

Aiken City Council MinutesREGULAR MEETING

April 23, 2012

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

Absent: Gary Smith, City Attorney

Others Present: Richard Pearce, Stuart Bedenbaugh, Kim Abney, Larry Morris, Alicia Davis, Glenn Parker, Charles Barranco, Ed Evans, Tim Coakley, Sara Ridout, Amy Banton of the Aiken Standard, and about 45 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:04 P.M. Councilwoman Price 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. Mr. Pearce stated he would like to add a request under Petitions and Request for review of a logo for the City of Aiken. Councilman Dewar moved, and Councilwoman Diggs seconded the motion, to approve the agenda as amended. The motion was unanimously approved.

MINUTES

The minutes of the regular meeting of April 9, 2012, were considered for approval. Councilman Wells moved, seconded by Councilwoman Price, that the minutes of the April 9, 2012, meeting be approved as submitted. The motion was unanimously approved.

PRESENTATION

Dr. Sandra Field

DAR

Community Service Award

Mayor Cavanaugh stated Council wanted to have special recognition of Dr. Sandra Field for the work she and the Juilliard team have done. He pointed out that he wanted to go back to March 11, 2012, when Juilliard in Aiken was in town for the week. At that time he presented a proclamation for Juilliard Week to President of Juilliard, Dr. Joseph Polisi, who was in town. He said it was an honor to present the proclamation to him. He felt that for Dr. Polisi to be in town shows how much he regards the City of Aiken and the work that is being done here by the Juilliard in Aiken team. Mayor Cavanaugh stated he would like for Dr. Sandra Field, Cheryl Guynn, Regent of the Henry Middleton DAR Chapter, and Zee Homoki, Chair of the DAR Community Service Award, to come forward. He asked that all members of DAR stand and be recognized.

Mayor Cavanaugh stated the objectives of the Daughters of American Revolution (DAR) are to perpetuate the memory and spirit of men and women who achieved American independence and to promote the development of an enlightened public opinion and to foster patriotic citizenship. He said it is Council's pleasure on behalf of DAR to present Dr. Sandra Field with a DAR Community Service Award as President of Juilliard in

Aiken. Only four years ago the Juilliard in Aiken Board Directors Co-Chairmen Gregory W. Smith and Stephen Naifeh had the vision for Juilliard in Aiken and brought it to fruition. It is noteworthy to say the numbers speak for themselves. The group began with 50 volunteers and did outreach in 12 schools, reaching 500 students. In 2012 there were 195 volunteers, and they did outreach in 40 schools, reaching over 4,600 students. He said that is an amazing feat.

Mayor Cavanaugh expressed thanks to Dr. Field from City Council and the Aiken community for all that she had done and congratulated her on her recognition by DAR for her community service. He read the award: The National Society of the Daughters of the American Revolution certificate of award presented to Dr. Sandra Field for excellence in community service 2012.

Dr. Sandra Field expressed thanks to the Mayor and City Council, Regent Cheryl Guynn, DAR Aiken Chapter, and Zee Honoki, Chair of the Community Service Award. She said she was truly honored by the recognition, especially since it comes from a group that promotes service to the country and service to the community. She pointed out that Juilliard in Aiken is not a one woman show. She thanked Co-chairmen of the Board Greg Smith and Steve Naifeh. It was their extraordinary vision that created the relationship with the Juilliard School and was the inspiration for the festival. She expressed thanks for the 20 member hard working Board that generously gives their time, talent, passion and commitment to this effort. She also expressed thanks for the hours that the 195 volunteers put in for the week. She said when Juilliard in Aiken was incorporated in 2008, she felt no one thought we would get this far this fast in four years. Dr. Joseph Polisi, President of Juilliard School, who was in Aiken this year, was impressed with what he saw. She said she was accepting the award on behalf of the Juilliard in Aiken Board of Trustees and the Juilliard School. She read a quote from a child from the Episcopal Day School who attended the kids concert. "It takes a lot of practice to get really good." She felt that is true about most things in life. She said they plan to continue practicing and hopefully working towards a festival each year that will bring wonderful performances to Aiken and that will teach, motivate, and inspire thousands more children in Aiken and beyond. She again thanked everyone for the award.

#### Thoroughbred Racing Hall of Fame Lisa Hall

Ms. Lisa Hall stated she was very proud to let Council know that the Aiken Thoroughbred Racing Hall of Fame and Museum has been named the Best Equestrian Attraction in the State of South Carolina for 2012. She said they were proud of the award. She pointed out there are several docents who volunteer at the Hall of Fame present at this meeting, as well as several members of the Advisory Board. She pointed out that without the help of the docents and the Advisory Board, we would not have won this honor. She read the plaque and then showed a brief video. She said the video will be shown on the city's website as well as on the international website called the "Official Best Of." She presented the plaque to Mayor Cavanaugh.

Mayor Cavanaugh stated because Lisa Hall had worked so hard and done so much for the Hall of Fame, Hopelands, and Rye Patch, Council wanted to present a Character Award to Lisa. He read the certificate. "In the spirit of true character the City of Aiken honors Lisa Hall with the Mayor's Character Award for diligence, enthusiasm, and creativity. Your character is an inspiration to all of us."

Councilwoman Diggs stated she had known Lisa Hall for over 30 years and had worked with her on numerous programs. She said Lisa had always been very active in the community and always did her best with everything she did. She thanked Lisa for all she had done.

## BOARDS AND COMMISSIONS

Appointments  
Channing Jones  
Housing Authority  
Helen Simpkins  
Senior Commission  
Angela Key  
Susan Victor  
Accommodations Tax Committee  
JoAnne Saunders  
Scott Raines  
Arts Commission

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

Mr. Pearce stated Council has 14 pending appointments to City boards, commissions, and committees. Six appointments are presented for Council's consideration.

Councilmember Ebner has recommended the reappointment of Channing Jones to the Housing Authority, and if reappointed the term would expire May 28, 2017. (Housing Authority terms are for five years.)

Councilmember Price has recommended the reappointment of Helen Simpkins to the Senior Commission, and if reappointed the term would expire March 14, 2014. She has also recommended the reappointment of Angela Key to the Accommodations Tax Committee. If reappointed the term would expire March 25, 2014. The reappointment of JoAnne Saunders to the Arts Commission has been recommended by Councilmember Price. If reappointed, Ms. Saunders' term would expire April 11, 2014.

Councilmember Wells has recommended the reappointment of Susan Victor to the Accommodations Tax Committee, and if reappointed the term would expire March 25, 2014. He has also recommended the reappointment of Scott Raines to the Arts Commission. If reappointed Mr. Raines' term would expire April 11, 2014.

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

Councilwoman Diggs moved, seconded by Councilman Ebner that Council reappoint Channing Jones to the Housing Authority with the term to expire May 28, 2017, Helen Simpkins to the Senior Commission with the term to expire March 14, 2014, Angela Key and Susan Victor to the Accommodations Tax Committee with the terms to expire March 25, 2014, JoAnne Saunders and Scott Raines to the Arts Commission with the terms to expire April 11, 2014. The motion was unanimously approved.

Councilwoman Diggs recommended that Timothy Redd be reappointed to the Building Code Appeals Committee, and that Scott Murphy be reappointed to the Senior Commission. These appointments will be on the May 14, 2012, agenda.

## FLOOD DAMAGE PLAN – ORDINANCE 04232012

Flood Damage Prevention Plan  
FEMA  
Flood Insurance Study

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Flood Damage Prevention Plan.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN FLOOD DAMAGE PREVENTION ORDINANCE.

Mr. Pearce stated in order to comply with applicable Federal and State mandates, our Flood Damage Prevention Ordinance has to be amended from time to time as revisions are provided to us by the Federal Emergency Management Agency [FEMA].

In order to remain in compliance with these mandates, we are required to adopt an ordinance that recognizes the results FEMA received in its most recent Flood Insurance Study. This study has precipitated new flood plain maps that will be maintained on file at the Engineering and Utilities Department Administrative Building on DuPont Drive.

Our Engineering and Utilities Department Director and City Attorney have reviewed these revisions and prepared the ordinance needed for our City's continued participation in the federal Flood Insurance Program.

Mr. Pearce stated the changes recommended need to be effective June 19, 2012, so people who have property or structures in the flood plain can obtain flood insurance.

City Council approved this ordinance on first reading at the April 9, 2012 meeting. For Council consideration on second reading and public hearing is an ordinance to adopt an updated Flood Damage Prevention Ordinance.

The public hearing was held and no one spoke.

Councilman Ebner moved, seconded by Councilman Homoki, that Council approve on second and final reading an ordinance to adopt an updated Flood Damage Prevention Ordinance. The motion was unanimously approved.

#### TRAFFIC MANAGEMENT ORDINANCE 04232012A

##### Traffic Studies

##### Planned Commercial Zone

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Traffic Management section of the Zoning Ordinance regarding traffic studies in Planned Commercial zones.

Mr. Pearce read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING THE PLANNED COMMERCIAL ZONE REQUIREMENT FOR TRAFFIC STUDIES.

Mr. Pearce stated at the joint meeting with the Planning Commission, and during our annual Horizons retreat, Council asked that Commission members review the Traffic Management Ordinance, and specifically its application to Planned Commercial developments.

Planning Commission members have completed this review. They have recommended specific revisions to Section 4.3.8 of the Zoning Ordinance. With these revisions, the Planning Commission will still be able to recommend that a traffic study be done in appropriate cases. This recommendation will update the Zoning Ordinance so the Zoning Ordinance and the Traffic Management Ordinance are more compatible.

Mr. Pearce stated the major change to the ordinance is that "A traffic study shall be submitted if required by the Traffic Management Ordinance." This is in lieu of just being required and gives more discretion as far as when a traffic study should be done.

Council approved this ordinance on first reading at the April 9, 2012 meeting. For Council consideration on second reading and public hearing is an ordinance to amend the Traffic Management ordinance regarding traffic studies for Planned Commercial development.

The public hearing was held and no one spoke.

Councilman Wells moved, seconded by Councilman Homoki, that Council approve on second and final reading an ordinance to amend the Traffic Management ordinance regarding traffic studies for Planned Commercial development. The motion was unanimously approved.

REZONING – COLONY PARKWAY

South Park Shopping Center

170 Colony Parkway

HEAIK, LLC

TPN 106-08-03-002

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration 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 show 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.

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.

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

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

Mr. Pearce pointed out that Bill Tucker, Attorney for HEAIK, is present to answer any questions about the rezoning and the concept plan in the next item.

Mr. Tucker stated he assumed the items would be treated separately since they are two separate ordinances. He pointed out the two items do go together. He said Tom Vinson, President of Halvorsen Development, is the operator of the shopping center and could not be present at this meeting. He said he and Tilden Hilderbrand are present to answer any questions regarding the project. He pointed out the request is to rezone the presently abandoned property immediately behind Applebee's, which shares a common ownership with the rest of the shopping center. The request is for rezoning from General Business to Planned Commercial. He pointed out the plan is to demolish the existing building on the property and create a new structure that will face south into the shared parking area and be part of the South Park Shopping Center. It would no longer be an outparcel with its orientation to Colony Parkway. It would face southward into the large parking lot. He said the request is to give the 1.56 parcel the same zoning designation as the rest of the property. This rezoning would then put this parcel under the Concept Plan for the redevelopment of the shopping center.

Councilman Dewar stated the parcel then would not be a standalone parcel. He said he had some questions about a possible gas station going on the outparcel. He wondered if it should be considered at this time or with the next item.

Mr. Tucker stated he thought that matter should be considered with the next item. He said he could assure him that a gas station was not the plan for the 1.56 parcel. The

parcel would be used for a retail building with not more than nine units and 9,600 square feet.

Councilman Dewar stated he was confused looking at the Planning Commission memo regarding the matter, as it addresses the old Verizon building, which will have nine spaces. It also talks about an outparcel being created south of Applebee's.

Councilman Dewar stated in studying both of these items he was not impressed with the Planning Commission's reports. They seem to be perfunctory. They were not in detail. He said there are some very knowledgeable people on the Planning Commission, and he would like to know the questions they ask and issues that they are concerned about. Looking at both memos from the Planning Commission on these two items, they are like a book report. He asked that staff give more information on the Planning Commission deliberations. Another issue is the Planning Commission has a pre-worksession. He hoped they don't make a lot of decisions in the pre-worksession that people are not privy to who come to the meeting at the regular time. He wondered if the pre-worksessions should be held.

Mayor Cavanaugh asked if there was a bigger picture of the front of the buildings of the proposed remodeling of the shopping center.

Mr. Tucker stated how the buildings will look somewhat depends on who they attract to go into the spaces. He pointed out that at the Planning Commission Tom Vincent had stated there was a restaurant being considered that would take up more than one of the spaces and probably have some patio dining. It was pointed out there are no definite businesses at this time. Mr. Hilderbrand provided pictures of the proposed buildings in the shopping center. Mr. Tucker reviewed the drawings of the proposed buildings. He pointed out the developer plans to put a lot of work and architectural details in the buildings, even at the back. He pointed out the Fresh Market is proposed to be where Fred's is presently located. The goal is to try to mimic Laurens Street, with a variety of facades and elevations.

Councilman Dewar pointed out there is a Pay Day Lender and a restaurant in the shopping center now, and he wondered if they would stay. Mr. Tucker stated he could not answer the question, but he thought the goal was for the restaurant to stay. In response to a question if anyone else was interested in the shopping center besides Fresh Market, Mr. Tucker stated the owner was in negotiations with some prospects. He said someone had said this was going to be a hot place for new businesses to locate.

Councilman Dewar stated with the quality of the design which is being shown he felt they would have no trouble getting businesses. He felt it was a great job.

Mr. Tucker stated the Fresh Market would be 19,000 square feet.

Councilwoman Price pointed out she felt the area is not a bad area to ingress and egress. In addition there are a lot of parking spaces. She felt the area had not been fully utilized in the past.

Councilwoman Diggs pointed out the Pizza Hut has a small building in the center and wondered how that would fit in with the shopping center.

Mr. Tucker pointed out the area where Pizza Hut is located is not owned by the developers of the shopping center. It is an outparcel and the developer of the shopping center has no control over the architecture. The only relationship is that there are cross easements for Pizza Hut to get in and out and to cross the big parking lot. Also, the developer does not own the Harvard's Liquor Store. It is separately owned.

Councilman Dewar pointed out the City will lose its parking area for the visitors to the Christmas in Hopelands.

Mr. Tucker stated that was brought up in the Planning Commission meeting, and Mr. Tom Vincent talked about that.

It was pointed out that probably most of the businesses would be closed about the time the visits for Christmas in Hopelands begin. Mr. Tucker stated most of the Fresh Markets stay open to about 10 P.M. It was also pointed out that Mitchell Shopping Center is close by, and the parking area is not fully utilized.

Mayor Cavanaugh pointed out the proposal is certainly an improvement over what is presently in the shopping center.

Councilwoman Price moved that Council approve on first 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

Concept Plan

Whiskey Road

Fresh Market

HEAIK, LLC

TPN 106-08-03-005

TPN 106-08-03-002

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration 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.

The Planning Commission reviewed this new concept plan at their April 10, 2012 meeting and unanimously approved it.

Mr. Pearce pointed out that in Section 1 of the proposed ordinance there are ten conditions to be met.

As part of this redevelopment, city officials will be making application to SCDOT to redesignate the southbound lane across from this shopping center as a left turn only lane. Our Engineering/Utilities and Public Safety Department Directors have reviewed this proposal and see it as a good method to handle traffic patterns anticipated in this area as a result of this center's redevelopment.

Mr. Pearce called attention to Condition 7 that any mitigation approved by SCDOT be done before the issuance of a Certificate of Occupancy. He said staff shares the Planning Commission's concern that traffic be adequately handled for this parcel. He said the concern that staff has is that in working with SCDOT we would not want to necessarily delay a Certificate of Occupancy being issued until full and final sign off on the remediation measures by SCDOT. He said they would have a plan designed and filed with SCDOT with the necessary permits, but we would not want to cost the developer

money if those remedial actions are being taken. He said he and staff believe a better condition would be that SCDOT traffic abatement measures be filed prior to the issuance of any CO being issued, so that the developer will not be unreasonably delayed by any inaction on SCDOT's part. Staff will be working with SCDOT to make sure this issue is resolved well in advance of any store openings in this center.

Mr. Pearce stated staff has a proposed plan for handling the traffic, and it will help us address other issues.

Mr. Larry Morris, Engineering and Utilities Director, reviewed some plans showing a proposal to address some traffic matters. He said the proposal is to take the internal lane on Whiskey Road going south and turn it into a left turn only lane. He pointed out presently when you are on Whiskey Road if someone going south in the left lane wants to turn left that lane comes to a halt because of northbound traffic.

Mr. Pearce pointed out there is a left turn lane at Kings Grant Drive at the traffic signal. However, north of Kings Grant Drive people in the left lane going south tend to move toward the center line and almost go into oncoming traffic while waiting to turn left.

Councilman Wells asked if this would be taking one of the southbound lanes on Whiskey Road and turning it into a turn lane. Mr. Morris responded that is the proposal. Councilman Wells stated that would be doing the same thing that happens now when one car is sitting there waiting to turn left and other cars back up behind them.

Mr. Morris stated it would actually keep the traffic flowing smoothly. Presently when someone wants to turn at Colony Parkway they get in the southbound left lane. Cars behind them try to get over into the right lane so they can continue south. By having a true left turn lane on Whiskey Road from Colony Parkway to Kings Grant Drive the traffic flow in the right southbound lane can keep moving, and we would not have people behind cars turning left trying to get over in the right southbound lane. The cars that do want to turn left will be able to do so in a safe manner because they will be in a left turn only lane. Having the left turn lane would also help people turning left onto Brandy, Barnard, Boardman, Colony Parkway and Kings Grant. The proposed left turn only lane would start just north of Barnard. This would give a left turn lane for Brandy, Boardman, Westover, and the other areas just before Colony Parkway as well as the entrances to the South Park Shopping Center. This would give a continuous left turn lane from just before Barnard to Kings Grant Drive.

Councilman Wells asked about drainage issues along Whiskey Road. He said many times during heavy rains people move over left in the southbound lane to avoid the water that is in the right hand lane.

Mr. Morris stated the drainage issues we have in the area cannot be addressed with this project. Funding is not available for the drainage issues. He said one reason we are suggesting this is to be able to address the paint stripes. If we start erasing the stripes and move over to give additional drainage area or reconstruct the drainage, then we would have to take over the drainage and repave the entire section of Whiskey Road, which is well beyond the scope for which we have funding at this time. We have worked with DOT to try to eliminate some of the drainage problems which occur in the area. At this time they do not have plans for the drainage work.

Councilwoman Diggs asked when the left turn lane is created, would there be left turn signals. Mr. Morris responded there would not be left turn signals. This is a matter of cost in redoing the signals in the area. Turn signals at intersections are very expensive.

Councilwoman Diggs asked if there would be some indication for people going south that they are approaching a left turn lane only.

Mr. Morris stated the area would be diagonally striped. There would also be left turn arrows where we have streets and words saying left turn only.

Councilman Dewar pointed out the left turn lane would be about one-third mile long. If someone were in the left turn lane, they could get out of the turn lane at any time by



moving over into the right lane. Mr. Morris responded they could move over to the right lane.

Councilman Dewar asked if the developer would help pay for any of the mitigation costs with the traffic.

Mr. Pearce stated in the plan they are going to pay for putting in a right-in/ right-out turn at the driveway at the Pizza Hut. He said we have not discussed the restriping with the developer, but saw this as an opportunity to handle some other traffic problems that we have at Boardman, Barnard and at Brandy.

Councilman Dewar stated those problems have been with us for years and without this project, they would never be addressed. He said that is the nature of having a two-lane road, which we have throughout the city. If someone wants to turn left, the person behind you has to wait until you make the left turn.

Mr. Morris pointed out, however, that Whiskey Road carries over 33,000 vehicles per day.

Councilman Dewar stated he was aware of the traffic on Whiskey Road, and now we are proposing a project and we won't even get a left-turn signal. He pointed out the issues that we had with the opening of Cracker Barrel and what we are still going through with Cracker Barrel. He felt this business would be as popular, because people are wanting Fresh Market to come to Aiken. He was concerned that there would not be a traffic signal arrow to turn into the shopping center. He felt there could be a long waiting time to turn into the shopping center at times.

Mr. Morris stated there were differences between this shopping center and Cracker Barrel. He pointed out the detailed drawing in the agenda packet showing all the various entrances into South Park Shopping Center. He said there are at least five entrances to South Park, whereas Cracker Barrel has one entrance.

Councilman Dewar stated his point with Cracker Barrel was to talk about the number of people who will visit the shopping center. He asked if there was any concern about the number of entrances and exits onto this property—five entrances. He said if this project was being done from scratch with the Access Management Ordinance, we would never allow five entrances. He wondered if this was an opportunity to control the traffic. He expressed concern that Roger Dyar was not present at the meeting.

Mr. Pearce stated he could not be present at this meeting, but we would like for him to be at the second reading of the ordinance. He stated the concerns are issues that need to be covered at the second reading with Mr. Dyar and with Mr. Vincent. Mr. Pearce pointed out one reason for the right turn in/right turn out at Cracker Barrel on Whiskey Road was to help cut down on the number onto Whiskey Road. Mr. Pearce pointed out that Applebee's, Pizza Hut and Harvard's are all separate parcels and not part of the shopping center. We have to ensure access to all these businesses. There is also a possibility of another outparcel. It was felt there was the opportunity at Pizza Hut to have the right turn-in/right turn-out to help alleviate some of the driveways.

Councilman Dewar stated he was not worried about getting out of the shopping center, but concerned about getting into the property.

Councilman Wells stated he thought the majority of the traffic traveling south going into the shopping center would utilize the signaled intersection at Kings Grant Drive. He said he would not see most people going into the Applebee's parking lot and cutting through.

Councilman Dewar pointed out there is no left turn signal at Kings Grant Drive.

Councilman Ebner stated at the work session for the Planning Commission they talked about the intersection at Kings Grant and that it would probably need a left hand turn and different striping. It was felt Kings Grant Drive would pick up a load of traffic. He pointed out presently there are no markings on any of the streets. He felt with the traffic

load we will need some marking on the streets. He said if someone is coming down Whiskey or Silver Bluff they could turn onto Price Avenue and go in the back way to the shopping center. He felt some well markings or possibly the shiny reflectors would be better. He felt some homework needs to be done with the plan.

Mr. Pearce stated the intent is to have the Legislative Delegation go with them and sit down with DOT and discuss these concerns to see what DOT is willing to do to work with us on the traffic concerns. At one time Kings Grant Drive was marked with designated lanes, but it has faded. At least it needs to be repainted.

There was a question as to whether the streets are state highways or city streets. Mr. Morris responded Colony Parkway is a city street and Kings Grant belongs to South Park. Mr. Tucker responded that Kings Grant Drive is not a public street, but is a private drive with cross easements. The developer of South Park owns Kings Grant Drive.

Councilman Ebner stated when we do the plan we should consider everything and even analyze the Silver Bluff cross over. He felt someone coming down Silver Bluff would want to go down Price Avenue and make a left onto Colony Parkway to get to the South Park Shopping Center.

Councilman Ebner stated he felt we should open this up prior to opening day so people get use to it. He also felt getting the State Representative and Senator involved early are important, because the State is sometimes slow to react to these kind of permits.

Councilwoman Price stated she knew the people who open businesses in the shopping center are hoping the activity is of the level that Council is discussing, so they can stay in business for a long time. She said she is in and out of that shopping center frequently. She said she sees people entering on Colony Parkway and felt eventually there would have to be a traffic signal there at Whiskey Road. She said she sees people making a left turn at Kings Grant and does not see the magnitude of the problem. She said that may be because she is in Augusta a lot and knows how the traffic is there. She pointed out the traffic on Washington Road is much heavier than the traffic on Whiskey Road. She felt people will use Colony Parkway to enter the shopping center, which is what she presently does to get to South Park Shopping Center. She said she was not as concerned as some about long lines of traffic trying to get in and a long wait to make a turn into the shopping center.

Mr. Tucker pointed out that Roger Dyar was involved in the determination as to whether there needed to be a separate traffic study or an updated traffic study. The developer also had Phillip Hutcherson from Irmo involved, and the two of them worked together. The premise for the traffic study was 50% of the traffic into the shopping center would be coming from the north and 50% from the south, which he felt was pure conjecture. It was felt the Fresh Market would attract business from all parts of the city. He said the developer shares the concern about reasonable access and safety, however, we all know this has been a problem long before any new businesses in the area. He said he experiences problems turning left onto Boardman Road, hoping the car behind will stop. He pointed out the proposed turn lane would be helpful not only to the South Park Shopping Center, but the whole stretch of Whiskey Road that has been a problem for people wanting to turn left into the side streets off Whiskey Road.

Mr. Pearce stated by the time this matter comes back to Council for second reading, staff will have had a meeting with DOT officials. As far as a traffic signal at Colony Parkway DOT has a warrant study and traffic would have to meet the criteria for a signal. As far as a left hand turn arrow, we can have something definitive from DOT by the second reading.

Councilman Dewar stated he has been complaining about the traffic signal at Hitchcock Drive and Kings Grant Drive since he got on Council in 2007. He said it is a very long signal if one is coming out of Aiken Estates. He said many times he is sitting there for 60 seconds, and he does not see traffic either way. He felt we need to see if the cameras are working like they should. He said his concern was the length of time coming out of Aiken Estates, and pointed out it would be that way coming out of the shopping center as

well. He felt we need to take a good look at this intersection and get a timing to minimize congestion. He felt the current timing is not ideal.

Mr. Morris stated that signal was reworked, and there are cameras at that intersection. It is part of the fusion system that DOT installed with grant money.

Councilman Dewar pointed out that when one is in the right lane of Whiskey Road going south, there is not a lot of protection or barrier for the pedestrians walking on the sidewalk. He was concerned about a car being in the new left turn lane and moving over to the right lane and causing the car in the right lane to swerve onto the sidewalk. He said he gets the sense that we are rushing this. He pointed out the Planning Commission put a phrase in that any mitigation approved by DOT be done before the issuance of a Certificate of Occupancy. He said staff for some reason changed that recommendation to "let's do what we want to do and hope it all works out." He said he likes the project.

Mr. Pearce stated there is just a rolled asphalt curb along the sidewalk. He said they could discuss that with DOT in their meeting. Mr. Pearce stated staff is not rushing this. We are dealing with the reality that we are looking at approximately a six month turn around. From what has been in the paper, the developer will probably begin work sometime in June. They anticipate being finished sometime in December. There is a need to act quickly. That is why we wanted to bring this to Council for first reading and have a sense of the issues that Councilmembers have and then be able to address those concerns at second reading.

Councilman Dewar stated he would have appreciated the Traffic Engineer being present at first reading. It is a major traffic issue. He said if the Traffic Engineer could not be present, then the matter could have been delayed. He said he was wondering what will happen, depending on what SCDOT does. He said he felt staff was asking Council to approve the project without absolute knowledge of what SCDOT is going to allow us to do and when they will allow us to do it. He wondered if the city would have SCDOT approval before the next Council meeting.

Mr. Pearce stated we are asking Council to approve the ordinance on first reading. Council would still have second reading and public hearing. He said he did not know what Councilman Dewar meant by approval. He said staff would identify the issues that we would need to resolve with DOT to proceed.

Mr. Morris stated he had already met with the local maintenance engineer on this matter. He does not have a problem with the project. However, it does go beyond his authority. He has asked that they meet with the District Traffic Engineer in Orangeburg. They are in the process of setting up that meeting. After that meeting we will have a better understanding of what we can do. It is a problem that is recognized by the local DOT. It is an opportunity for them to be able to do something with the traffic situation there. The solution may not be perfect, but it would help move traffic and make left hand turns safer.

Councilman Dewar stated we all recognize left turns are a problem off Whiskey Road. However, he felt it would be even worse once the shopping center is developed. He said he likes the project, but is just worried that we are not paying the attention that we should to the traffic. He said suppose SCDOT does not help us in any way with the traffic, and Council approves the project. He wondered then what have we developed in the way of traffic. He said we are already saying we are going to make a long left-turn lane, but we are not going to have a left-turn arrow. He said it seemed that would create a problem. He felt it would encourage people to take one of the four entrances before the traffic signal at Kings Grant. There will be people going in all entrances. The people on the southside will probably learn to come down around Price and avoid the traffic. He asked if staff could tell Council what would happen in a worst case scenario if SCDOT does not work with the city on the suggested traffic pattern. He felt the development is a wonderful project, and he really wants to support it. His major concern is the traffic. He also pointed out if we don't fix the drainage concerns on Whiskey Road near the Palmetto Golf Course, that will be another problem. Presently many people move over to the left hand lane to avoid the standing water. He said again he understands a person can go in and out of the left turn lane only and go back and forth without being cited.

Mr. Pearce stated that was why the two traffic engineers had studied the traffic. He said they would have answers for those questions at second reading.

Mr. Morris responded to the statement of going in and out of the proposed left turn lane on Whiskey Road. He said the lane would be a left-turn lane. He said Public Safety would have to answer whether a person would be cited if they started weaving in and out of the lane. He said he did not see people weaving in and out. Mr. Morris stated the left-turn lane would be marked with a solid line on the outside of the lane and diagonal on the inside.

Mr. Pearce stated it might help to meet with DOT first to see what they are comfortable with on the district level before we ask Public Safety if a person might be cited moving in and out of the proposed left-turn lane.

Mayor Cavanaugh pointed out that he did not know of any other shopping center in Aiken that has as many entrances and exits as the South Park Shopping Center. He pointed out there are at least six entrances/exits, and people have many ways to enter and exit. He felt that was a good thing. He pointed out if Council is not happy with the situation on second reading, Council can delay consideration until we have a plan that the majority of Council is satisfied with.

Mr. Tucker stated he understood that it had been suggested that Condition 7 in the ordinance be eliminated or not conditional upon DOT approval. He said their preference would be that condition 7 be eliminated or not conditional upon DOT approval.

Mr. Pearce stated that could be changed to be on file with DOT. Mr. Pearce pointed out that Condition 3 "That the façade of the out-parcel building...." He said the wording should be "That the façade and canopy of the out-parcel building be approved by the Planning Director..." Additional language should be added to Condition 8 "limited to 60 square feet, limited to 12 feet tall, and that the final design be approved by the Planning Director."

Councilman Dewar asked if the developer would be willing to commit to no gas station being located on the property.

Mr. Tucker stated he was not authorized to commit for the developer. He said he knew several things were being considered for the shopping center, and a small gas station could be one of them. Also mentioned at the Planning Commission was a possible branch bank or a restaurant. All of these would have their own unique characteristics and traffic flow features. He said those considerations had created some concern at the Planning Commission, with a gas station and tanker trucks going in to bring fuel, etc. There is no specific plan for anything right now.

Councilman Dewar stated there were not many people present from Aiken Estates, and he felt there would be some residents of Aiken Estates who would voice their concerns, if they have some by the next meeting.

Mr. Tucker stated he would take the comments back to Mr. Vincent in preparation for the next meeting.

Councilman Homoki stated a few months ago there was a long discussion about a gas station on property of the Shoppes at Richland near the Walmart on Richland Avenue. He stated residents in the area all seemed to remember the word upscale. He said, however, in research of the minutes the word retail upscale restaurants, etc. did not appear. He said he attended the Planning Commission when the South Park Shopping Center was discussed, and the word "upscale" kept popping up. He said he found it incompatible to have an upscale gas station along with the rest of the plan, which is very nice. He pointed out at the Planning Commission meeting Mr. Vincent used the word "upscale." He said he was curious if Mr. Vincent planned to put in a gas station. Councilman Homoki felt if Council did not want a gas station there that Council should say "no gas station allowed," or they should say that a gas station is allowed. He felt

Council should agree on this use or not so that it will not come back to Council later, like the one on Richland Avenue for Murphy Oil. He said this should be decided by Council and made a part of the record.

Councilman Dewar stated that was why he raised the question. He pointed out there are houses just across the street from where the outparcel will be, and a 24/7 gas station with lights will raise concerns by residents. He felt residents of Whitney Drive will be present at the next meeting as he felt they would object to a gas station.

Mr. Tucker pointed out also that the outparcel may never be developed.

Councilman Dewar pointed out the City Attorney is not present at this meeting, but he thought Mr. Smith had said in the past that this is Council's chance to control what goes into a Planned Concept plan. He felt the City Attorney would say that Council has the authority to say "no gas station."

Councilman Homoki stated the issue with Murphy Oil was that Council should have specified what could or what could not go in the shopping center. He felt Council could do that for this request if they did not want a gas station at the South Park Shopping Center. He pointed out, however, looking at the other side where the flower shop used to be was a gas station. He said a gas station is not that remotely alien to the area.

Councilman Dewar pointed out at that time the gas station probably was not a 24/7 business with the lighting that they now have on gas stations.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council pass the ordinance on first reading approving the concept plan for South Park Shopping Center, with the exception that Condition 7 be eliminated from the ordinance and that in Condition 3 that the words "and canopy" be added after the word façade, and in Condition 8 that the words "final design" be added in place of "it" regarding approval by the Planning Director.

Councilman Dewar stated he would encourage staff to delay the second reading if Council does not have all the information needed to make a decision.

Councilman Ebner asked that the motion be repeated so Council can be sure all the changes were included in the motion.

Councilman Ebner stated he felt Council needed more definition on a service station. He felt there should be definition as to whether it would have a car wash, etc. He felt the definition could be presented at the next Council meeting. Also, subdued lighting could be installed. He stated he understood that the operating hours of the Fresh Market were not 24 hours a day, but would be more like 9 a.m. to 10 p.m. He said he also understood that any service station would have controlled hours and some discussion on that at the next meeting would be helpful. He pointed out that, concerning traffic flow for Cracker Barrel, he asked for five lanes for the entrances. Then when we went to the State they asked why five lanes. Five lanes were put in, and it is much better than the two lanes the Highway Department wanted to do. He said it was discussed in the Planning Commission work session about adding a left-turn arrow coming out of Kings Grant plus the striping. He said his intent would be that when we go for approval that those items be requested. He felt the key is that we ask for all of it at one time. He also stated he would like to have both traffic engineers present at the next Council meeting. He pointed out the shopping center had been there for some time. The parking lot is the same size. More people will be going in and out, but the traffic has worked for decades getting in and out of the center. He felt technically the shopping center could be opened without doing anything, but he did not want to do that. He felt we need to take care of our citizens on these issues. He felt the homework that Mr. Morris, Mr. Evans and the two traffic engineers had done is very helpful, but he felt a good discussion next time would alleviate a lot of citizens' concerns.

Mr. Tucker stated presently there is no specific use for the center. He pointed out there would not be enough space for a car wash in conjunction with a gas station. Also, the proposed gas station would be small, with no more than 8 or 10 pumps.

Mayor Cavanaugh called for a vote on the motion to approve the ordinance on first reading approving the concept plan for South Park Shopping Center, with the exception that Condition 7 be eliminated from the ordinance and that in Condition 3 that the words “and canopy” be added after the word façade, and in Condition 8 that the words “final design” be added in place of “it” regarding approval by the Planning Director. The motion was unanimously approved.

TOWING ORDINANCE - ORDINANCE

- Involuntary Towing Franchise Agreement
- Wrecker Rotation List
- Towing Franchise Agreement Conventional
- Towing Franchise Agreement Heavy Duty

Mayor Cavanaugh stated an ordinance had been prepared for Council’s consideration 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
<u>Larger Sized Vehicles</u>	
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

Mr. Pearce stated the rates are not changing; it is that every year Council wanted to revisit 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.

For City Council consideration on first reading is adoption of an ordinance approving our annual towing franchise agreements.

Councilman Dewar asked for what distance is the towing permitted. He wondered if his car broke down and it was being towed, if he could tell them to take it anywhere in the city.

Mr. Pearce responded that the tows are inside the city limits. He stated this ordinance is not for break downs. The ordinance is for involuntary tows, like someone we stop on suspension, or a car that has been abandoned. Anyone can call whomever they want to tow whatever they want towed wherever they want it towed. The proposed ordinance is for involuntary tows, and is typically with Public Safety for abandoned vehicles and someone we have arrested. The towing company takes care of storage. If a towing company has not been doing a good job, they would not be on the list.

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

### COMMERCIAL GARBAGE

#### Downtown

#### Garbage Collection

Mayor Cavanaugh stated staff would make a report on the discontinuance of commercial garbage collection by the city in the downtown area.

Mr. Pearce stated Public Services Director Tim Coakley will make a presentation regarding downtown garbage collection operations. No action is required by Council.

A few years ago, City Council approved the discontinuation of our downtown and city-wide commercial garbage collection by city workers. As part of that, Council wanted to continue collection in the historic downtown area because of the uniqueness of the area. As part of this change in garbage operations, we solicited bids from commercial garbage operators to operate in our Historic Downtown Area. Tyler Sanitation was the successful bidder. Tim Coakley, Sarah Herring and staff have been working very closely with the downtown businesses to transition the city out of the collection of the downtown garbage collection from the commercial accounts. We are now ready to turn over all garbage collection operations in our central downtown district to Tyler Sanitation, the successful bidder for the commercial garbage collection from our downtown businesses. We contacted everyone by letter and met with the downtown businesses. To allow this private firm to account for all businesses using its services, Tim and his staff have met with all business owners in our historic downtown area to develop a more fairly based method for charging for these services. Two businesses were represented at the meeting. There were no complaints with the proposed takeover. Some businesses saw their monthly rate go down.

Tim's request is that Council receive his update as information toward the successful completion of Council's vote to discontinue City commercial garbage collection.

Mr. Coakley stated the reason they feel only two businesses showed up for the informational meeting is because staff has been meeting ongoing with the businesses individually. They all knew their rate and knew what was happening. He said we are at the end of a two year process. Council discussed the matter about 18 months ago, and Council wanted the city to get out of commercial garbage collection. At the time the city had about 400 commercial garbage accounts. Council wanted staff to work through the logistics of helping the businesses switch to another provider. The city could not just remove the dumpsters, but had to coordinate the change with their new provider. Another goal Council set was for the Public Services Department to specifically work with the downtown block bounded by Park Avenue, Laurens Street, Richland Avenue, and Newberry Street. There are space issues with these businesses and they had to cooperate and share dumpsters in certain locations. The City sold two garbage trucks and got rid of the 385 accounts. The city continued to run the downtown area because Bee

Lane was under construction at the time. We were afraid that would make it even more difficult for the new vendor for garbage pickup. This allowed city staff to get to know the customers better, and we found that a lot of the businesses that were using roll carts were using the dumpsters also as their overflow location. We adjusted the service levels properly to where we no longer have roll carts in the downtown area. Everyone is using the dumpsters. Not only do we have one chosen vendor coming to empty the dumpsters, but the city does not have to run a city garbage truck down the streets either. The last step in the process is to switch over to Tyler Sanitation who was the successful bidder, and for them to start billing for the services. He said the city has a multi-year renewable contract with Tyler Sanitation to pick up the commercial garbage. He said they have been doing a good job, and he has received no complaints on the service. As of May 1, 2012, the businesses will be billed by Tyler Sanitation instead of the city. Because of that, some businesses saw their rates decrease and others saw their rates increase to fit in with Tyler's price schedule. Everyone has seen their new rate; staff has met with all the businesses, and an informational meeting was held.

Councilman Homoki asked who the businesses will pay. Mr. Coakley responded that presently the businesses pay the City and the City pays Tyler for the service. Starting May 1, however, the plan is for Tyler Sanitation to bill the businesses directly, and the businesses will pay Tyler directly. The City still owns the dumpsters, and the City has an employee who is assigned to cleaning up the downtown every day. He checks the cleanliness of the dumpster areas as well as cleaning up the leaves and sidewalks.

Mr. Coakley stated everything seems to be going well. Council does not need to take any action. His comments were just to update Council on the progress of their request that the City get out of commercial garbage collection.

Mr. Pearce stated Council approved the City getting out of the commercial garbage business. This report is just receipt of information that it is staff's intention to completely turn the business over to Tyler Sanitation.

Councilman Ebner stated his understanding is that we are dealing with the property owners who own the buildings or land. He pointed out in the past we had dealt with renters versus property owners. He pointed out then that Tyler Sanitation's billing will start May 1.

Mr. Coakley stated some of the landlords have had the City bill them and then they include the cost in their rental agreement with the business. Some of the businesses deal directly with the garbage pick up vendor.

#### CITY LOGO

Mr. Pearce stated that when we did the Strategic Plan update in 2010 one goal was the updating of the City logo and branding the City for marketing purposes. The present logo for the City is from 1955 so it has been seen for some time.

Mr. Pearce stated a local designer donated the logo design which he had distributed to Council. The design is a tree and the wording "City of Aiken, SC, established 1835," and the slogan "Rooted in History, Hospitality, and Natural Beauty." He said a good deal of time had been spent with staff who came up with some designs for a potential updated logo for the City. The information distributed to Council shows the proposed logo, its potential use on a city vehicle, on a city elevated water tank, and as letterhead on city stationery. The information showed the proposed logo in color as well as in black and white. He stated he wanted to get a sense from Council as to what they see as the potential next steps for the proposed logo—whether to start over or what Council's desire would be towards the goal of the Strategic Plan to come up with an updated City logo.

Council reviewed the drawings and information on the proposed logo.

Councilman Ebner asked how the proposed logo would look in black and white. He pointed out that the global logo did not look so well in black and white. He wondered if the proposed logo would copy well in black.



Mr. Pearce pointed out there were some copies in the packet showing the proposed logo in black and white. He stated other things can be done to it such as bolding, etc. to liven it up.

Councilman Ebner stated he felt the copy in black and white was a little piqued looking. He also pointed out that as it gets smaller it is hard to see. He asked if the wording underneath "Rooted in History, Hospitality, and Natural Beauty," is a good addition and does not detract from the logo.

Mr. Pearce stated typically there is some wording to go along with the logo. He pointed out North Augusta's wording is "South Carolina's River Front." Most logos tend to have a catch line with it.

Mayor Cavanaugh stated he would like to see the wording a little bit bigger. He said he likes the proposed logo very much. However, he wondered if we should consider going out and having a contest with the citizens submitting a proposed logo with staff bringing back five logos to Council for consideration. This would be a way to get the citizens involved. This would involve some time, but the citizens would have a chance to be involved.

Councilman Ebner stated he agreed with Mayor Cavanaugh's suggestion for a contest for citizens to submit a proposed logo.

It seemed to be the general consensus of Council that a contest be conducted for suggestions for a new logo.

#### PLANNING COMMISSION

##### Minutes

Councilman Dewar stated he had made a comment earlier in the meeting regarding the depth of the Planning Commission minutes and the Commission's pre-session discussions. He wondered if he was the only one that feels that way. He asked if anyone else felt the minutes should have been in more detail. He also wondered if Councilmembers had any concerns about the pre-meeting that may or may not be attended by the public.

Mayor Cavanaugh stated Council used to have pre-Council meetings and worksessions. Then to be more open, Council started having all meetings and discussions in the Council Chambers.

Councilwoman Price pointed out that a great concern of previous Councilmember Jane Vaughters was the holding of worksessions and pre-Council meetings in Room 204 Conference Room. She felt the sessions were not as open as they would be if held in the Council Chambers.

Mayor Cavanaugh and other Councilmembers felt if the Planning Commission feels they need a pre-meeting that it should be held in the Council Chambers.

Councilman Ebner pointed out when Council has a worksession, it becomes part of the minutes. He stated when the Planning Commission met last time in a worksession, they discussed the traffic issue with South Park Shopping Center. He felt minutes of that meeting would be appropriate. He pointed out there were a lot of comments brought up by Councilman Dewar and others that were discussed in that meeting. He felt that discussion should be a part of the minutes of the meeting.

Councilman Dewar pointed out if the discussion is included in the minutes, people who go to the regular meeting will not be aware of the discussion that has just taken place in the pre-session or worksession. He felt the discussion should be in the regular meeting so all people will know what was discussed about a particular item.

Councilwoman Price pointed out that Councilwoman Vaughters felt the meetings should be in the Council Chambers to provide more transparency and openness. She felt the Council Chambers allowed more opportunity to have transparency versus discussions in Room 204.

Councilman Dewar asked if the feeling was that a pre-meeting is okay, but have it in the Council Chambers as opposed to having it in Room 204.

Councilman Homoki asked what is the purpose of the worksession or pre-meeting. He pointed out that several Councilmembers sat through the worksession in Room 204 and then the regular meeting in the Council Chambers on April 10 for the Planning Commission meeting.

Councilman Wells stated that sometimes the Planning Commission does have issues that they discuss in a worksession that are not on their agenda for that evening. However, he feels that the worksession should be held in the Council Chambers and people should be able to attend and listen to everything said.

Councilman Dewar pointed out there are some exceptions. He stated sometimes people discuss matters with the Design Review Board in a worksession to get a sense of what the Board would approve. The matter is not a formal item on the agenda. The person then prepares their plans and comes back to the Design Review Board for approval. The people are looking for guidance in their worksessions.

Councilman Wells stated he had heard the Planning Commission work through some problems in a worksession and then the matters not be mentioned in the regular meeting. It would be much better to have the worksessions and pre-meetings open and the information available to all.

Councilman Ebner stated the Fresh Market traffic was a good example of discussion on a matter in the pre-meeting or worksession. Then they went to the regular Planning Commission meeting and the discussion on traffic was not thoroughly discussed.

#### CONGRATULATIONS

Councilman Dewar congratulated David Turno on his promotion to Captain.

#### EXECUTIVE SESSION

##### Contractual Matters

Mayor Cavanaugh stated Council needed to go into executive session to discuss some potential contractual matters.

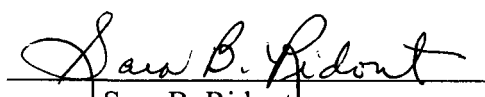
Councilman Dewar moved that Council go into executive session to discuss some potential contractual matters. The motion was seconded by Councilman Ebner and unanimously approved. Council went into executive session at 8:49 P.M.

After discussion Councilman Dewar moved that Council go out of executive session. The motion was seconded by Councilman Ebner and unanimously approved. The executive session ended at 9:15 P.M.

Mayor Cavanaugh stated Council had gone into executive session to discuss some potential contractual matters. No action was taken by Council.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 9:16 p.m.

  
Sara B. Ridout  
City Clerk