

Aiken City Council MinutesWORK SESSION

June 22, 2015

Present: Mayor Cavanaugh, Councilmembers Dewar, Diggs, Ebner, Homoki, Merry and Price.

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, George Grinton, Mike Laver, Don Barnes, Royal Robbins, Mickey Anaclerio, Bill Coscioni, Neel Shah, Ann Dicks, Margaret Marion, and Maayan Schechter of the Aiken Standard.

Mayor Cavanaugh called the meeting to order at 6:00 P.M. He stated the purpose of the work session was for Council to prioritize the projects for the Economic Re-Investment Fund and Hospitality Fund 014, review the draft letter to the Attorney General regarding the Hospitality Tax, and to discuss a request to amend the budget regarding the Airport Fund.

HOSPITALITY TAX

City Manager John Klimm stated we do have three items and now a fourth item which is clarification in terms of where the \$700,000 came from. Finance Director Kim Abney will be speaking about that. He stated the good news is that in analyzing the projected revenue coming in from the Hospitality Tax, the question was whether there would be sufficient revenue to undertake the myriad of activities that were listed in the budget documents that Interim City Manager Roger LeDuc gave City Council. He thinks the good news is we do not believe there will be a cash flow problem. We think we can actually time this. The greatest concerns we had were project based expenditures that had a time table and whether sufficient revenue would be available at the time the City is ready to go. It is his feeling, but for the potential for a parking garage, that everything that was listed in the original budget can be undertaken in a timely fashion in a way that would not require the City to borrow. He stated if the City is to undertake the project of the parking garage, we would have to wait four or five years or borrowing would have to take place. That is a decision that Council will make in due course. He stated in the agenda there is a list of projects that Mr. LeDuc originally gave to Council. He stated there is a projected \$100,000 coming in per month from July 1 through June 30 for the next fiscal year.

Mr. Klimm stated we will be giving a presentation showing the revenues coming in and the projections for expenditures. He stated in the first area we have \$100,000 of revenue coming in. We have looked through the whole list of items. Some of these are operating items that are within various operations, and we project we will be spending in that first three month period a total of \$125,500. He stated we do that every three months. He stated the fourth or fifth sheet of the handout is Ms. Abney's summary document that shows the \$1.2 million that is projected to come in and how the City would project to spend the money per month. He stated we have given Council a projection that proposes no cash flow problems with the obvious exception of undertaking the parking garage. We would then have to talk about how that is to be funded. There would not be cash in hand to undertake the parking garage project unless we waited four or five years. He stated this is only a recommendation and several Councilmembers have already submitted their documents giving an indication of which projects are their personal priorities.

Mr. Klimm asked if it is appropriate for him to assume that if we take on a project, like the parking garage, and Council has made no decisions, there is an understanding that we would need to also discuss the cash flow dilemma that we would be in because we would not have sufficient cash in hand unless we waited four or five years. If we waited four or five years he assumes that the subsidiary project that is in discussion would fall by the wayside. He stated the other thing is he has received input from several Councilmembers

but he is assuming that from what we have heard there is a desire by Council not to spend anything unless the money has been received except for major capital projects. He stated he has only talked to a couple of Councilmembers to get their indications. He stated it would be helpful if any of Council has strong feelings in that regard that they let him know what they are.

Councilman Dick Dewar stated if we do the garage, and it is the sense of Council that we do the garage, then we would need to look at where in the City the garage would need to be placed, instead of automatically assuming it will be part of a maybe Marriott. If there is a need for a garage downtown then perhaps it should be discussed where the best place is. He stated something will have to be borrowed because when it is built it will have to be paid for and the City will only get \$500,000 a year. He stated if it costs \$2 million to build the garage then the bulk of that would have to be borrowed from someplace in the City and then paid back.

Mr. Klimm stated the question for all of Council is it the desire of Council to not borrow, but to have this pay as you go program with the only exception being large capital projects and that would have to be a decision on a case by case basis by Council.

Councilman Philip Merry stated the City has always borrowed from ourselves. He would prefer to pay as we go if money were readily available, but he would never rule out borrowing from ourselves. He stated he would look at that on a case by case basis. He stated an example would be if the project that Councilman Ebner worked on with T.D. Bank and Ladd Britt was \$150,000 instead of \$100,000, he would not mind borrowing \$50,000 from the reserves knowing that we were borrowing from ourselves to pay back. That decision would be made when the time came to commit it. He would not rule out borrowing from ourselves for any of the items, but he would prefer to pay as we go.

Councilman Ebner stated the history of doing what we are talking about is not good. He doesn't know if we need a resolution or what, but the City has borrowed money on the CPST III and he had to keep up with that. As money came in we kept saying there was money to spend, but we did not pay off the loans. He thinks a commitment has to be that the loans will be paid back as scheduled.

Councilman Merry stated he does not have a problem committing to it. Councilman Ebner stated we seem to always be adding to it. He stated if we didn't have the tax then we wouldn't have the money so we wouldn't do it. He doesn't think we should shoot ourselves in the foot. He stated if we have something like the parking garage then we would have to do it, but the rest of the items on the list we should be able to be handled on an annual basis.

Councilman Merry stated he doesn't think we will vote on all of the items for a year at one time. He thinks they will come up during the course of the year. He stated when all the engineering and approvals are complete for the T.D. Bank project then at that point Council will look at approving it and what it will cost. Council will then ask Ms. Abney if that money is available in the re-investment fund, and if it is not then Council will make the decision to put it off for two or three months or do it and borrow from ourselves and make that priority one for the next two or three months to pay back the money we borrowed. He thinks that becomes an accounting and internal discipline thing. He would rather pay as we go, but he doesn't want to handcuff the City and say we will never borrow from ourselves.

Councilman Dewar stated at this point we can borrow from ourselves, but we are not firm in the revenue. A lot of Council thinks we will get \$1.2 million, and he thinks that will be great and hopes we do, but we might not. He stated this discussion would be better placed in August when we have a couple months of revenue, and we could talk more intelligently.

Councilman Merry stated we can hold off on doing the projects, but he would not rule out the City borrowing from ourselves. Councilman Steve Homoki asked what was the time line for having to have the money for the garage if we decided to construct a garage. He asked if we had a year and a half or two years to start collecting towards the \$500,000 per

year. Councilman Merry stated we would probably have a year. Councilman Homoki stated that most of the projects would need 50% of the money or more to start turning the shovel. Councilman Merry asked if he was saying 50% of the money. Councilman Homoki stated we would have the money in two years. Councilman Merry stated he does not believe we have two years. He stated Mr. Neel Shah could better address the date when they would need the garage. He stated if we do the parking garage, the best choice of timeline is to make it concurrent with the hotel expansion project. You do not do it before in case the hotel never expands, and you don't wait until afterwards because then they do not get access to a parking garage that they need in order to do the hotel project. You make it concurrent. He doesn't think Mr. Shah will want to wait two years to start. We have options of borrowing from ourselves or we have options of looking for outside financing. Something like that, if it comes to pass that a deal can be put together and Council supports it, then that is a prime example of a capital project that you would want to borrow, whether it is borrowed from the City or somewhere else. He stated they certainly would borrow and then pay it back.

Mayor Cavanaugh stated there are so many unknowns as to what Council will do, but he thinks if we have the money to pay for the items then we do them. When we get to something that we really want like Councilman Merry was talking about, then we can look at it case by case.

Mr. Klimm stated he has not heard any councilmember believing we should leverage this money and stop borrowing. Councilwoman Lessie Price stated she believes we are in a climate now that we can sit on our hands and wait for things to happen or do our investigation and take a little bit of calculated risk. She stated Council needed to strategically think this through and take some calculated risks. She stated she was in Columbia at the Columbia Rotary Club, and they shared with her the millions of dollars that they received. They have a 2% hospitality tax in Columbia. She believes she was told they received around \$12 million. She stated what the City of Aiken is projecting is \$1.2 million. She said we will be able to see within six months what sort of revenue is being generated, and she suspects in two years we should have close to a building constructed and then comes the garage. She stated we will be in pretty good shape to determine where we are and have the community feel pretty good about where we are, if everything goes in a positive way with the tax and the building and the garage; this would show that Council has made some wise decisions. She stated she is not one that pours rain on a parade, but she is realistic and conservative to some degree. She thinks that Council cannot advance the city, and preserve what we have, and progress the City by sitting and doing nothing until we have all the money in the bag. She stated when she looks at her children's education and everything that she had to do, if she had to have all the money before they could start school or college, they would be nowhere.

Councilman Dewar stated he felt her example was out of this world. Councilwoman Price stated none of her examples may be good for Councilman Dewar, but they were her examples.

Councilman Dewar stated there are so many unknowns in this. We do not know how much money will be collected. We do not know if there is a deal with Marriott. We do not know if we have enough room for the garage, and we do not know how much the garage will cost. Councilman Merry stated we will not make the decision on the garage until we know the answers.

Councilman Dewar stated he understands that, so he doesn't want to be criticized because he wants to get more information before we decide how to spend \$1.2 million of the taxpayers money. He stated Council does not know enough, so we should not be having the discussion today. He said we should have a couple of months in the bank before discussing the matter. He stated there are some intelligent people who have said we will not receive \$1.2 million and there are others that say we will get \$1.2 million. In two or three months we will have a pretty good sense of how much we will get on a yearly basis. He stated the month of June is probably a lot of nonsense. He stated he went to a restaurant in Aiken and was charged 10% sales tax. He challenged them, and they came up and said it is 13%-14% that is charged for alcohol. He doesn't know where they are getting that, but there are businesses that are learning about the hospitality tax, so June

may not be the best example. He stated by August or September we should have a better handle on it and get more concrete information.

Councilman Merry stated he doesn't think we will be making a decision about the parking garage now or in July. He felt it would be August or September. Councilman Dewar stated if Council is bent on building a garage in downtown, let's not focus on one location. If you think you need a garage then let's look around and find the best location for the garage.

Councilwoman Price stated she does not know if that has been determined. She asked if Councilman Dewar knew something they are not aware of. She asked if Councilman Dewar knew the location. Councilman Dewar stated he had no idea. Councilwoman Price stated he said if Council is bent on building a garage downtown, she has not heard that from anyone but him. Councilman Dewar stated it is in the Hospitality Tax. It states \$500,000 a year for the garage next to the proposed Marriott is what everyone understands it to be. Councilwoman Price stated that has not been confirmed. Councilman Dewar stated he understands, but what he is saying is that if the proposed Marriott doesn't develop and Council still thinks we need to build a garage downtown, and some of us do, then it is a question of where to build it. Councilman Merry stated if the proposed Marriott does not develop, he would have a hard time supporting a downtown parking garage.

Councilman Ebner stated he was looking at the item regarding \$50,000 for storm water improvements at the old Teresa's between Whiskey Road and Fabian Drive. He stated for two years that price has been \$129,000 and Mr. LeDuc knew this, but he put in \$50,000. Councilman Merry stated he was going to step out if Council was going to talk about that property because he owns the adjacent property. Councilman Ebner stated they would talk about TD Bank. He stated he went back and looked at 2010 minutes and in the minutes it was said that the City would buy the property for \$321,000 and take another \$300,000 to develop George's Pond. He stated today we are ready to develop George's Pond, which was actually due almost three years ago by ordinance. It will take \$300,000 - \$400,000 to get that sewer line over there plus develop a pond, but there is only \$50,000 listed. He asked where is the other \$350,000 to do this in the next three or four months. He stated otherwise we need to shut TD Bank and the development down because we made an agreement that we would provide them sewer. To do this will cost around \$350,000.

Engineering and Utilities Director George Grinton stated there is an agreement with the developer of George's Pond from 2010, and there were stipulations we are designing to so that we can develop the pond. It will really be an expansion of the pond because the County restricts the City from allowing more water from being released from the pond. The pond will be basically the size of it. That cost will come out of the Capital Sales Tax Whiskey Road Project because the original concept was to develop that so that the ditches could be enclosed on Whiskey Road and sidewalks put up. He stated because of constraints that SCDOT has for the design that is not going to be possible, and we have to address all of the storm water. A portion of the project is completing what the City purchased and fulfilling the 2010 agreement. That cost is going to be in the \$176,000 range for just the pond. On top of that there will be some landscaping. That is to be determined as to how much is adequate. The last item is the sewer. The sewer is an add-on to the project, but if you are going to construct the pond then you need to do the sewer at the same time because you will be interfering and do not want to have to redo the pond and do the sewer later. We are planning on putting the two projects together and bid it as one piece, however, that portion is not the same as what you would charge for the construction of the storm water. Councilman Merry asked if it was sanitary sewer. Mr. Grinton stated it is a sanitary sewer, and that estimate right now is at \$85,000. We will know hard numbers when we bid those, and we are working towards coming to Council on July 13. He doesn't expect the numbers to change, but we asked for Council's agreement that we should go out and get bids and then we will get hard numbers and come back to Council in the August time frame. He stated \$85,000 is really the questionable money of where to charge it, and the idea was that we would charge it to some economic development. The TD Bank development agreement has up to \$20,000 in it so he can almost guarantee it will be \$20,000 because we will need it all.

Councilman Merry asked if that would be subtracted from the \$85,000. He was told yes. Mr. Grinton stated of the other two properties, theoretically, Ladd Britt would contribute \$20,000 and the Tire Kingdom if they ever connected would be \$20,000. The remainder would have to be funded from economic development. He thinks that is where the \$50,000 estimate came from Mr. LeDuc at that time. He stated Tire Kingdom will probably not tie on anytime soon. They have a septic tank and are in the County. There is no reason unless it works out for them that they want to connect. Their cost to connect would be \$20,000. He said the Ladd Britt and TD Bank property may connect. It is speculative. It is something that would be tagged for future development and any developer that would come would be expected to pay that \$20,000 to tie onto the sewer.

Councilwoman Gail Diggs asked if Tire Kingdom expressed an interest. Mr. Grinton stated at this time they are not interested. Councilman Merry stated they will not want to since they have a septic system. Mr. Grinton stated until the septic tank fails it is not likely that Tire Kingdom would be interested. Councilman Ebner asked what about storm water. Mr. Grinton asked if he meant for George's Pond or TD Bank. Councilman Ebner stated for TD Bank. He asked if the design is far enough along to know that there is not an extra cost for storm water. Mr. Grinton stated he thinks we are. He stated Tilden Hilderbrand is the engineer that has been hired to do this work, and his perspective is that the water is coming effectively to George's Pond now through the ditch in the front or the back and so connecting it to the infrastructure that the City installs on the Oak Grove improvement will not be a burden. Councilman Merry stated there would be some cost and asked if it would be paid by CPST money or by economic development money. Mr. Grinton stated that would be their development connection. They would do it themselves. Councilman Ebner stated that is as long as it is on their own property. He stated that is what we said when we authorized the first reading. If there is any storm water cost outside of their property line then the City would have to pick it up. Mr. Grinton stated at this time they have not raised any discussion that they need storm water. Councilman Merry stated the only thing that is not dealt with by CPST or the developer themselves is an estimated \$85,000 for sanitary sewer yet to be bid of which TD Bank is paying \$20,000 which will leave \$65,000. He was told that was correct.

Mr. Klimm stated the City has committed to those projects, and they are working projects. The numbers will be revised, and we will come before Council with a monthly statement. He said he also wants to make sure we put on the website a monthly running total of every penny spent with the Hospitality Tax and what it is used for. Any citizen can go on the website once it is up and running and find out exactly month to month where the money went. Councilman Merry stated it needs to say money being spent by the economic development fund. He stated before we go any further we will get bids for that work. It could be higher or lower, and then that will show back up in front of Council to approve. He said Council has another bite at the apple before anything happens. He stated if we determine at that point we want to wait until the money was there, we could do it, or if we determine at that point we want to borrow and do it immediately, we could do that and pay ourselves back. He said Council would have the choice at that time. Mr. Grinton stated they would have that choice. Councilman Merry stated he would rather pay as we go, but that is the process. Mr. Grinton stated he believes there has been a developer's agreement with the developers that said the City would complete the sewer project by November 30. That is a number that Mr. LeDuc agreed to, so to some degree, if he is going to be able to meet that date, then he has to be able to charge the construction. Councilman Merry stated that is in the timeline. Mr. Grinton stated it should be fine from that perspective if that is where it is allowed.

Mr. Klimm stated in terms of the long list of Hospitality Tax and the Economic Re-Investment, there is a myriad of places where we are proposing to expend. Every month we will be before Council with an update, and any of the projects, whether it be Teresa's, TD Bank, or George's Pond has to come to Council. He stated there is one other thing, other than the parking garage, and obviously Council will be very involved with that all along the process, so Council will be kept up to date in terms of that project. He said the other issue is the economic development initiative. He stated we need to set some time aside to see exactly what Council envisions. Some have said it is a position or a person, and he doesn't know if they have decided they want a city employee or services to be provided. We need to decide if it will be the City providing the service or an outside

entity. He said we need to get into all of that in a timely fashion. He stated there will not be someone on board in July as we have not advertised and not worked that out, but that is an important initiative. He has talked to some Councilmembers that feel very strongly that we need to get that initiative going.

Councilman Merry recused himself from the meeting because Council was going to discuss Teresa's. He owns property adjacent to Teresa's.

Councilman Ebner stated the line goes through Councilman Merry's property and Councilman Merry's property is one of them that floods. The number that is out there is \$129,000. Mr. Grinton stated that is correct until we bid it. Councilman Ebner stated there is \$50,000 in the budget. He stated the \$129,000 is a couple of years old. He stated he spoke with Tilden Hilderbrand, and it is still a good number. He stated we have committed. They have torn the building down. If you go back to the original drawing, which he did, there was a mistake made in the beginning and the City did not pick it up and the ground has flooded since the early 80s. It needs to be fixed. Technically speaking they cannot open their doors until the storm water is fixed. He said that needs to be fixed before it is developed. The City needs to come up with \$75,000 - \$95,000. He stated if you add a percentage then you are talking \$150,000. He stated we need \$100,000 from somewhere. He stated in his opinion it should have been in the budget because we knew what it was.

Mr. Klimm stated two things. There are some that are not believing that should be borne totally by the City. We need to discuss that because there are various parties involved. If the last chapter of the book is that Mr. LeDuc was wrong with the \$50,000 projection, and it is more like \$129,000 then we need to readjust and indicate to Council where the money will be taken from to get that done.

Councilman Ebner asked how we solve the problem Mr. Klimm just said. He stated he understands there are people who disagree, but somebody needs to sit down and take the drawing from them and look at the amount of land. It is a simple calculation of water. It was just a mistake made. It will not drain four inches an hour. He stated he would like Mr. Klimm to advise in due time how to come up with the funding to do it.

Mr. Klimm stated at this time he doesn't think there is any disagreement about the cost. The question is who is going to bear the cost and that is to be negotiated and that will take place shortly.

Councilman Ebner stated he thinks there is a contract being prepared to do this. Mr. Grinton stated Tilden Hilderbrand is working with them on this and he will have a bid package and design specifications so the City can go out to bid and determine actual costs. The only other opportunity is that he would like to contact the engineer with Starbucks and inquire what they would be willing to participate in. Councilman Ebner stated he thinks that is appropriate. Mr. Grinton stated time is of the essence. If they wait on the City it may take a longer time than if they took over the design and the cost and did it themselves. He stated he is expecting that the City's engineering group will be responsible for it, and that is how we are progressing and will discuss that with them. Councilman Ebner stated \$150,000 has been the number for four years. That is what the City told a different developer that is what it would cost to fix the problem. It is not new information.

Mr. Klimm stated we will continue to work on the projections and update them every month. Several Councilmembers have wanted to tell us what their priorities are, so they have submitted the document to us. He told the other members to do this over the next week so staff can incorporate them with the ones already received.

AIRPORT

Mr. Klimm stated there was also a question about the airport that one Councilmember brought up. He stated it was the issue of the loan for the airport. He stated there was a direct request that the City identify an alternative source.

Councilman Ebner stated in the past these items have been funded at the airport from the General Fund. Basically the money coming in from the airport goes towards maintenance and those types of things. It is said in there that this would be funded by a loan, but it is a nonperforming loan. He stated that was his question. He said if it was a mistake on the wording, then we would need to change the wording, but he could not find income for \$129,000. He stated it needs to be revised to show it comes out of the General Fund.

Mr. Klimm stated the point is to see what the majority of Council would like him to do so we can very quickly identify a source that clarifies the issue once and for all. He asked Ms. Abney what the area was. Ms. Abney stated it was Fund 027 Economic Development Enterprise Fund. Mr. Klimm stated that is one area that we could identify the funds from to put to bed the issue of the loan.

Councilman Ebner stated that making a loan is a nonstarter because it is a nonperforming loan. Councilman Dewar stated he is still going back to the fact that currently as included in the budget Council is willing to spend \$129,000, which is our 5% of the grant. He asked if it would ever stop. He asked if we will ever get to the point of asking what the City of Aiken gets from the airport. He stated it is \$129,000 this year. Councilman Merry stated Council has not voted on the \$129,000 yet. Councilman Dewar stated it was approved in the budget. Councilman Merry stated it was also just said it could be coming out of the Economic Development Fund, so it would have to be individually line item approved before it comes out. He thinks there are other sources of money beyond that, and he hopes Council will take the time to explore them. He stated either way, Council will get another bite of the apple. He stated if we didn't put it in the budget at all and didn't show anything in the budget for it, it seems to him that it makes more sense to put it in the budget in case we do decided to fund it than it is to leave it out and come up with it midway through the year.

Councilman Ebner stated the issue is where it said the money would come from. He stated Mr. LeDuc knew that it could not come from a loan, but had to come from the General Fund because it is a nonperforming loan to start with. That is how the other improvements were funded over the years since he has been on Council. It came out of the General Fund. Councilman Merry stated it was his understanding that it came from sales of property and timber. Councilman Dewar stated that was in years past. Councilman Ebner stated that kind of money went away years ago. He stated in the last six years we have not sold any property, and the money went away.

Councilman Dewar stated it is his understanding that we are time sensitive on this issue. He asked if we needed to do something in June. Mr. Grinton stated that was correct. We have gone out for bid for the apron expansion project. July 16 will be the bid opening. Those numbers will be used by the consultant to actually apply for the official grant. The FAA has allocated a little over \$2 million for this project, and he would expect the City would receive the paperwork offering the loan. Then the City would have to sign it, and we would carry it to Council. With that they are expecting us to show that we are going to complete our obligations, which would be our 5%. He stated another issue we need to address is that the City will be removing two of the older hangers for the apron expansion, and we need to come up with a way to replace them. We have a couple of issues with that. One is the cost of doing that, and we have talked to Mike Laver the FBO. He is willing to finance that, but he would need to have a renegotiation of the term on his lease so he could amortize those costs over 25 years. The second item is when we started the application, the FAA had a policy that allowed for taxi ways that go to the hangers to be funded through this program. We expected to roll that into this Grant 18. They have changed that, so at our 35% design review they said they cannot approve this any longer. He said what the City can do is borrow the money and pay it back to ourselves through the entitlement grant that the FAA gives us every year of \$150,000. He stated depending on how much that costs, the City could do that. That is a portion of the project for creating a space for one of the hangers that will be removed. The other space that is available for a hanger is already there. He stated he needs to make sure that Council understands all the financial implications that are involved in this so that they have all the facts when deciding what they want to do.

Councilman Merry stated the airport is a very complicated matter. He stated he has spent a fair amount of time trying to catch up and is still way behind. There are certainly some questions about how much is the City's responsibility and when and how long will that go on. He stated he would be in favor of an in depth conversation solely on airport matters at a work session. There are a lot of questions that have been asked. He said he had asked questions too. He said he had talked with Mr. Bedenbaugh and he is very informative. He said he felt Council needs to have a work session on it. Mr. Grinton stated it would be good to do it before July 16 so that we could have a sense of Council to continue. At that point we are actually pushing the button to proceed with the FAA and complete the application. They expect if we are applying for it that we would agree to it and there are some facts that we can put together and answer questions.

Councilman Merry asked when the application deadline was. Mr. Grinton stated October 1 is the end of their fiscal year so they want it allocated. They would need all the paperwork the first of August. That is why July 18 was the bid date that we were working toward so we can get final information and get the application in early August so the FAA can respond and make their offer. The goal was to have all of this completed prior to the next Masters. We need to start construction in September. We are on that schedule. Councilman Merry stated he would be in favor of a work session as soon as possible.

Councilwoman Diggs asked if the County contributes towards the airport. Councilman Dewar stated they contribute zero. Councilwoman Diggs stated they get all the tax funds. Mr. Klimm stated he understands the time table, but he is also struck that this is one project. Councilmember Dewar is asking long-term where the City is going, what it is costing, what are the benefits to the community, where do we want to be in 10 or 20 years, and he thinks that whole discussion is a meritorious discussion. He hates to see it rushed. He stated the truth is, if you look at the budget, we do not really have a budget that shows the actual costs of that operation. It is supposedly an enterprise account, but it is not a complete document. He thinks, if he is hearing correctly, Council wants to have a long range conversation of where we are going with the airport and what is the benefit to the community. There have been many machinations about paying for things and at times he thinks we need to low jack to follow some of it, but he welcomes that conversation. He said let's have the conversation about the airport. He stated the City has a wonderful Airport Commission and a great FBO. Let's get it on the table and talk about the value to the community, and at the end of the day if we are subsidizing the operation then we should not be afraid to say this is what it is costing us and this is what the value is to the community and if we have to subsidize it by a certain amount, at least we are being honest with everyone involved with the operation. He stated he doesn't want to lessen it by saying it has to be done in the next week or two. It is a really important conversation to have.

Councilman Merry stated if we try to have a work session soon and determine in that work session that there are too many unknowns then we could reassess our timeline. He would at least like to have that work session in time to keep the timeline if possible. He values the airport a lot, but he doesn't even know all the questions to ask. Councilman Ebner stated technically speaking, whether it said loan in the budget or not, if you go to Section 4 in the front of the budget it says we will fund these funds. That was put in several years ago.

Councilman Merry stated to take the \$129,000 out altogether. Ms. Abney stated if you take it out you have to tell her what the other half of it is. She stated she can make a budget adjustment and propose an amendment to the budget but she needs to have the other half. Councilman Merry stated as long as we know that we aren't actually writing the check until Council votes on it, he doesn't care if it shows up in there or not. Councilman Ebner stated he thinks a work session is appropriate. He stated he thinks for the long-term projection over the next four or five years, there are several other projects in the hopper that they are looking at, and they total around \$4.2 million. It would be appropriate to look at all of these. He stated they need to lay out the next five years of that. He said he thought that was in a note from the Airport Committee meeting when they had their five year discussion which he thought was a good layout plan. He said we just need to be sure we are on board with it.

Mayor Fred Cavanaugh asked Mr. Klimm what his timetable was for having this discussion. Mr. Klimm stated it needs to be before July 16. He will work with Council to get a date.

ATTORNEY GENERAL LETTER

Hospitality Tax

Mr. Klimm stated City Attorney Gary Smith has drafted a letter to the Attorney General looking for final input as to where Council is going with that. Councilman Ebner stated if you go to page 21 of the agenda, it lists the three items that were brought up by him. He said he just went back to keep up with what we said we were going to do to balance the budget. He said Item 2 is a good description. He stated he had asked in Item 2 if the hospitality fund could be used to balance the General Fund. He stated he did not see those words in Item 2. He stated we said that is what we are using the money to do which we all said we would do.

Councilman Merry stated that is not what it is doing. Councilman Ebner stated that is what we said in the beginning. He said it was said that all the way through until we decided we couldn't use the money for that. Councilman Merry stated they did not. He asked if Councilman Ebner meant the meeting today or back in November. Councilman Ebner stated in November. He stated they had two options. One was hospitality and one was raising property taxes.

Councilman Merry stated they talked about the Hospitality Tax and at the time when we thought we would have a budget shortfall it was asked if it would help offset the budget shortfall. It would have still been spent on acceptable hospitality type expenses the way the statutes dictate. Either way the Hospitality tax wasn't done to balance the budget. It was done to provide an opportunity to create an economic investment fund.

Councilman Ebner stated these are the expenses that Ms. Abney gave Council, and they came out of the budget to make \$700,000. He stated he would not disagree that they are related to tourism or the good of the community, but they would have been items in the budget that would have come out of the General Fund. He ties the two together. We took them out and put them in hospitality and did something else with the \$700,000. He said that was his simple logic.

Councilman Merry stated the purpose of it was not to balance the budget. It does cover the budgetary expenses and when you take money out and put it in the Economic Investment Fund, it does then cover those items in the Economic Investment Fund use to be paying for. The budget does end up balancing because of it, but that wasn't the purpose. He said if we kept these numbers in the Economic Investment Fund without it, the budget wouldn't balance, but that was not the purpose behind it.

Councilman Ebner stated in his number 3 question, all along we said it would be treated as the Capital Projects Sales Tax and have a separate fund. That fund now is within the budget, and the Capital Projects Sales Tax fund is not in the budget. The CPST is in the audit. Mr. Smith asked why he said it is within the budget. Councilman Ebner stated it is listed in the budget as a 001 account in the budget. It listed on one page as income and on the rest of the pages expenditures.

Ms. Abney stated it is a 014 account. It is a separate fund and all the money is going to be kept separately—all the revenue and all the expenses. Capital projects are multi-year funds. They do not need to be voted on every year because the voters voted on them one time. This will be in the budget every year. Councilman Ebner stated when it started out it was said it would be treated like Capital Projects Sales Tax Fund 016 and 017.

Mr. Smith stated it is required by State law to be a separate account. Councilman Ebner stated it is a separate account, but it's within the budget and the others, 016 and 017 Capital Projects Sales Tax accounts are not in the budget. They are in the audit, but not the budget. Ms. Abney stated they do not have to be approved every year because the voters approved it for the length of the referendum. She stated this has to be approved

every year by City Council so that is why it is in the budget. Councilman Ebner stated he understands that.

Councilman Merry asked if the document they have meets the requirement. Councilman Ebner stated he would like for the Attorney General to say that. He said it is a simple yes or no answer.

Mr. Smith stated the State law is very clear that we have to maintain separate funds for the Hospitality Tax money. He said that would be asking a question that he knows the answer to and knows the response would be that yes we have to maintain a separate account. Councilman Ebner stated he understands all of that. It is just when we started out, we were on a different path. Councilman Ebner stated since we know the answer to question number 3 will be a yes answer, so if it would make everybody happy then we can scratch it off the letter. Mr. Smith stated it would make him happy because he did not want the Attorney General to think the City Attorney can't read the statutes.

Mr. Smith stated the issue about number 2 is he thinks everybody is saying the same thing. He thinks they are saying it a different way. He believes there is a difference between saying instead of spending \$700,000 in General Fund money on these items that are tourism related, we are now going to spend \$700,000 of the Hospitality Tax money to cover those items. That frees up \$700,000 to do something else. Councilwoman Price stated that is correct. Councilman Ebner stated he doesn't disagree, but when he cannot trace it in the budget it bothers him. He said for six years he has always traced money back. There have been millions that we have had to go back and find. He said it bothers him that he can't trace that kind of money. Usually he does not look for anything less than \$100,000. He said he would work with Mr. Klimm and Ms. Abney on this list of \$700,000 which is revenue out of the budget.

Councilman Homoki asked if the numbers would comply if you took them out of the General Fund. He asked if we would need a new account number on all of these items. Ms. Abney stated most of them will appear in Fund 014. She stated what Councilman Ebner is asking is if they line up line for line. She stated she had to pull that from a work budget that Mr. LeDuc had prepared. She has not verified line for line. She felt the list would not line up line for line. Councilman Ebner stated he will work with the City Manager and Ms. Abney to satisfy his issue. He stated he is okay with Mr. Smith's write up.

Mr. Smith stated regarding Item 1 he believes he can print Council an Attorney General's opinion that deals with that exact question. He stated the City of Greenville had the exact same question with their business license ordinance and another city sent a request for an AG opinion, and the person who answered that question said they believed it was appropriate to do that subject to whatever the Supreme Court might decide if they reviewed it. Councilman Ebner stated if he can send that to Council it would be acceptable.

Mr. Smith stated that would do away with the letter if that is okay with Council. Councilman Merry asked if he meant the whole letter. Mr. Smith stated yes. Issue 3 has been addressed and Councilman Ebner is going to try to address issues 2 with Ms. Abney and Mr. Klimm. He feels that issue 1 has already been given an opinion by the Attorney General. Councilman Merry stated then before he sends the letter send the opinion to Council. Then if Council decides they still need the letter, he can come back to Council and still send the letter.

The meeting adjourned at 6:55 p.m.

Aiken City Council MinutesREGULAR MEETING

June 22, 2015

Present: Mayor Cavanaugh, Councilmembers Dewar, Diggs, Ebner, Homoki, Merry and Price.

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Charles Barranco, Tim Coakley, Kim Coleman, Alicia Davis, Kim Abney, George Grinton, Tommy Paradise, Sara Ridout, Maayan Schechter, of the Aiken Standard, and about 75 citizens.

CALL TO ORDER

Mayor Cavanaugh called the regular meeting to order at 7:04 P.M. Councilman Homoki led in prayer, which was followed by the pledge of allegiance to the flag.

GUIDELINES

Mayor Cavanaugh reviewed the guidelines for speaking at the Council meeting. He asked that those who would like to speak raise their hand and be recognized and limit their comments to five minutes. He asked those wishing to speak to come to the podium and give their name and address. Mayor Cavanaugh pointed out the 5 minute clock on the screen. He said the purpose of that is so the person speaking will know how long they have been speaking. He said the 5 minute limit would not apply to special presentations.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. Councilman Homoki stated he would like to make a comment. He said he had alluded in his prayer to the leadership in Charleston and the way the nasty tragedy of the killing of nine persons in the Emanuel AME Church at a Bible study was handled. He said he felt the Mayor of Charleston and the Governor of South Carolina along with the civic leaders and their church ministers have made decisions that really have kept the peace in Charleston and not become a Baltimore. He said he felt that was very important. Mayor Cavanaugh pointed out that was a wonderful response in a terrible situation.

MINUTES

The minutes of the Executive Session and Regular meeting of June 8, were considered for approval. Councilman Merry moved, seconded by Councilwoman Diggs, that the minutes of June 8, 2015, be approved. The motion was unanimously approved.

PRESENTATIONGFOACAFRCertificate of Achievement for Excellence in Financial Reporting

Mayor Cavanaugh stated a presentation was to be made for an award received by the Finance Department.

Mr. Klimm stated the City of Aiken has received the Certificate of Achievement for Excellence in Financial Reporting for the 23rd consecutive year. This Certificate of Achievement recognizes our efforts to make sure that our city audit is clearly presented in a format that is both simple to understand and provides accurate information for anyone reviewing our Comprehensive Annual Financial Report.

He said we are pleased to have a representative from the South Carolina Public Employee Benefit Authority who is present and will be joining our Finance Director Kim Abney and Mayor for the presentation.

Ms. Breta Rheney, the 2015 President of GFOASC, stated she was here to present the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association which is a national organization. She stated Mr. Klimm had described what the award is so she was going to point out something she noted on the GFOA website which was a summary of statistics on award recipients. Total awards issued nation-wide were 4,110 of which 104 were in South Carolina in various types of government. Thirty-four of the 104 recipients earned by South Carolina governments were issued to municipal governments. The 2010 US Census data showed that we had 269 cities and counties in South Carolina. That means that 12.6% of cities and counties across South Carolina that elected to participate in this program successfully achieved the CAFR Award and that included the City of Aiken. Ms. Rheney stated on behalf of GFOA and on behalf of the outstanding work done by the City of Aiken Finance Department, she would like to present the Certificate of Achievement of Excellence in Financial Reporting.

Ms. Abney, Finance Director, read the Certificate. Mayor Cavanaugh stated Ms. Abney and her staff work hard on this each year to achieve this award. He thanked Ms. Abney for her work and that of her staff. Ms. Abney thanked Council, the staff of the City Manager's Office, and the Finance staff for their support and help in preparing the CAFR.

Councilwoman Diggs thanked Ms. Abney and all the other staff members who always make the City look good.

BOARDS AND COMMISSIONS

Appointments

Gail Hendrix

Senior Commission

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

Mr. Klimm stated Council has 16 pending appointments to fill vacancies on different City boards, commissions, and committees. One appointment is presented for Council's consideration and vote at the meeting tonight.

Councilman Merry has recommended the appointment of Gail Hendrix to the Senior Commission to replace Dr. David Steiner who has resigned. If appointed, Ms. Hendrix's term would expire March 14, 2017.

For Council consideration is the appointment of Gail Hendrix to the Senior Commission.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council appoint Gail Hendrix to the Senior Commission with the term to expire March 14, 2017. The motion was unanimously approved.

Councilman Ebner stated he would like to recommend the reappointment of Doug Huffer to the General Aviation Commission and reappointment of Marion Naifeh to the Park Commission.

Mayor Cavanaugh stated the recommended appointments would be on the next Council agenda.

ANNEXATION – ORDINANCE 06222015

TD Bank
SC Highway 19 South
2286 Whiskey Road
Concept Plan
Planned Commercial
TPN 122-18-05-004

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex property owned by TD Bank located at 2286 Whiskey Road and zone it Planned Commercial (PC).

Mr. Klimm read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.673 ACRES OF LAND, MORE OR LESS, OWNED BY TD BANK, N.A. AND TO ZONE THE SAME PLANNED COMMERCIAL (PC) AND TO APPROVE THE PROPOSED CONCEPT PLAN.

The TD Bank, N.A. has requested annexation of their property at 2286 Whiskey Road and also approval of a Concept Plan for a proposed retail shop and restaurant on their property. They have requested Planned Commercial (PC) zoning for the property.

The Planning Commission considered this request at their May 12, 2015, meeting and voted unanimously to recommend approval of this application with the following conditions:

1. that the concept plan comply with the Access Management regulations;
2. that approval include any retail or restaurant use allowed in the PC zone;
3. that the development comply with the LDR study regarding the installation of street trees;
4. that open ditches along Whiskey Road be closed and sidewalks installed;
5. that a revised Concept Plan listing conditions of approval and any changes required by City Council be submitted within 180 days; and
6. that the applicant and contract purchaser sign an agreement with the City stating the conditions of approval within 180 days.

Council approved this ordinance on first reading at the June 8, 2015, meeting. For Council consideration on second reading and public hearing is an ordinance to annex property at 2286 Whiskey Road and zone it Planned Commercial (PC).

The public hearing was held.

Councilman Ebner moved that Council approve on second and final reading an ordinance to annex property at 2286 Whiskey Road and zone it Planned Commercial (PC) and that an Item 7 be added "that the City provide the services to the TD Bank area mainly the sewer line by November 30, 2015.

Councilman Merry asked if that is added as Item 7 would that negate the conversation Council had in the work session as far as having a separate chance to consider the project, the cost, and voting on it.

Councilman Ebner stated all he was saying is that was part of the original agreement. He said it was noted in the original minutes. Councilman Merry stated as long as it does not guarantee and lock us in as Councilman Ebner had expressed concern about putting something in the budget and we are obligated to pay for it. He said as long as adding

Item 7 does not obligate the city to do it until Council has had another chance to discuss and vote on it, he is okay adding Item 7.

Councilman Ebner stated Mr. Grinton had just told Council in the work session that he would be coming to Council on July 13 on this matter. Councilman Merry stated he just wanted to make sure that putting that statement as Item 7 does not over step what Mr. Grinton said in the work session.

Councilman Ebner stated we could refer to the City Attorney, but that was part of the agreement on first reading and one of TD Bank's requirements that they would have sanitary sewer in time for the opening of the business. He said that was discussed at the first reading.

Mr. Gary Smith, City Attorney, stated he did not know whether that was possible or not. He said we may have to get the Engineering and Utilities Director to tell us whether that is possible or not.

Councilman Merry stated he was not objecting to doing any of the work, but was just saying he wanted to make sure this does not obligate us to anything further than what Council said in the work session that we were all going to have a chance to look at the cost and vote on it again. Councilman Ebner stated he did not think it does, but he felt it codifies the agreement that the city has made with the developer that we would have sanitary sewer there by December 1, 2015.

Councilman Merry stated he would like to accomplish that, and was not trying to over complicate the matter. He said he did not want to get us in a legal bind if it is determined that it is \$170,000 and is not what we thought it was.

Gary Smith, City Attorney, stated if it is put in an ordinance, it would bind the city. Councilman Merry stated that is what would be done, and that is why he was concerned about adding it.

Councilman Ebner asked if the minutes of the previous meeting bind the city to do the work by December 1, 2015. It was in the minutes and discussed at the meeting.

Mr. Smith stated his opinion is that the minutes do not bind City Council to do anything. Councilman Ebner stated he was aware of that. Mr. Smith stated language in an ordinance clearly binds Council to do something. Councilman Ebner stated even Exhibits A, B, and C do not bind us. Mr. Smith stated attachments to the ordinance are not binding. Councilman Merry stated if it is added as Item 7 in the ordinance, then it becomes part of the ordinance. Council does not revisit and reconsider and vote on the matter, it just gets done. He said he thought Council had just agreed that they all wanted to revisit the matter, know the cost, the extent of the work, and vote on it. He said while he agrees with the goal and the purpose of wanting to add Item 7, he would rather not have it bind the city as part of the ordinance.

Councilman Ebner asked if Councilman Merry were the developer would he like to know that he would have a sewer line by the date you requested. Councilman Merry responded that he would.

Councilman Dewar asked if Council does not do this, does approval of the rest of it make sense. Councilman Merry stated it does. He said he thought Council was all in agreement that we were going to look at the scope and cost of the project again and everyone agreed that is what we are going to do to approve the expenditure related to doing the sanitary sewer. Councilman Merry stated he wanted to do the work and wanted to do it by the date they need it, but he also thought as Council is determining where the money comes from, how much, etc. Council needs to take that vote. He felt he would be negating the need for a vote by putting this in the ordinance.

Councilman Ebner stated Council would still have to vote on the funding for the contract that the Engineering Department brings to Council. He felt that would not negate that at

all. Councilman Merry stated it would negate the choice. He said we might be able to talk about it, but we would have already obligated ourselves if it is put in the ordinance.

Councilman Ebner stated if the city does not install the sanitary sewer line, then the project falls through. Mr. Smith asked if Council wanted to obligate itself to do something if they don't know what the cost will be. Councilwoman Price stated the answer is no. Councilman Merry stated he did not know if the developer was here, but he would tell the developer that the city has every intention of trying help make this happen, but at the same time if we don't know the cost and the scope, he felt Council would want to know that. He said if the cost is to come out of the Economic Development Fund, Council has already said they need to vote on that before Council commits to it. Councilman Ebner asked if Council approves this tonight without Item 7 what does that obligate the city to. Mr. Smith stated Council would be approving the plans the developer presented to Council. Councilman Ebner stated the developer originally asked for services. He said one would assume that would be part of the agreement. He said the logic behind it says that if Council approved it, then we have agreed to provide services at some cost to the City. He said he agrees there is a cost.

Mr. Smith stated not necessarily. He said many times developers put the water lines and sewer lines in themselves. Councilman Ebner stated this line was supposed to be there already, and it is not there. He said they have already said they would put up \$20,000 against it.

Councilman Merry stated adding Item 7 would matter and there is no sense in ever looking at it again as far as the cost. It could cost anything because we would have made a law that governs the matter. If, as we said in the work session, we do want to look at it, what it is going to cost, and where the funding sources are coming from, Council would then vote on it as a line item. He said this would be approving line item by line item from the Economic Development Fund like Council said they wanted to do. Then Item 7 would not be added, and we would do it at the next opportunity when Council has received all the data from Mr. Grinton. He said he did not know if the developer was present. He said he would be happy to hear from him, or explain to him what he is talking about. Councilman Merry stated he felt if we add Item 7, then Council no longer would have the right to vote on the matter again.

Councilman Dewar pointed out that part of the agreement states that "Domestic water service will be provided by the City of Aiken existing water lines that extend along the east side of Whiskey Road in front of the property. Sanitary sewer service will be provided by the City of Aiken pursuant to a development agreement between the City and the project's developer. Storm water runoff will be conveyed to an on-site storm water detention pond located at the rear of the property." He asked if that would satisfy Councilman Ebner.

Councilman Ebner said it was said at the meeting that it would be done by December 1, 2015. Councilman Dewar stated the agreement does not have a date, but it requires the City to do the work. Councilman Ebner stated if the City does not do the work, then the property can never be developed.

Councilman Merry stated he was objecting to committing to the expenditure without knowing what the expenditure is. He said adding Item 7 would be doing that. He said he agrees with the date and that we want to provide the sewer service that should be there. He said, however, he would like to know what we would be spending before we spend it. He said if we make it a law and say we are going to spend it, it could be any number. It could be \$1 million. He said the point is that it could be anything.

Councilman Ebner stated there are a number of properties along Whiskey and other places in the city that get bogged down with the same discussion he and Councilman Merry are having. He said he felt at some point the City needs to stand up and say we are going to do something for the businesses. He said he was talking about three businesses and Teresa's that have had some issues with storm water and potable water.

Councilman Merry asked if Councilman Ebner would have Item 7 say the City will endeavor to have the sewer line in the ground and connected by December, 2015. He said Council needs to vote on this matter. He said he had stated his objection.

Mayor Cavanaugh asked if there was a financing problem on this issue. Councilman Merry stated all he was saying is that Council just said 30 minutes ago that we don't know what the project will cost. We think it is going to be some number. We will put it out to bids, see what the number is and Council will have a chance to vote on it. He felt what Councilman Ebner is saying to put the statement in Item 7 then the matter is done. He said it does not matter if you vote on it or look at it again, it is paid for. He said he was trying to get clarification as to whether Council is going to look at it again or vote on it or give it approval tonight.

Mayor Cavanaugh asked when Council could meet to talk about it and still meet the deadline. He said he understood there is a deadline. Councilman Merry pointed out the deadline is December, 2015.

Councilman Ebner pointed out the next meeting would be on July 13, 2015. Councilman Merry pointed out it depends on when Mr. Grinton gets his numbers back. Mayor Cavanaugh asked if that was a problem. Councilman Ebner stated it is not a problem to him, but his past history is that if we don't lean on ourselves to do something, it will not be July 13 and becomes September or October and the developer leaves. He said he did not think that was our intent, He said he understands what Councilman Merry is saying, and he also understands that Mr. Grinton has to bring the bid back to Council for both items—George's Pond work which was supposed to be done in 2013 and Council has not honored that date. He said he wanted to be sure that we honor our commitment in this matter. He said a lot of work has been done by staff behind the scenes to get this to this point. Councilman Merry stated he could not agree with Councilman Ebner more on that. He said he had stated his objections, and Council could determine what to do. Mayor Cavanaugh asked if Council could agree that we can do a certain thing by a certain time with respect to this situation. He said we can go back years and ages for things maybe that have not worked out the right way, but we are here now. He asked if Council could agree that the time is going to be right, and we are going to get everything done by a certain time and have a meeting if we need the meeting.

Councilman Merry stated Mr. Grinton is going to go out and get bids for the work. They have a design already. The bids would be on the next Council agenda and Council would vote on awarding the bid. He said he did not think Mr. Grinton would be way off on the cost, but if anything he probably estimated a little high. Either way we would know the cost before we approve it. He said that is what he is getting at. Mayor Cavanaugh asked if Councilman Ebner would agree that we can wait until the next meeting to see what the bids are.

Councilman Ebner stated he would retract his motion since it did not get a second and say let's continue this item until the July 13, 2015, meeting when the Engineering and Utilities Department will present the bid to Council.

Mr. Grinton stated where we stand on completing the bid package is if Council would give permission for us to go out for bids now and come back to Council with the bids, we could accelerate the project a little bit. He said we are expecting the design to be completed in the next couple of weeks. The next Council meeting will be July 13 so the information that we have estimated the cost to be probably will not change dramatically, and we won't know anything more until we go out for bids. At the July 13 meeting we were going to get permission to go out for bids. That will be about a four week project so on July 16 we would go to the SCBO site for announcing bids for the city to be considered by contractors. Four weeks from that date is when Council would normally have a bid opening. The next Council meeting past that would be the August 10, 2015, meeting, and that is when he would be able to come back with the specific cost.

Councilman Ebner asked Mr. Grinton if he could have the bids for August 10. He said if you add the weeks together, all of a sudden it becomes September 8 or 10. Mr. Grinton stated staff is endeavoring to achieve this by November 30. If we start construction in

September, we have a good chance of doing that. We would prioritize the sewer work along with the construction of George's Pond work. We have every expectation to have that done. If it rains continuously and we can't do the work, there may be acts of God that prevent us from meeting the schedule.

Councilman Merry asked if Mr. Grinton needed this approved tonight to be able to go to bid. Mr. Grinton stated it depends on Council whether we go to bid. He said not every time does he come to Council to go out for bids. He said he generally comes to Council when the funding has not been entirely established. There is nothing to keep us from going to bid to find out what the cost is, and then Council can come up with the funding. He said he does not like to go to bid wasting contractors' time if there is not an expectation that we will follow through. He felt there is a high probability that we will follow through with this so he has no problem with going out for bids if that is the sense of Council.

Councilman Ebner pointed out that condition 6 says that the applicant and contractor purchaser sign an agreement with the City stating the conditions of approval within 180 days. He pointed out that 180 days is December 22 so that is a month later.

Councilman Ebner moved, seconded by Councilman Merry, that Council approve the ordinance on second reading with the conditions as stated. The motion was unanimously approved.

Councilman Ebner stated his expectation is that we do this because our reputation out in the commercial business establishment is not very high. There has been a lot of behind the scenes work with everyone to make this one happen.

WOODSIDE PLANTATION – ORDINANCE 06222015A

Woodside Professional Suites

Concept Plan Revision

TPN 107-06-04-008

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Concept Plan for Woodside Professional Suites.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR WOODSIDE PROFESSIONAL SUITES.

Woodside Professional Center Associates, Inc. has requested approval of a revised Concept Plan for Woodside Plantation to allow for the addition of 7 parking spaces. These parking spaces would be within the office complex located along the southern portion of the property and partly within the 25' property line buffer. The parking spaces, if allowed, will require the removal of significant trees and would alter the previously approved landscape plan. The applicant is also requesting a waiver from the landscape buffer strip requirement 4.6.7.E. which requires a minimum 10' landscape buffer strip between any nonresidential or multifamily use where it abuts an area zoned or used residentially.

The Planning Commission at their May 12, 2015, meeting considered this request and unanimously voted to recommend approval with the following conditions:

1. a new landscape plan for the site be approved by staff that will account for the lost trees and to address replacement trees;
2. a waiver from Section 4.6.7 for the area between the two parking spaces intruding into the buffer area and the property line to reduce the required buffer from 10 feet to 8 feet.

City Council approved this ordinance on first reading at the June 8, 2015, meeting. For City Council consideration is second reading and public hearing of an ordinance to approve a revised Concept Plan for Woodside Plantation to allow for 7 additional parking

spaces and also grant a waiver from the landscape buffer strip requirement in Section 4.6.7 for the two parking spaces that intrude into the buffer area.

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on second and final reading an ordinance to approve a revised Concept Plan for Woodside Plantation to allow for 7 additional parking spaces and also grant a waiver from the landscape buffer strip requirement in Section 4.6.7 for the two parking spaces that intrude into the buffer area. The motion was unanimously approved.

EASEMENT – ORDINANCE 06222015B

Easement Encroachment

Kenneth McCorkle

Constance McCorkle

162 Mockernut Circle

Woodside Plantation

Designer Builders

TPN 123-13-13-010

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to authorize an agreement with Designer Builders and Kenneth and Constance McCorkle regarding an easement encroachment at 162 Mockernut Circle.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO AN AGREEMENT WITH DESIGNER BUILDERS, INC. AND KENNETH AND CONSTANCE MCCORKLE.

Recently while building a house at 162 Mockernut Circle for Kenneth and Constance McCorkle, Designer Builders discovered that the house being constructed encroached into the easement located on the northeastern boundary line of the property. The builder discovered this error and contacted the Engineering and Utilities Department to determine if an encroachment to the easement could be granted so the house being constructed would not have to be relocated.

At the request of the Engineering and Utilities Department the builder hired an engineering firm to evaluate the situation and develop a recommendation to insure that any future work performed by the city within the easement on existing utility lines would not result in damage to the residence due to utility work. A copy of that report was provided to Council. As a result of the report a modification was constructed to the foundation of the house to provide for utility work at the section of the easement where the house encroaches on the easement. We also asked for an agreement by Designer Builders, Inc. and Kenneth and Constance McCorkle, the property owners, to indemnify and hold harmless the City of Aiken from any and all liability arising from the City granting an encroachment on the easement. Our Engineering and Utilities Department has reviewed the report and the agreement and recommend approval of the modification of the blanket easement at 162 Mockernut Circle.

City Council approved this ordinance on first reading at the June 8, 2015, meeting. For Council consideration on second reading and public hearing, is an ordinance authorizing the City of Aiken to enter into an agreement with Designer Builders, Inc. and Kenneth and Constance McCorkle to modify the easement rather than cause the house structure to be destroyed

The public hearing was held.

Councilman Homoki moved, seconded by Councilman Merry, that Council approve on second reading an ordinance authorizing the City of Aiken to enter into an agreement with Designer Builders, Inc. and Kenneth and Constance McCorkle to modify the

easement rather than cause the house structure to be destroyed. The motion was unanimously approved.

ZONING ORDINANCE AMENDMENT – ORDINANCE 06222015C

Planned Commercial District
Residential Use

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding the Planned Commercial District and Residential use.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE REGARDING RESIDENTIAL DEVELOPMENT IN THE PLANNED COMMERCIAL ZONING DISTRICT.

In the past several months there has been an issue with planned commercial projects that did not develop as originally planned. The residential components of these developments were constructed to near their maximum allowable residential use. The commercial sections did not develop. Several developers have approached the City concerning these stalled developments and their desire to develop a mixed use development on the remaining acreage. However, this is difficult because of the restraints on the concept plan from the prior development. Since a "use variance" is not allowed by our Zoning Ordinance, a variance would not be allowed to provide additional residential uses on such projects. A possible solution would be to amend Section 4.8.C.2 of the Zoning Ordinance and allow City Council to determine the appropriate percentage of residential use that should be provided in a particular planned commercial development.

The Planning Commission at their May 12, 2015, meeting discussed this matter and unanimously recommended that Council change the maximum residential component as allowed by Section 4.8.C.2 of the Zoning Ordinance as follows:

Maximum Residential Component. Residential development incorporated in the design of a Planned Commercial development shall not exceed the maximum amount determined by City Council in approval of the Concept Plan.

City Council approved this ordinance on first reading at the June 8, 2015, meeting. For City Council consideration is second reading and public hearing of an ordinance to amend the Zoning Ordinance to modify the regulations governing PC zoning

The public hearing was held.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council amend the Zoning Ordinance regarding the Planned Commercial zone and residential uses. The motion was unanimously approved.

ZONING ORDINANCE AMENDMENT

Recreational Vehicle Parks
Equestrian Facilities
Accessory Use

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding Recreational Vehicle Parks.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN ZONING ORDINANCE REGARDING RECREATIONAL VEHICLE PARKS AS AN ACCESORY USE.

In February, 2015, the Planning Commission was informed that an equestrian facility was considering annexing into the City, but would like to be able to provide parking for recreational vehicles at the facility. The Planning Commission discussed the possible development of a use that would allow a recreational vehicle park site within the City. The Commissioners, with input from City Council and the City Attorney developed a proposed Zoning Ordinance amendment to allow a Recreational Vehicle Park as an Accessory Use in the City of Aiken.

The Planning Commission, at their May 12, 2015, meeting considered the proposal to amend the Zoning Ordinance to allow a Recreational Vehicle Park as an Accessory Use. After discussion the Planning Commission unanimously recommended to City Council that the Zoning Ordinance be amended to include section 3.4.8 Recreational Vehicle Park as an Accessory Use.

At the June 8, 2015, meeting Council expressed some concern about the length of stay at a proposed RV park, the park becoming a year round RV park for anyone, and enforcement of the conditions for stays at a RV park. Some suggested possible options for amendment to the proposed ordinance were provided to Council for consideration.

Council approved this ordinance on first reading at the June 8, 2015, meeting but expressed some concerns at that meeting. For City Council consideration is second reading and public hearing of an ordinance to amend the Zoning Ordinance to allow Recreational Vehicle Parks as an Accessory Use in the Industrial District zone.

Mr. Klimm said at the request of some Councilmembers staff developed several potential options to consider some of the concerns that were raised at the June 8 meeting. He said that was after the Planning Commission had discussed the matter so the Planning Commission has not had an opportunity to provide input in terms of the proposed options. He said he does have a staff recommendation. He said he was very sensitive that we be able to do this in a timely fashion. He said the staff recommendation is that Council refer this to the Planning Commission for discussion at their next meeting to allow them to give Council some additional input in terms of the options that have been proposed and then make a recommendation to Council at the next available meeting. He said we stand ready to discuss this at this meeting, but Council does have the original option and several other options to consider. He said it was felt the most expeditious way to handle this might be to send it back to the Planning Commission for one more meeting, and have them make a recommendation to Council.

Councilman Merry stated if Council does send the matter back to the Planning Commission, and he has no problem with that, would it come back to Council and be first reading of the ordinance again or would it be second reading. Mr. Smith, City Attorney, stated the ordinance could come back as second reading.

Councilwoman Price stated for purposes of the owner, would we be talking about two months delay. Mr. Klimm stated we have had informal conversations with several members of the Planning Commission who expressed a willingness to assist in this matter and take it up at their earliest convenience. He said he did not know if anyone was present representing the Planning Commission, and he did not know when their next meeting is to be held and whether there is time for them to act.

Councilman Homoki asked if we had worked with the applicant or staff had worked with the applicant regarding the other proposed options to the ordinance. Mr. Klimm stated he did not know if the staff had worked with the applicant on the other proposed options. He said he felt the applicant should have every opportunity to appear before the Planning Commission to give full input before Council makes a final decision.

Mr. Bob Besley, a member of the Planning Commission, stated he was sure the Planning Commission would be glad to take a look at the proposed ordinance again and come back to Council with a recommendation. He pointed out the next meeting of the Planning Commission would be July 14, 2015.

Councilwoman Diggs stated she would like to hear from Mr. Cram as to how a delay might impact him.

Mr. Rick Cram, of 118 Surrey Circle, stated he understood the next meeting of the Planning Commission will be July 13 at which time they could discuss the proposed options. Then it would come back to Council in August. It was pointed out that Mr. Smith had said the ordinance could be considered as second reading so Council action would be final reading and adoption of the ordinance. In response to a question, Mr. Cram stated he did have a copy of the proposed options presented to Council for consideration. He said he would be out of town on the date of the August 10, 2015 Council meeting.

Councilwoman Diggs asked Mr. Cram if he had any issues with any of the options. Mr. Cram stated he felt that putting the restriction that only persons can stay at the RV Park if they are participating in one of the events at Highfields or have a horse in a stall at Highfields will not really satisfy the majority of the equestrians who come into the community through the winter months and for certain those who participate in events off his site. He said there are several other facilities that don't have the amenities that he plans to invest in to make the RV park. He said limiting it to just participants in Highfields Events Center was not his intent, and he did not think that will satisfy the majority of the equestrians who come into our community for the horse events.

Councilman Merry asked if the second meeting in August, which would be August 24, would be suitable for Mr. Cram. Mr. Cram responded that it would. It was pointed out that Council probably will not have a second Council meeting in August so it would probably be September 14 before it would come before Council. Mr. Cram stated that timeframe would be acceptable to him.

Councilwoman Price stated she had a question regarding a statement Mr. Cram made. She asked if Mr. Cram's potential customers would not be satisfied being in the RV park. Mr. Cram responded that his clients would be happy with the amenities that he plans to put in for the park. He said he knows that the other horse parks and the facilities that produce horse shows and events don't have the amenities that he plans to put in the RV park and to exclude them from being able to use his RV park, in his opinion is not wise. He felt they would enjoy having the amenities and the facilities eight blocks from downtown Aiken and being able to walk to town and have dinner.

Councilman Merry stated when Mr. Cram was talking about amenities was he talking about having the ability to hook up the RV. Mr. Cram stated the amenity of having sewer and water service is what he was referring to.

Mr. Tommy Paradise, Interim Planning Director, stated he wanted to make sure that Council is aware of the schedule. He pointed out that the proposed ordinance amendment has to be advertised at least 20 days in the newspaper prior to the meeting. He said he thought they could meet that deadline. It was pointed out that it will not come back to Council until September 14 so there should be time for the Planning Commission's consideration of the ordinance amendment.

Mr. Smith, City Attorney, stated he would like to clarify the motion. He pointed out that he understands Council is moving to continue second reading of this item to allow the item to be returned to the Planning Commission for their consideration and provide comments to City Council which will come back to City Council at a date to be determined.

Councilman Dewar moved, seconded by Councilman Ebner, that Council continue second reading on the proposed amendment to the Zoning Ordinance and send the proposed amendment to the Zoning Ordinance regarding Recreational Vehicle Parks as an accessory use in the Industrial District zone back to the Planning Commission for review and a recommendation to Council at a date to be determined. The motion was unanimously approved.

E-MAIL POLICY – RESOLUTION 06222015DE-mailRetentionUsage

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to set policy regarding email usage and retention.

Mr. Klimm stated a couple of months ago Council discussed the matter of emails and the city policy regarding emails and their retention. At that time a request had been received for emails on a particular matter going back many years. It was realized at the time that the City needed to update and set a more definite policy on the usage and retention of emails.

City staff met with the City Attorney and reviewed and discussed the email policy and what was involved in retaining emails. The matter was also discussed with the South Carolina Department of Archives and History Department. After review the proposed Email Policy is recommended for Council's adoption. Also provided to Council was a memorandum from the City Attorney regarding email usage and the Email Retention Policy.

For City Council consideration is approval of a resolution adopting an Email Usage and Retention Policy.

Councilman Ebner moved that Council approve the resolution adding two items. One item is that all the data, emails, etc. for Gem Lakes be retained from January 2006 to sometime in the future as necessary and that all the information on Woodside be maintained from 1999 forward. He said the reason for that is there are some pending issues in both of those areas plus other areas in the city. He said he had already sent an email to the City Manager for the time to maintain everything from Gem Lakes as we know the issues that are going on there. The motion was seconded by Councilman Dewar.

Councilman Dewar stated he had a comment. He said the proposed policy says the city will retain emails for five years. Mr. Smith stated that is correct. Councilman Dewar asked from a legal view point, if Mr. Smith was comfortable with that. Mr. Smith stated he was. He said if one reads through the memo there may very well be emails that become documents that should be archived in accordance with the State Archives rules. If that happens then those documents and emails should be archived much earlier than the five year period. They should be archived once they are drafted. If there is a true archival document as defined by the State rules regarding archiving those documents, then that should be done before the document actually gets saved. Councilman Dewar asked who makes the decision as to whether it is archival or not. Mr. Smith stated it is actually a decision that is made by the creator of the document. Mr. Smith stated the reason we are suggesting that we save emails for five years is that he did not think we could expect all of the staff members to fully understand what documents should be archived and what documents should not be archived. Therefore, we are saving all of them. He said in his way of thinking most of the emails that have to do with certain things such as entering into contractual relations with someone, that archival document is going to be the contract. He said we don't really care what the emails say because the contract is the final result of all those discussions. He said there may be some email discussions that need to be archived. He said he did not think it would be very many. He felt ultimately all of the emails will result in some kind of official document that needs to be archived. All of the ordinances need to be archived. He said it probably does the City some good to retain all of the emails that we have for the last five years as that would clearly satisfy whatever lawsuit requirements may come about. Mr. Smith stated he understood that Councilman Ebner had talked to someone about the Woodside emails back to 1999. He said he could not say all those emails exist.

Councilman Ebner stated he felt the key there is that the engineering records be kept because that is what he reviewed. He said he had requested at least two years ago that the Gem Lakes emails be archived, and as far as he knows they are there. He said that has

been a contested area since 2006. The Woodside documents are mainly the ones that are in Engineering. He said he would think they would be kept for posterity.

Mayor Cavanaugh called for a vote on the motion by Councilman Ebner that Council approve the resolution. He asked that all the data, emails, etc. for Gem Lakes be retained from January 2006 to sometime in the future as necessary and that all the information on Woodside be maintained from 1999 forward. The motion was seconded by Councilman Dewar and unanimously approved.

DEVELOPMENT AGREEMENT

Oak Grove Road
John George
Agreement
George's Pond

Mayor Cavanaugh stated a Development Agreement had been prepared for Council's consideration for property located south of Oak Grove Road.

Mr. Klimm stated he understood there had been a request to continue this item until the July 13 meeting.

Councilman Ebner stated he would like to discuss the item before it is continued. Councilman Ebner moved that the item regarding a development agreement for property located south of Oak Grove Road be continued. The motion was seconded by Councilman Dewar.

Councilman Ebner stated he guesses he would go back to a conversation that he and Councilman Merry had just had in relation to the TD Bank. He pointed out that the item for Oak Grove Road is several hundred thousand dollars. This was due to be done several years ago. He said if we continue this the only difference from our previous discussion is that Mr. Grinton is going to go out and get some prices. He said we still have the funding issue. He asked how we manage the funding issue and not wait until September or October to do the work. He asked if we could put the funding issue on the July 13 Council meeting and at least identify the funds officially to do this work. He said Mr. Grinton is going to be looking for \$200,000 to \$300,000. He asked if that was a feasible thing to do.

Councilman Ebner asked Councilman Merry if that was okay with him to put on the July agenda to identify funding for these items. Councilman Merry stated it sounds fine so far.

Mr. Grinton stated the time schedule for this project is basically the same as the TD Bank property project at 2286 Whiskey Road. He said the department is working on the design. If Council gives staff the sense to go out for bid, then he can go out for bids earlier and come back with firmer information sooner. He said staff is working towards July 13 to have the design and bid packages ready to go out for bids so four weeks later we can have actual cost.

Councilman Ebner stated he thought Mr. Grinton could go out for bids and get the cost information back, but not award it without having funding. He said he felt that is a safe statement. He said that is what Council has already read into the minutes before when other projects were discussed. Mr. Klimm put it in the minutes. He said unless there is some objection from someone, he felt Council needs to encourage Mr. Grinton to go ahead and get the bid packages ready. He said the only thing he would request to be on the agenda, and he would follow up with an email, is that we identify funding sources so we don't wait until the August meeting and ask where we will get the money. He said we are in the neighborhood of \$250,000 to \$350,000 to finish the whole project. Mr. Grinton stated he thought \$200,000 to \$250,000. He said it depends on whether we are adding the two projects together. He said if they are being added together then the cost may be \$250,000 to \$350,000.

Mayor Cavanaugh stated Councilman Ebner had moved that the item regarding a development agreement for property located south of Oak Grove Road be continued. The motion was seconded by Councilman Dewar. The motion was unanimously approved.

REZONING – ORDINANCE

1139 York Street NE
Waffle House
Ben Chavis
Lloyd Crytzer
TPN 120-11-18-007

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to rezone property at 1139 York Street NE from Industrial (I) to General Business (GB).

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT 1139 YORK STREET NE FROM INDUSTRIAL TO GENERAL BUSINESS (GB).

Applicant Waffle House, Inc. and owners Ben Chavis and Lloyd Crytzer have requested that the property at 1139 York Street NE be rezoned from Industrial (I) to General Business (GB). Currently the property is used as an auto sales lot. The proposed rezoning is to allow the property to be used as a new restaurant. A used car lot is a permitted use under GB and I Industrial zoning. However, eating establishments are only permitted by special exception in an area zoned Industrial.

The Planning Commission reviewed the request at their June 9, 2015, meeting. They voted unanimously to recommend approval of the application with the condition that there be no access from York Street.

For Council consideration is first reading of an ordinance to rezone property at 1139 York Street NE from Industrial (I) to General Business (GB).

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on first reading an ordinance to rezone property at 1139 York Street NE from Industrial (I) to General Business (GB). The motion was unanimously approved

ZONING ORDINANCE AMENDMENT – ORDINANCE

Maximum Building Height
Downtown Business District

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Zoning Ordinance to change the maximum building height in the Downtown Business District.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING BUILDING HEIGHT RESTRICTIONS IN THE DOWNTOWN BUSINESS ZONE.

At the April 14 and May 12 work sessions, the Planning Commission discussed the City's request to consider changes to the height restrictions in the Downtown Business (DB) zoning district to increase the allowable height from a maximum of 50 feet. At the May 12 work session, the Commission agreed at that time to only discuss an increased height limit in the Downtown Business (DB) district. They agreed to schedule a public hearing to discuss changing the maximum height to 75 feet at the June 9 Planning Commission meeting.

At the regular Planning Commission meeting on June 9, 2015, they considered a request to change Table 4.3.1 of the Zoning Ordinance to allow the maximum building height in the Downtown Business District (DB) to be changed from 50 feet to 75 feet.

After discussion the Planning Commission voted 6 to 1 to recommend approval to amend the Zoning Ordinance to allow the maximum building height in the Downtown Business District (DB) to be changed from 50 feet to 75 feet.

For City Council consideration is first reading of an ordinance to amend the Zoning Ordinance Table 4.3.1 to allow the maximum building height in the Downtown Business District (DB) to be changed from 50 feet to 75 feet.

Mayor Cavanaugh asked if anyone would like to speak on this matter.

Mr. Neel Shah, 141 Commonwealth Road, stated there has been a lot of talk with the City of Aiken and the County and the public wants to know what is going on. He said he is one of the owners and developers of this project. He said they currently own and run Hotel Aiken. He said he wanted to thank the City Manager for working with them and Roger LeDuc as well. He said a lot of people have been wondering what they are doing. He said he felt it was very important at first reading of the ordinance to let people know what they have been planning. He said the picture he is showing is an actual picture from Richland Avenue which shows the existing Hotel Aiken. He said it is the actual picture. He said they are planning to gut and revitalize the Hotel Aiken. No floors will be added to it. It would look as it is, but it would be a much better picture when it is finished. He said they are looking at a franchise. He said they have not formally gotten approval for a franchise yet, but they have serious interest, and they feel they will have no problem receiving their approval. He pointed out attached to the hotel to the left is an addition which will be a six story building. He said the RBA Group is a very renowned firm that works with high end projects in downtown districts such as Aiken, not just the big urban districts. They have done these type projects time and time again. Their idea which they accept is to keep the Hotel Aiken as it is which means to keep its historical nature. He pointed out the hotel is over 100 years old. It is a building that has made Aiken what it is so it is part of the history. He said you take the additional six story building and you resemble other elements of downtown Aiken. The group came and spent a few days. They came up with some concepts. He said they had been talking this project for some time now. He said they felt it was very important that they present it tonight. He said they feel that it is very vital to the city, downtown, economic development, and to make the enrichments and the fulfillment that Aiken will prosper.

Mayor Cavanaugh stated he felt we should talk about what it is now and what it will look like. Mayor Cavanaugh asked if the picture was what the hotel looks like now or what it will look like. Mr. Shah stated the picture is the existing Hotel Aiken from Richland Avenue. Councilman Merry stated the part on the right is the existing hotel, and the part on the left is not. Mr. Shah stated the part on the left is a rendering and that is what they are proposing to design and construct. Mayor Cavanaugh asked if there was a picture of what is being proposed showing the height. Mr. Shah stated the height of the six floors would be between 65 and 70 feet. He said one thing not shown in the rendering is a roof top bar and grill which will be an added addition as well.

Councilman Dewar stated he understands 40 rooms will be added with the new addition. He asked how many rooms are presently in the hotel. Mr. Shah stated in the existing Hotel Aiken there would be between 40 to 43 rooms. Councilman Dewar asked if the whole hotel would then be between 80 and 85 rooms and Mr. Shah responded yes. Councilman Dewar asked how large the garage would be to support the hotel. Mr. Shah stated he did not know the answer to that. He said usually you want 80 to 85 parking spaces, making one to one parking spaces for a hotel garage.

Councilman Merry pointed out a garage was a separate item. Councilwoman Price stated Council is to discuss the height not what a parking garage would look like. The parking garage is not for the hotel. Councilman Dewar stated he did not agree. Councilman Dewar asked how close Mr. Shah was to actually getting an agreement to build the hotel. Mr. Shah stated in regard to the franchise, once Council has gone through the height approval, the architecture firm will come to Aiken, and he felt by mid-September approval of the franchise would be done. Then we would start architectural drawings immediately after that. Councilman Dewar asked Mr. Shah if he felt at this point that the

city has to change the ordinance before he can get a deal with a franchise hotel. Mr. Shah stated the height is critical so he would say yes.

Mayor Cavanaugh asked how many rooms are occupied on average at the hotel as it is now. Mr. Shah stated the hotel is not in the best of condition at the present time. Mayor Cavanaugh stated he was trying to understand how many people stay at the hotel now. Mr. Shah stated he would say they are running somewhere between 30% and 40% occupancy. He stated it is not a highly rated business. Mayor Cavanaugh stated then with the improvements that Mr. Shah is talking about would he hope to get up to 50% to 60% occupancy. Mr. Shah stated the improvements would definitely improve the occupancy, the customers, and clients. Mr. Shah stated the occupancy could be as much as 75% to 85%, depending on the economic conditions. Mayor Cavanaugh stated that is a key thing. He said it could bring in people to the downtown area. Mr. Shah stated he felt it would increase the occupancy and people downtown. Mayor Cavanaugh stated he felt that is something we have to understand that is part of the whole picture. Mr. Shah stated the renovated hotel would be an added economic impact. He felt it would bring more people to the downtown. He felt it would be an added incentive. It would also increase the stature of Aiken with a premier hotel downtown.

Councilwoman Diggs asked if in the original part of the hotel if the rooms would be gutted. Mr. Shah stated they would be gutted. He said the inside of the hotel would not look anything close to what it looks like inside now. It would be a pleasant recovery renovation. It would be an amazing product that we would like to show. In response to a question as to how long the project would take, Mr. Shah stated they would anticipate that construction and renovation time would run somewhere between 12 and 15 months.

Councilwoman Price asked Mr. Shah what the investment was that the Marriott was willing to make, that is, the dollar value. Mr. Shah stated they are expecting that the investment would be between \$9 and \$10 million.

Councilman Dewar asked how many rooms they would be losing from the existing hotel when doing the revamping. He asked how many rooms there are now versus the 40 to 45 rooms they will have after renovation. Mr. Shah stated Aiken Hotel has 40 to 45 rooms, and they would not lose any rooms. They would renovate the existing hotel. He said the motel part of the hotel would not be there. That would be part of the franchise that they would not be allowed to have.

Councilman Homoki stated if one were standing at the top of the old Post Office and looking down toward town would they be looking at the roof of the hotel or would you be looking up at it. Mr. Shah stated he did not know the height of the Old Post Office building. He said when they came up with the idea and design for the new construction, they wanted it to resemble something similar to the existing hotel. He said the existing hotel is not 50 feet tall. He said they think it is close to 55 to 60 feet. Councilman Homoki pointed out that he thought that the road from the Old Post Office starts heading down towards Richland Avenue. Councilman Merry asked Mr. Shah if he said the existing hotel is 55 to 60 feet tall. Mr. Shah stated that is what they think it is. He said they know it is not 50 feet tall, but is taller than 50 feet.

Councilwoman Price stated the calls and emails that she has been getting deal with what is viewed by some as the aesthetic charm that the current hotel brings, the history, and the fact that the height would change all of that. She said she was wondering how the citizens could be convinced that the height will not change the aesthetic charm, and we would not be doing anything different from other cities. However, people think Aiken is different, and because it has been 50 feet high that it should remain that until eternity. She said the question is how can they be convinced that this can be a charming place mixed with the modern complex in addition to the charm that we have with the current hotel and the history it brings and that Marriott is trying to preserve, but yet bring preservation and progress with the two of them going hand in hand with what Mr. Shah wants to construct there. She asked if there were any comments about what she had just said.

Mr. Shah stated one of the ideas was to make sure that we respected the height of Hotel Aiken. It is a big thing. He said most people think just because it looks like a three story building it is 30 or 40 feet high. He said there has always been a good bit of height in Aiken going back to the Highland Park Hotel which burned down. He said there was a lot of height in that building. He said there is a lot of height in Hotel Aiken. He said a lot of people have concern about some type of tall building. He pointed out that the rendering was done in talking with the Design Review Board. He said the DRB sees a lot of good presence in the rendering. He said they have worked together and will continue to work together, and there is a sense that you have to have that to respect the charm and culture.

Councilman Merry asked Mr. Shah if he had received approval from the DRB, but still has to go through that process. Mr. Shah stated he had gone to the DRB work session and had shown them a couple of drawings. He said they will continue to work with them. Councilman Merry asked if they had to have that done before getting an agreement with a franchise. Mr. Shah stated he felt they would present what they had shown to the DRB for the franchise. He said they would be very impressed. He said there have been some visits from the franchisee, and they have had some very positive comments not only about downtown Aiken, but also about the proposed project as well.

Councilwoman Price asked if the amendment for the proposed height limit is not granted or passed tonight would Marriott walk away. She asked if the hotel is conditional upon the height. Mr. Shah stated it is about making the size of the project feasible. He said Marriott will work with them as much as possible.

Councilman Dewar asked if a condition is with a garage. He asked if a garage is needed to build the hotel. Mr. Shah stated it would be a parking issue that they would have to make sure they satisfy.

Ms. Jane Page Thompson, 240 Knox Avenue, stated she would like to remind Council that they are not just talking about Mr. Shah's Hotel Aiken. They are talking about two square miles of the downtown commercial district that Mr. Dexter and Mr. Pascallis put in place almost 185 years ago. That is what Council is talking about now. She asked that Council recall the reason they did not grant a variance for Park Place to increase its height to 62 feet when they wanted to go past the 50 feet. She asked that Council think back when the Rybergs built their private residence on the corner of Park Avenue. Their elevator shafts were over the then height requirement, but that was a fascia height requirement. It was okay. There was no height increase limit, and she remembers Council saying they would never do that to Aiken's downtown. She said she remembers when St. Mary's Church came to Council twice about sanctuary renovations. Much debate went on about the proposed sanctuary on Park Avenue and the new sanctuary that they built. There was an issue before the BZA about the bell tower on the new sanctuary. There was an issue before Council about the structure on Park Avenue that they proposed because it was over the then existing height and Council said no. She said Council has turned down commercial development, condominiums, private residences, and a church. She said she was asking Council to turn down Marriott. She said Mr. Shah did not say it was Marriott. He said he did not know yet, but was in negotiations with several franchise companies, but Council knew that it was Marriott. She asked what else does Council know about this that the public does not know about this. She said Mr. Shah stated he did not know about the parking lot, but we know that there is a parking garage or parking requirement associated with any franchise that will come in and give him that kind of money. She said Council had put a garage in the budget in the pink sheets at a Council meeting. She said let's not pull the wool over the citizens eyes on this because of the semantics and the way things are worded when asked questions. She said the citizens are not here every day, and they don't know how to word their questions. She said clearly when you coach someone you do know how to word the questions so you don't have to answer them. She said that is not fair to the citizens.

Ms. Thompson then referred to page 2 of the document she handed out. She said she took the other side diagonally across Laurens Street going towards the Post Office. If every single building along that street were allowed to add 25 feet it would look like the blue streak that is shown on the paper. She said that is what it would look like if each of

those buildings got the same height increase that is proposed to change the Zoning Ordinance to allow one building to go up to 75 feet. She asked if that was not what the Board of Zoning Appeals was for. She asked was that not their role. She said she understands that capital improvements for monetary gain only are not an allowable reason to go to BZA. She said she felt that Mr. Shah made a great case for himself. That is that Hotel Aiken is one of the most unique features in our downtown. It is a huge historic hotel. It goes back to an era that is gone. Most of those hotels have burned or almost fallen into the railroad tracks. She said she felt Council has options that they have not explored. She said Council has legal and logical channels that other businesses follow. She said that brings up Anne Thomasson and the Carriage House Inn. She has been able to add maximum capacity to the space that she had available to her. She did not come and ask for franchise funds. She has done it all on her own as a small business person committed to the historic character of Aiken's downtown. She did not ask for 75 feet, but she has increased her capacity by 26 rooms. She said that is 26 rooms that will pay the new tax. She thanked Ms. Thomasson for that kind of investment in the downtown. She said there is no reason that Mr. Shah cannot do the same with the corner property that he has and the other parcels of land that he owns in the downtown area.

Ms. Thompson stated on page 3 of the handout she had included the new building where Meybohm Realty is located. There are condominiums above it. That is a new infrastructure that did not need a building height requirement increase. They built in character and in keeping. If you were to draw the 25 feet above that building, as we know the height of that building, and we drew the line in perspective down to where the Hotel Aiken is that would be a huge increase in our downtown. The proposed change is not just for one building, but for every single building downtown if the Zoning Ordinance is changed. She suggested that Mr. Shah go to the Board of Zoning Appeals. Let him make a case based on the uniqueness of his building to BZA and then come back to Council as his last shot. She asked that Council not change the character of the downtown for one structure that needs to increase its height.

Ms. Thompson asked that Council do the right thing. She pointed out the next page in the document that shows the height of a man and the red line which indicates how tall the new Marriott building would be in relationship to the height of the man on the streets in Aiken. She pointed out that one of the things that Council wants to recruit to Aiken and which has been talked about constantly is how to get more young people here. She said young people want connectivity, and that is why we offer free downtown Wi-Fi, but if we put a big building and every building downtown gets to go up 25 feet from where it could be now, we will block out Wi-Fi signals, satellite signals and no one will be able to listen to their radio or their fancy new earphones that have music. If we want people to move to the incubator at The Mill that the Chamber of Commerce and the University of South Carolina have invested in, those are businesses that made commitments to this community and lived within the rules that existed so they could do their renovations and they still provide services to our community. She said for Council to consider increasing the building height for one person and disregard all the other businesses who for the last five to seven years have been able to increase height and capacity and increase service without having to increase to 75 feet, then Council is doing a disservice to all of those other businesses. She asked that Council vote no on this matter. She asked that the matter be sent back to BZA and let them have their shot at it. She asked that Council not hide the fact that this is about the Marriott and a parking garage and 82 rooms.

Mayor Cavanaugh stated he would like to ask those who are doing all the clapping and hollering to please not do that. There are other people in the room who do not appreciate that. That is not the way to carry on a meeting. It does no good. He said he does not know why people think it does a lot of good, but it does not. Council does not make their decisions based on how loud people are clapping. He said we have had this problem several other times and that is why we have the clock and rules. He said we have let some talk longer. However, we are going to crack down on this. We don't want the noise in our Chamber. We have only had it on a couple of occasions over the years, and we don't want it now. He said if necessary, we will have Public Safety escort someone out of the building. He said there are people here who want to listen and say their piece too. He said it seems that most present seem to be against the matter, but there are other folks who are in favor of this. He said we want to hear everyone. That is

Council's job, and that is what they want to do. He said it does no good to make all the noise. He asked that the citizens please not make all the noise. He said it is not needed, and we need to have respect for everyone in the room. He said it is not very respectful in his view with all the clapping and hollering.

Ms. Catherine Hersacher, of 1455 Nottingham Drive, stated she is a local business owner on Hayne Avenue as an interior designer. She said she was previously a designer for high end hospitality. She said the hospitality market has the most growth in low end and in boutique hotels. She said the potential for Hotel Aiken to be a boutique hotel is phenomenal. It is unique in the way the Willcox is unique. It is a historic gem. Presently Hotel Aiken is a roach motel and a dump. She said we are talking about a building that could be worthy of awards, worthy of restoration awards, worthy of development like a nation-wide award. However, we are talking about awarding special consideration to an organization that has let this building fall into total demise. Its sole income at this point is bars. It is only functioning as a place to serve alcohol and for entertainment purposes. She said she would love to grow her business in ways that she could get something from outside people. She said she would love to do so many things for her business that she could use \$75 million so she could run out and find someone who does large scale interior design. It could be cookie cutter the rest of our town. But when you see a success case like the Willcox and you have a sister property like the Hotel Aiken it makes no sense to come in and give it to a Marriott. She said she has done lots of work for them in the past. She said Marriott has colors that they will let you use— one color scheme. Every fabric has to be blood proof. It is all total chemical fabric. She said she finds it shocking that we are thinking of giving up this historic possibility for another great property in our town to a company for a franchise. She said we don't even know if it is a Marriott. She said there are boutique companies who would be interested in doing this kind of property. She said she is against the proposed ordinance to increase the height limit. She said she is against the parking tax and against another 40 rooms that will be just another generic, yet modified to fit our downtown hotel.

Margaret Tribert stated she owns property on Waterloo Street. She welcomed Mr. Klimm, City Manager. She asked why he loved Aiken. She said he loved it because it had a neighborhood feel. She said we worked very hard to develop that neighborhood feel in downtown Aiken. She said when she first came to Aiken downtown was deserted. There was nowhere to go but a place we called the Commercial Hotel. She said it was a dump, and she knows because she worked there. There were roaches then too. It has always begged for a caretaker. She said she felt that the earlier rendering is somewhat deceiving, possibly because of the way it is angled. She felt that in looking at the building that it will be a huge monolith sticking out like a huge tube in downtown Aiken. She stated she had been thinking of what this reminds her of. She said it reminds her of Edisto. It reminds her of the difference in Edisto Beach and Myrtle Beach. She asked why Edisto is still a family beach and some place we love. She said because early on they had a height restriction, and they stuck to it. She said she thinks of the people who developed downtown Aiken and who developed The Alley. If Marilyn Riviere were here, she would be present and she would object to this vehemently for us to allow one developer to change our precious city state that is a neighborhood town. She said she loves that we are bringing residential mixes into the downtown area. She said she loves that we are bringing more people from out of town and giving them more places to stay. She said she loves what they have done with the Carriage House Inn, and we are all very proud of the Willcox Hotel. She said the proposed hotel will be a bunch of sheetrock and steel tacked onto an historic building. She asked where is the Marriott and why are they not present to tell us what they plan to do. She said she had heard too many I don't knows. She begged that Council not do this to her town.

Ms. Charlotte Wiedenman, 626 Hayne Avenue, stated there is still a lot of discussion about why we should do this and who we model after. She said every month her issue of Southern Living magazine comes and has always come. Since she can remember there has been Southern Living in her house. She said she does not remember an issue where they talked about how great North Augusta, Sumter, or Rock Hill was. She said the Southern Living, Conde' Nast, and Travel Leisure mention Charleston, Beaufort and Aiken. She asked if we have decided that we should emulate Rock Hill, Sumter and North Augusta as our building decision versus looking at Charleston and Beaufort.

Beaufort in 2008 put forth their Historic Preservation Plan, and in that plan they voted to change the height restriction from 55 feet to 48 feet. They even said they wanted to move it to 42 feet to match the surround neighborhood more affably. On May 18 the Planning Commission in Charleston voted to drop the height requirement to 55 feet. She pointed out that for those who are aware of the Sergeant Jasper it was put in place before the 1978 zoning and height restrictions, and it was a monstrosity. It was an anomaly. Someone came in and wanted to develop and at that point the Planning Commission said that was their chance to undo the wrong so they put the height limit at 55 for the Sergeant Jasper site and at King and Calhoun Street. A year ago the Planning Commission voted unanimously in Mount Pleasant to restrict the building height and roll it back. She said the Mount Pleasant Historic District said that is what needed to happen. She read the quote: "Current residents reject the scale and the uninviting urban feel of much of the increased building height said Bennett, a member of the Old Village Historic District Commission. In comparison if one thinks the more vibrant streetscapes that the plan seeks, its places like King Street in Charleston, Bay Street in Beaufort, and downtown Aiken that people find most appealing." She asked that Council keep the height limit as it is and not let it go higher. She said Aiken has something here that is really special.

Mr. Swede Sonstrun said he was not saying anything for or against the hotel. He said construction work and the changes would sound very appealing to the majority. He said he had spent his entire life doing heavy construction work, building very large buildings, building things for oil companies all over the world, including buildings in all kinds of soil conditions. He said all he wanted to point out is that before anything is done with respect to any building in downtown Aiken or any extension of any large building in Aiken County, soil conditions are very important to be checked prior to putting in the foundation. He said if you don't have the proper foundation by possibly using enough structural steel and concrete to support the building, then if the area under the building starts to wash away due to changes in construction, certain sections of rock if there is rock under there or hard sand, could crack and start to wash away with storms. He said then we would have a big problem in Aiken. To avoid any construction project going wrong anywhere with any type of construction, the soil conditions need to be checked so that the design of the footings will support the building and not change anything around the building. He said he just wanted to bring that to the attention of everyone. He said the footings and soil conditions should be one of the major things to check before going ahead with any project.

Mr. Randy Wolcott, 221 Third Avenue, stated he did not want to talk about what Neel Shah is planning to do. He felt he has a great idea and is moving forward with something he thinks will be worthwhile. He is working with the city on this. He said, however, he did not want to have the city make a change for one individual. He said we don't do things for economic reasons, we just do things that are right for the city. He said he works downtown, lives downtown and walks the streets all day long. He said he loves showing off the town. He said he is a real estate broker, and he loves bringing people to this town and telling them what makes Aiken so special. He said those things are traditions in our history, and we need to protect that. He said he also loves the walkability of Aiken. He said you see so many people walking around downtown in the evenings. He said we need to keep it a human scale. He said he felt the height needs to stay below the tree line to keep it at a comfortable level so we are not in a concrete jungle because that is not what Aiken is all about. He said he would like for Council to think about maybe taking these requests on individually for appeals and variances, but not blanket the city because you never know what else will come down the road. He said he would vehemently suggest that Council not agree to the change in height of buildings.

Mr. Ramesh Shah, 643 Steeplechase Road, said he felt it was time for him to say something. He said when they bought the hotel property 20 years ago it was a roach hotel. He said they had provided enough money to keep the property going instead of tearing it down which they could do. He said the reason they are talking about the Marriott is that it costs a lot of money to run a franchise hotel like the Marriott or Hilton. To keep up with the expense you have to have a minimum number of rooms. He said they could not do it with 48 rooms which they have now. Without an additional 40 rooms they will not be able to get a franchise. He said he is not happy to give them \$200,000 to \$300,000 every year to put their name on the hotel. He said the market has

been such that without the group names on the hotel, they cannot survive. He said another reason is the finance company would not give you money to put \$10 million in the renovation. He said they have to borrow 80%. The finance companies will not give you money without those names. Mr. Shah stated he had been in Aiken for 25 years. He said he felt Aiken needs a hotel to bring people to the downtown to spend their money in the downtown. He said the thought was to improve the downtown and make the hotel look better. He said if he could build 40 rooms without going six floors up he would do it, but they don't have the room there. He said they need the additional rooms.

Ms. Gail King, 330 Kershaw Street, stated she has a son who lives in Charleston and he has just bought a large site down there to start the Sergeant Jasper development by the Beach Company. She said he is the Executive Director of the Charleston Federation Society. She said Aiken is not Charleston, but those who live here think it is an incredibly special town. What makes it particularly special in her view is the historic nature of the downtown and its surrounding neighborhoods. She said with no disrespect intended to Mr. Shah and with appreciation for what he has done, she knows it cannot be easy. She said looking at the rendering they have to raise the building to this limit is "Anywhere USA" and Aiken is not "Anywhere USA." We are Aiken, and not anywhere. She pointed out no disrespect intended, but a Marriott or a Hilton tends to look the same wherever they are. She asked if that is what we want downtown, and do we want to change our height restriction for one businessman's purposes. She felt the old historic building could possibly be restored. She said she understands it would probably be talking about a lot of money to do it, but there are people who would be interested in doing it. She asked that City Council please not allow this to happen in our town.

Mr. James Wittig, 18 Brookline Drive, stated he was present to speak in opposition to increasing the building height to 75 feet in the whole historic district in the central downtown area. He said he was not opposed to a Zoning Board of Appeals adjustment to a building height if needed. He said on Sunday, June 14, the Aiken Standard editorial attempted to compare the former Highland Park Hotel to the proposed new or renovated Aiken Hotel and tried to justify the 70 foot high building. He said the Highland Park Hotel had two towers on either side of the entrance that when up about 15 feet square. Then when it got to the top of the roof it went up about 10 feet and continued up to probably the 75 feet. It was not the whole building being that height. He said as Ms. Jane Page Thompson showed such a building could stick out like a sore thumb. He asked why we would do this to our town. He said in 1997 Aiken was voted an All America City. Aiken made Forbes Magazine. That article caught his eye and he and his wife decided to visit. He said they have been visiting in Aiken since 1998. He said in 2011 they decided to move here. He asked why Council would now decide to maybe destroy the whole district. He said as soon as you set the height at 75 feet others will come in and want to do the same thing. They will want to build buildings that high too because it is a lot cheaper to build up than to build out. That is why people build two story houses instead of ranches. He asked why destroy the town. Why destroy what we have. Why destroy something so beautiful. He said he applauds the Shahs for wanting to renovate the hotel. He asked how many had been to Williamsburg, Virginia, Colonial Williamsburg. They are so restrictive on their building codes. If you want to build there, you have to do everything according to the way they want it done, and it has to blend in. He said the rendering is deceptive. He pointed out it shows seven stories of windows. He said it is made to look like the building is only a couple of feet higher than the existing hotel. He felt there should be a scaled model to really get the real impact of what the building would be. He said if they want to do a renovation and need more room, stay within the 50 feet and do it that way. He asked how we are going to attract young people to town with families if we make our town into a concrete jungle. He encouraged Council to not do a blanket change in the Zoning Ordinance, but to make it a Zoning Board of Appeals issue. If you are going to do anything don't change the whole district and city to 75 feet, but do it on a case by case basis. He asked why we should not protect our historic district and not let developers come in and destroy it. They won't be the only ones building buildings taller than 50 feet. There will be others. He asked that Council listen to those present and not raise the building height to 75 feet all over, but deal with a project on a case by case basis. He asked that Council try to keep the building height to 50 feet. Developers when they are pushed to adhere to a rule, they will find ways to become creative and get the rooms that they need to be profitable.

Mr. Wittig said he had a comment on an earlier item which is extending water and sewer services to property. He said his brother had developed properties for years, and he had helped him. He said he was always complaining about every town where he went to create a subdivision or build a commercial project, he had to pay to bring the sewer and water lines to their project. They had to pay hookup fees also. He said he heard Council talking about spending money to extend water and sewer to these developments, and he wondered why they would do that. He said that is not the common practice in the industry

Ms. Margaret Marion, 412 Windsor Place and 118 Aberdeen Drive, stated she was very concerned about the need for additional parking, building height, and the density as downtown increases. There are very few places she felt that a parking garage could be put in. Parking garages take up a lot of space. She felt there needed to be at least 123 feet by 240 feet for a garage. She said if it is attempted to do something near the hotel, possibly you could use the motel parcel, but that is only 60 feet wide. She said which businesses and buildings would you have to sacrifice in that location to put a parking garage there. She pointed out there is Newberry Hall and lots of little businesses on Richland Avenue, but that would be a shame; but where else can you go. Possibly you could go several blocks away, but she felt that would not satisfy what the Shahs need for the hotel. She felt before Council raises the building height, they really need to study parking issues and figure out before its gets to be a worse problem, how parking can be accommodated. She pointed out that land values downtown are very high. Even if the city were given the Shah's motel property, you would probably have to spend more than \$500,000 just to acquire the land needed for a parking garage. She asked that Council look at aerial photo maps, study the space requirements for a parking garage, look at parcels, and don't increase the height limit for buildings in the downtown area.

Mr. Wade Brodie, 422 York Street SE, stated he is Chairman of the Aiken Corporation. He said when Council created the Aiken Corporation in 1996, the group was given the charge of downtown development, increasing housing density in the downtown, and economic development. He said he was pleased to hear that the majority of the people present like what they have done and maintaining the great downtown that we have. When you look at development, particularly in the downtown, there is only so much land. If you continue to grow some, it will need to go up higher. He said in working with the problem over the last 25 years, it is his recommendation that the height limit for buildings downtown be increased to be able to serve the community.

Mr. McDonald Law, Chairman of the Design Review Board, stated he was not present to speak specifically in that role, but he did want to let Council know that when the Board learned that the Planning Commission might be reviewing the change in height limits downtown, they began to look at what impact that would have on their guidelines. Presently the DRB does not address buildings based on the number of stories. There is no difference in a two story or five story, etc. He said they began looking at the last two work sessions at what they would need to do. He said the DRB would probably be modifying their design guidelines. He said that would come through City Council to allow for a stricter review of taller buildings. He said that would be anything above probably 28 feet. Currently the DRB guidelines do not address any different building heights. He said the DRB is prepared to modify the guidelines to allow a more thorough review of upper levels of buildings which would be treated differently from street levels.

Mr. McDonald Law stated he would like to speak as a private individual. He said he had been a resident of Aiken 65 years. He said he had seen the city invest a lot of time and effort and funds in improving the downtown. There was a time when it was not an attractive place to be and there was more than enough parking and everyone was concerned about the Mall. If we now look at the way things have changed, he felt Council's efforts and funds brought great results. A lot of the results are the people who have moved here. He said he was also aware that the Comprehensive Plan did talk about strengthening the downtown. He said he felt that goes to more than just aesthetics. He said we have primarily addressed the cover on the book—the street trees and cross walks. He said the city had taken a role in that too. He said he had heard some discussion that the businesses do need more traffic and pedestrian traffic. He said we are getting to the

point where it is more difficult to find parking spaces on Monday at noon, especially on Newberry Street or in the evenings when there is something going on at the Community Playhouse. He said we have seen success, but we are going to have some negatives to the success that we have had. He said the only way to address that really is to have more density which often means more height. He said he was not talking about 30 stories or even 15 stories, but he felt that is the answer to having our city sprawl. He said we see that on the southside also. It has used up property. It is more difficult to reverse that than it is to build to infill. Parking garages can actually eliminate downtown parking lots and there are some advantages in having a parking garage. He felt that is something that can be addressed in the Design Guidelines. He said he wanted to let Council know that the Design Review Board is prepared to address some of the design issues that may come up relative to taller buildings.

Mayor Cavanaugh stated the matter is now back to City Council for discussion and action.

Mayor Cavanaugh stated he would like to thank those present for holding down their clapping. He said it makes it easier to conduct the meeting.

Councilman Merry stated this is a tough issue and one that everyone on Council has taken a lot of time and put a lot of thought into. He said he would make note that this is only first reading of the potential ordinance so there will be the opportunity to continue it and hear from folks on both sides. He said he had heard quite a bit from people much more proportionally balanced on both sides of the issue.

Councilman Merry stated as a first reading item, he would move that Council approve the amendment to the ordinance regarding the height of buildings in the Downtown Business area. Councilwoman Price seconded the motion to get the ordinance to public hearing. There were some folks who planned to come for the public hearing for second reading. She felt that would only be fair for those folks who are not present for the first reading but may be present for the second reading, but they may not.

Councilman Dewar stated he would like to thank everyone for coming out and giving Council their views on this issue. He said Council is addressing a very sensitive issue for the community. He said it is very clear to see that Council is somewhat divided on this issue as for several items in the past month or so. He said he would not support voting to go to second reading on the ordinance. He said he supports the comments that he has heard from the people. He said he would caution Council to be very sensitive to the feelings of our community because this is a major change. He felt it is one, as far as the folks present is concerned, that does not seem to be acceptable. Going to second reading gives us another opportunity to do the same thing. He said whether the people who came to this meeting to express their views decide to come back or not that is their choice. He said Council may hear from other people who did not come tonight. He thanked all those who spoke, even those who spoke essentially for the concept of what they think the change would do in a positive way for the city. He said Council needs the input from the people. He said he was delighted to see that citizens came to give input. He said he was not comfortable voting to increase the height of buildings.

Councilwoman Price stated she would like to add a comment. She said she wanted to thank the folks who had the courage to stand before Council and share their feelings. She said she also wanted to express a great thank you to Gail King. She pointed out that the things she said about the hotel were done showing compassion and empathy to the Shaha recognizing where they stood as investors in this town. Though she opposed the ordinance and the hotel, it was done in a very thoughtful way that she expressed her concerns. Councilwoman Price stated she had served on Council for some time, and in serving she had seen the town when we had a number of closed store fronts. She said as the citizens see it now as the ideal place to locate and people are very proud, it was not that kind of town. She said when Aiken won the All America City just within blocks of the downtown, we had outdoor bathrooms, but we won the All America City. She said she had seen pictures that others may not have seen. She said we have worked hard as a Council to change the image in spite of the things that we had to hear about the theater across the street. She said people did not want the theater. She said she could name a

number of things done by City Council that were not pleasing to the voters, but yet they took a few risks and voted affirmatively for those things. She said they have not done everything right. She said they look back and say they should have changed some things. She said she was not saying she supports this wholeheartedly. She said she wanted to see the ordinance move to second reading because of other folks who may be waiting to come to a second reading and public hearing. She said if it does not pass, then she will go along and support what the majority of Council feels it should be.

Mayor Cavanaugh stated he was going to vote for the ordinance change on first reading. However, that does not mean that he will be supporting it on second reading. He said he wanted to give the matter some more thought. He said there may be other people who will come and voice their opinion. He said it is a tough decision and a big change for the city. He said we have had a lot of big changes in our city. He felt most had been for the better. He said in 1988 we had about a third of our businesses closed in the downtown. We did a lot of changing, had fundraisers, etc. He said we need to move Aiken forward to help our businesses for certain. He said this is a big part of that. He said he wanted to give the matter more thought. He said he would vote for the ordinance on first reading.

Mayor Cavanaugh called for a vote on the motion by Councilman Merry to approve the amendment to the ordinance regarding the height of buildings in the Downtown Business area. Councilwoman Price seconded the motion to get the ordinance to public hearing. The motion was approved by a vote of 5 in favor and 2 opposed. Opposing the motion were Councilmembers Dewar and Ebner.

CONCEPT PLAN - ORDINANCE

South Park Shopping Center
Harvard's
TPN 106-08-03-007

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the concept plan for Harvard's at South Park Shopping Center.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR SOUTH PARK SHOPPING CENTER.

Applicant, J. E. Stewart Builders, proposes to construct a 12' by 79' expansion along the rear of Harvard's building located in the South Park Shopping Center. This expansion would be used as additional storage space. The addition would encroach upon an existing grassed 19.14' space between the current rear face of the building and the existing service drive. Four small landscape trees would be relocated. The Zoning Ordinance states any change to the approved concept plan that affects the intent and character of the development, the density, or land use pattern, or similar changes shall require approval by City Council after recommendation by the Planning Commission.

The Planning Commission at their regular June 9, 2015, meeting considered the request to revise the Concept Plan for Harvard's at South Park Shopping Center to allow for an expansion of the existing building. The Commission voted unanimously to recommend approval of the application to expand Harvard's with the condition that the four small landscape trees be relocated.

For Council consideration is first reading of an ordinance to amend the Concept Plan for South Park Shopping Center to allow an expansion at the rear of Harvard's building.

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council pass on first reading an ordinance to amend the Concept Plan for South Park Shopping Center to allow an expansion at the rear of Harvard's building. The motion was unanimously approved.

BUSINESS IMPROVEMENT DISTRICTBID

Mayor Cavanaugh stated a request had been received to discuss Business Improvement Districts.

Mr. Klimm stated Council member Dewar had asked to discuss the potential for Business Improvement Districts (BIDs). BIDs are organizations formed by private property owners and businesses within a legally constituted city district. Members pay a special tax to cover the expense of providing their BID with services beyond what the local government offers in their area. A business owner who recently relocated to Park Avenue near the Visitors Center and Train Museum has inquired about this issue and this is presented for discussion tonight.

Some information from the City of Columbia regarding their BID was provided to Council for their information.

Councilman Dewar stated he had a couple of basic questions. He said he understood that Mr. Klimm has worked with Business Improvement Districts. He asked how the amount of money that the businesses pay is determined.

Mr. Klimm stated he had not fully researched South Carolina. He said he had extensive experience with Business Improvement Districts in Massachusetts. He said one critical component and the core of success is that the request for a BID come from the business community. He said it is nothing that should be imposed on an area. He said his recommendation having worked for years with a very successful Business Improvement District is that we refer the matter to whatever business organization makes the most sense allowing them the opportunity to engage the potential support for the BID. He said if there is no sense of support from the business community, he would then recommend a series of public meetings. He said we could bring folks in from other cities in South Carolina. We could even get someone from outside South Carolina to explain the pros and cons of a BID. He said his key recommendation is that this be done holistically and that it come from the ground up from the business community. He said he would be glad to work with whatever business entity Council thinks is most appropriate. He said he felt the next logical step would be to see if there might be some interest in an initial meeting where we could bring folks in from other communities to explain to our local business folks what is involved and the pros and cons.

Councilman Dewar asked if this could be done with a small group on Park Avenue. He wondered if we could take a small section. Mr. Klimm stated he was not sure that there is a BID of one building. Councilman Dewar asked about one building with several businesses in it. Mr. Klimm stated you could take a small area and from time to time you could add to the area. A critical decision would be what the district would be comprised of. Councilman Dewar asked if a BID was established for a period of time. Mr. Klimm stated a BID is established for a period of time, and it would be something Council would authorize. Councilman Dewar asked if a BID was markedly different from a TIF. Mr. Klimm stated the financial mechanism of a TIF is similar to a BID. The purpose of a Business Improvement District is different. He said in a certain area there is only so much that a community can do and be expected to do. Usually in a Business Improvement District an area of the downtown or the entire downtown do over and above what the city is capable of providing. In many instances the business community does not oppose the possibility of an additional tax because they get to control how it is spent. They get to control who is hired to do the work, and they can decide to get out after a period of time if it is not successful.

Councilman Dewar asked if he had had cases where some businesses liked it and signed up and others did not sign. Mr. Klimm stated it is very difficult to get a unanimous decision on anything. He said you usually strive for a comfortable majority. He said he had people who were dead against it both philosophically and otherwise, and after three or four years of seeing the success of it have changed their minds.

Councilman Dewar stated if you had a couple of businesses that did not like it and they would not participate, they would enjoy some of the benefits. He asked if the tax would be imposed on two out of twelve. Mr. Klimm stated they all would be taxed. Everyone in the district would pay more. Mr. Klimm stated you could decide to reduce the size of the district, but if you decide on the district and there are one or two businesses in the area that do not want to participate Council would impose the tax on all of those in the district. He said you could have a situation where some members oppose the concept.

Councilman Dewar asked where we should go from here. Mr. Klimm stated he felt the best thing Council could do is to determine what entity might make the most sense to play a coordinating role. He said he would be delighted for him and staff to work with the entity to hold the initial meeting and bring some folks that have some experience to talk about it. We could put it out there, get some input and see if there is any interest.

Councilwoman Price stated she had read the information Councilman Dewar sent and Katie Lipscomb's comments. She said she likes the concept, but she just does not know enough about it after reviewing it today. She said it is something she is interested in learning more about it.

Mayor Cavanaugh stated Mr. Klimm had used the word entity. He asked what would be an entity. Mr. Klimm responded that it could be the ADDA if we are talking about the entirety of the downtown area or if Councilman Dewar has a smaller district in mind, it could be a neighborhood association.

Councilman Merry stated it is a voluntary thing and the businesses decide for themselves. He said he was just not clear on what additional services they might want that the city is not providing. He said he was very interested in helping them out and learning more to see where we can take this. He said he just did not know what they might be looking for.

Councilman Dewar stated he did not know if the Municipal Association has a book on it or something so Council could learn more about it. He said the concept sounds wonderful, but we have to figure out if it would work. Mr. Klimm stated we do know that there are several businesses that have expressed an interest. He said he felt we could reach out to our sister communities that have had some success in this area and invite them to Aiken to give a presentation. It might not go any further than that or there may be some excitement about it. He said he did know there are examples nationally where the city attempted to impose it on the business community, and that is a recipe for disaster.

Councilwoman Diggs stated she would be interested in hearing more from other cities who have already implemented the BID.

Mr. Klimm stated he could start by talking to the ADDA and see if that is anything they might be interested in. If Council is aware of any other entity that is more appropriate, then he would reach out to them as well.

Councilman Dewar stated this was emanated from Katie Lipscomb who is moving to a building on Park Avenue near the Visitors Center and Train Museum. He said it would be in that area. He said he did not know if the ADDA goes out that far. Councilwoman Price stated she did not know, but there may not be a lot of businesses to target in that area. Councilman Dewar stated if they want to tax themselves for demands that don't amount to a lot of money, but they are willing to pay the cost, then that would be fine. He said having sprinkler systems or empowering them to plant flowers if they want to, would improve the area to make it more attractive for people to come to the area.

Councilman Ebner stated the city has two organizations now that work towards that, those being the ADDA and the Aiken Corporation. One organization is older than 20 years. Aiken Corporation was started in 1995, and ADDA was before that. He said that he had sent the charter and information on the TIF that was put in for that area. He said there had been things done. He said if we progress with this, we need to see what these organizations duties would be. He felt we need to be careful overlaying one group on top of another. He said that might be one of our problems now that we have such a big area,

etc. that the attention is not where it needs to be. One of the things that has been mentioned to him is that we have flower pots in certain areas of the downtown, but not in other areas. This group may do that type thing. He said when we look at it, we need to look at our current organizations. He said we also did a charrette for that area and paid a considerable amount of money for the Union Street area. He said there are several things that have been done that we should look at internally and maybe build from those or do away with some of them and reconstitute what we have.

MEETING SCHEDULE

July and August, 2015

Mayor Cavanaugh stated Council needed to consider the summer scheduled for City Council meetings.

Mr. Klimm stated Council typically does not hold the second Monday Council meetings in July or August to allow everyone to schedule their summer vacation. We are suggesting that we not hold the second Monday City Council meeting on July 27 and August 24, 2015. If some important issues come up we could always schedule a second meeting during either month, if needed. He said that does not preclude the possibility of work sessions in that timeframe. He said Council had just talked about having an airport related work session. He said he felt there may be a work session or two during that period of time.

For City Council consideration is cancellation of the second Monday Council meetings in July and August, 2015.

Councilwoman Price moved, seconded by Councilman Dewar, that Council cancel the second Monday Council meetings in July and August, 2015. The motion was unanimously approved.

SILVER BLUFF ROAD

Bike Lane

Share the Lane Markings

Sharrows

Indian Creek Trail

Richardsons Lake Road

Silver Bluff Road Widening

Mayor Cavanaugh stated a request had been received for Council to support installation of "Share the Lane Markings" on Silver Bluff Road between Indian Creek Trail and Richardsons Lake Road.

Mr. Klimm read the title of the resolution.

A RESOLUTION ENDORSING THE INSTALLATION OF SHARE THE LANE MARKINGS ON SILVER BLUFF ROAD.

Mr. Klimm stated the Aiken County Bicycle Pedestrian Advisory Committee to the SC Technical Coordinating Committee of the Augusta Regional Transportation Study (ARTS) is requesting that the City of Aiken support and make a formal request to SCDOT to install "Share the Lane Markings" or sharrows on both travel lanes on Silver Bluff Road between Richardsons Lake Road and Indian Creek Trail where SCDOT is widening the road to include a center turn lane. The "Share the Lane Markings" are designed to assist bicyclists by providing guidance where dedicated bike lanes are not present and to alert motorists that bicyclists may be using the road.

At their regular June 9, 2015, meeting the Planning Commission considered whether or not to request that SCDOT install "Share the Lane Markings" on both travel lanes of the portion of Silver Bluff Road being widened between Richardsons Lake Road and Indian Creek Trail. After discussion the Planning Commission voted 6 to 1 to recommend that City Council NOT approve the request for SCDOT to install "Share the Lane Markings" on the portion of Silver Bluff Road being widened.

For City Council consideration is a request for the City of Aiken to support and make a formal request to SCDOT to install "Share the Lane Markings" on both travel lanes on Silver Bluff Road where the road is to be widened between Richardsons Lake Road and Indian Creek Trail.

Mayor Cavanaugh asked if anyone would like to speak on this matter.

Mr. Karl Fornes, 355 Magnolia Street SE, stated this is the second time he had been before Council talking about bike paths and share the road markings. He said he was present because Tom Lex contacted him and let him know about the matter coming before Council. He pointed out that Tom Lex was out of town. He said he did not attend the Planning Commission meeting because he did not think it was necessary. He did not think the request for the share the lane markings was a difficult request to approve. He said he was surprised that the Planning Commission voted the way they did. He said he did not hear the arguments and had checked online and did not see the minutes to see what the arguments were against the share the road.

Councilman Dewar pointed out that the video was posted on line. Mr. Fornes stated he looked on line and could not find the June 9, 2015, minutes. He asked if something happened since the November, 2012, meeting when Council approved unanimously the Bicycle and Pedestrian Advisory Report from the Augusta Regional Transportation Study group about the bike lanes. He said he was not an avid cyclist like Tom Lex and others. He said he does not have children. He said the only reason he is pro bike lanes is that he understands the economic state of living and the quality of life issues that the bike lanes have. He said when he goes to a city like Greenwood or even New York City and see those bike lanes he is enlightened. He thinks that is a community that cares about its citizens. He said he rides his bike a little but not that much. He said he went back to the November 12, 2012, Council minutes. He read a portion of the November 12, 2012, Council minutes. "Mayor Cavanaugh stated he felt the words appropriate and feasible were very important in the resolution. He pointed out considering funding and the economy we have to be very careful as to what we agree to do. He felt we want to be more bicycle friendly, and the city had done some things within the city. He felt the plan looks good. He thanked Tom Lex for his leadership on the committee. He said we just have to be sure we have money to do some of the things. Councilwoman Diggs moved, seconded by Councilman Homoki, that Council approve the resolution encouraging bikeways and pedestrian ways whenever feasible in new or improved roadway construction. The motion was unanimously approved." He felt the two words that Mayor Cavanaugh wisely pointed out are feasible and appropriate. He stated regarding whether the share the road markings are feasible, we already have the money. The money has been set aside. Over \$200,000 was set aside if he remembers from the discussions on Hayne Avenue. The question really comes down as to whether or not they are appropriate. He said that gets into specific issues that specific people may have with specific markings. He said he would remind folks that we talk about education. One of the points was educating folks. The markings themselves are the education. They tell folks not only drivers that there will be bicycles on the road, but also the way the markings are set up they tell bicyclists which side of the road to be on. The education factor is there. The appropriate factor gets into personal tastes. He said we heard a lot of discussion on Hayne Avenue about people not thinking the share the lane markings look good. They don't look good for a reason. They are supposed to be seen. He pointed out one of the ugliest signs is a stop sign, but it is there for a reason to tell us to stop. There are personal feelings about that. He said that gets into some of the stuff that we are stuck with. He said when we switched from the 4-2 to the 6-1 districts, Council is more dedicated to that specific constituency than the at large members. Presently the only at large member is Mayor Cavanaugh. He said what he is proposing to Council is that in November, 2012, Council said they were going to do this. He said if Council is changing their mind for valid reasons that is legitimate. He said Council made the commitment in 2012, and now the request is before Council and they have a decision to make. He said when a commitment is made, they need to stick with it.

Councilman Dewar stated he understood where Mr. Fornes was coming from. He said by the time Council approved the resolution four years earlier Council approved the

widening project on Silver Bluff Road. He said he did not think Council gave any thought at all of when we approved the resolution because most of Council thought the project was already in bed and on its way. He said Council had been dealing with it for over 10 years. In 2008 Council sent a letter to the DOT that said Council did not want bike lanes on Silver Bluff, and they came back said something to the effect that they may be included in the design at Silver Bluff only if it does not require additional right of way. He said bike lanes obviously would require right of way.

Mr. Fornes said the original plan was for an urban bike path on Silver Bluff Road, not share the lane markings. He said the original path would have included more right of way, and that was stopped in 2008 probably from citizens in Gem Lakes and Woodside. The share the road markings will not affect the right of way from the widening of the project. The project was already to widen Silver Bluff Road to accommodate turn lanes. He said the share the road markings do not affect the right of way at all.

Councilman Dewar stated he understands that, but he was telling him what is on the documentation in the agenda packet so he can try to explain what happened. He said Council never heard share the lane markings until very recently. He said he looked up sharrows in the dictionary. He said he always thought Silver Bluff was on the way to getting done. Then all of a sudden Mr. Lex said no and the bike plan is supposed to be there for Silver Bluff. He said that is one change that happened. He said the second change is that Council agreed, because they did not want to have another Hayne Avenue situation, to go through the Planning Commission for the bike lanes and lane markings. He said that is why it went through the Planning Commission and then to City Council. He said the Planning Commission felt that it was not safe and therefore their recommendation is that we not put the share the lane markings. He said we probably will hear from people who agree with that and maybe some who do not. He said that is how we got to where we are.

Mr. Fornes stated he wanted to reiterate one thing. He said the original report was not in 2012. He said the original report was an actual urban bike path which would have affected the right of way. The sharrows are really a compromise between the bike path and nothing at all.

Mr. David Kjellquist, 191 Aberdeen Drive, stated he is the Vice Chairman of the Aiken County Bicycle Pedestrian Advisory Committee. He said he has a statement from Tom Lex that he would like to read into the record. Then he would like to take some time and offer his own personal comments associated directly addressing the issues on Silver Bluff. He said the remarks from Tom Lex who is the Chairman of the Bicycle Pedestrian Advisory Committee follow.

City Council Meeting June 22, 2015

Subject: Silver Bluff Widening Project Recommendation to Include Share the Lane Markings

Tom Lex Statement for the Public Record

Thank you for allowing me to have my statement on the subject read in the City Council Meeting and thereby having my position entered into the public record. I apologize for not being able to attend the meeting personally. A family matter has required me to be gone from Aiken and miss this critical meeting.

I believe this is a critical meeting because it will establish a foundation for the City of Aiken in demonstrating there is real commitment for the City to become a bicycle friendly City.

It is strongly recommended that the City Council reject the recommendation from the Planning Commission to not include Share the Lane markings in the scope of the Silver Bluff Rd Widening Project.

It is strongly recommended that the City of Aiken pass a resolution which includes the following elements:

- Reduce the speed limit on the portion of Silver Bluff, within the scope of the Silver Bluff Widening Project, currently posted as 45 miles per hour down to 35 miles per hour.
- Prepare and issue a letter to SCDOT requesting the addition of Share the Lane markings to both directions of travel lanes within the scope of the project. This letter should address the justification for not using bicycle lanes.
- Provide the letter to SCDOT in sufficient time to have the scope included in the project bid package.

SCDOT is on record with the following position: "Failure to include bicycle and pedestrian facilities without justification is contrary to the approved policy of the SCDOT Highway Commission."

The City of Aiken provided the required justification to SCDOT through the ARTS South Carolina Policy Subcommittee in a letter dated October 29, 2010. The City's justification is stated as follows: "Bicycle and pedestrian facilities may be included in the design of Silver Bluff Road only if it does not require additional right of way."

The BPAC recommendation clearly meets the basis for the 2010 City justification to SCDOT. The recommendation significantly improves the safety of people riding bicycles on Silver Bluff and does not require additional right of way. Failure to include Share the Lane markings in the scope of the project could be viewed by SCDOT as a failure by the City of Aiken to meet the basis of the City's justification for not including sidewalks and bicycle lanes in the scope of the Silver Bluff Rd project.

The Planning Commission had all of this information in their briefing package prepared by the City of Aiken Planning Department. I do not believe the Planning Commission adequately considered the history of this project as it relates to final scope determination nor the justification for moving forward without bicycle and pedestrian facilities. For this reason alone the recommendation provided by the Planning Commission is wrong and should not be accepted by the City Council.

A key basis for the Planning Commission rejection of the BPAC recommendation is centered on safety. The Commission believes that bike lanes should really be used to obtain greater safety. Clearly SCDOT and BPAC agree bicycle lanes are preferable. As I have already covered, that train has already left the station and Share the Lane markings are the next best choice.

Opponents of the BPAC recommendation also use safety as one of the elements of their argument. I do not know if they have a real safety concern or if it is a smoke screen because they just do not want people who ride bicycles on the road because this causes a slowdown in traffic flow. If it is a true safety concern then I as a person who rides a bicycle sincerely thank you. I trust you will respect people who ride bicycles as fellow human beings and apply safe driving behaviors when you encounter us on the road. **CONCERN FOR THE SAFETY OF YOUR FELLOW HUMAN BEINGS IS NOT A BASIS FOR OPPOSING AND REJECTING THE RECOMMENDATION FOR SHARE THE LANE MARKINGS ON SILVER BLUFF ROAD.**

This is true no matter how many opponents have this as their basis for not wanting to include Share the Lane markings. The reason this is not an acceptable basis is as follows:

1. Silver Bluff Rd is a public road of the State. As such all legal users have a right to use that road.
2. The South Carolina Code of Laws Title 56 Article 27 grants people who ride bicycles the same rights and responsibilities as motor vehicle operators except on designated limited access highways such as interstates.
3. People who ride bicycles having the legal right to use Silver Bluff will ride their bicycles on Silver Bluff because it is a primary transportation route.

4. All people make their own risk decisions. People will continue to exercise their legal right to ride bicycles on Silver Bluff Road even without Share the Lane markings.
5. Use of Share the Lane markings significantly improves the safety for people exercising their legal rights to ride bicycles on Silver Bluff Road.

The City of Aiken has a responsibility to its citizens to provide for their public safety. The safety of people performing activities are legally entitled to such as riding a bicycle on roads of the State is a priority for a governing body entrusted with a public safety mandate. Therefore City Council should approve the resolution proposed by the Bicycle Pedestrian Advisory Committee and include Share the Lane markings on Silver Bluff Road such that the safety of people exercising their legal right is improved to the maximum extent possible. Furthermore, approval of the recommended resolution will be in compliance with the justification given to SCDOT in 2010 for proceeding with the Silver Bluff Road widening project without bicycle lanes.

Tom Lex
Chairman Aiken County Bicycle Pedestrian Advisory Committee

My name is David Kjellquist, of 191 Aberdeen Drive. I am the Vice Chairman, of the Aiken County Bicycle Pedestrian Advisory Committee (BPAC for short)

I will address 2 issues that directly relate to motorists & cyclists safety on Silver Bluff Corridor Improvement

- Silver Bluff Share-the-Lane marking, aka sharrow
- Speed limit reduction from 45 to 35 mph

SILVER BLUFF

Let me first address the specific reasons for using sharrow marks on Silver Bluff. Under the South Carolina Motor vehicle code, cyclists have the right to travel on any road except limited access highways.

The SCDOT design for the Silver Bluff Corridor Improvement is a 12 foot travel lane in each direction with a 15 foot center turn lane.

The American Association of State Highway and Transportation Officials Guide defines the Preferred Operating Width of a cyclist as 5 ft. and Minimum Operating Width of 4 ft.

Most important, SCDOT defines the **minimum** lane width for safe in-lane passing of a cyclist as 14 ft. He said remember the travel lane is 12 feet on Silver Bluff.

Thus, by national & SCDOT standards, Silver Bluff will be too narrow for safe passing of a cyclist in the same lane!

The national standard Manual for Uniform Traffic Control Devices used by SCDOT defines the uses of sharrow markings as

- “B. Assist bicyclists with lateral positioning in lanes that are too narrow for motor vehicle and bicycle to travel side by side within the same traffic lane,
- C. Alert road users of the lateral location bicyclists are likely to occupy within the traveled way, and
- D. encourage safe passing of bicyclists by motorists”

Precisely the situation for Silver Bluff!

The Manual goes on to state that sharrow markings should be at least 4 feet from the face of the curb for roads without on street parking.

Nowhere in the use of sharrow markings does it encourage cyclists to use a particular route. Rather to encourage the use of a particular route the manual defines Bicycle Route signage and markings not being proposed for Silver Bluff.

It is unfortunate that bike lanes or wide shoulders are not available due to right-of-way restrictions. If these alternatives were available I would not be here proposing sharrow marking.

In other forums, it was stated that motorists don't understand sharrow markings. However, just because a motorist may not understand, for example, the sign showing a profile of a worker digging doesn't mean you don't warn of a construction zone. Ignorance of national standard road markings, used across South Carolina and the country, doesn't negate their use here. But, I don't dismiss the comment! There are many methods available to the city to educate motorists on road markings and we should use them.

Let me now discuss the speed limit along Silver Bluff

If the 35 mph speed limit is placed on the entire length of Silver Bluff to Richardson Lake Rd, safety for motorists and cyclists at the intersections for Pin Oaks and The Villages at Woodside (Richardson Lake Rd.) will be improved.

But, there is another benefit to reducing the speed limit from Savannah Dr. to Richardson Lake Road.

The Federal Highway Administration in their Noise Model Users Guide presents measured traffic noise for a variety of vehicles from cars to heavy trucks.

What is important in this data is NOT the actual noise levels BUT rather the DIFFERENCE in noise levels from 45 mph to 35 mph. This data shows a reduction of ~4db(A) in traffic noise levels from 45 mph to 35mph. A similar measurement from the United Kingdom shows a 6db(A) reduction.

For the home owners of Gem Lakes, the Magnolia section of Woodside, and the Village at Pin Oaks located along Silver Bluff; the noise reduction is equivalent to 50 to 100% increase in spacial separation. It's like they moved their homes 50 to 100% further away from the road!!

Clearly, in addition to the safety benefits of reducing the speed limit to 35mph, there is improved quality of life and reduced environmental impact for homeowners.

In summary, under the SC Motor Vehicle code, cyclists have a right to ride on Silver Bluff Rd. The 12 foot travel lane is insufficient for safe in-lane passing by a motorist. The purpose of sharrow marking on Silver Bluff is to inform motorists of the potential for cyclists in a roadway lane that is too narrow for safe passing.

A 35 mph speed limit improves motorist safety and quality of life for home owners along Silver Bluff.

I conclude my remarks with a personnel observation, I am passionate about safety: for both motorists AND cyclists. Physics usually dictates the cyclist is the loser in a vehicle confrontation. However, on the emotional side there are only losers!

Tonight, we have the opportunity to make a positive step for improving safety for both cyclists and motorists in Aiken.

I urge the Council to pass a resolution directing a letter be sent to SCDOT

1. Requesting the addition of sharrow markings in the Silver Bluff Corridor Improvement to address lane width caused by right-of-way limits, and
2. Request a 35 mph speed limit from Indian Creek Trail to Richardson Lake Road to improve safety and reduce environmental impact

This letter should be prepared immediately to allow incorporation in the SCDOT bid package.

Mayor Cavanaugh stated he understands there is a possible end date on that and if we don't get it in there we will have to pay for it.

Mr. Kjellquist stated what he understands has happened is that DOT by mid-July will release the bid package for the Silver Bluff Road Improvements. If we miss that opportunity, then we are into the change order process which we probably all want to avoid for the potential of additional costs. He said he could address costs associated with what the sharrow lanes would cost if Council is interested in the cost.

Councilman Merry stated he appreciates Mr. Kjellquist's preparation and also Mr. Lex's eloquent letter. He said other people probably want to speak. He said the whole thing is not about whether or not cyclists can use Silver Bluff, and it is not about whether the cyclists know the rules or know the roads they can use and the rules of the road. It is about putting this more in the forefront of the minds of the drivers. He said he has been a frequent and avid cyclist in the past, but not anymore. He said even then, there was no way he probably would have chosen to ride on Silver Bluff. He said like Mr. Lex says, it is the individual risk assessment that people will make. He said he did not think putting sharrow markings on Silver Bluff suddenly means there will be hundreds of bicyclists peddling up and down the road, but he did think that as long as motorists are reminded through the marking put in the forefront of his mind there could be a vulnerable cyclist in front of him and the cyclist has every right to follow the same laws of South Carolina to be on the road as much as he does. He said he felt it can mean more safety, and it is better for all people, the drivers and cyclists, to use the term emotional dangers and the emotional loss. He said that is true even for the driver of a vehicle who may not be injured in a collision, but they will take an emotional toll. Councilman Merry stated he was struck after the meeting regarding the bicycle lanes on Hayne Avenue that the city has a wonderful network of sidewalks for pedestrians. He wondered what it would be like for people walking if we did not have all these sidewalks. He said it is a preposterous thought to not have sidewalks. Throughout the life span of Aiken we have done a lot to accommodate pedestrians and make it safe for them to be able to move around all parts of town, but we have done very little or almost nothing for cyclists. He said we are behind the curve. He felt it is time that we catch up. He said the sharrow markings on Silver Bluff, in his opinion, could do nothing but improve safety for people who choose to ride on Silver Bluff.

Councilwoman Diggs stated she would like to make a comment. She said on Saturday afternoon she was traveling on Silver Bluff Road and as she got close to the Village at Woodside she noticed a cyclist ahead of her. She said there was a car in front of her traveling at a pretty good rate of speed. She felt the car was almost running the cyclist off the road. She said that bothered her a lot because the cyclist was trying to get out of the way and had nowhere to go and the motorist was almost tailing him. She said she thought about it and feels that we have to do something. She said on Silver Bluff when you get ready to go over the hill and get to the Village at Woodside, you cannot see over the hill what's in front of you before you get there. She said the speed limit there is much too fast to ignore the people coming out of the intersection and the ones in front of you. She said we have to do something. Mayor Cavanaugh pointed out that Silver Bluff is being widened. Councilwoman Diggs stated we also have to make sure that people realize that bicyclists may be in front of them.

Mr. Kjellquist stated one side comment relative to the current Silver Bluff problem. He said if you notice that along the street today is just grass so if the cyclist had the problem of being rushed by a car, there is an escape route. On the widening project there won't

be. The side of the road will be curb and gutter the whole length. He said that is a mile and a half of curb and gutter that will be there. He said it really is important that a motorist give enough space when passing a cyclist on the left.

Councilman Homoki stated he thought Mr. Kjellquist referred to what happened on Hayne Avenue. He felt the reason people got upset about Hayne was the bike lane which was totally depriving the vehicles of the space that was behind the line. He felt the sharrows are a little different issue. He said he rides a bike ever so often. He said on the concern about safety, Mr. Kjellquist had said 12 feet is not enough for a car to pass a bike. He said he felt if we had markings there alerting the vehicle that he may run into bikes on the road that is one thing. He asked if there are any laws requiring bicycles to have lights on after dusk. Mr. Kjellquist stated there are. Councilman Homoki stated that is one of the things that he had noticed a lot. He said very few bicycles display any kind of signal lights. Especially on Silver Bluff you are getting into the country basically and the street lights are not the best in the world. Mr. Kjellquist stated one of the members of BPAC has a law enforcement background, and she has told them that she has seldom ever stopped bicyclists per se except in those cases where they see the unsafe riding after dark. She has stopped people because they did not have the required lighting, and it was unsafe for them to continue on the roadway. He said that is one of the sensitivities that our Public Safety people have.

Mr. Fred Evans stated he was present to ask Council to please support the inclusion of share the lane markings as part of the upcoming road widening project for Silver Bluff Road. The right to ride bikes on the roads exist by law. Whether we agree with riding bikes on roads or not it is going to happen. It is the responsibility of everyone connected with planning road improvements to seek provisions for all users, motorists and cyclists, alike. The cost to include share the lane markings at this stage are minimal compared to the whole project. He said he felt we should take this opportunity to improve safety for all users. One in four people in the U.S. live in bicycle friendly communities. This is a rapidly growing trend as communities see the benefits of a cycle friendly environmental community. He said Greenville, South Carolina is a good example of a bike friendly community. They were recently given a prestigious award as one of the top seven cities to visit in the U.S. A bicycle friendly environment was one of the main reasons they achieved that award. He said we have a wonderful town in Aiken, and we should create a safe environment for all road users and a welcoming mat for visitors to come and join the unique atmosphere we have in Aiken. He asked that Council please support the share the lane signage and road markings in the upcoming Silver Bluff Road project. He asked that we start working to make Aiken a bicycle friendly city.

Mr. Liam McGinley, of 115 Scarlet Oak Place, stated he had been riding a bike for over 60 years. He said he did not hear of share the road until recently. He said he grew up in a small village in Ireland and the only thing you shared the road with was maybe a sheep. He said he had ridden his bicycle across the George Washington bridge on two occasions for the cancer funds and named other areas where he had ridden his bicycle. He said he had been used to traffic a lot. He said coming out of Woodside through the Village and getting on Silver Bluff is very scary. He said there is really nowhere to go. To try to get into Gem Lakes is like jumping through a hoop. He said now would be the time to put the markings on the road. He said after the road is completed if the lines are there to share the road, you get acclimated to them and the drivers accept it. If you wait a long period of time, then it becomes a hazard. He said he would say that it would be a good thing for the people of Aiken. He said he did a 70 mile ride with then Governor Sanford about 8 years ago. He said he rides his bike to the Weeks Center and over to the State Park. He said it is a form of recreation for a lot of people. He said he was not a professional rider, but rides for recreation. He said he would like to see the share the road markings put in place when the road is finished and people will be accustomed to the road marking and accept them better.

Mr. Greg Hoffman, 153 Sterling Road Circle, stated he was present to represent the Woodside Plantation Property Owners Association and the Board of that Association. He said he is a member of the Board. He said the reason they decided to look at this issue was because this road project directly adjoins Woodside Plantation. In doing some research and based on Federal Highway Administration studies and information provided

for the Planning Commission meeting at which he spoke, a number of items were discussed and/or some of the research revealed some interesting statistics. He said the Federal Report is a 60 page report. He said basically there was negligible increase in safety of cyclists by including sharrows as opposed to bike lanes. He said bike lanes are obviously the way to go, but that will not happen on Silver Bluff Road. There was an increase in avoidance maneuvers when they studied what happened with sharrows on the road. There was no change in passing or following percentages either. When motorists past cyclists they almost always move partially into the opposing lane. The widening project would help some because the people who are passing cyclists who are following the sharrows would actually have room to move over into the turn lane to pass bicyclists. The only other thing was there was a significant increase in cyclists doing what they call taking the lane which was occupying a significant portion of the roadway. He said they were not against cyclists, or the opportunity to use the road, but they really think there is a safety issue involved base on the fact that sharrows are not bike lanes. They are an advisory design only. He said the Board supports the Planning Commission recommendation to not paint sharrows on the one mile section of Silver Bluff Road which is the widening project. He said he understands that cyclists use the entire length of Silver Bluff Road on a routine basis. He said he had encountered them all the way down Silver Bluff Road to 125. He said when he comes upon cyclists he slows down and when they turn off then he goes back to the normal speed limit. He said he felt it is incumbent upon motorists to observe cyclists. He said someone had mentioned the sharrows on Hayne Avenue. He said he saw them last week and only because he had been involved in this issue for the last month, this was the first time he had recognized the sharrows being there. He said someone had mentioned education earlier. He said there would need to be some education done, and we would have to get people on board. He pointed out, however, there would only be one mile on Silver Bluff Road and there is a speed limit change involved in that too.

Councilwoman Price asked if someone had the traffic count on Silver Bluff Road now. Mr. Hoffman stated he did not have the traffic count. He said he travels on the road a lot, and there is a lot of traffic on the road hence the reason for the widening project. He said it gets very congested when people make turns. He said the traffic is very congested in the morning and evenings and that is why the turn lanes can be very helpful.

Mayor Cavanaugh stated he knew Mr. Hoffman was on the Board of the Woodside Plantation Property Owners Association. He asked if he was speaking just for the Board or for all the people in Woodside. Mr. Hoffman responded that he was speaking for the Board. He said they do not put all of their deliberations out for referendum inside the community so there are members of the community who are for this and those who are opposed. Mayor Cavanaugh stated he was present at the Planning Commission meeting and a question came up about that. Mr. Hoffman stated he was present at this particular time representing the Board of the WPOA.

Mr. Peter Messina 1005 Anderson Mill Road, stated he is a licensed Professional Engineer and Planner. He was the previous City Engineer in Bernards Township, New Jersey. He said he was a big advocate of biking and bikeways. He said he designed and installed over 10 miles of bikeways, and they won numerous awards for it. He said one thing they did was a big emphasis on safety. The bike lanes they built were off the road, not on the road. He said one thing he has a concern about is the sharrow markings because they are actually in the travel lane. The manual on the bike markings has the detail for the sharrow markings. They are 40 inches by 9 feet. The center lane of the markings is to be 4 feet off the edge of pavement. That puts them almost 6 feet in the travel lane, and the travel lane is only 12 feet. He said his fear is that a bicyclist will have this unwarranted confidence that he will travel right in the middle of the bike sharrow and everything is fine, but a car has to go considerably out of their way to get around them. He said he was on Silver Bluff yesterday, and there was a bicyclist there and he was biking within a foot or so of the white line. Since the lane is 12 feet wide, he had 11 feet to go by him which was not a problem. The bicyclist was close to the edge, and both were fine. If the bicyclist feels that he can ride right down the sharrow area, it puts him 6 feet into the travel lane. He said he felt it gives the bicyclist the unwarranted feeling that it is a bike lane, when it is not a bike lane. He said if it was off the road, he is a big supporter. He said feel free to raise his taxes as he would be happy to pay for the bike

lane. He said he is a big supporter of a bike lane off the road. He said buy some more right of way. He said they really deserve to be off the road, and he is a big supporter of that. He said all the residents of the town he worked for loved it, and they built more and more bike lanes. He said the markings will probably be thermoplastic pavement markings. He said that is the plastic marking that is long lasting. He pointed out that the right tire of the cars will be riding right over the markings so they will probably be thermoplastic. He pointed out that they are very slippery when it rains. He said there will be this 9 foot long marking in the road where the tire will be and that could be a cause for an accident if someone stops in front of someone and having a thermoplastic marking in the middle of a travel lane is not a safe concept. He said he is a big supporter of bicyclists. He would support having more share the road signs off the road. That gives a little more feel for the vehicular drivers that there are bicycles there, but as a professional engineer and planner he is not convinced that it is a wise and safe decision to have the sharrow markings on the road. He said he would urge Council to not approve the request.

Mayor Cavanaugh stated then Mr. Messina feels that the share the road emblem is not safe because of where it has to be. Mr. Messina pointed out that the travel lane is only 12 feet; if the lane was 14 feet it would be better. He said if the sharrow was all the way over to the curb that would be safer. He said putting the sharrow into a travel lane when cars will be driving right over it, he feels will not be safe. He said his feeling is that it would be safer if the sharrows were not on the road because of where they have to be.

Mr. Tommy Paradise stated regarding the traffic count on Silver Bluff Road, the latest figure on Silver Bluff Road between Pine Log and Town Creek is 16,900 per day. It went from a Level B to Level C. From Town Creek Road to Hartwell the count is 15,000 per day. It went from Level D to E. Between Hartwell and Woodside Plantation the count is 12,700 per day. It is Level B. Between Woodside and Pascallis is a Level C at 9,800 per day. From Pascallis to Richardsons Lake is 8,900 per day at a Level C.

Councilwoman Diggs stated she had said earlier that she was concerned about the cyclist not having anywhere to go, but she felt she would be more terrified for them if they were in the lane with the car. She said she would rather see them have a bike lane. She felt the speed limit definitely needs to be reduced in that area, especially at the Village at Woodside because of the fact that you can't see over the hill. She said at that particular spot she would be afraid for the cyclist having to share the lane with a car.

Councilman Homoki asked if one of the options was something like the no parking signs on the side of the road which would inform the drivers that there are bicycles present as opposed to putting the markings down on the street itself. Mayor Cavanaugh stated that had come up in other discussions about having a sign rather than the share the lane markings on the road. Councilman Homoki stated possibly signs along the road would get people's attention.

Councilman Merry pointed out that the thing to remember is that people ride their bike on that road all day. He said he used to ride about 200 miles per week. He rode with a group and they started in downtown Aiken. He pointed out that the car traffic along Silver Bluff is 16,000 per day, and he felt that is not a place where there will be a lot of cyclists. He said there will be some, but he did not think suddenly there will be a lot of cyclists on the road. He said the only thing is that the sharrows bring it to the forefront of the mind of the driver. The width of the lanes is a horse that left the barn a long time ago. If there is the potential for someone right now to ride their bike on the road, would it not make more sense that it is safer if you remind the drivers that a cyclist could be there. He said with putting in curb and gutter the cyclist no longer has the bailout opportunity, and they can't just go off onto the soft shoulder. They have a curb in the way. Now it is more important to have a reminder of the cyclists since the law allows them to be there. He said he understands the law stipulates they need to move as far away as possible so if they are taking up the whole road, they are breaking the law. If the law already provides for them to be there, and we are taking away their bailout, their one safety escape route, by putting in the curb and gutter, is there not some obligation that we have to remind the drivers that cyclists might be there. He said he felt that is a measure of safety that is worth it.

Councilwoman Price stated the only reason she would support this is because of awareness. She felt Silver Bluff is an unsafe road for bicyclists to travel, but there will be some who will be determined to ride on that road. She said the markings are just an awareness to let folks know to watch out for someone who wants to place themselves at risk and also for the driver who wants to do the right thing. She said it is a two way street in terms of the driver and bicyclists on the bicycle who are placing themselves at risk. She said she would hate to see the driver live with the fact that they hit someone and have to live with the consequences of that. She said that is the reason she would support the sharrows. Other than that she would go along with the recommendation of the Planning Commission. She said it is an awareness thing.

Councilman Ebner stated we are getting piecemeal together. This started out with bad information to Council. He said he supports the bike lanes without a doubt. He said in talking about education, wouldn't it be better to educate the public on some of the slower speed roads around the downtown and other areas. There are miles within the city that need to be done. He said it looks to him a holistic approach via the Planning Commission for the whole city like has been outlined that the County Bicycle Committee has done. He felt we need to take a look at the whole approach. He said he is all for bicycles, but the way we are going about it seems odd. We already have an issue on Hayne Avenue that does not make us look very sharp because Council passed something and then all of a sudden we are bicycle friendly, but then we block out businesses that need parking there. He said he was not against it at all. He said if you look at Silver Bluff there are about 16,000 cars per day on the road and there are about 7,000 people who live on that road. The other part of it is that Silver Bluff has three different sections. There is a narrow two lanes starting at Whiskey Road which is part of the bicycle path. Then you come to a five lane where Pine Log starts and you go to Indian Trail. At Indian Trail the road narrows again to a two lane road. He said there could be three different markings on that particular stretch which is probably okay. He said he felt we still need to look at the city as a whole and go through it. Then go the State because almost everything we are going to put a marking on is a state highway. Then go out and do it. He said another concern is what are we going to do on Richland Avenue which is the next thing on the list. He asked if we are going to change the speed limit on Richland. He said his support is to go along with the Planning Commission on this matter, but have Council direct the Planning Commission to take the holistic approach for the city. It has already been approved in the city as Mr. Lex has advised us before. He said people in the Planning Department, Public Safety and Engineering and Utilities were on the committee and approved it. He said we have the core of people already interested in it, so let's lay out the whole city, business district, rural areas, etc. on the plan and let that come back to Council and move forward with the plan. Councilwoman Price asked if he was saying let's have a master plan. Councilman Ebner stated it is laid out to do that. Councilman Merry stated we already have that. Councilman Ebner said we have it, but we are piece mealing it together. He said we have been at this for two years, and we have not made very good progress.

Councilman Merry stated this is up for consideration right now regardless of what the plan says because it is time for the bid for SCDOT to do the road improvement. That is why this is before Council right now for a resolution to request the markings to be included in the bids. He said there is a master plan already. There is a sequence and protocol for making a decision. This is before Council because of the timeline for SCDOT to make the road improvements on Silver Bluff Road. He asked if we were going to ask SCDOT to wait until we have a master plan for bike paths and bike share the lanes. He said in cases like this we take what comes to us when it comes to us.

Councilman Ebner stated he had been coming to meetings for nine years, and there are other things that have happened along the way. He said he does not let SCDOT scare him into that. He said they are going to treat us the same way when we go downtown. We are repaving roads with SCDOT money. He asked should we be putting sharrows on that.

Councilman Merry stated what he is saying is that SCDOT is about to do the road improvement so what harm is there in talking about it now versus waiting until after they

have done the road improvement. He said we might as well talk about it when the time is right.

Councilman Dewar stated Council needed to deal with this issue tonight because it is timely. The road construction is getting ready so Council needs to deal with it. He said whether we like it or not Council approved the resolution, not the bike plan, to say that we want to be a bike friendly community. He said it seems to him if you say you want to be a bike friendly community, you have to approve this project. He said he would never ride a bicycle on Silver Bluff Road even if he were the most skilled. He said he felt only the most skilled would have the courage and the skill to be able to do it. He said he feels for the drivers on Silver Bluff as well because they will have to deal with it along with the cyclists. Either we are going to become a bicycle friendly community or not. He said we have interjected the requirement that the plans go through the Planning Commission and then come to Council which will give us a stake, but we need to keep in mind that we approved the goal of becoming a bike friendly community. He said he would never have the courage to ride a bike on Silver Bluff Road. There are people who do and will and by law have the right to do that. At least putting the sharrows is making everyone aware that the bikers can be there. He said he would reluctantly vote for it, but personally he would never ride a bike on Silver Bluff Road. He said he felt the commitment Council made to the bike community almost compels us to approve the request. He pointed out SCDOT may not do it. He said the city is only asking SCDOT to put the markings on the road. He said DOT may come back and not approve it. It is their road, and they have the final say. At least Council can give them our views.

Mayor Cavanaugh stated he was present at the Planning Commission meeting, and he respects the Planning Commission very greatly and the leadership there. They made some very good points when they made their vote. He said he doesn't exactly agree with it. He said he has traveled that road for many years going out the SRP and back, and he has seen a lot of folks traveling the road over the years. He said the bicyclists will travel on the road anyway. He said he can't quite agree at this point that the sharrows on the road make it more dangerous. Even though the marking will be 4 feet out, the bicyclists do not have to ride 4 feet out. He felt that is part of the training that they will have to do. To think they will see the sharrows and they will ride right on them all the time is something they need training on, perhaps some will, but possibly they won't. He said he was going to support the sharrows on the road because he feels that we need to get started. For years and years people have been riding bicycles on Silver Bluff Road. To his knowledge there have been two deaths on that road. One was a motorcycle hitting a tree, and the other was an automobile accident. He said he did not know of any accidents that have occurred with bicycles. He said that does not mean that won't happen. He said he was going to support the request because he felt it is important to get started in Aiken. He said we have to start somewhere. He said some have said this is a nowhere situation. He said he did not agree with that. He said he felt it could be an expanding situation on both ends, especially coming back towards the city. He said it has to start somewhere, and he is in favor of getting started now.

Councilwoman Price moved, seconded by Councilman Merry, that Council approve the resolution and that a letter be sent to SCDOT supporting a request to install "Share the Lane Markings" on both travel lanes on Silver Bluff Road where the road is to be widened between Richardsons Lake Road and Indian Creek Trail and that the speed limit be reduced to 35 mph in that area.

Councilman Ebner asked what the motion was. He asked if it was to support the resolution from the Planning Commission. It was stated the motion was to approve the resolution to send a letter to SCDOT asking them to install sharrows on both lanes on Silver Bluff in the area to be widened.

Councilman Ebner stated his understanding from what was said is that gives the right to the bicyclist and you follow the bicycle down the road. Councilman Merry stated the law says that you stay as far to the right as possible. He said bicyclists don't want to be hit any more than you want to hit them. He said they will stay as far to the right as possible.

Mayor Cavanaugh called for a vote on the motion to approve the resolution and send a letter to SCDOT supporting the installation of "Share the Lane Markings" and reducing the speed limit to 35 mph in the area of Silver Bluff Road to be widened from Indian Creek Trail to Richardson Lake Road. The motion was approved by a vote of 6 to 1 with Councilman Ebner opposing the motion.

Councilman Ebner stated he was sorry he had to vote against something when we started off on the wrong foot, and we got bad information at a Council meeting. He said he would just have to apologize to Council for going down this path.

MISCELLANEOUS

IT Department

Councilman Dewar stated when Council talked about the email policy he neglected to compliment the IT staff, Angela Hales and Robert Popenhagen, who did a great job in helping him get his email set up. He said he has it set up on his iMac, his iPad and his iPhone, and it works wonderfully.

Capital Projects Sales Tax Report

Senior/Youth Center

Eustis Park

Councilman Ebner stated he appreciated the upgrades which are in the Capital Projects Sales Tax Report. He said he does appreciate being able to find out what is going on.

Councilman Ebner stated on page 241 of the agenda, it is noted that on December 4, 2015, we start construction on the Eustis Park Senior/Youth Center. He said he used this example for Councilman Merry about how we do business and spend money. He said Council approved this, and he voted for it, to go to a 400 seating capacity building. He said it was said all along that we would take care of the parking. He said he had written an email to Mr. Parker and Mr. Klimm inquiring about the parking situation. He said he thought Council could discuss that at the next meeting. He said Council could not vote on anything, but it is in the agenda packet in the Capital Projects Sales Tax Report for this agenda so Council could discuss it. He pointed out we are short 100+ parking spaces for a 400 seat capacity building at Eustis Park. He said we have probably spent \$100,000 on design that we all agreed to do. Mr. Parker will have a bid package in about seven weeks to go out and build a \$4 million building. He said he felt we need to come to grips with this. He said he did not know how we do that. He said we can't build a building that we don't have enough parking to accommodate the capacity.

Councilwoman Price stated there have been some options with the parking. There is some property across the street where the garden is. There is some vacant land there. She said she did not know how many parking spaces that land could accommodate. She said she had talked with the community, and there are some issues with who is caring for the garden property. She said she had talked to Betty Myers and some of the other community folks. She said they are willing to release that given the issues. She said there are some other things being discussed as well.

Councilman Ebner asked if we continue down the path where we are or do we know if we can come up with the appropriate number of parking spaces. He said the city requires everybody else to have sufficient parking spaces, except in the downtown area. He said the design for the building is just under \$250,000. He architect will be looking for his \$250,000 come the middle of September. That cost is 7% of the cost of the project.

Councilman Dewar stated if Mr. Klimm plans to have a work session soon, this matter should probably be discussed at the meeting also. He said we will ruin that neighborhood if we put a structure there and don't have enough parking. He said he felt that is where we are heading right now. He said he was talking about parking that people going into the building can get to. He said he does not know what the solution is, but Council needs to talk about it.

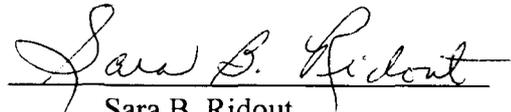
Mayor Cavanaugh stated Council needs to decide when we want to have that discussion.

Councilwoman Price stated she and Mr. Klimm had had that discussion in terms of some possible options. He agrees with what is being said.

Councilman Ebner stated Council needs to have that discussion sooner than later and possibly at the July meeting, but we are charging down the road with a design we all agreed to and there is nothing wrong with the design, but we are short a considerable number of parking spaces. He said we need to go from there.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 P.M.


Sara B. Ridout
City Clerk