

Aiken City Council MinutesWORK SESSIONMarch 26, 2007

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

Absent: Councilwoman Price

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland of the Augusta Chronicle, and about 17 citizens.

Mayor Cavanaugh called the meeting to order at 6:21 P.M. He stated Council had two items to discuss in the worksession – Railroad Depot Committee presentation and a request from Bill Thomasson regarding demolition on Pendleton Street.

RAILROAD DEPOT

Union Street
Park Avenue
Railroad Cars

Mr. LeDuc stated the city has received a request from Wade Brodie, Chairman of the Aiken Corporation, for City Council to move forward with building the Railroad Depot. Previously City Council authorized payments of \$50,000 a year over a five year period for the railroad depot from Accommodations Tax funds. The City matches funds that the Depot acquires and this fiscal year will be our third year of five payments to them. For the last several months the First Community Development Corporation has presented this plan to several community leaders and, according to the Railroad Committee, has received a very favorable response. They are ready to move forward with their fundraiser. Before they move forward they would like City Council's permission to close the northbound lane of Union Street between Park and Cumberland, and between Cumberland and Richland, Union Street would be two way. They would like for Union Street to become a city maintained roadway. They would also like for the City to accept the railroad depot building once it has been completed as a meeting facility. This spring they would like to lay some additional tracks and to buy a couple of the railroad dining cars which will be located outside the replicated Depot. They hope to begin construction of the building later this year with completion next summer. Action that Council will need to take includes a commitment to accept this building once it is completed and closing the northbound lane of Union Street to traffic from Park to Cumberland. The other portion between Cumberland and Richland would become two way. This would require a vote from Council to ask the state to give this right of way to the City, with us maintaining the street. Several members of the Railroad Committee are present to answer any questions. Tim Simmons is the spokesman for the group.

Mr. Tim Simmons stated he was before Council to update them on the progress of the Railroad Depot project. He said they plan to have two dining cars surrounded by a deck, one caboose, baggage building for the catering kitchen and restrooms, Depot building with open space on the ground floor, historical displays on the mezzanine and a cupola with an observation deck, landscaping and parking. He said they had just completed their Strategic Plan and Feasibility Analysis concerning raising the funds to build the project. He said First Community Development Corporation conducted the study, and representatives are present at this meeting. He said McDonald Law is the architect for the project and is present at this meeting. He said the Feasibility Analysis was very positive. It showed substantial support for the project, with 92% of the community leaders, corporate leaders and elected officials rating the project beneficial, and with 73% rating the project excellent. He said the recommendation from First Community Development is that the fundraising campaign be started immediately. It will take about 8 months to complete the campaign. He said the committee will have to start some phases of the project before the campaign is completed. He said one phase is the railroad

cars. He said they had received a good price on the cars, and they need to proceed with the purchase and move them to Aiken in June. He pointed out there are very few companies that restore railroad cars. He said there is a company that will have time to do it this summer. He said two cars will be restored and they will serve as dining cars for the restaurant/meeting facility. He pointed out that there are only a couple of companies that are able to do museum quality modeling for the historical displays. He said a company could do that in the fall. He said in order to get the companies to begin the project, the committee will be moving forward with the work prior to completion of the campaign. He said the economic impact of the project had been done by USC-Aiken. They calculated the benefit to the community with the renovation equating to over \$6 million. On an annual basis, tourism should generate \$1.5 million annually to the local economy. Tax receipts for the city should increase by \$148,000 annually. He said it should be a very economically beneficial project for the community. He said it had been calculated that the cost to maintain the facility, including janitorial, maintenance, electricity, utilities, etc. would be \$26,000 annually. A calculation for potential revenue for rentals would be \$26,000. Revenue generated should cover the cost of operation.

Mr. Simmons stated the committee's request to Council is that part of Union Street be blocked from Park to Cumberland and that the street be two-way from Cumberland to Richland. He said that would involve the city's acquiring the street from Park Avenue to Richland Avenue from the S.C. Department of Transportation. He said the Committee is requesting Council to take the steps necessary to achieve ownership of the street. Also, the Committee is asking that the City take responsibility for the facility once it is completed and that it be operated by the Recreation Department. He said Friends of the Aiken Railroad Depot plan to stay in existence. He said it is now a committee of the Aiken Corporation, but once the project is completed they plan to establish their own non-profit status and to continue to operate similar to the Friends of Rye Patch and Hopelands. He said there will be citizen support, oversight, advice, and additional fund raising in an on-going effort to benefit the project and to work with the City in making sure this facility is operated properly. He said it is felt that with the Aiken County Museum, the Thoroughbred Hall of Fame, the African-American Cultural Center, and the Performing Arts location that the Aiken Railroad Depot will complete the history of Aiken and create a tremendous attraction and add to the quality of life for Aiken.

Mayor Cavanaugh stated he felt the project sounded great and congratulated the committee on a wonderful job.

Councilwoman Vaughters asked several questions regarding the economic impact on the area. She stated she was concerned about the project and did not feel citizens were clamoring for the project. She stated some businesses are concerned about competing with subsidized space that the City provides in the Municipal Building, Arts Center, Rye Patch, Washington Center, Weeks Center, Smith-Hazel, and the new African-American Culture Center. She felt they were getting their operating funds from potential rentals for catering. She felt the City was competing with private enterprise. She pointed out there are already facilities to use. She said she had understood that the facility would not include a dining facility. It was pointed out that the small train facility is not in the present plan as previously presented. She said she had a big problem with funding operation of the facility by providing subsidized space to cater dinners, parties and meetings when we already have facilities. She was concerned about the cost of the proposed project. She said she had not received a positive response about the project from her constituency. She stated she was a downtown person and lived downtown. She was concerned about other matters downtown such as the sewers, overhead electric cables, gutters, etc. downtown. She did not understand the luxury of the project.

Councilman Wells stated he thought the project would not compete with a caterer, but give them another place to cater. He said for a long time he has felt that something needs to be done to stimulate businesses in that part of Park Avenue. He said he felt the project would encourage private enterprise to move further down Park Avenue and widen the footprint of downtown Aiken. He felt it was a great project.

Councilwoman Clyburn stated as she has checked with places to book an event in downtown her experience has been that if one does not book a date far in advance the places are not available. She stated she was somewhat concerned about limiting someone's business by having another facility, but at the same time she said there are times when she has wished we had more places for events. She pointed out the proposal is not a permanent restaurant, but a place that all caterers can use for an event. She said she also felt having something like this in that part of downtown does extend downtown. She felt that part of town is in need of some rehabilitation and something to encourage growth in that direction. She said her understanding is that the City will not be fully funding this facility, but the Friends of the Railroad will be conducting a fundraiser to obtain funds for the facility and it will not all be from taxpayers funds. She asked what the course of action would be if the necessary funds are not raised and there is not enough support for the project.

Mr. Simmons stated there is flexibility to cut back on certain phases of the project and there is some cushion in the funds if necessary. He said based on First Community Development Corporation's experience in handling fundraising they state the support for this project is as good as any project they have seen. He said they would not begin a project if they were not convinced that it will be successful. He said they feel positive that funding will not be a problem. He said it may take longer to get the funds, but he felt the support was there. He said this is too much of a good quality project for the community not to support it. He said he understood the need for other needs in the community. He said, however, establishing the economic base is what allows other things to be done. He said this project is another item that will help the economic base for Aiken and make it more of a quality place to live and an interesting place to visit.

Mayor Cavanaugh pointed out that the money coming from the City will come from the Accommodations Tax funds which are for tourism related activities. He said no money is coming from the General Fund or Utility Fund. He said he had talked to several people and no one has said they don't like the idea, but several have said we need more restaurants downtown. He said he sees the project as a real plus with one of the biggest pluses being restoring one of Aiken's most historic features which has so much to do with the history of Aiken. He said we need to look to the future and more restaurants may be needed downtown. He said he strongly supports the project.

Mr. Simmons pointed out that he had had problems scheduling the Municipal Building Conference center for events as it was not always available. He said the project would allow more events to happen downtown and should increase the amount of business for food service providers. He said the City would be supplementing the private sector in providing an additional venue for the caterers to be able to serve the public. He said he felt it would stimulate the food service industry and not compete with it.

Mr. LeDuc stated it was his understanding that there would not be a commercial kitchen for the project, but there may be a warming oven, a microwave, and tables for the caterers. The meals in the railroad cars would all be catered. He said his understanding is that the dining cars would be something that a private party would rent for an event. The intention at this time is not for any one restaurant or one caterer to be running a business there, but to cater a special event like at the Municipal Conference Center.

Councilman Smith stated he also was not enthusiastic about the project if it is a city operated facility because this affects the city budget. He pointed out Accommodations Taxes are given to projects that attract people to Aiken. He wondered what would happen if the facility does not attract that many people and the Accommodations Taxes do not pay the operating expenses.

Mr. LeDuc pointed out there has been discussion also as to whether this may be a good location for the City to house its tourism division. If so the City may have a staff person at the facility most of the time anyway.

Mr. LeDuc stated the request for closure of Union Street and a resolution for acceptance of the facility once it is built for operation by the City will be on the agenda for the next meeting.

PENDLETON STREET

Thomasson, Bill
Thomasson, Ann
Carriage House Inn
Demolition
Pendleton Street

Mr. LeDuc stated Bill and Ann Thomasson, owners of the Carriage House Inn, also own a dilapidated former home-turned commercial property on Pendleton Street directly behind the Carriage House Inn. The Design Review Board has met with the Thomassons and has approved the removal of this structure. They are proposing to build several unique residential structures on this site and have included some drawings depicting what they would like to construct. They would like to have some assistance with removal of the building and would like to participate in the city's demolition program since this is a residential structure. We have told them that since this building is in the DB area and its latest use was a commercial property, that City Council would have to review their request. He said Council had assisted with some demolitions in the past, but Council had asked that before any more assistance is done in the downtown area, that the matter must come before City Council. If City Council would like the City to be involved in some fashion, we could haul the material off or we can tear down the structure, along with hauling the material off. In either case if we are to be involved, we would ask that the owner remove all the asbestos before any work is started by the City. He pointed out the building is a residential home, and the Design Review Board has given approval for its removal. It was a commercial property in its most recent use. He said because the building had been a commercial use, staff did not feel that it fit into the 200 Demolition Program which is still being used for residential structures throughout the city. He said, however, the Thomassons are asking the City to assist with removal of the building.

The Thomassons were not present at the meeting to answer any questions.

Council discussed the request. In answer to a question regarding the cost to remove the building Mr. LeDuc stated if all the city does is haul the material away, it could probably be done in 1 to 2 days at a cost of about \$1,000 considering the cost for fuel and labor.

Councilmembers pointed out that they thought they had made a policy not to participate with commercial demolitions under the 200 Program any more. They felt that they did not want to break that policy, but wanted to continue that policy. The general consensus of Council was not to participate in the demolition of the building on Pendleton Street owned by the Thomassons.

Aiken City Council MinutesREGULAR MEETINGMarch 26, 2007

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

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Ed Evans, Richard Pearce, Pete Frommer, Anita Lilly, Larry Morris, Sara Ridout, Tony Baughman of the Aiken Standard, Betsy Gilliland, of the Augusta Chronicle, and about 35 citizens.

Mayor Cavanaugh called the meeting to order at 7:02 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Mr. LeDuc stated he would like for Council to consider deleting from the Agenda the item under Petitions and Requests regarding amending the Utility Agreement for USC-Aiken to allow an electronic marquee at the Convocation Center. He said officials at USC-Aiken stated they feel they don't have all the information needed for Council at this time. He said they will be meeting with staff this week regarding the matter and will come back to Council with the information. Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that the agenda be approved as amended, deleting the item regarding the USC-A sign for the Convocation Center.

MINUTES

The minutes of the work session and regular meeting of March 13, 2007 were considered for approval. Councilman Sprawls moved that the minutes be approved as submitted. The motion was seconded by Councilwoman Clyburn and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsAbbott, ThomArts CommissionAnaclerio, StephenDesign Review BoardBryce, WendyAccommodations Tax CommitteeLattimore, AnneArts CommissionShah, NeelAccommodations Tax Committee

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

Mr. LeDuc stated Council has 8 pending appointments to boards and committees of the city and 5 appointments are presented for Council's consideration.

Councilwoman Clyburn has recommended that Stephen Anaclerio be reappointed to the Design Review Board with the term to expire December 31, 2008. She also recommended that Wendy Bryce be appointed to the Accommodations Tax Committee. She pointed out that she had made the appointment of Gloria Dunbar earlier to the Accommodations Tax Committee and the appointee did not meet the state guidelines for the category needed and the proposed appointment would fill that position. If appointed Ms. Bryce's term would expire March 25, 2008.

Councilwoman Vaughters has recommended reappointment of Anne Lattimore to the Arts Commission with the term to expire April 11, 2009. She also recommended that Neel Shah be reappointed to the Accommodations Tax Committee with the term to expire March 25, 2009.

Councilwoman Cyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Thom Abbott be reappointed to the Arts Commission with the term to expire April 11, 2009, Stephen Anaclerio be reappointed to the Design Review Board with the term to expire December 31, 2008, that Wendy Bryce be appointed to the Accommodations Tax Committee with the term to expire March 25, 2008, and Neel Shah be reappointed to the Accommodations Tax Committee with the term to expire March 25, 2009.

Councilman Wells stated he would like to recommend the reappointment of Charles W. Newton III to the Environmental Committee. This will be considered by Council at the next regular meeting.

ANNEXATION – ORDINANCE 03262007

Richland Avenue West

Shah, Neel

Quality Inn Suites & Motel

Huddle House

TPN 087-19-09-002

Traffic Management Ordinance

Sign

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property on Richland Avenue, West.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.94 ACRES OF LAND, MORE OR LESS, OWNED BY LIZA, INC., AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Mr. LeDuc stated Neel Shah, owner of a .94 acre lot on Richland Avenue W. adjacent to the Huddle House is requesting annexation of the site as General Business zoning. This site is next to the Quality Inn Suites & Motel and the Huddle House restaurant and at one time was the site of a small motel. According to the Traffic Management Ordinance a Traffic Study is not required if there are less than 2,000 trips per day being generated by this project.

The major condition still outstanding is the free standing sign for Quality Inn & Suites on the subject property. This sign is not in compliance with city sign regulations.

The Planning Commission voted 5 to 1 in favor of this annexation with the following conditions:

1. that the property is conveyed to the contract purchaser.
2. that proof of recording of a restrictive covenant at the RMC Office be submitted permanently limiting the total number of net new vehicle trips by all uses on the site to no more than 2,000 per day but allowing the owner to change the use of the subject property to a use that generates more than 2,000 such trips per day so long as it complies with the City's then current Traffic Management Ordinance;
3. that stub-outs be provided to the eastern and western property lines to allow future vehicular connections to adjacent lots;
4. that the freestanding sign for the adjacent motel be removed from the area to be annexed or that the owner of the subject property convey the area on which the sign is located to the owner of the adjacent motel;
5. that there be no playground equipment on the outside of the building;

6. that the applicant and contract purchaser sign an agreement with the City listing any conditions and that the agreement be recorded at the RMC Office prior to the annexation taking effect; and
7. that all conditions except those involving future development of the property be met within 180 days or the annexation will be null and void.

Mr. LeDuc stated at the last meeting there was a lot of discussion concerning the sign on the property. He pointed out the sign for the motel was put up when there was another motel on the property and the sign was put on the adjacent property which is the property being considered for annexation. He pointed out the sign does not meet city sign regulations. He said Mr. Jim Holly, representing the property owner requesting annexation, has asked that Council consider amending Condition 4 to read as follows: "That the freestanding sign for the adjacent motel be removed from the area to be annexed or that the owner of the subject property convey the area on which the sign is located to the owner of the adjacent motel." He pointed out this would mean the sign will still remain on the property, but that the property on which the sign is located would be conveyed to the adjoining property owner.

Mayor Cavanaugh expressed concern that if the sign remains where it is that it would interfere with what is to be constructed on the property being annexed. He pointed out the proposed amended condition would allow the property on which the sign is located to be conveyed to the adjacent property owner, but the sign would still be there.

A public hearing was held.

Mr. Jim Holly, Attorney for the owner proposing annexation, stated his understanding was that whatever is to be constructed on the property would be designed around the sign. He said the sign site would become part of the adjoining property and not the property being annexed. He said the matter regarding the sign either being removed or the property on which the sign is located conveyed to the adjacent property owner would be up to the owner and the adjacent property owner. He said one option is that the sign be removed if that can be accomplished reasonably. The other option is to convey the property on which the sign is located to the adjacent motel which is located in the city. He said at that point the sign would become subject to the city's sign regulations as far as existing signs.

Mr. Gary Smith pointed out the proposed ordinance gives the owner 180 days to work the details out concerning the sign. If they don't work it out within the 180 days the annexation is null and void. He said they have six months to work something out.

Mr. LeDuc stated if the property on which the sign is located is conveyed to the adjacent property owner, then the sign would become part of the other property and it would probably remain as it is.

Mr. Gary Smith, City Attorney, stated if the sign property is conveyed to the adjacent property owner the sign would become a non-conforming use. If something happened to the sign in the future, then the City would expect the sign to conform to city regulations.

Mr. Neel Shah, owner of the property, stated his understanding is that the property was all in the County. He said his family constructed the Comfort Inn Suites and when they built it they put the sign 14 feet beyond the curb. He said the problem was when they sold the land, the buyer only wanted to buy a certain amount of the land and leave the curb as his boundary line. He said the buyer did not want to buy the extra 14 feet. He said as a favor to the purchaser his family left the sign on their land and gave an easement to the purchaser for the sign. He pointed out at the time they did not realize that the easement was a perpetual easement. He said the way the easement is written his family does not have access to the sign. He said there was a condition that if there were any major modifications to the sign the new owner was to let his family know. He said when they converted from a Comfort Suites to a Quality Inn his family was given no notification of the change in the sign. He said his family was supposed to get notice of any change but that was not done. He said he felt the adjacent property owner circumvented the issues, but his family did not circumvent the system. He said, however,

now he is stuck with the property that he can't control. He stated the property is only 14 feet, and he is considering conveying the property to the adjacent land owner. He said the way it currently is, the city would have no rights to the sign or ever have any rights to the sign even though it is on his land. He said if the land is conveyed to the adjacent landowner then the sign would be on his property and subject to city regulations if any changes are made to the sign in the future.

Mr. Gary Smith, City Attorney, stated Council has the right to require the sign to be conforming to city sign regulations as a condition of approval of the annexation. However, if they cannot comply with the condition, the property cannot be annexed and the city would still have a non-conforming sign and there is no possibility of getting it to a conforming status at any point in the future. With the proposal if something happens to the sign it must become a conforming sign.

Councilwoman Clyburn stated she was perplexed by condition 4 and would like for the sign matter to be worked out. Councilwoman Clyburn moved, seconded by Councilman Wells and unanimously approved, that Council approve on second and final reading an ordinance to annex .94 acres on Richland Avenue W. west of the Huddle House Restaurant as General Business with the conditions as listed in the ordinance and with the understanding that every effort will be made to resolve the sign problem.

ANNEXATION – ORDINANCE 03262007A

Whiskey Road
Millbrook Avenue
Department of Transportation
Talatha Church Road
SC Highway 19
Right of Way

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to annex the Whiskey Road right of way.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY KNOWN AS A PORTION OF WHISKEY ROAD [SC HIGHWAY 19].

Mr. LeDuc stated the city had been discussing the annexation of Whiskey Road for several years. He said that currently the Whiskey Road right of way from Millbrook Avenue south is outside the city limits. In this area traffic control and other enforcement actions are provided on a limited basis, which causes frustration to many of the motorists. In addition, the traffic signals are controlled out of Columbia by the Department of Transportation. We feel several improvements could be made to this section of roadway, especially enforcement action and better timing and maintenance of signals if the roadway were inside the city. If the section of roadway from Millbrook Avenue to Talatha Church Road were inside the city limits, the City would be able to better manage the traffic and streetscape on either side of the roadway. This is extremely important as we move forward with our plans to improve Whiskey Road as detailed in previous planning studies and the Overlay District approval by both the City and the County. The vast majority of the property from Powderhouse Road south to Talatha Church Road has already signed annexation agreements in exchange for utility services.

The Planning Commission at their March 13, 2007, meeting unanimously approved this annexation.

The public hearing was held.

Mr. Ed Smith, 508 Heathwood Drive, stated he was in the county but his property borders Whiskey Road. He asked if the right of way, ditches, and drainage from Brookhaven would be taken care of. He said the ditch is always troublesome all the way down Whiskey Road. He said it needs to be maintained and cut. He asked if the City is willing

to maintain the ditch and the water flow from Brookhaven. He said once the shopping center was constructed at Brookhaven, he as well as his neighbor has had flooding at his property. He said the water comes from the School District Office across to Elmwood Park Subdivision. He also pointed out a problem on Whiskey across from Dougherty Road, where there is a big ditch. He also asked if his subdivision would be annexed.

Mayor Cavanaugh stated if the city has control of the area the City will try to do a better job.

Mr. LeDuc stated he had talked with the Highway Department. He said the intent is that the actual maintenance of the road infrastructure, the ditches and road, would still be under the purview of the Highway Department as it is a state SC 19 road. He said the commitment the city made several years ago was to improve the area along Whiskey Road. He pointed out that from Corporate Parkway north to McDonald's, the city filled the ditches in and put curb and gutter, sidewalks and trees along the area. He said the city wants to continue that same type improvement along Whiskey, eventually to Talatha Church Road. He said the city had not continued this because large sections of Whiskey Road were not in the city. He said there is about \$1 million in the One Cent Sales tax, plus other funds, and the intention is to go down Whiskey Road filling in the ditches, constructing sidewalks and planting trees. He said this will take several years to complete. He said as far as annexation, the City currently has agreements with some adjacent property owners that have requested water and sewer services, that the city would consider for possible annexation. He said that is not the consideration at this time, however. He said a representative from College Acres Water District was present at the last meeting and expressed concern about their service area. He said the city would have to work with College Acres on its service area as far as any possible annexations in that area. He said Elmwood does not have an annexation agreement with the city and would not be annexed unless the residents wanted to become a part of the city.

Councilwoman Price entered the Council Chambers at this point.

Mr. Dale Stephens, 411 Heathwood Drive, Elmwood Park, stated he was in the county and a neighbor. He said the city was a good neighbor, and he enjoyed the city as a neighbor but he did not want to be a part of the city.

Mr. LeDuc pointed out South Carolina state law makes it difficult to annex areas. He said to annex an area 75% or more of the property owners must request annexation. He pointed out, however, there are some areas where the city has annexation agreements based on providing city utility services.

Mr. Larry White, 2528 Golden Bridge Court in Hunter's Glen, stated water is furnished by Carolina Water, and the water lines are 2 inch lines. He said the City of Aiken would not connect to 2 inch lines so he could not see an advantage for Hunters Glen to annex, as the city would not furnish water, and the houses have septic tanks. He said for Hunters Glen to annex the property owners would just be paying more taxes. He asked if the City would be hiring more public safety personnel to patrol Whiskey Road. He also asked why the City wanted to annex Whiskey Road all the way to Talatha Church Road.

Mr. LeDuc stated initially the city would use the existing force as they are already traveling along Whiskey Road but cannot provide any assistance unless asked for by the County or the State. He said the city would start some enforcement action if Whiskey Road is annexed. In response to a question regarding the zoning along Whiskey Road, Mr. LeDuc pointed out the areas adjacent to Whiskey Road are not being considered at this time. He said the area the city does have an agreement for potential annexation is South Meadows, which would be zoned residential. He pointed out the reason for annexing Whiskey Road to Talatha Church Road is that is the city's utility system district line.

Councilman Smith moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass on second and final reading an ordinance approving the annexation of Whiskey Road right of way from Millbrook Avenue south to Talatha Church Road.

COUNCIL SALARIES – ORDINANCE 03262007BCity Council
Salaries

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to adjust City Council salaries.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-36 OF THE CODE OF THE CITY OF AIKEN TO AMEND THE SALARIES OF THE MAYOR, THE MAYOR PRO TEM, AND THE MEMBERS OF COUNCIL.

Mr. LeDuc stated every year our Human Resource Department reviews 25% of the city's classified positions to make sure the salaries are competitive with the salaries within the area and other governments. Based on this review they recommend any needed adjustments to the salaries for these positions. Based on a review of the 2006 City Council salaries throughout the state, we are recommending that Council consider adjusting the salaries for City Councilmembers. He said he had asked that the Council salaries be reviewed. He said in reviewing the salaries, he felt that Council is being underpaid when reviewing the salaries of the average cities in South Carolina. He said he felt Aiken was far above average in all other ways and is a very progressive and innovative city. He said City Council salaries have not been adjusted, except for some cost of living increases, for 10 years or more.

Currently Aiken City Councilmembers receive \$3,806 per year, the Mayor Pro Tem \$7,613, and the Mayor \$11,419. Based on the survey of ten other cities with an average population of 33,353 the average city council salary was \$8,718 and the Mayor's salary \$14,681. The City of Spartanburg and Rock Hill Councilmembers both receive a stipend per month for miscellaneous expenses.

We believe our City Councilmembers have major responsibilities well beyond those of the cities surveyed within the state. According to state law, any salary increase that Council approves cannot go into effect until after the next election, which occurs in November, 2007. We are therefore recommending that the City Council salaries be increased after the November, 2007 election to \$9,000 for each Councilmember, \$15,000 for the Mayor, and \$12,000 for the Mayor Pro Tem.

The public hearing was held and no one spoke.

Councilwoman Vaughters stated she felt there were people willing to serve on City Council at the present salary level. She felt that money to attend special events is not the responsibility of the taxpayers. She pointed out that most of the events are tax deductible. She said she was proud that the City of Aiken's salaries are lower than other places. She felt it was great that people had been willing to work on City Council. She felt that the \$3,800 per year covers her expenses for Council. She pointed out expenses that she has are business expenses and are deductible on her income tax. She felt it was a good example for the salaries to be lower than other places.

Mayor Cavanaugh stated Aiken is one of the leading innovative cities in South Carolina. He said Council members meet with people all the time who make in the six figures to discuss issues. He said he felt it was fair that City Council get at least an average salary of the cities that are approximately Aiken's size and population. He pointed out Council members put in a lot of time. He said he did not serve as Mayor to make money, but it is nice to have a salary to cover the expenses. He said he supports the salary increases.

Councilwoman Clyburn stated she figured it would cost about \$34,000 a year for the increase of salaries for Council. She said a consideration is whether something else could be done with that money such as repair a road, etc. and how this might fit in with the budget and other costs. She pointed out when she first ran for Council she did not know Council was paid. She said she felt people do not consider the salary when running for

Council, but do it because they want to serve and try to make a difference. She pointed out that serving on Council is time consuming, and she felt time is worth something.

Mayor Cavanaugh stated he felt Council members had run for Council because they wanted to try to make a difference.

Councilman Sprawls moved, seconded by Councilman Wells, that Council pass on second and final reading an ordinance to approve the new salary levels as proposed for Council and the Mayor. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Vaughters opposed the motion.

RETIREMENT PLAN - ORDINANCE

Amendment

Pension Committee

City of Aiken Retirement Plan

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the City of Aiken Employee's retirement plan.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 11 OF THE CITY OF AIKEN EMPLOYEE'S RETIREMENT PLAN TO AMEND THE RETIREMENT BENEFITS OF THE MAYOR AND THE MEMBERS OF COUNCIL.

Mr. LeDuc stated the City's Pension Committee recently met to discuss an amendment to the City of Aiken Employee Retirement Plan. This plan, under Article 11, provides pension benefits for the Mayor and City Councilmembers who have served for at least 12 years and a lump sum benefit for Councilmembers who have served 8 years or two full terms but less than 12 years. The plan was established in 1997 and there have been no increases or modifications to this plan for 10 years. Our actuary, Warner Anthony, reviewed the plan and, based on his calculation, feels it is appropriate to increase the benefits for Councilmembers by 50% to take into account inflation and cost of living increases for the past 10 years. This is approximately a 4.1% compound annual interest.

For the Mayor who serves over 12 years, the plan provides an increase from the current \$200 to \$300 per month retirement, plus an additional increase from \$5 to \$7.50 per month for each full year of service on City Council in excess of 12 years. Likewise, for the City Councilmembers who serve more than 12 years their benefit will increase from \$100 per month upon retirement to \$150 per month, plus an increase from \$5 to \$7.50 per month for each additional year of service over 12 years. These benefits are available upon retirement but the Councilmember also must have reached the age of 60 and have served 12 years or more on Council.

Councilman Smith stated he questioned the proposal. He said he feels that Councilmembers should be limited in the number of years they can serve. He said he did not believe that Councilmembers should have a pension and he was opposed to the ordinance. He said he would agree that the Councilmembers who had served under these terms should be grandfathered under the plan, but he did not feel that new people coming on Council should expect to receive a pension. He said he felt 8 years or two terms on Council should be the limit for service.

Councilwoman Vaughters stated she also agreed with Councilman Smith, and she did not feel that Councilmembers should receive pensions.

Councilwoman Price moved, seconded by Mayor Cavanaugh that Council pass on first reading an ordinance to amend the City of Aiken Employment Retirement Plan for the Mayor and City Councilmembers and that second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Smith and Vaughters opposed the motion.

ZONING ORDINANCE – ORDINANCEAmendmentPlanned Commercial ZonesSelf-StorageStorage UnitsMini-WarehousesWarehouse

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance concerning planned commercial zones.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE USE TABLE AT SECTION 3.1.6 OF THE CITY OF AIKEN ZONING ORDINANCE REGARDING THE ALLOWANCE OF SELF-SERVICE STORAGE FACILITIES IN THE PLANNED COMMERCIAL (PC) DISTRICT.

Mr. LeDuc stated the city recently had a request to allow self-storage in a Planned Commercial zone. Currently self-service storage units are allowed in Industrial, Limited Manufacturing, and Light Industrial zones as a Permitted Use and as a Special Exception in General Business. By approving this change, the Zoning Ordinance would be amended to allow self-service storage units as a Permitted Use, if approved through the concept plan by City Council after Planning Commission review. As with any PC or PR development Council could deny or ask for more detail or changes to these types of developments if they seem inappropriate for that area. He pointed out just because the ordinance would allow the self-storage would not mean that Council would have to approve it. He pointed out the proposed ordinance amendment has nothing to do with a particular property, but only an amendment to the Zoning Ordinance to allow a landowner or developer to propose a Planned Commercial and storage or mini-warehouses could be placed within the development if approved by Council.

The Planning Commission voted unanimously to allow self-service storage units in the Planned Commercial zone at their March 13, 2007, meeting.

Mayor Cavanaugh moved, seconded by Councilwoman Clyburn and unanimously approved, that Council suspend the rules and allow citizens to speak on any of the ordinances being considered for first reading.

Councilwoman Vaughters pointed out this proposal may not be for any particular piece of property, however, the matter would not be coming before Council if there had not been a request from a citizen for such an allowance in the PC zone.

Ms. Sherrie Glover, Oriole Street, representing a group of citizens in the area, stated that someone who owns land in her area off Silver Bluff Road and behind Oriole had been in the area talking to citizens about supporting self-storage units on property off Silver Bluff. She stated citizens in the area do not want storage units on property behind them, as they feel it would not be good for their neighborhood. She stated they had a petition signed by residents in the area opposing storage units behind Oriole Street. They asked that Council not amend the Zoning Ordinance to allow storage units in Planned Commercial zones.

Ms. Yvonda Patten, 614 Oriole Street, supported Ms. Brown in her comments and also stated the developer had also talked about building apartments on the property. The property owner had stated that storage units would cause less traffic in the area than apartments and used that as a means for support of storage units. She pointed out Oriole Street is currently a through street and there is a lot of traffic on the street. She stated their concern is storage facilities on the property, as studies show that storage facilities are breeding grounds for crime and other activities and she felt such a use would affect their property values. She stated Oriole is a good neighborhood, and she did not want something to destroy their good neighborhood. They discussed the tactics that the land

owner had used to try to get the neighbors to support storage units on the property behind them, such as building apartments and then selling them for Section 8 housing.

It was pointed out that the landowner, David Miles, was not present at this meeting.

Councilman Smith pointed out he was at the Planning Commission meeting when the matter was discussed. He stated it had been pointed out at the Planning Commission meeting that the only matter being discussed was an amendment to the Zoning Ordinance, and that no particular area was being considered for storage units. He said he felt that there is someone who has made a request for the amendment to the Zoning Ordinance so storage units would be allowed in PC, and then they will request the storage units on a particular property. He said he felt the strategy and tactics that have been used to try to get support for the storage units have not been good. He pointed out the property is currently zoned Multi-Family behind Oriole. He felt the matter is a chain reaction to first get the amendment for the PC zone, and then there will be an application for rezoning to Planned Commercial and then an application for storage units on property off Silver Bluff Road. He pointed out the particular property off Silver Bluff Road would be difficult to construct apartments as it has a deep ravine and would be costly. He said Council should think about the matter, not considering Oriole, and consider whether they really want to allow storage units in Planned Commercial zones. He said he does not see a need for storage units in Planned Commercial. He said in this particular case there is a developer pushing the Zoning Ordinance amendment.

Council discussed the matter at length. They were concerned about the tactics being used to get neighbors to support self-storage units off Silver Bluff Road. Council was concerned about the location of all Planned Commercial zones and how close they might be to residential areas.

Councilwoman Vaughters stated she felt storage units were an appropriate use in Industrial, Limited Manufacturing, and Light Industrial zones. She did not agree with storage units as a transitional use between residential and commercial. She stated she was particularly opposed to storage units when neighbors really don't want them in their neighborhood.

Councilwoman Clyburn stated if staff had studied the matter of storage units and suggested places for them, she would be willing to look at it, but not on the whim of someone who wants to eventually get some property rezoned to get what he wants. She stated she did not want to amend the Zoning Ordinance at this time to allow storage units in the Planned Commercial zone.

Mr. Gary Smith, City Attorney, stated he had not realized that the Use Table in the Zoning Ordinance limits what Council can allow in the Planned Commercial zone. He said the idea of a Planned Commercial zone is that as much can be allowed in the zone as may be appropriate given the nature of the particular property being considered. He said the way the Use Tables are set up Council does not have that option, but are limited as to what is allowed in the Planned Commercial zone.

It was pointed out by Mr. Gary Smith and Mr. LeDuc that the Planned Commercial zone currently limits Council's ability to look at certain items that they may want to allow in Planned Commercial.

Mr. Ed Giobbe, of the Planning Commission, stated he felt Mr. Gary Smith had stated the Planning Commission's intent very well. He pointed out the intent was to do as Mr. LeDuc had stated to give Council and the Planning Commission flexibility. He said it was not the intent to deal with any particular geographical location, but to give Council and the Planning Commission the ability to apply this to other areas where it would be appropriate. He said the matter was brought up by a developer who stated it was his business to develop self-storage units. He said they were not aware of the tactics being used by the land owner. He said, however, that was not the issue but it was to give flexibility in terms of determining whether or not self-storage units would be appropriate in any location, not this particular location. He stated neighbors on Oriole did speak at the Planning Commission meeting and were opposed to storage units in their area. He

stated there was also discussion about apartments on the property and he felt they were not in favor of that either, but wanted the property to remain as a wooded area. He said, however, the owner did have the right to use his property for whatever is allowed under the present zoning.

Ms. Patsy Bickley, 600 Oriole Street, stated the neighbors did prefer to have apartments in the area behind them rather than storage units. She felt that storage units would not be appropriate in this area. She stated they were concerned about control over storage units and what might be put in the units. She stated the neighbors are concerned about what might be allowed on property in their neighborhood, and they are opposed to storage units in their neighborhood.

Councilman Wells responded that the intent had been under Planned Commercial for Council to have control over what is allowed, limiting the type, size of business, etc. He said he would never vote to put self-storage units next to a residential area in any neighborhood. He said he lives on Cardinal and is close to Oriole and would not vote to allow self-storage off Oriole. He said the proposed ordinance allows the opportunity to allow self-storage in Planned Commercial if there are some areas that do not border residential areas and may be appropriate. He said Planned Commercial zoning gives Council better control over what goes in an area. He pointed out storage units could be placed in Light Industrial without Council's approval. He said any request for storage units in Planned Commercial would have to come before Council for approval if the Zoning Ordinance is amended. He said the issue being discussed at this time is whether or not to allow mini-warehouses in any Planned Commercial zone and has nothing to do with an individual property at this time.

Councilwoman Vaughters moved, seconded by Councilwoman Clyburn, that Council deny on first reading an ordinance to amend the Zoning Ordinance to allow self-storage units in Planned Commercial zones as it is felt the use is not a transitional use and not appropriate in neighborhoods. The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Sprawls opposed the motion.

Councilman Sprawls stated he felt that if the owner is not given the opportunity to rezone the property to Planned Commercial that he may build undesirable apartments.

Mr. LeDuc stated he will inform the developer that the proposed ordinance has been denied and that a second reading will not be held on the ordinance.

ZONING ORDINANCE – ORDINANCE

Bed and Breakfast Facilities

Rose Hill Estates

Mueller, Steve

Mueller, Eva

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Zoning Ordinance for bed and breakfast facilities.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 3.3.4.C OF THE CITY OF AIKEN ZONING ORDINANCE REGARDING BED AND BREAKFAST/ MEETING FACILITY.

Mr. LeDuc stated that last year Steve and Eva Mueller, the owners of Rose Hill Estates, asked City Council to consider several new operations for their Bed and Breakfast (B&B) facility.

He said the matter was reviewed by the Planning Commission, and they unanimously recommended changes to the Zoning Ordinance. After several discussions with them, it was decided that the Zoning Ordinance for B&B should be changed to reflect these considerations under a Special Exception. This would require any requested changes to go before the Board of Zoning Appeals with a public hearing before they could be

granted. Bed and Breakfasts would still be allowed by right in General Business, Planned Commercial and Downtown Business and through a Special Exception in RSS, RML, RMH, Limited Professional, Limited Business and Office. The facility would need at least 50 parking spaces on site and off-street parking not in front of another home or business. The amendments would allow meals to be served to non-guests between the hours of 10 A.M. and 11:00 P.M., with a maximum seating capacity set by the Department of Public Safety. All events held at the facility would need to end by 11 P.M. and amplified music would be allowed at a maximum of two outdoor events per month and would end no later than 10 P.M. He said the regulations apply to a very finite area, including 4 acres in size and must be on the National Historic Register.

Mr. LeDuc stated the owners of Rose Hill did want one point of clarity. He stated that although amplified music for a special outdoor concert would only be allowed twice a month, they did want associated music that would accompany a typical restaurant meal, especially if they have outdoor seating. He said the proposed ordinance does allow the changes that the owners of Rose Hill had requested.

Ms. Jann Smith, 193 Dogwood Road, stated she was concerned about 50 parking spaces at Rose Hill and what historic property might be altered to accommodate parking. She also pointed out that the new noise ordinance has restrictions for outdoor events. She said she was concerned that Rose Hill might be dramatically altered.

Mr. LeDuc pointed out there is currently parking on site at Rose Hill and also cars park along the streets that border the property.

Mr. Steve Mueller, owner of Rose Hill, 221 Greenville Street, stated the northeast corner of the property, which has not been used for many years, will be used for additional parking. He pointed out that the process had gotten to this point after many months of discussion on the matter. He said he wanted some clarity on amplification of music. He pointed out this item had changed slightly from what was discussed originally at the Planning Commission meeting. He said he wanted to make it clear as to what he did and did not want to do as far as amplification of music. He said the idea for publicized concerts where a fee was charged was that there would be no more than two per month, with them ending by 10 PM. He also wanted to have music with dinners. He said when he has rental events and people pay money to rent the space, he does not wish to have outdoor amplification, but would have amplification indoors. He passed out a sheet with the wording which he wishes to have in the ordinance and which had been discussed at the Planning Commission meeting. He asked that Council consider the wording which he had suggested. He stated he had discussed the proposed ordinance changes with residents in the area, and they support his request. He said they would be present at the next Council meeting.

Mr. LeDuc pointed out the wording which Mr. Mueller had presented would be used to modify the wording in the proposed ordinance before second reading. He said staff would work with Mr. Mueller to modify the wording before second reading on the ordinance. Mr. LeDuc pointed out if Council approves the proposed ordinance at the next meeting, the Muellers would still have to appeal to the Board of Zoning Appeals for approval of a Special Exception to allow the changes to apply to Rose Hill.

Councilwoman Price stated she knew that the Muellers had made a difference in the neighborhood and had spent time developing relationships and being good neighbors to the community.

Councilwoman Price moved, seconded by Councilman Wells and unanimously approved, that Council pass on first reading an ordinance to amend the Zoning Ordinance regarding Bed and Breakfasts/meeting facilities, amending Section 3.3.4.c, and that second reading and public hearing be set for the next regular meeting of Council.

REZONING – ORDINANCE

South Boundary SE 1129
Pezzano, Anne
TPN 121-10-18-005

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone property at 1129 South Boundary SE from RS-15 to Horse District (HD).

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY OWNED BY ANNE PEZZANO AND LOCATED AT 1129 SOUTH BOUNDARY AVENUE FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO HORSE DISTRICT (HD).

Mr. LeDuc stated the owners of the property at 1129 South Boundary Avenue SE would like to rezone the rear portion of their lot consisting of .159 acres from Residential RS-15 to HD Horse District. This would be combined with a .95 acre lot to the west which is already zoned HD and occupied by a stable and paddocks. The properties cannot be combined without common zoning between each of them.

The Planning Commission felt this was a reasonable request and approved this rezoning unanimously.

Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that Council pass on first reading an ordinance to rezone the rear portion of property consisting of .159 acres at 1129 South Boundary Avenue from RS-15 to HD and that second reading and public hearing be set for the next regular meeting of Council.

REZONING – ORDINANCE

Charleston Street SE 303
Legacy Design, LLC
TPN 121-11-15-002

Mayor Cavanaugh stated an ordinance had been prepared for first reading to rezone property at 303 Charleston Street SE from General Business (GB) to RS-8 Residential.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE A LOT CONSISTING OF 0.36 ACRES OF LAND, OWNED BY LEGACY DESIGN, LLC FROM GENERAL BUSINESS (GB) TO RESIDENTIAL SINGLE-FAMILY (RS-8)

Mr. LeDuc stated the owner of the property at 303 Charleston Street SE consisting of .36 acres desires to rezone this property from General Business (GB) to Residential Single Family (RS-8).

The adjacent property at 305-307 Charleston Street was rezoned from GB to RS-8 in December, 2006. This lot was formerly occupied by a dilapidated commercial building which was recently demolished. He said this is what Council had asked to happen in the neighborhood in the Old Aiken Master Plan.

The Planning Commission at their March 13, 2007, meeting unanimously voted to rezone this property at Charleston and Colleton Street from General Business to RS-8.

Mr. Craig Jarvis stated Legacy Design owns four lots in the area, and the intent is to build four homes. He said the lot at 303 Charleston Street is the biggest of the four lots. He said removal of the old building had improved the area.

Councilwoman Clyburn moved, seconded by Councilman Wells and unanimously approved, that Council pass on first reading an ordinance to rezone property at 303 Charleston Street SE from General Business to RS-8 and that second reading and public hearing be set for the next regular meeting of Council.

ANNEXATION – ORDINANCEConcept PlanPowderhouse RoadOld Powderhouse RoadMcLean, Mary Taylor Unified Credit TrustBrandenburg PropertiesTPN 122-07-12-006TPN 122-11-02-001

Mayor Cavanaugh stated an ordinance had been prepared for first reading to annex and approve a concept plan for property at Powderhouse Road and Old Powderhouse Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 57.83 ACRES OF LAND, MORE OR LESS, OWNED BY MARY TAYLOR MCLEAN UNIFIED CREDIT TRUST AND BRANDENBURG PROPERTIES AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Mr. LeDuc stated that in August, 2006, the City granted city services to the developer of a 42.35 acre tract of land at Old Powderhouse Road and Powderhouse Road. At the time this tract was separated from the city limits by a 15.4 acre tract just to the north. They have now been able to acquire this property and are requesting annexation for the entire property. They are also asking for approval of the proposed Concept Plan for the entire 57.83 acre tract under the PR zoning.

The development would consist of a maximum of 225 single family detached homes or a density of 3.8 units per acre. Under the PR zone a development can have up to 8 units per acre or, on the subject property, 462 units. Within this development a community pool and building and a retention pond will be its major focal points. The entrances to this development would be through a non-monitored security gate to restrict access into the development. A traffic study for this area is not required, because the level of service on Powderhouse Road is at a B level, which means that the proposed development would have to generate at least 3,000 trips per day, and we anticipate no more than 2,250 trips. He stated the proposed development would be similar to Kalmia Landing.

The Planning Commission reviewed this request at their March 13, 2007, meeting and voted unanimously to recommend the Concept Plan and annexation with the following recommendations, except for item 9.

1. that the annexation be contingent on the sale of the properties to the applicant;
2. that the frontage along Old Powderhouse Road be planted with a dense evergreen buffer complying with the buffer provisions of the Zoning Ordinance;
3. that the following waivers be granted:
 - a) to allow one section of road near the northwest corner of the project to be 16' back-of-curb to back-of-curb with a right-of-way of 32';
 - b) to allow the entrance median on Powderhouse Road to be 170' in length and that no median be required at the secondary entrance at Old Powderhouse Road; and
 - c) that the project not be required to show a future right-of-way connection to the east since this is a gated community.
4. that the building separation required by the PR zone be provided unless a variance is granted by the Board of Zoning Appeals;
5. that the project be landscaped as described in the narrative and that a landscape plan be approved by the Planning Director including tree selection from the City's Approved Tree list;
6. that the development comply with the latest approved Concept Plan and Narrative on file with the City's Planning Department;
7. that the elevations of proposed buildings including depictions of building materials and colors to be used, be submitted to City Council for approval;
8. that a landscaping plan for the perimeter common areas be submitted;

9. that the following items raised by the City Engineer be addressed:
 - a) that the roads be 27 feet wide back-of-curb to back-of-curb instead of the 26 feet requested by the applicant;
 - b) that the sidewalks meet the ADA requirements, including five-foot width and ramps; and
 - c) that there be stacking lanes on Powderhouse Road in accordance with the requirements of the South Carolina Department of Transportation.
10. that all applicable conditions be met within 180 days of approval by City Council; and
11. that any conditions of annexation be recorded at the RMC Office.

Mr. LeDuc stated item 9 did not come from the Planning Commission, but from the Engineering Division. He said typically items a and b would be part of the engineering submittal that would be reviewed and determined with the engineer. He said regarding item c there was no traffic study so this item would be outside the Traffic Management Ordinance. He said Council could always ask for any items desired. However, item c is not required by the traffic study. He said it is the city's understanding that the South Carolina Department of Transportation is considering putting in a third lane in this area, but we don't know the time frame.

Mayor Cavanaugh asked about the entrances to the development. Mr. LeDuc responded that the major entrance would be on Powderhouse Road, and there would be a landscaped median there. For the secondary entrance off Old Powderhouse Road there would not be a median, but they would provide more landscaping in that area along each side of the entrance area.

Councilman Smith stated he would be inconsistent with his belief for traffic studies if he did not mention that he opposed this development when utilities were approved, because a traffic study was not required. He stated the development would be on a very narrow heavily traveled road. He also pointed out that a connector road is planned for Powderhouse. He pointed out it is still close to Pine Log Road, which is at a serious level. He said to not look at the traffic on Pine Log when we are considering 2,250 more trips in the area shows the weakness of the Traffic Ordinance and the need to extend the area of study more than a quarter of a mile from a development.

Mayor Cavanaugh stated he agreed with Councilman Smith and this would put a lot more traffic in the area. He stated Council could ask for a traffic study.

In response to a question regarding the SCDOT putting in stacking lanes, Mr. Evans stated the local DOT maintenance staff had stated a stacking lane would be put in at some point.

Mr. LeDuc stated for a similar size development off Banks Mill called Fox Run, a turn lane was required for the development. He pointed out Banks Mill Road had more traffic volume and a traffic study was conducted which stated a turn lane should be installed. He said at this point the turn lane is the City Engineer's recommendation, but no traffic study has been done to determine if it is needed or not.

Councilwoman Vaughters asked for clarification as to where the 20% open space is in the development. It was pointed out the open space is around the development which will have some landscaping and will serve as a buffer between the surrounding properties.

Mr. Todd Bailey and Paul Petersen appeared before Council and answered questions regarding the proposed development. Mr. Bailey stated the retention pond will be considered as part of the open space as well since it is an amenity and will be maintained as a pond with a certain level of water. He also pointed out that the density for the development had been reduced. He pointed out the approval for the previous development was for 200 units on a 42 acre tract. The newly proposed development is 57 acres and the number of houses has only increased by 25 units. He stated a traffic study had not been done since it is not required. He presented some renderings to show Council how the housing might appear and also showed Council the proposed landscape buffer plan showing the roadway along Powderhouse Road. He said the buffer would be

a planted vegetated berm between 4 and 6 feet tall and 15 feet wide to add a break, so the houses backing up to Old Powderhouse Road will have protection from the road. He also pointed out there will be street trees along the roads on the interior of the development. He said currently there are no trees on the property. He said at this time they plan to build the houses and not sell to other builders for construction and plan to build about 30 houses a year which will take about 7 years to build out. It was pointed out that the homes would be from \$200,000 to \$250,000 with square footage of the homes being 1,400 to 2,000 square feet of heated space and double car garages. He said the homes would be all brick with only vinyl overhangs. He said the development is geared toward active adults, and they wanted the homes to be as maintenance free as possible.

Council then discussed at length whether to require the stacking lanes, or left hand turn lane on Powderhouse Road. The developers stated they were asking that the stacking lanes not be required, but that the development go through the engineering process to see if the stacking lanes would be required. They were asking that the stacking lanes not be required, however, if DOT feels the stacking lanes are needed they would provide them.

Mr. LeDuc pointed out that for a development similar to this proposed development a left turn lane cost about \$180,000 for a properly designed turn lane.

Mr. LeDuc then discussed a proposed Transportation Enhancement Fee. He pointed out this is a fee for each lot that is sold, and this may be a way to get the funds for the left hand turn lane, rather than paying for the turn lane upfront. He said a developer's agreement would be prepared for the cost of the improvement, and the cost would be paid as lots are sold in the development. He said this is an alternative if the turn lane is required. He said the lane would be installed when there was a sufficient amount of traffic going into the development, rather than installing it when the development is started.

Mr. Bailey stated it had been mentioned that the DOT has plans to install a left hand turn lane in the area. He stated if DOT does install the turn lane, would the Transportation Enhancement fee then be removed from the development?

Mr. LeDuc stated removal of the fee would be determined by Council and the way the Development Agreement is written. He stated there is a risk involved with both parties. He said the good thing about paying the Transportation Enhancement Fee is that the cost would be over a period of time. He said the risk the City takes is that the cost for the work could increase before it is constructed. He said the advantage for the City is that if SCDOT builds the turn lane, then the City would have the money in the Transportation Fund and could use it for another project, such as the connector between Powderhouse and Whiskey Road. He stated if DOT builds the lane, it would depend on the wording in the Development Agreement as to whether the Enhancement fee would continue for the remaining lots in the development. Mr. LeDuc stated he prefers the Transportation Enhancement Fee because he feels it is an advantage to the developer as well as the City.

Mr. Petersen pointed out he would like some consideration for some items. He pointed out that the streets will be private and will be maintained by the Association rather than the City. However, the residents of the development will be paying the full tax burden on the houses. It was also pointed out that Council had previously approved a development for this area on 42 acres without a left hand turn lane.

Council continued to discuss the matter and the question of a left hand turn lane, the need for a development agreement, and a traffic study.

Mr. LeDuc suggested that staff prepare a Developer's Agreement for the development before the next Council meeting if possible. He stated he did not feel that a traffic study, which would cost between \$15,000 to \$20,000, is needed at this point based on the level of service on the road and the number of units to be built. He stated, however, the agreement could state that the developer should pay for a turn lane based on the prorata share of the cost of the improvement in relationship to the number of units. The developer would pay the Transportation Enhancement Fee on a quarterly basis as the builder gets permits for the houses, until either enough funds are available to build the

turn lane or until the turn lane is built, possibly by DOT. He said then if the SCDOT does follow through and build the turn lane, then the developer's fee would cease. The City would keep the funds which had been paid to date and use it for other transportation needs. He said if Council is agreeable to those conditions, staff would prepare the agreement for Council's consideration at the next meeting.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex 57.83 acres as Planned Residential at the intersection of Powderhouse and Old Powderhouse Road and approve the submitted Concept Plan for single family detached homes subject to staff preparing a Development Agreement for a Transportation Enhancement Fee for construction of the left hand turn lane and that second reading and public hearing be set for the next regular meeting of Council.

CLOSE RIGHT OF WAY – ORDINANCE

South Centennial
Corporate Parkway
Bonnieview Estates
Whiskey Road

Mayor Cavanaugh stated an ordinance had been prepared for first reading to close an unopened right of way in exchange for new road right of way.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CLOSE AN UNOPENED PORTION OF THE RIGHT OF WAY OF SOUTH CENTENNIAL AVENUE.

Mr. LeDuc stated a group of investors would like to construct a two-story office building at the corner of South Centennial and Corporate Parkway. When this area was originally planned the 60' right of way of South Centennial Avenue continued in a southwesterly direction to the Bonnieview Subdivision. Since that time the City has recognized the need for a parallel roadway to Whiskey Road from this intersection south to the new Powderhouse connector. To facilitate the building that is being proposed for this location, the developer is proposing the closure and the transfer of the current 60' right of way in exchange for a 100' right of way directly south to intersect the property below this proposed development. This exchange will allow the city in the future to build a four-lane road through this unopened portion of property which will more appropriately aligned with the proposed connector roadway.

We are in full agreement with the proposed exchange of property and recommend its approval.

Council briefly discussed the proposed exchange of property. It was pointed out that green space would be left on the property leaving a buffer between Bonnieview and the office buildings.

Mr. Ernest Lombardo, representing Matrix the developer and owner of Centennial Park, stated they have a current client who is already occupying several of the buildings in the area, and they need more space. He said the client is Westinghouse, and they are looking for a bigger area.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council pass on first reading an ordinance to close an unopened portion of the right of way of South Centennial Avenue and to accept the new right of way as shown on the site plan, with the condition that the trees and open space would remain as shown on the Concept Plan, and that second reading and public hearing be set for the next regular meeting of Council.

ACCOMMODATIONS TAX

Recommendations
Accommodations Tax Committee

Mayor Cavanaugh stated the next item was approval of the Accommodations Tax Committee recommendations.

Mr. LeDuc stated the Accommodations Tax Committee met on February 28, 2007, to review applications for the upcoming awards cycle. There were 13 applications, plus a special request from the SCETV which would be funded in the current fiscal year. A total request of \$253,319.24 in funding was approved for these various events, which is 100% of the funding they requested.

This year we have additional funds because some former funding requests were not fully spent. Therefore, approximately \$82,000 in unspent funds was available for this year's event.

All the money that was requested meets the guideline procedures set by the A-Tax Tourism Expenditure Review Committee at the state level. The basic premise that they adhere to is "A tourist is someone who travels a minimum of 50 miles one way to attend an event or facility." The A-Tax money cannot be used to purchase food, pay for salaries, performance fees, operating material for a special event, dues or memberships to a professional organization, instrumental rentals, travel costs, postage, or local advertisement.

Listed below is a table which shows the amount requested and eligible, the funding percentage recommended along with the previous year's grant, and the amount they have used to date.

PROJECT	Amount Requested	Amount Eligible	Funding %	Recomm. A-tax Comm.	Amount of Previous Grant	Amount Used
Aiken Fall Steeplechase	\$ 17,945.96	\$ 17,945.96	100%	\$ 17,945.96	\$ 5,693.00	pending
Aiken Polo Festival Marketing Campaign	\$ 67,350.00	\$ 67,350.00	100%	\$ 67,350.00	\$ 27,000.00	pending
Aiken Horse Show	\$ 16,105.00	\$ 16,105.00	100%	\$ 16,105.00	\$ 19,557.70	pending
Antiques in the Heart of Aiken	\$ 17,000.00	\$ 17,000.00	100%	\$ 17,000.00	\$ 16,600.00	pending
Citizens Park Brochures	\$ 2,000.00	\$ 2,000.00	100%	\$ 2,000.00	\$ 1,500 (FY 05-06)	\$ 1,500.00
Citizens Park Tournament Bid	\$ 6,000.00	\$ 6,000.00	100%	\$ 6,000.00	\$ 16,000.00	pending
Aiken Spring Classic Horse	\$ 10,013.99	\$ 10,013.99	100%	\$ 10,013.99	\$ 12,647.56	pending
Aiken Polo Club Program	\$ 25,114.00	\$ 25,114.00	100%	\$ 25,114.00	\$ 27,000.00	pending
ADDA - Promotion of Downtown Aiken	\$ 29,100.00	\$ 29,100.00	100%	\$ 29,100.00	\$ 15,000.00	pending
Aiken Highland Games & Celtic Festival	\$ 5,294.29	\$ 5,294.29	100%	\$ 5,294.29	\$ 5,294.29	pending
Battle of Aiken	\$ 32,396.00	\$ 32,396.00	100%	\$ 32,396.00	\$ 32,374.00	pending
Aiken Bluegrass Festival	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	\$ 5,000.00	pending
Aiken Soccer Club	\$ 20,000.00	\$ 20,000.00	100%	\$ 20,000.00	\$ 5,000 (FY 05-06)	\$ 5,000.00
TOTALS	\$253,319.24	\$253,319.24		\$ 253,319.24		

Amount Available	\$180,000.00
Balance from FY 06-07 (must be spent by 12/31/07)	\$ 81,984.50
Balance	\$261,984.50
Contingency Fund	\$ 5,000.00
Balance and Amount Recommended for FY 07-08	\$266,984.50

Council briefly discussed the requests.

Councilwoman Clyburn moved, seconded by Councilwoman Price and unanimously approved, that Council approved the Accommodations Tax recommendations as presented by the Committee and as shown on the Accommodations Tax request form for fiscal year 07-08.

AUDITOR

Elliott Davis
Cherry, Bekaert, and Holland
Contract Extension 2008-2009

Mayor Cavanaugh stated the next item was approval of the extension of the auditor's contract.

Mr. LeDuc stated that three years ago, Council approved a contract between the City of Aiken and Elliott Davis for the purpose of auditing our financial records. Previous to this time, we had used the auditing firm of Cherry, Bekaert, and Holland. Elliott Davis has done a good job with the City of Aiken for the last three years and is on their final year of our contractual arrangement.

In the past when we have been pleased with the services of an auditing firm, we have granted a two-year contract extension. The proposed fees for their 2008 audit increases from the 2007 audit of \$31,800 to \$32,750 and the cost of the 2009 audit would be \$33,750.

We feel the quotes are reasonable and recommend the extension of our contract with Elliott Davis for two additional years.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the extension of the audit contract with Elliott Davis for years 2008 and 2009 as per their letter of arrangement.

ONE CENT SALES TAX

Capital Sales Tax Projects
Sales Tax
Projects

Mayor Cavanaugh stated the next item was approval of funding for year 2000 One Cent Sales Tax.

Mr. LeDuc stated that in 2000, Aiken voters approved a list of projects to be funded by the One Cent Sales Tax. The City of Aiken's share was \$12,451,740. Several of the projects were not completed due to inflation and increased costs, and there is a current shortfall of approximately \$30,000 from these projects. Additional funding shortfalls include the Public Safety station, several streetscape projects, parking lots at Citizens Park, an outdoor restroom, the Tennis Center, and Citizens Park Phase IV. At the time the Public Safety Station was estimated to cost \$400,000, but, due to inflation of construction materials, the cost is now \$600,000. Several of the parking lots at Citizens Park have not been paved, fencing, dugouts, ticket booths, etc. have not been done. These all need to be done.

The County recently received the last portion of their sales tax distribution, and we received \$2,292,754.20 as our share. These additional funds will allow us to complete all the projects listed for 2000, including elimination of the remaining debt for the Performing Arts theater of \$74,810. Council needs to decide what level of commitment they want to make at the Tennis Center and for the Richland Avenue streetscape. The cost to complete the four additional courts and southend parking lot would be \$300,000. Richland Avenue streetscape (from Rollingwood to Gregg) can include landscaping on the sides only for \$50,000, or include landscape medians for another \$150,000. He said in talking with the Recreation staff, there has been a tremendous increase of use of the tennis courts. The tennis fees have doubled. The staff feels that an additional 4 courts would be very useful.

If Council decides to complete the four additional tennis courts, southend parking lot, and Richland Avenue medians, any remaining funds could be designated for future transportation projects. Fully completing all projects would leave approximately \$500,000 for the transportation fund. If Council decides not to complete the tennis center

or Richland Avenue median, then we recommend that those additional funds also go into the city's transportation fund.

Council then discussed the proposed use of the additional funds from the 2000 One Cent Sales tax.

Councilwoman Vaughters asked whether the proposed tennis courts would be hard surface or clay surface. She pointed out the clay surface courts are very costly to maintain. She stated more courts are needed for the high schools to be able to play tournaments. She stated the high school courts have to be hard courts.

Mr. LeDuc stated the original plans were for the courts to be half hard surface and half clay. He stated he would have Mark Calvert and the high school tennis coaches give staff a recommendation on what surface courts would be best for the needs. He did state that the clay courts had been costly to maintain, but the clay courts are very popular.

Mr. LeDuc stated the southend parking lots need to be completed at Citizens Park, as cars are parking on the lots though they are not paved. He said the paving could be done and beautify the area. He said this would cost about \$300,000.

Another project is Richland Avenue landscaping. He said the proposal was to landscape Richland Avenue from Rollingwood up to Gregg. He said Council had two choices. The city could landscape just along the sides of Richland Avenue or also landscape the medians. To landscape just the sides would be about \$50,000. To also landscape the medians would cost another \$150,000. He said this would give some greenery and beautify Richland Avenue. He said the medians would not be extensive, but would be about 16 feet wide.

Mr. LeDuc stated any other funds that might be left could be placed in the Transportation Fund and used for transportation improvements as they are needed.

Mr. LeDuc stated he felt that the first obligation for the funds was for the projects which were not completed, but were in the list of projects which the voters voted on. He said he felt those projects could be finished, and there would still be extra funds. He said he felt that whatever money was left after finishing the projects in the first round of sales tax should be used for projects in the second round listed in the Sales Tax projects. He pointed out there were many transportation improvements needed, such as the Powderhouse connector, the Pawnee extension from Dougherty Road to Fabian, and other roadway projects needed, and there is not enough funding to complete them.

Councilwoman Vaughters was concerned that some streets in the city, such as Lancaster Street and Newberry Street had ditches which need to be improved. She stated she was concerned about putting landscaped medians on Richland when the ditches on some streets downtown have not been fixed.

Mr. LeDuc pointed out again to Council that there was enough money from the extra funds to finish all the projects from the 2000 sales tax, including the tennis courts, including the parking lot, including the landscaping on Richland Avenue including the sides and the medians and still have about \$400,000 to \$500,000 left, which he was suggesting to be used for transportation improvements, as this seems to be the most unfunded need in the future. He said he was asking for direction from Council as to what they wanted to do with the funds.

Mayor Cavanaugh stated it seemed to him that the projects listed should be funded first, and Council discussed the projects.

Mr. LeDuc stated it seemed from the discussion of Council that they wanted to go ahead and finish the 2000 Sales Tax projects, which include completing Citizens Park, pay off the debt for the Community Theater, construct Public Safety Station 5, construct 4 tennis courts with staff obtaining a recommendation on whether the courts will be hard surface or clay or half and half.

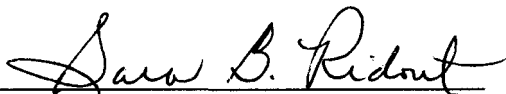
Council discussed the landscaping on Richland Avenue and expressed concern about residents along Richland Avenue being able to get across the street. After much discussion, it was the general consensus of Council that landscaping along Richland Avenue should only include the sides and not the medians. Councilwoman Price pointed out that she felt landscaped medians on Richland would greatly enhance this area. She pointed out the landscaped areas near North Augusta which have greatly improved that area.

Mr. LeDuc stated he would come back to Council with a listing of projects for which any left over funds could be used. He said he would bring the information back to Council in the next couple of months after he better knows the cost of some the projects to be completed from the 2000 list.

Councilwoman Clyburn moved, seconded by Councilman Sprawls and unanimously approved, that Council authorize the completion of the projects from the original 2000 sales tax referendum from the final payment from the first local option sales tax year 2000, except for the landscape medians on Richland Avenue, with the City Manager to come back to Council with a recommendation on the surface for the four tennis courts to be constructed. Further the City Manager will bring a list of proposed projects to Council to be considered for funding from any funds left after completing the projects listed in the referendum for the 2000 sales tax.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:54 P.M.


Sara B. Ridout
City Clerk