses in the city are paying taxes on property and vehicles while those outside the city do not have that expense. He said the businesses inside the city complain that they do not get any preference, and he said Council does listen to that as those inside the city are Council's constituents. He said, however, those businesses outside the city have to pay double for their business license. He said he felt the matter needed to be studied further before a decision is made.

Mr. LeDuc pointed out that Council does need to make a decision on the matter and develop a franchise agreement to be in compliance with the S.C. Supreme Court law. Councilmembers stated they would like to have a work session on the matter and discuss the issues further. It was also suggested that the wrecker companies meet and discuss the matter and try to come to some conclusion and have some recommendations for Council. It was also stated they would like to hear comments from the police officers regarding the matter and how the service has been operating.

Councilman Sprawls moved, seconded by Councilman Cunning and unanimously approved, that Council continue the matter regarding the rotation list for wreckers and a franchise agreement for wreckers until August 11, 2003, at which time the matter will be discussed in a work session.

#### ZONING ORDINANCE

##### Amendment

##### Commercial Vehicles

##### Trucks

##### Residential Zones

##### Oversized Vehicles

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance concerning commercial vehicles.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING OVERSIZE VEHICLES IN RESIDENTIAL ZONES.

Mr. LeDuc stated for almost two years now, City Council and the Planning Commission have been reviewing regulations concerning the parking of commercial vehicles in residential areas. After several meetings with commercial business owners and residents, the Planning Commission has developed a set of proposed changes to our current regulations. Major changes included:

- (1) Vehicles over 26,000 pounds, designed to carry 16 or more passengers, or placarded for hazardous materials: Not allowed.
- (2) Vehicles smaller than 26,000 pounds but exceeding 10,000 pounds, 20 feet in length, or 8 feet in height: Are treated like recreational vehicles (i.e., on an interior lot, it must be in an enclosed building or in the rear yard or in the side yard not projecting beyond the front of the house; on a corner lot, same as for interior lot except if parked in the side yard it must be completely screened with vegetation).
- (3) Vehicles smaller than 10,000 pounds and less than 20 feet in length: Unregulated.

There would be a limit of three recreational vehicles and/or oversize vehicles per lot.

The Planning Commission recommended these changes with a 5-2 vote.

At the last meeting Council asked that this issue be continued to the July 14, 2003, meeting. It appears that Council is trying to determine what size and weight regulations should be assigned to commercial vehicles parked in residential areas. He suggested that Council may want to consider leaving these two areas undesignated, as long as the vehicles are properly screened, as we do now with recreational vehicles. Many recreational vehicles are over 10 feet in height and over 25 feet long, but are allowed if placed behind the front of the house or in the backyard. This same principle can also be applied to commercial vehicles. He said staff had looked at the matter and felt that if the vehicles could be screened then maybe the length, weight, and the height are not as critical.

Councilman Cunning pointed out that there has to be some weight or length or some guidelines to determine what vehicles have to be screened. He said just to say that all commercial vehicles have to be screened presents a problem. It was pointed out that a pickup is a commercial vehicle so would it have to be screened. It was felt that there would have to be some limits to know what has to be screened. It was pointed out that a corner lot also presents a problem, and some of them are not able to be screened from the street. He felt it would be more problems saying that all have to be screened and behind the front roof line, as there will be pickup trucks that will have to be screened. He said with the screening of all commercial vehicles then a lot of regular vehicles will have to be screened that are now parked in the front yard. It was felt there has to be some guidelines for a cut off of what has to be screened.

The public hearing was held.

Mr. John Wade, 1180 Cornish Street, stated he felt his business should be grandfathered in since he has been in business there many years. He said he has been paying a business license and property and vehicle taxes. He said he had listened to the wrecker company people speak, and Council seemed to be willing to do more study, listen to their concerns, and possibly grandfather businesses on the rotation list. He said he would like for Council to consider grandfathering when they discuss these issues.

Mr. Gary Smith stated he felt there was a problem to grandfather Mr. Wade's business because he has never met the regulations. He said Mr. Wade's trucks are presently in violation of the ordinance. In order to grandfather Mr. Wade would have to have been in conformance with the original ordinance.

Councilman Cunning stated he was concerned that if Council applies Option 2, which requires any commercial vehicle allowed must comply with same location and screening restrictions applicable to recreational vehicles, Mr. Wade will not be able to comply. He said since Mr. Wade is on a corner lot he would not be able to comply with those regulations. He said corner lots would have to have special regulations.

Councilman Smith stated he felt it was going to be very difficult to find any compromise that will accommodate Mr. Wade. He said he also felt that Option 2 would be very vague and difficult to enforce.

Council continued to discuss with Mr. Wade the vehicles he has on his property and how he might try to comply with regulations. It was suggested that he could possibly screen his side yard with bushes.

Mr. Wade pointed out that there is a big mound on that side of the lot to get into the yard. He said he would have to cut out a driveway and that would be costly. He said the street is a state road and he would have to apply for a state permit to get an access road to the property. Mr. Wade stated the proposed regulations would not only affect him, but others as well. He said others were not present because they don't know about the proposed regulations.

Councilman Sprawls stated he felt Council needed to determine what is an oversized vehicle.

Councilman Smith pointed out people in the area had expressed concern about safety problems, with some of the large vehicles blocking view for people's driveways. He said he felt the people in the subdivision had tried to be accommodating, but he did not feel that Mr. Wade was willing to accommodate at all.

Councilwoman Price stated based on what she is hearing from the citizens in the community, they don't want to see things that a neighbor owns that may obstruct their view. She stated as long as the things are not in view of their sight, they don't care what you own. She said the issue is how can Mr. Wade get the things out of view which detract from the neighborhood.

It was pointed out that at one time there was a section in the proposal that a person could apply to the Board of Zoning Appeals for a variance. However, that had been taken out. Mr. LeDuc pointed out if Council wished this could be added to the proposed ordinance. He said no matter what Council adopts there will be exceptions and requests for exceptions would go the BZA.

Councilman Cunning suggested that Council appoint a committee of Council to meet with the homeowner's association at Crosland Park and the owners of vehicles affected and try to work out something reasonable. He pointed out it is difficult to specify length and height of vehicles that are commercial because the vehicles being produced today that are used as regular vehicles are higher than 8 feet and fairly long in some cases.

Mr. Wilkins Byrd, 434 Berrie Road, stated he understood the concerns of Council in this matter. He said he serves on the Planning Commission and had worked on the matter. He said if Council tries to design an ordinance for a single, specialized, complicated situation there will be problems. It will not work for the whole city. He said the Planning Commission recognized that there was likely to be no solution that would be comprehensive for the whole city that would give proper attention to the deep concerns of most residential property owners who don't have big vehicles and that would get Mr. Wade out of his problem. He said it was the Planning Commission's understanding that there would be the right of appeal for special circumstances to the BZA. He said that was not included in this proposed ordinance, but it was the understanding that it is included elsewhere. He said he felt it was the Planning Commission's view that their recommendation was the best means to reach some sort of measurable conclusion that still left a way out. Mr. Byrd pointed out that the proposal is a dramatic relaxation of the existing ordinance, which states that nothing over 10,000 pounds or 20 feet in length could be in the city. The proposal from the Planning Commission proposes that trucks more than twice as big as previously allowed, up to 26,000 pounds, can be located on a city residential lot. The second part is the screening requirements. Those vehicles exceeding 10,000 pounds, 20 feet in length or eight feet in height must be screened. He said that the proposal just says if it exceeds any of the three dimensions, it must be screened like a RV is currently screened. He said it was felt these recommendations would be a legitimate response to the concerns of residents who don't have the big vehicles and who don't want them in the front yard. The recommendation just says put the large vehicles beside the house, behind the house or in a building. He said he felt this was a reasonable compromise between the concerns of property owners and those who own large vehicles.

Mr. LeDuc pointed out that a statement regarding an appeal to BZA for a variance was deleted because that is automatic. There is always the right of appeal to BZA. He said if someone can't meet the specifications of whatever Council approves they have the right to appeal to BZA.

Mr. Byrd stated the reason weight was considered in the proposal is that weight was a means of excluding semi-trucks or tractor trailers, and it seemed to be the view that vehicles over 26,000 pounds, the point at which one must have a commercial drivers license, would be so large that there was no need for those to be on residential lots in the city. He said it was the view of the Planning Commission that weight was important in specifying vehicles allowed.

Mr. Wade stated he disagreed with Mr. Byrd on the 10,000 pounds. He said the research he did on vehicles showed that many people are driving vehicles every day that are not meeting the 20 feet in length and 10,000 pounds. He said when the matter was first discussed the limitations were based on commercial vehicles. He said the proposed ordinance changed that to oversize vehicles. He said the question was why would we limit and penalize people with big vehicles who are using them to bring in income and who are paying city licenses and taxes, and yet allow the big vehicles for those who don't use their vehicles for their work but drive them as their regular vehicles.

Councilman Cunning stated he felt Council needed to arrive at a more liberal size for vehicles allowed. He pointed out many of the vehicles driven by residents, such as vans, are larger than the 10,000 pounds and 8 feet high. He said if that is adopted BZA will be swamped with requests. He said it did not make sense to pass an ordinance when possibly 50% of the people's vehicles would not comply with the regulations and would require variances.

Mr. Wade stated his concern was that BZA might not grant a variance for a larger vehicle. He said that was his reason for asked that he be grandfathered in as well as others in his situation.

After much discussion Council felt that they needed to give the matter more study. It was pointed out if Council is going to adopt a new ordinance it should be something that is reasonably enforceable.

Mr. Paradise was asked to get some measurements for vehicles that people are using as regular vehicles, not as commercial vehicles. It was pointed out that the vans and extended cab trucks may exceed the 10,000 pounds, 8 feet high and 20 feet in length.

Councilwoman Price moved, seconded by Councilman Cunning and unanimously approved, that Council continue this matter regarding commercial vehicles and that staff provide some measurements for vehicles at a worksession to be held on August 11, 2003.

#### REZONE – ORDINANCE

Whiskey Road  
Stratford Drive  
Country Home Builders, Inc.  
Walters, Gerald  
Excel Site

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property at Whiskey Road and Stratford Drive, the property formerly known as the Excel site.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY COUNTRY HOME BUILDERS OF AIKEN, LLC FROM LIMITED PROFESSIONAL (LP) TO PLANNED COMMERCIAL (PC).

Mr. LeDuc stated Gerald Waters, of Country Home Builders, Inc., would like to rezone 25.43 acres west of Whiskey Road and south of Stratford Hall Drive, formerly known as the Excel site, from Limited Professional to Planned Commercial. This was approved unanimously at the February 11, 2003, Planning Commission meeting and has been delayed while we waited for a traffic study. The traffic study was discussed previously in the work session and any additional changes should be incorporated into the approval of this ordinance.

The proposed Planned Commercial (PC) zoning requires approval of a concept plan. This concept plan is subject to review by Council, and any changes which you desire can be implemented into this plan. The proposed concept plan shows 11.8 acres fronting on Whiskey Road with a shopping center of just under 50,000 square feet. A separate commercial use is also depicted with 30% of the area as green space. The remainder of

the property, 10.4 acres, would be residential with 23% green space. Fifty dwelling units are shown with a density of 4.77 units per acre. These units are duplex type structures that would be fee-simple home ownership. Altogether, including the stormwater detention area, the project has 36.2% open space. There would be a driveway for the commercial area accessing both Stratford Drive and Sizemore Circle. This, along with the access into the planned residential and Spring Hills Subdivision, totals three access points off Stratford Drive. This exceeds the limit of two placed as a condition on the annexation of the property in 1998. City Council will need to determine whether they want to adjust this condition from the former annexation agreement or only allow two access points off of Stratford Drive. The surrounding area zones include UD under the county portion to the north and south of this area, Residential to the west and General Business on the other side of Whiskey Road. The Comprehensive Plan calls for PC or PUD zoning along Whiskey Road, which fits the zoning requested by the applicant. The Planning Commission, with their approval, recommended several conditions.

1. That the concept plan be approved as submitted, but only the residential portion be allowed to proceed after site plan approval, and that the concept plan for commercial portion be reviewed by the Planning Commission and Council prior to approval of any site plan for that portion.
2. At the time the concept plan for the commercial portion is reviewed, another traffic impact study may need to be completed for the commercial portion only if deemed necessary.
3. That certain uses allowed in PC not be permitted. These include night clubs or bars, all rental or leasing, car wash, fuel sales, vehicle repair and service, vehicle sales, hotel-motel-inn, ambulance service, 24-hour operation of any kind, no fast food restaurants with or without drive-thru.
4. That all elements of the study comply with the LDR report.
5. Only one monument sign would be placed in accordance with 4.4.7.F and 4.4.11.C.4 of the Zoning Ordinance.
6. The buildings conform to the elevations submitted.

Mr. LeDuc stated Council discussed the traffic analysis in the work session. It was pointed out in the work session that an additional approach lane to Whiskey Road on Stratford Hall Drive would be necessary. The recommendation by staff is that the lane be added at the time the building permit is issued for the commercial area, and also prior to the time the commercial area comes back to City Council a recommendation should be made on the need for a turn lane into Stratford Drive going south on Whiskey Road, along with a left-hand turn arrow northbound on Whiskey Road at Stratford Drive.

Councilman Sprawls moved, seconded by Mayor Cavanaugh, that Council pass on first reading an ordinance to rezone property southwest of Whiskey Road and Stratford Drive from Limited Professional to Planned Commercial and that second reading and public hearing will be set for the next regularly scheduled meeting.

Council discussed the request at length. It was pointed out that with the Planned Commercial zone Council has a lot of control and can have input regarding the colors, material, etc. used in the development.

Councilman Smith stated the general problem he has with the Stratford Hall development is the fact that it is really a rezoning request. It is not an annexation request. He said to him rezoning requires a different test than annexation. He said there had been an argument made that the revised Comprehensive Plan said the rest of Whiskey Road should either be PC or PUD. He said he did not think that was the intent to take property already in the city and mandate that it be rezoned. He said Council has to ask if it is a wise and proper thing to do to rezone the property, and is it in the best interest of all the adjoining properties for Council to rezone the property. He said there is also the traffic impact question. He asked if leaving this property zoned Limited Professional would reduce the traffic impact. He said a nice residential proposal for the back part of the property had been submitted with a nice amount of green space provided. He said, however, the commercial part is rather vague and Council does not know what will be developed in the PC area.

Councilman Smith pointed out that for the Planned Commercial portion of the development there would be some traffic mitigation requirements later. It was pointed out this should be a part of the conditions for approval. He pointed out there was a statement that another traffic impact study may need to be completed. He said he felt by the time the area will be developed another traffic impact study would be needed.

Mr. LeDuc pointed out perhaps, rather than require another traffic impact study, require an update of the existing study. He said Council would also be asking that a study be done to determine the need for a right-turn lane on Stratford Drive and then northbound looking at a left-turn arrow. He said either way an upgrade of the traffic study will be needed to look at those two conditions. Mr. LeDuc stated currently the report is recommending that a third lane be added for Stratford Hall Drive at the time the commercial part gets a building permit. Also, a right turn lane on Whiskey Road on to Powderhouse Road needs to be developed. The recommendation of the consultant was that, since each of the developments have approximately the same amount of traffic daily, the cost should be split between the two developments with the work to be done at the time the commercial area is developed at either location. Thirdly, at the time the commercial plan comes back to City Council, that a southbound right turn lane into Stratford Hall Drive and a northbound left turn arrow into Stratford Hall Drive be reviewed and built if necessary.

Councilman Cunning pointed out it is difficult to know what traffic improvements need to be made at this time, since there is no definite commercial plan. He stated some businesses generate more traffic volume than others, so depending on what will be in the commercial development other traffic improvements may need to be made.

Mr. LeDuc pointed out the conditions would be recorded with the property in the RMC Office on the title saying that before a building permit can be obtained certain things have to be done. It was pointed out the two developments across the road from each other may not be built at the same time, so it would be difficult to split the cost. He stated Stratford Hall Drive improvements would need to be made when the commercial development is being made for the Country Home Builders property. Powderhouse Drive would have to be done when the Nordahl commercial development is done. He said each development would have its own separate conditions.

Mayor Cavanaugh pointed out that if nothing is done some changes still need to be made by 2008 at Citadel. Mr. LeDuc stated based on the study the Highway Department needed to be contacted regarding a left-turn arrow at Citadel and at Powderhouse.

Mr. LeDuc stated it seemed that from a capacity standpoint the approach lanes, widening of the three approach lanes and the right hand turn lanes, are not needed now, but from a safety standpoint the improvements would not hurt to be installed now. He said, however, if the improvements are made now the cost will be incurred now for the residential development versus the commercial development.

Mayor Cavanaugh stated that the accident history needed to be reviewed for the area. He said the improvements would definitely make the area safer, but the question is whether they need to be made for the new development. He said if they are needed now the improvements should not be at the cost of the developer.

Councilman Sprawls moved, seconded by Mayor Cavanaugh, that Council pass on first reading an ordinance to rezone property southwest of Whiskey Road and Stratford Drive from Limited Professional to Planned Commercial, with the conditions recommended by the Planning Commission and with the following three additional conditions, and that second reading and public hearing will be set for the next regularly scheduled meeting. Additional conditions would include at the time of obtaining a building permit for the commercial properties a third approach lane on Stratford Hall Drive would be required, a right turn lane southbound on Whiskey Road onto Stratford Drive, and a left turn arrow northbound would need to be studied, and a right turn lane would have to be constructed on Whiskey at Powderhouse with half the cost coming from the Country Home Builders commercial project and the other half from the Nordahl commercial project. The motion was unanimously approved with the additional conditions.

Councilwoman Vaughters expressed concern about two more commercial developments across from each other on Whiskey Road and the current empty commercial buildings in the city.

ANNEXATION – ORDINANCE

Whiskey Road

C.P. Properties

Elmwood Park

Nordahl

Powderhouse Road

TPN 00-158.0-01-834

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 45.72 acres located off Whiskey Road south of Elmwood Park.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 45.72 ACRES OF LAND, MORE OR LESS, OWNED BY NORDAHL IRREVOCABLE TRUST AND TO ZONE THE SAME PLANNED COMMERCIAL (PC).

Mr. LeDuc stated in November, 2001, C.P. Properties requested utilities for a tract of land south of Elmwood Park for a commercial/residential development consisting of 45.72 acres. At that meeting, City Council approved this plan with 18 conditions. Since that time, C.P. Properties has abandoned that plan and has sold the property to Nordahl, a residential builder, out of Augusta, Georgia. They intend to develop the back portion of this property as single-family residential units and sell the front portion of the property as commercial. They have requested Planned Commercial, PC, zoning for this property. The PC plan, which was submitted, is very basic, and Council has the ability to require any type of detail within this plan. Should the developer change this plan, it would then need to come back to City Council for the approval of any major revisions. One of the major conditions of the former plan was the development of a roadway on the south edge of the property that would be tied in with the other Holley tract to exit jointly onto Whiskey Road. This hopefully could be tied into a road on the vacant property across Whiskey Road for a future traffic signal. They have proposed an entrance for the residential area off of Powderhouse Road.

Mr. LeDuc stated there are a number of conditions for development of the property. He said these conditions were placed on the property when Council gave them the ability to have city utilities in the spring of 2002. He said some of the conditions probably are not necessary now, since some of the conditions have been taken care of with the new Comprehensive Plan, but he had included all of them for Council to review. He said one of the conditions was that the property annex to the city. He said one of the other items that came up at the Planning Commission is that they study the location for the entrance of their roadway onto Powderhouse Road. He said he was recommending that Council not have this as one of the conditions because the Highway Department will dictate where the roadway should be and what type of improvements may need to be made to fit with the geometrics of Powderhouse Road both vertically and horizontally. Mr. LeDuc stated Conditions 13, 17, and 18 had been discussed. He said Council should make as a part of the approval process that the approach onto Powderhouse Road to Whiskey Road should have three lanes-- a right turn, left turn and a through movement lane; that northbound on Whiskey Road at Powderhouse Road a right-hand turn lane should be constructed; and that the condition as to the location of the road onto Powderhouse Road would be studied by the Highway Department. The conditions regarding the turn lanes should be done at the time the commercial development occurs. He said if the Nordahl property is developed before the Country Builders property, then the Powderhouse Road lanes would be triggered by this development versus the Country Builders. He said these conditions would depend on when the building permits would be needed for each of the properties.

The Planning Commission approved the request on a 6-1 vote with the following conditions:

- 1) The project conforms with the approved concept plan;
- 2) The residential use be at a density not to exceed that allowed by the RS-6 zone or 7.62 units per acre;
- 3) Buildings along Whiskey Road frontage would have a residential appearance and that their renderings would be approved by City Council;
- 4) Development complies with the Landscaping and Tree Preservation provisions and that a tree survey be completed locating all Grand and Significant Trees on the property;
- 5) The development complies with the recommendations of the studies of the Whiskey Road corridor prepared by ARCADIS and LDR;
- 6) The development complies with the sign regulations and that any free-standing monument sign not exceed 50 square feet or 11 feet in height, so they are consistent in design;
- 7) City staff approve the design of all roadways and utilities;
- 8) The road stubbed out to the southern boundary be paved to the property line;
- 9) An untouched buffer of 30 feet in depth be located along the Powderhouse Road frontage;
- 10) All vegetation in the 50-foot-deep buffer along the northern boundary remain and additional evergreen shrubbery be planted no more than 10 feet on center and at least three feet in height after pruning at the time of planting and seven feet in height at maturity;
- 11) On the southern boundary behind the shopping center there should be a 25-foot-wide buffer and, where necessary, evergreen shrubbery be planted no more than 10 feet on center at least three feet in height after pruning at the time of planting to reach a seven-foot height at the time of maturity;
- 12) No manufactured housing is to be allowed, and that a deed restriction state that no manufactured housing be allowed;
- 13) Deceleration and acceleration lanes must be provided on Whiskey Road if indicated by Traffic Study;
- 14) Proof of recording of all conditions of approval at the RMC Office be provided;
- 15) The concept plan for the commercial portion comes back to the Planning Commission for review and to City Council for approval before a site plan is approved for any portion of the commercial area;
- 16) There be an emergency connector from the residential portion to Whiskey Road until a permanent connecting road is built through the commercial portion;
- 17) The traffic study being prepared for the development should address the location of the road onto Powderhouse Road;

- 18) The application comes back to the Planning Commission if the City's on-call traffic engineer determines that the traffic study is not satisfactory; and
- 19) That ownership and maintenance of the common open space be addressed on the concept plan.

The right-of-way for Whiskey Road is not included in this annexation.

Conditions No. 13, 17 and 18 are items which were discussed at tonight's traffic study work session. If Council desires to amend any of the conditions as discussed at the work session these should be incorporated in the first reading motion.

Councilman Cunning moved, seconded by Councilman Sprawls, that Council pass on first reading an ordinance to annex a 45.72 acre tract between Whiskey Road and Powderhouse Road, south of Elmwood Park Subdivision to be zoned PC Planned Commercial, with second reading and public hearing set for the next regularly scheduled meeting with the following additional conditions: 1. the approach onto Powderhouse Road to Whiskey Road should have three lanes-- a right turn, left turn and a through movement lane; 2. that northbound on Whiskey Road at Powderhouse Road a right-hand turn lane should be constructed; and 3. that the condition as to the location of the road onto Powderhouse Road would be determined by the Highway Department. The conditions regarding the turn lanes should be done at the time the commercial development obtains a building permit. If the Nordahl property is developed before the Country Builders property, then the Powderhouse Road lanes would be triggered by this development versus the Country Builders. These conditions would depend on when the building permits would be needed for each of the properties.

Councilman Smith stated when the development was discussed last year there was an agreement with the Holleys that there would only be one road cut and the road would go along their property line. He pointed out the road does not seem to go along the Holley property line any more.

Mr. Mark Graham stated at the meeting when the development was discussed City Council asked that the developer work with the Holleys to try to make the road a common road. He said the developer had agreed to do that. He said they have met and worked with the Holleys. He said there are many unknowns that are pending at this time. He said they had agreed that the proposed road should be the only access, so that when the Holleys come with a development they would come into the road between the properties. Mr. Graham stated the road is something Council would look at when a complete design is done on the commercial area. He said the adjoining property owners were not interested in donating the land for the road, so at the present time the developer is using his land and building the road on the property and the adjoining owner will have use of the road. He said the property really needed to be interconnected and planned as one big piece of property.

Council discussed the matter regarding the road. They wanted to be sure that they require access on this plan and have an easement across the 25 foot buffer so there will not be a question later about the road. It was pointed out this was covered in conditions 5 and 8.

Councilman Smith stated he would suggest that the property owners will cooperate with the adjoining owners to assure that there is only one road between the properties.

Councilwoman Vaughters asked about the buffer between Elmwood Park. Mr. Graham pointed out the buffer is 50 feet on the commercial part and 25 on the residential part. She also asked if there would be covenants about parking vehicles in the residential area. It was pointed out the developer would have covenants to cover parking.

Councilman Cunning stated he felt there should be a parallel road off of Whiskey so it could take some traffic off Whiskey Road. He said he felt we should try to get some easements paralleling Whiskey Road behind this property, so a road could be tied into Centennial Park in the future to give a parallel road all the way from Pine Log to

Powderhouse. He felt this type planning would be a solution to help keep traffic off Whiskey Road. He said he would like for the traffic engineer to look at this possibility.

Mr. Graham stated he wanted to make some comments about the emergency access. He said when they changed from a loop system road to the cul de sacs in order to save the trees the roads exceeded the maximum 1,000 feet of cul de sacs so an emergency access was needed. He said the access would only be for police and fire.

Councilwoman Vaughters stated she did not feel that Condition 3 should be included requiring the buildings to have a residential appearance. After discussion Council agreed that number 3 should be removed.

Councilwoman Vaughters stated she would like for the motion to be amended to delete Condition 3. Councilman Cuning and Councilman Sprawls agreed to amend the motion to delete condition 3. The motion was unanimously approved as amended.

#### EMPLOYEE HANDBOOK - ORDINANCE

##### At-Will Employee

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration regarding at-will employment.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE TO ADD SECTION 2-113 TO THE AIKEN CITY CODE SO AS TO AFFIRM THAT ALL CITY EMPLOYEES ARE EMPLOYED AT-WILL UNDER SOUTH CAROLINA LAW.

Mr. LeDuc stated the South Carolina Supreme Court in a recent decision of Conner vs. the City of Forest Acres decided that an employee handbook could be construed as a contract. Even though the City of Aiken's handbook is signed by the employee acknowledging their at-will status, based on this decision the handbook could be considered a contractual agreement.

This ordinance will attempt to supersede language in our employee handbook that the courts might perceive as creating an employment contract or altering at-will employment. The only exception to the at-will employment is when the City Council enters into an appointment contract on behalf of the City and must be executed in writing by the Mayor of the City of Aiken.

Councilman Smith moved, seconded by Councilman Cuning and unanimously approved, that Council pass on first reading an ordinance to affirm that all city employees are employed at-will under South Carolina law and that second reading and public hearing be set for the next regularly scheduled meeting.

#### COUNCIL MEETING

July, 2003

Summer Schedule

Schedule

Mayor Cavanaugh stated Council needed to consider the schedule for July, 2003.

Mr. LeDuc stated on several occasions City Council has scheduled only one meeting in July. He said, however, there are a few items that we would like for Council to consider if at all possible in a second meeting in July. He said the items for which Council had first reading would be scheduled for second reading and public hearing in July if a second meeting is scheduled. He said Council also needs to discuss the old Playhouse building on Price Avenue. If most of the Council members are available we would like to schedule a meeting for July 28, 2003. If Council decides not to have a meeting on the 28<sup>th</sup>, then we can either schedule it for some other date or cancel the second meeting in July.

Council discussed their schedules, and it was determined that at least three of the Councilmembers could not be present on July 28. It was felt that some important decisions would need to be made on the second reading of some ordinances and that it would be better to wait until all of Council could be present. After discussion it was decided not to have the second meeting in July.

Councilman Cunning moved, seconded by Councilwoman Price and unanimously approved, that Council cancel the second Council meeting in July and set the next regularly scheduled meeting as August 11, 2003.

#### EXECUTIVE SESSION

##### Contractual Matter

Mayor Cavanaugh stated Council needed to go into executive session to discuss a contractual matter.

Councilman Sprawls moved, seconded by Councilman Cunning and unanimously approved, that Council go into executive session to discuss a contractual matter. Council went into executive session at 11 P.M. After discussion Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that the executive session end. The executive session ended at 12 midnight.

#### ADJOURNMENT

There being no further business the meeting adjourned at 12 midnight.



Sara B. Ridout  
City Clerk