

Aiken City Council Minutes

REGULAR MEETING

May 14, 2012

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

Absent: Councilmembers Homoki and Price.

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, Kim Abney, Larry Morris, Alicia Davis, Glenn Parker, Richard Abney, Ronald Shelley, Sara Ridout, Amy Banton of the Aiken Standard, and about 50 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:01 P.M. Councilman Wells 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.

ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. Councilwoman Diggs moved, and Councilman Ebner seconded the motion, to approve the agenda as submitted. The motion was unanimously approved.

MINUTES

The minutes of the special meeting of April 17, 2012, the regular meeting of April 23, 2012, and the worksession and special meeting of April 30, 2012, were considered for approval. Councilman Dewar moved, seconded by Councilman Ebner, that the minutes of the April 17, 23 and 30, 2012, meetings be approved with a clarification in the April 23, 2012, minutes. The motion was unanimously approved.

PRESENTATION

Website

Mayor Cavanaugh stated staff would give Council an update on the city website.

Mr. Pearce stated for some time he and Wes Funderberg and IT staff had talked about trying to keep our website user friendly. He pointed out presently our website contains a lot of words and people have to multiple click to get to the area of the website they want. He said Mr. Funderberg had worked very diligently and many long hours on this project. He has come up with a proposed site. He has reviewed it with the department heads and received input from them. He would like to present it to Council at this meeting for review and input.

Mr. Funderberg reviewed the proposed website for Council, pointing out the site will be more of a blog, news related site and more graphically intense than in the past. He pointed out the first page is items that people need to know immediately and more news related. He stated other items shown are the most popular sections of the website, such as the departments, the archives, financial transparency, sports and recreation, etc. He pointed out the social media, such as the facebook page, You Tube page, twitter, etc. He said from the front page they can get feature stories, latest news releases, services, apply for city employment, property taxes, videos, etc. He stated a person should be able to get to various information with about two to three clicks. He pointed out the Council district maps will be on the site, and a person can determine what district they are in by

entering their address. He showed Council the various archive documents which can be accessed by the public. Currently the site has about 458 pages and 388 images. He said staff did a lot of research and feel they have a site now that can be continued for years to come.

Mr. Pearce stated staff wanted to present the proposed website to Council for review and comments. It is hoped to have the website on line over the summer.

Councilman Dewar stated he had indicated to the Sunshine Review organization that he would call them when the new website was finished. He said a lot of work had been done by the city for transparency, and he would like to see the city recognized for it.

Councilmembers commented that they were quite impressed with the proposed website and felt there was quite a lot of information on the site. They felt a tremendous job had been done on the website.

Mr. Pearce stated he would like to publicly commend Mr. Funderberg for the work he has done. He said Mr. Funderberg is very talented and has amazing creativity. He felt the city is going to have an impressive, very user friendly redesigned website.

### BOARDS AND COMMISSIONS

#### Appointments

Timothy Redd

Building Code Appeals Committee

Scott Murphy

Senior Commission

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

Mr. Pearce stated Council has 8 pending appointments to City boards, commissions, and committees. Two appointments are presented for Council's consideration.

Councilmember Diggs has recommended the reappointment of Timothy Redd to the Building Code Board of Appeals Committee, and if reappointed the term would expire May 12, 2014. She has also recommended the reappointment of Scott Murphy to the Senior Commission. If reappointed the term would expire March 14, 2014.

For City Council consideration is approval of two appointments to the various boards and commissions as recommended.

Councilman Dewar moved, seconded by Councilman Wells, that Council reappoint Timothy Redd to the Building Code Board of Appeals Committee with the term to expire May 12, 2014, and reappoint Scott Murphy to the Senior Commission with the term to expire March 14, 2014. The motion was unanimously approved.

Councilwoman Diggs stated she would like to recommend for the next meeting that Todd Lista be reappointed to the Accommodations Tax Committee.

Mayor Cavanaugh stated he would like to recommend the reappointment of Hank Moormann to the Building Code Board of Appeals for consideration at the next meeting.

### REZONING – COLONY PARKWAY 05142012

South Park Shopping Center

170 Colony Parkway

HEAIK, LLC

TPN 106-08-03-002

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property owned by HEAIK, LLC from General Business to Planned Commercial.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY HEAIK, LLC FROM GENERAL BUSINESS (GB) TO PLANNED COMMERCIAL (PC).

Mr. Pearce stated HEAIK, LLC is the owner of 1.56 acres of land located at 170 Colony Parkway. As part of their redevelopment of South Park Shopping Center, they are seeking to rezone this parcel from General Business to Planned Commercial. He pointed out information in the next item as well as this item shows the location of this property. This is the South Park Shopping Center on Whiskey Road, immediately south from Colony Parkway, across from the Palmetto Golf Course. This 1.56 acre parcel is adjacent to the shopping center and is the old Verizon building.

Rezoning this parcel to Planned Commercial brings it in line with the remainder of the South Park Shopping Center campus. Fresh Market has already announced its intentions to locate on the shopping center campus.

The Planning Commission unanimously approved this rezoning request at its April 10, 2012 meeting.

For Council consideration is second reading and public hearing of an ordinance to rezone 1.56 acres at 170 Colony Parkway from General Business to Planned Commercial.

The public hearing was held.

Councilman Dewar pointed out the citizens present are interested in the next item, not this particular item for rezoning. The next item is the shopping center concept plan.

Ms. Linda Lance stated she grew up on Whitney Drive, which is just across the street from South Park Shopping Center. She said she was present to ask questions for her mother. She felt some of her concerns do pertain to both ordinances. She said it seems that once property is rezoned, that is the triggering event for things like a gas station to be able to be built on this parcel. She said she was aware that a concept plan had to be approved by Council, but she felt there was nothing that would exclude the use of this parcel for an 8 to 10 pump gas station. She also asked about the planting strip along Whiskey Road which is proposed under the Planned Commercial zoning. She said the requirement for a planting strip under the current zoning is 30 feet and she understood the request is that the planting strip be only 25 feet along Whiskey Road. She felt with a commercial development it would be even more important that the planting strip be 30 feet to help separate it from the residential area because of noise and lights, especially from a gas station or fast food restaurant. She wondered why Council would consider allowing a 25 foot planting strip rather than 30 feet along Whiskey Road.

Mr. Gary Smith, City Attorney, stated there is nothing in the documents now that would prevent a gas station from being built on the property. He pointed out the concept plan can make specific provisions regarding how the site will look and how the site will be developed. He said the property is presently zoned General Business, and a gas station is allowed in a General Business zone, so a gas station could be built on the property under the present zoning. He pointed out the planting strip width is a part of the ordinance that would consider the concept plan, which is the next ordinance.

Mayor Cavanaugh stated under the Planned Commercial zone Council can decide what they want to allow in the development.

Ms. Lance stated she understood one consideration is to waive the 30 foot planting strip along Whiskey Road. She wondered if there would also be a waiver of the planting strip for the 1.56 acre parcel. She wondered if the waiver of the planting strip would just be along Whiskey Road or also be for this parcel being rezoned.

Mr. Pearce stated the proposed rezoning is hinged upon the approval of a concept plan. He said there would be a concept plan for how the total Planned Commercial zone would

be developed. He pointed out in the next item there is a concept plan for the parcel being requested to be rezoned. The concept plan does not show a gas station for this parcel, but shows retail stores. The proposed rezoning is conditioned on the concept plan that Council will consider in the next item.

Ms. Lance was concerned that if the rezoning is approved, and if the concept before Council is approved, there would still need to be another plan before Council for the 1.56 acre parcel because the tenant has not been identified for the parcel. She stated the concern is that the concept plan before Council lists several options for use of the 1.56 acre parcel that is being rezoned. One use is a gas station, another a fast food restaurant, another a bank. She wondered if the developer could put a gas station on the property if Council had approved the concept plan. She asked what triggers the developer having to come back to Council for approval of a tenant.

Mr. Pearce stated the concept plan is included in the next item to be considered. The concept plan includes the 1.56 acre parcel with the other part of the shopping center. If there is a change in the concept plan, the developer would have to come back to Council for approval of a change in the plan. The concept plan which has been submitted does have a proposed use for the 1.56 acre parcel, which is retail stores. Mr. Pearce pointed out that the proposed concept plan does not show a fast food or a gas station in the parcel being considered for rezoning. He stated that is a separate parcel on Whiskey Road. He said the parcel being considered to be rezoned is on Colony Parkway. He said the property being rezoned is conditioned on the concept plan that Council adopts. He said Council will be talking about the concept plan in the next item. He said the rezoning will not take effect if the concept plan is not approved.

Councilman Dewar stated the ordinance for rezoning applies to the 1.56 acres on which the Verizon building is located. The next item is the concept plan, which includes the 1.56 acres. What Council approves will be what the developer will use to build the shopping center. As long as the developer builds what is approved on the concept plan, he does not have to come back to Council. He only needs to come back to Council if he wants to change something on the concept plan. He pointed out it is within Council's authority to say no gas station on the property. If Council does not specifically exclude a gas station, the developer can build whatever the ordinance allows for that particular zoning. He said this is Council's chance to shape what is to be built on the property.

Mayor Cavanaugh asked if there was any further discussion and there was none.

Councilman Ebner moved that Council approve on second and final reading the ordinance to rezone 1.56 acres at 170 Colony Parkway from General Business to Planned Commercial. The motion was seconded by Councilwoman Diggs and unanimously approved.

#### SOUTH PARK SHOPPING CENTER – ORDINANCE 05142012A

Concept Plan

Whiskey Road

Fresh Market

HEAIK, LLC

TPN 106-08-03-005

TPN 106-08-03-002

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve a Concept Plan for the South Park Shopping Center.

Mr. Pearce read the title of the ordinance.

#### AN ORDINANCE APPROVING THE CONCEPT PLAN FOR PROPERTY LOCATED ON THE EAST SIDE OF WHISKEY ROAD AND KNOWN AS SOUTH PARK SHOPPING CENTER.

Mr. Pearce stated HEAIK, LLC owns the South Park Shopping Center. Years ago, Council approved the development of this parcel for a FoodMax grocery store, with other

tenants as well. More recently, Goodwill Industries, Fred's, Aaron Rents, and Sundance Cleaners were at this location.

Last summer, Fresh Market announced its intention to locate in Aiken. South Park Shopping Center is their intended destination.

With the expected redevelopment of this Center and potential additional tenants and outparcel development, HEAIK, LLC has sought rezoning of an adjacent 1.56 acre parcel as well as the approval of a new concept plan for this shopping center. A copy of the revised concept plan was provided for Council's review.

Mr. Pearce stated there are several conditions recommended by the Planning Commission and staff. He reviewed the conditions.

1. That the development conform with the approved Concept Plan and that conditions of approval be listed on the Concept Plan.
2. That the Concept Plan meet all the requirements of the PC zone unless waived by City Council.
3. That the façade and canopy of the out-parcel building be approved by the Planning Director and that it be of predominantly the same materials and colors used for the shopping center with no bright colors used except as minor accents.
4. That the Site/Landscaping provisions of the Zoning Ordinance be met unless deemed impractical by the Planning Director.
5. That all of the existing landscaping in the islands deemed unhealthy by the City horticulturist be replaced and that, in such islands or any new ones, that soil be improved as required by the City Horticulturist.
6. That the requirement that the planting strip along Whiskey Road be 30 feet deep be waived but that the project comply with other Large Retail Project provisions unless waived by City Council.
7. That the outparcel freestanding signage be monument-type, designed to be compatible in design to that of the main shopping center, limited to 60 square feet, limited to 12 feet tall, and that the final design be approved by the Planning Director.
8. That the developer agrees to the conditions and that the signed agreement be recorded at the RMC Office.
9. That the agreement be recorded within 180 days.

He pointed out there were some changes to the ordinance which were discussed at the last meeting, and those were included in the conditions read. Traffic engineering studies have been done by the developer and by the City's on-call Traffic Engineer, Roger Dyar, who is present at this meeting. He said the transportation issues are separate from the development issues. He said that Tom Vincent of the Halvorsen Development and HEAIK, LLC, Bill Tucker, Tilden Hilderbrand, and the landscape designer are also present to answer questions.

Mr. Pearce stated staff did have a meeting with representatives from SCDOT. Those representatives were comfortable with the current traffic configurations as they are presently. They stated in the meeting that there were not warrants sufficient to justify a left-hand turn arrow from the southbound lane of Whiskey Road into the shopping center. The city has some updated traffic counts, and we have asked Mr. Dyar to do a detailed study to file with DOT about potentially designating a left-hand turn lane to handle traffic patterns. Those counts reveal that the right hand southbound lane, the one closest to the golf course, handles close to 70% of the traffic in the morning and afternoons. About 30% are using the left southbound lane, the one closest to the center. He pointed out that people tend to go to the right hand lane because they know someone will be turning left either at Boardman Road, Colony Parkway, Applebee's, or into the South Park Shopping Center.

Mr. Pearce pointed out Council had received emails from Julia Wesbrook, Ken Courtney, and Paul Korinko, who had expressed concerns about a proposal for a gas station in the concept plan and the designation of a left-hand turn lane. He said as far as the left-hand turn lane the City will have Mr. Dyar prepare a report for submittal to DOT and would

bring the results back to Council. He said even without the redevelopment of the South Park Shopping Center, we will have increases in traffic on Whiskey Road. Since DOT is comfortable with the current configuration we would like for them to be on board for some proposals to handle traffic in the future. That is a five to ten year plan.

Mayor Cavanaugh stated he had a question about condition 6 regarding the waiving of the requirement that the planting strip along Whiskey Road be 30 feet deep. He also pointed out on page 81 of the Council Agenda, Compliance with General Decision Criteria, that 3), the fourth item "The Plan shows an 8-to-10-pump gas station/convenience store as a possible use on the proposed out-parcel. Because a specific use has not been determined for the out-parcel, it is unclear how the layout will affect the vehicular and pedestrian traffic." He said since the owner has not decided at this point to put a gas station on the property, he would like to see the first sentence deleted. He pointed out there are many possibilities of other things that could be placed on the property. He felt this statement may be leading people to believe there will be a gas station on the property. He said he was not inclined to support a gas station on the property. He said the sentence says it is possible for a gas station, but there are also other things possible for the property. He said he would like Council to consider deleting the first sentence regarding the plan showing an 8-to-10-pump gas station as a possible use and leaving the second sentence.

Mr. Pearce pointed out on page 83 of the agenda in the report received from the Planning Commission an explanation was provided regarding the waiving of the 30 foot deep planting strip along Whiskey Road. He read, "The 25-foot deep planting strip along the Whiskey Road and Colony Parkway street frontages should be increased to 30 feet; however, while the depth of the strip along Colony Parkway will be increased to 30 feet, it is impractical to do so along Whiskey Road (where the strip is 25 feet deep) because of the impact it would have on the parking lot." He said that was the Planning Commission's basis for including condition 6.

Mr. Bill Tucker, attorney, stated he was present representing Halvorsen Development. He said a very thorough presentation and discussion was held three weeks ago at first reading of the ordinance on April 23, 2012. He said Tom Vincent, President of Halvorsen Development was present to answer questions. Mr. Tucker pointed out in answer to Mayor Cavanaugh's question regarding the planting strip along Whiskey Road, that 25 feet is preserving the status quo. It is not waiving the planting strip entirely, but just leaving the Whiskey Road buffer as it is.

Mr. Tucker stated there had been a very good meeting with representatives of the Department of Transportation, with Councilmember Ebner, Larry Morris, and Stuart Bedenbaugh representing the City of Aiken. Mr. Morris made a very good presentation to representatives of the Department of Transportation. After discussion, the DOT representatives stated they were willing to listen to the concerns and consider suggestions for the designated left turn lane, but the city's traffic study and that of the developer revealed that nothing is necessary for the undertaking of the improvements to the shopping center, and they were free to proceed. He said the developer is happy to participate and encourage the City to continue to work towards designing some solutions to the traffic issues in the area, but they would ask that Council not hold the project hostage to the concerns about traffic in the area. He thanked Representative Young and Senator Ryberg, who were present at the meeting with DOT and lent their support from a local delegation standpoint and to make sure this was being taken seriously by DOT. He said one of the two issues that came from the session three weeks ago was the traffic study, which has been addressed. The other was the possible use of the outparcel. He pointed out the people who are involved in the proposed project are present, including the landscape architect, traffic engineer, and Tilden Hilderbrand, civil engineer, to answer any questions. He said he would like to introduce Tom Vincent, President of Halvorsen Development, who was not able to be present at the last meeting. He said Mr. Vincent was present to answer any questions and summarize where the developer is in their plan.

Mr. Tom Vincent, President of Halvorsen Corporation, stated he was present to answer any questions and give an overview of the project. Mr. Vincent showed a drawing of the proposed project, including the landscaping. He said he had developed retail centers all

over the Southeast and all size centers. He said he bought the property about two years ago, and was preparing plans at that time to move forward, but when the economy when bad the progress was slowed down. Then the Fresh Market came on the scene and was interested in locating in Aiken. He said he had been working with the Fresh Market for about six to eight months and put together a lease opportunity for them. He said they had worked on engineering, elevation characteristics, and site development issues and had submitted their plans to the city. He said currently there is one tenant left in the shopping center that will be leaving the end of June. The development plans are to commence construction the beginning of July or possibly the end of June. The building plans and site development plans will be filed in the next week or so subject to Council's approval. The goal is to have the redevelopment of the center completed by the end of the year. That would include a total reconstruction of the existing facades of the inline part of the development and the additional 2100 feet of new retail development to help balance out the overall façade. He pointed out there is an elevation in the agenda packet that shows all of the elements that they plan to recreate along the entire store front canopy line. He pointed out the space for the Fresh Market. He said they have interest in several other spaces. He said the goal is to work with the Fresh Market ambience and the character of the center's they typically anchor to create a nice arrangement of specialty retail shops, restaurants, and shops that can all cross shop with each other, and promote pedestrian access throughout the site. He pointed out that the building along Colony Parkway would be an additional 9,800 square feet of proposed retail shops. That will be done in the second phase of the development. He said the construction drawings would include the entirety of the site, along with the reconstruction of the façade. He said the only thing remaining is the actual structure. They will be stripping the roof, installing new HVAC units, lots of architectural eifs, paint improvements. They will completely redo the parking lot surface and rework the landscape islands with the landscape density improved dramatically. The landscape perimeter strips will be beefed up. The perimeter landscape strips near Kings Grant Drive and Colony Parkway will meet the 30 foot landscape area. He said the landscape strip along Whiskey Road will only be 25 feet, but it will be re-curbed and re-landscaped to integrate it with the landscape plan for the property. He said in this area there was not enough room geometrically without starting to sacrifice portions of the buildings or other infrastructure that would have been cost prohibitive for the site.

Mr. Vincent then showed the building elevation. He said they tried to start with an elevation that would give a variety of a different look and characterize certain elements of the downtown. He pointed out that in the true historic part of the town, you don't get a single typical "shopping center looking canopy" without any variation to the store fronts or individual tenants identity. He said they gave attention to false balconies, awnings, color variation, etc. He said the design has different characters, colors, treatments, and roofing materials. He said the same building elevation will get repeated to an extent on the outparcel and the parcel on which the Verizon building is today. This will give a cohesive development with all the architectural features being integrated amongst all the buildings in the development. Mr. Vincent pointed out there is an enhanced walkway system along the front façade areas. That walkway system has variations of different landscape planters and features. It continues with a crosswalk connection all the way to Colony Parkway so in the future, if there is a pedestrian connection along the right of way, it could connect with the center. It also continues across the entire front façade and crosses the roadway to the new retail building. There will be benches, lamp posts, and other architectural things. He pointed out their architect, civil engineer, and traffic engineer are present to answer questions.

Councilman Dewar asked if the existing restaurant in the center would be staying. Mr. Vincent stated they are in negotiations with the Italian restaurant, and they have expressed an interest in staying. Councilman Dewar asked if Mr. Vincent could indicate other tenants beyond Fresh Market. Mr. Vincent stated at this time he could not because he has no signed agreements at this time. Councilman Dewar stated one reason for asking the question was that different businesses create different traffic flows. Some businesses create much higher traffic flows than others. Mr. Vincent pointed out that the traffic study did take into account a variety of mixed uses, including restaurants, general retail, and light retail. He said any of the uses listed on the outparcel would be covered within the limits of the trip generation in the traffic report. Councilman Dewar asked Mr.

Vincent if he would be comfortable if Council imposed a restriction of no gas station or car wash on the property. Mr. Vincent responded that he would not be comfortable. Mr. Vincent pointed out a car wash is not an issue.

Mr. Vincent then talked about a gas station. He said they were not actively seeking a gas station for the property. He said a gas station would not be their first use of choice. He said the problem is at this point not having a user identified for the parcel. He said in the retail business, especially a redevelopment project such as this, Fresh Market is the key to the success of the development. That lease is a very aggressive lease. To underwrite the deal to get it to work the success of the outparcel and the retail shops is really what it is all about. Without the right income generation from the mix, the project cannot be done. The redevelopment costs are staggering. He said they had looked at demolishing the entire structure and starting from scratch. However, that ended up being more costly than the renovation constraints with the buildings. He said renovating an existing structure with no building plans per se and nothing to go by, they spent a lot of time and money from a consultant standpoint that they otherwise would not have to work with if they had just demolished the buildings. He said it comes down to a balancing act of making the site work from a financial standpoint with an outparcel user. He said originally there was another plan with two outparcels in the front parking lot. He said that plan would have been a much more comfortable plan economically than what is being presented to Council at this time. One of the conditions of Fresh Market, over which they negotiated about six months, was about the two outparcels. He said in the end they forfeited one of the outparcels. The Fresh Market was concerned about their window and the visibility of the store. He said internally his company took a fairly significant hit to make the project work by eliminating one outparcel. He said they are not chasing gas stations now, and a gas station would be the last on the list. However, if they exhaust all other options and a gas station is a viable user, they would want to be able to have a gas station on the property. He pointed out they would have development constraints and offered to limit the size of a gas station to 8 to 10 pumps. It would not be an obnoxious "interstate type" gas station. It would be something that would be heavily controlled architecturally, roof top unit, lighting, landscaping, etc. He said they had been successful doing a lot of things in the past with gas stations in more of a neighborhood setting than what one would see on the interstate.

Councilman Dewar stated he felt the neighbors across the street would generally support the project, but they are not interested in a gas station, especially those who live on Whitney Drive. He stated he felt the proposal is a good project and commended Mr. Vincent for the work put into the project.

Mayor Cavanaugh stated he appreciates the Fresh Market coming to Aiken and the efforts put into the project. He said, however, he could not think about putting a gas station there with the Fresh Market. He said perhaps there is a beautiful gas station somewhere, but he had not seen one. He pointed out the consideration is a station with 8 to 10 pumps, which he felt is a lot. He said the persons across the station are opposed to a gas station. He felt a gas station would not be appropriate for the shopping center and said he would not support a gas station for the project.

Councilman Ebner pointed out that Mr. Vincent had stated that the parcel where the present Verizon building is located would be developed later. He wondered if the Verizon building would be torn down and the area landscaped or if it would be left as is until ready to develop it.

Mr. Vincent stated the initial plans to be submitted would include the demolition of the Verizon building so they can grade the pad, stabilize it and grass it. All the landscape treatments in the enhanced buffer behind it and some of the landscape treatments internal to the perimeter of the building will be installed and the paving surrounding it. He said they want to make sure they promote the retail shops that will be on either side of the Fresh Market and stabilize that part of the project before they open up the next phase of the project.

The public hearing was held.



Ms. Casey Knapp, President of the Greater Aiken Estates Neighborhood Association, stated she was not representing the association at this meeting. She said there was not enough time to get a vote by the membership on the project. She said she was present as an individual resident of Aiken Estates. She said her background is in project management, so she has a very great appreciation between development and business aspects and keeping all balanced. She said we all have a tough job with the balance. She said she supports the proposal for the Fresh Market, and feels that it will be a great help to the community. However, she has two exceptions to the proposal presented. She said she could appreciate the economic desire to make sure the project works for them and the need for that. However, she does not see the absolute need for a gas station. She said there has to be a compromise between a gas station and some other business to make it economically viable for their project. The other problem area she sees is that she feels the traffic increase has not been adequately addressed nor the impact on Aiken Estates. She said she had read some of the work done on the traffic study, and she does not feel that it adequately addresses their situation. It addresses the current traffic scenario, which is now reasonable. She felt it did not address the increased traffic that will occur and what it will do to Aiken Estates. Aiken Estates is a residential community, and a community that was there before the shopping center was developed. She felt a weighted value needs to be put on their issues, greater than some other issues, because this is a residential community with surrounding commercial development. She said they work very hard to keep their residential area residential and not commercial. They support the commercial development, but ask that the city look at the impact that the traffic will have on Aiken Estates. She said she appreciates the Mayor's comments on a proposed gas station. She pointed out the truck noise, high intensity lighting, 24 hour traffic, alcohol sales, and the potential for ground water pollution effects on Hitchcock Woods from a gas station. She asked that Council specifically restrict a gas station development as part of the proposed development. She also asked that Council look specifically at Aiken Estates, the residential area, and put extra time in that consideration as they struggle to maintain a good, healthy, strong residential community.

Mr. Phillip Lockard, 808 Legare Road Aiken Estates, stated he was present to concur with what Casey Knapp said. He said he also wanted to commend the developer and the foresight they have and the plans they have set forward to upgrade what was becoming a decaying shopping center and making more empty big boxes. He said, however, he could concur that a gas station would not fit into the proposed development. He said he saw a gas station standing out as a sore thumb in what might be a very beautiful, upscale shopping center with one of the best food vendors with Fresh Market. He said many of those in the room have said they can't wait until Fresh Market opens. He said a gas station in the center would produce light and noise pollution for the people who live across the street in Aiken Estates. There would be tankers coming in to fill the gas tanks and the possibility of ground pollution. He felt a drive-in restaurant would also present some of those problems. He felt a bank and several other businesses proposed would be much better for the shopping center. He asked that Council consider the inconvenience and other factors that a gas station would bring for the residents of Aiken Estates. He said residents of Whitney Drive and Aiken Estates have concerns about the dedicated left turn lane going south, which has been mentioned. He said none of the reports he had read considered the traffic entering and exiting from Whitney Drive, the frontage road along Whiskey Road, nor the entrance and exit from Hitchcock Drive going north or south. He hoped these matters would be considered, as well as the improvement to the flow of traffic into the shopping center. He said people have a hard time getting out now and getting in going north as there is no left turn signal at the intersection. He felt it would be worse with all the traffic on the outside lane on Whiskey Road. He commended Council on their statements about their opposition to a gas station.

Ms. Laura Bagwell, 919 Shadow Drive, stated she does not live in Aiken Estates but has many friends who do live in Aiken Estates. She said she was also present as a concerned commuter who drives up and down Whiskey Road several times each day. She said she was also present because she was really excited about having a Fresh Market in Aiken. She said she had a letter giving her comments and she would summarize the letter. She said she is an enthusiastic supporter for a Fresh Market in the South Park Shopping Center. The very upscale food market and associated businesses that it will attract will be a real asset to Aiken in general and to the residents and business owners in the area,

including Aiken's historic district, the mid-town area of South Boundary, Aiken Estates, Virginia Acres, Colony Park, and Woodward Estates. She thanked Mr. Vincent for his explanatory remarks as they helped clarify many things for her. She said, however, she still has two very significant concerns that echo what two others have already said. She said her first concern is traffic management. According to the Aiken website Larry Morris, Engineering and Utilities Director, has proposed to create a left turn only lane using the inside southbound lane of Whiskey Road from Barnard Avenue to Kings Grant Drive. The Aiken Standard also reported that the City is preparing an application to SCDOT to "redesignate the southbound lane across from the shopping center as a dedicated left-turn only lane to help traffic flow better. This turning lane would start north of Barnard Avenue and end at Kings Grant Drive." She said in her opinion this proposal would create a dangerous bottle neck. This will reduce the southbound Whiskey Road traffic to one lane for a distance of over a half mile. She felt this proposal is unsafe and unnecessary. She pointed out she had several exhibits to submit. One exhibit is an aerial photo of Whiskey Road showing the area affected by Mr. Morris' proposal. Exhibit 2 is a series of photos that demonstrate an alternative proposal in her opinion, which is to create a left turn only lane using the 400 foot stretch of Whiskey Road that currently consists of five lanes in front of the shopping center. This alternative proposal would maintain two traffic lanes in both the southbound and northbound directions, and at the same time would create a southbound left turn only lane that is more than twice the length which exists now. If a left turn only lane is required in the southbound direction she felt it would help and that the changes could be executed at minimal costs with manpower and paint and some new traffic signals. She said she also would like to see every kind of reasonable engineering measure taken to prevent drivers from turning left onto Whiskey Road except at the traffic light. She said she was talking about things such as a sign saying no left turn, directional curbing such as at the exit from Walmart. She felt such engineering measures should be installed at all businesses that face Whiskey Road. She said her second concern relates to the possible construction of a gas station at the South Park Shopping Center. She said the Aiken Standard and the Aiken Leader report that the concept plan for the South Park Shopping Center does not exclude the possibility of a gas station. She said Exhibit 3 shows that gas stations are already abundant in the area. There are four gas stations within a one mile radius of the proposed development. There are 12 within a two mile radius and 15 within a three mile radius. She said the community really needs a Fresh Market and we want it, but an additional gas station as part of the concept plan is not needed and not wanted. A gas station would extend the operation of the complex, add traffic, noise, litter and potential criminal elements that late night alcohol sales would bring to the neighborhood. She asked that Council use all existing regulations that we have to prevent construction of a gas station in the area. She stated she looked forward to hearing some creative solutions and shopping at the Fresh Market.

Mayor Cavanaugh stated he felt it was good to have discussion on traffic at this meeting. He asked, however, that the citizens keep in mind that a vote at this meeting would not be on what will be done about traffic. He pointed out the City Manager had stated that staff will continue to work with DOT and want them to be a part of this issue since Whiskey Road is a state road. He said the comments are worthwhile and Council will accept them as information.

Ms. Marianne Mowry Gardner stated she lives in the first house on Whitney Drive and will be impacted by the development. She pointed out she had noticed there was nothing addressing the turn off on Whitney Drive traffic-wise. She said she agrees with the previous statements, especially the concerns about traffic and a proposed gas station. She felt it would be a shame to add a gas station with all the lights in this area. She said reconstruction of the shopping center is an opportunity to do the right thing in terms of the environment and perhaps make a more permeable parking lot. She said she liked the ideas for landscaping.

Mr. Robert Lance stated he was speaking for his mother who lives on Whitney Drive. He said he has a traffic issue with Whitney Drive and did not see Whitney Drive addressed in the traffic study that was done. He said all the other intersections seem to be addressed, but not Whitney Drive. He said the only mention he saw regarding Whitney Drive was some comments from Larry Morris and Roger Dyar. He asked that those comments be

included in the concept plan. He said there is a problem coming out of Whitney Drive and making a left turn onto Whiskey Road. He also expressed concern about lighting in the shopping center affecting the adjacent residential area. He wondered if a lighting plan would be presented to Council as part of the concept plan. He also expressed opposition to a gas station in the shopping center.

Mayor Cavanaugh stated a few years ago residents adjacent to Citizens Park were concerned about lighting for the park. The proper lighting was installed with shielding, and he had not heard a complaint about the lighting.

Mr. Larry Morris stated there are lighting standards in the Zoning Ordinance that sets the foot candles that can be seen from a residential area. He stated his staff, along with the Planning staff check the lighting plans to be sure the regulations are met. He said they have worked with previous developers to put in directional lighting and lighting shields. He said an example of directional lighting and lighting shields occurs along the walking track at the Weeks Center. It was pointed out lighting is a part of the concept plan, and would be reviewed by staff to be sure it meets regulations.

Mr. Danny Kimball, 1401 Whiskey Road, stated he lives at the corner of Whiskey Road and Whitney Drive. The shopping center is just across the street from his house and whatever goes there will affect him. He expressed concern about lighting from the shopping center shining on his house. He said he was in favor of the Fresh Market being in the shopping center. However, he was not in favor of a gas station being in the shopping center. He was concerned about noise, pointing out that at times there are motorcycles at Applebee's late at night. He pointed out there is a residential area across the street from the shopping center.

Mr. Andrew Marine stated he was a member of the Aiken Estates Neighborhood Association. He pointed out residents in Aiken Estates are in favor of the project and feel that the Fresh Market would be a great addition to our community. He said his concern is the effect it will have on traffic on Whiskey Road, especially the southbound traffic on Whiskey Road. He stated there had been a mention of directional curbing to minimize people being able to left turn into the shopping center. He suggested there not only be directional curbing from Whiskey Road into the project, but also into the outparcels so people turning left will be turning at the street and not just anywhere along Whiskey Road. This would minimize the effect on the traffic.

Ms. Linda Lance asked a question regarding condition 4 in the ordinance. She was concerned about the statement that the site/landscaping provisions of the Zoning Ordinance be met unless deemed impractical by the Planning Director. She wondered if there was an ability to waive some of the existing zoning rules without coming back to the public.

Mr. Pearce stated the Planning Director would have the right to deem a landscaping requirement as impractical. The Planning Director, however, does not make significant changes to a site plan. He would insist that major changes come back to City Council for consideration. The Planning Director relies heavily on the City Horticulturist if any changes are requested.

Mr. Phillip Lockard stated his comment was about the reduction of the buffer along Whiskey Road to 25 feet. He wondered if the plans for certain height requirements for the shrubs would still be in effect. Mr. Pearce stated the requirements would still be required for the landscaping. He pointed out the 25 foot buffer recognizes the buffer that is presently along Whiskey Road. He stated Mr. Vincent had spoke regarding the buffer and stated if it is enlarged it would impede the traffic flow on the access roadways. The landscape ordinance will apply to the development. The buffers along the other perimeters will be 30 feet, but along Whiskey Road will remain 25 feet as it is presently. Mr. Vincent stated they would be replanting the buffer along Whiskey Road, and the replanting will have to meet the ordinance.

Mr. Pearce stated the city's Traffic Engineer, Roger Dyar, is present to answer questions. He said Mr. Dyar would be preparing the submission to SCDOT for traffic improvements.

Mr. Dyar stated the City was asked by SCDOT to do a standard DOT format study looking at the possibility of creation of a left turn lane using the existing pavement. That study as required by DOT will look at the traffic flow and traffic safety. He said he would be looking at the crash history in the Whiskey Road corridor in this area over the years. He said specifically DOT wants us to look at what the difference would be with and without the left turn lane in terms of the estimated speed of traffic and the possible need for left turn arrows at the signal at Kings Grant Drive and any other issues that may arise. He said the DOT requirements are specific as to what they want to include in the study. He said he had already done some traffic counts in the area. The counts show that the outside lane is already carrying more traffic than one would normally see the outside lane carry. The curb lane is already carrying about 70% of the traffic. He said he plans to go back and get another count for a day or two days. He said he will be getting more detailed information on the traffic crash data from Public Safety. It was pointed out that many of those present at the meeting are concerned about the traffic at Whitney Drive and trying to make a left turn onto Whiskey Road. Mr. Dyar stated a study of the Whitney Drive area will be included in his study. He felt the suggestion to convert the inside southbound lane on Whiskey Road to a left turn lane would not affect the ability to make a left turn northbound into Whitney Drive or change anything versus what is encountered now. He said it might make it a little better because it would be less traffic in the first lane to cross. Before the report is presented to SCDOT a preliminary report will be presented to Council.

Councilman Dewar stated he supports the project, but he does have some major traffic concerns. He wondered if we had not looked at the traffic collision data on this road before we and SCDOT decided everything is okay and we don't need a left turn signal.

Mr. Dyar stated it was not included in the study report that DRMP did. Normally it is not required unless it is a situation of a hazardous curve or if there is a known accumulation of many crashes. As the effort was going forward nothing was brought to their attention that indicated there was a history of a problem. He said that was not looked at yet, but it will be looked at in the report to DOT.

Councilman Dewar stated at the last meeting Councilman Wells pointed out that when there are heavy rains there is a lot of water along Whiskey Road in the area of the Palmetto Golf Course. He said SCDOT would not repave the road and that would be required to get rid of the water. He said he was concerned, because we are talking about going from two lanes to one lane to handle about 30,000 vehicles per day for about a half mile stretch on Whiskey Road. He was concerned about people going north wanting to make a left turn into Hitchcock Drive with no turn signal. He felt this is a very dangerous situation.

Mr. Pearce stated information on access to Aiken Estates will be included in the study that will be submitted to DOT. He said the understanding from the meeting held with DOT last week was that there were not sufficient warrants for a left turn signal at Aiken Estates.

Councilman Dewar stated he felt the traffic study and DOT approval should be done before Council gives final approval to the project. He said he had expressed concern on many occasions about the traffic signal at Kings Grant Drive and Whiskey and the need for a left turn signal. He pointed out a person only has 10 seconds to get out at the intersection of Kings Grant onto Whiskey Road and the people in Aiken Estates need more time to get onto Whiskey Road.

Mr. Pearce stated he would agree except that staff has talked with SCDOT and they have stated that the current traffic configuration is fine with them. Staff is trying to explain to them the issues and concerns that citizens have expressed about traffic issues in this area. He said the reason for Mr. Dyar's study is to help provide some of these concerns and issues to SCDOT so we can get their attention on these issues.

Councilman Dewar asked Mr. Dyar if he had given any attention to controlling the five exits/entrances to the shopping center. He wondered if any consideration had been given to not allowing left turns from some of the exits from the shopping center onto Whiskey Road to try to control where vehicles enter the property.

Mr. Dyar stated with the existing driveway access points it is very difficult to force one to be closed. In some cases it is considered a taking. In this case the applicant has voluntarily decided to take the southernmost driveway just before Kings Grant Drive and make it a right-in/right-out only.

Councilman Dewar asked if that could be done with some of the other exits/entrances. Mr. Dyar responded that might be contingent upon what would happen with the outparcel. Depending on the use, it might not be an issue to make another exit/entrance a right-in/right-out only. Doing this will reduce the number of conflict points on Whiskey Road and theoretically make it safer. That then would force more traffic down to the signal at Kings Grant Drive.

Councilman Dewar also asked how critical it is that the left-turn only lane be a half mile long. He pointed out Ms. Bagwell had suggested a shorter left turn lane of about 400 feet.

Mr. Dyar stated because the southernmost access to the shopping center is a right-in/right-out the left turn lane only from Whiskey Road it would not need to go all the way to Kings Grant Drive. It could stop at the driveway south of Applebee's. From that point all the way to the signal would be developing what eventually becomes a five lane section. There would be a left turn lane and two through lanes.

Mr. Pearce stated Mr. Dyar was saying that the left-turn only lane could be stopped at the Applebee's driveway. He said the plan is for Mr. Dyar to do a traffic study of the area. The proposal had been looking at the feasibility of having a left hand turn lane to handle the left hand turns at the Boardman signal. With the proposal there would be left hand turns at Boardman, Brandy and Barnard from the southbound lane of Whiskey.

Mr. Dyar pointed out presently there is a right turn lane in front of the shopping center. However, today the left turn lane is much more important than the right turn decel lane to the shopping center. He stated a four-lane road is basically old technology. With strip commercial development an odd number of lanes, either 3, 5 or 7 lanes is needed. The question is do we leave as is or do we look at something that would create the left turn lane, at least in the interim, which can be done very cheaply with paint and markings. In the longer term we could look at taking the pavement in the added third lane in front of the shopping center and see if there is a way to create a five lane section and then taper back into the two lane section. He said that could not be done without a relatively large construction project. The left turn lane only would be inexpensive if it could be shown that it works and if DOT would approve it.

Councilman Dewar asked if a lane of traffic could be saturated such as in this particular case going south on the right hand lane. He said it had been stated that 70% of the traffic already uses the right lane, but he wondered what happens when 100% of the traffic has to use the right lane.

Mr. Dyar stated there are over 20,000 vehicles in this area now and the volume stays the same and possibly goes up a little bit as one goes north into the two lane section. The traffic moves in the two lane section and it moves in the five lane section. It just moves a little faster in the five lane section. He said the question that DOT wants an answer to is that if there is a change and we change the two lane section for southbound traffic design what effect does it have on the speed. He said he was more concerned about the safety than the speed. He said he had done a lot of travel time runs about a year ago after the new traffic signal system was installed. He said we know what the average speeds are from those studies. We will try to model or predict what the speeds would be if there was just one lane instead of two lanes. He pointed out that presently from the first signal north of Boardman the traffic is basically being carried through in one lane southbound.

It is just a little slower. When the traffic gets to Boardman and it opens up to two lanes, the traffic speed is faster. He said a lane could get saturated. He said the speed goes down with the increased traffic in one lane. He was not sure how much the speed would be reduced, but felt it might go down from 40 mph to 30 mph. He would know more after the analysis. He felt the same amount of traffic could be moved, it would just be a little slower.

Councilman Dewar pointed out that traffic on Whiskey Road presently under the timing of the traffic signals gets the major benefit and moves fairly rapidly. However, if we realize it is important to get traffic out of the shopping center and the time is rebalanced so there is more than 10 seconds to get on Whiskey Road from a side street, he felt that would increase the congestion on Whiskey Road.

Mr. Dyar stated the new signal system that was installed last year tracks the usage and the amount of "green" time allocated to the main street and all the side street approaches in the system on Whiskey Road. He said we can look historically at what the percentage of "green" time is for Boardman, Kings Grant, Pine Log or any other intersection. As the demand changes, the system can adjust to the demand. If the Fresh Market generates twice the number of trips as predicted, and we start getting cues on Kings Grant, the system can be adjusted to give more "green" time to clear the traffic. The down side is that it may affect the traffic on Whiskey Road.

Councilman Dewar stated he understands how it is supposed to work, but he had to wait 100 seconds to get out of Aiken Estates and there was not much traffic on Whiskey Road. Another concern he had is if the inside lane on Whiskey is made a left turn only, he wondered about people changing and going from the left turn lane only back to the right lane. He was concerned about protection for people on the sidewalk when people pull back into the right lane on Whiskey Road. He said it is easy to go onto the sidewalk from the right lane.

Mr. Dyar stated that should be addressed in looking at long term improvements in the drainage on Whiskey Road. There should be a raised curb and gutter and some separation between the curb and the sidewalk.

Councilman Dewar stated it appears that the traffic program will be developed after the project is approved. He felt that was not the way it should be done. He asked Mr. Dyar if he was confident that if we end up with traffic issues that there are alternatives that can be implemented to deal with the issues.

Mr. Pearce pointed out he wanted to be sure Council understood a point. He said DOT has no problem with the traffic layout the way it is today. He said Mr. Dyar will be preparing a report to raise these safety concerns so we can get DOT's attention and address some remedial measures to make it safer. He said the issue is that DOT has no problem with the way traffic is on Whiskey Road today. He said we are hearing Councilman Dewar's concerns and those of the citizens. That is why Mr. Dyar is going to prepare a report to get the concerns to the attention of DOT so they see the need for some action to handle the traffic. Any report done by Mr. Dyar will be given to Council and available for the citizens prior to submission to DOT.

Mayor Cavanaugh asked what the timeline may be to have information from the study by Mr. Dyar. Mr. Dyar stated he had been asked to have the report ready in 45 days, and he expects to be able to have it ready in 45 days, which should be sometime in June. Mr. Pearce pointed out the report would be a draft report of what would be proposed to be submitted to SCDOT.

Mayor Cavanaugh pointed out it had been stated that the proposed project should be starting in July. Mr. Vincent responded that the projected time frame for the project is probably the first of July. The project would take about 6 months, with some portions of the project such as removing the paving and repaving depending on the weather.

Mayor Cavanaugh stated hopefully there would be enough time by the time we get the traffic report to see what is suggested, if anything. If there are no suggested changes, and

everything stays as it is, then we learn once the project is completed if there are issues or not. He said the City Manager had pointed out that DOT is presently saying that nothing needs to be done for traffic concerns. Many people feel that something does need to be done, but DOT must approve any changes.

Mr. Vincent stated Mr. Dyar had mentioned the signal timing and he felt there is some flexibility in tweaking the timing for the signals which could help tremendously. He said the signals today are synchronized and the timing can usually be adjusted some. He also pointed out the concession they had made in restricting the southerly drive to right-in/right-out will also help with traffic.

Councilman Dewar asked Mr. Vincent if he would make announcements as he signs tenants in the shopping center. Mr. Vincent stated some tenants like to have a formal announcement in the local newspaper. He said he wants to advertise new tenants when they can to help promote the project.

Mr. Vincent stated he wanted to make a few comments. He pointed out Mr. Dyar had mentioned the signal timing that can be adjusted to help with traffic flow. He pointed out they were happy to restrict the one driveway as right-in/right-out. He stated, however, restricting driveways can be a double-edged sword. There is the perception that there are too many, and whether we want to restrict them or close them can cut both ways. He said there is a balancing act in terms of giving people flexibility and choices and allowing the traffic more opportunities to exit or enter. He said you have to be careful to take into account the circulation patterns in and out of the center and what those driveways may afford in terms of flexibility and not loading trips at one end of the city or the other that will further exacerbate problems that might not be a problem at this point. He said, on the landscape issue along Whiskey Road, he had touched on the restraints geometrically with widening the strip. He pointed out one of the things about the property is that there is already a good degree of healthy, mature vegetation there. He pointed out very wide landscape screens can be a problem with tenants in terms of visibility. He said two main things with tenants in negotiating a lease are access and visibility. He said tenants walk away from a site if they can't get a reasonable accommodation of access and visibility. He asked that those matters be considered in looking at the project. He felt that with the 25 foot strip along Whiskey, the 30 foot strip on Colony Parkway, the enhancement on Kings Grant Drive, and the extent of the full mature plant material already along Whiskey there would be tremendously adequate perimeter landscape buffers. Regarding the lighting for the shopping center, Mr. Vincent stated the city's ordinance is a good ordinance, and it goes a long way as far as design. He said the design has to be submitted to staff for review. It takes into account the landscape material, how it matures, and how the lighting blends with it, the perimeter of the property, etc.

Councilman Ebner stated he would like to make some comments on the meeting with SCDOT. He stated Mr. Ems Baskins from Orangeburg has had a lot of experience. Mr. Baskins stated the volume is only 80% of capacity as it stands today. His perception is that the traffic on Whiskey Road is working well now. Mr. Baskins asked if the plans presented to him account for all of the new space being developed. The answer was yes it did, including a possible gas station, and that did not change his perception. Councilman Ebner stated he asked Mr. Baskins about left turn signals. Mr. Baskins responded left turn signals would be possible. However, it would take a warrant study and probably a neighborhood issue to make it happen because the load of the intersection would not require a left turn signal. Councilman Ebner felt the neighbors being present at the Council meeting was very important, and that Mr. Dyar should mention in his submittal how many people were present and where they live. Another thing Mr. Baskins mentioned was the strict requirements in marking the striping for the proposed left turn only lane. Mr. Baskins was not very favorable in changing the whole lane. Councilman Ebner stated it will take the citizens to help in this matter. Another thing Mr. Baskins mentioned was the study of each street entrance, as well as some of the major businesses in the area and their hours of operation. Councilman Ebner stated with a good submittal, possibly we could get what the neighbors are asking for. He said it will take a good write up to get left turn arrows which he personally felt are needed. He said any changes to be made should be implemented a few months before the opening of the shopping center so people get use to the changes.



Mr. Vincent stated one thing in respect to a gas station. He said they expect to be there a long time and want to be good neighbors. He said he had explained the rationale for a gas use and the economic importance of that use. He said a compromise he would be willing to offer is that they have the opportunity to come back to Council for a gas station at some point if none of the other uses were viable. He asked that the compromise request be a part of Council's motion for approval of the shopping center concept plan. This would allow them to go forward with the project.

Mayor Cavanaugh pointed out anyone has the right to come back to Council and request a change in a concept plan. At that time Council has the right to approve the request or not.

Mr. Gary Smith stated what he was hearing Mr. Vincent say was that he was willing to accept a modification to the concept plan which would remove the gas station as one of the possible uses under the plan being considered by Council at this meeting. He stated the Zoning Ordinance and state statutes allow the concept plan to be modified in the future. However, we can't predict who will be on City Council in the future and what their vote might be at some point in the future. Certainly a concept plan can be amended, and Mr. Vincent would have the ability to come back and ask for a gas station in the future.

Mr. Pearce suggested that condition one could be amended and state that a gas station use is not part of the concept plan approval. In the event a gas station use is proposed, the request would have to come back to City Council for consideration.

Mr. Vincent stated a gas station use is at the bottom of his list of proposed uses. He said it appears on the list because if it is to be a proposed use it needs to be on the list. He pointed out a gas station is an approved use in the General Business zone on the property which they requested to be rezoned to PC. However, a gas station is not an approved use in the PC zone, so for it to be a considered use it needed to be on the list of proposed uses. Mr. Vincent stated the only reason he would come back to Council for a gas station is that would be his only choice and he had exhausted all of his other choices. He said to get the project moving forward he would be willing for a gas station use to be removed from the concept plan.

Councilman Dewar asked if Council should do anything regarding the discussion on traffic. He pointed out the discussion would be in the minutes.

Mr. Pearce responded that he could assure Council that we will have within 45 days a draft plan prepared regarding traffic issues that will be shared with Council and the citizens. Before submitting it to DOT the matter will be an agenda item for comment.

Councilman Dewar moved that Council approve on second and final reading an ordinance approving a concept plan for South Park Shopping Center with an amendment to condition one stating that a gas station is not an allowed use for the shopping center and that the 25 foot landscape buffer along Whiskey Road be allowed as proposed. The motion was seconded by Councilman Wells and unanimously approved.

#### TOWING ORDINANCE – ORDINANCE 05142012B

Involuntary Towing Franchise Agreement

Wrecker Rotation List

Towing Franchise Agreement Conventional

Towing Franchise Agreement Heavy Duty

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance approving involuntary towing franchise agreements.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE GRANTING NONEXCLUSIVE TOWING FRANCHISES FOR INVOLUNTARY TOWING WITHIN THE CITY OF AIKEN.



Mr. Pearce stated Public Safety Director Charles Barranco and City Attorney Gary Smith, along with other ADPS staff, have met with our area towing franchisees to discuss renewal of our existing towing franchise agreements. Allstate Towing and M&M Towing are seeking to be added to the rotation list.

Public Safety Department representatives have discussed these renewals with these companies, as well as with the two new listed companies.

The proposed towing rates are:

<u>Regular Sized Vehicles</u> , Daytime	\$125
--Nights, weekends, holidays	\$175

Storage Fees per day	\$ 25
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Larger Sized Vehicles

More than 7,000 lbs, but less than 17,000 lbs., Daytime	\$150
--Nights, weekends, holidays	\$200

17,000 lbs., or more Daytime	\$300
--Nights, weekends, holidays	\$350

Storage Fees per day	\$ 40
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Mr. Pearce stated the rates are not changing; every year Council revisits the involuntary towing rotation list. The current franchises will expire in May. New applications for 2012 are Allstate Towing and M&M Towing, both of those are within the Aiken city limits. Broome Service Center and Wayne’s Automotive Center can do heavy duty wrecker rotation. A list of the Wrecker Rotation List was provided to Council with their agenda packet.

City Council approved this ordinance on first reading at the April 23, 2012, meeting. For City Council consideration on second reading and public hearing is adoption of an ordinance approving our annual towing franchise agreements.

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve on second and final reading the ordinance approving the towing franchise agreements. The motion was unanimously approved.

TAX MILLAGE RATE – ORDINANCE

Millage Rate  
Budget 2012-13  
62 Mills

Mayor Cavanaugh stated an ordinance had been prepared for Council’s consideration to set the millage rate for fiscal year 2012-13.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES AND FOR CAPITAL DEVELOPMENT PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, SET THE MILLAGE AT SIXTY-TWO (62) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. Pearce stated every year Aiken City Council adopts a budget for the following fiscal year. By a separate ordinance Council sets a millage rate to ensure proper revenue to meet anticipated budget expenditures.

With Aiken County's review of property reassessments, hearing of reassessed value appeals, and the completion of population growth estimates, we will be prepared to proceed with the FY 2012-13 millage rates.

Based upon the information we have at this time, we are prepared to proceed with continuing our millage rate at 62 mills. Under state law, we could set this rate as high as 62.2 mills. However, it has been many years since City Council has set a fractional millage rate. With the value of a mill at \$154,629, the total difference to our revenues is only the slight decrease of \$30,925.00 by not levying the 0.2 additional mill.

Our review of projected revenues and expenses shows the proper millage rate for this balanced budget to be 62 mills.

Adopting this rate will mean a further reduction in our millage will represent 24 consecutive years without a millage rate increase. You last reduced the millage rate as part of the budget process in 2008 [from 71 mills to 66 mills].

For Council consideration is first reading of an ordinance to set the FY 2012-13 millage rate at 62 mills.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council pass on first reading an ordinance to set the FY 2012-13 millage rate at 62 mills. The motion was unanimously approved.

#### BUDGET – ORDINANCE

##### FY 2012-2013

Mayor Cavanaugh stated an ordinance had been prepared for first reading to approve a budget for fiscal year 2012-13.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE ADOPTING A BUDGET PROPOSED BY THE CITY MANAGER, CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013, AND DECLARING THAT IT SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN.

Mr. Pearce stated a proposed FY 2012-13 budget was being presented to Council for review. This revised version includes items of interest and comment in our April 30, 2012 work session.

In the work session there was a question about the number of frozen positions. The frozen positions are a secretarial position in the Neighborhood Development Services Division, a Planning Tech in the Planning Department, a Public Safety Technician in Public Safety, and a part-time secretary in the Public Services Department. Revenue estimates have been provided, as well as expenditures and items considered to be part of the goal setting session that Council conducted at the Horizons Retreat in January, and some of the major purchases proposed.

Mr. Pearce stated as we do every year at the end of July or the first of August, a reconciliation of the FY 2011-12 budget, will be done to determine whether there are any unspent funds. If there are sufficient unspent funds, we would propose a salary increase for staff. We have calculated a 1% salary increase, but that will be subject to the availability of funds. As discussed in the budget work session, the budget shows the impact of mandates from the federal and state governments. There is a mandate from the State Department of Health and Environmental Control that we install a filter system at the Shiloh Springs water site, which will cost \$1.5 million. We also have in the proposed budget the first phase of water meter replacement. We have been talking with Orion and

they have a stainless steel meter with no moving parts. We will look very carefully at these meters because they appear to have a longer life and don't slow down like the current brass meters that we are using in measuring the water flow rate. The proposed budget includes \$1.2 million for new water meters. We also need to finish the Silver Bluff wells and water plant construction. Also, as part of the Enterprise or Utilities Fund and the General Fund budgets, the Federal Communications Commission has required us to narrow band. Anyone with radios will have to update their technology. Unfortunately, our radios cannot be narrow banded, and we will have to purchase radios. This cost will be about \$400,000.

For Council consideration is first reading of an ordinance to adopt the FY 2012-13 budget.

Councilman Dewar stated he had lots of questions and would submit most of them to the City Manager for answers. However, he had a few questions he wanted to ask at this meeting. He pointed out he felt Council needs to discuss the airport and how it is run. He said as large an operation as the airport is it is amazing that we are only talking about \$54,000 in revenue for the airport. He pointed out the increases in payments to the Cumbee Center and the Child Advocacy Center. Mr. Pearce responded that revenue comes from the State for the Victims Advocacy and if the funds are not used the state will ask for the money back. The funds can only be used for certain uses and these local agencies fit that criteria. The money can only be used for agencies where a crime victim is involved.

Councilman Dewar asked about use of Accommodations Tax funds being used for maintenance of buildings and park maintenance. Mr. Pearce responded that is appropriate use of the money if the buildings or parks are used in a function that attracts tourism to the city, such as Citizens Park and the Weeks Center. He pointed out the funds are restricted to tourism generation.

Councilman Ebner pointed out that several years ago the rules for Accommodations Tax funds were changed to allow some funds to be used for maintenance versus 100% for advertisement.

Councilman Dewar stated in the Stormwater Fund there are funds in the Holding Fund Transfer of \$18,000 and the Depreciation Fund Transfer of \$41,000. He wondered if the funds were being used to balance the account. Mr. Pearce responded the Depreciation money is for the replacement of equipment. He said the stormwater system is depreciated so we use those funds to do work in Hitchcock Woods, Crosland Park and Governor Aiken Park.

Councilman Dewar asked about the salary for the Theater Operations Coordinator. Mr. Parker pointed out the Community Playhouse contributes 28 hours toward the salary for the Theater Operations Coordinator's salary. The city is reimbursed for her salary.

Councilman Dewar asked about the Municipal Building Extension Rent income. He wondered if this was the rent from the property the city purchased on Newberry Street. Mr. Pearce responded the rent is for a portion of the building which is used by Public Safety for a Downtown Office. A portion of the building is rented to a beauty shop. Councilman Dewar asked if we received rent from the Hot Dog stand and Mr. Pearce responded that was not on city property. Councilman Dewar wondered if the rental amount was fair given the other rents in the downtown area. Mr. Pearce stated he thought that was the rent that was being charged when we purchased the property under an existing lease.

Councilman Dewar stated when we see Depreciation Fund Transfer he wondered if that was for the purchase of equipment that had been depreciated and was being replaced. Mr. Pearce responded the funds were being used to replace equipment and vehicles. He pointed out when a vehicle is purchased we figure the life of the vehicle at 125% so that at the end when the equipment needs to be replaced we have money for the replacement. Depreciation Funds are not being used to make up a shortfall, but are being used to pay

for replacement of equipment and vehicles for which the money was designated. The money was assigned to a particular city asset.

Councilman Dewar asked about the purchase of two garbage trucks. Mr. Pearce stated two garbage trucks are in the budget for \$330,000. He pointed out they are depreciated assets, and there is money to pay for the trucks from depreciation funds. He pointed out the city sold the commercial garbage trucks the city had and will use the money to purchase the new garbage trucks.

Councilman Dewar stated he had some questions about rent from Crosland Park. He thought we should be getting to the point where the renters' credit is repaired and they should be able to purchase a house. Mr. Pearce stated we are reviewing this.

Councilman Ebner stated he had asked the City Manager and City Attorney to clarify the revenues for Local Option Sales Tax I, II, and III. He said the reason for this is that for Local Option II we have about \$4 million over the allotted projects, and about \$1 million is tied up in a law suit for the Pawnee-Neilson connector. He asked if money could be transferred from Local Option III to Local Option II. Mr. Pearce responded no. Councilman Ebner asked how we balance the \$3 million. He pointed out there will be some over and unders for the various projects. He said in looking at the remaining projects most of them could spend all of their money, such as the landfill project. He wondered how we balance this.

Mr. Pearce stated in the past typically the receipts have exceeded the original estimate for the tax. There are some items listed where there is grant money available for them, such as the Northside Transportation Study. The city will be reimbursed for the vast majority of that project so this will be an item that the city will not spend the \$200,000 listed for the project. That gives us extra money. There are funds for open space purchase. Council has been holding up on this based on passage of the Open Space Element. There is money in the list because of overages we have experienced. We are trying to recoup money so we don't have any shortages. He pointed out several years ago there was an \$800,000 overage for the training center. He said this has to be balanced out with the other projects.

Councilman Ebner stated he understands that the cutoff date for money for Local Option II is December, 2012, for the taxing ability, then it takes about six months to get the money in. By next budget time we should have the money for LOST II. We are working on some projects that are major such as the Landfill. He said his request is that when we come to the next budget cycle we start looking to see if we have any liabilities and be sure we are doing this within the law.

Councilman Ebner asked that the revenue chart which he had asked to be prepared be shown to Council. He said when Council did the Zero Based budget analysis we dealt basically with expenditures. At the time we did not look at the revenue side. The chart shows the budget revenues from 1998 to present. Mr. Pearce pointed out the actual revenue was higher than the budgeted revenue for those years.

Councilman Ebner stated the chart shows the revenues from the projected budgets starting in 1998 so the revenues are relatively correct. He stated in looking at the chart the blue line shows that we are four years into a slightly negative effect. He stated Mr. Pearce had noted that we are about \$1.3 less in revenue projected this year from FY 2008. He pointed out we have to look at inflation as it goes on. He said in talking with some people from the State Commission for investments, they are using 2.3% as an average inflation. He pointed out on the chart the red dot to the blue dot, and if there is inflation above that means you are spending less dollars, just like some of the pension checks that some get. He felt it would be valuable for the city staff to take a look at the revenue streams and chart them out and see where the shortfall is happening. He pointed out the business license revenue is up a little bit this past year. Mr. Pearce stated the business license revenue is up, as well as the Accommodations Tax revenue. He said with the traffic and tourism we expect the LOST revenues to exceed budget. He said in looking at the LOST quarterly amounts we are seeing that the last two quarters have been higher than the year before.

Councilman Ebner stated he hopes that is a good indication of what's coming. He said we are having to make up inflation money. He wondered if we are borrowing money from the reserve funds. He wondered if the budget had been that fat or are we having to take money from our reserve funds to make up the revenue. He asked how do we show where the extra money is coming from because our fixed costs are the same.

Mr. Pearce reviewed the revenues and pointed out the chart shows projected revenue and the actual revenue that came in is higher than the projected revenues.

Councilman Ebner stated he wanted to be sure we are all looking at the same page. He said he would like for us to be on the same page by second reading. He felt it was important that we get the numbers accurate because inflation is not going away. He said we are buying less every day with the same bucks. He said his request is that the revenues be charted.

Mr. Pearce stated when we know we have reduced revenues based on the trending information received in March, we reduce expenditures.

Councilman Ebner stated then it gets to be where are we reducing and what is it hurting. He felt we need to look at the trend seriously and be planning for another bad year or two. Even if the revenue goes up 1% the inflation is still there. His request is that we get some real numbers and present them at the second reading of the budget. He said the only number that would not be correct would be 2012-13.

Mr. Pearce pointed out it would not just be the 2012-13. It would also be the 2011-12 fiscal year, because we don't reconcile the budget until the end of July. He pointed out we will still be getting some big revenues from some agencies, such as the insurance franchise money, which comes in near the last day of the fiscal year.

Councilman Ebner stated the second chart shows the various capital projects which have been updated including the water meters, water plant wells, and the radium filter. He pointed out the totals at the bottom of the page. He said these numbers skew the payouts and the depreciation numbers. He felt it is important to have this in the budget, because we raised the water rates based on the chart plus the inflation of chemicals, electricity, etc. He said he would like for this chart to be included in the agenda packet with the budget for second reading.

Councilman Dewar stated he felt it was difficult to understand the government financing system. He pointed out a chart in the budget message regarding revenues. He stated a statement regarding revenues points out that to figure the revenues the Depreciation and Holding funds should be subtracted from the projected revenue figure. He felt it was difficult to compare revenues from year to year because the funds for Depreciation and Holding funds vary from year to year.

Mr. Pearce pointed out that the revenues can be compared as the Depreciation and Holding funds which vary from year to year are subtracted from the projected revenue. With those funds subtracted the revenues can be compared.

Councilman Wells moved, seconded by Councilwoman Diggs that Council pass on first reading a budget as proposed for fiscal year 2012-13. The motion was unanimously approved.

RELAY FOR LIFEPurple RibbonsDowntownPaint the Town PurpleCancer Research

Mayor Cavanaugh stated Council has received a request for the placement of purple ribbons at the Newberry Street Festival Center fountain, at the fountain on Laurens at Richland and at the fountain at Park and Laurens.

Mr. Pearce stated Mayor Cavanaugh has proclaimed May, 2012 Relay for Life "Paint the Town Purple" month. He stated Lisa Glass was present representing the request.

As part of their efforts to raise funds for cancer research and mission programs for Aiken patients and their families, purple ribbons are being sold to be placed in our downtown.

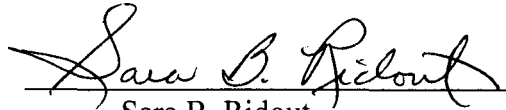
In addition to the proclamation, event organizers are asking that purple ribbons be placed at our Newberry Street Festival Center fountain, at the fountain on Laurens at Richland, and at the fountain at the corner of Park and Laurens.

For Council consideration is approval of purple ribbon placement at the locations in our historic downtown during the month of May, 2012.

Councilwoman Diggs stated as a cancer survivor she appreciates Relay for Life and moved, seconded by Mayor Cavanaugh, that Council approve the placement of purple ribbons at the three fountain locations in the downtown as requested.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 p.m.

  
Sara B. Ridout  
City Clerk