

Aiken City Council Minutes

WORK SESSION

April 11, 2016

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

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Sara Ridout, George Grinton, John Poole, Rick Toole and Tom Dunaway from W.R. Toole Engineers.

Mayor Osbon called the meeting to order at 5:05 P.M. He stated the purpose of the work session was to discuss the proposed road specifications and receive an update on the Capital Projects Sales Tax projects.

ROAD SPECIFICATIONS

W. R. Toole Engineers

Engineering and Utilities Department

Mr. Klimm stated over the last year we have heard people question whether or not our Road Standards are up to par and whether or not that might have led to some of the challenges we might have faced in the Gem Lakes Extension Subdivision or elsewhere so Council committed to look into our road standards. He said we had Rick Toole, George Grinton and John Poole to review our road specifications.

Mr. Klimm stated at this meeting Rick Toole of W. R. Toole Engineers, Inc. and Tom Dunaway, Senior Project Manager, would review the proposed Guidelines for the Design and Construction of New Asphalt Paved Roadways (Road Specifications). He noted that the city's road specifications had not been updated since 1987. He said they would review what their conclusions are about the quality of our road specifications and whether or not they have recommendations for improvements.

Mr. Rick Toole stated he and Mr. Dunaway wanted to recap how we got to where we are. He said an executive summary had been given to Council as to what the city has versus what he was proposing for the city. Mr. Toole pointed out that the specifications that are used now come from three different sources. One, there is a Development Engineering Manual in Sections 18 – 25 which covers various aspects of roadway design whether it is clearing and grubbing, embankment construction, subgrades, shoulders, etc. Each of those constitutes a specific element of construction of a roadway whether it is the pavement, base or subgrade, backfill, etc. He said the City of Aiken has what they call traditional descriptive specifications. The specifications were primarily developed for material specifications because they tell you how to measure the work and how to pay for the work. He said, however, a developer will not use that as they will negotiate something entirely separate with their contractor. The developer will use the specifications to tell the contractor what the material needs to consist of, the compaction, and how it is to be installed and how to get approval from the city.

Mr. Toole stated they suggested looking at a couple of things such as what is considered the standard and normal in South Carolina and what Council would consider normal or what is the standard to go by. He said that is the South Carolina Department of Transportation—the gold standard for South Carolina. Every road developed in South Carolina is related to the SCDOT standards in some form. If they are put in correctly, you will not have any issues associated with them. There will be normal maintenance, wear and tear, but overall they have very good standards. The standards of SCDOT are based on the AASHTO standards. AASHTO (American Association of State and Highway Transportation Officials) is the basic standard for all roadways and interstate systems in the United States. He said those are the two documents that he would defer to as the city's gold standards. He said in making a change the question is what would we support in making a change. In looking at it from that standpoint the primary reason to

make a change would be how do we minimize the liability that the city has with new roadways going in and how do we improve the system that a developer, contractor or anybody uses as they move forward to design and install roads.

Mr. Toole stated the first thing was design. He pointed out that out of the three documents that the city has there are technical specifications which basically give the types of materials, compaction standards, several check lists a couple of which refer to specific roadway elements and what those standards are. Then there are some standard drawings. When those three are put together you come up with a minimum standard for Aiken which is 1 1/2 inch of asphalt over 6 inches of a sand clay base over a prepared subgrade. He said that is kind of where it stops. Anyone constructing roads will put the minimum in because that is what the City of Aiken says is required.

Mr. Toole stated the first thing he would suggest is design—design the roadways. He said when he does a roadway for SCDOT or the Georgia Department of Transportation or they do a major arterial for a municipality, they have to design the roadway system. The roadway design is based on a lot of factors--the dirt under there--what it looks like, how will it react, how well can it be compacted, is it suitable. There are many criteria that go into what the dirt looks like. After that if it has to be filled or cut how does he do that and come up with the best possible design. He pointed out pavement is a layered system and each layer is like a link in a chain. It is only as good as the weakest link. If one fails, the system fails. The next element to consider is traffic. How much traffic will be on the road. The more traffic on the road, the more rigid or thicker the section needs to be because it will be subject to more loading. It is like a beam analysis of a building. The more the load, it fatigues and will eventually fail. He said those are the two basic parameters, but there are a lot of parameters that go into the design. He said we ask how we are going to approach this.

Mr. Dunaway stated what they designed very much parallels SCDOT's pavement design guidelines. He said they have a publications that walks everyone through the process if you are designing a roadway for SCDOT through the flexible pavement design process which is what asphalt pavement is. Asphalt pavement is flexible and moves over time. It is not rigid like concrete. In designing and setting up some basic streamline design parameters, the first thing is that you need some input data. One can't go off and design based on broad based assumptions. The first two key input data proponents needed would be geotechnical data: sub-surface information, what is in the dirt below us, the presence of ground water, any rock conditions, the characteristics of the sub-surface conditions. The second is the traffic data. Traffic studies and traffic analysis would give you the anticipated traffic loadings that we would have. That data is then normalized into "single axle loadings." That generalizes the truck traffic and standard residential traffic and then makes assumptions for construction based traffic. Usually those are the primary design input parameters. From that point you can go through and walk through that process of establishing a minimum pavement section that is site applicable for the conditions we have.

Councilman Dewar asked if we would establish two design standards for roads with one being for heavy traffic for industrial roads and a lesser design for residential.

Mr. Dunaway stated what the city would be doing would be to establish a standard design process and not a standard design cross section.

Mr. Toole stated after the design is completed and a check list of design parameters is provided to Mr. Grinton for review, the city has the opportunity at that point to review the design. He said this gives the city a registered professional engineer providing the city with the design. He said if they know what they are doing, and engineers are not always perfect, the city will get a design based on the numerical numbers and an empirical result for pavement. He said not any PE can do that. Generally Geotechnical engineers provide pavement designs. Mr. Toole stated the city would not necessarily have a Geotechnical engineer on staff, but he felt that his firm had given enough information to Mr. Grinton and staff that they will be able to review and tell if the information is appropriate or not. It was pointed out that the information will be coming from a Geotechnical engineer to

the city, and they will be certifying the information to the city. It was pointed out that all of this is laid out in the flow chart provided by W. R. Toole Engineers.

Mr. Toole pointed out on the flow chart that there is roadway pavement design, input data which is the geotechnical engineering and traffic study which goes into design deliverables. Those deliverables are pavement design checklist, pavement design report, construction drawings, geotechnical report and traffic analysis report. He said out of that comes typical cross sections, the type of pavement that will be used for the thickness of the various layers in the pavement whether it is the asphalt, the base, or the sub-grade and if it has to be improved. In some places there will be sub-grades that need to be improved. He pointed out that Gem Lakes Extension was one of the situations where they may have needed some improvement. He pointed out that a lot of the city's real good property has been developed and there are a lot of marginal properties left. This is a good time to move to a design based on performance based requirements. In answer to a question as to whether the same requirements apply whether the developer is building 500 homes or just a few, Mr. Toole responded that the process is the same. The requirements actually come out of the input data, such as the number of cars of traffic, the analysis and investigation of the soils. The way this is set up, we will be requesting a geotechnical testing investigation of the soils in the area which means good soil borings so they can be evaluated to see if there is ground water, rock, or any bad conditions. The engineering is actually designing to accommodate the conditions. Mr. Toole stated one of the issues we ran into in the Gem Lakes Extension was not the design, but was the application of the standards that the City of Aiken had to adapt to a particular roadway. The roads were the minimum standards there.

Council then discussed at length the present standards and proposed guidelines for design and construction of new roadways. There were questions as to the cost for geotechnical reports and traffic analysis and how this might affect the cost of development. There were questions as to the soil samples and how the depth is determined and how construction traffic is measured as far as large trucks.

Councilman Dewar asked how you identify a situation such as the Gem Lakes Extension Subdivision. He stated that Gaul and Kisner bought the property and intended to build all the houses. If they had built all the houses, it would have been one issue. However, they decided to sell the lots. The lots were sold to a developer who came in and moved more dirt than Gaul and Kisner had ever intended to move. He wondered how the city would deal with a situation like that as he thought that was really the major cause of the problem we had in Gem Lakes. Mr. Toole responded that the city could not do anything unless the city establishes some parameters for the development of property once it is set up. He said the city could say in order to get building permits for each of the lots, they would not be allowed to excavate more than X number of feet on a lot without getting a special permit. There could be an overlay on the property so if it transfers to another person, the city still has some control over the lots so the total construction activities and development does not exceed what the engineer pre-supposes in his design standards.

Councilman Dewar asked who on staff oversees such matters. He wondered if it was the Planning Department or Engineering Department. Mr. Grinton responded if there is a change in the concept that is typically submitted to the Planning Department. He stated in the Gem Lakes situation, he did not think that the Planning Department or the Engineering Department was notified that changes were being made in the development. Councilman Dewar wondered how do we guarantee that the proper department will be notified in the future so we don't end up with another Gem Lakes Extension situation. Mr. Grinton stated partially the answer may be that when we are looking at the design and deciding if a traffic study is required and looking at the constructability factor of the development, you can understand how much construction traffic there might be and either require the subdivision be designed for that or have some language that if the developer is no longer developing the property and following the plan, they must resubmit as there is a change in concept. They would then have to go to the Planning Department and Engineering would be alerted. Councilman Dewar felt there should be some wording in the new regulations to control that situation.

Mr. Toole felt that he could work with Mr. Gary Smith, City Attorney, and give some guidance on how the city could approach that. He said that would be legal language that should be included in the development agreements.

Councilman Dewar stated he was concerned more about which department, Planning or Engineering, would be the department to prevent what happened in Gem Lakes Extension.

Mr. Grinton stated the key is being notified that there is a change in construction of the development.

Mr. Smith, City Attorney, stated presently when a developer wants to develop property they come to the city with their development plan and request annexation of the property. He asked if the developer changes do they come to the city with their development plan saying that they are going to move dirt, build slab houses, etc. instead of what the original plan was that was presented to the Planning Department. He asked if there is a special development permit if a developer starts moving a lot of dirt. Mr. Grinton stated they have coordinated with Planning for the permits that they have to get. The overriding and important one is the storm water permit they have to get and it has to be in place before any construction is started. The second permit is a grading permit which comes from Planning as you are looking to protect trees and comply with the landscaping requirements. The Planning Department approves all that, but they give Engineering the permits to give at the pre-construction meeting.

Councilman Ebner pointed out there are four or five developments where he cannot find documentation where the concept plans were changed, specifically The Ridge at Chukker Creek. He said originally the lots were about twice the size they are now with horse trails, etc. He said that disappeared and was not documented. He pointed out that others changed were Sandlewood and Powderhouse Landing. He said those were changed, but no documentation for the change has been produced at this time. Councilman Ebner pointed out that Powderhouse Landing is in the process, but they needed to change because the way the lots were developed is not by the current zoning. He said he can't find when, how or who changed the plans. He pointed out that for Sandlewood no concept plan was done. It was just done because the zoning was there for a long time. He said Sandlewood was supposed to be private roads, and the zoning was never brought to Council to change. He pointed out that he thought the restrictions were there, but they are not being followed.

Mr. Grinton pointed out that when Engineering gets involved they are looking at infrastructure and are at the point where concept plans have already been approved and they are looking at functionality of the utilities for the design that has been provided to them. He said one thing they have not had is a traffic analysis and an understanding of the extent of the impact on the roads. That will be something that can be corrected. However, if the developer changes things such as lot sizes that usually goes through Planning, and Engineering should be getting some notification from Planning. Then Engineering should go back and recognize that any changes may have a detrimental effect on the roads. As part of the approval process of the concept, if it is going to have a detrimental effect on the roads, then Engineering should point out what things can happen.

Councilman Dewar stated he was sure if Engineering knew about a change, it would be fine. He pointed out that in the case of Gem Lakes Extension, it got out of the city's control because Gaul and Kisner sold the property to someone else who did something different. He said he was looking for something to plug that leak.

There was a question as to whether a new permit was obtained for the grading in Gem Lakes since the grading was changed. Councilman Ebner pointed out there was a change in the original plan versus what was built. What was built versus the original plans is different in Sandlewood and The Ridge at Chukker Creek. He said all the rules were there to make it happen, but if you look at Chukker Creek the plan was not followed. He said the storm water at The Ridge is not correct either. He said once the plan was

changed for more houses, there is more hardscape and that was not accounted for at The Ridge. He said the city's procedure needs to be followed which goes through Planning.

Council continued to discuss the issue and how the departments would know about a change in developers and other changes in a development plan.

Mr. Toole pointed out that Columbia County had instituted two levels of soil and erosion control. The first level is for the infrastructure development of the roads, detention pond, etc. The second level is that each individual house has to have a soil and erosion control plan which includes the grading for each lot. Consequently, every lot goes through a second review and you would identify anything that is changed and point out if something exceeds what is planned for the subdivision.

Councilman Dewar stated he was still concerned that what he has heard so far would not prevent another situation like the Gem Lakes Extension issue. He pointed out that the Gem Lakes Extension got out of control and we were not able to see what was happening and now it is costing the city thousands of dollars to fix. It was pointed out that the city has a process now if there are changes to a plan through the building permit process.

Councilman Ebner pointed out that a concept plan was authorized for one thing. He said it is his understanding that if anything is changed on the concept plan, the plan is supposed to come back to Council for approval. He pointed out that none of the four subdivisions he mentioned had come back to Council for a change in the concept plan.

Councilwoman Price asked how do we tighten the process up so staff knows about changes in original plans for a subdivision and what is a flag on a builder that allows staff to know there is a change in the plan so that it can go before Council for approval.

Councilman Homoki asked who is responsible for ensuring that the road specs are complied with. He wondered if the city does the testing or does the city hire someone independent from the contractor to do the testing. Mr. Toole stated he and Mr. Grinton had talked about that. He said his recommendation is that the city actually hires the testing agency and that the testing agency report to the city. That way there is never a question about reports. He said the client gets a report. He said if the testing agency reports to the city there is a separation between the contractor and the testing agency. He said he has an issue with testing agencies working for a contractor because there is an inherent conflict of interest when the testing agency is supplying the reports to the developer. He said it had been suggested that the city utilize on call services with two or three testing agencies. Then the city can allow the testing agency to test each subdivision or each roadway or infrastructure project as a separate third party entity working for the city. Then the city would have the test reports.

Councilman Merry expressed concern about more regulations and costs for a developer. He said he was concerned about what we can do for enforcement, monitoring testing, and accountability. He said the city has a means to deal with this issue already, but it may not be adequate. He was concerned about adding more and more regulations and days of applications and permits, monitoring, inspections, etc. on the developer. He felt what we need to tighten up on is the testing and the consequences and our ability to enforce the repair. He said the city does not need to get into the repair business and certainly did not want to get into the Gaul and Kisner issue again. He pointed out that the city did not have a way to make anyone fix the problem. He felt the city needs to tighten up on the recourse we have if people do fail. There was concern about having too many regulations on developers, and they will not want to build in Aiken.

Councilman Ebner pointed out that in 2007 when he was grumbling about roads, the Engineer of Record came about because of data he put together. He said, however, the Engineer of Record was not put under the supervision of Engineering, but put under the supervision of Planning. He was opposed to that because it dilutes it. It is in two different organizations. One organization is doing the road work. The other organization is supposed to test it. He felt that is wrong. He said the other thing requested was that the city do it. He felt another thing we need to look at is some of the AASHTO

standards. They are all referred to, but they use a different number from what Mr. Toole has used on the tests. He pointed out that it is odd that from 1987 through 1999, we don't have road failures. He said once we eliminated the compaction specifications we began having road failures. He felt some of the standards Mr. Toole suggested are stricter than what we had. He said it gives ASTO standards for every type of asphalt. He felt we could do some updating there. Councilman Ebner stated he felt the only thing wrong is that the asphalt specs let you put in junk with a little bit of tar and a lot of sand and gravel. He felt that is the big thing that needs to be updated. He said also we don't classify the roads which needs to be done. He felt that 1 1/2 inches is a little thin for the roads, but if you go to 2 inches you need to do more work underneath. He said there is some updating that needs to be done as the specifications are 30 years old, but a lot of the stuff we have talked about doing is in the old specifications in a different format. He said perhaps the format needs to be brought into the modern world. He said the standards were not being followed is the problem.

Mr. Toole stated the standards are pretty much the same. He said the ASTM standards that Councilman Ebner referred to are incorporated into the proposed specs but they are using the South Carolina SCDOT standard numbers versus the ASTM numbers. Mr. Toole pointed out that anyone doing any paving in this area is using SCDOT standards. He said there are only two major differences between what is proposed and the 1987 standards. The first is the proposed standards require the natural design for the roadway. He said that could be waived for a cul de sac where you have only a few houses. The second change which is being recommended is based on his geotechnical background and what he had done most of his life, which is, that the top one foot of sub-grade be compacted to 100% not 95%. He said that is standard in a lot of states and a lot of localities. He said right now the requirements are for 95% all the way up. He said he would recommend that the top one foot be 100% compacted.

Councilman Dewar asked if on the flow chart where it says "city review" if that should say what department is responsible. Mr. Grinton pointed out that the flow chart does not enter into the discussion Council had earlier about Planning and concepts. He said the flow chart is a chart for the actual design and testing and review of the design. It was pointed out that on the flow chart "city review" refers to Engineering.

Councilman Ebner stated the Engineer of Record presently reports to the Planning Department, and he feels that the Engineer of Record needs to report to the Engineering Department and be paid for by the contractor responsible to the city. He felt that needs to be included in the specifications.

Councilman Dewar wanted to know who is in the field making sure the contractor is doing what they are supposed to be doing—Planning Department staff or Engineering staff. Mr. Grinton responded that it would be the hired testing contractor who is working for Engineering. It was pointed out that the Planning Department is through when the Planning Commission and Council approves a development.

Councilman Dewar asked what the path forward is if Council concurs that all the recommendations are good. He asked if we update the 1987 document to April, 2016. Mr. Klimm stated at this time staff is here to get Council's inclinations. He said if it seems that there is consensus for support Mr. Smith and Mr. Toole will draft an ordinance for approval. He said it could be brought to Council for approval in the next couple of meetings possibly.

Councilman Dewar pointed out that several projects are coming up, and we need to have the new regulations to follow. He said we don't want to get on the wrong track again. He said the waving of the compaction testing or any of the requirements should not be done. Mr. Smith pointed out that staff does not have the legal ability to not comply with the city ordinance and cannot waive any engineering requirements. Mr. Toole stated that the only place that Council wants discretion is in the design portion. He said once you get out of design and into construction, you don't want to waive any testing requirements.

Councilman Homoki asked how the city documents and all the testing results and concept plans are filed. He wondered if they were in legal files or kept electronically. Mr. Grinton responded that Planning initially has the plans from landscaping to the various utilities. Then Planning distributes the information to where it needs to go in the city. That is primarily Planning and Engineering. Engineering reviews the initial plans and makes comments and sends them back to Planning. Planning is then in contact with the developer regarding any modifications that need to be made to the plans. Once everyone is okay with the change to the plans, the developer will resubmit the plans for review by Planning and Engineering again who reviews the plans again. If everything is okay, Planning has a package that is ready for the approval process.

Councilman Homoki asked in 25 years from now could the then people go through the data and find the documentation about a particular development and the decisions that were made. Mr. Grinton stated that the test results as they are received are put into the Engineering files in Laserfiche which is electronic storage of permanent records. He said he assumed that the Planning Department does the same thing and puts their documents into Laserfiche as well. Councilman Ebner stated he has searched a lot of documents and gone back for 30 years. The records are there, but some are just missing from 1999 to 2012.

Councilman Merry stated since he was late getting to the meeting, he wondered if someone could summarize the information. He said he had heard that the Engineer of Record would be paid for by the developer, but working for and accountable to the City of Aiken.

Mr. Grinton pointed out that the Engineer of Record is a different issue. He said the issue is talking about testing results to confirm that certain work has been done to meet requirements.

Councilman Ebner stated he would like for the Engineer of Record to be paid for by the developer, but working for and accountable to the city. He said you have to do it that way or have a PE on staff who can interpret all the data.

Mr. Toole stated he would want someone else testing. He would want a third party testing. He said engineers are good about trying to protect their integrity. He said the testing firm and an Engineer of Record should be two different individuals. The Engineer of Record actually produces the design, and the testing is done by the people who come back during the construction to make sure the materials are installed correctly. Mr. Toole stated the design engineers are infrastructure civils and the testing are generally geotechnical so they are different disciplines.

Mr. Grinton stated that the Engineer of Record typically works for the developer and designs the entire subdivision. Councilman Merry stated he had always thought of the outside third party as being the Engineer of Record. He said we are talking about two engineers working with one drawing pictures, and the other doing testing on the ground. Councilman Ebner pointed out the engineer testing on the ground is responsible to the city.

Councilman Merry stated one of his concerns is about accountability and enforcement of the regulations. He said his question is whether the current requirements for bonding are adequate. He pointed out that the bonding is relatively a small number, and the risk is relatively high. He questioned whether a \$100,000 bond was sufficient for something that will cost \$25 million to fix. He asked what is the recourse on that. He wondered if 20% of the construction cost was adequate for the duration of the project, how long we keep it, and the release requirements. Mr. Toole suggested that the city get someone with bonding counsel as he felt some of it is driven by the bonding agencies that the contractors use.

Councilman Ebner pointed out that if the rules are followed as you go along, there should not be a problem. Councilman Ebner stated the city needs to enforce our own rules. He said the city cannot give an inch when it comes to bonding.

Mayor Osbon asked if Council had given staff and Mr. Toole enough direction so something could be put together for Council's action.

Mr. Klimm stated the question is that Mr. Toole had made some specific recommendations, and there has been a variety of opinions on them. He asked if it was the desire of Council that any or all of the recommendations go forward for public hearing and public discussion and debate. If there is something that is so onerous that there is no support, we should pull it out.

Mr. Toole stated from the discussion he did not see much in the way of change from what he had suggested to Council. He said some of the things Council talked about are internal matters as far as who has control over what and who is to enforce some of the matters.

Councilman Merry stated an area he had a problem with was the matter of a soil erosion plan for each lot. Mr. Toole pointed out that was not in the plan. It was just something he mentioned as far as how Columbia County handled an issue.

Councilman Ebner pointed out that the city did not follow the rules. The rules specifically say that when a concept plan is changed, it has to come back to Council.

Mr. Toole stated the primary change in the proposed specifications, and the most important change is that the city actually has a design cycle associated with the pavement itself. That would be implemented at the discretion of the City Engineer. He said if there is a 10 house cul de sac, there is no reason to go into a full blown design. If the arterial or collector road outside that is holding up, then the City Engineer has the ability to say use the design on that and build the road. The first major and the largest change is the actual design which would be a geotechnical and traffic analysis status report. The remaining construction elements are very similar to what the city has now. There are some nuances. One is that we have increased the percent of compaction of the sub-grade for the upper one foot of the sub-grade. Then on the pavement there is the SCDOT approach to pavement which includes a control strip of 300 feet. It has to be tested and meet certain minimum requirements. It would mean you would have to have a fairly lengthy project. A 500 foot subdivision or cul de sac would not have a control strip.

Councilman Ebner stated we need to change the testing requirement from the Land Development Regulations to the Engineering book. He said it should be the responsibility of Engineering. Councilman Merry stated he felt that should be referenced in the Land Development Regulations so people know that there are standards and where to find them.

In the Executive Summary Mr. Toole summarized the proposed changes for the road specifications. The proposed Guidelines for the Design and Construction of New Asphalt Paved Roadways is based on design criteria, specifications, and construction requirements established for asphalt concrete pavement systems by SCDOT and AASHTO. The new design and construction specification requires soil testing and evaluation, detailed design submittal, construction specifications, and testing and inspection schedules for each phase of construction. Each construction element requires adherence to design, construction and testing requirements utilized by SCDOT and AASHTO to avoid conflicting requirements with established criteria. The key changes in the proposed criteria are the requirement of a detailed design submittal based on soil and traffic considerations, rigorous testing of constructed layers, and an inspection plan.

#### CAPITAL PROJECTS SALES TAX

##### Update

Mr. Klimm stated that Ms. Joy Gillespie, Capital Projects Sales Tax Manager, was present to update Council on the status of the various CPST projects. He said Ms. Gillespie had been with the city now long enough to give Council an update on the status of the projects. He said decisions made early were based on the best information



available at the time. He said the goal is to get as many of the projects as possible completed within the next 18 months. He said he was not asking Council to make any decisions on the projects at this meeting. He said we would be making an update at the next meeting on the Northside Park and Eustis Park.

Ms. Joy Gillespie stated she wanted to give Council an update on the projects that she had been working on for the last three months. She pointed out that the Rye Patch Stable project is now completed. The Downtown Streetscape/Underground Utilities (The Alley) project Phase II is complete. Phase III construction in The Alley will begin the first of May. This will include Bee Lane and the end of The Alley towards Newberry Street. She said we would continue with underground utilities there as well as supplying power to the light poles that are in The Alley.

Mayor Osbon asked what the process would be to close The Alley off to traffic and have it just for pedestrian use. Mr. Smith stated he would have to research the matter, but it would take action by Council to close the area as it would be closing a street so there would be a process to do this. It was pointed out there is some opposition to closing the street as some people can't walk through the street to get to some of the restaurants.

Ms. Gillespie stated regarding the Public Safety Training Ground Improvements project, the Burn Building Upgrades are substantially complete with only the punch list items left. The Training Tower upgrade project is currently underway. There will be a request at the next Council meeting for a change order for the project for \$1,980. This will complete the painting for the tower as part of the project.

Ms. Gillespie stated some progress is being made on the Eustis Park Senior/Youth Center. There will be a closing around July 1 on the property Council authorized to be purchased in the area. She said she is also working with DHEC through the Environmental Consultant to work toward the Voluntary Cleanup Program contract. This will allow some flexibility as far as being able to clean up the property. She said they had found some underground storage tanks and there is some asbestos and lead paint in the building. There will be some environmental cleanup for the project. Ms. Gillespie stated she was working on a grant application that will coincide with the project for Eustis Park so whenever the building is actually under contract we will be able to provide an upgrade of amenities for the playground, walking trails, tennis courts and also provide parking at Eustis Park. There was a question regarding the design of the building and whether the building would be redesigned. Ms. Gillespie stated there would be a workshop on April 25, 2016, and the building size and other matters would be part of the discussions. She said the design would be based on the funding available for the project.

Mr. Klimm stated the new site will really improves the whole potential project. He said there is a problem with this project because there is not near enough money dedicated to the project to build according to the last plan. We either have to reduce the size or add to the budget. There is not enough money to come close to build the project. He said we are millions away from the cost of the project. Councilman Ebner pointed out that with the additional land, we need to look at the storm water runoff as the area has been increased by 5 acres. Mr. Grinton pointed out that the storm water needs to be improved in the area, and that will be included in the project.

Ms. Gillespie stated there were two projects listed under the Northside Recreation. One is Perry Park. Council chose to purchase the property since there were so many delays in getting approval from the State Board of Education for approval of the restrooms. The closing will be at the end of April, and then we will be going out for bid on the project.

Ms. Gillespie stated we should have the final master plan for the Northside Park this week from the consultants for staff review. On April 25, staff will come back with recommendations for phasing options and cost estimates for the project. Councilman Ebner pointed out his comments regarding the Northside Park. He said the quote does not include bringing utilities, road easements or rights-of-way for the project.

Ms. Gillespie stated the Citizens Park Walking Trail is part of an extension of the existing trail currently at Citizens Park. Project bids are due on April 26. In addition we have also applied for a grant with a 25% match for walking trails what will actually complete the loop for all the walking trails that were designed for Citizens Park.

Ms. Gillespie stated RFPs have been solicited for the Public Safety Building Expansion project for a master plan, options, and cost estimate. The proposals are due April 25, 2016. She pointed out there is only \$900,000 budgeted for the project so she will probably be asking for reprioritization of the project as well as reallocation of funds.

Councilman Dewar said when we talk about the bike paths and work with SCE&G for easements and the Planning Commission and Council for the best options, we need to have Tom Lex and his group into this as we talk about bike paths. He pointed out that Mr. Lex has plans laid out for bike paths.

Councilwoman Price asked about the status of Perry Park and when the property would be purchased. Mr. Bedenbaugh reviewed the time line for the process for the purchase of the property and the advertisement for bids.

### EXECUTIVE SESSION

April 11, 2016

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

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, and Sara Ridout.

Mayor Osbon stated Council had scheduled an Executive Session. Mayor Osbon stated City Council needs to go into Executive Session pursuant to Section 30-4-70(a)(2) to receive legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

Mr. Gary Smith, City Attorney, stated the specific purpose of the Executive Session is to discuss the settlement of a possible law suit with the Trex Properties, LLC located in Charlotte, North Carolina. It involves the storage of hazardous materials.

Councilwoman Price moved, seconded by Councilman Merry that Council go into executive session as noted by Mayor Osbon. The motion was unanimously approved.

Council went into executive session at 6:41 p.m.

Council came out of executive session and returned to the Council Chambers. Councilman Homoki moved that Council come out of executive session. The motion was seconded by Councilman Dewar and unanimously approved.

Council came out of executive session at 6:49 P.M.

Aiken City Council MinutesREGULAR MEETING

April 11, 2016

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

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Charles Barranco, Jessica Campbell, Kim Abney, George Grinton, Alicia Davis, Tim Coakley, Sara Ridout, Michael Smith and Dan Brown of the Aiken Standard, and about 25 citizens.

CALL TO ORDER

Mayor Osbon called the regular meeting to order at 7:02 P.M. Pastor Alvin Ligons of the Faith Outreach Christian Center, led in prayer. The pledge of allegiance to the flag was led by Public Safety Director Charles Barranco.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting. All the meetings are public meetings in which many opinions are expressed and the business of the city must be conducted. He said discipline, honorable and professional decorum is paramount. Courteous and respectful communication is expected. In public hearings all questions and statements from the public shall be directed to the Chair. He welcomed comments from the audience on the agenda items listed for public hearing. He asked that comments be limited to five minutes and that persons speak only one time per topic. He asked that those who would like to speak raise their hand and be recognized and come to the podium and give their name and address.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Osbon asked if there were any additions or deletions to the agenda.

Councilman Ebner moved that the agenda be amended to add consideration of a resolution that would form a Citizens Review Board that would look at complaints for the City of Aiken's Public Safety Department. The motion was seconded by Councilman Merry.

Mr. Gary Smith, City Attorney, stated he understands Council intends to take a vote on the proposed resolution. He said under the new state statute in order to add an agenda item and where there would be a final vote on the item, Council would have to approve the addition to the agenda by a two-thirds vote. At least five Councilmembers would have to vote in favor of the motion and also Council would need to make a finding of an emergency or exigent circumstances to warrant the resolution. He said Council would need to make that finding as well as having at least five voting in favor to add the item to the agenda.

The general consensus of Council was that the item is an exigent circumstance and that it should be added to the agenda. The motion to add the item to the agenda was approve unanimously.

Mayor Osbon stated the item would be added under New Business, Item 2.

MINUTES

The minutes of the regular meeting and executive session of March 28, 2016, were considered for approval. Councilwoman Diggs moved, seconded by Councilman

Homoki, that the minutes of March 28, 2016, be approved. The motion was unanimously approved.

### BOARDS AND COMMISSIONS

#### Appointments

Mayor Osbon stated Council needed to discuss appointees to various city boards, commissions and committees.

Mr. Klimm stated Council has 15 pending appointments to fill vacancies on different City boards, commissions, and committees. No appointments are presented for Council's consideration and vote at the meeting tonight. However, Council may have some nominations for appointments to be placed on the agenda for the next meeting of Council.

Mayor Osbon called for any recommendations for appointments to be considered at the next Council meeting.

Mayor Osbon stated he had an appointee that he would submit before the next Council meeting for consideration by Council.

Councilwoman Diggs stated that she would like to reappoint LaVerne Justice to the Arts Commission.

Councilman Ebner stated he would like to reappoint Judy Sennett to the Community Development Committee.

Councilwoman Price stated she would like to reappoint Jamane Williams to the Building Code Board of Adjustments and Appeals. Councilwoman Price stated Helen Simpkins has resigned from the Senior Commission and she would like to appoint Brenda Holman to the Senior Commission to replace Ms. Simpkins representing the Aiken County government.

Mayor Osbon stated those nominations would be considered at the next Council meeting.

### ANNEXATION – ORDINANCE 04112016

Hiren and Rita Patel

1224 Richland Avenue W. (4648)

TPN 104-19-32-006

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance to annex property behind 1224 Richland Avenue W. and zone it General Business (GB).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.25 ACRES OF LAND, MORE OR LESS, OWNED BY HIREN AND RITA PATEL AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve on second reading and public hearing an ordinance to annex property behind 1224 Richland Avenue W and zone the property General Business (GB).

Mr. Klimm stated Hiren and Rita Patel, owners and applicant, are requesting annexation and rezoning of .25 acres on Richland Avenue W. The property located behind 1224 Richland Avenue W is presently zoned Residential Conservation (RC), and the request is to rezone the property to General Business (GB). The property is located behind the current location of an existing convenience store and gas station. The applicants intend to submit a site and landscape plan for the expansion of an existing building and need the additional property to provide detention and open space. The application was submitted

by the owners to correct an oversight and complete the annexation process that owners previously thought had already been done.

The Planning Commission reviewed the request at their March 15, 2016, meeting and recommended annexation of the property with General Business zoning.

City Council approved this ordinance on first reading at the March 28, 2016, meeting. For Council consideration is second reading and public hearing of an ordinance to annex property behind 1224 Richland Avenue W and zone the property General Business (GB).

There were no comments from the audience.

Councilwoman Price asked the representative present if they were planning to expand the present business.

Mr. Dwayne Trowell, of Trowell Builders, stated they need to annex the piece of property to meet the green space requirements and retention pond requirements for the property in order to expand the existing building on the property and meet parking requirements.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Dewar, that Council approve on second reading and public hearing an ordinance to annex property behind 1224 Richland Avenue W and zone the property General Business (GB). The motion was unanimously approved.

#### SEWER FEE – ORDINANCE 04112016A

##### Aiken County Public Service Authority Increase Sewer Charge

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance establishing new charges for sewer service.

Mayor Osbon read the title of the ordinance.

#### AN ORDINANCE ESTABLISHING NEW CHARGES FOR SEWER SERVICE.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve on second reading an ordinance to increase the sewer rate fees from \$2.25 per 100 cubic feet to \$2.41 per 100 cubic feet.

Mr. Klimm stated we have received a letter from Andrew Chavous, Aiken County Public Service Authority Director, informing us that the Aiken County Public Service Authority will increase their rates for treatment of our sewage. For 2016-17 they will increase their rate by \$0.10 per 1,000 gallons with their new rate for treatment being \$1.35 per 1,000 gallons, an 8% increase. They state their costs have increased for operating the forty year old plant.

The City of Aiken is seeing an increase in our treatment volume of 16%. The fee that we pay to the ACPSA is a major factor in our sewer rates, and we serve as a pass through for these fees to the ACPSA. Staff has reviewed this information, and in order to accommodate this rate increase from ACPSA we are recommending that our sewer rate be increased from \$2.25 per 100 cubic feet to \$2.41 per 100 cubic feet, which would be a 7% increase.

City Council approved this ordinance on first reading at the March 28, 2016, meeting. For City Council consideration is second reading and public hearing of an ordinance to increase the sewer rate fees from \$2.25 per 100 cubic feet to \$2.41 per 100 cubic feet.

Mr. Klimm stated there had been inquiries and requests for information from Councilmembers to staff. He said staff had provided requested information to Council, including a multi-year analysis of water revenue and usage, a comparison of rates of the various cities in South Carolina, and staff is present to answer any questions.

Mayor Osbon stated any time there is a request to raise rates Council takes it with sincerity because they know it affects the citizens. He said he had spoken with the Aiken County Administrator and it is not a matter of efficiency, but a matter of their costs going up so they have to pass it on to their customers of which Aiken is one. Unfortunately the city can't absorb the increase. He pointed out that last year the city absorbed a 2 cent increase.

Mayor Osbon asked for comments from the audience.

Ms. Ann Dicks, 314 Jehossee Drive, stated that on March 12, 2014, there was an overall 10% rate increase for water and sewer rates and she would like to have a breakdown on how much of that went for water and how much for sewer. She pointed out that in a two year period the city was asking the citizens to absorb a 17% increase. She felt there should be more study on the matter and suggested that Council delay the increase so the increased rate would not start until June 1, 2016, after further study. She said her concern was senior citizens who many times are on fixed income. She asked that Council do further study on the rate increase and asked if there might be an exemption for senior citizens. She wondered if the treatment plant needs renovations and if so there may need to be an increase. She said citizens need to see the whole picture as to what is happening.

It was pointed out that it had been asked at the last meeting that a representative be present at this meeting to explain the reason for the increase in rates. Mayor Osbon stated he was the one who asked that someone be present. He said he had talked with Mr. Clay Killian, County Administrator, and he had answered his questions so he was not present at the meeting. Mr. Killian stated the increase was going for repair, maintenance and operation expenses for the plant.

Ms. Kim Abney, Finance Director, stated the city did have a 10% rate increase in 2014 for water and 10% for sewer. She said that was across the board for basic charge and consumption charges. She said the proposed rate increase would not increase the base meter charge which does help all customers but helps senior citizens more because the city uses 800 c.f. as an average. She said the average rate would go up \$1.28 per month. She pointed out that a single person or senior citizens may only see a \$.32 or \$.48 increase because of the increase being on the consumption. Had the base meter charge of \$10.73 been increased, then there would have been an increase of 7% on the base amount also. She said she had proposed that the base meter charge not be increased.

Ms. Abney stated in looking at our budget with the increases from the Public Service Authority being passed along to the city, we need to increase our budget by \$427,000 in what we will pay to the PSA. To get that in the smallest rate increase possible we are using \$100,000 of revenue towards growth which she predicted the revenue would increase next year if we did nothing else. Then we would be short \$326,000. With the 14,000 customers and only increasing the consumption part by the 7% based on this year's calculations projected for next year, she estimates that will bring in \$326,000 to give us the \$427,000 increase in the budget needed to pay to the PSA.

Councilwoman Price asked if Ms. Abney was saying that we need \$427,000 to make the budget work because of the PSA increase. Councilwoman Price asked when Ms. Abney would expect to see another increase from the PSA. Ms. Abney stated she has read in the paper and heard them say that they are planning to do some major renovations at the plant. She said what their letter stated and what was confirmed by the Mayor is that the present increase is just for their basic operations now. They passed along a 2 cent increase last year, but the notification came so late in the budget process that the increase got absorbed and the city has been paying that this year. Ms. Abney pointed out there had also been an increase in flow to the plant. With the combined increases from last year to this year and the projection of another 10 cents on their charges she needs \$427,000 in next year's budget.

Councilwoman Price stated some good points had been raised, especially with the aging facility. She said we had been told that the facility is about 40 years old, so how much do you continue to repair and invest in the facility. She pointed out that she had gone on

line and looked at the water and sewer rates for other municipalities across the state. She said there are about 270 cities in South Carolina, and in looking at these other cities Aiken is much lower than even some of the small neighboring towns in area. She pointed out we have to look at what people desire and that is clean water and the things that go along with having clean water. She said she had looked at this before the first reading of the ordinance and thought about it between the first and second reading and came up with the reasoning that we need the increase although she does not like any increase in anything. She said that is why she is supporting the increase.

Councilman Homoki pointed out that it had been said that our sewer charge is based on a three month usage. He asked if it is based on the lowest three months usage. He pointed out that basing the charge on the lowest three months the city is kind of biting the bullet as it is by using the smallest quarter average usage. Ms. Abney stated it is called our winter quarter average and generally the winter quarter is for the bills that come out in February, March and April. The February bill would be what the meter showed when read on January 2. The usage is really for December, January and February. She said that is the lowest for most of our residential customers which are the ones subject to the winter quarter average. That is evaluated each year and changed on the May 1<sup>st</sup> bill. She said that is one reason staff asked that the rate be changed on May 1 as it would be confusing to the customers if the rate goes up or down based on their winter quarter usage and then a month or two later it goes up because of a rate increase.

Councilman Dewar pointed out that the documents given to Council at the meeting are a good analysis of our water usage. Ms. Abney pointed out those documents pertain to water and contain our water revenue and water consumption. She said the issue before Council at this meeting is the sewer rates. She pointed out one document is a listing of the water and sewer rates for the cities that responded to the state survey. Councilman Dewar pointed out that it is likely that we will be faced with another sewer rate increase from the county with their announcement that they will have to do some major work on the treatment facility.

Councilman Merry asked what entities send sewage to the PSA. Ms. Abney responded that Aiken and North Augusta are their largest customers. Others are listed in the city's CAFR report and include Cytec Industries, Inc., Bath, Breezy Hill, Beech Island Water and Sewer, Clearwater, Langley, VPSA, PACTIV, Kimberly Clark, and Aiken County has reserved a small portion. Councilman Merry stated the County operates the treatment plant for all the users. He asked if there was any accountability for the increases from the County. He said he was concerned that the County can raise the fees and rates all the time at any time.

Mayor Osbon stated he could answer that because he raised that question to the County Administrator. He said their operating fee increased that much and the fee is a pass through. He said he did not think that the County residents other than the ones in the cities are actually using the facility. He said the municipalities are the primary customers of the facility. He said the increase in operation is passed on to their customers.

Councilman Homoki asked if the County bill the city for actual usage or is it based on a percentage. Ms. Abney responded that the PSA bills the city monthly based on the actual measured flow into their plant. They also bill us for a share of their debt service and capital and contingencies.

Councilwoman Price asked if the County had mentioned any intentions of building a new facility. Mayor Osbon responded that just from reading the articles in the paper he does think that might happen, but he did not have any details on that.

Councilman Merry stated the handout called Analysis of Revenue Data dated 4/5/16 shows a substantial increase in the water budget from 2015 to 2016 from \$7.39 million to \$7.925 million which is roughly a \$530,000 increase. He wondered why there was such a significant increase in the budget amount that year. He wondered if there was a specific item or just anticipated cost increases.

Ms. Abney stated she could not verify that there was one specific item, but she could say that based on the eight months so far, we will be very close to meeting the budget. Councilman Merry pointed out that 5 years ago the budget was \$1 million less than what it is now. He said the budget was increased by \$1 million in 5 years which is \$200,000 a year which is a substantial growth rate. Even at that our anticipated revenue from water of which the sewer charges are a function of the water usage, our anticipated revenues still outpaced what we budgeted. Ms. Abney pointed out that one of our rate increases was to add a crew of 6 to address water leaks. We have done that, but ironically the following year from 2012 to 2013, our revenue was basically flat because we did not sell the quantity of water that we had anticipated.

Councilman Homoki stated he thought we went to the real enterprise system about that time.

Before that we kind of absorbed the disparity and took it out of the General Fund. Ms. Abney pointed out that Water and Sewer has pretty much always been an enterprise fund.

Councilman Merry pointed out there is basically a 400 million gallon discrepancy between the amount pumped and the amount billed for 5 years even with the extra crew to fix water leaks we are still 400 million off roughly. We have had the extra crew since 2011. Ms. Abney pointed out there is always some lost water which may be due to testing the fire hydrants, fires, unmeasured water, meters not functioning, etc. She said we would never be at 100%. The loss is probably less than 20%. Councilman Merry pointed out that the impact of the crew fixing the leaks is yet to be realized. He pointed out in one handout there is anticipated a surplus in water revenue. Ms. Abney responded that she felt we would meet budget, but did not think we will have a surplus in water revenue. She pointed what is billed differs from what is collected by about 3%.

Mayor Osbon asked if there were any other comments from the audience or from Council and no one spoke

Mayor Osbon called for a vote on the motion by Councilman Ebner, seconded by Councilwoman Price, that Council approve on second reading and public hearing an ordinance to increase the sewer rate fees from \$2.25 per 100 cubic feet to \$2.41 per 100 cubic feet. The motion was unanimously approved.

It was pointed out that the rate increase was a pass through from the rate increase from the Aiken County Public Service Authority.

#### GEM LAKES EXTENSION ROADS – RESOLUTION 04112016B

##### Deed of Dedication

##### Streets

##### Storm Sewer

##### Todd Gaul

##### Steve Kisner

Mayor Osbon stated a resolution had been prepared for consideration by Council for acceptance of a Deed of Dedication of roads and storm sewer lines in the Gem Lakes Extension Subdivision.

Mayor Osbon read the title of the resolution.

#### A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FOR STREETS AND STORM SEWER INFRASTRUCTURE FROM GAUL AND KISNER, LLC.

Councilman Ebner moved, seconded by Councilman Dewar, that Council approve the resolution accepting the deed of dedication for the streets, roads, storm sewer lines and their associated easements in the Gem Lakes Extension Subdivision.

Mr. Klimm stated Gaul and Kisner, LLC, the owners of property known as Gem Lakes Extension Subdivision located off Silver Bluff Road, are requesting that the City accept a



deed of dedication which includes streets, roads, storm sewer lines and their associated easements in Gem Lakes Extension.

Council at the February 22, 2016, meeting committed, along with Todd Gaul and Steve Kisner, to funding to repair the roads in Gem Lakes Extension. In order for the city to do any work on the roads, the city needs to own the roads.

For Council consideration is approval of a resolution accepting the deed of dedication for the streets, roads, storm sewer lines, and their associated easements in Gem Lakes Extension Subdivision.

The public hearing was held.

Mayor Osbon asked for comments from the audience and from Council.

Councilwoman Price stated she supported accepting the deed of dedication to accept the roads in Gem Lakes Extension, but she wanted to note the fact that Council has talked about whether this is a gateway to open up other issues with other roads in the city. She said those would be considered on a case by case basis.

Councilman Dewar stated he would note that part of the approval of spending the money on the roads was to look at the city's road specifications. He pointed out that Council had just finished a work session reviewing proposed new road specifications. He said he hoped this would ensure that we provide more consistency and oversight of road building in the city of Aiken.

Mayor Osbon called for a vote on the motion by Councilman Ebner, seconded by Councilman Dewar, that Council approve the resolution accepting the deed of dedication for the streets, roads, storm sewer lines and their associated easements in the Gem Lakes Extension Subdivision. The motion was unanimously approved.

#### RESOLUTION 04112016C

##### Citizens Review Board

Mayor Osbon stated the item for approval of a resolution to form a Citizens Review Board had been added to the agenda.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council approve the resolution authorizing the formation of a Citizens Review Board to review complaints against the City of Aiken's Public Safety Department.

Councilwoman Diggs read the resolution.

**WHEREAS**, the Mayor and City Council are committed to continual improvement of our City; and

**WHEREAS**, the Mayor and City Council are dedicated to maintaining the highest level of integrity, service and accountability to the citizens we serve; and

**WHEREAS**, one aspect of maintaining these high standards is the formation of a Citizens Review Board that will review complaints against the City of Aiken's Public Safety Department in a fair, equitable and transparent matter.

**NOW, THEREFORE, BE IT RESOLVED** that a Citizens Review Board consisting of Aiken residents is created with the full support of the Mayor and City Council. The Mayor is further authorized to appoint the members with the advice of City Council.

**ADOPTED** by the Council of the City of Aiken at a regular meeting held this 11<sup>th</sup> day of April, 2016, at which a quorum was present and voting.

Mayor Osbon asked if anyone in the audience had any comments.

Mr. Brandon Upson stated that he was happy to be back home in Aiken. He said he and his wife had just moved back with their family to raise their two young daughters after living in Charleston for about 6 1/2 years. He said with his time in the military he had gone all across the world and he had learned a couple of things. He said South Carolina is a special place. When things go wrong as they sometimes will we don't divide, we come together and find solutions. He said that is one thing that makes us special. Over the past couple of years he has worked heavily with community activism. He said his work has taken him all across the country from rallying behind the Trayvon Martin family to going up to Ferguson, Missouri, and doing voter registration. He said he had also worked with many governmental officials to find solutions to the systemic issues that we face as a country. He said he would say after experiencing what has happened in Aiken on April 1, the swift action taken by City Council, the Mayor, and the Administrator, it speaks volumes of who we are as a community and your commitment to our citizens in Aiken. He said he would say, however, when the news came he was shocked. He was a little surprised and befuddled. He said when he saw that Aiken was in the middle of what could have been a racial fire storm, it really knocked him back because he believed it was not the Aiken that he had brought his family to be raised up in. From an outside point of view anyone looking in could have gotten the wrong impression of us. He said, however, this community is special. It does not just have a special place in his heart, but the news is out there and we can't take it back. The only thing we can do is move forward together. He said there had been many opinions given, and he had heard about ten more today. There have been many discussions and many going on right now. He said he believed that we are all under one consensus that transparency is the key. He said we look forward to the city presenting a timeline to the implementation of the actions listed in the press release that recently went out. He said some of those actions were: the reassigning of the officers in question, hiring a third party investigator, forming a citizens review board, conducting sensitivity training and committing to a diversity plan within the departments of the city. He said he prays for himself, his family, and for the families of the City of Aiken that we can come together and implement these actions in a timely fashion. He said the work that we do today isn't for us, but is for the next generations to come. He said for his two daughters it means a lot. If we can come together on these five action items that the city laid forward, we can be a model for the nation. We can be what every other city that is going through some tough times has tried to become--little Aiken. He said we have endured so much over the last couple of years as a country with times filled with division and with cities like Aiken we can come together under a common good. He said we don't have to stare at the problem. We can acknowledge it, and we can build together. The key is to build bridges, not barriers. He thanked Council for their time and stated he looked forward to seeing great work done.

Mayor Osbon stated the city will move forward on the timeline, and tonight is one of those steps in forming the committee. He said we hope that as soon as tomorrow we will be able to move forward with naming the independent study that will be conducted. He said expediency and transparency are certainly important to everyone on Council. He also thanked Mr. Upson for agreeing to serve on the Citizens Review Board.

Councilwoman Diggs stated she was very glad to see the city go forward with a Citizens Review Board, and she hoped we could announce the members of the committee soon. Councilman Merry thanked the Mayor and City Manager John Klimm for the leadership shown in this time. He said despite whatever has happened, from his perspective, the Mayor and City Manager had done a great job in taking a leadership role in pulling the response together.

Mayor Osbon stated every Councilmember here has called and been a part of every step along the way. He said Councilmembers Diggs and Price have certainly been great advisors and confidants through this process. He said while we are not at the end yet, he felt happy with the way the city is moving forward. He thanked Mr. Upson for his comments and felt through adversity positive things can happen and he felt that is what we see in Aiken and that is what makes Aiken the special place it is.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Homoki, that Council approve the resolution authorizing the formation of a

Citizens Review Board to review complaints against the City of Aiken's Public Safety Department. The motion was approved unanimously.

### CAPITAL PROJECTS SALES TAX

Engineering and Utilities Department

Infrastructure Analysis Software

GIS Consulting Services

Mayor Osbon stated there has been a request from the Engineering and Utilities Department for approval to spend funds from the Capital Projects Sales Tax III funds for infrastructure analysis software configuration.

Councilman Dewar moved, seconded by Councilwoman Diggs that Council approve an expenditure of up to \$57,750 from CPST III funds from accounts 017-3181-468.76-91 3INFRW and 017-3181-468.76-02 3INFRS so the work on documenting our water and sewer infrastructure work can be completed.

Mr. Klimm stated Engineering and Utilities Director George Grinton is requesting approval to spend \$57,750 from CPST III funds. One-half of the amount [\$28,875] will come from 017-3181-468.76-01 3INFRW [Water System] and the remaining amount of \$28,875 will come from 017-3181-468.76-02 3INFRS [Sewer System]. The expense is for GIS consulting services to complete the entering of engineering as-built drawing data into our GIS system to complete the GIS attribute files. The work would complete the populating of the Innovyze software with the most complete and accurate data we have of our water and sewer infrastructure. The requested amount includes a 10% contingency.

At the September 28, 2015, Council meeting Council approved the purchase of software to assist with analyzing the city's infrastructure. Funds for the purchase of the software were included in the FY 15-16 budget. At that time Council asked if enough money had been appropriated to complete the population of the model. At that time it was not known how much would be needed to complete the project. Mr. Grinton is now back asking Council for approval of funds to complete the project.

Mr. Klimm stated the request for funding was mentioned back in September, 2015, when Mr. Grinton proposed a software program that will allow us to document vital information so we can become much more understanding and knowledgeable of the condition of our infrastructure. Through the leadership of every member on Council we have made infrastructure repairs that have long been neglected a high priority. He said he wanted to publicly thank every member of Council for their strong support in this regard. He said the funding would come from two sources that would allow for Mr. Grinton to receive some staff assistance to insert necessary information so in the near future we will be able to make public presentations to not only explain to us, but to our taxpayers and citizens about the truth dealing with the condition of our infrastructure. He publicly thanked Mr. Grinton who has spent night and day and made this his number one priority to get this information done so informed decisions can be made. He said we are planning for several major presentations during the budgetary process that will address many of these issues taking the first step to actually getting some infrastructure repairs in the city.

For City Council consideration is approval to spend up to \$57,750 from CPST III funds from accounts 017-3181-468.76-91 3INFRW and 017-3181-468.76-02 3INFRS so this work can be completed.

Councilman Ebner stated he had a couple of questions for Mr. Grinton. Councilman Ebner stated he would ask the same question he asked a couple of months ago. He asked if the city's hardware and computers were capable and up to date to handle this software. Mr. Grinton stated the hardware and computers were up to date. He said we had included in the budget for update of our computers as needed to make sure we are capable of doing what we need to do.

Councilman Ebner asked if the hardware we have would handle this work and still have room for expansion or do we need some new hardware. Mr. Grinton responded that staff had worked with IT staff to make sure that we had server expansion that was needed. He

said this had been funded as we go along. Councilman Ebner asked if the amount requested gave him enough to do what he needs to do. Mr. Grinton responded he felt that it does unless a surprise comes up. Councilman Ebner asked that Mr. Grinton come back like Chief Barranco did so we can be sure when we get through we have a very workable system. Mr. Grinton stated with this system and information in the system is how the department will be run to know how and where to repair the infrastructure and what improvements we need to do.

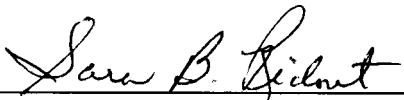
Mayor Osbon called for a vote on the motion by Councilman Dewar, seconded by Councilwoman Diggs that Council approve an expenditure of up to \$57,750 from CPST III funds from accounts 017-3181-468.76-91 3INFRW and 017-3181-468.76-02 3INFRS so the work on documenting our water and sewer infrastructure work can be completed. The motion was unanimously approved.

#### RECOGNITION

Mayor Osbon thanked Mr. Steve Kisner for being at the Council meeting. He said he felt he would be remiss for Mr. Kisner to be present and not say anything on behalf of the City of Aiken about his son. Mayor Osbon pointed out that Steve Kisner was present and many people may know his son, Kevin Kisner, who made us all very proud this past weekend by making the cut at the Masters Golf Tournament in Augusta.

#### ADJOURNMENT

There being no further business, Councilman Homoki moved that the meeting adjourn. The motion was seconded by Councilwoman Diggs and unanimously approved. The meeting adjourned at 7:56 P.M.

  
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Sara B. Ridout  
City Clerk