

Aiken City Council Minutes

REGULAR MEETING

November 26, 2012

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

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, Larry Morris, Glenn Parker, Charles Barranco, Tim Coakley, Ed Evans, Kim Abney, Alicia Davis, Sara Ridout, Amy Banton of the Aiken Standard, Andrew O'Byrne of the Aiken Leader, and about 50 citizens.

CALL TO ORDER

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.

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.

MINUTES

The minutes of the regular meeting of November 12, 2012, were considered for approval. Councilman Dewar asked that the minutes be corrected to indicate that Council approved the appropriation for the employee incentive, but not the method of the incentive. Councilman Dewar moved, seconded by Councilwoman Diggs, that the minutes of the November 12, 2012, meeting be approved as revised. The motion was unanimously approved.

PRESENTATION

Don Wells

State Representative

Mayor Cavanaugh stated Council would like to make a presentation to Representative Don Wells. He stated a reception had been held just before the meeting for Mr. Wells. He pointed out Mr. Wells was a City Councilmember for seven years and was recently elected to the State House of Representatives.

Mayor Cavanaugh stated Council will miss Mr. Wells very much. He always listened and thought things out before speaking and voting. He said Mr. Wells had been a mentor to many in the way he reacted and handled himself. He wished Mr. Wells the best in serving the citizens at the state level. He read the plaque presented to Mr. Wells thanking him for his service from November 28, 2005, to November 12, 2012. He pointed out Mr. Wells' family--wife Monica and the four boys. He stated it takes the whole family working together.

Mr. Wells stated it had been a great honor and privilege to have served as a City Councilmember at large for seven years. He said he appreciated all the Councilmembers, realizing that there had been times that all did not agree on the method that things should be done, but having worked with them he knew that in their heart they had Aiken's best interest. He said as he represents District 81 in Columbia he goes there with the City of Aiken in his heart to do what is best for our community and our citizens. He also thanked the dedicated staff, City Manager, Department Heads, and employees for their dedication, hard work, and commitment to the City of Aiken.

Councilwoman Price stated she and Mr. Wells had shared time and thoughts at the Council meetings. They could talk and share thoughts even though she is a Democrat

and he is a Republican. She pointed out a song "Let the Life I Live Speak for Me." She said the life Mr. Wells lives speaks for him. He is a good Christian man, a fair man, and a good family man. She said if he serves the state as well as he did for the City of Aiken he will do well in Columbia.

Councilman Dewar wished Mr. Wells well. He said he and Mr. Wells had handled their differences with grace with the City's best interest at heart. He said Mr. Wells is a good man, a good community man, and he knew he would do a good job in Columbia.

Councilman Homoki wished Mr. Wells good luck in Columbia. He said he knew he would do a fine job in Columbia as he had on City Council. He said he had the greatest faith that Mr. Wells will make a mark in Columbia.

Councilwoman Diggs thanked Mr. Wells for everything she had learned from him and about him this past year. She said she especially appreciated Mr. Wells' quiet spirit.

Councilman Ebner thanked Mr. Wells for his service to the community, and stated he looked forward to still working with him in Columbia.

Mr. Pearce stated he had enjoyed working with Mr. Wells as a Councilmember and even before he was on Council. He presented Mr. Wells with a pen that was made by a staff member from wood from a South Boundary oak tree. He said this pen would be a little bit of Aiken that he could take with him to Columbia to remind him of Aiken.

Public Safety Department
Medal of Valor Recipients
Martin Sawyer
Craig Burgess
Steve Miano

Mayor Cavanaugh stated a presentation would be made to three members of the Aiken Department of Public Safety.

Mr. Pearce stated there were three members of the Public Safety Department who were recipients of a Medal of Valor. He said as City Solicitor he had worked with the three officers and found their character to be beyond question. He pointed out these three officers had received a Medal of Valor recognition from the South Carolina Law Enforcement Officers Association.

Chief Charles Barranco stated Master Public Safety Officer Steve Miano, Captain Marty Sawyer, and Sergeant Craig Burgess were recipients of the South Carolina Law Enforcement Officers Association Medal of Valor. They received this honor for their involvement in the tragic shooting incident that occurred on Cherry Hills Drive in May, 2012. This recognition is given to officers for performing an act of gallantry above and beyond the call of duty at imminent personal hazard to life with knowledge of risk. He said these three were the only medals that were awarded in the state.

Mayor Cavanaugh read and presented the resolutions that had been prepared for each of the recipients. He thanked the officers for the work that they do every day in serving the City of Aiken and its citizens.

Chief Barranco stated there were other officers on the scene of the incident as well as other agencies who were vital in the assistance of the incident, but these three were the first through the door at the Cherry Hills residence.

Safe Communities Report

Chief Barranco stated since the last presentation a lot of work had been ongoing and in progress for the Safe Communities Program. He said there were community meetings where over 200 citizens attended and supported the information meetings which were

received very well by the public. He said staff had met with Professor David Kennedy of the John J. College of Criminal Justice who wrote the book "Don't Shoot" to talk about what has happened in Aiken and to receive some guidance. Professor Kennedy had provided some information about the process for the program as well as some lessons learned. Since that time they have assigned and designated the Violence Crime Task Force Coordinator, Lt. David Savage. Part of the process has also begun to identify the offenders through criminal histories and crime data from computers. The Task Force consists of the U.S. Attorney's Office, the Solicitor's Office, the Aiken County State Probation Pardon and Parole, Aiken County Sheriff's Office, and members from Aiken Department of Public Safety. Those members as well as some community members will travel to High Point, North Carolina, to view one of their call-ins and get more training from High Point. Major steps have been made with the community. There have been several meetings with community leaders. Out of the Aiken Council of Neighborhoods has grown what we call the Aiken Citizens Against Violence or ACAV. There is a lot of energy and passion through the Council of Neighborhoods. He said Shelby Saunders is an active member of the Aiken Council on Neighborhoods and is present to make some comments.

Mr. Saunders stated he was excited about the program when the presentation was given at the Weeks Center information meeting. He said he believes that people are excited about the program and there is a new movement going on. He said they want to see a difference. He said they know that the Public Safety Officers cannot be everywhere and need some other eyes. He said when he was growing up it was a big deal for those in the community to be leaders and for them to be on the forefront. He said with the proposed program he felt it was an excellent opportunity to see a difference. He said if the offenders who are doing the same things over and over can be identified, we would have an opportunity to see Aiken change a life. He said it will be difficult and some hard times, but the community is ready and willing to help. He said they hope Council will support and be there every step of the way because the city has their support. He said Aiken is a beautiful city, and we need to be proactive before something else happens.

Mayor Cavanaugh stated Council supports the program. He pointed out it is the eyes of everyone looking, seeing things, and reporting things to Public Safety which might not be right.

Mr. Pearce stated Mr. and Mrs. Saunders had participated in the garage sale which was held in order to raise funds to file for a 501(c)3 non-profit status. That was a successful event, and the amount needed to file for the 501(c)3 was raised. He said after the visit to High Point, it is anticipated to set up an Aiken's call-in for Thursday, January 31, 2013. More information will be available as that is organized. That is the target date to begin the program in Aiken.

Mayor Cavanaugh asked about the number of volunteers for the program.

Chief Barranco stated a core group of 6 to 8 people from the Aiken Citizens Against Violence had met several times to understand and be a part of the process. In addition to the core group there are several dozen community members who have volunteered their time to assist in many ways that will be needed to make the program successful.

BOARDS AND COMMISSIONSAppointmentsBrendan DohertyBoard of Zoning AppealsBob BesleyPlanning CommissionJohn OwensGeneral Aviation CommissionMarilyn BrownFrank WrightEnvironmental & Energy CommitteeMary BarnettBrian ParksPark CommissionVelice CummingsDesign Review Board

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

Mr. Pearce stated Council has 22 pending appointments to fill vacancies on different City boards, commissions, and committees. Eight appointments are presented for Council's consideration.

Councilmember Dewar has recommended that Brendan Doherty be appointed to the Board of Zoning Appeals for a three year term to replace Jane Page Thompson. If appointed Mr. Doherty's term would expire December 1, 2015. He also recommended that Bob Besley be appointed to the Planning Commission to replace Brendan Doherty. If appointed Mr. Besley's term would expire December 1, 2014.

Councilmember Diggs has recommended John Owens be reappointed to the General Aviation Commission with the new term to expire September 1, 2014; that Marilyn Brown be reappointed to the Environmental and Energy Committee with the term to expire December 31, 2014; and that Mary Barnett be reappointed to the Park Commission with the term to expire December 1, 2014.

Councilmember Price has recommended that Frank Wright be reappointed to the Environmental and Energy Committee and Velice Cummings reappointed to the Design Review Board. If reappointed Mr. Wright's and Ms. Cummings' terms would expire December 31, 2014. Councilmember Price has also recommended that Brian Parks be reappointed to the Park Commission. If reappointed Mr. Parks' term would expire December 1, 2014.

For City Council consideration is approval of eight appointments to the various boards, commissions and committees as stated.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council appoint Brendan Doherty to the Board of Zoning Appeals with the term to expire December 1, 2015, that Bob Besley be appointed to the Planning Commission with the term to expire December 1, 2014, that John Owens be reappointed to the General Aviation Commission with the term to expire September 1, 2014, that Marilyn Brown and Frank Wright be reappointed to the Environmental and Energy Committee with the terms to expire December 31, 2014, that Mary Barnett be reappointed to the Park Commission with the term to expire December 1, 2014, that Velice Cummings be reappointed to the Design Review Board with the term to expire December 31, 2014, and that Brian Parks be reappointed to the Park Commission with the term to expire December 1, 2014. The motion was unanimously approved.

Councilman Homoki stated he would like to recommend Jane Page Thompson be appointed to the Planning Commission.

Councilman Ebner recommended that Don Broderick be reappointed to the Design Review Board and S. J. Paterniti be reappointed to the Board of Zoning Appeals.

Councilwoman Diggs recommended that Phillip Merry be reappointed to the Design Review Board.

Mayor Cavanaugh stated the four recommendations would be on the next agenda for Council's consideration.

AUDIT – ORDINANCE 11262012

Elliott Davis
Financial Report
FY 2011 -2012

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance accepting the Fiscal Year 2011-12 Audited Financial Statements.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE ACCEPTING THE FISCAL YEAR 2011-2012 AUDITED FINANCIAL STATEMENTS AND AUTHORIZING VARIANCES TO THE FISCAL YEAR 2011-2012 BUDGET ORDINANCE.

Mr. Pearce stated our auditor, Elliott Davis, LLC, has prepared the FY 2011-12 financial audit, required by state law and our city code, of our city finances. In this audit the line items from our FY 2011-12 budget and adjustments to them show actual revenues received as well as actual expenditures made. We are happy to report that this audit shows no material weaknesses, no significant deficiencies, and no instances of non-compliance material to our FY 2011-12 financial statements. Therefore, we have received an excellent financial audit report from our auditors. The only comment we have received from them was to ensure that Federal Grant Funds are clearly designated as such in our financial statements. Our departments receiving federal grant funds have already coordinated with our Finance Department to ensure that is the case.

Mr. Pearce pointed out that Elliott Davis Shareholder Laurie Smith was at the November 12, 2012, meeting and reviewed the audit.

Mr. Pearce stated Councilman Dewar had submitted some questions and answers had been provided to those questions. He said there was a question about the Capital Sales Tax projects, including the 2nd and 3rd rounds of sales tax which would be 016 and 017 accounts. The projects are audited in the annual audit. The third round of Capital Projects Sales Tax will be in the audit received in the fall of 2013. Staff will be revising the timeline that was provided to Council in September. There will be information in the December 10, 2012, Council Agenda packet and there will be discussion on the topic at Council's Horizons Retreat which has been tentatively scheduled for February 1 and 2, 2013.

City Council unanimously approved this ordinance on first reading at the November 12, 2012, meeting. For Council consideration on second reading and public hearing is an ordinance to accept our FY 2011-12 audited financial statements.

The public hearing was held and no one spoke.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council accept the FY 2011-12 audited financial statements authorizing variances to the fiscal year 2011-12 budget ordinance. The motion was unanimously approved.

REZONING – ORDINANCE 11262012A1103 Richland Avenue E.Benjamin TimmermanReal Estate Development Partners, LLCFamily DollarTPN 121-11-01-001

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to extend the time for the concept plan deadline for Family Dollar on Richland Avenue E. at Beaufort Street.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY CONSISTING OF 1.24 ACRES OF LAND, OWNED BY BENJAMIN TIMMERMAN, III, ET AL FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB).

Mr. Pearce stated that Judd McAdams of RED Partners in Charlotte, NC, had contacted him about the proposed Family Dollar Store at Richland Avenue East and Beaufort Street. By Ordinance 06252012 Council approved rezoning and a concept plan for this lot. This approval is set to expire December 22, 2012. Due to circumstances beyond RED Partners control, this project was delayed by Family Dollar. It appears Family Dollar is in the process of building up to 500 new stores nationwide.

Mr. McAdams is confident a 90-day extension will provide them with the necessary time to complete this project as Council previously approved. This new deadline--if approved by Council--would be March 22, 2013.

City Council unanimously approved this ordinance on first reading at the November 12, 2012, meeting. For Council consideration, is second reading and public hearing of an Ordinance to amend Ordinance 06252012 to extend the deadline for meeting the conditions for rezoning from December 22, 2012, deadline to March 22, 2013.

The public hearing was held and no one spoke.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council approve on second and final reading an ordinance to extend the deadline for meeting the conditions for rezoning of property at 1103 Richland Avenue E from December 22, 2012, to March 22, 2013. The motion was unanimously approved.

BUSINESS LICENSE - ORDINANCE 11262012BInsurance Companies

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance amending the Business License Ordinance.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE PROVISIONS FOR INSURANCE COMPANIES.

Mr. Pearce stated the Municipal Association of South Carolina has alerted us to an amendment to the State law that affects our existing business license code. These changes specifically relate to how business license fees are charged to insurance companies who write premiums within our City limits.

Our City Attorney and Finance Department staff have reviewed the proposed changes to our Business License Ordinance. They are in agreement that these modifications need to be made. MASC has requested all municipalities effect this business license amendment before the end of calendar year 2012. They have assured us they will keep their fee

structure in place that they have charged in the past for assisting with these collections.

City Council unanimously approved this ordinance on first reading at the November 12, 2012, meeting. For Council consideration on second and final reading is an ordinance to amend the Aiken Business License Ordinance as related to the rate structure for insurance companies.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve on second and final reading an ordinance to amend the Business License Ordinance relating to the rate structure for insurance companies. The motion was unanimously approved.

WATER AND SEWER SYSTEM REPAIRS – ORDINANCE 11262012C

Capital Projects Sales Tax

Water Lines

Sewer Lines

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to borrow from reserve funds for water and sewer system repairs.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM THE CITY OF AIKEN
GENERAL FUND RESERVE ACCOUNTS AS OUTLINED IN THIS ORDINANCE
FOR THE PURPOSE OF FUNDING WATER AND SEWER SYSTEM REPAIRS.

Mr. Pearce stated Engineering and Utilities Director Larry Morris has identified seven water and sewer line repair projects that require immediate attention as follows, and at the following estimated costs:

Water Systems

1. Parsons Circle, Water Main	\$ 98,048 replacement
2. Mohawk Drive, Water Line	40,000 soil boring
3. Gator Lane, Force Main	<u>15,000</u> soil boring

Subtotal \$153,048

Sewer Systems

1. Ray Lane	\$ 99,964 replacement
2. Barnwell Avenue	57,800 soil boring/reroute
3. Horry Street	105,700 soil boring/replacement
4. Linden Street	<u>20,000</u> replace main

Subtotal \$283,464

Grand Total \$436,512

These expenditures were not anticipated in our original budget preparations, and these costs were not identified until after the budget had been approved. We will have over \$8 million in our third One Cent Capital Projects Sales Tax Funds account dedicated to water and sewer system work. It will begin to be collected for our projects next fall.

In order to go ahead with repairs, we are requesting approval of these projects and an Ordinance to authorize borrowing these funds from our reserve accounts to be repaid when we collect the third round CPST funds.

City Council unanimously approved this ordinance on first reading at the November 12, 2012, meeting. For Council consideration is second and final reading of an ordinance to authorize this borrowing to complete these pressing projects.

The public hearing was held.

Councilwoman Diggs pointed out the Barnwell Avenue and Gator Lane projects are close to Schofield and Aiken Middle Schools. She wondered what impact those projects would have on the daily function of these schools.

Mr. Larry Morris, Engineering and Utilities Director, stated the current impact on school operations is very minimal. The problem on Gator Lane is that a force main has broken several times which leads up into the Crosland Park area. The break is in the woods and any sewer that has spilled has spilled into a detention pond which has been cleaned up. The detention pond is fenced. The problem on Barnwell Avenue is a collapsed sewer under the railroad tracks. It is not on the school campus. That sewer has been pumped on a regular basis to make sure we don't have a problem with the school or the citizens in the area.

Councilwoman Price moved, seconded by Councilman Ebner, that Council pass on second and final reading an ordinance to authorize the borrowing of funds from reserve funds to be able to go ahead with these pressing water and sewer projects with the funds to be reimbursed when Capital Projects Sales Tax funds are received. The motion was unanimously approved.

ELECTION – ORDINANCE 11262012D

Special Election
Councilman Wells
At-Large Election
4-2-1 Plan

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to schedule a special City Council election to fill the unexpired term of Councilman Wells, who has been elected to the South Carolina House of Representatives.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE ADOPTING THE MANDATORY DEADLINES FOR FILING FOR A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM OF COUNCIL MEMBER DON WELLS.

Mr. Pearce stated Councilmember Don Wells has submitted his letter of resignation from his Council seat as a result of the November 6, 2012 election. He was sworn in on Monday, November 12, 2012, as one of our newest members of the South Carolina House of Representatives.

We have prepared an ordinance to set a Special Election schedule in order to comply with South Carolina Code Section 7-13-190, et al., as we informed we would do in our preclearance filing with U.S. Department of Justice.

While this Ordinance is pending, and to be sure we meet all state and federal requirements, we will be advertising the opening on City Council.

Mr. Pearce noted that this special election to fill Councilmember Wells' unexpired term will be under our existing 4-2-1 plan as an at-large seat. This term expires in the fall of

2013, so the General Election next fall will be under the USDOJ pre-cleared 6-1 single member district plan, and the candidate for the Council seat at that time would have to reside in that newly-created district. The election schedule is as follows:

Opening of filing for nomination by petitions and entry of candidates for primaries:	12 noon, Friday, November 30, 2012
Closing of entry of candidates for primaries:	12 noon, Monday, December 10, 2012
Municipal Party Primaries or Conventions:	Tuesday, January 22, 2013
Closing of entries for nomination by petition:	12 noon, Friday January 11, 2013
Verification of petitions by County Voter Registration Office	12 noon, Saturday January 26, 2013
Municipal Party Primary run offs, if necessary:	Tuesday February 5, 2013
Last day for certifying candidates to Municipal Election Commission:	12 noon, Monday February 8, 2013
Special Election Day:	Tuesday March 12, 2013

Mr. Pearce stated Council unanimously approved the ordinance on first reading at the November 12, 2012, meeting. For second and final reading is an ordinance to set the filing dates for the special election to fill the unexpired term of Councilmember Wells.

The public hearing was held and no one spoke.

Councilman Ebner asked who would be the appropriate person to check the candidates' residences to be sure they are in the right district, assuming they want to run in District 6, or at large.

Mr. Pearce stated if someone was interested in the at large seat and wanted to make sure they were in District 6 for the election that would be held in November, 2013, the Voter Registration Office would check their residence. He said the district maps have been provided to the Voter Registration Office.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve on second and final reading an ordinance to set the filing dates for the special election to fill the unexpired term of Councilmember Wells. The motion was unanimously approved.

ANNEXATION – ORDINANCEAshok PatelNaman HotelsFerrell L. Holley, Jr.Charles HolleyLarry HolleyWhiskey RoadStratford DriveTPN 123-10-06-002 (po)

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 5.96 acres on Whiskey Road at Stratford Drive, zone it Planned Commercial (PC) and approve a concept plan for the construction of two hotels.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 5.96 ACRES OF LAND, MORE OR LESS, OWNED BY FERRELL L. HOLLEY, JR. ET AL AND TO ZONE THE SAME PLANNED COMMERCIAL (PC) AND APPROVE THE PROPOSED CONCEPT PLAN.

Mr. Pearce stated Naman Hotels CEO Ashok Patel is back before Council with a revised, proposed development plan to build two new hotels--at a total economic impact of \$30,000,000--on a 5.96 acre tract of land on Whiskey Road at Stratford Drive owned by the Holley family. The land owners have also petitioned for annexation of this tract into the Aiken city limits.

Significant revisions to the plan heard by Council a couple of months ago include deletion of access onto Stratford Drive, addition of a frontage road parallel to Whiskey Road, reconfiguration of the parking lot to adjust for a single entrance from Whiskey Road, and stub outs on the western and northern property lines to connect this tract to potential future developments. These changes were made in response to the concerns that were shared at the public hearing that Council had in October.

The Planning Commission met November 13, 2012, and unanimously voted to recommend approval of the annexation application and concept plan.

For Council consideration is first reading of an ordinance to annex 5.96 acres on Whiskey Road at Stratford Drive and to approve a proposed concept plan for the construction of two hotels on this tract.

Mr. Tilden Hilderbrand, of Hass and Hilderbrand, said he was representing the owners, the Holley family, and the developers, the Patel family. He said Mr. Pearce had done a good job summarizing the changes that have been made to the concept plan. He pointed out some faint lines on the concept plan which indicate truck and emergency vehicle access routes through the property. He said the lanes had been widened to accommodate larger trucks and fire trucks. Also, they have routed emergency vehicles to the right on the plan. He said they had been assured that access is attainable to the right.

Mr. Pearce stated his understanding is that Captain Brazier reviewed the plans as far as emergency apparatus and fire suppression apparatus and they can use the parking lot as drawn. Chief Barranco responded they could.

Mr. Hilderbrand stated Hotel B had been moved back some to provide room for the frontage road along Whiskey Road and some green space between parking and the frontage road. He said the property is a little larger than the previous presentation. There would be no access to Stratford Drive. There is a shared detention area in the rear of the property. He said one thing not shown on the plan that will be provided as mentioned in the staff review and recommendation is that there will be a sidewalk along

the frontage under the Aiken Electric Cooperative easement. Aiken Electric Cooperative has said the sidewalk is allowable. He said those comments summarize what was revised. He said there was some concern about stormwater. He stated Council had been provided a copy of the topo map showing the stormwater plan. He pointed out that the detention pond is directly behind Hotel A. He stated that the contours about midway of parcel A show that the water now naturally flows in two directions. Part of the water flows towards Stratford Drive and part flows toward the interior of the larger 30.5 acre parcel. He said with the limited topos from the city's maps they would anticipate the stormwater discharge from the detention pond to flow into the property rather than towards Stratford Drive. He said it is their intention to discharge the stormwater into the property. He said they would comply with any city regulations and allowable discharge rates from the pond. He said he did not anticipate any problems with the stormwater. He said he would be glad to address any questions or go over anything from last month's meeting.

Mayor Cavanaugh stated it is good to see that the green space is more than required. He asked why there were 25 parking spaces over the minimum requirement for parking. Mr. Hilderbrand responded a meeting room is proposed in Hotel B and that could have a need for some additional parking.

Councilman Dewar asked about the buffer on the Whiskey Road side where the easement is and if they were building to the property line the rest of the way and if there were buffers on the other property lines. Mr. Hilderbrand responded that there are buffers on all property lines. He pointed out there is additional buffer in the front along Whiskey Road so they stay outside the power line easement.

Ms. Lee Rand, 204 Khaki Court, stated she would like to thank Naman Hotels, the Patels, and the Holleys for their cooperation in trying to satisfy the residents previous objections.

Mr. Eric Harper, 317 Sessions Drive, President of the Home Owners' Association for Stratford Hall, stated he would like to go on record thanking Mr. Patel and the Holleys for the tremendous effort they have put forth to satisfy the differences about how this development should be and for changing the access from Statford Drive. He said the Board members look forward to the development and feel that it is great for the neighborhood.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council pass on first reading an ordinance to annex 5.96 acres on Whiskey Road at Stratford Drive and approve the proposed concept plan for the construction of two hotels on the tract. Second Reading and public hearing would be held at the December 10, 2012, meeting. The motion was unanimously approved.

SHOPPES AT RICHLAND – ORDINANCE

TSAK OP Investment
Lulu's Car Wash
3565 Richland Avenue W
Concept Plan
TPN 087-19-03-012

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to revise the concept plan and approve a new concept plan for the Shoppes at Richland for a proposed car wash.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE APPROVING THE CONCEPT PLAN FOR PROPERTY LOCATED AT 3565 RICHLAND AVNEUE W.

Mr. Pearce stated Lulu's Holding and TSAK OP Investment have requested approval of a revision to the Shoppes at Richland Concept Plan to allow the construction of a Lulu's

Car Wash. The original concept plan Council approved for this tract showed retail space on this area of the tract. Our Planning Director determined this request for this use needed review and approval by City Council. Council similarly reviewed and approved the construction of the Murphy Oil Express gas pavilion for this center.

The Planning Commission met November 13, 2012, and voted 3-1 to recommend approval of this request with the following conditions.

1. that the design of the proposed car wash building mimic the façade of the Walmart building to the maximum feasible extent, as determined by the Planning Director including red brick façade on all sides and a sloping roof of green, raised-seam metal.
2. that a revised concept plan be submitted listing all conditions of approval within 60 days.
3. that proof of recording at the RMC Office of an agreement signed by the applicant listing all conditions of approval be provided within 180 days.

Mr. Pearce stated the item was on the agenda because the concept plan that was filed with Council for the Shoppes at Richland did delegate to the Planning Director issues of design so long as they were within the concept plan. He said Council may recall when they talked about the Murphy Oil Express development on this property that the use—convenience store and car wash—is permitted in the Zoning Ordinance on that particular piece of property. The question on the car wash was the design of the building. He said up until lunch time today, Mr. Evans did not have in hand a design that he felt he could approve administratively as Council had directed. He said the plan in the Agenda packet is one of the preliminary designs for the car wash. He pointed out that on the top of the drawing that there are some alternating brown and white panels. This afternoon Mr. Evans received a communication from Mary Dufour, who is the real estate agent in the transaction, stating that the panels will not be alternating, but will all be brown in color and the roof will be green. With the modification of not having alternating brown and white panels, but having all brown panels, that would be a design that Mr. Evans could administratively approve, and Mr. Evans has approved the plan with all brown panels this afternoon. With the administrative approval, then there is no action required by Council. No action is required by Council as the design is compatible with the rest of the development and with administrative approval there is nothing for Council to consider on this item so the developer has withdrawn the application.

Mr. Evans stated he had administratively approved the modified design of the car wash with all brown panels this afternoon and the applicant had then withdrawn the request. Mr. Evans stated the car wash would have a green raised seamed metal roof and would blend in more with the buildings at the Shoppes at Richland.

Councilman Ebner stated he thought there would be some action by the Board of Zoning Appeals on this matter.

Mr. Pearce stated there was an administrative appeal of the Planning Director's decision that he could not approve the design because they had a design that was identical to the Lulu's Car Wash on East Pine Log Road. However, with the subsequent submissions the design better matches the design of the buildings in the Shoppes at Richland center and the Planning Director felt he could administratively approve the modified design.

Mr. Pearce stated the City Attorney had been in consultation with their attorney, and he could comment on the status of the appeal.

Mr. Smith stated part of the appeal also dealt with whether or not the use was allowed and whether Mr. Evans had made a decision about the use not being allowed. He stated when the Murphy Oil request came before City Council he had mentioned to City Council that the concept plan approved by Council said all uses allowed in the PC zone could go in the shopping center. He said it gets confusing because the concept plan also has other language about higher end retail. He said the concept plan, however, clearly says that if the use is allowed by the PC zone it can go in the Shoppes at Richland shopping center. He said Mr. Evans had a conversation with Mr. Pearce shortly after the

Planning Commission meeting where the matter was considered, once he remembered the City Council meeting where the gas station was discussed and that the use could be administratively approved.

Councilman Ebner pointed out that this is a growing company and is located in a number of states. He stated they run a clean operation.

In response to a question from Councilwoman Price regarding the matter being posted so neighbors would be aware of the proposed use, Mr. Pearce stated the use was posted so neighbors were aware of the proposed use.

Mayor Cavanaugh pointed out there was a letter in the agenda package from a resident in the neighborhood stating they were opposed to the car wash because it would be noisy and people would be hanging out late at night. Mayor Cavanaugh stated the hours of operation would be 8 a.m. to 8 p.m. so it would not be open late at night and should not be a problem.

Mayor Cavanaugh stated no action was needed from Council on this matter as the request had been withdrawn.

WOODSIDE PLANTATION – ORDINANCE

Concept Plan
Veterinarian Office
Professional Suites
1395 Silver Bluff Road
TPN 107-06-04-008

Mayor Cavanaugh stated an ordinance had been prepared for Council’s consideration to amend the concept plan for Woodside Plantation and to approve a veterinarian office in an office complex.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR WOODSIDE PROFESSIONAL SUITES.

Mr. Pearce stated Woodside Development has applied to revise its Concept Plan for Woodside Plantation to allow a veterinarian office to be included in its office complex. City Council approved a concept plan in July, 2012, for a professional/medical to include 16,000 square feet of professional office space.

Under the Zoning Ordinance, veterinarian offices are considered retail and not office uses. Therefore, a revision to the concept plan must be approved by City Council.

The Planning Commission met November 13, 2012, and unanimously approved a recommendation to Council to approve this request.

For Council consideration on first reading is an ordinance to amend the concept plan for Woodside Plantation and to approve a veterinarian office in the Woodside office complex.

Councilman Ebner pointed out his understanding is that there are to be no outdoor kennels at the proposed veterinarian office and there would be no opening from the indoor kennels to the outside. He also asked if the amendment would only approve the particular building in Woodside or if it would open up the whole area for a particular use. He said the concern is the secondary use if the veterinarian office left.

Mr. Pearce stated the request is to modify the concept plan for the use in building B. The request is to allow the veterinarian office in building B. If the use changes, it would have to come back to Council.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on first reading an ordinance to amend the concept plan for Woodside Plantation and approve a veterinarian office in the Woodside office complex. The motion was unanimously approved.

UTILITY REQUEST – RESOLUTION 11262012E

Water

Sanitary Sewer

Aiken County

Wire Road

May Royal Drive

TPN 136-05-09-001

Animal Shelter

Mayor Cavanaugh stated Council needed to consider a request for city utilities to a non-contiguous tract of land owned by Aiken County at Wire Road and May Royal Drive.

Mr. Pearce read the title of the resolution

A RESOLUTION AUTHORIZING THE PROVISION OF WATER AND SANITARY SEWER UTILITY SERVICES TO PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WIRE ROAD AND MAY ROYAL DRIVE.

Mr. Pearce stated Aiken County owns property on Wire Road at May Royal Drive that is not contiguous to the city limits but is in our utility services district. They have filed a request for city water and sewer services.

The Planning Commission met on November 13, 2012, and reviewed the request. They unanimously voted to recommend approval of this request with the following conditions:

1. That an executed "Agreement on the Provision of City Services" listing conditions of approval be recorded at the RMC Office within 180 days of approval by City Council.
2. That the City Engineer approve water and sanitary sewer systems.
3. That the Landscaping and Tree Protection provisions of the Zoning Ordinance be waived on the condition that all trees in the areas not to be disturbed remain as depicted on the site plan presented to the Commission.
4. That the signage comply with the City's regulations for the General Business zone and that freestanding signs be limited to one ground-mounted monument sign on each street frontage.
5. That a recorded plat be submitted subdividing the project area from the larger parcel.
6. That the curb cut on May Royal Drive be no closer than 40' from the western property line if every effort is made to save a particularly large tree.
7. That all new wiring be underground.
8. That the conditions be met prior to the opening of the shelter.

For Council consideration is approval of a Resolution to allow city water and sanitary sewer utility services to the Aiken County-owned tract on Wire Road at May Royal Drive.

Ms. Carrie Perkins, of McMillan, Pazdan, Smith Architects, stated she would be glad to answer any questions. She commented that on the water and sanitary sewer, the issue was that the County was providing a 6" sewer line, and the request from the Planning Commission was that they increase the size to 8" to facilitate future development. She said they do plan to increase the size of the sewer line to 8" as requested and have made that change in the plans. Another request was a waiver to the Tree Survey and Landscape Ordinance. She said the motivation for that was to save \$2,000 for the Tree Survey on a project with a tight budget. She said they have continued to talk about it with the County since the Planning Commission meeting, and if Council wants they will pursue the Tree Survey and Landscape Ordinance. She said they feel their plan meets the spirit of the ordinance, but they understand that a Tree Survey might mean that they need to make changes to the plan, and they are willing to do that. She said on the other items, they do plan to comply with the signage. They also would be willing to subdivide the property. At the time of the Planning Commission they did not understand that request, but they have received some clarity on that matter and would be willing to subdivide the property. Regarding the curb cut on May Royal Drive, they would be within 40'. The new wiring would be underground, and they would meet all the conditions before opening of the shelter.

Ms. Perkins stated she did want to comment on another item that was in the application to the Planning Commission, but was not in the responses. She said that was the request for the waiver for the City Code and Sprinkler Ordinance and city building inspections. She said she would answer any questions regarding that as far as the design of the building or the building code.

Mayor Cavanaugh stated he had some problem with not doing the Tree Survey. He pointed out this item is part of what the city asks everyone to do. He said there had been concerns with the new County Administration building, but that had been worked out. He wondered why not do the Tree Survey other than the \$2,000.

Ms. Perkins stated after discussions they were willing to do the Tree Survey, but the project is on a very tight budget and that was the reason for the request. It was felt that there could be a savings on the Tree Survey. She said she wants the property to remain a beautiful wooded lot, and that is part of the design concept. She said she and Tilden Hilderbrand had worked hard to maintain the wooded lot and to disturb the land as little as possible. She said if Council feels strongly about the Tree Survey, they will do it.

Mayor Cavanaugh stated his concern is about what the city will tell the next person who requests a waiver from the Tree Survey. He said if a waiver is granted many times, it becomes no longer a policy of the city. He asked the proposed cost of the project.

Ms. Perkins responded the cost of the project will be around \$2 million. She said it is possible there are some grand trees on the property where they will have to shift some drives around. She said they have done a partial tree survey so they have an idea of what is there, and they have tried very hard to not take down grand trees, but there could be some trees where they will have to adjust the site plan to save.

Councilman Ebner stated he had the same feeling as the Mayor regarding a tree survey. He said once you start making exceptions, it is hard not to make other exceptions. He said there was a lot of discussion at the Planning Commission about the grand trees and moving of the driveway which he felt was a wise move, as it would have taken out two or three 36" pine trees. He said a requirement for a tree survey could be added to the motion if Council wants a tree survey.

Councilman Ebner pointed out the proposed sewer line would be about 1,100 feet long. He wondered who would be paying for the sewer line.

Ms. Perkins stated she understands there is a closer manhole than the one mentioned at 1,100 feet.

Mr. Hilderbrand stated the Youth Detention Center is across May Royal Road, and there is manhole at the end of the last building which is closer than 1,100 feet, possibly only 250 feet away. He said the line would be installed by the County and the County would pay for the installation. The line would be owned and maintained by the City so anyone else who develops in the area could tie into the line.

Mr. Gary Smith, City Attorney, pointed out item 3 in the resolution is the condition regarding the Landscaping and Tree Protection provisions of the Zoning Ordinance be waived. He asked Mr. Evans if the remainder of the wording after the word "waived" is deleted, would they be obligated to comply with the tree survey. He wondered if it might be better to reword item 3 to state they would comply with the Landscaping and Tree Protection provision of the Zoning Ordinance.

Mr. Evans stated the way the condition is worded it requires the preservation of all trees in the area shown in green on the drawing in the agenda packet. If the wording is deleted that wording would go away and those trees would not have to be preserved.

Mr. Smith stated from Council's comments, it seemed Council was not willing to waive the Landscaping and Tree Protection provisions of the Zoning Ordinance.

Mr. Evans responded Council could require the Tree Survey and still keep the condition as it is worded.

Mr. Pearce stated the wording could be: That the Landscaping and Tree Protection provisions of the Zoning Ordinance be complied with and all trees in the areas not to be disturbed remain as depicted on the site plan presented to the Commission. He said that would mean they have to comply with the Tree Survey and comply with the Landscape Ordinance.

Ms. Perkins responded then that would mean they would do the tree survey, comply with the Landscape Ordinance, and everything shown in green on the plan maintained.

Mr. Hilderbrand pointed out that condition 3 then would be much more restrictive than the ordinance would be. The ordinance would allow removal of trees in the areas marked as green on the plan. He said that was a concession or compromise with the Planning Commission. If said if they maintain all the green undisturbed areas, there would be no need to do a tree survey because the trees would remain anyway.

Mr. Pearce stated then was he understanding Mr. Hilderbrand to say that condition 3 should read "That the landscaping and tree protection provisions of the Zoning Ordinance be complied with." Mr. Hilderbrand stated he could not answer that.

Mr. Pearce stated he was hearing that the County is willing to do the tree survey, and he had heard that they were willing to comply with the Landscape Ordinance.

Ms. Perkins stated they were willing to do a tree survey and comply with the Landscape Ordinance. She pointed out, however, Mr. Hilderbrand was saying that the green area shown on the plan is more restrictive than the Landscape Ordinance. She felt it should be a tree survey or comply with the Landscape Ordinance, not both.

Mr. Pearce stated that was why he was proposing that the language in condition 3 read "That the Landscaping and Tree Protection provisions of the Zoning Ordinance be complied with." That would remove the conditional.

Mayor Cavanaugh stated Council was after the best possible arrangement, whatever the wording is.

Councilman Dewar stated it was not so much after the best, but just want to make sure they don't waive the Tree Ordinance and set a precedent, which is Council's concern.

Mr. Pearce stated that was the reason for suggesting that condition 3 read “That the Landscaping and Tree Protection provisions of the Zoning Ordinance be complied with.”

Councilman Ebner pointed out that from the discussions there would be more trees and land preserved as shown in green on the plan than the Landscape and Tree Ordinance requires. He said he did not want them to comply with the ordinance and take trees out.

Mr. Gary Smith said that was why he asked the question. If they do the tree survey, the tree survey could come back and tell the Planning staff that it is okay to cut down half of the trees shown in the preserved area in green on the plan and there could be an uglier site, but they would be allowed to do it because they complied with the city’s ordinance. He pointed out presently the Planning staff does not know what it looks like without having the tree survey done. He said Mr. Evans could not designate trees to save without having the tree survey.

Mr. Evans stated he had told the Planning Commission that he felt condition 3 was a good condition because they could end up with more trees than if they did the survey and technically complied with the ordinance.

Mr. Smith stated that provides Council with some motivation to waive compliance with the Landscape and Tree Ordinance because you are able to look at the plan and know that you are getting a better deal without complying with the ordinance.

Councilman Dewar asked if Council could stipulate that if condition 3 exceeds the requirements of the tree survey that it could be accepted as the equivalent.

Mr. Smith stated Mr. Evans could not represent to City Council that condition 3 would be better than the tree survey and compliance with the Landscaping and Tree Ordinance. He said he might be able to guess that it would be better, but he could not represent with specificity. He said by not waiving the ordinance Council could have a property that has less trees on it by complying with the city’s ordinance.

Councilman Ebner asked if it would be possible to have a stipulation that Council approve it based on their coming back with a recommendation.

Mr. Pearce pointed out the resolution only requires one reading, however, the matter could be carried over to the December meeting.

Mr. Smith asked if the County could have a tree survey done in two weeks, and Mr. Hilderbrand responded they could.

Mr. Smith stated the motivation for the County to preserve the areas is not having to spend the \$2,000 for the tree survey.

Councilman Dewar stated he would be willing to waive the Tree Ordinance as long as there is a statement that says it is the judgment of Council that the areas marked for preservation on the plan meet or exceed the requirements of the Tree Ordinance. He said from what he is hearing the areas marked for preservation exceed the requirements of the Tree Ordinance. He said he understands what they want to do without the Tree Ordinance is better than what they could do with the Tree Ordinance.

Mr. Evans pointed out the site is heavily wooded and all the areas marked in green on the plan would be left totally undisturbed. He said the intent of the condition is that nothing would be disturbed in the areas marked in green on the plan. He said he would be willing to say that we would end up with something a lot better with the condition recommended than if a Tree Survey was done and then applied the ordinance.

Mr. Smith pointed out that Mr. Evans doesn’t usually go out on that limb, but he had indicated that condition 3 as recommended would be better than doing a Tree Survey and complying with the Landscaping Ordinance.

Councilman Ebner stated he had heard the discussion at the Planning Commission on this matter, and he would back up Mr. Evans' statement that condition 3 would be better than compliance with the Tree Survey and Landscape Ordinance. He said it could be noted that Council discussed the matter and came to the conclusion that condition 3 would be better than requiring the Tree Survey and compliance with the Landscape Ordinance.

Mr. Smith stated he felt if that is the consensus of Council that condition 3 would remain as it is presently worded.

Councilman Dewar stated essentially he would support the waiving of the Tree Ordinance because doing so would result in more trees remaining than if compliance with the Tree Ordinance was required. He pointed out we both want a good looking piece of property developed, and we want to keep as many trees as possible. It seems to be that if we agree to waive the Tree Ordinance that condition 3 would result in more trees being preserved.

Mayor Cavanaugh asked if Council waived the provisions of the Landscaping and Tree Ordinance would we be losing any grand trees.

Mr. Hilderbrand stated that would be hard to say at this point. He said one of the conditions allowed was that one driveway be shifted a little closer to the property line to save a 36" oak tree. He said that tree was picked up on the tree survey that was done. He said there may be one grand tree in the rest of the area where the tree survey was done, but he could not answer for sure.

Mr. Smith stated with his understanding of what Council has discussed regarding preserving trees he felt the wording for condition 3 would not need to be changed.

Ms. Perkins asked if Council had any response about city inspections, the building codes and the sprinkler ordinance.

Councilman Dewar pointed out the County was not asking for annexation, as the property is not contiguous to the city limits, so there would be no reason for city inspectors to inspect the building.

Mr. Smith stated the County would have to approve the design for the building and issue the Certificate of Occupancy.

Mayor Cavanaugh asked what would be the difference between the City and the County regarding the sprinkler system. Ms. Perkins stated there is no difference. The City sprinkler ordinance would not require that the building be sprinkled, nor would the International Building Code.

Councilman Ebner moved, seconded by Councilman Dewar, that Council approve the resolution authorizing the provision of water and sewer service to property located on the southwest corner of Wire Road and May Royal Drive with the conditions contained in the resolution. The motion was unanimously approved.

INFORMATION

Intelligent City Concept

Mr. Pearce stated he wanted to report on a few items that staff is working on. One item is the Intelligent City Concept. He said this is part of the monitoring equipment for the green infrastructure project. He said there had been a meeting with the Chancellor of USCAiken, the President of Aiken Technical College, the Economic Development Partnership, President of the Chamber of Commerce, and Mayor Cavanaugh. He said the monitoring system has other applications. There will be a proposal to go forward to potentially model the City of Aiken as an Intelligent City to monitor not only stormwater flow, but entire city operations. We anticipate a visit sometime after the first of the year

by the President of Clemson University. The Chamber, the Economic Development Partnership, and the two academic campus are very much on board with presenting this to Clemson. There would be grant money available to fund it. There would be no money required from the City, but there are the future phases of the green infrastructure project that the citizens have approved funds for in the Capital Projects Sales Tax. There is a potential in-kind donation, which would be meeting space when the first floor of the Municipal Building is redeveloped. As more details are received, he said he would keep Council informed on the project. There should be an opportunity for Council members to meet with the Clemson President, as well as to hear from Gene Eidson, about the Intelligent City Concept. It is potentially something that could be significant in the application for other cities across the country or internationally.

Road Projects

Mr. Pearce stated the comment period for the widening of the Hitchcock Parkway closed on November 23, 2012. He said he expects to hear from SCDOT next month. They will gather all the comments and have them available for review by Council. There will probably be some follow up meetings about the proposed scope of the project.

Councilman Ebner stated regarding road projects, what is the status of Dougherty Road to the Mall project. He said he understood the problem was land procurement.

Mr. Pearce stated he would be meeting with the Department Directors on Friday and would be talking about that project and others at that time. He said staff was going ahead with identifying an engineering firm to go with the two Infrastructure Bank projects which are the additional right hand turn lane on Dougherty Road and Whiskey Road and the widening of University Parkway between Richland and Trolley Line Road.

Administration/Finance Building

Mr. Pearce stated the Administration/Finance Building at 135 Laurens Street SW is almost complete. He said he would like to invite the members of Council to a drop in on Thursday, December 13, 2012, at 6 P.M. in the building. Staff will have moved in by that time. This will be a time for Council to see the building. He said Joe Walker and his group have done a good job in repurposing the building. He felt it is a building that Council can take a lot of pride in, because it was not torn down but redeveloped in a very usable way.

Wounded Warrior Summit

Councilman Dewar stated he was pleased to represent the Mayor at the Warrior Summit in Augusta on a panel with the mayors of Augusta and North Augusta talking about returning veterans and the Wounded Warrior Program which has been established. He said a young man has been identified as being responsible for Aiken. He said he had invited him to a future Council meeting so he can brief Council on his plans for the program. He said the group has done a marvelous job in the Augusta area in finding homes for the returning veterans. He said these young men and women have given a lot and some have come back pretty disabled. He asked that Council listen to what they have to say.

Mr. Pearce stated if someone would contact him, he could set up the time to meet with Council.

EXECUTIVE SESSIONEconomic Development Matter

Mayor Cavanaugh stated Council needed to go into Executive Session to discuss a potential economic development contractual matter.

Councilman Dewar moved, seconded by Councilman Ebner, that Council go into executive session to discuss a potential economic development contractual matter. The motion was unanimously approved.

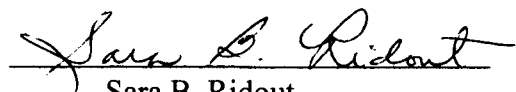
Council went into executive session at 8:35 P.M.

After discussion Councilman Dewar moved, seconded by Councilman Homoki, that Council come out of executive session. The motion was unanimously approved. Council came out of executive session at 9:10 P.M.

Mayor Cavanaugh stated in executive session Council discussed a potential economic development contract matter and no action was taken.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:11 P.M.


Sara B. Ridout
City Clerk