

Aiken City Council MinutesREGULAR MEETING

January 14, 2013

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

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, Glenn Parker, Charles Barranco, Tim Coakley, Kim Abney, Alicia Davis, Ed Evans, George Grinton, Sara Ridout, Amy Banton of the Aiken Standard, Chad Mills of Channel 12, and about 30 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:00 P.M. Councilman Dewar led in prayer, which was followed by the pledge of allegiance to the flag.

GUIDELINES

Mayor Cavanaugh reviewed the guidelines for speaking at the Council meeting. He asked that those who would like to speak raise their hand and be recognized and limit their comments to five minutes.

MINUTES

The minutes of the regular meeting of December 10, 2012, were considered for approval. Councilman Homoki stated it was not reflected in the minutes that he had not received the package that Councilman Ebner discussed at the last meeting. He said he had asked the City Manager to send him a copy of the information. He said he would like to add that in the minutes. Mr. Pearce stated he had the memo that was given to Councilmembers at the December 10, 2012, meeting. He said a copy of the various emails sent to Councilmembers in relation to the nomination of Jane Page Thompson to the Planning Commission had also been provided to Council. He stated Councilman Ebner had requested at the December 10, 2012, meeting to include the information in the November 26, 2012, minutes. However, since the appointment was an item for the December 10, 2012, meeting he understood that Councilman Ebner would be making a request that the emails be included in the minutes for the December 10, 2012, meeting. He said he thought some Councilmembers had some questions about the inclusion of the emails. He said City Attorney Gary Smith had researched inclusions in the Council minutes.

Mr. Smith stated the Councilmembers should have received his memo about Councilmembers' ability to include items in the meeting minutes. He said the Freedom of Information Act makes it clear that if a single City Councilmember desires to include information within the minutes of the City Council meetings that the Councilmember is able to do so. He said, however, he had not known that to be done in his seventeen years as City Attorney. He said Council does not have any formal procedure for including items in the minutes. He said he felt it would be best to provide advance notice to the City Manager so he can include the information a Councilmember wishes to include in the minutes in the agenda packet so all the Councilmembers are aware of what will be included in the minutes. Then, at the point when the agenda item is reached where Council is to approve the minutes of the past meeting, that Councilmember would move to also amend the meeting minutes to include whatever package he had provided to the City Manager.

Mr. Smith stated there was a letter dated December 10, 2012, from Councilmember Ebner addressed to the City Manager. The subject of the letter was: Name Withdrawal from the Planning Commission. Attached to the letter were 35 pages of emails. Councilman Ebner was asking that the package be included as part of the November 26,

2012, minutes. He said, however, it had been agreed that the information would be more appropriately to be attached to the December 10, 2012, meeting minutes.

Councilman Homoki stated he was concerned that the emails deal with a candidate for the Planning Commission, Jane Page Thompson. Ms. Thompson had withdrawn her name prior to the December 10, 2012, meeting and prior to Council voting. He said Council did not actually discuss the emails and had no comments pro or con. He said Council did not discuss the nomination at the December 10, 2012, meeting. He felt this would be setting a bad precedent. He said all of a sudden Council can start bringing in relevant or irrelevant emails or other information for inclusion in the minutes for the permanent record which really does not reflect what happened during the meeting. He said he felt the minutes are supposed to reflect what happens during the meeting. He said secondly he felt Council was busy enough without having to go through this. He said at the December 10, 2012, meeting he asked Councilman Ebner if he was going to read the emails into the record. He said if the emails were read at the meeting, then he felt they could be included in the minutes. He said basically the audience has no idea what was entailed in the emails. He said he felt that unless the information is read during the meeting it should not be included in the minutes.

Mr. Smith stated he did not necessarily disagree with what Councilman Homoki had said, but he felt the state law makes it clear that the minutes shall include any other information that any member of the public body requests be included or reflected in the minutes. He said if he wanted to include a statement about the sales price of his automobile, he could ask that it be included in the minutes even though it was not discussed during the City Council meeting. He said the state law says that we don't have to see relevance for purposes of whether the information is included or not.

Councilman Ebner stated the emails may have been irrelevant to be included in the November 26, 2012, meeting, since that was when the nomination was made to appoint Ms. Thompson to the Planning Commission. However, it was mentioned in the December 10, 2012, meeting that Ms. Thompson had withdrawn her name from consideration for appointment to the Planning Commission.

Mayor Cavanaugh pointed out that Jane Page Thompson was a nomination to the Planning Commission, but the recommendation was never voted on, as she withdrew her name from consideration.

Councilman Dewar stated if both Councilmembers Homoki and Ebner were agreeable and it was not in violation of law, he would suggest that all the documents not be included in the minutes. He felt the confusion came because Council had expected the Councilmember who made the nomination to withdraw it, but that was not the case so it came to the City Manager to deal with. He said he did not care whether the documents were in or out.

Mr. Smith pointed out that the memo included in the December 10, 2012, Council agenda was to inform Council that Ms. Thompson had withdrawn her name for consideration for appointment to the Planning Commission. It was included with the agenda as documentation of Ms. Thompson's withdrawal.

Mr. Pearce suggested that the sentence in the minutes stating—"Jane Page Thompson's name had been submitted at the last meeting for appointment to the Planning Commission" be amended to state that "Jane Page Thompson's name had been submitted at the last meeting for appointment to the Planning Commission, but Councilmember Homoki informed Council that Ms. Thompson had withdrawn her name for consideration for appointment to the Planning Commission to replace Wilkins Byrd, who has resigned. He stated the next sentence stating "Councilman Ebner submitted a memo and 35 pages of emails relating to the nomination of Jane Page Thompson to the Planning Commission." be removed.

After much discussion Councilman Ebner withdrew his request that 35 pages of emails regarding the recommendation of the appointment of Jane Page Thompson to the

Planning Commission be included in the December 10, 2012, minutes since the name was withdrawn from consideration and no action was taken by Council on December 10, 2012. He felt the wording suggested by Mr. Pearce was the proper way to handle the matter.

Councilman Ebner moved that the minutes of the December 10, 2012, meeting be approved with the amendment as suggested by the City Manager regarding the recommendation of Jane Page Thompson to the Planning Commission and the removal of the sentence regarding the inclusion of 35 pages of emails regarding the nomination of Jane Page Thompson. The motion was seconded by Councilwoman Diggs. The motion was unanimously approved.

#### RECOGNITION

Mayor Cavanaugh recognized those who were present from Leadership Aiken County.

#### PRESENTATION

Municipal Association of South Carolina  
Municipal Achievement Award Application  
Senior Commission  
Parks, Recreation and Tourism Department

Mayor Cavanaugh stated a presentation would be made to Council on the proposed Municipal Achievement Award Application.

Mr. Pearce stated Glenn Parker, Parks, Recreation and Tourism Director, would make a presentation to Council regarding the proposal for the Municipal Achievement Award application. He said the MASC accepts applications every year for the Municipal Achievement Award. Staff has discussed potential submissions and has recommended the submittal of what the city is doing for seniors. The submittal is due on January 28, 2013. Mr. Parker is present to present an overview of the proposed submittal to MASC.

Mr. Parker stated it is an honor for PRT to present the application. He said the city has won a number of the MASC awards. He said PRT had not previously submitted an application to MASC. He said in talking about the application in the staff meeting the discussion centered around a broad comprehensive overview of everything the city does for seniors in Aiken. They talked about including some of the awards won in Aiken, relocation, the top 10 awards the city has won, USC-Aiken, Aiken Regional, the Chamber of Commerce, etc. He said we were looking at the broad spectrum of Aiken for seniors. In reading the application from MASC and talking with staff, Lower Savannah Council of Governments, and the Senior Commission, it was decided to narrow the application down to a single topic of the Senior Commission. He pointed out one reason is that the application asks about a project or a program and asks specific questions about the individual projects or programs. It was felt that focusing on the Senior Commission would give us the project or program. One question is what makes the program unique. Mr. Parker stated staff had done some research, and they think this may be the only Council appointed volunteer Senior Commission or Committee in the state. He pointed out the City of Charleston does have an office on Aging, but that is staffed with paid employees. He said they felt that makes the Senior Commission somewhat unique. He said one thing they want to focus on in the application is the article that was done by Columbia University a couple of years ago. He read a sentence from that report. "Aiken is the vanguard. It has already begun to grapple with what the nation as a whole will soon face." He said that is what they focus on. He said they will quote some from the article in the application. Another sentence is that Aiken is 40 to 50 years ahead of the rest of the country in how we are dealing with seniors and the population of density of seniors in Aiken. He said they will write about how this started. He said this topic was first discussed at the 2009 Horizons. At that time Council chose to make a goal to establish a Task Force. That Task Force interviewed a number of people, etc. and came back with a recommendation to ask Council to look at forming a Senior Commission. One item to be discussed in the application is a summary of the Task Force and what they talked about to get to this point of having a Senior Commission. Then we will look at

what the Senior Commission is currently doing. He pointed out there are 11 questions in the application, and there can only be 100 words for each answer. He said they want to mention the Strategic Plan in the application, but the information will have to be very abbreviated. He said they want to discuss the ability to be able to replicate the program across the state. He said it is felt this would be an easy program to present and initiate in different cities in the state. As far as future plans, he said, they could write about new recreation centers with the Capital Projects Sales Tax, and seniors could be an active component of why we develop the senior centers as a whole. Something else to write about is the Aiken County Senior Games. It is sort of an Olympic style competition for seniors. We would work with Aiken County and the City of North Augusta and bring this program back. Some of the local seniors compete at the state and national level, but there is not a local game. He felt Aiken has a unique program which came from a need. It was developed through a process. It can be replicated in other communities. After the application is submitted, if selected, a presentation will be made before judges in March, 2013. Seniors would be involved in the presentation. He pointed out the presentation before Council by a senior who is very knowledgeable about water and water sources. He said staff feels they have some information to make a very good presentation on the project.

Councilman Homoki pointed out that William Price, Chair of the Senior Commission, was recognized by the Washington Post about two years ago. He felt that article would be good information to use in the application.

Mayor Cavanaugh asked if the city was doing any mentoring within the senior group with young children.

Mr. Parker responded there are some mentoring programs, especially at Smith-Hazel, but he was not sure that the Senior Commission focused on that. This could be considered in the application, and it is one of the goals of the Senior Commission. There is also a program from Public Safety that involves mentoring.

Councilwoman Price pointed out there are some seniors involved at Schofield Middle School with the students, with South Aiken Presbyterian Church and Friendship Baptist Church involved in the program.

Mayor Cavanaugh thanked Mr. Parker for the presentation.

Mr. Pearce stated staff will go forward with the application and will have more material for Council at the Horizons Retreat as to what was actually submitted.

## BOARDS AND COMMISSIONS

Appointments

McDonald Law

Design Review Board

Mark Hudgins

Robert Newburn

Environmental & Energy Committee

Jason Price

Board of Zoning Appeals

Ann Dicks

Community Development Committee

Kent Cabbage

Planning Commission

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

Mr. Pearce stated Council has 12 pending appointments to fill vacancies on different City boards, commissions, and committees. Six appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended that McDonald Law be reappointed to the Design Review Board with the new term to expire December 31, 2014. He has also recommended that Mark Hudgins be reappointed to the Environmental and Energy Committee. If reappointed, his term would expire December 31, 2014.

Councilmember Diggs has recommended that Jason Price be reappointed to the Board of Zoning Appeals. If reappointed, his term would expire December 1, 2015. Board of Zoning Appeals terms are for three years.

Councilmember Dewar has recommended that Ann Dicks be appointed to the Community Development Committee to replace Mary Ella Brown. If appointed, her term would expire September 2, 2014.

Councilmember Homoki has recommended that Robert Newburn be appointed to the Environmental and Energy Committee to replace Kent Cubbage. If appointed, his term would expire December 31, 2013. Councilmember Homoki has also recommended that Dr. Kent Cubbage be appointed to the Planning Commission to fill the position of Wilkins Byrd, who has resigned. If appointed, his term would expire December 1, 2014.

For City Council consideration is approval of six appointments to these boards, committees and commissions.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the reappointment of McDonald Law to the Design Review Board with the term to expire December 31, 2014, Mark Hudgins to the Environmental and Energy Committee with the term to expire December 31, 2014, Jason Price to the Board of Zoning Appeals with the term to expire December 1, 2015, and that Ann Dicks be appointed to the Community Development Committee to replace Mary Ella Brown with the term to expire September 2, 2014, appointment of Robert Newburn to the Environmental and Energy Committee to replace Kent Cubbage with the term to expire December 31, 2013, and appointment of Dr. Kent Cubbage to the Planning Commission to replace Wilkins Byrd who has resigned with the term to expire December 1, 2014. The motion was unanimously approved.

Councilman Homoki stated he would like to recommend Trudy S. Boyd to the Community Development Committee for consideration at the next Council meeting.

#### ANNEXATION – ORDINANCE

2420 Whiskey Road  
2424 Whiskey Road  
Evie B. Cheek Jones  
WIN Development LLC  
TPN 122-18-06-007  
TPN 122-18-06-011

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 1.03 acres at 2420 and 2424 Whiskey Road and zone it Planned Commercial (PC).

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF APPROXIMATELY 1.03 ACRES OF LAND, MORE OR LESS, OWNED BY EVIE JONES AND LOCATED AT 2424 WHISKEY ROAD AND TO ZONE THE SAME PLANNED COMMERCIAL (PC) AND TO APPROVE A PROPOSED CONCEPT PLAN.

Mr. Pearce stated property owner Evie B. Cheek Jones owns 1.03 acres at 2420 and 2424 Whiskey Road. She and WIN Development, LLC have petitioned to annex these properties into the Aiken City limits. This property is located immediately adjacent to the Lowe's on Whiskey Road.

The Foresite Group wants to locate a retail business known as The Mattress Firm on these properties once it is annexed. The proposed zoning for the annexed properties is Planned Commercial (PC). Pursuant to our normal course of action with these types of requests, this application has been reviewed by the Planning Department staff and the Planning Commission.

The Planning Commission considered this request at their December 11, 2012, meeting. After their review and opportunity for public comments, the Planning Commission voted 5-0 to recommend approving the annexation request and zoning designation upon the conditions that:

1. Any use permitted in the PC zone be allowed as long as the additional vehicle trips per day do not trigger a traffic study as determined by the Planning Director;
2. The developer will sign a cross-access easement to allow for the future interconnection of this tract with adjacent properties;
3. The median for the entrance and exit will be a raised delta median type designed to prevent left turns onto Whiskey Road. The design will be approved by the City's On-Call Traffic Engineer;
4. The property developer will contribute the pro rata cost for the sewer line that was built in 2011 to this property;
5. The building setback from the southern property line be waived to be 5' instead of the normally required 25';
6. The requirement to plant trees in portions of the planting strips along the northern and southern property lines be waived;
7. This development will comply with the LDR study by planting street trees, building sidewalk, and piping any open ditches along Whiskey Road;
8. Proof of recording a plat combining these two lots be submitted to the Planning Department;
9. A revised Concept Plan listing all conditions of approval and any changes required by City Council be submitted within 180 days of final adoption of an ordinance after Second Reading and a Public Hearing; and
10. The applicant will sign an agreement stating all conditions of approval within 180 days.

For Council consideration on first reading is approval of an ordinance to annex 1.03 acres located at 2420 and 2424 Whiskey Road into the Aiken City limits, to zone it Planned Commercial (PC) and to approve the proposed concept plan.

Councilman Ebner pointed out that the property proposed to be annexed and developed will basically be a strip center. He noted that the concept plan shows a retention pond, and he felt this may not be a necessary item. He stated it had been mentioned at the Planning Commission that George's Pond will take care of drainage from the whole area. He felt the detention pond should be deleted from their plan, as in the future George's Pond should take care of everything in the area except Lowe's and Hobby Lobby, which each have their own retention pond. If the detention pond is left on the plan, there could be a problem in the future as to why the pond was not built.

Mr. Pearce stated Mr. Morris, Engineering and Utilities Director, is not present, but Council could approve the request on first reading and staff could have an explanation for the pond at the second reading and public hearing to be held on January 28, 2013.

Councilman Ebner stated he would like to ask that staff look at the possible extension of Athol Avenue about 500 feet so it would adjoin this property proposed to be annexed. He felt this extension would give another entrance/exit from the property and give access to get onto Whiskey Road at a traffic signal as well as to tie into the rest of the shopping center. He stated there are exits to Athol now. He said possibly some of the Powderhouse connector road money could be used for the extension of Athol. He felt extension of Athol would enhance the area.

Councilwoman Price moved, seconded by Councilman Homoki, that Council approve the annexation of 1.03 acres located at 2420 and 2424 Whiskey Road, zone it Planned

Commercial (PC) and approve the proposed concept plan with the 10 conditions listed. The motion was unanimously approved.

COLONY PARKWAY – RESOLUTION 01142013

Resolution

Ordinance

Carolina Bay

Price Avenue

Two Notch Road

Carlos Garcia

RCS Corporation

Mayor Cavanaugh stated a resolution and an ordinance had been prepared for the exchange of property on Colony Parkway near the Carolina Bay.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED ON COLONY PARKWAY FROM CARLOS F. GARCIA.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CONVEY REAL PROPERTY TO CARLOS F. GARCIA.

Mr. Pearce stated two matters need action by Aiken City Council as a result of the gyro tracking brush clearing we hired out at the Carolina Bay on Price Avenue between Colony Parkway and Two Notch Road.

He said Carlos Garcia of RCS Corporation owns property on Colony Parkway. An aerial photo of the area was shown to Council showing the existing property line and the proposed property line with a land exchange.

Mr. Pearce stated the underbrush clearing revealed a meandering property line between City-owned land, and land owned by Carlos Garcia of RCS Corporation. The principals of RCS Corporation are Carlos and Karen Garcia.

The Garcias and City Staff see a benefit from straightening out this line to simplify future City activity on this tract.

To accomplish this real estate exchange, Council first must pass a Resolution to accept a deed of property from owner Carlos Garcia. Second, a review on first reading of a Deed to Carlos Garcia to convey approximately the same amount of property to Carlos Garcia will be needed. Should this exchange be approved, we would proceed with second reading of an ordinance to convey a portion of the Carolina Bay property in order to straighten up this property line. Any paperwork to accomplish this correction will be completed.

Mr. Pearce stated the proposed exchange would give the City better access to the Carolina Bay property, and the Garcias would have a straight line for their property. The exchange is within two square feet of being an even exchange. Staff has reviewed the proposal and discussed the proposal with the Garcias.

For Council consideration is a resolution to accept a deed of property from Carlos Garcia and then first reading of an ordinance for the City of Aiken to convey a similar amount of property in exchange to Carlos Garcia.

Councilman Dewar moved, seconded by Mayor Cavanaugh, that Council approve the resolution authorizing the acceptance of property located on Colony Parkway from Carlos F. Garcia. The motion was unanimously approved.

Councilwoman Price asked for clarification on the property being exchanged. She asked if the tracts being conveyed would be even. Mr. Pearce responded that the exchange would be within about two square feet of being an even exchange. He said the exchange would give the City better access to the property on Colony Parkway to the Carolina Bay property.

Councilman Dewar moved, seconded by Councilwoman Price, that Council approve on first reading an ordinance authorizing the City of Aiken to convey real estate property to Carlos F. Garcia. The motion was unanimously approved.

#### HISTORIC MARKER

Allen Riddick

Aiken County Historical Society

Aiken Graded School

444 Kershaw Street NE

Hampton Avenue

Mayor Cavanaugh stated a request had been received from the Aiken County Historical Society that a historic marker be allowed to be erected commemorating the Aiken Graded School.

Mr. Pearce stated Allen Riddick has petitioned the Design Review Board for approval to place a historic marker in commemoration of the Aiken Graded School at the northeast corner of Kershaw Street NE and Hampton Avenue. This school was built with funds provided by Julius Rosenwald. He donated money in the 1920's to build schools throughout the South for the education of African-American children. More information is contained in the memo and materials provided by DRB Chair Philip Merry.

For Council consideration is approval for the placement of a historic marker commemorating the Aiken Graded School.

Mayor Cavanaugh questioned the sign being 7 feet tall. Councilman Ebner stated he had talked with Mr. Riddick about the sign. Mr. Riddick stated the proposed sign is a 2-marker and is a state standard sign. All the markers are 7 feet tall.

Councilwoman Price stated she as well as her siblings had attend the Aiken Graded School.

Councilman Dewar questioned whether there needs to be some thought given to the number of historic markers that can be allowed. He suggested there may be hundreds of signs that could be requested to recognize points of interest in Aiken that are of interest to Aiken's history. He wondered if anyone had any concern about the number of markers being requested.

Councilman Ebner noted that the Aiken County Historical Society pays for the historic markers, and the designation is coordinated with the State Historic Preservation Office. He pointed out that the designations get put on historical tours. The historic markers do enhance tourism.

Councilwoman Price asked if the wording for the marker could be included in the record. She pointed out there are people in Aiken who attended Aiken Graded School. She said the wording is history of the area.

Mr. Pearce read the wording for the proposed historic marker.

#### Aiken Graded School

"This park is the site of Aiken Graded School, a two-story brick school built 1924-25. It was built for black pupils in grades 1-7 and was one of almost 500 schools in S.C. funded in part by the Julius Rosenwald Foundation 1917-1932. Black Aiken physician Dr. C.C.



Johnson raised \$3,500 in the black community toward the total cost of \$33,500. Black brickmason Elliott Ball supervised its construction.

The school, described as “one of the best in the state” when it was being built, had ten classrooms, a library, and an auditorium seating 600. It opened in the fall of 1925, with principal W.D. Drake, nine teachers, and almost 300 students. The school, the only black elementary school in Aiken until new schools began to be built in 1954, closed in 1969. It was demolished in 1973.”

Councilwoman Price pointed out that some of the Johnson family and the Ball family still exist in Aiken. She thanked the Aiken County Historical Society for the designation and recognition commemorating the Aiken Graded School.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the placement of a historical marker commemorating the Aiken Graded School, with the sign to be located at the northeast corner of Kershaw Street NE and Hampton Avenue. The motion was unanimously approved.

### INFORMATION

#### Chamber of Commerce Dinner

Mr. Pearce reminded Council of the Chamber of Commerce Annual dinner to be held on Friday, January 18, 2013, at the Etherredge Center.

#### Safe Communities Notification Call-In

Mr. Pearce pointed out to Council that on Thursday, January 31, 2013, at 6 P.M. in the Council Chambers the Public Safety Department will hold its first notification under the Safe Communities initiative. This will be a call-in of persons that Public Safety will serve notice that they have a right to make a choice. They have three choices: They can die living the life style that they are living, go to jail, or choose to do the right thing. It is not a conversation, but a notification hearing. He said there will be law enforcement and prosecution representatives from the federal, state and local level who will be present notifying people in the front row that it is time to make a decision. Staff went to High Point, North Carolina, on December 18, 2012, and saw their notification hearing which they have been doing for 10 years. They have notified over 1,000 convicted felons of their time to make a choice. Their recidivism rate has been 9%. They have experienced a 56% crime reduction rate. The program has been very effective for High Point, North Carolina. Staff from High Point visited Aiken in October, and our staff went to High Point in December. This notification is important and is part of what we said we were going to do as far as taking our community back.

#### Midyear Managers Meeting

Mr. Pearce stated he would be attending the mid-year Manager’s meeting in Clemson, SC on Thursday and Friday, January 17 and 18.

#### Public Safety Department Staffing

Mr. Pearce pointed out a memo in the agenda material from him regarding staff of the Public Safety Department. The report shows that we are in the process of training 17 new Public Safety Officers. The report gives the status of their training. The material also shows the composition of the Public Safety Department. This information was in response to a request by Council that staff provide that information.

#### Horizons Retreat

Mr. Pearce reminded Council of the Horizons Retreat to be held on February 1 and 2, 2013. On that agenda will be a discussion of the Capital Projects Sales Tax projects to be worked on in the coming year and coming years. A timeline and an accounting of the

funds which have been spent so far on the second round of Capital Projects Sales Tax have been provided to Council. We will be discussing Capital Projects Sales Tax 3 at Horizons.

Councilman Ebner stated that he and Mr. Pearce had had several discussions on the Capital Projects Sales Tax. He said Mr. Pearce is going to provide a reconciliation of the CPST 2 and reconcile the schedules versus the appropriate money coming in, which is about \$31 million versus \$28 million. Mr. Pearce will then go through the sales tax in detail as to what action, if any, Council has to take. He will also explain to Council about how the CPST 3 operates. He said this is a little different from the past. He pointed out that Council had a discussion as to who is in charge of the projects during the audit review. Mr. Pearce will have a good detailed presentation of what Council needs to do in relation to the CPST projects as far as closing out one and going forward with the next one.

Mr. Pearce stated, based on our experience with the first penny, Council reserved the right to determine the order in which the projects would be completed. He said the City Attorney had also reviewed this to be sure it is done the legal way. This will be discussed at Horizons. This will help staff, not only in budgeting, but also with goal setting.

Councilman Dewar stated he had noticed in the Issues memo that the city had let a lot of bids, with one bid going to a company in Williston, one in Greenwood, and one in Augusta. He wondered if there could be some kind of percentage bonus for a local company to receive a bid award.

Mr. Pearce responded that the city already has a local vendor preference with a 4% advantage for a local company within the city limits and a 2% advantage for a company in the county. In some cases the local companies are not bidding for some of the larger projects, as they don't have the capacity to do the work, and in other cases their price is more to do the work. All bidders must meet the specifications and qualify to be able to do the work.

Councilman Homoki asked if there was a program for contracting with Small Disadvantage Businesses (SDB). Mr. Pearce stated he would have to check on this and do some research.

Councilwoman Price stated she thought many years ago there was something set aside for small businesses.

Councilman Dewar stated he had noticed that the Board of Zoning Appeals has allowed both Walmart stores to have temporary storage trailers over the holidays. He pointed out that this is the same Walmart that the city has been trying to negotiate access to the store on Whiskey from the Pawnee connector road. He wondered if it would be appropriate to talk with the store about the access issue when they talk about wanting some things from the city.

Mr. Pearce pointed out that there is specific criteria in the application to the Board of Zoning Appeals that Walmart must meet in applying for a variance from the Board of Zoning Appeals. This determines whether the BZA can grant a variance or not. He stated staff has a continuing dialogue with Walmart regarding the access.

Councilman Dewar stated of serious concern to him is that he get calls almost every day from someone who has been a victim of our crime. He said it is quite distressing to find out that the Public Safety Department is down 17 positions, with an additional 7 making Public Safety down 24 positions. He said he would like to know what happened to the employees. He noted in the City Report that we were only down 8 positions in Public Safety. He was concerned about the city being down 24 positions. He said he would like to see a listing of whom we lost and why we lost them. He pointed out it takes a year for most Public Safety Officers to complete their training. He said he wanted to express some concern about the low man power.

Mr. Pearce pointed out that the Patrol Division of Public Safety has been staffed with officers from other divisions so the shifts for patrol are being covered. He pointed out the turnover is from retirements, and 3 or 4 officers going to other agencies, and as a result of the tragedies that the city experienced last December and January. After the tragedies there were some officers who chose not to continue a professional career in law enforcement, and this was expected to happen. Mr. Pearce stated Public Safety has a committed force and a great leader in Chief Charles Barranco. He said more detail could be provided, but the reason we are down officers is for the reasons stated.

Councilman Dewar stated he would like to see why the city is losing Public Safety employees. He stated Mr. Pearce had also stated he would provide information on the compensation of Public Safety Officers at Horizons. Mr. Pearce responded that information had already been provided to Council in a memo which is included in the agenda packet.

Mayor Cavanaugh stated he would like to point out the positives in Public Safety. He pointed out it had already been mentioned about the Safe Communities Initiative. He asked if Chief Barranco could speak on the positives in Public Safety. He pointed out it was his understanding that the city had hired some officers that have been able to complete their training pretty quickly.

Councilman Dewar stated he wanted to point out that he was not at all critical of anything about Public Safety at this point. He was just expressing shock and concern at the fact that we have 24 vacancies out of our force. He felt that was a large number of vacancies, given the fact that it takes a year to train the officers. He said he had three calls last week about people that were victims, and the community was traumatized for a couple of days.

Mr. Pearce pointed out that Public Safety had announced that they have made the third arrest in the case of the car break-ins and home invasions. He pointed out on the carjacking at Christmas time Public Safety made an arrest within 15 hours of the incident. He felt Public Safety has shown us the professionalism and capacity they have to solve crime. He said he had seen nothing but professionalism and dedication from Public Safety personnel. He said they go way beyond the call and stay on a case until it is solved. He said since we did have vacancies on Patrol, since it is a Public Safety concept, they have made the shift and people need to understand that our response time is still amongst some of the best in the state. Citizens can call Public Safety when they see suspicious activity and an officer will respond to their call. He said it is felt that the Safe Communities Initiative is the direction that Aiken needs to take and that it redesigns and reinvigorates law enforcement efforts to a meaningful result.

Chief Barranco stated he is excited about the Safe Communities Initiative. He said the trickledown effect will affect the whole community. The reason for starting the Safe Communities Initiative is that there were some high profile violent crimes that occurred in Aiken. He said the reaction has been slow and methodical. A lot of research has been done and a lot of information has been collected. He said they were excited about the call in on January 31 and expect the program to make a difference in Aiken. The national recidivism rate for violent offenders is 64%. In the State of North Carolina the rate is 44%. In High Point the rate is now down to 9%. He said he talks with Chief Sumner on a regular basis for guidance. He said he was excited about Council's support and the community's support of Safe Communities.

Councilman Dewar asked Chief Barranco how deployment was affected with the shortage of 24 people.

Chief Barranco pointed out the Department has never had 24 vacancies. He said they restructured the Department to provide the services that the citizens expect to receive. He said the area has not suffered.

Councilman Dewar stated he understands that people who are in training can't work unsupervised. He asked how many people are on patrol.

EXECUTIVE SESSIONLegal AdviceCity Attorney

Mayor Cavanaugh stated Council needed to go into executive session to receive legal advice from the City Attorney.

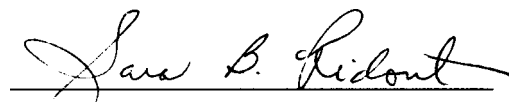
Councilman Dewar moved that Council go into executive session to receive legal advice from the City Attorney. The motion was seconded by Councilman Homoki and unanimously approved. Council went into Executive Session at 8:24 P.M.

After discussion Councilman Homoki moved, seconded by Councilman Dewar, that Council come out of Executive Session. The motion was unanimously approved. Council came out of Executive Session at 9:42 P.M.

Council returned to the Council Chambers and Mayor Cavanaugh stated legal advice was received from the City Attorney and no action was taken by Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:43 P.M.



Sara B. Ridout  
City Clerk