

Aiken City Council MinutesREGULAR MEETING

October 22, 2012

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

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, Larry Morris, Alicia Davis, Glenn Parker, Charles Barranco, Tim Coakley, Ed Evans, Kim Abney, Sara Ridout, Amy Banton of the Aiken Standard, Andrew O'Byrne of the Aiken Leader, and about 35 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:00 P.M. Mr. Richard Pearce 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 October 8, 2012, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Ebner, that the minutes of the October 8, 2012, meeting be approved as submitted. The motion was unanimously approved.

PRESENTATION

Hospice Care  
Palliative Care  
Purple Ribbons

Mayor Cavanaugh stated a presentation would be made on the request by Hospice Care of South Carolina to place purple ribbons in the downtown area.

Mr. Pearce stated November is National Hospice and Palliative Care Month. Michelle Lane is the Aiken Community Relations Liaison for Hospice Care of South Carolina and is present to discuss their request to place purple ribbons downtown.

As we have done with recent requests from the Pink Ribbonettes and for ovarian cancer awareness, our staff recommends placing those ribbons at the following downtown intersections:

Laurens at Park  
Laurens at The Alley  
Laurens at Richland  
Newberry at Richland  
Newberry at The Alley  
Newberry at Park  
Chesterfield at Park (Courthouse Square)

Purple ribbons would be placed at these locations in recognition of November as National Hospice and Palliative Care Month.

For Council consideration is approval of the placement of Purple Ribbons at downtown

intersections at the request of Hospice Care of South Carolina in honor of National Hospice and Palliative Care Month.

Ms. Michelle Lane stated they wanted to present their request to Council and to provide awareness to an underserved portion of the community and population. She stated they are the leading provider of hospice and palliative care in the state of South Carolina. They are also the only provider that takes care of pediatric patients in Aiken County. She said they would like for the Mayor to proclaim National Hospice Month for Aiken and give permission to place the purple ribbons in the downtown locations named.

Councilwoman Diggs moved that Council approve the placement of purple ribbons in the downtown intersections as requested and proclaim Hospice and Palliative Care Month for November, 2012. The motion was seconded by Councilman Dewar and unanimously approved.

Councilwoman Diggs pointed out Ms. Lane had stated her group works with pediatric patients. She stated that it is difficult to work with adults who at the end of life, much less work with children who are experiencing the same thing. She thanked Ms. Lane for her care and compassion in working with these people.

Mayor Cavanaugh read the proclamation proclaiming November as Hospice and Palliative Care Month, and presented the proclamation to Ms. Lane.

#### HISTORIC REGISTER – ORDINANCE 10222012

Gaston Livery Stable

Historic Site

Landmark

Park Avenue

Richland Avenue

Gaston Street

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to designate the Gaston Livery Stable to the Historic Register as a Landmark property.

Mr. Pearce read the title of the ordinance.

#### AN ORDINANCE DESIGNATING THE GASTON LIVERY STABLE AS AN HISTORIC SITE ON THE CITY OF AIKEN HISTORIC REGISTER.

Mr. Pearce stated the Design Review Board, upon petition filed with it, voted unanimously to designate the Gaston Livery Stable to the City of Aiken Historic Register as a Landmark property. Their recommendation was then sent to the Planning Commission for review and a recommendation to City Council. The Planning Commission met, conducted a public hearing, and voted unanimously to recommend designating the Gaston Livery Stable to the City of Aiken Historic Register as a Landmark property.

The application was filed by Lucy Knowles and the request was unanimously approved by the Design Review Board and the Planning Commission.

City Council unanimously approved the ordinance on first reading at the October 8, 2012, meeting.

For Council consideration on second reading and public hearing is designation of the Gaston Livery Stable to the Aiken Historic Register as a Historic Site and a Landmark property.

The public hearing was held.

Ms. Coleen Reed stated she was present to bring before Council the Gaston Livery Stable and barn for designation as a historic site and landmark in the City of Aiken. She pointed out several members of the Board and Friends of the Gaston Livery Stable are present to support the request. She stated at the last meeting she was asked several questions, but she did not have the answers at that time. She wanted to give Council the answer to those questions at this time. She stated they have received no taxpayer money for the project and have no intentions of asking for any funds. She said so far they had received \$79,200 in in-kind goods and services from generous citizens. Over 6,500 hours have been provided by volunteers, amounting to over \$200,000. They have spent about \$20,000 on the project so far, which is a 10 to 1 ratio. For every dollar that is donated to the Friends of the Gaston Livery Stable \$10 in goods and services is donated. She pointed out this is due to the generosity of the citizens of Aiken. She stated they are in the midst of a project known as the Barn Cats of Aiken. There are sponsors who have purchased the cats, artists who have painted the cats, and next the cats will be placed in downtown businesses. She said the cats are going from the cat house and will be Alley Cats for two hours on November 3, 2012, and then they will become store cats. The cats will be auctioned similar to how the Horse Play horses were auctioned. This will be done in March or April, 2013. In the future plans are for the Gaston Livery Stable to have a living history venue and to have an operational carriage lift in the facility.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council pass on second reading and public hearing an ordinance to designate the Gaston Livery Stable to the Aiken Historic Register, with the land and structure being designated as a landmark on the Aiken Historic Register. The motion was unanimously approved.

#### ANNEXATION – ORDINANCE

Mary Ellen Davis Thompson  
1734 Two Notch Road  
TPN 122-09-02-023

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 1734 Two Notch Road and zone it Residential Single-Family RS-10.

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 .27 ACRES OF LAND, MORE OR LESS, OWNED BY MARY ELLEN DAVIS THOMPSON AND LOCATED AT 1734 TWO NOTCH ROAD AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. Pearce stated Mary Ellen Davis Thompson owns a 0.27 acre of improved property at 1734 Two Notch Road. She has filed her request to annex this property into the Aiken City limits and zone it Residential Single-Family (RS-10). This annexation request is the result of an emergency agreement she signed with the City. We have connected her to our sanitary sewer system after her septic system failed. Please note that the annexation request does not include the right-of-way of Two Notch Road adjacent to the property.

At their October 9, 2012, meeting, the Planning Commission unanimously approved annexing this property into the Aiken City limits and zoning it RS-10, Residential Single-Family. It currently exceeds the minimum requirements for this designation.

For Council consideration on first reading is an ordinance annexing 1734 Two Notch Road into the city limits and zoning it Residential Single-Family RS-10.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance annexing 1734 Two Notch Road to the city and zoning it Residential Single-Family RS-10, and that second reading and public hearing be set for the next regular meeting of Council. The motion was unanimously approved.

NORTHSIDE TRANSPORTATION STUDY - ORDINANCE

Comprehensive Plan

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Comprehensive Land Use and Transportation Plan to incorporate the Northside Transportation Study.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN COMPREHENSIVE LAND USE AND TRANSPORTATION PLAN TO INCORPORATE THE NORTHSIDE TRANSPORTATION STUDY.

Mr. Pearce stated City Council met with the Planning Commission on July 16, 2012, to develop an Action Agenda for FY 2012-2013. The first item on the Action Agenda was the Northside Transportation Study. This study is proactive, attempting to guide transportation improvements so that growth can occur, rather than attempting to adopt guidelines after development has already taken place.

The Northside Transportation Study assesses major thoroughfare recommendations contained in the Northside Comprehensive Plan. There are several areas that encompass the major findings of this study.

Roadway needs through 2035 are identified primarily through two widening projects: Widening Edgefield Highway (SC 19) from two lanes to four lanes from Hampton Avenue to SC 191 and also widening University Parkway (SC 118) from two lanes to four lanes from SC 19 westward to Trolley Line Road.

This study identifies several safety issues at locations along SC 19 as well as the intersection of York Street (US 1) with Rutland Drive/Rudy Mason Parkway (S.C. 118) because of the crash rates that exceed the rate for the state.

An analysis of eleven intersections throughout the study were examined with recommended short-term and long-term improvements.

At their October 9, 2012, meeting, the Planning Commission unanimously recommended that the Northside Transportation Study be adopted for inclusion in the City's Comprehensive Plan.

For City Council consideration on first reading is an ordinance amending the Comprehensive Land Use and Transportation Plan to incorporate the Northside Transportation Study.

Councilman Ebner stated he had a question. He pointed out that the City does transportation and density of potential businesses, but we don't designate any public safety or other governmental facilities as part of the plan. He said it seems odd that if we figure out where the density will be and where roads should be and improved, why we do not do planning for governmental facilities.

Mr. Pearce stated that based on discussions on the One Cent Sales Tax funds, typically a consultant of this type is not the person we look to as far as locating public safety or emergency stations. Particularly in fire suppression we work with the ISO, because they have a certain distance between stations that they use in rating the city. He pointed out the city had some conversations about potentially having a second fire station on the northside. However, once the ISO inspectors came to Aiken and traveled around, it seems that the fire station needs to be in the Citizens Park area, which is a completely different area than what the city was originally considering.

Councilman Ebner pointed out the planning and development along Silver Bluff, and it was known that the City would need more fire protection. As it turned out the City paid a high dollar amount for the property for the fire station on Silver Bluff Road. He stated

he did not know if we could do better planning, or if we would have to wait until “they build it.” He said this seems to be a missing link.

Mr. Pearce pointed out that for the proposed fire station in the next round of the One Cent Sales Tax, it is felt that we can locate a station on the Citizens Park site so we will not have land costs involved for the station, but just construction cost. He said we would look for those opportunities, guided by ISO as far as the location of fire facilities in the future. He said as far as where public safety and law enforcement would go, we would look at CALEA certification standards, and for fire suppression we would look at the ISO fire rating.

Councilman Dewar stated he felt Councilman Ebner had a valid point. He wondered how early in the process the city could look at that. He said before the land is developed the cost for the land will be less expensive than it will be after we fully implement the plan.

Councilman Wells stated he totally understands what Councilman Dewar is saying, but the problem is that even though we have a plan for infrastructure we don't necessarily know where the development will be placed nor the intensity of the developments. He stated if the city picks a location before the area builds up, we may strategically have the station placed in the wrong place. He said he understands and appreciates the fact of wanting to save money on the purchase of land, but if the city builds a station in a place which we think may develop, but a huge development is built some distance from the station the city may have to build another station to accommodate that.

Councilman Dewar stated generally he thought the proposed Northside Transportation Plan is outstanding. He said it has everything he expected to see in the Northside development plan. The infrastructure is identified and prioritized. He said though it is too early to be thinking of Capital Sales Tax 4, this is an excellent blueprint for a lot of the transportation projects. Some of the projects are less costly than others, and he thought we may be able to start accomplishing some in the budget process once the economy improves and gets us back to where we used to be.

Mayor Cavanaugh stated this is a City-County project. He wondered if the County had had an opportunity to be a part of the Northside Transportation Plan.

Mr. Clay Killian, Aiken County Administrator, stated he was not aware of any concerns. He said the County Planning staff had been involved from the beginning in the plan.

Councilwoman Price pointed out the plan calls for widening to four lanes S.C. 19 headed south into Aiken from S.C. 191 to Laurens and Hampton Avenue.

Mr. Clay Killian stated Aiken County was talking about the portion of the by-pass from S.C. 19 to beyond the development of the new County Complex on S.C. 118. He said they have plans to at least put in some turn lanes. He said they had talked to SCDOT and had done a traffic study, and at this point it is not felt that the traffic will require a traffic signal at the new County Complex. He said they have money identified in Capital Sales Tax 3 that could do some joint work with the City to improve traffic flow, at least beyond the County Complex. He said that is part of what is in the Northside Plan.

Mr. Pearce stated the S.C. Infrastructure Bank has indicated there is at least a willingness to consider the next section of widening the bypass. He said money has been designated for widening the bypass between Silver Bluff and Highway 1. The Infrastructure Bank is willing to look at plans for widening the bypass from Highway 1 around to Highway 19.

Councilman Dewar moved, seconded by Councilwoman Price, that Council approve on first reading an ordinance to amend the Comprehensive Land Use and Transportation Plan to incorporate the Northside Transportation Study Plan. The motion was unanimously approved.

UTILITY REQUEST – RESOLUTION

Water  
Sanitary Sewer  
Sewer  
Aiken County Complex  
1930 University Parkway  
TPN 104-12-19-001

Mayor Cavanaugh a resolution had been prepared for Council's consideration regarding a request for water and sanitary sewer services for 1930 University Parkway, the site of the new Aiken County Complex.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING THE PROVISION OF WATER AND SANITARY SEWER UTILITY SERVICES TO PROPERTY LOCATED AT 1930 UNIVERSITY PARKWAY.

Mr. Pearce stated Aiken County is building its new Government Center on 20 acres at 1930 University Parkway. This property is currently contiguous to our city limits. They currently have construction water service through some hydrants in the area. They have filed a request for City water and sanitary sewer service. Council's long standing policy has been that, if property is contiguous to the City limits, annexation would be required in order to receive City services. However, Aiken County has asked for several waivers from this policy. Specifically, they seek waiver from executing an annexation agreement immediately, from our landscaping regulations, and from compliance with city building and sprinkler codes.

The Planning Commission, at their October 9, 2012, regular meeting did not pass a recommendation regarding the County's request for water and sanitary sewer utility services as well as for waivers or conditions related to landscaping, signage, and site lighting. Their vote was split 3 - 3 on a motion to approve the request. Planning Commission members voting against a motion to grant the County request expressed concern about granting any exception to City policies for water and sanitary sewer service to unincorporated areas. They cited comments made by our City Attorney. He has expressed concerns about waiving Council's usual annexation requirements, because to do so may have an impact on future developments.

Mr. Pearce pointed out the proposed resolution before Council for consideration contains eight conditions for the city to provide water and sanitary sewer services to the new Aiken County Complex on S.C. 118 as follows:

- 1) That an annexation agreement including the conditions of approval be executed and recorded within 60 days or that the applicant submit an annexation application within 60 days or if neither an annexation nor annexation agreement is required, that an agreement for providing City utilities including all conditions be executed and recorded within 60 days.
- 2) That the City Engineer approves the design and installation of the water service.
- 3) That the project meets the City's landscaping requirements or if a waiver is granted from the landscaping regulations, there could be conditions
  - a. That there be a 25 foot deep densely planted evergreen buffer including Large Trees and fast-growing evergreen shrubbery at least four feet tall at planting adjacent to the residential property along the southern boundary and along the western boundaries of lots #104-12-14-001 and 104-12-13-001 (lots fronting Lincoln Avenue).
  - b. That the live oak trees along the street be moved at least 40 feet from overhead power lines.
  - c. That all new power lines be located underground to avoid conflict with trees.

- 4) That any freestanding signage on University Parkway be limited to one monument-style sign at each entrance each with a maximum area of 60 square feet and maximum height of 8 feet.
- 5) That the signage on Lincoln Avenue be limited to a directional sign with a maximum area of 4 sq. ft. and a maximum height of 3 feet;
- 6) That the Lincoln Avenue driveway be gated and used only for emergency access.
- 7) That site lighting be designed so that it does not spill over into the adjacent property and that it complies with the City's lighting standards in section 4.3.8.F of the Zoning Ordinance.
- 8) That any revisions to the traffic study recommended by the On-Call Traffic Engineer be made prior to final action by City Council.

Since the Planning Commission meeting, Mr. Pearce stated he had been in contact with County Administrator Clay Killian to address some of the concerns. He said there may have been some confusion about the proposal for a planted landscape buffer between the residential area on Lincoln Avenue and the County Complex site. He said Mr. Ed Evans, Planning Director, would address that matter. Mr. Killian has said the County is willing to submit an annexation petition with the City early next year. Mr. Pearce stated he had had a conversation with Mike Jordan, the City Building Official, and, since the County has already commenced the construction of the project, the County would continue their code inspections, rather than the city. As we have done in similar instances, if the annexation is approved by City Council, code inspections on this construction project in progress will continue to be conducted by county building officials through the time a certificate of occupancy is issued. This was done for the Town Creek Baptist Church and the AT&T building on Whiskey Road. They started construction in the county and then were annexed to the city, but the County inspected the entire process. In addition, he said it is his understanding that the County is willing to gate their access onto Lincoln Avenue, and it would not be used in the regular course of business, but used in the case of an emergency or some special need. He said Mr. Evans would also address comments of Roger Dyar, our on-call Traffic Engineer, regarding the Traffic Study and the landscaping.

For City Council consideration is approval of a resolution authorizing the provision of water and sanitary sewer utility services to property located at 1930 University Parkway.

Mr. Ed Evans, Planning Director, stated Condition No. 3 refers to a 25 foot deep densely planted evergreen buffer essentially along the southern boundary which is the residential neighborhood on Lincoln Avenue. Aiken County wanted more detail on that. Mr. Evans stated he had talked to the City Horticulturist, Tom Rapp, about the type of buffer that might be appropriate. The goal is to create an evergreen screen or protection for the houses fronting on Lincoln Avenue. Mr. Rapp suggested two rows of Ligustrum 10 to 15 feet apart and 4 feet tall at planting. The Ligustrums would be planted 10 feet on center, staggered so over time they would grow into a substantial dense evergreen buffer.

Councilman Dewar asked when the Ligustrum would be planted. Mr. Evans responded they should be planted before occupancy. He pointed out the City would not issue the Certificate of Occupancy.

Councilman Dewar pointed out we are going through that issue with Chukker Creek where they say they are going to plant the buffer, but they haven't done it yet. He pointed out that the people on Lincoln Avenue have already seen all the trees cut for the County Building. He said he did not understand why someone does not consider the buffer in the beginning instead of cutting everything down and then looking at the buffer later. He said he felt it was important that the buffer be planted as early as possible, so by the time the building is completed there will be a buffer. He pointed out the people on Lincoln had been used to all the woods and now all the trees have been cut. He felt every effort should be made to get the buffer in before the building is completed.

Councilwoman Price asked if there was a reason the trees were limited to 4 feet. She wondered if plants 4 feet tall and the double planting would come with a fence as well or would it just be the evergreen buffer. She wondered if people would use the buffer as a

gateway and go thru the evergreens and be able to move back and forth from the highway area onto Lincoln Avenue.

Mr. Evans responded that his recommendation did not include a fence. The recommendation was a visual screen of evergreens. He stated that the standard height for new shrubbery in the Zoning Ordinance is 3 feet. However, he had suggested something a little taller, mainly because of the amount of clearing that has been done. The Zoning Ordinance only requires a 10 foot untouched buffer. He pointed out the buffer is proposed to be 50 feet wide.

Councilman Dewar asked Mr. Evans if he had considered the fact that some of the property on Lincoln Avenue is much higher than what the building will be. Therefore, he wondered if that would require a higher shrub. He wondered if line of sight is important from the residents on Lincoln Avenue.

Mr. Evans stated he would think line of sight is important and that was the reason for something a little taller.

Councilman Dewar asked if the ordinance could be changed so the line of sight would be a factor in whatever is required to be put in for the buffer.

Mr. Evans responded that he thought Mr. Smith, City Attorney, would tell Council they could require whatever they would like to do.

Councilman Ebner stated he felt if we change this to line of sight, we would be getting into developer rights. He said we have had a lot of discussion on several of these issues over line of sight and what one can see. He asked how tall Ligustrum trees would get.

Mr. Pearce responded that there are Ligustrum trees planted along Whiskey Road at the Palmetto Golf Course. He said Ligustrum trees can get very tall.

Councilman Ebner stated he would assume that if the buffer is to be a natural barrier that it would not be maintained and other trees and weeds, etc. will grow. He asked if this would be a maintained barrier. He pointed out that Ligustrums get 15 to 20 feet tall, and they grow rapidly.

Mr. Coakley, Public Services Director, stated he did not feel that the County was planning to maintain the buffer like the one is maintained along Whiskey Road. He said the Ligustrums get 12 to 15 feet tall. He said with 10 foot centers it is hoped that the trees would be overlapped by the time they mature. He said smaller plants are usually picked for survivability.

Councilwoman Price stated then there is no way to give the neighbors any assurance that, though a buffer may be planted, that the buffer will continue to be there for their protection and privacy for their property.

Mr. Pearce stated the evergreen buffer is a condition for allowing the use of the water and sewer utilities.

Councilwoman Price pointed out there had been an issue before Council a few months ago where the trees had been planted, but they were not being maintained and the trees died, and the buffer becomes barren again with no protection for the neighborhood.

Councilman Ebner pointed out that issue was at Chukker Creek, and the contractor says he does not have to water the trees or keep it up. The developer has planted the trees three times, and they have died. He said he felt the question was very valid. He said his assumption was that Aiken County would like their development to look very nice. He said typically a developer clear cuts everything to the fence line.

Councilwoman Price stated this community has been faced with other matters. She said a housing subdivision was approved to be placed off SC 19 several years ago. It was supposed to be managed by a private company, not Section 8 housing. It is Section 8 housing now. We told them there would be a fence there. There is no fence. She pointed out these issues cause the community to not trust what Council approves. She said Council believes the people will do what Council approves, but it is not being done in some cases.

Mr. Pearce stated he had not received that report. He said staff would be glad to look into that matter.

Councilman Homoki stated a concern he had was not so much the buffer from the future County Complex. He pointed out if Lincoln Avenue is completed and paved all the way, he felt there would be a lot of traffic on Lincoln which would be just as detrimental to the neighborhood as not putting a buffer between Lincoln and the County Complex. He was concerned that Lincoln might be used as a short cut.

Councilwoman Diggs stated she agreed with Councilman Dewar that the buffer should be built before construction is completed. She pointed out by clear cutting the property, the County has taken away the privacy for the residents. They are used to having the buffer and trees to block out the area behind them. Now they can see the open highway and the construction going on.

Councilman Dewar pointed out the document is a resolution regarding the request for utilities. He said he felt some of the comments are treating it as if it is a planned center where Council has total control. He asked if Council has control, or if Council is just being asked to consider the water and sewer utilities request.

Mr. Smith, City Attorney, stated Council would be entering into a contractual agreement with the County if Council approves the water and sewer request whereby the City agrees to provide water and sewer services to a user outside the City limits. In return for agreeing to provide water and sewer services, Council has the right to require certain things to happen in exchange for the agreement to provide the utilities. It is similar to a Planned Commercial project where a concept plan is approved. Council can impose the same type of requirements as on a Planned Commercial plan. The County's alternative is whether they are willing to accept the conditions in return for getting water and sewer from the City. He said that is the negotiation to take place.

Mr. K. J. Jacobs, architect with McMillan, Pazdan and Smith, stated his firm had been engaged to design the new County Government Center. He stated the County Center is a large complicated project, and there are a few issues that they would like to discuss. He said he would review each of the possible 8 conditions of approval suggested by staff. He pointed out no action was taken at the Planning Commission meeting as the motion failed.

Mr. Jacobs stated he wanted to review one thing that was in the original application for city services. One thing the County is asking is a variance from the City Building Codes and Sprinkler Ordinance. He said that issue is related to the County staff, County Building Officials, and the County Inspectors being the ones reviewing, permitting, and inspecting and ultimately issuing the final Certificate of Occupancy for the project. He said the building is required to comply with International Building Codes. The County Complex is not designed to any different standards in the County than if it were built in the city from a life safety perspective and from a fire protection standpoint. The building will be fully sprinkled.

Councilman Dewar asked why the County would need that variance. He pointed out presently there is only one wall up.

Mr. Jacobs stated like the other projects that were referenced, the project was begun as a County parcel and has undergone extensive review and permitting through the County. Several permits have already been pulled and others yet to be pulled. He felt to transition

that to the City staff would not be favorable for most people involved. He said a tremendous amount of work had been done leading up to the wall. Three permits have already been pulled and waiting on the building permits. He said there is a very complex history. The building has been talked about for a very long time. The County Building Officials have been with them on the conversations regarding the building. It would be quite a feat to bring the City up to speed.

Mr. Pearce pointed out that the Building Official for the City would prefer that the County go ahead and proceed with all inspections. He pointed out that is what was done for Town Creek Baptist Church and the AT&T Building on Whiskey Road.

Councilman Dewar asked if the City is more stringent in interpreting the International Codes than the County.

Mr. Jacobs stated they use the same codes. He said if the project had been developed in the city, they would not be before Council talking about a city utility services agreement so the request for that variance would not have come up.

Councilman Homoki stated then there is no difference in the protection provided by the inspections.

Mayor Cavanaugh stated he did not understand. He said all along the County has known that they were going to build the building and would need water and sewer service. He said he has a problem when we start deviating from city policies or ordinances, and we don't know why. He said he had asked several times why the property could not be annexed now, but could be annexed two months from now. He said he had heard that the property could be annexed in January, but he wondered why wait to annex the property.

Mr. Clay Killian, County Administrator, stated there were some discussions that the City and County need to have. He asked if they could go ahead and get the services in place and determine what the conditions are for each side of the contractual arrangement. He felt a couple of months would give that opportunity. He said since the complex was being built in the county, they felt there were some exclusions that should be provided because they are a County and not a commercial entity. He said they were going to do things the way they should be done.

Mayor Cavanaugh stated he understood the comments, but this was nothing new. There have been transactions with the City and County before, but all of a sudden the property gets clear cut and the building gets started. Then it is realized they need water and sewer from the City after the fact. He said another consideration is what happens when another building is to be built next to the County Complex. He wondered if they may also want variances from city regulations. He felt it may be a bad precedent. He pointed out the City has a policy which should be followed. He asked again why the County would not want to follow the City policies.

Mr. Killian stated for a long time, they thought they would be building inside the city and would be complying with city regulations. At some point there was a change.

Mayor Cavanaugh stated there was a change so he felt they should have checked on what the policies were to receive water and sewer services. He was concerned about the County asking that they be allowed to wait 2 to 3 months before annexing to the City, but in the meantime receive water and sewer services.

Mr. Killian stated the City and County needed to come to some understanding on some of the issues that Mr. Jacobs will be talking about before annexing. He said they did not want to delay the project. He said the building had been discussed for a long time, and it is now under construction. He said it was not the intent to violate anyone's ordinances, but just the fact that the property is in the county. He said it is a County organization and public entity, and they want to make sure the people on Lincoln Avenue are taken care of. He said the clear cutting was done because of the slope that is needed on the property. He said there is a drop, and some grading will need to be done to level the area out. He

said they plan to do plenty of buffering for those people on Lincoln. He said it may not be to the City's standards, but it would be far beyond what the County normally requires of other folks in the county. He said that had been decided. He said they know they are close to the people on Lincoln and know that they are creating a nuisance for them right now. He said they are going to try to do everything they can to fix that as quickly as possible—long before the CO. Mr. Killian stated as far as others next to the County Complex, the County owns 50 acres.

Mayor Cavanaugh stated he felt there would be a lot more building on the bypass.

Councilwoman Price stated she has heard from several people that they would rather work with the County than the City because our rules are more stringent than the County regulations. She said the developers will tell you about the hoops that they have to go through to develop inside the city. She said she had heard from three people in the last few weeks regarding issues to develop in the city.

Councilman Homoki asked if Mr. Killian was saying that the building would be built under the County ordinances, but by the time the property is annexed to the city that they would meet the city requirements for a buffer and other city requirements.

Mr. Killian stated they would like to have an opportunity to work through what those requirements are. He said one issue they are concerned about is knowing everything they need to do up front so it can be built into the budget and planned, rather than part now and part later. He said as long as they know everything that has to be done they can plan and budget for it. He felt it would take a couple of months to work through these matters before they actually annex the property and come to an agreement that makes sense for everybody. He said presently he did not feel that they know everything because they are still trying to clarify what the buffer means and the full cost of the buffer. He said K.J. is working with the Planning staff on this matter.

Councilman Homoki asked then with the Planning Department working with the County, when would they be able to arrive at a plan—one that the County and City agree with. After that is done we could proceed with the annexation. He said he did not understand what the argument is.

Councilman Dewar stated the argument is that we seem to have two standards. He said if we do have two standards he would like to know what the standards are. He said the business community is upset in trying to deal with the city. He said if we do have standards that are a problem to developers that want to come into the city, or problems to our business people, he felt it was Council's job to identify the problems, deal with them and resolve them.

Councilman Homoki stated Council represents the city. He said providing utility services is basically a policy of Council. Council can change its mind any time. He felt eventually the County property would be annexed to the city. He said to annex three months from now was not critical to him. He just wanted to make sure that the people on Lincoln Avenue, the City and the County would be happy. He said he wanted to make sure there would not be an issue of putting in trees in a buffer and not watering them and letting them die like what has happened in some other places.

Councilman Dewar stated he had no concern that the County would put up a building that will meet the applicable standards and that they will do a good job. He said Council needs to look at the issue. Perhaps it needs to be an agenda item for another meeting.

Mayor Cavanaugh asked what happens when we have several other businesses that want utility services.

Councilman Homoki stated he felt that it would be at the discretion of City Council. He said if Council sets a precedent one time does not mean they have to fold each time.

Mr. Pearce pointed out this matter is a utility request. He stated the City had worked with the Fresh Market and the Academy Sports and Outdoors with their proposed developments, and they were very complimentary of their experience with the Planning Department. He said he had not had calls from others who have had problems in working with Planning. He said if people have problems in working with Planning, they could contact him. He stated Mr. Evans has provided a detailed listing of an explanation of what the Planning Commission voted on at their meeting on October 9, 2012, but it did not pass. He said the Planning Commission is a recommending body. He said his understanding with a utility request is that Council can condition the provision of the utilities and the annexation on the conditions proposed. The enforcement is that the utilities will be provided if the conditions are met. He said that is why the request is before Council at this time and with the understanding that the annexation request would come in after the first of the year. He said if the annexation does not occur, then the provision of the utilities would cease.

Mayor Cavanaugh stated he doubted the City would cut the water off, but he was sure what the County says they will do will be reached. He stated he still had the major problem of why. He said he had not heard the answer to that question.

Mr. Killian stated the issue is that they are still working through some of the issues. They are in the county. They are a County government. However, they will build something nice. The goal is to work on the conditions that both sides can agree to for the provision of services.

Mayor Cavanaugh stated we could both agree to follow the City's policy. He said this is a small thing to be talking about. However, it could be a major thing. He said the City may have tighter policies than the County. He pointed out too that Aiken is a unique city. Aiken grew 16.5% over the last 10 years. He said Aiken is not stagnant. He said if people want to build outside the city that is their choice. There is, however, a lot of building going on inside the city too. He said he did not buy the situation that they have a hard time with the Planning Department. He felt Planning is doing their job. They have their policies and try to follow the policies.

Councilwoman Price stated she would organize a meeting and bring the people here and let them share their feelings. She said they are afraid, and she did not want to air that at this time. Mayor Cavanaugh asked that she meet with Mr. Evans and try to work that out. He said he had not heard of any problems.

Mr. Killian stated their experience had been very good with the Planning Department. He said they had just been trying to work through some details that they have some disagreements with. He said he and Mr. Pearce had worked very closely. Mr. Morris had given them water when they needed it. They had worked with Mr. Evans and his staff. Working with staff had been very positive. He said that was not an issue.

Mayor Cavanaugh stated he realized working with staff was not an issue and not an issue with the County. He said it was an issue with him if we don't abide by the city policy. He said he had not really received an answer as to why not meet city policy.

Mr. Killian stated he knows the County is trying to get services from the city, but the property is in the county. They want to negotiate some of the conditions. He pointed out the policy requires that certain things be done, and in anticipation of annexation they would like to talk about some issues before they annex.

Councilman Dewar stated he understands the policy requires that if a person wants city utilities one has to agree to annex if the property is contiguous. He said he is hearing Mr. Killian say that annexation at this stage would pose problems because by definition the city Planning Department would take control over some parts of the construction and the County would rather retain County control over the construction.

Mr. Killian stated the County had been working with the International Code Congress in Birmingham, Alabama, to review all their plans. They have been involved in the

beginning. The City Building Official has not been involved. He said if the County can continue their review of the plan with County officials, that will solve one big issue.

Councilman Dewar stated he would like to think that whatever the City requires would be required by the County because both use the International Codes, and there should be no difference. He said he was sensing that the City may be interpreting some parts of the International Code more stringently or differently than the County. He said if we are, he felt we should get on the same page. He said if that requires more City-County meetings to discuss he would be willing to do so.

Mr. Killian pointed out that any law or ordinance can be interpreted differently by people. He said he was not suggesting that the County's interpretation was correct versus Mr. Jordan's not being correct. He said the point is that there is so much planning done in a 135,000 square foot building that at this point to try to get the city Building Official up to speed would create further delays.

Councilman Homoki asked if City Council insisted that the property be annexed now, would that have fiscal impacts on construction, would there be a time delay and transitioning to a different guidance.

Mr. Jacobs stated he did not fully appreciate the implications from a construction standpoint as to what it would mean. He said they have a County building permit. He said theoretically the Building Inspectors could come out and shut them down.

Mr. Pearce stated the City would not go out and shut them down. He said Mike Jordan, Building Official, would not shut down a project that has already commenced. He said the practice in the past on other projects is that the County would continue to inspect that project.

Mr. Killian stated as far as budget implications for the landscaping, if they had to meet the City regulations there would probably be a budget impact.

Mr. Pearce stated he thought Mr. Evans had made an estimate based on Mr. Rapp's recommendation that the cost would be about \$5,000.

Mayor Cavanaugh asked Mr. Killian if he was saying that the County would not be able to meet the city's standards on landscaping. Mr. Killian responded that they are suggesting that perhaps they don't need to meet city standards. He said they would exceed the County standards. However, if that becomes a condition of the contractual arrangement, they will have to figure out a way to do it.

Councilman Ebner stated he thought the landscaping only affected three lots. He was not sure of the distance, but thought it affected a few lots.

Mr. Jacobs stated he would cover the buffer issue. He said under the possible conditions of approval suggested by staff, the Planning Commission did not take action, so the only document they have to go by is the recommendations of the Planning Department.

1. that an annexation agreement including the conditions of approval be executed and recorded within 60 days or that the applicant submit an annexation application within 60 days or if neither an annexation nor annexation agreement is required, that an agreement for providing City utilities including all conditions be executed and recorded within 60 days.

Mr. Jacobs said item 1 regarding the annexation agreement had already been discussed.

2. that the City Engineer approve the design and installation of the water service.

He said those conversations have already been going on in anticipation of gaining access to the city's water service. He said they are willing to comply with that condition and have already been working on it.

3. that the project comply with the City's landscaping requirements or if a waiver is granted from the landscaping regulations, there could be conditions

a) that there be a 25'-deep densely planted evergreen buffer including Large Trees and fast-growing evergreen shrubbery at least four feet tall at planting adjacent to the residential property along the southern boundary and along the western boundaries of lots #104-12-14-001 and 104-12-13-001 (lots fronting Lincoln Avenue);

b) that the Live Oak trees along the street be moved at least 40' from overhead power lines; and

c) that all new power lines be located underground to avoid conflict with trees.

Mr. Jacobs stated there are three items under landscaping requirements. Under (b) regarding the Live Oak trees being moved at least 40' from overhead power lines, he said they would be happy to comply with that. As far as (c) that all new power lines be underground to avoid conflict with trees, this item was already planned, and they are happy to comply.

Mr. Jacobs then talked about item (a). He said at the Planning Commission meeting the County had asked for clarification of item (a) and Mr. Evans had provided clarification on the buffer. He said they now understand the buffer requirement as is currently proposed in the resolution. He said if the resolution is adopted with the condition, they would ask that it be read as Mr. Evans has stated.

Mr. Jacobs stated they do believe that this is a County piece of property. It is more of a rural piece of property. He said they understand where the city limit line is drawn. He said they understand and appreciate all the issues that go with it and appreciate the need for city water and sewer. However, the property is a rural parcel. They believe and have designed the building and the site to comply with the County's landscape ordinance, which includes buffer yards. He said as professional designers, they feel meeting that buffer yard requirement and the County standards should be adequate for the site. He said, in response to Mayor Cavanaugh's comment about what is different about this project and what Council will tell the next people, what is different in their minds is that this is a standalone agreement like an incentive negotiation might be for the particular areas, where each case is taken and a determination is made. He said the Building Codes, Sprinkler, and Fire Protection codes are a consistent body of rules that are applied universally in the United States. He said the landscape ordinance is written for the City of Aiken. The City of Aiken is a beautiful place, but the parcel is not in the City of Aiken. He said that is referring to the appearance and what everyone loves about downtown Aiken. He said they believe that designing the 20 acre site to urban City of Aiken standards is not appropriate for this parcel. He said City Council can certainly pass any condition they wish for the parcel, but they believe as designers that they are designing a first class facility that the County and the City can be proud of. He said there are a couple of adjacent neighbors on Lincoln Avenue that they would talk about. He said the buffer is designed to be a buffer. The intention is to mitigate where two different uses come together. Nowhere in any landscape or planning ordinance that he has read is there any kind of verbiage that says complete screen or total privacy. He felt that things like line of sight are areas where they don't want to go. He said some of the residents are fortunate to be on high ground with a beautiful piece of property. He felt to try to protect their view area is not legally defensible. He said they don't know of any precedent to do that.

Mr. Jacobs pointed out there is no requirement for a fence in the City or County's ordinance. He said they have no interest or intention of installing a fence. He said they believe that the buffers that they plan to provide and have designed are adequate. He said

for the two pieces of property that are most affected where the houses are so close to the property line, they have designed a heavier buffer and are doing their best to be good neighbors to those people.

Councilwoman Price pointed out it is important to have good neighbors. She said even though Mr. Jacobs stated that it is not a legally defensible reason to do some things, having neighbors feel good about a building that is so close makes a lot of difference. It also helps to instill pride in the neighborhood as well.

Mr. Jacobs stated they understand that and hope that all the neighbors will be thrilled with the property. He said in developing the 20 acres and a 135,000 square foot building, it had never been their mission to try to make everyone 100% satisfied, as they know they cannot do that. He said as far as the timing of the landscaping, it will not necessarily go in at the last minute when they try to achieve their Certificate of Occupancy. He said this is a long project, and they would time the installation of the landscaping to align with growing seasons. It will likely occur many months before substantial completion. The site should basically look finished months before the building will. He said he did not know of any landscape or planning ordinance which dictates timing as far as having the landscaping go in immediately.

4. that any freestanding signage on University Parkway be limited to one monument-style sign at each entrance each with a maximum area of 60 sq. ft. and maximum height of 8 feet.

Mr. Jacobs stated the monument sign that has been designed is a single monument sign that complies with the total square footage of the sign. He said they would like to amend that condition slightly so the sign which has been designed does meet the spirit of the ordinance and is technically compliant. He said at any staff review the sign would meet the intention. He said he would suggest that the condition be handled at a staff review. He said they are willing to comply with the spirit of the requirement.

5. that the signage on Lincoln Avenue be limited to a directional sign with a maximum area of 4 sq. ft. and a maximum height of 3 feet.

Mr. Jacobs stated they are willing to comply with the condition, and would expect staff to review the final design.

6. that the Lincoln Avenue driveway be gated and used only for emergency access.

Mr. Jacobs pointed out Mr. Killian had alluded to the fact that a gate is planned at Lincoln Avenue, and the County is willing to keep the gate locked if the City finds that to be troublesome.

7. that site lighting be designed so that it does not spill over into the adjacent property, and that it complies with the City's lighting standards in section 4.3.8.F of the Zoning Ordinance.

Mr. Jacobs stated they designed the site lighting for city standards. He said they would like to have a portion of the condition removed. He said they would like to have "so that it does not spill over into the adjacent property" removed. The City lighting standard is not a complete "no light trespass." There is a small foot candle threshold that is allowed to cross the property line. He said they are asking that they be allowed to comply with the City's ordinance on lighting. The proposed wording of item 7 could be interpreted to be more stringent than the City's ordinance. He pointed out that they plan to meet City standards. The building has been designed to comply with the City's lighting standards.

8. that any revisions to the traffic study recommended by the On-Call Traffic Engineer be made prior to final action by City Council.

Mr. Jacobs stated there was an initial traffic study which the city reviewed and asked for some revisions. The study was revised and there were five additional comments that came out of the revised traffic study report that Mr. Dyar generated. He said the Planning staff's recommendation is that all five of the items be addressed as one of the conditions or as five conditions to the agreement. The first item is to provide an addendum addressing the segmental level of service analysis. He said they commented at the Planning Commission meeting that they had not received clarification on this matter and do not understand the comment. He said they don't know if they will comply or not because they don't understand the comment. He said they ask for clarification on the comment.

Mr. Jacobs stated the second item is that there be further discussion and information regarding the intended use and design of Lincoln Avenue. He said that matter had been covered in the other discussion.

Mr. Jacobs stated the third item is to lengthen the throat of the main exit to allow 150 feet of stacking. He said that is a minor tweak to the site plan that they feel is not necessary. He said the stacking would occur on the County property and not affect traffic on the highway. He said they don't feel they should have to revise the site plan to accommodate that stacking.

The fourth item is to allow for the installation of underground conduit under the main site entrance for future signal cable. He said they are complying with that recommendation.

The fifth item is to allow space for future installation of traffic signal poles and guy wires on both corners of the main site entrance. He said the County is complying with that recommendation. He said a traffic signal is not planned for the main site entrance, as the traffic study did not warrant a signal.

Mr. Evans stated he had talked with Roger Dyar today to be sure he understood his thoughts. He said, as far as the segmental level of service, the study did level of service analyses for intersections and turning movements, but did not do a level of service analysis for road segments. Mr. Dyar did the analysis himself, and it is fine. Nothing else needs to be done to the study. What Mr. Dyar did would suffice for the segmental level of service. Regarding mitigation, Mr. Dyar said the mitigation called for in the traffic study should be done. The mitigation is right turn deceleration lanes into each access point eastbound, left turn lanes for both driveways westbound. The study also called for a right turn lane on University Parkway at Rutland Drive at Laurens Street. Mr. Dyar does not feel that a right turn lane on Rutland at Laurens Street going northbound is necessary. He felt that could be handled with changes to the traffic signal. Mr. Evans stated Mr. Dyar felt that a signal study to study a possible signal at the main entrance to the complex should be initiated as soon as the complex opens. Another recommendation is that the City receive a signed and sealed copy of the traffic study.

Councilman Dewar asked what is the acceptable stacking distance. He said he thought the comment was on University Parkway to access the County Complex. Mr. Evans responded that Mr. Dyar would have to answer that. He said that comment has to do with the on-site within the complex. He said Mr. Dyar would like for that to be addressed. He felt that was beyond the scope of the traffic study. It is on-site rather than being in the right of way.

Councilman Dewar asked if there were any planned road improvements near the site to get the turning lanes to access the site, or whether it would be as it is now. Mr. Killian responded that the County plans to do at least the turn lanes that Mr. Dyar mentioned in his study. He said they may want to expand that and look at going ahead and doing whatever improvements need to be done from SC 19 and Laurens Street to at least beyond the complex, whatever widening may be needed.

Councilman Dewar asked if that widening was included in the allocation received from the Infrastructure Bank. Mr. Pearce responded that it is not. That would be a future application to the Infrastructure Bank. The project the City has is from Silver Bluff

Road to U.S. 1. It is the southside of Aiken. The scope of the entire application did include the northern section, but it would take another application for funding.

Councilman Dewar asked how many employees would be working at the County Complex. Mr. Killian responded there would be about 200 employees working in the facility. Mr. Jacobs stated he felt neither he nor Mr. Killian could interpret the traffic study. He said the study was done by professionals, and it is a complicated matter. He said to answer Councilman Dewar's question regarding the split for the traffic, the traffic engineers do not split the traffic 50-50 with half going one direction and half going the other direction. Councilman Dewar asked if everyone comes to work at the same time or if the work schedules were staggered. Mr. Killian responded that most of the employees have the same office hours with the hours usually being 8 a.m. to 5 p.m. He pointed out there may be a couple of days a month where stacking may be an issue on the property when people are coming to pay taxes on their vehicles on the last day of the month to get their tags. He said there are about 400 parking spaces on the site, and there will only be a couple of days a month when that will be used. Also, when the Magistrate's Court has jury trials, there may be a number of cars in the parking lot. He said it is felt that additional stacking will not be necessary on 95% of the days. He said a drive-thru window will be provided at the new complex.

Councilman Ebner asked if stacking on the County property is a problem in the future if the County would have to handle it. Mr. Killian stated if they felt they had a customer service issue and people were waiting a long time to get off the property, they would have to look at the problem. He said in looking at the turn lanes in and out of the property, they might want to look at how to get double lanes off at some point in the future. The study does not warrant it at this point.

Councilman Dewar asked if the County would have a problem with a crash gate onto Lincoln Avenue instead of a gate with a lock and key. Mr. Killian stated they would have no problem. The main goal of having the extra access is if something happens on University Parkway and people need to get off the property and can't go out University Parkway.

Mr. Elandus Mays, 920 Callahan Terrace, stated the buffer area mainly affected him, as his house is directly in line with the proposed building. He said Mr. Killian had been working with him, as he is over the property line. He said his main concern is that the County put a buffer between the properties. He also asked how the County may control foot traffic. He was concerned that people may cut through from the County Complex through his property.

Mr. Gary Smith pointed out that Mr. Killian can't necessarily control where people walk. However, Public Safety Officers can if someone is trespassing on his property. Trespassing is against the law, and Public Safety can deal with the situation. He pointed out that the County property would be public property and anyone can walk on public property, but they would not be allowed to walk across private property to get to Lincoln Avenue, as that would be trespassing.

Mr. Mays expressed some concern about the buffer and when it might be installed. Mr. Smith stated he felt the City would not let the County forget about installing the buffer between the property on Lincoln Avenue.

Councilwoman Price pointed out that Mr. Mays was the person who had mentioned to her about the fence that was supposed to be installed on Lincoln Avenue, but has never been installed. Mr. Pearce responded that Mr. Evans has made note of that and will be having staff check on this matter.

Mr. Mays stated if the residents in the area had known about the County Complex they might have been able to purchase some land so all the trees would not have been removed from the area.

Mr. John Wade stated he would be highly opposed to Council granting the County a variance that they have not allowed for other citizens, taxpayers, and developers. He said the Mayor had asked why the County had started the project without coming to the city. He said he had the same question. Why did the City not go to the County. He said the City knew the County Complex was to be built. He said it seems to him that the City and County are always fighting each other. He said the City had the opportunity to go to the County. He said Councilman Dewar had asked about the building codes and whether they are the same. Mr. Wade stated the problem is not dealing with the staff and the Planning Commission or Mr. Morris' staff. The problem is dealing with the regulations of Council that are imposed on a development. It is not a matter of disagreeing with Council, but a matter that they cannot financially pay for the costs sometimes. He said someone had made some comments that maybe the City in addressing the requests for water and sewer could allow for more relaxed regulations on the outskirts of the city. He said he felt the County should be able to get the City's water and sewer services, and that the City should give it to them. He pointed out that possibly the County could drill a well on their property. However, DHEC says water service is available for the property so they have to do a feasibility study. The study does not encompass what the City will require on landscaping, buffer, or setbacks. He said he owns some property a little further down on the opposite side of the road from the County Complex. He said he has spent \$30,000 to become a public utility and can serve 24 people a day. He said he has to maintain detailed records. He said he would rather have been able to call the City and ask for city water, with the city granting some changes from the regulations, since the property is in the County, with the city charging more for the services provided. He suggested that perhaps Council needs to have another meeting on this matter. He said he was not scared to come and talk to Council. He said the bottom line is that it is not the staff that is hard to deal with, but the regulations that make it difficult.

Councilman Dewar stated he understands Mr. Wade's comments, and he appreciates what he said about regulations, but if Council does not know about it, they can't deal with it. He said if a developer is dealing with any department in the City and having difficulties and Council does not know about it, he did not know how Council could be held responsible for not fixing the problem. He said Council wants to make sure that staff works effectively with everyone and that we don't have anyone in the city afraid to deal with any department in the city.

Mr. Wade stated Councilman Dewar may be misunderstanding him. He said he had never had any problem with staff on anything he had done through his business as John Wade Plumbing. The problem he has had is with the requirements that staff has to follow. Staff follows the requirements that are made by City Council.

Councilman Dewar responded that there is a balance and will always be a balance. He said Council's expertise comes from the staff. Staff tells Council what rules they feel Council should implement, and usually Council accepts staff recommendations. He said if people feel that the regulations are a problem, they have not passed that on to Council. He said he felt the issue with the County was not a problem with the regulations, but he was not sure he understood their differences. He said, however, they feel that it is best for them to proceed on their own and annex the property later. He said, as with the Mayor, he is frustrated with that. He said he did not know if it was a difference in interpretation with the International Building Codes, or whatever.

Mr. Wade stated the way the County situation appears to him is that they are a governing body that controls all of Aiken County as far as their ordinances and their inspections. They are fully competent to do that. For the County to come to the City and the City require some changes that they disagree with he feels is the problem. Mr. Wade pointed out DHEC controls the water situation and the municipalities push for control over furnishing water in order for the municipalities to grow their tax base. He stated he felt the furnishing of water with regulations was like having a regulation that no other paint store could come into Aiken or Aiken County, which he feels is unfair.

Mayor Cavanaugh stated what we have is very clear. He said what we have in the policies, regulations, and ordinances make Aiken what it is. The regulations have been

there for years. It is very clear what the policy says. The question at hand is whether or not we will abide by the policy or not. He wondered what that had to do with businesses not wanting to locate in Aiken. He pointed out we have construction going on in Aiken, and he felt there will be more.

Mr. Wade said he felt the City should have the ability to say if someone wants City water or sewer service that they should meet the City's regulations. He said he agreed with the City's position, the County's position and DHEC's position. He said the problem is that the three entities don't work together, and it puts mandates on people so they can't pay for them and harder regulations as far as time in meeting the regulations. He felt the City needs to be more relaxed on what they are doing, and possibly the guidelines changed some to help developers. He said he agrees that Aiken is a beautiful place. He said the City is always pushing the water and sewer service further with regulations.

Mayor Cavanaugh pointed out the County is asking for water and sewer service in this case.

Mr. Wade responded the County is asking for the service. He pointed out, however, the situation when the water and sewer lines pass his property on the bypass, and he is not asking for the service, but DHEC says the water and sewer are available, and he must tie on to the service. It does not matter to them what the City of Aiken requires to tie into the water or sewer service.

Councilman Homoki stated if in the end we come up with an agreement that meets requirement, why hold things up. He pointed out a policy can be changed. He said it seems that there have been exceptions to the policy in the past. It seems Council is concerned about making exceptions to the policy in the future. He suggested that Council take a look at the policy. Perhaps the policy needs to be changed. He said if, in the end, we end up with what we were asking for in the beginning, what difference does it make. He said it seems we are insisting on a policy which we have already abrogated in some past cases.

Mr. Pearce responded that we have not abrogated the policy in the past. He said what had been done in the past was when a construction project started in the County and then annexed during the course of the construction, the City did not take over the inspection of the project for issuing a CO. He pointed out this request from the County is for the City to provide utility services. The policy is that typically Council has required annexation to provide the utilities when the property is contiguous to the city limits. Mr. Pearce stated the reason he brought up the other two construction projects was regarding the issue as to who inspected the construction of the building. He said the Building Inspector does not want to come in the middle of a construction project and start doing inspections. He said the policy is that if property is contiguous and there is a utility request, Council had typically required them to annex. He said Aiken County is present saying they don't object to annexation and want to annex, but they are asking that the utility request be granted and that there be a condition in granting the utility request that they annex the property after the first of the year.

Councilman Homoki wondered if Council could ask for a certain date for annexation. He stated he understands the principle and understands that we don't want to give an exception, as others may ask for exception in the future.

Mr. Gary Smith, City Attorney, stated an exception could potentially open the door to other property owners who are already contiguous to the City limits and want to develop their property, but have a perception that it would be easier to develop in the County than develop in the City and do what the County has done. They started their development process in the County and have now come to the City and asked for water and sewer service and they will annex later.

Councilman Homoki stated he felt they could have water and sewer service if they agreed to meet the City standards whether the annexation takes place now or in a few months. He felt annexation of the County Complex would be a great addition to the city. He said

one of his concerns is that if Lincoln Avenue is paved, he felt there may be a lot of traffic down that street, as it may be a short cut to the County Complex.

Ms. Rosemary English, of Lincoln Avenue, stated she believes in growth and development. She pointed out, however, during the summer she went out of town, and upon her return did not recognize her back yard. She said the area behind her had been clear cut. What was a beautiful area of natural trees and evergreens is gone, and she now looks at the bypass and the housing development across the street. She said she was very concerned. She said she shared some of the Mayor's feelings in stating that he felt the County was coming to the City after the fact. She felt the residents of Lincoln Avenue feel the same. She said she knew the County Council building was going to be built on the property, but she had no idea the property was going to be cleared and take away her back area and privacy. She stated she was not able to attend the Planning Commission meeting, but did send her concerns. She said some of those concerns were addressed. She said she had noted that the County was planning to have site lighting, but wanted the clause removed that it be designed so that it does not spill over into the adjacent property. She felt that could be a problem for her property with light shining into the bedrooms at night. She said she was very much concerned about the buffer and trees or lack of trees to be planted. She pointed out there is a tremendous drop off behind her property, and from her backyard she looks right over to the open land and the construction project. She said she was concerned about the lack of trees, the privacy, and no kind of aesthetic separation of the property. She was also concerned about the amount of traffic that may be generated. She was concerned that if there is a gate at Lincoln Avenue that there will be increased traffic on Lincoln Avenue. She said she did not want to sit on her deck and see the cars and trucks parked at the County Complex. She said whether the city annexes the property is up to Council. She pointed out it appears that Aiken County wants city services, but does not want to necessarily abide by City regulations. She said she would like to see what the proposed buffer would look like.

Mayor Cavanaugh asked what kind of tree ordinance Aiken County has and what kind of buffer they would install.

Mr. Jacobs stated Aiken County does not have a tree preservation and replacement section in their ordinance like the City of Aiken does. He said that is a major difference between the City of Aiken and Aiken County. He said the City of Aiken believes that it is extremely important to preserve trees. That emphasis is not placed in the County ordinance. He said he would like to address some comments made by Mr. Mays and Ms. English. He said they take their concerns very seriously. He noted as far as the lighting is concerned, the County is asking that they be allowed to comply with the city's lighting ordinance. He said if there is a light trespass problem for Ms. English and Mr. Mays, they would be happy to make some changes. He noted, however, there has to be a balance of safety for people on the site with adjacent property. He said the requirement that there be no lighting over the property line is not required in the City of Aiken, so he felt to require that on a suburban parcel would not be fair. He said the proposed lighting is a very minimal amount for a certain distance off the property. He said he would be glad to share the photometric site plan with the neighbors. He said they would be glad to work with the neighbors to address some of the concerns. The goal is not to light the area up like a gas station and not to light up the neighbors' property. Light poles on the property have been located with that in mind.

Mayor Cavanaugh asked Mr. Jacobs if there was a plan for landscaping that Council could see at this time, and where trees would be replaced. Mr. Jacobs stated they were not planning to plant trees like they took down. He pointed out the property cleared was 20 acres of scrub trees. Mayor Cavanaugh stated he was not planning to vote for the request. He said there are too many things that bother him about the project.

Councilman Dewar asked some questions regarding the lighting. He said normal security lighting shines outward. He wondered if the lighting could be adjusted to flow inward so as not to bother the people on Lincoln Avenue. He wondered if Ms. English would have to worry about her bedroom being illuminated.

Mr. Jacobs stated the lighting had been designed so it does not cross the property line any more than it would if it were designed to be in the City of Aiken. He said the lighting would be no more than it would be in the same situation in downtown Aiken. The light poles are not located at the property line. They are located well inward of the site. He said they would be happy to share the site plan with the neighbors.

Councilman Dewar stated the buffer was important to Council. He said he appreciates the fact that they should not be expected to provide 100% privacy. He felt it was fair to understand that, while we can't make the area back to where it was before the natural buffer was eliminated, it is important that there be a buffer. They should not have to walk in their backyard and look at the parking lot or the roof. He said somehow we need to do something to fix that.

Mr. Jacobs stated he agrees that there should be a buffer and never argued that there should not be a buffer. The discussion is about how extensive of a buffer should be provided.

Councilman Dewar stated the utility request is done by a resolution, which has just one reading. He said he was not prepared to approve the resolution at this meeting. He said they had talked about so many things that he was not sure of what changes to make to the resolution. He felt they need to study what has been said. He felt the City would approve the request and the County would build their building, but he was not sure he understood all the things discussed. He said clearly the city wants a buffer. He said there is a level of frustration because they have all known that the building was to be built. He said it is distressing that the City and County did not get together earlier. He pointed out the letter in the Planning agenda was September 4, 2012, which was the application for city services. He asked, if at that time, the work in terms of the design was when it was decided to have the city step aside and waive the city inspector getting involved. He wondered when the design was finished. He said it seems the building is beyond the point where it is reasonable for the County to get the City involved in the building process.

Mr. Jacobs stated the design would be done by the time the building was finished. He said they are still working on it. It is a continual work in process. Mr. Jacobs stated the City's Planning Department has said it is a bad idea for the city building inspectors to be involved at this point. He said he did not know why Council would go against what the City's Planning Department has recommended. He said Council had said earlier that they listen to the professionals that are hired to work for the City. He said if they are saying not to do it, he could not imagine why Council would do it. He pointed out there were eight conditions recommended for approval by the Planning Department. He pointed out for item 1 that Mr. Killian and the County have agreed to annex the property after the first of the year. He pointed out that items 2, 3, 4, 5, 6, 7, and 8 have all been addressed. He said, regarding the buffer, he was stating his opinion as to why he felt they should only have to meet the County's buffer yard standards. He said if Council wants them to meet the buffer standards recommended by Planning, they would do it. He said they would not get water to the site over two rows of evergreens. He said he understands the frustration over the timing and the politics involved, but other than the timing within which the annexation agreement has to be signed, he felt there was not any material difference in what everyone is saying.

Mr. Pearce stated he wanted to clear one matter. The City's Building Inspector would not inspect the construction of the building. The Zoning Official would definitely inspect whether this construction is meeting any conditions adopted by Council. The list of eight conditions would fall under the Planning Department. The Zoning Official would very much be involved in assuring that the conditions are met. Mr. Pearce pointed out that the Zoning Official would take care of all zoning issues. He responds to citizens' complaints. In response to Councilman Dewar's comment that Mr. Pearce define the zoning issues related to the County Complex, Mr. Pearce stated the zoning issues would be the conditions adopted by City Council, and Mr. Paradise would be responsible for enforcing the conditions for utility service. The County Building Department would be the agency responsible for making sure the County Complex is built to the International

Building Code standards and issue the Certificate of Occupancy. Mr. Pearce stated he understands that the County would file the annexation request after the first of the year. They would not wait until the building is built to annex the property.

Mayor Cavanaugh stated he wanted to address a comment made that the property was not city land and why it should look like city land and follow city policies. He said he disagrees with the comment. He said Aiken has grown and looks as good as it does because of policies. He said the County Complex is expected to be a lovely place, and we want the building to be built. He said the problem is that we are being asked to go against the city policy and weakening our policy. He felt going against city policy would come back to bite them. He said no real reason had been given yet as to why of the case for delaying annexation.

Mr. Jacobs stated the Mayor did not have to convince him of the importance of planning and policy to control the appearance of development. He said the point of his comment was that the 20 acre parcel on University Parkway is distinctly different from the parcel located in downtown Aiken. He said some other cities have different zones and there are less standards for areas on the outskirts of town than in the core of the downtown. He stated there is a distinction for this parcel as it is in a rural area, and it will probably be 50 years before the parcel is in downtown Aiken. He said, regarding the buffer, they have already said if Council wants the buffer to City of Aiken standards they will do it. He said his point is that the policy is written as a blanket, no matter where the property is located, but he felt it is different.

Councilman Dewar stated it may be different to Mr. Jacobs, but not to Council. He said there is a gas station on SC 19 that will not be in the City for a number of years, but they wanted city water so they followed the city's landscaping and other requirements.

Councilman Dewar asked if Council insisted on annexation at this time, what waivers would the County ask for so they could get done what they want to do. He asked what the County would ask Council to waiver in the regulations that would not interfere with constructing the building.

Mr. Jacobs stated they would ask for waiver of the full landscape review and approval process. He said the tree preservation and replacement on a 20 acre site of scrub pine is not a feasible thing to undertake. He said to comply they would have had to survey the property and mark every tree over a certain number of inches, which would involve thousands of trees. Then when they cut them down they would have to replace them. He said that was the biggest issue. He pointed out the landscape ordinance has more than buffer yards in it. The landscape ordinance is written for downtown Aiken. It is written for development of a half acre or small site. When the requirements are spread over a 20 acre site, it becomes more than they feel is necessary.

Councilman Dewar stated that might be something they could be flexible with. He stated the County government is a little different. It is a government agency.

Mr. Pearce stated the Fresh Market, the Academy Sports, the hotel project, and the SPCA all had to comply with the landscape ordinance, and they all were large tracts of development.

Mr. Jacobs stated the question kind of takes a step back and says if we start from scratch what will we do or not do. He said what they wanted to talk about is the eight recommendations from the Planning Department. He said they wanted to go through that list and give their thoughts on that list. He said of that list he felt the only thing there is disagreement about is the length of time between Council's approval and when the annexation agreement is signed.

Councilman Homoki asked if the County would comply with the condition that the project comply with the City's landscaping regulations.

Mr. Jacobs stated he forgot to bring that up earlier. He said including the buffer yard requirement in the document, of every plan review comment they have heard that is in the document, they are willing to comply with. That memo implies that there are more reviews to come. He said he was not use to iterative reviews of things. He said they review things, changes are made and they are approved. He said there is a tag line in there that says we still reserve the right to make some changes, and we promise they are not major. In response to Councilman Homoki's question as to at the end of the day, the County would comply with the City's landscaping regulations, Mr. Jacobs stated no, they would comply with what the resolution is proposing.

Mr. Pearce asked Mr. Evans to tell them what landscaping review the Planning Department has seen on this project, if any.

Mr. Ed Evans, Planning Director, stated they have gone as far as they can go with a review of their landscape plan. He said they cannot continue to review the landscape plan until they know what City Council is going to require. He said they have gone as far as they can go. The degree of the plantings they have done, he felt would pretty well satisfy the city ordinance, except for the buffer which has been discussed. He said they have not completed the review, but so far it looks good. They would be planting a lot of trees. He said the ordinance does say that they have to replace trees that are removed, but only until you run out of room. He said from the looks of the plan, they would be putting about as many trees as they can get on the property. The plan calls for putting trees back in the buffer, but they are pines and live oaks, which won't provide a screen. That was the reason for suggesting Ligustrum trees which would be about a \$12,000 expense if they plant four foot trees. Three foot trees would be about a \$5,000 expense.

Councilman Homoki asked when the building is proposed to be open and how much the four foot trees would grow in about a year. Mr. Killian stated the target date is February or March, 2014.

Mr. Tim Coakley, Public Services Director, stated environmental factors would figure into how much the trees would grow in a year. He said the trees would probably grow about 1 to 2 feet in the first year. He said the Ligustrums are expected to be about 12 feet at maturity, which would be about 5 to 7 years. In response to the question as to whether 12 foot trees would take care of the neighbors on Lincoln Avenue, Mr. Coakley stated that Mr. Rapp had suggested two rows of trees on 10 foot centers. At maturity the trees would be touching each other like a screen. The idea of the second row is to help fill in the gaps while the trees are growing to maturity. Maturity for the trees would be 5 to 7 years. In response to the question as to whether the trees would afford some privacy for the people on Lincoln, Mr. Pearce stated a great example is Whiskey Road for the Palmetto Golf Course.

Mr. Jacobs stated the reality is that if they had complied with the city's requirements from the beginning and had they been able to manipulate the site to do it and had left 10 feet of undisturbed buffer, in scrub pine territory that would probably be three or four pine trees. If the city's regulations had been followed from the beginning, there still would have been the shock and visibility. He said some things are not within their control. He said they have to do what they feel is best and what the City says is best. He said the property would never go back to looking like it did before the construction of the County Complex.

Councilman Dewar stated he understood that it would not look like it did before, but he would like to have assurances that the residents would not be looking at a parking lot.

Mr. Jacobs stated the Planning Department understands the concerns, and they have made a recommendation.

Councilman Ebner asked Mr. Jacobs if he could get with the Planning staff and draw up a plan for the buffer. He said there is a plan which shows the parking lot. He said he would like to see a plan for the buffer area brought back to City Council.

Councilwoman Diggs asked who made the decision to remove the trees so soon in the process, especially without consulting the residents. She said she did not feel that it was right to cut the trees down behind their houses without at least talking to them and let them know that is what you would be doing. She felt it was a surprise to them to see the bulldozer removing the trees and their privacy gone so far in advance of construction.

Mr. Killian stated they understand it was a shock to the neighborhood. He said they intend to put back what they can put back, and it will probably be better than what was there. He said with the construction going on it will be difficult, but once the construction is done they will try to get the buffer back to a satisfactory level. He said the site for the building was picked some time ago. There was a lot of publicity about the site being picked, both and good. He said it should not have been a surprise that the County Complex was going to be built there.

Councilwoman Price stated the request is for water and sewer for the Aiken County Complex. She said the question is will Council grant the County water and sewer service with the conditions as suggested. She wondered if the neighbors would be satisfied with the buffer proposed.

Ms. English stated the neighbors had no idea what the buffer would look like. She wondered how high the trees would be. Mr. Jacobs pointed out on a plan Ms. English and Mr. Mays' property. He said they are talking about the buffer being continuous for the entire length.

Mr. Pearce stated that Mr. Coakley and Mr. Evans had shared that the recommendation was that Ligustrums be planted ten feet on center with two rows staggered, and some other trees will be planted. Ms. English stated that she would like to see the buffer plan on paper so they would know what is planned.

Mr. Jacobs stated the Planning staff recommendation was that 1,000+ feet of linear property adjacent to residential properties be buffered.

Mr. Pearce stated the recommendation was that there be a 25'-deep densely planted evergreen buffer including Large Trees and fast-growing evergreen shrubbery at least four feet tall at planting be planted adjacent to the residential property along the southern boundary and along the western boundaries of two lots fronting on Lincoln Avenue.

Councilman Dewar stated he felt Council should have had a worksession on the project to be able to understand it better. He said he was overwhelmed.

Councilman Ebner stated the matter had been discussed for an hour and a half. He suggested that the County prepare a plan of what they want to do and Mr. Evans make a plan of what he would suggest and what he thinks the neighbors want. Then Council could go from there. He said there is some money involved, but the matter can be solved. He said they could look at what needs to be done to meet city ordinance.

Mr. Pearce stated Mr. Evans and his staff would be happy to meet with the architect regarding the buffer and work through the issue.

Mr. Jacobs pointed out that he thought the proposed buffer plan by Planning was more restrictive than what is usually required. He said because of the unusual condition, their proposed recommendation is more restrictive than if the construction was done downtown. It was pointed out the buffer would be 1,000+ feet, which would include all the residential properties on the southern border. He said the trees include oaks, which line the driveway and back road of the property, and are representative of the quantity and spacing. The buffer is not representative. He said the denser piece of the buffer that is closer to Mr. Mays' property is a heavier screen and buffer, because the houses at the end of the cul de sac are extremely close to the property. He said the County wants a heavier screen there also to block the County's view from those residents. He said before the discussions, they recognized that condition and made that part of the buffer more intense.

Councilman Ebner stated he was asking that a drawing be made of the buffer areas similar to what a local landscaper would do to show what will be planted in the buffer area. He asked that drawings be made of the three suggested plans—the one suggested by the County, the one suggested by Planning, and one that complies with the ordinance or combine the City and County plans. He said Council would review the plans and decide what to do.

Mr. Jacobs pointed out the County would be willing to do what Mr. Evans has suggested, and it is more restrictive than the landscape ordinance.

Mr. Evans stated if Council approves the resolution with the recommendation for the buffer the way he has described it, he would require a landscape plan showing the Ligustrums and what is going in the buffer.

Mr. Jacobs stated they would be happy to comply with whatever Mr. Evans would like them to do.

Councilwoman Price asked Mr. Killian if the County needed approval of the request at this meeting or if it could be delayed to the next meeting which is November 12. Mr. Killian responded that it would be helpful to have Council's approval at this meeting. He asked what reviews are involved after approval before water service is put on the site.

Mr. Pearce asked Mr. Evans if Council approves the request for water service at this meeting, would he want the landscape plan before asking Mr. Morris to provide the water service. Mr. Evans stated it would depend on how Council approves the resolution. Mr. Pearce stated to assume that Council approves the utility services with the eight Planning Department recommendations.

Mr. Evans stated once the Planning Department has reviewed the landscape plan which would take a couple of days, then Mr. Morris could be notified to provide the utility services.

Councilwoman Price stated the reason for asking the question was to minimize the concerns. She pointed out someone would provide a landscape plan for review by the city. Council could then consider the landscape plan at the next meeting.

Mr. Jacobs stated he was confused about the review process. He said normally when a municipality reviews a drawing, they tell them what is expected. His firm provides the drawing, and the city reviews the plan and approves it. If his firm does not provide what they are told to provide, then they don't approve it. In this case he said Mr. Evans has provided a very clear direction of what needs to be done. His firm will draw the plan and submit it to Mr. Evans. He said if it complies then Mr. Evans would approve it. Mr. Pearce pointed out the missing link is that City Council wants to look at the landscape plan with the Planning Department conditions incorporated.

Councilman Dewar stated there was a level of frustration, and he can appreciate it, but Council lives with the problems they create.

Mr. Jacobs stated he understands. He said his firm wants to work in Aiken again. He said they are not trying to hoodwink anyone. He said he was being sincere when he says that a two dimensional landscape drawing does not depict the conditions. He felt Council had to trust the staff that the recommendation that they are making is being met. He said they typically see Council approving the plan on the condition that the staff review it to be sure the conditions are met. He felt for Council to be reviewing landscape plans is a dangerous precedent.

Councilman Ebner pointed out that Mr. Evans had said he needs to know Council's wishes so he will know what to expect the firm to submit.

Councilman Homoki stated Council had talked earlier about a date for annexation. He said if Council agrees on letting the Planning Department review the plans, and the Planning Department accepts the plans and recommends them to Council and then Council accepts the plan, then Mr. Killian needs to come back with an annexation proposal. He wondered if a date should be set for that condition.

Mr. Pearce stated his understanding is that the choices are that Council can approve the resolution as submitted. It has the conditions in it. It does not have the annexation condition. Council could put in the motion to approve the resolution to have annexation by a certain date. Or, Council could vote to deny the request and then the County would have to look at what action they would take based on denial. Or, Council could vote to carry the request over to the November 12, 2012, meeting. At that meeting Council could again take a look at the request, look at a revised landscape plan and see if Council is comfortable with it and provide guidance to the Planning Department to go forward and recommend the utility connection.

Mr. Pearce stated in the agenda materials there was a concept plan with the stipulations that the Planning Department recommended for the denser buffer along the residential area, which would address the neighborhoods concerns. This was the Ligustrum plan instructions. He said he understood Mr. Evans to say that if Council does approve the conditions, he knows what the landscape plan needs to look like. Mr. Evans responded that he does know.

Mr. Killian stated the County would like for the staff to know what Council wants the plan to be drawn to. Mr. Pearce responded that is in the condition in the resolution as drafted.

Councilman Ebner pointed out the plan has to come back to Council for approval.

Mr. Pearce stated what happens depends on how Council votes. He said if Council votes to approve the resolution, it would not come back to Council. It would be on the Planning Department staff to make sure the resolution as passed is complied with by the property owner. If Council votes to carry over the request to the November 12, 2012, meeting, it would come back to Council for review and approval.

Councilman Ebner moved that Council continue the utility request from Aiken County for water and sewer service to the November 12, 2012, meeting when the County will come back with a landscape plan that Council will review. Council is to receive the landscape plan from the County as soon as it is ready prior to the November 12 Council meeting. The motion was seconded by Councilman Dewar and unanimously approved.

Councilwoman Price stated she wanted to be sure that staff knows what Council is expecting them to do based on the motion.

Mr. Pearce stated he understood from Mr. Evans that he knows what he will be looking for in describing the Ligustrum plan and how he will look for it on a landscape plan. He said he would work with Mr. Killian and the architect to make sure the plans represent what he would expect to see.

Councilman Dewar stated he hoped the neighbors would be involved with city staff so they know what the city is doing. Mr. Pearce asked that the neighbors leave their name and address with the City Clerk so the Planning staff can contact them.

Councilman Dewar stated the City Manager's memo says that the County is asking for a waiver from compliance with the city building and sprinkler codes. He pointed out that is not in the resolution.

Mr. Pearce stated that is not a waiver from the code. It is that the city would not inspect the sprinkler system, but the County would inspect it.

Councilman Dewar asked if that could be included in the resolution. Mr. Pearce responded the resolution could be revised for the November 12 meeting.

Councilman Dewar stated he would have been much more comfortable with a work session on this matter. He said this is a massive thing to see and consider for the first time.

Mr. Pearce stated utility requests are done by a resolution. He said there is nothing wrong with Council asking for a second reading on the request.

Councilman Dewar stated as Councilman Ebner had requested he would like to see the landscape plan as soon as it is ready.

Councilman Homoki asked if the City would be charging the County the regular non-city rates for water service. Mr. Pearce responded that we would until they annex the property.

Mr. Gary Smith, City Attorney, stated Council had mentioned language about the annexation agreement. He said the first condition of the resolution talks about whether or not an annexation agreement would be required or, if an annexation agreement is not required, then another agreement would have to be done. He said what he had heard from Council is that they are going to require an annexation agreement. What he is hearing from the County is that they are probably amenable to that. Mr. Smith stated as part of the continuance it might be worthwhile to set a date when the annexation might take place.

Mr. Killian stated he wanted to be sure he knew exactly what Council was asking them to do before the next Council meeting. He said he understood they are to draw a landscape plan showing the recommendation of the Planning staff.

Mr. Jacobs stated he would like to understand the process moving forward from that point. He stated a 4 foot Ligustrum is probably 2 feet in diameter when planted. He felt that on the drawing that the plantings would not show up as being enough. He said they would like to understand the process for moving forward and how they know when there is enough.

Mr. Pearce stated the County would have to work with Mr. Evans and draw it up based on the recommendation made by Mr. Evans. He said that is to come before Council on November 12 for review. He said the City Horticulturist could also review the plan as well to make sure that the drawing reflects the recommendation that he has made to Planning.

Mr. Jacobs stated he wanted to understand that if they draw what Council is asking to be drawn and bring it to Council on November 12 and Council is satisfied with the way it is drawn that it will be approved.

Mr. Pearce stated Council will review the plan in public session with public comment, and Council will vote on the plan.

Mr. Jacobs asked if there was a vehicle to have an informal process prior to November 12 so the plan can actually be approved on November 12.

Councilman Homoki stated this goes back to the point that the City has a professional staff. He said the City has a Planning Director who has said he understands what the requirements are. He said the reason we have a professional staff is so they can give Council an opinion. He said if the plan is not satisfactory the Planning Director will let Council know. He said basically the Planning Director should have the authority in this instance to work with the developer and approve it. He said when it comes to Council for a vote it should just be a matter of a formal vote. He felt Council should take the staff's recommendations into consideration.

Mr. Pearce stated there will be a memo from Mr. Evans at the November 12 meeting if Council passes the motion to carry the matter over to November 12. There will also be a memo from the City Manager as well for November 12.

Ms. English expressed concern about the landscape plan. Mr. Pearce assured her that when the landscape plan is presented to the City, it will be available for the residents in the neighborhood to look at also.

Mr. Jacobs stated he would also like to present some pictures of examples to show how the Ligustrums would look.

It was pointed out that the plantings at the Palmetto Golf Course were an example of how the Ligustrums will grow and how they can screen the view.

Councilman Dewar asked if the landscaped areas would be maintained and watered until they are grown.

Mr. Pearce stated that Ligustrums are fairly hardy plants. He said the plantings at The Ridge at Chukker Creek had been mentioned. He said the Ligustrum plants were some of the plants that had survived at Chukker Creek while the other plants died.

Mayor Cavanaugh stated Council needs to vote on the motion that was made earlier in the meeting.

Mr. Pearce stated the motion was to carry the matter over to the November 12, 2012, meeting.

Mayor Cavanaugh called for a vote on the motion to carry the matter over to the November 12, 2012, meeting. The motion was unanimously approved.

#### INFORMATION

##### Safe Communities Initiative

Mr. Pearce stated he would like to update Council on the Safe Communities Initiative. He said the city now has 55 volunteers who have signed up to help support the program. He said he and Chief Barranco had talked with David Kennedy, the author of the book which was distributed to Council regarding the safe communities program. Mr. Kennedy is very willing to help the city and has given the city his check list as far as organizing for the first notification, which is the call in for the offenders that are committing the crime in this community. He said the staff has decided to focus on offenders who are in groups, whether it is a crew, a gang, or other loose knit group. We will look at the key leaders of the groups, and they will be the subject for the first call in which will be after the first of the year. Public Safety staff is doing the statistical research at this time. Staff is working with the volunteers to determine how they want to be involved in the notification after the first of the year. High Point, NC is doing a notification in December. Some staff will travel to High Point and actually see the process live. There will be a presentation to City Council on December 10, 2012, about how the notification will be organized in January.

Councilman Dewar asked if the game plan was to focus on groups as opposed to level of crime.

Mr. Pearce stated the violent crimes that the city has been dealing with since last December originate out of groups so that is why we want to focus on groups. He said those people are being identified based on the violent crime statistics connected to groups. He said we have to start somewhere. He said Chief Sumner and Dr. Kennedy were adamant that we have to start out with a very specific focus. He pointed out that High Point worked on this for 15 years. As they succeeded in one area they moved to other areas to address crime throughout the community.

### Water Service Replacement Report

Mr. Pearce reported on the Water Service Replacement project. He said the city has started in Woodside replacing water pipe. He said they will also work on Spencer Drive and Kensington Subdivision. Those have been the highest incidents of water leaks. He said we are starting in Woodside and have used all three crews there initially and will branch out into the other areas.

### Crosland Park Update

Mr. Pearce stated the city is reorganizing its approach in Crosland Park. A potential marketing opportunity has been identified. It originated out of the Aiken Corporation. Pat Cuning and his group have offered to take over a house and sell it. They will use one of the houses that was purchased with Aiken Corporation funds. There are two other realtors who are doing a marketing analysis on the houses. We will meet as a group and then proceed with our marketing. We are looking at some additional national marketing opportunities. Some are at a very low cost and some at no cost at all.

### Employee Awards Day

Mr. Pearce informed Council that the Employee Awards Day would be held on Friday, December 7, 2012. He said the event may be a breakfast this year as opposed to a lunch. He said the breakfast was a suggestion that came from staff. He pointed out with the lunch some staff has to work the full day to clean up after the lunch. If we have a breakfast event instead of a lunch event, it would give an opportunity for everyone to have the afternoon off as a gift from Council.

## BOARDS AND COMMISSIONS

### Appointments

Councilman Ebner asked if the appointments to boards and commission was an agenda item. Mr. Pearce responded that the item is on the agenda under Information.

Mr. Gary Smith, City Attorney, stated if the item is listed on the agenda it satisfies the requirement. As long as it is on the agenda, the public has knowledge that the item will be discussed.

Councilman Ebner stated then if there is something listed under Information he would be able to discuss the item at the Council meeting.

Mr. Smith stated it would be appropriate for Council to discuss any of the items that are listed on the agenda under the Information category. He said Council could not vote on any of the matters, but it would be appropriate to discuss the Information items. The items listed under Information are provided for information only.

Mayor Cavanaugh asked if any Council members had any recommendations for appointments to the various boards and commissions.

Councilman Ebner stated he would like to recommend that Jack Hunter be appointed to the Planning Commission to replace Ed Giobbe who has resigned.

Councilman Wells recommended that Liz Stewart be reappointed to the Planning Commission.

Mayor Cavanaugh stated these recommendations would be on the next agenda for Council's action.

EXECUTIVE SESSIONEmployee Incentive  
City Manager Review/Compensation

Mayor Cavanaugh stated Council needed to go into Executive Session to discuss two matters, one being the employee incentive and the other the City Manager review and compensation.

Councilman Dewar requested that Council vote separately on the two items to be considered in Executive Session. He said he felt one item was not appropriate to be discussed in Executive Session but should be discussed in public session.

Mr. Smith stated Councilman Dewar is asking that Council consider a motion to go into executive session to discuss the first item. Then have a second motion to consider whether to go into executive session to discuss the second item.

Councilman Ebner moved that Council go into executive session to discuss an employee incentive matter. The motion was seconded by Mayor Cavanaugh. The motion was approved by a vote of 5 in favor and 1 opposed. Councilman Dewar opposed the motion. Councilman Wells was out of the room at the time of the voting.

Councilman Dewar moved that Council go into Executive Session to discuss the City Manager Review and Compensation. The motion was seconded by Councilman Ebner and unanimously approved.

Council went into Executive Session at 9:43 P.M.

After discussion Councilman Dewar moved, seconded by Councilwoman Diggs, that Council come out of Executive Session. The motion was unanimously approved. Council came out of Executive Session at 11:54 P.M.

Mayor Cavanaugh stated Council discussed two issues in Executive Session. The first item discussed was about employee incentives. Councilwoman Price moved, seconded by Councilman Homoki, that Council approve a one-time incentive for employees with up to \$190,400 coming from the General Fund, \$46,600 from the Utilities Fund and \$3,000 from the Stormwater Fund to pay for the incentive for employees to be given to employees during the holidays. The motion was approved by a vote of 5 in favor and 2 opposed. Opposed were Councilmembers Dewar and Ebner.

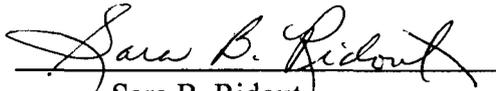
Mayor Cavanaugh stated the second item discussed in Executive Session concerned the City Manager's review and compensation. Councilman Wells stated from the City Manager's review and looking at the compensation, he would move that Council approve an annual salary of \$133,000 for Richard Pearce, City Manager, to become effective October 20, 2012. The motion was seconded by Councilman Homoki and unanimously approved.

Mr. Pearce stated as far as the employee incentive, the plan would be to take the dollar amounts to the Finance Department. The matter will be brought back to Council at the November 12, 2012, meeting to show a proposed disbursement of the funds.

Mr. Pearce stated he wanted Council to know that it has been a pleasure to work with Council as City Manager. He said he appreciated the many kind words Council had said when he was appointed City Manager in November, 2010, and the kind words that Council had shared in the Executive Session about the job that we are trying to do for the city. He said he wants to work with Council in any way possible. If Council has any concerns, he said he would be happy to meet with them or any constituents. He said he appreciates the opportunity to work with the city and Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:57 P.M.

  
Sara B. Ridout  
City Clerk

