

Aiken City Council MinutesREGULAR MEETING

September 9, 2019

Present: Mayor Osbon, Councilmembers Dewar, Diggs, Girardeau, Gregory, and Woltz.

Absent: Councilmember Price

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Charles Barranco, Sara Ridout, Kymberley Wheat, Mike Przybylowicz, Ryan Bland, Gary Meadows, Angela Hales, Tim O'Briant, Lex Kirkland, Jessica Campbell, Tracy Lott, Colin Demarest, of the Aiken Standard, and about 160 citizens.

CALL TO ORDER

Mayor Osbon called the regular meeting of September 9, 2019, to order at 7:01 P.M. Mayor Osbon led in prayer. The pledge of allegiance to the flag was led by Chief Charles Barranco.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Osbon recognized Mayor Pro Tem Diggs for any additions or deletions to the agenda. Mayor Pro Tem Diggs asked if there were any additions or deletions to the agenda. There being no changes, Mayor Pro Tem Diggs moved, seconded by Councilwoman Gregory, that the agenda be approved as presented. The motion was unanimously approved.

MINUTES

The minutes of the work session and regular meeting of August 12, 2019, and work session of August 29, 2019, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Girardeau, that the minutes for the meetings of August 12 and August 29, 2019, be approved as presented. The motion was unanimously approved.

PRESENTATIONConstitution WeekWilliam Stroud Society of the Children of the American RevolutionTrenton Chapter Daughters of the American RevolutionHenry Middleton Chapter Daughters of the American RevolutionEsther Marion Chapter Daughters of the American RevolutionHenry Laurens Chapter Sons of the American Revolution

Mayor Osbon stated Council would like to recognize and present proclamations for Constitution Week to the William Stroud Society of the Children of the American Revolution, the Trenton Chapter Daughters of the American Revolution, Henry Middleton Chapter Daughters of the American Revolution, Esther Marion Chapter Daughters of the American Revolution, and the Henry Laurens Chapter Sons of the American Revolution. Representatives from these five groups are present to receive the proclamations, and John Verenes, the President of the local chapter of the C.A.R., would like to make a few comments to Council. Members of the C.A.R. would also like to distribute copies of the U.S. Constitution to Councilmembers and other attendees at the Council meeting.

Mr. Bedenbaugh stated it is Constitution Week and as we have done most years we have prepared several proclamations to present to these civic organizations.

Mayor Osbon read the proclamation. Councilman Dewar moved, seconded by Councilman Woltz, that Council approve the proclamation for Constitution Week. The motion was unanimously approved.

Mr. John Verenes, President of the local chapter of the C.A.R., addressed Council. He stated "On behalf of the William Stroud Society of the Children of the American Revolution, along with the Trenton, Henry Middleton, and Esther Marion Chapters of the Daughters of the American Revolution, and the Henry Laurens Chapter Sons of the American Revolution, they thank Council very much for proclaiming the week of September 17 – 23, 2019, as Constitution Week. Constitution Day is September 17, the day in 1783 that the Constitution was created. The Constitution is the supreme law of the United States of America. We are very blessed to live in a country with such a strong backbone. Thank you."

Mayor Osbon asked if all the representatives from the five chapters would come to the front for a picture and a proclamation would be presented to each chapter.

SEWER PROJECT UPDATE

Arcadis

Downtown Sewer Project

Mayor Osbon stated Jim Shelton, from Arcadis, is present to update City Council on the status of the Sand River Sewer (Downtown) Project regarding the Sand River Basin Sanitary Sewer Cleaning and Grouting Project.

Mr. Bedenbaugh stated Jim Shelton, of Arcadis, was present for the quarterly update. This will be the fifth update since the project began rehabbing sewer lines, primarily in the downtown area.

Mr. Shelton stated this project was started February, 2018. They have about six months left on the project. He stated he wanted to give an update on what is left, what has been found, and what they feel still needs to be done. He reminded Council that the sewer system is comprised of almost 300 miles of pipe and the pipes were made of different materials, the oldest of them being made of terracotta clay. About half of the inventory falls into that category. This is the focus of the high risk sewer project because they are the oldest and made by many manufacturers before there were standards. He stated the project they have is to prioritize Sand River basin pipes. These are all the pipes that flow through the primary basin in town. Mr. Shelton stated they have spent most of the year on the north side and down to the area around Grace Avenue into the beginnings of horse country, as well as in Hitchcock Woods in the off season. They have rehabilitated most of the main sewer lines that go through Hitchcock Woods. He stated they are finishing up on some of the smaller lines that connect into the south and will be finishing up in the southside of Aiken soon. The work they are doing has probably not been noticed because they use trenchless technologies. The primary technology they use is called chemical grouting. It is an older, tried and true, methodology. It is the most inexpensive one, and it is a wonderful choice for the project in Aiken. They have a number of different technologies that are trenchless, as well as open cut that they will be using as well.

Mr. Shelton stated the project, as originally assigned, was 44 miles. They have been through and assessed 40 miles of pipe. That means they have gone in, found them, cleaned them, and put a robotic camera through to look at the condition of the pipe. They are about 78% of the way through that assessment. He stated of the pipes they have completed, there have been a lot of roots growing into the older sewers. They used chemical root treatment because they have been so bad. It does not hurt the trees. It is a localized treatment that is better than pruning. If you prune them they grow back worse. Mr. Shelton stated he likes to mention numbers to give an idea of the tens of thousands of individual joints that they have gone through and individually tested. When they fail to hold an air test we grout it, which is quite significant. The grouting is the bulk of what they are doing. It is the heart of the project, and they are about 70% complete. When grouting we look at the failure rate of the pipes. That tells you that the money you are spending on the project is worthwhile. When you see the high percentage rates, it shows just how many of the joints are leaking. Some were leaking because you can see the

defects and the cracks in them, but many present themselves as perfect joints, but when you air test them, they leak. If you had the camera in them when it rains, it would show the water and sand running into the pipes. Those are being sealed shut. On average, about two-thirds of the joints are failing to hold an air test. They are pumping much more grout into them than they were planning. Typically, they are pumping six gallons of grout into each joint they find failed. This will stabilize the pipes as well as block the leakage out. He stated in the last four months they have begun the tap connections to the pipe as well. He said the pipes he had been talking about are the lines in the street. To get to the street the pipes have to run from the houses to the streets. These are being sealed as well because that is often a point of failure and a point of leakage. For this project, they are doing the first six and a half feet which gets the tap connection and the first two or three joints going in. Nine out of ten homes' tap connections fail the air test and need to be grouted. That is about twice the normal rate. It is important to recognize that there is a fairly significant inventory of six inch pipe. They have not been able to get the robots through about half of the six inch pipe and for none of the six inch pipe are they able to get through the laterals or tap connections. That leaves a slight weak spot for the very oldest pipes. This is important to keep in mind for planning projects for the future. The full length of the lateral goes back to the property line and then into the house. That portion tends to leak more than the mains.

Mr. Shelton stated as he said previously they have been through 40 miles of pipe. In that 40 miles, they found that two of those miles were so badly broken that the technologies they are using could not be used. The best thing to do with those is to line them. A number of them will be repaired under the current contract, and the rest will be done using CPST funds. He stated that number is usually higher on a project like this. However, because there are so many six inch pipes, and six inch pipes are not lineable, they end up being replaced where they are in bad shape. He stated there is quite a bit of that. Currently about five miles of sewer have been found to be so badly done that they have to go straight to replacement. They use an open cut or a pipe bursting technique for those. Most of those are in the greenways. Many of them do not have manholes and many dead end with no way of getting into them. There are many roots, many of them are broken, and tap connections are very bad in many cases. When they replace these, there will be a significant level of service increase for those customers. He stated the good news is they found almost three miles of pipe that are in beautiful shape. Most of this is in Hitchcock Woods, and most of the work that was found in Hitchcock Woods was the bigger pipe so there was a lot of money allocated to fixing those pipes, and they turned out to be in wonderful shape. That was a real savings. Because of that, they are well under budget and the decision was made to add in four more miles of high priority pipe that brings the total to about 48 miles in pipe. It is a significant increase in scope which is why it is taking longer than originally thought.

Mr. Shelton stated he spoke with Council before about excavated point repairs. There are certain portions of the system that they cannot get the cameras through. They have been digging those up. They have identified 34 so far. Twenty-seven of them have been completed, with about half being done by Arcadis and about half by City of Aiken forces. City of Aiken forces have also constructed about a mile of new access roads and cleared numerous easements to let them get to pipes that haven't been looked at in decades. Of the 1,100 manholes that have been in this project, they could not find 215 of them. They have found almost all of them. They still have 14 that they are looking for. He stated when they find all the stuff it is adding huge improvements to the GIS which is used by the Engineering staff for managing things now and in the future, from an operations and maintenance standpoint as well as for the capital programs. He stated good and accurate information leads to better programs.

Mr. Shelton stated something that surprised them was that they were not expecting the number of defects that come from the joints. It has everything to do with the age and the manufacturer of the older 8, 10, and 12 inch pipes. In the past, these pipes would have had to have been lined, and lining costs about four to five times more than the grouting technique that is being used. They have invented a technique on the City's project. It is called a low end element pressure technique. They have sealed thousands of these, and it has resulted in a savings, under the contract, of about \$2.5 million to date. So far it is working very, very well.

He stated the manholes are generally in good shape. There are a couple of them being attacked by sulfide gas, but in general, the system leaks enough that there is not a lot of hydrogen sulfide build up, which tends to dissolve the mortar in the concrete. There are a lot of storm covers on sanitary covers so when it rains, the sanitary system is actually working as a storm system and letting the streets drain into the sanitary system. It helps flush them out and keeps the odors down, but it tends to overwhelm things. It shouldn't be that way. There are also a lot of places where the pavement has been raised but the cover was not. Those act as area drains as well. Those are projects that are scheduled to be done as part of what Arcadis is doing and is part of the next phase of work as well. There are several hundred of these, mostly on the northside.

Mr. Shelton stated the work is taking longer because of all of the items being found. They should have been finished in June, but will not be finished until the first quarter of next year. Part of that is adding the four miles of pipe, but part of it is because the system leaks, so there are that many more repairs to be done. He stated the good news is that while it is taking longer, they will still finish under budget on the project. The field observations and prognosis he gave Council really help the Engineering Department determine what to do next and where to spend the next round of money in order to get the biggest bang for the buck for the infrastructure renewal program.

Councilman Dick Dewar asked how far they had gone from downtown. He asked if they have gone to Woodside and Houndslake. Mr. Shelton stated they had not been to Woodside. That area is mostly plastic pipe. The interceptors through Woodside are currently being concrete plated. That is part of phase two. The collector pipes there are generally PVC and the considered judgment is they have time before they need to worry about those. In Houndslake, they have not prioritized the collection pipes, but they have prioritized the trunk lines. Those are the 12, 15 and 18 inch pipes that run primarily through the golf course. They have been trying to take care of those before the cool weather starts. They are about half way through that and should be finished with that work by mid-October.

Councilman Ed Woltz asked about the grouting. He stated he understood him to say he was grouting the inside, but also grouting the outside. Mr. Shelton stated that is an important distinction. There are two types of grouting – maintenance grouting and capital grouting. Maintenance grouting is a short-term fix, and it is like running a bead of caulk where the tile and tub connect. That works fine until the water is on the other side and pushes it out. That is a fix that lasts six months. The fix Arcadis uses is a 25-50 year fix. For it to work, the grout has to stay liquid and goes outside the pipe and mixes in the soil. It then sets up and locks the pipe in place and helps glue the fractures and creates a seal all around the pipe joint that leaked. It is part of what gives it longevity. This technique helps stabilize the soil and gives it a lot of extra life structurally as well as from a leakage standpoint.

Councilwoman Gail Diggs asked how they find the manholes that are hiding. Mr. Shelton stated Troy Spann, an employee of the City, has a special talent for finding them. It is difficult. They use tools, such as a camera, that they run up a dead end. It has a radio transmitter on it, and they can trace it across the ground. Councilwoman Diggs asked if they had a date of completion. Mr. Shelton stated they do not have a hard date but he hopes to be finished by February 28, 2020. Since August they have been working very hard and have had from five to eight crews working daily. They are making really good progress. They are in the middle of Hitchcock Woods right now before the horses come back. Arcadis should be back on the streets in about three weeks.

CITY CODE – ORDINANCE

Firearms

Woodside Plantation

Deer

Mayor Osbon stated an ordinance had been prepared for Council consideration for first reading to amend Section 22-4 of the Aiken City Code regarding the discharge of firearms or other weapons.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 22-4 OF THE AIKEN CITY CODE
REGARDING THE DISCHARGE OF FIREARMS OR OTHER WEAPONS.

Councilwoman Gregory moved, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to amend Section 22-4 of the City Code regarding discharge of firearms or other weapons in the city.

Mr. Bedenbaugh pointed out that we do have people on the first floor in the Conference Center watching the meeting since there was an overflow of people in the Council Chambers. He noted that there are about 30 people in the Conference Center. He pointed out that comments can be made by people in the Council Chambers at the podium following the regular rules. He said this is an issue of tremendous interest so staff opened up extra seating and a way for people to view the meeting on a screen.

Mr. Bedenbaugh stated earlier this year, the City was informed that the Woodside Plantation Property Owners Association [WPPOA] was having issues involving deer in the subdivision causing damage to landscaping and being perceived to be a threat to safety. The WPPOA conducted a mail-in referendum asking if residents/property owners approved of culling the deer using firearms by trained specialists. The culling would be similar to other culling exercises done in Hilton Head and Bluffton. However, the WPPOA did not consult with the City before the referendum, as City Code Section 22-4 does not allow for the discharge of firearms within the City limits for these purposes. The referendum overwhelmingly passed but WPPOA could not fulfill the will of the majority of residents since the winning option conflicts with current City ordinances.

The current ordinance does not allow for exemptions and is in effect for the entire City. The proposed amendment would, as does the existing section of the City Code, apply to the entire City.

The amendment in the proposed ordinance would add paragraph (d) to Section 22-4 and say:

Firearms may be discharged in compliance with a permit issued by the South Carolina Department of Natural Resources (DNR) pursuant to South Carolina Code Sections 50-11-1050, 50-11-1090, 50-11-1180, and other appropriate statutes and regulations that are promulgated by the State of South Carolina to permit the removal of destructive and/or hazardous wildlife. The permittee shall fully comply with all conditions of the permit issued by DNR. The permittee shall submit a copy of the DNR permit to the Chief of the Department of Public Safety prior to discharging any firearms in the City of Aiken.

The City Attorney and Chief of the Aiken Department of Public Safety have reviewed this proposed amendment to the City Code and approve of the language.

For City Council approval is first reading of an ordinance amending Section 22-4 of the Aiken City Code regarding the discharge of firearms or other weapons to allow in the city the discharge of firearms provided a permit has been issued by the S.C. Department of Natural Resources that would allow the removal of destructive and/or hazardous wildlife.

Mayor Osbon noted that a representative from DNR is present. He pointed out that Council had a lot of questions in the work session before this meeting. He asked if the DNR representative would answer questions from City Council.

Mr. Charles Ruth, of DNR, stated he is a wildlife biologist with the South Carolina Department of Natural Resources. He stated he supervises the Big Game Program and for this discussion, big game includes deer. He said he was present to answer any questions Council may have. He said he had been through this issue a number of times. He said he wanted to offer words of encouragement. He said he knows this is an emotionally charged issue and a difficult issue to resolve. He said he knows it is new to Aiken, but it is not new. He said DNR started the urban or suburban deer management

program about 20 years ago. This came out of the need in the Hilton Head – Bluffton area. It really started with Sea Pines Plantation which is upscale. They spent hundreds of thousands of dollars studying their deer issue. When they decided to act it led to a lawsuit that went all the way to the State Supreme Court. The Supreme Court upheld the lower court's opinion that the plaintiffs in the case which were animal rights activists had no standing and that DNR, being representative of the people of South Carolina that relates to these types of natural resources, could work with private property owners to manage wildlife.

Mr. Ruth stated DNR's role is to advise and consent. He said he was present to advise if it gets to the point where this ordinance is amended and DNR would be in a position to issue a permit. That would be the consent part. He said DNR had had about 20 to 25 communities that have participated in this type of management approach. He said this approach is different from recreational hunting. He noted that deer season is in now for anybody who is appropriately licensed and has permission to hunt where they hunt. He said that is not what we are talking about, but we are talking about a controlled removal with safety being of the utmost importance. He said through this 20 year history of the program, there have been over 7,000 deer taken under these permits, most of which have been in the Hilton Head-Bluffton area. He said he had a call from a property owner adjacent to Woodside, and she was extremely concerned about her children, her pets, her house, her car, etc. getting shot. He noted that has never happened. He said this approach is geared towards safety. It was used way before DNR did any of this type of work in the Northeast, the upper Mid-West where you have these huge metropolitan areas that have come in contact with these exurban deer populations. He said it is old news up there, and DNR has a 20 year history here with the program.

Councilman Dewar asked who should make the request to DNR in this particular case regarding the deer. Should it be the Property Owners Association of Woodside or the City of Aiken.

Mr. Ruth stated DNR deals with a POA or Board of Directors of a community. They are charged with dealing with unraveling any local ordinances that would prevent them from acting on a permit if DNR were to issue a permit. DNR's approach is a delegatorial approach. DNR would be giving the community the tools to try to help manage their situation.

Councilwoman Gregory asked Mr. Ruth to review the process that an organization has to go through to get approved through DNR.

Mr. Ruth stated initially they required the development of a management plan. That was very expensive for the communities to do. After coming out of the lawsuit it was felt that was the best approach. After about 10 or 12 years of that, DNR started getting a lot of complaints because of the cost. He pointed out that DNR did not do the management plans. He said a third party did the management plans for the group and then submitted the plans to DNR. Some of the legalese they got involved in with the Supreme Court is no longer required. What is required now is that the entity, whether it be a POA or a Board of Directors, or whoever is in charge of the community makes a decision. There are a number of things in the DNR guidelines that they have to acknowledge. One, is that they have to take responsibility for their actions. He said it is a hit list of items that they have to acknowledge and sign off on. They have to do a population survey to submit with their formal request. Basically a decision is being made, a formal written request acknowledging a number of points in their guidelines and include with it a survey of the deer in the area. Then DNR considers it for what it is and either issues a permit or not.

Councilwoman Diggs asked if there are any other solutions to deer culling. Mr. Ruth stated you can do nothing, live with them, and you can use recreational hunting which he said they emphasized all the time initially. In the case of the communities in Hilton Head, and this is what bore out the different approach, they did not want to go the recreational hunting approach. He said hunting is extremely safe, but it is not as safe as operating under a special permit. He noted that looking at the communities, there are a lot of houses in the areas so there are obvious concerns. Councilwoman Diggs stated she was thinking more on the line of repellants. Mr. Ruth stated those strategies normally are

temporary or stop gap type solution. He said whether you change the type of plants that you plant or go from using Irish Spring soap to a commercial available repellent it wears off pretty quickly. Councilwoman Diggs asked how often would the cullings take place. Mr. Roof stated his experience in dealing with other communities is that in year one and/or two you have to manage the situation and get the number of deer down to a reasonable level. Then they kind of get in a management mode. They get the deer number where everybody seems happy, deer vehicle collisions go down, damage to ornamentals go down, the occasional entrance into a house, and deer start acting more like deer. Normally after a couple of years, the communities would remove very few deer every year or every other year. The problem never goes away. Naturally prior to urban development, people were hunting these animals. Humans have changed the playing field several hundred years ago and removed all the natural predators. He said we do bear some responsibility for managing these situations. He noted that the DNR relies on recreational hunting from a big picture standpoint to manage the deer population, but there are situations like Hilton Head, Bluffton and perhaps Woodside that recreational hunting just isn't suited. Councilwoman Diggs noted that new construction will continue to impact the deer population. Mr. Ruth stated it will, but he would say that deer get along with this very well. They are very adaptable animals. They have high reproductive rates for a large animal. He said the issue will not go away. In response to the question regarding fencing, Mr. Ruth stated the right type of fencing would keep the deer out. It may be unsightly, but fencing does work.

Councilman Dewar stated it had been indicated to Council that they have about 600 deer and that they need to cull 200. He asked if DNR was in a position to help them determine how many deer they have to validate, how they came up with that number, and how many they should cull. Mr. Ruth stated he would encourage Council to not get too bogged down in exactly how many deer there may be. He said this is not a biological issue for the deer. He said they have had virtually no situations with these exorbitantly high deer populations at Sea Pines or Hilton Head where there is a deer for 3 or 4 acres. He said this is a human social issue. There are also human safety issues involved. There is a way to survey deer. They had someone who has done one in the past do one for them. However, whether it is 552 or 493 is not important. They have made the decision, or at least it is his understanding that the majority of the folks in Woodside feel that there are too many deer. That is what's important. The surveys are more of an index. It is to establish a mark and then repeat it over time and see where it is. Counting animals is very, very difficult. There are ways to get close, but he would encourage Council to not get bogged down with trying to figure out exactly how many deer there are. Just follow the trends. Based on their survey work, they think there are too many. He said that is the approach they have taken with the other communities. Some communities have a much higher tolerance for deer than others. They will know when they get to where they want to be if they move ahead.

Councilman Woltz asked how they do a population count. He said if he has 100 acres or 1,500 acres do you do just one count or do you do so many per hundred acres. Mr. Ruth stated you delineate a transect through the property regardless of the size that wants to be representative of the different habitat types on the property and long enough to get into most areas. He said it is real basic math. You have a transect; even though it is curvy, it is a line. When you first do the survey you take visibility measurements off each side of the route which gives you a width. If you have length and width you can determine an area. He said you are not surveying every acre. You are doing enough to be representative, and at the same time you are counting deer. Going back and doing simple math, you can come up with a deer per unit area--how many deer per square mile, or how many acres per deer. Then you apply your sample to your number of acres in the area.

Councilman Woltz stated it seemed that when he read the survey numbers, they surveyed a large area one night and then surveyed a smaller area the next night and of course had more deer in there. He asked who decides the area you pick out to survey. Mr. Ruth stated the community's consultant decides the area to survey. Councilman Woltz stated when you say the community is responsible for this are they required to have insurance or are they just responsible if something happens. Mr. Ruth stated that is up to them. The insurance part would be up to the community. Mr. Ruth stated as far as DNR is concerned the community is responsible if something happens. Councilman Woltz asked

if DNR supervises any of this. Mr. Ruth stated DNR is not on site and does not regulate how they do it, or when they do it. He said the community chooses the contractor both to do the survey and to do the sharp shooting. There are a couple of requirements that DNR has on the sharp shooting. That has been changed over time for cost savings. He said there are only about four contractors who are doing that type work in the state.

Regarding the size of the contractors, Mr. Ruth stated he thought three of the four contractors are individuals. Two of those are professional wildlife biologists. One is United States Department of Agriculture in the Branch of Wildlife Services. That is a much larger group. They do some of that work. They do a lot of the same thing on military bases. They don't deal with DNR on military bases, but do what they want to keep deer and other animals off airfields, etc. Councilman Woltz asked who decides if there are too many deer. He stated is it the property owners that decide there are too many deer or DNR. Mr. Ruth stated that it is the property owners. Mr. Ruth stated if he has been contacted, then at least in their minds there are too many deer. He said they will not go through all they have to go through if they don't feel there is an issue. He said this is about the fourth time he has been to Aiken over the last few years. He said his experience is that if they figure out who to meet with and he makes repeated trips to meet with their POA or to come before Council, they think there are too many deer and DNR will not argue that. Mr. Ruth stated to move ahead the POA has to pay for the cost of the processing of the deer; the deer have to go to a charitable institution; they can't keep the deer. He said the process is not cheap. He said he did not know the cost for processing a deer, but it probably averages \$150 to \$200 per deer. He noted that communities like Sea Pines have funding in their budget for deer management which is paid by the property owners.

Councilman Girardeau stated regarding the process, he understands the community would pick a site as remote as they can make it. He asked how big a site that would entail. Mr. Ruth stated that would be up to the POA. He said once a decision is made, and they have gone through all the processes and DNR has issued a permit, it is all about safety. The deer are baited as part of the safety. They are removed primarily at night for safety. They will use green spaces, common property, and by permission on individual property owners' property. The process is designed for safety. It could be multiple sites. He said the contractors use two approaches. They will do something like a deer hunter would do and have a fixed stand in a wooded lot and wait for the deer to come by. Most of the deer are removed by driving. He said you have your places set where they are safe and you move through the community. It is much more efficient that way.

Councilwoman Gregory stated regarding the contractors that are hired to cull the deer, there is an impression in the community that anybody could go to the State and get a license and get authorized to do the culling. She noted that Mr. Ruth had mentioned four contractors who do this kind of work in the State of South Carolina, she wondered if he recommends or encourages these organizations to use these contractors. Mr. Ruth stated he does not make recommendations as that would open them up to a suit. He said this has a way of working out. He said they have a 20 year history. There are still only four groups that are doing the culling. He said their initial requirements on the sharp shooters were that they had to be certified wild life biologists. He noted there are only about 4,000 of those on the planet earth. He said that drove the expense of the culling up. After dealing with the communities for a decade, DNR looked at the data, talked to the Board, and we did away with that requirement. He said ultimately they will make the right decisions.

Councilman Woltz asked then can anyone get a license to be a sharp shooter to do the culling. Mr. Ruth stated there is no license. He responded that anyone could be a sharp shooter, but a caveat that separates them is that they have to use sound suppressed weapons. That is very expensive. There are federal and state permits involved. Not everyone will have that ability. Someone who has gone to that extent to have sound suppressed weapons and pay the licenses for the federal and locals has to go through a process for suppression. DNR felt that was one requirement they wanted to keep and that is a better situation for the community. He pointed out that in a typical community which has just starting culling, the contractor will only spend about two or three nights there. It would not be weeks and weeks and nights and nights of culling.

Councilwoman Gregory asked then with Mr. Ruth's experience you trust that the governing body or whoever is requesting the permit will choose the correct contractor. The experience in South Carolina has been four contractors. Mr. Ruth stated DNR would provide the names of whoever is registered at the time. At this time it is four contractors. So far with over 20 years of experience the contractors have been good.

Councilwoman Gregory expressed concern regarding locations and a vehicle driving around with a gun to do the culling. She pointed out that it had been stated that wooded lots and common areas would probably be used for the culling. She noted that there should not be a concern that a vehicle is driving by with a sniper and will kill three deer in front of her house. Mr. Ruth stated it is all about safety. He stated where they shoot the deer will ultimately depend on what the property owners have decided, working with the contractor as to where they will shoot the deer. He said it is about removing deer to get them to a manageable situation as efficiently and as safely as possible.

Councilman Woltz asked if they could shoot coyotes while they are there. Mr. Ruth stated at this point he would say no. He stated there are other ways to manage coyotes. He said trapping was the best way to manage coyotes. Councilman Woltz asked if the contractor could trap the coyotes. Mr. Ruth stated they could if it was part of their permit. He said trapping coyotes had never been a part of a request.

Councilman Dewar stated he thought what he was hearing from Mr. Ruth is that Council is getting too much in the weeds. The role at this meeting is to enable Woodside to do what they want to do. Presently they can't because the city ordinance prohibits the use of firearms in the city. He said if Council approves the ordinance, then the city would be out of it. Approval of the ordinance to allow firearms in certain situations would then allow the Woodside Property Owners Association to deal with a lot of the questions that members of Council have asked.

Mr. Ruth stated DNR 20 years ago was in a similar situation. However, all the laws fell under DNR, and at the time they had not used the laws that were on the books to come up with alternative ways for people to handle their problem. He said that is what started the urban deer management approach.

Councilman Dewar noted there is a lot of difficulty in Woodside now with opinions all over the place. He wondered if there were difficulties in Hilton Head and Bluffton in dealing with the issue of culling and coming up with a program that they would all buy into. He wondered if there were still people who didn't agree that culling should be done. Mr. Ruth stated there were those who did not agree, but this is standard procedure. He pointed out DNR had their Supreme Court case with the people who did not agree with killing deer. He pointed out that 200,000 deer will be killed by hunters in South Carolina this year. He noted that the courts found favor in DNR's direction. He said once they got through a couple of case studies it got quiet. He pointed out that DNR and the property management group at Hilton Head, including the University of Georgia which Sea Pines had enlisted and spent a lot of money for them to research their deer problem, were the defendants in the case. The local paper gave them a hard time for about three years. About three years ago, after about 20 years and lots of communities culling deer, the newspaper came out with an Editorial that was extremely favorable and complimentary of what had transpired over the last 15 to 20 years.

Councilwoman Gregory stated she appreciated the information that Mr. Ruth had shared with Council. She said Council would be hearing from the constituents regarding any concerns and from those in favor of the culling. She pointed out the reason we are here is because of the Woodside situation and the proposed ordinance before Council. She pointed out that the potential amendment affects the entire city as a whole. She pointed out as a Councilmember she has to be concerned about her district and the right thing to do for the city as a whole. She noted that Council discussed the proposed ordinance during the work session. She pointed out the proposed ordinance Section 22-4 Discharging firearms or other weapons with sections (a), (b), and (c). Section (a) specifies that the discharge of firearms within the city limits is prohibited. Unless you are in eminent danger of an animal you cannot dispose of the animal with a firearm. Section (b) Landowners can discharge a firearm on their property to protect their family,

employees, the general public from animals on their property which are a danger to them if their property consists of 25 contiguous acres. Section (c) basically states that nothing in the Code prevents the discharge of firearms on the Aiken Department of Public Safety firing range in accordance with their procedures in or on an approved indoor firing range constructed and maintained within all applicable local, state, and federal rules, regulations and laws.

Councilwoman Gregory stated the proposed amendment in Section (d) moves a step further. She said in the work session they were informed that the various sections were added at different periods of time because of issues that arose. She stated that is where we are now. We have moved into the future, our communities are evolving, whether it is the neighborhoods, parks and recreation, schools, etc. She said the proposed amendment to the ordinance still prohibits the discharge of firearms within the city limits except by special permit from DNR to remove hazardous wildlife. Nobody is allowed to discharge a firearm within the city limits if (a), (b), and (c) are not met. If somebody does discharge a firearm within the city limits, and the reasoning behind it does not follow Sections (a), (b), and (c) that would be against the law and would be breaking city ordinance and there are consequences for that. Section (d) is the potential amendment which is an addition to the current ordinance. She reiterated that the discharge of firearms within the city limits is prohibited unless a permit is issued by South Carolina Department of Natural Resources pursuant to South Carolina Code and other appropriate statutes and regulations that are promulgated by the State of South Carolina to permit the removal of destructive and/or hazardous wildlife.

Councilwoman Gregory stated Council has to look at the ordinance city-wide. She said we live in a community surrounded by rural county in some areas. She said city-wide if we have an issue such as deer, rabid raccoons, snakes, etc. in our parks, the schools within the city limits, do we want the option and the opportunity to deal with it. She noted that it had been brought to her attention that raccoons can't be relocated. She asked what would be the option if there were rabid raccoons or something like that. Mr. Ruth stated rabid raccoons obviously would need to be put down. He said that is primarily the reason you can't relocate these animals because rabies control is an issue.

Councilwoman Gregory stated there are so many scenarios that can arise in our community, and it is no longer a Woodside issue. Councilman Dewar stated he was not sure he agreed. DNR is involved in issuing the permit, Mr. Ruth is in deer management, not raccoon management. He said he would not expect DNR to issue a permit for anything other than deer. That is the major issue. Mr. Ruth responded that for small fur bearing animals, raccoons, possums, coyotes, etc. there is a much easier way. He said his experience is that if someone calls the local animal control and says anything about a wild animal, they will say call DNR. He said these other species are most commonly trapped which does not involve a firearm.

Councilwoman Gregory asked what DNR would do in the case of another animal that can't be relocated. Mr. Ruth stated there are ways to get a trapping permit. Councilwoman Gregory asked if they would remove them and dispose of them. Mr. Ruth responded that they would. He said state law says that if you are trapping for nuisance purposes things like raccoons, possums, fur bearing animals, that you have two options. You can't relocate them because of disease management. They may be euthanized or released on site which defeats the purpose of catching them in the first place. He said the distinction of deer and raccoons, possums, etc. is the management technique. On the deer side it is shooting. On the fur bearing animals there are other ways to do it that don't go against most city codes which is trapping. There are a number of different permits that can be issued. There is a trapping season. They can issue special permits outside the trapping season as well. Councilwoman Gregory asked if there were other animals that could be culled like deer. Mr. Ruth stated there could be from time to time an eruption of raccoons like we have had on some of the barrier islands in the past. Those populations rise up for some reason, such as food availability in a given year; they have very high reproduction, they have high survival in a year. However, they go away. Mother Nature has a way of working on them and they die. Deer are fairly long lived. They have a much higher profile as you know.

Councilman Woltz asked about sterilization of deer. Mr. Ruth responded not at this point. He said he had been in this business almost 30 years and there are a couple of fertility techniques that been through FDA and EPA that are still primarily experimental. He said there is one technique that can be used in a management type setting, but it is extraordinarily expensive as you have to catch the deer. He noted that shooting a deer is one thing, but the cost of catching a deer is different. He said that particular fertility control drug has not been registered in South Carolina. It would be up to USDA and we would have to agree with them registering it. It could only be used by USDA. He said that is another layer of bureaucracy. He said fertility control is something for the future.

Councilman Girardeau stated Mr. Ruth had talked about moving around to different areas for the shooting of the deer. He asked if there is a limit as to how effective this becomes based on how far away from the site you are such as from the residential area where the problem is. He wondered if they were shooting a mile away from the residential area, if that would have any effect on the neighborhood or would it have to be closer than a mile. Mr. Ruth stated deer generally in these types of settings will have a home range in the 400 to 600 acre area. Based on the experience in Beaufort County area, it does work on a given piece of property, but there will always be movements and reproduction which necessitates an annual or bi-annual approach. Councilman Girardeau stated his question is if you are a mile away from the nearest house into the woods shooting deer would that be effective for getting rid of the deer for those houses being affected. Mr. Ruth responded probably not being a mile away.

Mayor Osbon thanked Mr. Ruth for being present since Council had so many questions. He said he was somewhat taken aback that there is actually no license for the shooters given by DNR. He said if they are wealthy enough to get a suppressor, it could be anyone doing the shooting. Mr. Ruth stated it could be. They had reservations when they removed the criteria for the shooters to be a certified wildlife biologist. They went through 10 years with the certified wildlife biologist requirement and the communities were complaining about the expense. The requirement really did not change anything. He said the work is hard work and specialty type work with expenses involved. The permit that is issued to the community permits the contractor at the same time. Mayor Osbon asked if the law enforcement of the local area is notified of the culling. Mr. Ruth stated when they issue a permit, they copy the local conservation officers. The permits have a fairly open ended date. The copy is for them to know what is happening if they get calls from citizens. He said the permits do have an expiration date. Normally the permits are issued September 15 – March 1. They would have to reapply for a permit the next year if they are to do more culling. The permits are issued to the organization. In Aiken's case the ordinance states that the permittee shall submit a copy of the DNR permit to the Chief of the Department of Public Safety. Mr. Ruth stated the organization could request that a copy of the permit be given to whomever they desire.

Mayor Osbon noted that the permits don't necessarily run concurrently with deer season. Mr. Ruth stated that the deer season in South Carolina ends January 1. The permits go to March 1 for two reasons. Once we get past January 1 we are in winter and baiting becomes much more effective. We try to put the animals in a safe place to be removed so that is important. On the March end we want to have a buffer for fawning season. He said we don't want to be out when fawns are being born and removing the female deer. He said there is no doe season, but the culling is focused on female deer because that is what will solve the problem the quickest. He also pointed out that after the first of the year increasingly you have antler drop in males so it can become difficult to determine males versus females. He noted that of the 7,000 deer that have been removed in Beaufort County, probably 5,000 to 5,500 were female deer.

Councilwoman Gregory stated Mr. Ruth had mentioned that one of the stipulations is for any entity in the state of South Carolina if they move forward with culling they must harvest the deer. Mr. Ruth stated for any deer that is taken under the permit, the contractor has to pay for the cost of processing, and then they have to arrange for it to be donated to a local charitable institution. They can't keep it in the community. People find that odd. He said to give someone a special permit to shoot deer at night and then let them keep the deer won't work. They have to encumber the cost of processing and donating,

Mayor Osbon asked if there is a particular parcel size for the culling. He noted that Sea Pines has a huge footprint. Mr. Ruth stated that Sea Pines is a little over 5,000 acres, and it has 5,000 homes and that does not include the commercial properties. He said he had heard that Woodside is 3,000 acres, but he does not know how many homes are in Woodside. He said he was assuming that for Woodside we are talking about something similar to Sea Pines. He said that is left up to the community. The community will get with the contractor and tell them their situation and ask them to do their research and come back and discuss the proposed plan of action.

Mayor Osbon stated he was asking for the next community in Aiken that may come and ask for culling, and maybe they don't have 3,000 acres. He said he was trying to figure out how you determine the cutoff, and when it is too small an area for culling. He noted if his cul de sac is 7 houses would that be too small for culling. Mr. Ruth stated they have not had to deal with that. He noted that he had drafted a permit for signature today in McCormick County that is only 150 acres. That is the smallest one they have received out of the 25 years of the program. Most are 1,000 acres or more.

Councilman Woltz stated he would commend DNR for 20 years of great success with safety, but he was concerned how long you can go until something breaks. Mr. Ruth responded that when they started 20 years ago they looked to the Northeast and upper Midwest, and it was already old news there. He said South Carolina did not invent the program in South Carolina.

Mayor Osbon thanked Mr. Ruth for answering Council's questions and clarifying some issues.

Mayor Osbon stated he was going to open the floor for comments. He said again that he would recognize those wishing to speak. He said all comments are to be addressed to him as Chair. This is about an issue and what we are addressing as far as law. This is not about individuals. He said he did not want to have to gavel anyone down, but he would if citizens start addressing any individual and does not talk about the issue at hand. He said it is important that we stay focused on the issue. Council is here to have the public hearing because we want to gather more information. He said he appreciated Mr. Ruth being present as he answered so many questions that Council had. He said as we proceed with the public hearing if he starts hearing similar things he will ask if there is anything that has not been said. It is not about hearing the same thing over and over, but new information so Council can make an informed decision.

Mr. Ralph Disibio, 270 Magnolia Lake Road, a resident of Woodside, stated his sense is that the vote is not really about the deer culling, sharp shooter skills, or safety. It is about amending an ordinance that was originally designed to enhance the safe environment of the community. The change now reverses that and allows for firing weapons within the city limits which kind of defies logic. Regardless of new rules and the state involvement, it does possibly make firing weapons in the community legal. He asked why would you consider this. He pointed out the change was demanded by a persistent POA because a vote was taken and by a 564 vote plurality; they insisted on a city-wide change even though there are in fact other ways to control the deer population. Amending the ordinance turns the city's authority over to the state to the deer man to issue a permit. He said the citizens elected Council to provide for the safe environment, and they did and did it thoughtfully when the original ordinance was done. He said the state was not called to see if that was the right thing to do, but Council did it to provide for a safe environment. He said Council is now considering giving up local control because of a tiny segment of the community. He said local control is what Council was elected for. It is not difficult for Council to wash their hands of the problem. He said the deer man suggested that once they issue the permit they wash their hands. He said we don't know who is going to do the shooting. It will be up to Woodside. He said the issue to him is clear. Why would Council reverse an ordinance that was designed to protect the citizens. Why let the state make decisions that Council should make. He said he feels to some degree that the amendment is flawed. He said he heard Council in the work session imagine that the state will concur with and consult with our law enforcement agency. He asked shouldn't the state be required before they issue a permit to consult with the city, and consult with

our law enforcement agencies. Why can't the amendment say something about consultation with the city. He felt the city would be turning all authority over to the state. He suggested to Council that if they are leaning in the direction of voting to approve the ordinance that they consider tabling the ordinance and letting the rest of the community be heard as opposed to approving this to the second reading.

Ms. Mary Shultz stated the Woodside Plantation Board of Directors is requesting City Council to amend the City Code to allow them to address the problem they have with deer in Woodside. She continued to give Council some history of what they went through to get to this point. In 2014 and 2015, WPPOA started receiving complaints from the property owners regarding deer damage. In October 2015 a survey was conducted via Survey Monkey, an informal survey to ascertain what the deer impact really was. Property owners were asked if there were traffic accidents, how much damage was done, what were they spending. At that point there was not enough information or not enough support to really do anything with the deer. In 2017 and 2018 the number of complaints had increased significantly. In May 2018 they conducted another Monkey Survey and found there was a desire to do something about the deer issue. It showed increased deer damage. In 2018 they held a Town Hall with the property owners and addressed both the pros and cons of the issue. Because of the 2018 Town Hall they really did not know what issue they had. They had no way of quantifying it. They hired Folk Land Management to come in and do a count. In February, 2019, there was an official ballot vote which was issued to all property owners. It was done in accordance with the Woodside Plantation covenants. Based on that survey, they requested some assistance.

Ms. Shultz reviewed the results of the deer count. Woodside is an area of approximately 3,000 acres. The deer density was recorded on two consecutive nights. She described the process. She said she went with them and they drove along with flood lights counting the deer. Based on that there were approximately 600 deer in the fall of 2018. The methodology that was used is a survey spotlight methodology and is approved by the Quality Deer Management Association. It is used by quite a few communities that do deer counts. All of the streets in Woodside were considered as targets of the count. The streets were divided into seven different areas and mapped out and that was the route they took. The second night they followed the exact same route. When they come back to do another count, they will follow the exact same route. They will come back in October to do another count. The results of the ballot vote were 1,334 for and 746 against. Ms. Shultz reviewed how the votes were counted and who voted. She said the covenants divide votes into four types. First there is the lots or homeowner. Each home that you own gives you one vote. Type B is based on the number of acres. There was 0 votes in that category. Type C is the golf courses. Each hole which is assessed an assessment is given 5 votes. Both golf courses voted. Another category is assessed by acreage, and there are no properties assessed by acreage. The votes are basically per lot with a home on it at 1 vote and the golf courses. She reviewed how the votes are counted for the golf courses. She noted that 254 votes in favor came from the golf courses.

Ms. Shultz stated during the final survey with Monkey Survey, they asked property owners to define the economic impact that they had incurred. Specifically, ground damage was significant with over \$59,000 for landscape repairs. Many people did not track expenditures. Recently some new landscapes were put in on a home that was just built and in two days everything that had been planted was basically eaten. One resident informed her that he had redone his landscaping recently and \$10,000 of investment was basically ruined. The POA has a lot of common property and has spent over \$22,000 for bush replacement and there are still numerous bushes that need to be replaced. The deer are eating plants and bushes that they have never touched before. She noted that they publish a list of deer resistant plants on their website, but it does not seem to help because the deer are eating just about everything. She said they have tried to keep the deer away and reduce the damage by using repellents and deer resistant plants. Native plants in the wooded areas are being eaten to devastation. She said they are not talking about one or two deer coming into a yard. We are talking about herds of deer. She said she has a video that shows 20 deer in one yard on Sugar Maple, and another one that shows 7 deer on West Pleasant Colony. She pointed out that they have had 25 deer-car incidents over three years. She said that may not be a lot and luckily no one was injured, but there was

some significant damage. In 2019 there have been 3 incidents with damage greater than \$10,000 per accident. This is not a matter of people speeding. It is a matter of deer just running into a car. She pointed out that a number of carcasses have been removed from roads. She noted that there have been 21 instances for home damage where deer damaged residences. In one instance a deer ran through one glass door and out another window. She pointed out there have been deer impaled on fences.

Ms. Shultz stated they had looked at alternative methods of deer herd management. They have looked at sterilization, but it is not allowed. They cannot use birth control chemicals in South Carolina. She also pointed out that they cannot capture, transport and release because South Carolina does not enable them to do that. What is allowed is sharp shooting with a special permit or recreational hunting. She said they have a lot of people who are in their yards during the day and people who walk the trails so it is felt that recreational hunting is not acceptable. She noted that numerous communities in South Carolina have used sharp shooting over the years. She pointed out that Mr. Ruth had reviewed the requirements that are necessary in order to obtain a permit for culling deer. She pointed out that without intervention the deer population will continue to grow. There are no natural predators. Deer behavior is changing drastically. They are walking into garages. They are approaching people and not acting like wild deer anymore. They have become extremely accustomed to humans.

Ms. Shultz stated in summary Woodside is experiencing increasing negative economic impact by the deer. There are human deer interactions, significant browse damage, and property damage. She stated they have no other alternative except to pursue the culling of deer. She said they are not looking to exterminate all of the deer. They are looking for a balance. She said they respectfully request that Council approve the proposed amendment to the City Code Section 22.4 to allow the use of firearms in order to reduce the deer herd population in Woodside and perhaps any other community that has a similar issue because it can be devastating to not only property values, but if property values start going down, the tax base will also start going down. She said the deer issue is an issue that they would like Council to help them with.

Mayor Osbon asked if the property owners had approached doing a management plan that Mr. Ruth had mentioned. Ms. Shultz stated a management plan was an older requirement, and DNR is no longer requiring a management plan. She said they have talked to some archers. They have walked the property and found areas that are far away from residents and that is probably where they would do most of the culling. She said they would not be doing culling on undeveloped lots that are between homes as in many cases the lots abut lots on the rear where there are homes so it is felt that would not be a safe area in which to do deer culling if there are homes close by. She said they identified about 7 or 8 areas that are rather large where there are no homes so those could be used for culling. She said they know where they want to do the culling. They have an idea as to who they wish to hire to do the culling.

Mayor Osbon stated he does not have a problem with culling, but he does have a problem where we give up complete control. He noted that Ms. Shultz had said culling would not be on a vacant lot between two houses, but once the ordinance is approved, Council has no way of saying that would not happen. He said he feels that the amendment Section (d) as written does not give the city a say and that we would be kind of turning the matter over to the entity. He said that is his biggest concern. He said he has no doubt that the POA would do the right thing, but it does affect the whole city. He said he is struggling with the way Section (d) is currently written.

Ms. Jackie Hardie, 361 Live Oak in Woodside, stated she and her husband moved to Woodside about three months ago so they were not aware of the issues until recently. She said she spent the entire day researching the matter because she wanted to give an opinion on the matter. She said she did not have anything against the idea of a deer cull in general. If the deer were sick or did not have enough to eat, she would understand, but she felt the deer are happy, healthy and a little chubby at least the ones by her house. She pointed out that her 3 and 6 year olds think seeing the deer is the greatest thing ever. She pointed out that her neighbors do feed the deer which is why they love people. The deer are not scared of us because we are giving them treats. She pointed out that the wording

of the ordinance does bother her. She said while Woodside is very concerned and is careful to follow the regulations so everything is safe, she cannot guarantee that the rest of the communities would be that careful. She was concerned that other communities may not be that thorough in checking out the issue. She pointed out that there is no permit or license for sharp shooters bothers her. She felt there should be some type qualification for being a sharp shooter in the ordinance that is controlled by the city. She noted that on some streets in Woodside the vehicles are speeding in the residential area. She felt that some of the car accidents in Woodside could be the people's fault more than the deer's fault. She said she was concerned about the wording in the ordinance and felt though the state has not had problems in the past they have basically washed their hands once a permit is issued and the POA is in charge. Having a POA like Woodside a good job will be done, but other areas may not be as careful as the Woodside POA.

Mr. Robert Nicholson, 723 W Pleasant Colony Drive, stated the deer population in the US was 33.5 million in 2017. In South Carolina the deer population was 725,000 in 2016. In 2018, 195,000 deer were taken. The record for deer taken in 2002 was 320,000. He pointed out that we have created a vast deer resource with golf courses. We have removed the natural predators and with good nutrition the deer population can more than double in one year. He pointed out that with the deer over population the damage associated is over 1 million vehicle deer collisions each year with over 100 human deaths. He noted an incident he had one night with a deer running into his vehicle on Steeplechase Drive at 30 mph. Over-population problems can be possible until local, state and federal government agencies assume responsibility to implement a solution. He noted some have implemented some programs. He pointed out that Fairfax County, Virginia had implemented a program. He noted the website is very comprehensive in how they do it. Basically they implemented the Virginia Department of Game and Inland Fishery Guidelines which is equivalent to our DNR. He said their program had been established and running since 1998. Their criteria: A healthy eco system can support 15 to 20 deer per square mile without damage to the environment. The density in Fairfax County was 40 to 100 deer per square mile so they established their program to protect the safety and health hazards in the community to manage the deer population responsibly. He said Fairfax County used archery and sharp shooting by qualified hunters and specially trained police officers to harvest the deer on public and private land. He pointed out the deer density in Woodside, keeping in mind that 15 to 20 is a reasonable amount. He pointed out that they counted 600 deer over a year ago, and the deer are eating everything in sight. He said Woodside has 4.7 square miles which is 3,000 acres. He said it is estimated Woodside has 120 deer per square mile. He said this is a serious overpopulation. He said his recommendation is for Council to modify the city ordinance. He noted that Woodside is the only area that has reported a problem, and the issue really does not involve the rest of the city now. He said Woodside needs relief. He was concerned what the deer population will be next year unless some action is taken.

Mr. Micheal Sterne, 111 Poplar Hill Court, expressed concern if the ordinance is approved as to what the liability and the insurance requirements would be. He said that should be specified in the ordinance who has the liability—the city or state. He said he did not want to be part of a law suit if something happens. He noted that DNR has said they have been doing this for 20 years with no problems, but that does not mean there may not be problems in the future. He pointed out that Woodside is very densely populated in certain areas. He stated the POA has stated they are going to try to stay away from homes for the culling. He said his concern is with the city. He pointed out that the Woodside POA is very careful with what they do and do things very well. He was concerned about other communities within the City of Aiken and how they might handle the situation and not be as careful as Woodside. He felt that is something that City Council needs to recognize before they make a change to the code. He said insurance is a huge issue. Will it be Woodside's responsibility for insurance or the sharp shooter, and what the responsibility of Council is as far as the liability is concerned. He also asked if the POA must notify the city prior to applying for a DNR permit. He said it seems that the city is washing their hands of the whole process if you change the ordinance to allow the discharge of firearms within the city.

Mayor Osbon noted that Councilman Woltz asked the same question that Mr. Sterne asked. He pointed out that DNR does not insure. He said he felt that is something that

needs to be addressed and the matter does have to be considered city-wide so the points are well noted.

Mr. Robert Osteen, 224 Bay Tree Court, stated the number of votes that the POA disclosed is not indicative of the people in Woodside. The POA has been asked numerous times to disclose the exact number of votes in Woodside, and they would not do that, saying it is confidential information. He pointed out that the city firearms ordinance was put in place for a reason, that being safety of our citizens. The deer in Woodside are no more of a problem than anywhere else in the county. The few deer car incidents that have happened in Woodside would be greatly reduced if people would abide by the speed limit. He said his home is located on the side of Woodside Plantation Drive so they see the traffic flow through there a lot. He said if people would slow down and pay attention the number of incidents would be reduced. He pointed out changing the ordinance would affect everyone in the city, not just Woodside. He pointed out that Woodside borders a lot of neighborhoods. He pointed out that the distance that these rifles can shoot is measured in miles not feet. He noted the rifles used are high powered rifles. He pointed out that the deer were here first and people need to learn to live with them, not kill them. He noted that the deer are healthy. They are not over populated. They are not a hazard to the people. He said they do eat a few of their plants, but so do the rabbits. He pointed out that a deer cull may be painted as a thinning of the herd, but he felt it was a mass murder of deer. He pointed out that Aiken as well as Woodside is designated as a Southern Living community. He said as a resident of Woodside and the City of Aiken he is proud of that. He did not think that a mass murder of deer in the neighborhoods is a pretty picture to associate with any of our neighborhoods or with the City of Aiken. He wondered if we want to teach our kids that the way to solve some of the problems is to kill. He said we have enough problems in the City of Aiken with firearms being shot. He asked that Council please leave the ordinance as it is for the safety of the citizens of Aiken.

Ms. Corey Fox-Harper stated she does not live in Woodside, but is an average ordinary citizen of Aiken. She pointed out for the people who live in Woodside this is their forever home, their investment, their life. She pointed out she understands there is a loss of landscape in Woodside. However, we do not live on Hilton Head Island where the deer have nowhere to go. She said we can't classify ourselves as being on an island. She said we are Aiken and that is something to be proud of. She said to bring in sharp shooters is not very Aikenish; that is not what Aiken does. She said she had been in Aiken since 1996, not an original Aikenite, but she had become a Southerner and an Aikenite. She pointed out her concern is that the ordinance is no longer about Woodside or deer, but it is now about the City of Aiken. She pointed out that regular citizens of Aiken have a voice and their vote is equal to any vote in Woodside. She said she is sorry for the loss that Woodside is having, however, a lot of Aiken people don't appreciate that and don't want to see sharp shooters come in over a loss of landscaping. She pointed out that car issues will have to be dealt with when you have deer in the neighborhood and driving slower may help some. She pointed out that a lot of the other POAs in Aiken cannot afford what Woodside can afford to cull the deer. She said she was confident that Woodside would hire the best to take care of the issue in Woodside and the program would probably go seamlessly; however, if we continue with the proposed ordinance there will be neighborhoods that cannot afford what they want to do and it may not go as seamlessly. She asked that Council reconsider the proposed ordinance as she felt it is not for the whole City of Aiken. She said she understands Woodside's problems because the problem affects their life, their homes and they want to protect their investment.

Ms. Fran Warner, 255 Sterling Grove Circle, Woodside, reviewed an incident she had while walking her dog one night at 10 p.m. when a herd of deer came out and almost ran over her and her dog. She pointed out she was not driving a car, but was walking when the deer almost ran into her. She stated she felt the ordinance was needed and asked that Council pass the proposed ordinance.

Mr. Michael Day, 343 Forest Pine Road, stated that to control deer on their property many of the residents have to do things that are not healthy for the deer. He said he could see after 19 years a deterioration in the deer. He thought they are not healthy. He said he puts tick spray on his lawn. He sprays for mosquitoes. He pointed out that all of that

goes on his vegetation and the deer are eating his vegetation. He said he puts harsh chemicals on his plants to control diseases on his plants, but the deer are eating the plants with the chemicals. He said he puts netting on his plants to protect the deer and take care of his shrubs. He said the buck deer come onto the property and use their antlers to lift up the net and eat the vegetation. He said he feels the chemicals are not good for the deer population and their health.

Ms. Pamela White, Woodside, stated she is the biggest deer lover in the room. She said she is one of the people that has been feeding the deer from the moment she moved here almost 10 years ago. She said the deer are dying. She said in the last three years she has noticed a huge change. She noted there is a constant flow of little ones around. She said they are not getting enough food and not getting the right food. She pointed out the citizens should do their research. She pointed out that culling has been around forever. She said she loves the deer, but wants the deer to be healthy. She said if one spends the amount of time that she has over the last 9 years feeding them, you will know they are starving. She asked at what point are we being selfish by saying culling is mass murder of the deer. She said there are a lot of species that will cull their own, but deer are not capable of culling their own. Right now they are starving. She said if you are an animal lover, you will understand that the deer are suffering.

Mr. Charlie Spainhour stated he was probably the oldest resident of Woodside in the room, not age-wise, but tenure-wise. He said five families moved in the same week, the first time anyone lived in Woodside. He said he felt there is a real question about whether or not the majority of the residents of Woodside want to cull the deer. It should not be difficult to get the vote broken down by residents and determine what the majority of the residents really want. He felt that question needs to be addressed before this goes any further.

Mayor Osbon closed public comment and asked if Council had any comments.

Councilwoman Gregory thanked the citizens for their comments and for taking time to come out to discuss the issue. She noted that she thought some very good points had been stated. She stated that the insurance point that Councilman Woltz and others brought up is a good point. She said that giving all authority to any organization, a third party, etc. does open things up to where the city has no control. She felt that was a very valid point. She said if Council moves forward with the amendment, she felt the wording needs to be reconsidered. She felt Council needs to spend more time on the wording of the amendment and tighten it up and add more stipulations so we are addressing the concerns of the community and those who have an issue with this ordinance and the concern of the people who truly feel there is an issue with the deer in Woodside or any other neighborhood. She said she would like to recommend that the ordinance go back to the drawing board and we make it as strong as it should be.

Councilwoman Diggs stated she has visited friends and family in Woodside and she sees a lot of deer. She said she understands that there are too many deer in Woodside. She said she does not have any problems necessarily with the culling. Her biggest problem is that this is not right for the entire city. She said she thought the majority of the people in other areas do not want it. She said if we are going to approve the ordinance being inclusive of everyone, then the best suggestion is to put the question on a ballot and let the people decide.

Councilman Girardeau stated he wanted to thank everybody for their emails, phone calls, and text messages. He said in his unscientific poll, the matter is a 50-50 issue. He said he wanted to congratulate the citizens on both sides for their passion on this issue. He said he wished everybody would be passionate about things they believe in and tell us how they feel. He said this had been a learning experience. He said he tried to keep an open mind to the matter so he could learn. He said the deer man helped a lot in the sense of what he learned from the process. He said he agreed with Councilwoman Gregory that we need to readdress part (d) of the amendment if we are going to do anything at all going forward.

Councilman Dewar stated there comes a time when you are called upon to make a tough decision. He felt that is where Council is at this time. He said there is a very large, important segment of our community who is asking for our help. He pointed out that Mr. Ruth pointed out that Council's responsibility is to enable that community to deal with the problem in that community. He felt that Mr. Ruth addressed the issue about it affecting other communities. He pointed out DNR has not issued a permit for anything other than culling deer. To say that it is a problem that will affect the rest of the city does not make sense to him. He said Council's responsibility is to enable the people of Woodside to deal with their problem. He said there are a lot of differences of opinion in Woodside, and there are challenges to the legitimacy of the vote. There are some issues that need to be resolved in Woodside. He said Council's job is to enable Woodside to be able to deal with their problem. He said he felt Council should at least take the ordinance to second reading. Hopefully, we can get more input. He said he would support the change. It is not a case of allowing people to take a gun and indiscriminately shoot a deer anywhere. It is a very structured process. He said he was very impressed with Mr. Ruth and DNR has laid out some very specific rules. He said he would support taking the proposed ordinance to second reading, and he hoped the rest of Council would do so as well.

Councilman Woltz stated his comment is that this is definitely a city issue. We are not just dealing with Woodside. He noted that we can't just cut out one spot. He said it is a city-wide issue. He said Mr. Ruth actually took him from thinking the process was very structured to it is turned over to the community to do it. He said that gave him heartburn. If we are just going to give a permit and turn it over for them to handle the issue, he said he was concerned about that. He noted it does not matter what Council does tonight or whenever it comes up for a vote, they are not going to make everybody happy. He pointed out that half the people in the room would be upset and the other half would be happy. He said it is a tough decision. He said Council has to look at what is best for the whole community. He pointed out that we have never allowed shooting in this community and the question is whether we are going to allow it now.

Mayor Osbon stated he wanted to commend Mr. Disibio. He said he felt his comments were right on where we are now. He said he would agree with Councilman Woltz that the more Mr. Ruth spoke about the process he realized this is out of the city's control the way it is written now. He thanked Mr. Ruth for coming to answer Council's questions. He said he could not support Section (d). He said he would consider moving the ordinance forward, but would not see a second reading unless there were some provisions that gave much more accountability regarding insurance. He also said unless there is a certified wildlife biologist on the shooting team, he does not want it in Aiken. He pointed out that it seems that everything he agreed with and he thought was in the process, Mr. Ruth said that is how it was initially but that has been taken out. He said that concerned him. He noted that Mr. Sterne brought up the issue of insurance and liability, and that is something that we as a governing body have to know about. We can't just leave that up to hopefully happen.

Councilman Woltz asked City Attorney Smith if the City could overwrite part of the state's requirements and make requirements that the state does not make.

Mr. Smith stated that is something he wants to look into and whether the process that DNR follows is mandated by state code. He said the City may not have the ability to modify what the state law says about the process. He said he would be happy to investigate the matter before second reading and get a memo to Council giving his thoughts.

Councilwoman Gregory stated in the event the city can't modify the state process, can additional stipulations be added at the local municipal level.

Mr. Smith stated he was hearing about an addition of some type of insurance requirement and a wildlife biologist being certified as part of the culling team. He said he would look into that and talk to Mr. Ruth to see what his concerns might be. Mr. Ruth would not be concerned with enforcing the City Code so he would not be the one to say if you don't have insurance you can't do this in the City of Aiken. If we mandated it in the City Code

that they have to provide us with proof of insurance that would probably give Council the assurances they are looking for. He said he has to make sure the City can do that.

Councilman Woltz stated he would suggest that we table the item until we can get an answer and know where we can go with this.

Mayor Osbon asked if there was a motion to table.

Councilman Dewar asked why table the ordinance. He suggested that the ordinance be taken to second reading and if we don't like it in two weeks it is dead. He felt tabling does nothing. He said to approve the ordinance takes two readings. He pointed out that Mr. Ruth said the insurance is up to Woodside. He pointed out the whole thing is up to Woodside. They are responsible for everything that is done if they decide to cull the deer. He said the decision for Council is whether or not we enable them to deal with their problem.

Councilman Woltz stated it is a city decision, not a Woodside decision.

Mayor Osbon stated he would agree to approving on first reading as an introductory, but he did not want to see it for second reading until we get a group together to give input and get the answer to a lot of the comments.

Councilwoman Diggs stated we are here tonight to decide if we need to amend the ordinance for the entire city. She said that is what she is not in favor of. She said she does not mind doing something for Woodside so they can control their deer population, but she does not think it is right to amend the ordinance for the entire city. She asked if there was any way we could help Woodside without it affecting the entire city.

Mr. Smith, City Attorney, pointed out that when Council passes a law for the Aiken City Code, you have to make sure that it passes constitutional muster. He said the Constitution says the laws the city has should equally protect all the city citizens. You can't make a special law for one particular part of town that does not apply to the rest of the town.

Councilwoman Gregory stated she wanted to reiterate what Councilman Dewar said. She said she agrees with him 100%, but she said what she thought what Mayor Osbon has mentioned is to take it one step further because everybody does deserve a response. She said if we can bring the folks together and make the verbiage of the amendment better, tighter, safer for the entire community that is something that we owe to the community. Like Councilman Dewar said it may die on second reading, but if we give it first reading it will give us a step forward to work on making it better and addressing everybody's concerns.

Mayor Osbon called for a vote on the motion by Councilwoman Gregory, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to amend Section 22-4 of the Aiken City Code regarding the discharge of firearms or other weapons in the City of Aiken. The motion was approved by a vote of 4 in favor with Councilmembers Diggs and Woltz opposing the motion.

Mayor Osbon stated the ordinance would not be brought back for second reading until there are some amendments to the ordinance. Councilman Girardeau also pointed out that when it comes back for second reading does not mean that the ordinance will pass on second reading.

Mr. Disibio asked what would happen for second reading.

Mayor Osbon pointed out that a committee would be formed to make amendments to the proposed ordinance from comments made by citizens at this meeting. An amendment would be brought forward at second reading of the ordinance. Before Council voted on the proposed ordinance the ordinance would be amended with the recommendations from the committee. There would be another public hearing on second reading.

Councilman Dewar pointed out that Council does this when they feel they need more information but want to keep the process going. He said hopefully between now and when the second reading is scheduled Council will get the additional information they need, and we will be able to bring it back for second reading and amendment.

BOARDS AND COMMISSIONS

Appointments

Royal Robbins

General Aviation Commission

Tina McCarthy

Accommodations Tax Committee

James Gallman

Housing Authority

John Wallace

Recreation Commission

Leroy Myrick

Community Development Committee

Chad Ingram

Equine Committee

Mayor Osbon stated Council needed to consider appointments to various city boards, commissions, and committees.

Mr. Bedenbaugh stated Council has 44 pending appointments to fill vacancies on different City boards, commissions, and committees. Six appointments are presented for Council's consideration and vote.

Mayor Osbon has recommended the reappointment of Royal Robbins to the General Aviation Commission. If reappointed Mr. Robbins' term would expire September 1, 2021.

Councilman Girardeau has recommended the reappointment of Tina McCarthy to the Accommodations Tax Committee. If reappointed Ms. McCarthy's term would expire March 25, 2021.

Councilwoman Price has recommended the reappointment of James Gallman to the Housing Authority. If reappointed his term would expire May 28, 2024. (Housing Authority terms are five years.) She has also recommended the reappointment of John Wallace to the Recreation Commission with the term to expire September 1, 2021, and the reappointment of Leroy Myrick to the Community Development Committee with the term to expire September 2, 2021. Councilwoman Price has recommended the appointment of Chad Ingram to the Equine Committee. If appointed his term would expire January 28, 2020.

For City Council consideration is the reappointment of Royal Robbins to the General Aviation Commission, Tina McCarthy to the Accommodations Tax Committee, James Gallman to the Housing Authority, John Wallace to the Recreation Commission, Leroy Myrick to the Community Development Committee, and the appointment of Chad Ingram to the Equine Committee.

Councilwoman Diggs moved, seconded by Councilwoman Gregory, that Council approve the reappointment of Royal Robbins to the General Aviation Commission, Tina McCarthy to the Accommodations Tax Committee, James Gallman to the Housing Authority, John Wallace to the Recreation Commission, Leroy Myrick to the Community Development Committee, and the appointment of Chad Ingram to the Equine Committee. The motion was unanimously approved.

Mayor Osbon asked if there were any recommendations for appointments at the next Council meeting.

Mr. Bedenbaugh stated Councilwoman Price is absent, but she had emailed the City Clerk and asked that the name of Lela Wulf be considered for appointment to the Equine Committee.

Councilwoman Diggs stated she would like to recommend reappointment of Ricky Brown to the Recreation Commission, and Gary Yount to the Community Development Committee. She stated she would also like to make two appointments to the Equine Committee—Carey Frommer and Sarah Wildasin.

INSTALLMENT PURCHASE CONTRACT – ORDINANCE 09092019

107 Chesterfield Street S

City Hall

Municipal Building

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance to authorize the financing of the new Municipal Building on Chesterfield Street S through an Installment Purchase Contract.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN
INSTALLMENT PURCHASE TRANSACTION TO FINANCE THE COSTS
RELATING TO THE ACQUISITION AND EQUIPPING OF A NEW CITY HALL
FACILITY; AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS
DOCUMENTS RELATING TO SUCH INSTALLMENT PURCHASE
TRANSACTION, INCLUDING THE BASE LEASE AGREEMENT AND THE
INSTALLMENT PURCHASE AND USE AGREEMENT; APPROVING THE USE OF
CERTAIN MONEY OF THE CITY; APPROVING THE ISSUANCE OF BONDS BY
THE AIKEN PUBLIC FACILITIES CORPORATION; DELEGATING AUTHORITY
TO THE MAYOR AND CITY MANAGER TO EFFECT SUCH TRANSACTIONS
AND DETERMINE CERTAIN MATTERS; DECLARING THE INTENT OF THE
CITY TO REIMBURSE ITSELF FROM TAX-EXEMPT BOND PROCEEDS; AND
OTHER MATTERS RELATING THERETO.

Councilwoman Diggs moved, seconded by Councilwoman Gregory, that Council approve on second reading an ordinance to authorize the financing of the new Municipal Building on Chesterfield Street S through an Installment Purchase Contract.

Mr. Bedenbaugh stated at the last meeting Council authorized the purchase of 107 Chesterfield Street, South for the consolidation of City operations currently housed at 214 Park Avenue, SW and 135 Laurens Street, SW via passage of a resolution on August 12, 2019. A portion of the cost will need to be financed. One financing option is through the entering into of an Installment Purchase and Use Agreement to provide for the acquisition of the project over time, at a total not to exceed borrowed amount of \$7,500,000. This type of financing allows the City to finance a project through annual installment payments which are subject to annual appropriation by City Council. We are planning to make annual payments through our fund financed by the utility franchise fee account. An advantage to this method of financing is that it would preserve the City's capacity to issue General Obligation bonds should Council want to borrow in the future.

There are several components to the ordinance in order to comprehensively provide for the necessary transactions involved:

Authorization of the Project: The ordinance authorizes the Chesterfield Street project and authorizes the Mayor and City Manager to pursue and accomplish the project.

Authorization of Purchase and Sale Agreement. The ordinance authorizes a purchase and sale agreement with SE Palmetto, LLC to provide for the turn-key development of the Chesterfield Street site and authorizes the Mayor and City Manager to negotiate and execute the agreement.

Collaboration of the City and the Aiken Public Facilities Corporation: The Installment Purchase financing method will require the City to collaborate with this entity as it did for the Public Safety headquarters at 834 Beaufort Street, NE. This entity would issue municipal bonds on behalf of Aiken to finance the purchase of the project and the City would then purchase the project from the City of Aiken Public Facilities Corporation on an installment basis. The ordinance provides City approval to the corporation for the issuance of bonds in an amount not to exceed \$7,500,000 to provide for the Chesterfield Street project. The ordinance contemplates that the City anticipates paying any costs of the financing from current funds, rather than financing proceeds.

Installment Purchase and Use Agreement: The Installment Purchase and Use Agreement between the City of Aiken and the Aiken Public Facilities Corporation will require the Corporation to purchase the facility with the proceeds of the bonds and sell it to the City over a term that will match the term of the financing and provide for the use of the facility by the City during such time. At the end of the term of this agreement, the City will own the facility free and clear.

Base Lease Agreement: A Base Lease agreement between the City of Aiken and the Aiken Public Facilities Corporation will provide for ownership of the real property ["dirt"] by the City and the building itself and any other improvements by the Aiken Public Facilities Corporation. The City leases the dirt to the Aiken Public Facilities Corporation and, pursuant to the Installment Purchase and Use Agreement, is buying the building over time.

Trust Agreement: The Trust Agreement between the Aiken Public Facilities Corporation and the Trustee is the lending document that allows money to be borrowed to finance the project. Under the Trust Agreement, the Corporation will assign its rights to receive payments from the City under the Installment Purchase and Use agreement and the bondholder(s) will only look to the rights given to the Trustee for repayment of the Public Facilities Corporation bonds.

Reimbursement declaration: The ordinance includes a reimbursement declaration that will allow the City to reimburse itself from financing proceeds any amounts expended in furtherance of the project prior to the issuance of any tax-exempt bonds for the project.

We used this transaction method for the Public Safety Headquarters in 2018 and a number of other municipalities have used this as well including, but not limited to:

Town of Blythewood
 City of Charleston
 City of Greenville
 Town of Moncks Corner
 City of North Augusta
 City of North Charleston
 Town of Sullivan's Island
 Town of Travelers Rest

For Council approval is second reading and public hearing of an ordinance authorizing the City of Aiken, South Carolina to enter into an installment purchase transaction to finance the costs relating to the acquisition and equipping of a new City Hall facility; authorizing the City to enter into an installment purchase transaction to finance the costs relating to the acquisition and equipping of a new City Hall facility; authorizing the execution and delivery of various documents relating to such installment purchase transaction including the base lease agreement and the installment purchase and use agreement; approving the use of certain money of the City; approving the issuance of bonds by the Aiken Public Facilities Corporation; delegating authority to the Mayor and City Manager to effect such transactions and determine certain matters; declaring the intent of the City to reimburse itself from tax-exempt bond proceeds; and other matters thereto.

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

Councilman Woltz stated he has a problem with this because we don't have a final plan on what we are going to do and know exactly what our final number will be. He said he supports doing it, but he felt we would be putting up money and he does not know what the plan is, how much the final total is, what we are going to add, or what we going to delete. He said it seems we are being asked to put the money up, and we will figure it out later.

Mr. Bedenbaugh stated we would not release this until the very end of the project. This allows us to get the process started. He pointed out that for the Public Safety Building, the way the process worked is that we instituted a Purchase and Sale Resolution. Then we had an ordinance in mid-year 2017. Then staff came back to Council. He pointed out that last fall we issued an RFP for the financing of the project where we financed the Public Safety Building and had first and second reading for the actual dollar amount. Then we approved that and had the real estate closing in January, 2019. Councilman Woltz pointed out that nothing will be released until it is agreed upon. Mr. Bedenbaugh stated we still have to submit proposals to lending institutions and get bids in. By that time we will know the dollar amount that we need. He said we know that we have cash on hand of about \$6 million between actual cash on hand and sale of real estate.

Councilman Dewar pointed out that the total cost of the building will be about \$18 million when we get through financing.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilwoman Gregory, that Council approve on second reading an ordinance to authorize the financing of the new Municipal Building on Chesterfield Street S through an Installment Purchase Contract. The motion was approved by a vote of 5 to 1, with Councilman Dewar opposed to the motion.

BUDGET AMENDMENT – ORDINANCE 09092019A

Carry Forward Funds

Unspent Funds

Amend 2019-2020 Budget

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to amend the City budget for fiscal year 2019-20.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve on second reading an ordinance to amend the city budget for fiscal year 2019-20 to include unspent funds from the 2018-19 budget as recommended by the City Manager.

Mr. Bedenbaugh stated a memorandum from Finance Director Kymberley Wheat regarding unspent funds from the FY 2018-19 budget had been provided to Council. The memo lists the items recommended for the use of unspent funds at the end of the budget for the fiscal year ending June 30, 2019. He stated it is recommended that the FY 2019-20 budget be amended to include these carry forward funds for the items listed. The attachment lists each item and the funding for the item. The primary reason the General Fund has over \$2 million in unspent funds is because of increased property tax revenue, insurance collections, salary underruns, and items that were not able to be purchased due to waiting to receive items from the vendor.

Mr. Bedenbaugh stated staff will work harder to have better revenue estimates so Council can make good budgeting decisions. He pointed out that the City has typically averaged a little over \$500,000 in unspent funds in prior fiscal years.

Among the Highlights:

We are recommending, based on Council's comments during the budget process, that an additional \$525,000 be added to economic development, which already has \$250,000

allocated in this year's budget. If approved, we would have \$775,000 designated for economic development projects. We are also designating \$700,000 for Municipal Building consolidation. We are adding \$50,000 for façade grants for our downtown. If approved, the FY 2019-20 budget would have \$75,000 designated for façade grants. Increased façade grant funding was a goal for Council this year with the Downtown Business zoning district being expanded eastward from Union Street to Williamsburg Street several months ago. We are adding \$300,000 to building depreciation for all General Fund departments. We are also recommending adding a reoccurring expense, a Crime Analyst for Public Safety. Chief Barranco has asked for this position for four years, and I believe we can benefit from this addition. Finally, we are adding \$457,000 to our water and sewer system depreciation fund.

Several pieces of information were attached in the agenda as requested by Council at the August 12 meeting. These include the cost for a Leak Crew [approximately \$260,000] which includes four workers, benefits and equipment. Also, a spreadsheet highlighting FY 2018-19 revenues was included in the agenda showing budget revenues and actual received revenues.

For City Council approval is second reading and public hearing of an ordinance to amend the 2019-20 budget to include unspent funds from the 2018-19 budget as recommended by the City Manager.

Mayor Osbon asked for comments from the audience and Council.

Councilman Dewar asked if the recommended list included the Leak Team. Mr. Bedenbaugh stated it does not. He said we dedicated all of the unspent funds from the Water and Sewer Fund to depreciation. Mr. Bedenbaugh stated we are trying to get fully staffed with the water team. He pointed out that we have been short a team. We have had difficulty as noted in the last work session with filling entry level positions to do the work.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilman Dewar, seconded by Councilwoman Diggs, that Council approve on second reading and public hearing an ordinance to amend the City budget for fiscal year 2019-20 to include unspent funds from the 2018-19 budget as recommended by the City Manager. The motion was unanimously approved.

ANNEXATION – ORDINANCE

504 Henry Street
Virginia Acres Subdivision
Rocky Johnson Rhodes
TPN 122-10-03-005

Councilman Woltz stated he would recuse himself from participating in the item for annexation of property at 504 Henry Street as he owns property adjacent to 504 Henry Street. He left the Council Chambers.

Mayor Osbon stated an ordinance had been prepared for first reading to annex property at 504 Henry Street and zone it RS-10 Residential Single-Family.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY LOCATED AT 504 HENRY STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Councilman Girardeau moved, seconded by Councilman Dewar, that Council approve on first reading an ordinance to annex 504 Henry Street and zone it RS-10 Residential Single-Family.

Mr. Bedenbaugh stated pursuant to the city's Water/Sewer Annexation Policy, Resolution 09122016D, Rocky Johnson Rhodes, owner, is requesting annexation of property at 504 Henry Street and zoning as Residential Single-Family (RS-10). This property is located in Section 3 of the Virginia Acres Subdivision.

The Planning Commission at their meeting on August 13, 2019, considered this request for annexation and recommended by a vote of 6-0 (Commissioner Brookshire was not present) that the property be annexed and zoned Residential Single-Family (RS-10).

For Council consideration is first reading of an ordinance to annex property at 504 Henry Street owned by Rocky Johnson Rhodes and zone it Residential Single-Family (RS-10).

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilman Girardeau, seconded by Councilman Dewar, that Council approve on first reading an ordinance to annex property at 504 Henry Street and zone it RS-10 Residential Single-Family. The motion was unanimously approved, with Councilman Woltz recusing himself from voting on the matter.

REZONING – ORDINANCE

127 Silver Bluff Road

129 Silver Bluff Road

CEM Real Estate, LLC

TPN 106-12-06-002

TPN 106-12-06-003

Councilman Woltz stated he would recuse himself from participating in the item for rezoning of property at 127 and 129 Silver Bluff Road as he owns property across the street from the properties. He left the Council Chambers.

Mayor Osbon stated an ordinance had been prepared for first reading to rezone properties at 127 and 129 Silver Bluff Road from Residential Single-Family RS-8 to Limited Professional LP.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE OWNED BY CEM REAL ESTATE, LLC, FROM RESIDENTIAL SINGLE-FAMILY (RS-8) TO LIMITED PROFESSIONAL (LP).

Councilwoman Gregory moved, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to rezone properties at 127 and 129 Silver Bluff Road from Residential Single-Family RS-8 to Limited Professional LP.

Mr. Bedenbaugh stated CEM Real Estate LLC, applicant and owner, is requesting the rezoning of the properties at 127 and 129 Silver Bluff Road from Residential Single-Family (RS-8) to Limited Professional (LP). They are requesting this rezoning to provide more land use flexibility consistent with adjacent uses and zoning.

A Limited Professional (LP) zoning would be consistent with the Comprehensive Plan. The current zoning of Residential Single-Family (RS-8) is restricted to single-family attached dwellings, or other uses allowed by the BZA approval and the Special Exception process. The proposed Limited Professional (LP) zoning allows restricted office and medical office uses, but no retail uses. There are specific design guidelines attached to the Limited Professional zoning district that focus on maintaining a residential aesthetic. Limited Professional zoning is most suitable where properties border residential districts, such as is the case with both of these properties on Silver Bluff Road.

The Planning Commission reviewed this request at their August 13, 2019, meeting and voted 6-0 (Commissioner Brookshire not present) to recommend approval of this application to City Council.

For City Council consideration is first reading of an ordinance to rezone the properties at 127 and 129 Silver Bluff Road from Residential Single-Family (RS-8) to Limited Professional (LP) as requested by CEM Real Estate LLC, owner.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilwoman Gregory, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to rezone properties at 127 and 129 Silver Bluff Road from Residential Single-Family RS-8 to Limited Professional LP. The motion was unanimously approved, with Councilman Woltz recusing himself because he owns property across the street from 127 and 129 Silver Bluff Road.

Councilman Woltz returned to the Council Chambers.

QUITCLAIM DEED – ORDINANCE

736 Richland Avenue W
Aiken County Health Department
Aiken County Council Office Complex
TPN 104-20-21-001 (PO)

Mayor Osbon stated an ordinance had been prepared for first reading to approve a quitclaim deed to Aiken County for property that was previously used as the old Health Department and the County Council Office Complex.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE APPROVING A QUITCLAIM DEED TO AIKEN COUNTY.

Councilman Girardeau moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to approve a quitclaim deed to Aiken County for 736 Richland Avenue W.

Mr. Bedenbaugh stated the property at 736 Richland Avenue West has been noted in tax records and mapping records since the 1960s as being transferred by the City of Aiken to the Aiken County Health Department in the 1950s. From 1985 to 2014, the property was used by Aiken County as the Aiken County Council building and related offices. The property has been vacant since 2014 and Aiken County would like to convey it to a purchaser who will make use of the property. A review by the City Attorney believes that a transfer to the County via a quitclaim deed is appropriate, as this will expedite the ability to determine the future of the property. At this time, a deed showing City transfer to Aiken County cannot be located.

For Council consideration is first reading of an ordinance to approve a quitclaim deed to Aiken County for the property at 736 Richland Avenue W, the old Aiken County Council office complex.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilman Girardeau, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to approve a quitclaim deed to Aiken County for 736 Richland Avenue W, the former office complex for Aiken County Council. The motion was unanimously approved.

RESOLUTION 09092019B

Intergovernmental Agreement
State Transportation Infrastructure Bank
Dougherty Road
Whiskey Road
Intersection Improvement

Mayor Osbon stated a resolution had been prepared for Council consideration to enter into an Intergovernmental Agreement with the State Transportation Infrastructure Bank for Dougherty Road at Whiskey Road intersection improvement.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE CITY OF AIKEN TO ENTER INTO AN
AGREEMENT WITH THE SOUTH CAROLINA TRANSPORTATION
INFRASTRUCTURE BANK.

Councilwoman Diggs moved, seconded by Councilwoman Gregory, that Council approve the resolution authorizing the City of Aiken to enter into an Intergovernmental Agreement with the State Transportation Infrastructure Bank for Dougherty Road at Whiskey Road intersection improvement.

Mr. Bedenbaugh stated the State Transportation Infrastructure Bank [STIB] has provided an amended Intergovernmental Agreement for the Dougherty Road at Whiskey Road intersection improvement project. The State Transportation Infrastructure Bank funded the project. The project has been delayed for various reasons. The project did begin last month. The first amended agreement first passed in January, 2015 and this new amendment is the result of a STIB action at its meeting of August 20, 2019. At that time, STIB approved the City's request to defer the commencement of construction of the Dougherty Road/Whiskey Road Intersection Improvements Project to August 2019 and to complete construction by June 2020. Our contractor has begun construction, and we expect it to last about eight months, ending well before the June, 2020 deadline.

In order to execute the amended agreement, City Council approval of the Resolution is needed.

For Council approval is a resolution authorizing the City of Aiken to enter into an intergovernmental agreement with the State Transportation Infrastructure Bank for Dougherty Road at Whiskey Road Intersection Improvement.

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

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilwoman Gregory, that Council approve the resolution authorizing the City of Aiken to enter into an Intergovernmental Agreement with the State Transportation Infrastructure Bank for the Dougherty Road at Whiskey Road intersection improvement. The motion was unanimously approved.

RESOLUTION 09092019C

Annexation
Branchwater Lane
Oaks Subdivision
Pump Station
City Property

Mayor Osbon stated a resolution had been prepared for Council consideration to authorize the City Manager to sign a petition for annexation of City property on Branchwater Lane.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE CITY OF AIKEN TO PETITION TO HAVE REAL PROPERTY LOCATED AT BRANCHWATER LANE ANNEXED TO THE CITY OF AIKEN.

Councilman Girardeau moved, seconded by Councilman Dewar, that Council approve the resolution authorizing the City Manager to sign a petition for annexation of City property on Branchwater Lane.

Mr. Bedenbaugh stated staff was approached in the spring by The Oaks Homeowners Association about annexation of the properties on Branchwater Lane into the city. Property owners were interested in city water and sewer rates and the desire to dedicate Branchwater Lane, a private street, to the City of Aiken.

The Oaks Subdivision consists of 12 properties on Branchwater Lane, a cul-de-sac, on the north side of Gem Lakes. Two of the properties on Branchwater Lane were annexed pursuant to the water/sewer annexation policy in 2018, leaving 10 properties outside the city. Eight of the 10 properties are privately owned, one is owned in common by The Oaks Homeowners Association, and one property is owned by the City of Aiken (the location of a sewer lift station). One property owner is not interested in annexation. Planning staff, in consultation with the City Attorney, provided the Oaks with a 75-percent annexation petition. In order for the annexation petition to be complete and valid, the City-owned property must be included in the petition. Staff is requesting City Council to authorize the City Manager to sign the petition on behalf of the City for the city-owned property on Branchwater Lane. Under South Carolina law, upon receipt of an annexation petition signed by at least 75-percent of the freeholders of land owning at least 75-percent of the assessed value of property, the City may annex the entire area subject to the petition.

For City Council consideration is approval of a resolution authorizing the City Manager to sign an annexation petition requesting the City of Aiken property on Branchwater Lane be annexed to complete the 75-percent annexation petition for all properties on Branchwater Lane to be annexed to the city.

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

Mayor Osbon called for a vote on the motion by Councilman Girardeau, seconded by Councilman Dewar, that Council approve the resolution authorizing the City Manager to sign a petition for annexation of City property on Branchwater Lane. The motion was unanimously approved.

BANNERS

Aiken Downtown Development Association

Mardi Gras 2020

Hops & Hogs 2020

Savannah River Site Museum

Atoms in The Alley

St. John's Methodist Church

Applefest

Christmas Cantata

Pink Ribbonettes

Breast Cancer Awareness

Mayor Osbon stated Council needed to consider requests for permission for several banners.

Mr. Bedenbaugh stated we have received the following requests for banners in the downtown to promote various events.

1. Aiken Downtown Development Association.

(a) Mardi Gras 2020. Haley Knight, of the Aiken Downtown Development Association, has requested permission to hang banners on the arches at each end of The

Alley to promote the upcoming Mardi Gras event. The request is for the banners to be hung on Monday, February 10 - February 22, 2020. The banners would display the event date/time/location.

(b) Hops & Hogs 2020. Ms. Knight, of the ADDA, has also requested permission to hang banners throughout the downtown to promote the upcoming Hops & Hogs event. They would like to have banners at the following locations: Richland at Laurens (both directions), Laurens at Park (both directions) and Whiskey at South Boundary (northbound). The request is for the banners to be hung on May 4 - May 15, 2020. The banners would display the event date/time/location.

2. Atoms in The Alley. Ms. Lauren Miller, Director, Savannah River Site Museum, has requested permission to place two banners on The Alley arches to promote the Atoms in The Alley event to be held on Saturday, October 19, 2019. She would like for the banners to be hung October 4 - 19, 2019.

3. St. John's United Methodist Church.

(a) Applefest. Stephanie Lord, of St. John's UMC, has requested permission to hang a banner in the downtown to promote their Applefest event. The request is for the banner to be hung on October 28 - November 2. The banner would display the event date/time/location.

(b) Christmas Cantata. Ms. Lord has requested permission to hang a banner in the downtown to promote St. John's Christmas Cantata. The request is for the banner to be hung December 9 - 22, 2019. The banner would display the event date/time/location.

St. John's had also requested a banner for their Trunk-or-Treat event, but space was not available for another banner as we had already schedule three other events.

4. Pink Ribbonettes. Ms. Irene Hawley, of the Pink Ribbonettes, has requested permission to place pink bows on the lamp posts in the downtown during the month of October for Breast Cancer Awareness Month. They are requesting permission to place approximately 100 bows along Newberry and The Alley from October 1 - 31, 2019.

For City Council consideration is approval for permission to hang banners February 10 - 22, 2020, promoting the Mardi Gras; hang banners May 4 - 15, 2020, promoting the Hops & Hogs event; permission to hang banners on The Alley arches October 4 - 19, 2019, promoting Atoms in The Alley; hang a banner October 28 - November 2 promoting the Applefest; hang a banner December 9 - 22, 2019, promoting St. John's Christmas Cantata; and placement of bows on Newberry Street and The Alley promoting Breast Cancer Awareness month in October. The requestors understand that staff will determine where the banners will be placed since there are other requests for banners for other events.

Mayor Osbon asked for comments from the audience and Council.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the requests for banners and ribbons and bows to promote various events. The motion was unanimously approved.

RESOLUTION GRANT 09092019D

Municipal Association of South Carolina
Hometown Economic Development Grant
Parkway Improvements

Mayor Osbon stated a resolution had been prepared for Council consideration to provide a match for a Municipal Association of South Carolina Hometown Economic Development Grant.

Mayor Osbon read the title of the resolution.

A RESOLUTION COMMITTING THE CITY OF AIKEN TO PROVIDING A LOCAL MATCH FOR A MUNICIPAL ASSOCIATION OF SOUTH CAROLINA HOMETOWN ECONOMIC DEVELOPMENT GRANT.

Councilman Woltz moved, seconded by Councilwoman Diggs, that Council approve the resolution committing the City of Aiken to provide a match for a Municipal Association of South Carolina Hometown Economic Development Grant.

Mr. Bedenbaugh stated a request from Tim O'Briant, Assistant to City Manager for Business Development, is asking for Council's consideration of approval of a resolution committing to providing a local match for a Municipal Association of South Carolina Hometown Economic Development Grant. The Municipal Association of South Carolina offers Hometown Economic Development Grants of up to \$25,000 to South Carolina cities with commitment of a 15% match. As part of our application a resolution of support from City Council is required.

The grant is proposed to be used in support of planned improvements to the City of Aiken's 174 downtown parkways through the creation of a trail system that will include multi-use paths, lighting, and interactive public art and other installations. The improvements will greatly enhance the walkability of the City, and by improving an existing cultural asset, spur tourism and economic development in the community.

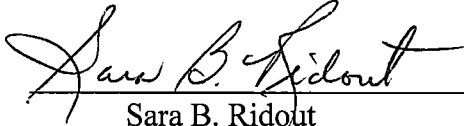
For Council consideration is approval of a resolution committing a local match of 15% (\$3,750) for a \$25,000 Hometown Economic Development Grant for assistance in support of planned improvements to the City of Aiken's 174 downtown parkways through the creation of a trail system. City funds for this grant would come from the Hospitality Tax Buildings and Grounds - Landscaping (014-4135-435.75-03).

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

Mayor Osbon called for a vote on the motion by Councilman Woltz, seconded by Councilwoman Diggs, that Council approve the resolution committing the City of Aiken to provide a match for a Municipal Association of South Carolina Hometown Economic Development Grant for parkway improvements. The motion was unanimously approved.

ADJOURNMENT

There being no further business, Councilman Dewar moved that the meeting adjourn. The motion was seconded by Councilwoman Gregory, and unanimously approved. The meeting adjourned at 10:02 P.M.


Sara B. Ridout
City Clerk