

Aiken City Council MinutesREGULAR MEETING

March 25, 2013

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

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, Glenn Parker, Charles Barranco, Tim Coakley, Ed Evans, Larry Morris, George Grinton, Kim Abney, Alicia Davis, Sara Ridout, Amy Banton of the Aiken Standard, and about 70 citizens.

CALL TO ORDER

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

GUIDELINES

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

MINUTES

The minutes of the regular meeting of March 11, 2013, were considered for approval. Councilwoman Price moved, seconded by Councilman Ebner, that Council approve the March 11, 2013, minutes as submitted. The motion was unanimously approved.

PRESENTATIONSElection Commission Report  
Special Election

Mayor Cavanaugh stated the Election Commission would make a report on the special election held on March 12, 2013, to fill the seat vacated by Don Wells.

Mr. Keith Wood, of the Election Commission, gave the following report to Council.

On March 12, 2013, the City of Aiken conducted a special election to fill one unexpired at-large seat on Council. Former Council member Don Wells was elected to the South Carolina House of Representatives in November, 2012, thereby creating a vacancy on Council.

Notification of the election was advertised through the newspaper as required by law. Two candidates qualified for the election, and their names were placed on the ballot. Philip R. Merry, Jr. qualified on the Republican ticket and Randy Rashad Gaines qualified on the Democratic ticket.

With 1,742 votes cast in the election the results are as follows:

Philip R. Merry, Jr. received 1,373 votes  
Randy Rashad Gaines received 348 votes

We hereby certify the election of Philip R. Merry, Jr. to the unexpired at-large seat on Aiken City Council. The term of office will expire in November, 2013.

Respectfully submitted,

MUNICIPAL ELECTION COMMISSION  
Richard Johnson, Jr., Chair  
Keith R. Wood  
H. A. McClearn

VOTE TABULATION BY PRECINCT

Precinct	Merry	Gaines
1	185	22
2	10	29
3	5	30
4	1	50
5	68	42
6	162	4
13	5	4
20	137	11
22	7	3
35	41	5
41	0	0
46	2	58
47	47	1
52	46	13
53	135	7
60	97	13
66	90	7
69	150	1
70	67	24
72	23	11
76	81	4
Absentee	14	9
<b>Total</b>	<b>1,373</b>	<b>348</b>

OATH OF OFFICE

Philip Merry

Sara Ridout, City Clerk, administered the oaths for the constitution and state law to Councilmember Philip Merry.

USC AIKEN MEN'S BASKETBALL TEAM

Proclamation

Southeastern Conference Regional Title

Elite Eight

Mayor Cavanaugh stated a proclamation had been prepared for Council to recognize the USC Aiken Men's Basketball Team champions for their recent accomplishment. He asked that the team members, the coach, Athletic Director Randy Warrick, and Chancellor Jordan come to the front of the room for a picture. Mayor Cavanaugh stated he wanted to make a few comments about what it takes to make a championship team.

First, you need an excellent coach and leader. Secondly, a love for the game and strong desire. He pointed out this team was the first in the history of the school to go this far. Thirdly, you have to be dedicated to your work and work hard and long. You have to have a can do attitude and never give up and have to have a great support from your University and your community. He said Aiken is so proud of the team and their accomplishment. He pointed out the team is going on now to participate in the Elite Eight for the first time in the history of the school. He congratulated the team for their accomplishment and wished them well for the next step.

Mr. Pearce, City Manager, presented to each team member a stress toy, a horse—pacer. He hoped it would be a good luck charm and stress reliever for the team.

Coach Vince Alexander stated on behalf of the team he would like to thank Mayor Cavanaugh, City Council, Chancellor Jordan and Athletic Director Warrick for their support. He also thanked the families, pointing out that the families sacrifice a lot to allow the team members to do what they do. He said the City of Aiken had been wonderful. He said he had received many phone calls, texts, and emails from the community regarding the team. He said he was overwhelmed and blessed to have the opportunity and appreciated all that had been done.

Mayor Cavanaugh read the proclamation signed by the Councilmembers recognizing the team and declaring March 25 – April 1, 2013, as USC Aiken Men's Basketball Team Week.

Chancellor Jordan stated this is a moment for the basketball team, for the coach and Athletic Director, but it is shared deeply by the University. She said she was proud of the basketball team's behavior on and off the court, the level of their scholarships, and their commitment to giving back to the community. She said she was proud of them in so many ways above and beyond their athletic prowess. She thanked them for representing USCA and Aiken so well.

#### BOARDS AND COMMISSIONS

##### Appointments

Stephen Mueller

Tina McCarthy

Regena Brackett

Accommodations Tax Committee

Sharon Brown

Arts Commission

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

Mr. Pearce stated Council has 14 pending appointments to fill vacancies on different City boards, commissions, and committees. Four appointments are presented for Council's consideration.

Councilmember Dewar has recommended that Stephen Mueller be reappointed to the Accommodations Tax Committee. If reappointed, his term would expire March 25, 2015.

Councilmember Ebner has recommended that Tina McCarthy be reappointed to the Accommodations Tax Committee. If reappointed, her term would expire March 25, 2015.

Councilmember Homoki has recommended that Regena Brackett be reappointed to the Accommodations Tax Committee. If reappointed, her term would expire March 25, 2015. He has also recommended that Sharon Brown be reappointed to the Arts Commission with her new term to expire April 11, 2015.

For City Council consideration is approval of four appointments to the Accommodations Tax Committee and the Arts Commission.

Councilman Ebner moved, seconded by Councilman Dewar, that Stephen Mueller, Tina McCarthy and Regena Brackett be reappointed to the Accommodations Tax Committee with their terms to expire March 25, 2015, and that Sharon Brown be reappointed to the Arts Commission with the term to expire April 11, 2015. The motion was unanimously approved.

ACCOMMODATIONS TAX COMMITTEE RECOMMENDATIONS

2013-14

Mayor Cavanaugh stated Council needed to consider the recommendations of the Accommodations Tax Committee for allocation of the tax funds.

Mr. Pearce stated each year, the Accommodations Tax Committee reviews numerous requests for funding from area events that promote tourism by visitors more than 50 miles from Aiken. They have met again this year, and their recommendations for funding are listed for Council's review.

<u>PROJECT</u>	<u>REQUESTED</u>	<u>RECOMMENDED</u>
Aiken Music Festival	\$ 13,201	\$ 6,000
Aiken Fall Steeplechase	30,250	14,000
Annual Members Meeting	10,845	9,000
Citizens Park Bid Fees	14,000	10,000
Aiken Trials	47,050	23,671
Battle of Aiken	30,100	25,000
Juneteenth/Center for African American History Art & Culture	16,925	6,000
Aiken Spring Classic	14,230	10,000
Marketing for Concert Series	10,465	5,000
Downtown Aiken Beach Blast	4,590	2,500
Promotion of Downtown Aiken	15,320	7,000
Aiken's Makin'	12,000	8,000
Aiken Bluegrass Festival & Mini-Fest	25,000	12,000
Aiken Polo Club Promotions & Magazine	31,080	10,000
Antiques in the Heart of Aiken	28,000	20,000
Exhibition and Arts Center Marketing	28,000	8,000
Hitchcock Woods Foundation	12,464	10,000
Total	\$343,520	\$186,171

Mr. Pearce stated approximately \$186,171 in appropriations was being recommended to the specific entities listed in Chair Peggy Penland's memo. Requests for funding totaled \$343,520, so the Committee put a great deal of effort toward honoring requests in a fair manner.

For Council consideration is approval of Fiscal Year 2013-14 recommended appropriations from the Accommodations Tax Committee in the amounts listed.

Mr. Pearce stated a letter addressed to City Council had been received from Bill Reynolds, Interim Director of the Aiken Center for the Arts. In his letter Mr. Reynolds raised some concerns and made some recommendations regarding the allocation of the tax funds.

Ms. Peggy Penland, Chair of the Accommodations Tax Committee, stated the meeting was difficult. The Committee had about half of the funds needed to fund the requests. She pointed out the purpose of funding comes up at every meeting, which is "heads on beds." She pointed out there are many requests, and some do not necessarily bring overnight business, or if they do the surveys are not available to prove that. She said the committee does the best it can with the funding available. She said the Committee members are cognizant of the laws and wish they could give each applicant what they request, but that is not possible with the funding available.

Mayor Cavanaugh said he felt Mr. Reynolds had raised some interesting points in his letter about reviewing the process and allocating Accommodations Tax funds. In his letter Mr. Reynolds suggested the following things be considered by the Accommodations Tax Committee: 1. Consider improving the written guidelines and requirements for applying for funds. 2. The order that applications will be considered. 3. The role survey data and "heads on beds" play in granting and reimbursement process. 4. Provide a spreadsheet showing requested and fair share amounts. 5. Support the State requirements and the ATax Committee's repeated requests that applications and reimbursements be supported by event surveys.

Mayor Cavanaugh asked if the state requires some type of survey for events.

Ms. Penland stated she was under the impression that surveys are required. She said members of the committee are more and more concerned about the surveys. She said she is a hotel owner, and they have been told that their front desk staff needs to be contacted to see how many people were at each event. She pointed out the front desk does not necessarily know why the people in the hotel are there. She said they can't ask that many questions.

Mayor Cavanaugh asked about the comment of "heads on beds." He asked if that was mandatory from the state level or if it was that important.

Mr. Parker, Recreation Director, stated "heads on beds" is definitely important, as that is where the tax funds come from. He said the state defines a tourist as anyone who visits Aiken outside of a 50 mile radius. They do not necessarily have to stay overnight. He said the committee does a good job of realizing that the accommodations tax is generated by overnight stays when they look at the requests. He said that had changed a few years ago. He said the requirement used to be "heads on beds."

Ms. Penland stated advertising for an event has to be outside a 50 mile radius from Aiken. She said whether the tourist spends the night is the tourist's choice.

Mr. Pearce stated he had understood that typically the city would not disperse any funds until the surveys are turned in. Mr. Parker responded that is correct. A group may be awarded a certain amount of money. When they request reimbursement, the city asks for their surveys. He said the committee has been more stringent in recent years about asking for the surveys. At one point the city had more money than requested. However, now the committee gets about twice the amount of requests as funds available to allocate, so it is very important to see the results of the surveys.

Mr. Pearce asked then if someone may have received an award, but fails to comply or does not apply for the funds would those funds then become available for distribution to someone else. Mr. Parker responded that the funds would.

Ms. Penland stated what happens is that later in the year, when the committee knows more about the funds available, the committee in previous years has gone back and funded 100% of the requests. She pointed out, however, the committee can't allocate all the money before it comes in.

Councilman Ebner stated he had noticed that the funds awarded last year were \$278,000, but this year the awards are \$186,000. He pointed out that is about \$95,000 less funds than last year.

Mr. Pearce responded that when the requests came to Council last year for approval, at that time staff thought there was just \$181,725 available. This year the funds are projected to be \$186,171. He said the funds are based on estimates, and we don't know until the end of the year what will actually be received. He pointed out it used to be that the funds would be collected and then distributed. Now the revenue is estimated based on a five year projection.

Councilman Ebner asked if more funds are received, how are they prorated among the events. Ms. Penland stated that is a challenge. There is no formula. She pointed out that at the Accommodations Tax Committee meeting, Mr. Reynolds had told them that there were deadlines for advertising in certain magazines, and a commitment has to be made well in advance. She said based on what Mr. Reynolds told them for the Antiques in the Heart of Aiken, the committee funded it more fully because of the time constraints. She said the committee hopes they will be able to come back and adjust the funding for the events if more revenue is received.

Councilwoman Price asked if there are reserve funds. Mr. Parker responded that they normally keep a contingency of \$5,000 to hold in case some event comes up that needs funding. Mr. Parker pointed out that in some cases the committee may appropriate 100% of the request, but a group may only spend 90% of the funding. The amount not spent goes back into the funds to be redistributed.

Councilwoman Price stated she thought Council had talked about only funding events for a certain number of years, rather than continuing to fund an event year after year. Mr. Parker responded that had been discussed, but had never been enacted. He said some events have been funded for many years. He said there were three new events in this year's requests.

Councilwoman Diggs asked if the figures shown in the memo were the funds the event would receive. Mr. Parker responded that the amounts shown were recommended by the Accommodations Tax Committee. He said one reason Council sees the recommendations in March is that staff has to anticipate the amount of funds to be received. He pointed out the funds recommended cannot be spent until July 1, 2013. He said the event sponsors need to know the amount of funds allocated so they can place their ads in magazines in the summer or early fall editions based on the estimates of funds to be received. Councilwoman Diggs asked if funds received could be less than the estimated amount. Mr. Parker responded in the past the funds received have not been less than the estimated revenue.

Councilman Merry asked if the accommodations tax funds were calculated at 3% of gross receipts of all overnight stays at hotels. Mr. Parker responded these are state accommodations tax funds, which are 2% of gross receipts. The city accommodations tax is 3%. Councilman Merry stated the receipts seem lower than he would expect.

Mayor Cavanaugh asked whether it is important that the applicant for an event provides funds from the organization. Ms. Penland stated that is important, and the committee looks at that. She pointed out that the committee did not recommend funding for events before reviewing the whole list. She said the committee reviewed all the requests and then went back and recommended funding for the events. She pointed out the Accommodations Tax Committee met for 3 1/2 hours reviewing the requests and making recommendations.

Mayor Cavanaugh stated he had talked to Bill Reynolds about the Center for the Arts not showing any funds provided for their events, and that may have hurt funding for their request. Ms. Penland stated she did not feel that hurt their funding. She said they were a very good organization and that they do the best they can. She said the funding is not about organizations.

Mayor Cavanaugh asked if there was some way to apply a certain percentage for various criteria, such as a percentage for the number of heads on beds—a weighted scoring system.

Ms. Penland pointed out that an event may bring about a lot of tourism and a lot of people eating out, but they may not be staying overnight. She pointed out a street festival in downtown Aiken is a wonderful event, but it does not necessarily bring “heads on beds.” She pointed out that “heads on beds” is not 100% of what the committee does, but it is important as that is where the funds are generated.

Mayor Cavanaugh stated possibly the committee might look at seeing if it is feasible to weight certain criteria and that might make it easier on the committee to make a recommendation on funds.

Mr. Steve Mueller, of Rose Hill and a member of the Accommodations Tax Committee, stated he had looked at what other communities had done in allocating funds. Some had used an evaluation form so everyone had the same criteria, and it was weighted. He felt such a system would make the committee’s process more equitable, plus the people requesting funds would know specifically what the committee was looking at. He said the committee had briefly talked about such a system earlier, as there are a lot of variables when people are requesting money. He said the committee is very enthusiastic about any non-profit bringing people into town. He said that it is hard to estimate and to document how many attend an event, and attendance will fluctuate, as well as the amount of funds requested.

Mayor Cavanaugh stated he liked the idea of weighting certain things and felt the less variables would make it easier for the committee to have specific things to look for. He asked if the committee could pursue the idea of weighting certain criteria.

Ms. Penland pointed out that different organizations have different ways to request funds. She pointed out the Chamber of Commerce had lowered their request for Aiken’s Makin’. She said as Aiken’s Makin’ had done better, they have requested less.

Councilwoman Price pointed out that years ago Council had talked about not funding projects after a certain period of time. Ms. Penland stated the committee had spent a lot of time and energy in trying to fund new agencies, such as the African-American Museum, in their infancy, but they do have criteria.

Councilman Dewar asked if the surveys were primarily the organizations calling the hotels to verify how many people had stayed there. Ms. Penland stated that is what some of the committee members want. Councilman Dewar asked if the forms could be filled out by people going to the event. Ms. Penland stated the organizations do surveys, with some doing better jobs than others.

Councilman Dewar stated he felt the Accommodations Tax funding is a tough issue. He said Council needs to respect the time the committee has spent on reviewing the requests. He said he was not interested in overriding the recommendations of the committee. He said he was impressed with some of the information. There is a column for the total estimated attendance and a total estimated local. He said it seemed that if the total estimated local is high, it would seem that the event does not bring in a lot of people from the outside and that should be a major factor in the award. He said the higher the numbers for total estimated tourists and the total estimated rooms rented the better. He said probably some of that data is difficult to get. He said he felt the Accommodations Tax committee was doing a good job with a difficult task. He said it seemed there should be heavy emphasis on “heads on beds.” He pointed out that is where the Accommodations Tax funds come from. He pointed out that there are some organizations that their attendance is local and they get more money than organizations that have a higher tourist attendance. He said he was not interested in changing any recommendations from the committee, but as a body Council should provide the committee with guidance on what Council feels is most important criteria in considering awarding funds.

Mayor Cavanaugh asked that the Accommodations Tax Committee look at the things Council had talked about and the suggestions made to see if possibly the committee could come up with assigning a percentage for certain criteria in their consideration.

Councilman Merry suggested that possibly a standard could be modeled after how another municipality is doing it.

Mr. Skipper Perry, representing the Aiken Center for the Arts, stated he had a few questions. He said when they were given the deadline to turn in the requests, it did not indicate in the handbook that the quicker you get your application in that week the more consideration the application will be given. He stated Mr. Reynolds' letter pointed out that the first six applications received over 60% of what they requested, and the last six applications got less than 50% of what they requested. He wondered why that happened. He said there needs to be some guidelines so the applicants know what to ask for. He pointed out the Aiken Center for the Arts did over 500 surveys, and there were 122 heads on beds for their events. He also stated, regarding continuing funding of events, that some should continue to receive funding and others should be cut off. He said there is a reason why some should be continued and not others. Mr. Perry stated the Aiken Center for the Arts asked for two requests. One was for the Antiques in the Heart of Aiken and one for the general promotion of the Aiken Center for the Arts around the state.

Mayor Cavanaugh pointed out that Ms. Penland had indicated earlier that the Accommodations Tax Committee does not consider the requests by first in and last in. It was pointed out that the Committee waits until all the requests are received and they review all the requests and then go back and allocate funds.

Ms. Penland stated the difficulty for the Arts Center may be the fact that there were two requests amounting to \$56,000. She said Mr. Reynolds did a great job at the meeting and understood the difficulty the Accommodations Tax had in allocating funds. She said when he told the Accommodations Tax Committee about his deadlines for advertising, the Committee altered the way they awarded the funds because of knowledge about his deadlines for the Antiques in the Heart of Aiken. She said they really hope to fund the Exhibition and Arts Center Marketing more fully if more funds come in.

Mayor Cavanaugh stated Mr. Reynolds was not complaining, but he feels that perhaps the funding could be made fairer. He may be under the impression that the first in gets more attention than later requests.

Mr. Parker pointed out that there were no late requests. All applications were received by the deadline. The decision was made just to list them in the order that they were received. He pointed out in reviewing the requests the Committee made allocations and then went back and moved money around several times before making their final recommendation.

Mayor Cavanaugh asked that the Committee not take any comments as critical. He said the Accommodations Tax Committee does a fine job. Their job is a tough job.

Ms. Penland pointed out that as far as the Center for the Arts, there are two requests. One is Antiques in the Heart of Aiken which is a weekend event. The Center has surveys for the event. She pointed out, however, that general marketing dollars for the Center does not receive the priority that an overnight event will get.

Mayor Cavanaugh asked if additional money does come in, how does the committee allocate those funds.

Mr. Parker responded that the Committee meets again. They look at the funds available and discuss how to distribute the extra funds.

Ms. Diane Phillips, of the Chamber of Commerce, stated the Chamber applied for Accommodations Tax money for Aiken's Makin' as they do every year. She said she was present at the Committee's meeting. She stated the funding is available for spending in July. Their event is in September. Last year when additional money was available, the Committee met the day of Aiken's Makin' to determine how to allocate the additional funds. She pointed out their event was done at that point. She said if they consider revamping their process, it would be great if they could put the projects in a timeline order as far as which events happen first. She pointed out for their event, they had no opportunity to use the additional money as their event was over. She said last year they were fully funded, but were not able to use the entire amount so some money went back into the fund.

Councilman Dewar stated he would like to see Council take as an action item the comments made by Stephen Mueller and Councilman Merry and take a look at what other communities do to see if we can come up with a more objective way of allocating the funds.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve the appropriations of the Accommodations Tax funds in the amount of \$186,171 as recommended by the Accommodations Tax Committee. The motion was unanimously approved.

#### ZONING ORDINANCE AMENDMENT – ORDINANCE

##### Length of Residential Structure

##### Measurement

##### Amendment

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration on first reading to amend the Zoning Ordinance regarding the measurement of the length of a residential structure.

Mr. Pearce read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING THE MEASUREMENT OF THE LENGTH OF A RESIDENTIAL STRUCTURE IN THE PLANNED RESIDENTIAL, PLANNED INSTITUTIONAL, AND PLANNED COMMERCIAL ZONES AND ASSOCIATED DEFINITIONS.

Mr. Pearce stated the Planning Commission has held several public meetings and reviewed the request for them to make any recommendations regarding the Zoning Ordinance definition of a Residential Structure.

After their review they unanimously recommended amendment of this definition as described in Chair Liz Stewart's memo as follows:

Draft Amendments to the Zoning Ordinance Regarding Measurement of the Length of a Residential Structure in the Planned Residential, Planned Commercial, and Planned Institutional Zones

Amendment to 4.2.6.G.c(3) in the Planned Residential provisions, 4.3.8.D(2) in the Planned Commercial provisions, and 4.3.9.D(2) in the Planned Institutional provisions:

~~There shall be no continuous residential such as townhouses, rowhouses, attached dwellings, or multifamily dwellings exceeding 300 feet in length.~~ City Council may limit the length of any building.

Amendment to the Definitions in Chapter 10 by adding the following:

Building Length: For a rectangular building, the horizontal dimension that is greater (Figure 1). For a building that is composed of two or more interconnected rectangles, the horizontal dimension of that composite building that is greater (Figure 2). For a

building with an irregular shape, the greater horizontal dimension measured to the farthest extent of the exterior walls (Figure 3).

Mr. Pearce stated the recommendation is to delete the sentence regarding dwellings exceeding 300 feet in length and adding a sentence that City Council may limit the length of any building. Then in Chapter 10 the Planning Commission has recommended new language for building length with examples of figures for buildings.

For City Council consideration on first reading is an Ordinance to modify the definition of Residential Structure in the Planned Residential (PR) Planned Commercial (PC), and Planned Institutional (PI) zones.

Councilman Homoki moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to modify the definition of Residential Structure in the Planned Residential (PR), Planned Commercial (PC), and Planned Institutional (PI) zones.

Councilman Ebner stated a concern is that we define how to measure a building, but we have nothing to compare it by. He said we take out the length of the building and then we say how to measure it. He said it does say that City Council may limit the length of any building. He said he was concerned about not having some guideline. He said he thought the guideline of 300 feet was added in 1999. The original ordinance was in the 1980s when it had eight consecutive dwellings in a row. He said he would like an explanation and wondered if we might be causing a problem not having something to guide them.

Mr. Ed Evans, Planning Director, stated the thinking in removing the 300 foot limit stems from the Director of Public Safety and the Building Inspector who had no concern about removing the limit. Neither thought it was necessary to have the limit in the ordinance, and they did not have a problem with removing the 300 feet.

Councilman Ebner stated in Aiken it is not likely that we will have a 1,000 foot of rowhouses like some cities, but if so the fire codes get very important. The further you go the more fire proofing you have to have between buildings. He pointed out the Village at Woodside brings to mind because they probably have 300 feet, then there is an alley and another 300 feet. He said the main reason for that is for fire code issues. He said he was a little concerned about how Planning and then Council after Planning makes a ruling deciding what is right or wrong.

Mr. Evans stated it would be in the approval of the concept plan. He said they would ask Public Safety and the Building Inspector for comments during review of the concept plans.

Mr. Pearce pointed out the concept plan would come to Council for approval. Under the proposed language Council has more discretion, depending on the entire project.

Councilman Ebner said if we suppose there is enough vacant land downtown that there could be a mall or a building that could be 400 feet long on a whole block. It was pointed out this would have to be reviewed by Council and Council would have to make a decision.

Councilman Dewar asked if it would have to be a concept plan or could they just come in if they have the land and present a plan for a 400 foot building. Mr. Pearce stated it refers particularly to the Planned Residential, Planned Commercial and Planned Institutional zones and usually there is a concept plan for any development in these zones.

Councilman Ebner asked if the density, such as 12 dwellings per acre in the PR, would override anyone coming in and making a long string of buildings, such as a one-story motel, with a building 400 feet long but still meet the 12 units per acre. He asked if the density would be a ruling factor, and Mr. Evans responded it would.

Councilman Dewar stated the letter in the agenda packet implies that at the March 12, 2013, regular meeting of the Planning Commission that this item was discussed. He said the item was discussed at the worksession, as opposed to the regular meeting. He said he attended the regular meeting, which lasted a short time. He said he wanted to ask why the Planning Commission would cover a regular item in a worksession rather than a regular meeting. He said if someone were going to the meeting they would have missed everything.

Mr. Evans responded that this particular item was not really discussed in the worksession on March 12, 2013. It was dealt with at the February 12 worksession, and the decision was made to put the item on the March agenda. He said in the worksession on March 12, 2013, the vast majority of the discussion was on dwelling unit, density, and definition of kitchen. There was not an in depth discussion about the length of a building at the March 12 worksession.

Councilman Dewar asked for clarification. He said at one time the Lenity Group came in and wanted to build. The objection was made by using a different way of measuring a building length and we got into the definition of a kitchen, etc. He said that was appealed, and it went to the Board of Zoning Appeals. He asked if the ruling from the appeal of the Board of Zoning Appeals decision upheld what the Board of Zoning Appeals did. He said it appears this would be overruling that. He asked if it was okay for Council to do that.

Mr. Gary Smith, City Attorney, said the history of the matter is that the project came to Mr. Evans for an interpretation under the Zoning Ordinance. Mr. Evans made an interpretation. He interpreted what the allowable length of the building was, and he interpreted the Zoning Ordinance as to what the dwelling unit definition was. Those two interpretations that Mr. Evans made were appealed by the neighboring property owners to the Board of Zoning Appeals, which the Zoning Ordinance allows. The Zoning Ordinance is now being clarified by the Planning Commission so it takes out Mr. Evans interpretative guess work to make a ruling as to whether or not something is allowed. He said that is the purpose of this particular amendment to the Zoning Ordinance. It is to clarify how the length of a building is supposed to be measured.

Councilman Dewar stated then the Board of Zoning Appeals can do it one way, and Council still has the wherewithal to come back to the Planning Commission and Council to do it another way.

Mr. Smith stated in reading the Order of the Board of Zoning Appeals, they disagreed with the way Mr. Evans interpreted the Zoning Ordinance. This issue could come up again if another project comes before them with this new definition. He said the public has the right to file an appeal with BZA just like in the past. However, it is okay for City Council to decide that there is an ambiguity in the Zoning Ordinance. He said he thought that was proven by the fact that Mr. Evans made an interpretation and the majority of the BZA members decided he was wrong, and they overruled him. He said obviously there is an ambiguity in the Zoning Ordinance. The purpose of this amendment is clarify that.

Councilman Homoki stated taking out the wording of 300 feet length in the Zoning Ordinance seems to him to be leaving a vacuum for the people planning concept plans. He said they have no idea what Council may require whether it may be 300 feet, 310 feet, or whatever. He asked what does Council use as criteria if the decision is totally up to Council.

Councilman Merry stated that is an inherent flaw in using PUDs for everything. That is the risk that is created by having Planned Residential, Planned Institutional, and Planned Commercial. In other words there are no rules for a developer to follow. He can come in and assume that he can do certain things because there are no rules. Everything has to come before Council and is subject to the whim of Council. He felt the proposed change does not do anything. It just says that at one time the length could not be more than 300 feet, but the new wording will say that Council can approve or deny any length—3 feet or 3,000 feet. He said that part of the change almost does not change anything from the

perspective of a developer or builder. He said the fact is that there is nothing the developer can depend on. There is the ability to do things on a piece of property because there are no rules when everything is planned zones. It is subject to the whim of Council.

Councilman Homoki said that may be true, but to design a concept plan, talk to an architect, talk to developers, etc. is not free. He said some companies stand to make an investment initially, and then all of a sudden out of the blue Council might decide they don't want that, and all that money is spent for nothing. He said he felt this change leaves it open to the whims of Council.

Mayor Cavanaugh called for a vote on the motion made by Councilman Homoki and seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to modify the definition of Residential Structure in the Planned Residential (PR), Planned Commercial (PC), and Planned Institutional (PI) zones. The motion was approved unanimously.

#### RESOLUTION 03252013

Ordinance

David and Nancy Hathaway

Westcliff Drive

Dibble Road

Exchange of Property

Mayor Cavanaugh stated a resolution and an ordinance had been prepared for Council's consideration to approve an exchange of property at Dibble Road near Westcliff Drive.

Mr. Pearce read the title of the resolution and ordinance.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED ON DIBBLE ROAD AT WESTCLIFF DRIVE FROM DAVID AND NANCY HATHAWAY.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CONVEY REAL PROPERTY TO DAVID AND NANCY HATHAWAY.

Mr. Pearce stated Larry Morris, Engineering and Utilities Department Director, has been working with property owners David and Nancy Hathaway. They have purchased, and made improvements to, equestrian property located at the corner of Westcliff Drive and Dibble Road. Their property abuts the Peggy's Pond tract the city purchased a couple of years ago. It also abuts our former city sewage treatment facility.

The Hathaways inadvertently built a horse barn on an existing easement the city has over their tract. This makes it very difficult for the city to use the easement to go through the property. The Hathaways did construct a road behind the barn. The city can use that road. The Hathaways installed this roadway at their own expense. After several conversations with them about this situation, Mr. Morris has worked out a potential solution for Council approval. The tentative agreement is that the City of Aiken would convey 0.37 acres to the Hathaways which includes the barn. In turn, they will convey 1.11 acres to the City. Mr. Morris has worked with the Hathaways and developed the proposed compromise which staff feels would be very useful. Both parties would continue to use the right of way shown as "Shared Roadway" that straddles the proposed new property line. The Hathaways installed this roadway at their own expense. The Hathaways would use this road for horse trailers and the City would use it to access our property.

For Council approval is a Resolution to accept 1.11 acres from property owners David and Nancy Hathaway and first reading of an Ordinance to convey 0.37 acres to them in return.

Councilman Ebner asked if a lease agreement was needed for the property. Mr. Gary Smith, City Attorney, responded that there would be an easement and that would be included in the deed when the deed is finalized. It will be a permanent easement and the deed from the Hathaways and a map will be recorded showing the easement. This will protect both parties.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the resolution to accept 1.11 acres from property owners David and Nancy Hathaway on Dibble Road and approve on first reading an ordinance to convey 0.37 acres to the Hathaways in return. The motion was unanimously approved.

### GREEN INFRASTRUCTURE

#### Testing

#### Clemson University

#### Contract

Mayor Cavanaugh stated Council needed to consider approval of a contract for Green Infrastructure future phases testing by Clemson University.

Mr. Pearce stated that the city had an agreement with Clemson University with the Green Infrastructure Pilot Project which was done in the downtown area on Park Avenue, Newberry, Chesterfield, York, and Fairfield Streets. He said we have completed the first phase of the Green Infrastructure Project. The item in the Capital Projects Sales Tax is Hitchcock Woods work to treat erosion. The stormwater Green Infrastructure Project was to treat the stormwater at the source so we would send less stormwater through the drain system that the city has, so the scouring of Hitchcock Woods could be lessened. This proposal from Clemson is to study our existing storm drain system to help determine its impact on Hitchcock Woods. He said previous presentations had been made by Dr. Eidson, Director, Clemson University Institute of Applied Ecology. Dr. Eidson's thought, as he shared on prior occasions, was that treating the stormwater at its source would greatly reduce the amount of money that would need to be spent on remediation in Hitchcock Woods. Mr. Pearce said money would still be spent on Hitchcock Woods, as the citizens had voted on that in the second round of the Capital Projects Sales Tax. This fall we will start receiving money from the third round of the Capital Projects Sales Tax. This would be an opportunity for Clemson University to make the study.

Mr. Pearce stated Dr. Gene Eidson, Director, Clemson University Institute of Applied Ecology, has submitted a proposal to conduct testing of our tributaries into the Horse Creek Watershed, which includes the Sand River in our Historic Hitchcock Woods.

At Horizons, Council continued the goal to implement the future phases of the Hitchcock Woods Stormwater Runoff Abatement Project. As part of this project, this proposal will identify the points of entry into Hitchcock Woods that are experiencing the highest levels of stormwater runoff from our downtown.

The total proposal is for \$367,437. The document was provided to Council for review.

We have reviewed this proposal and discussed its contents with Dr. Eidson. We believe this testing will provide helpful information and data that will be critical for the next phases of our Green Infrastructure installations, as well as help us best treat stormwater at its sources, so that further scouring of the Woods can be best avoided. This data could be taken to the interested parties in the project, and then we could determine the next phases that would be appropriate, based on the data collected.

We have second round One-Cent Capital Projects Sales Tax funds (CPST II - 016) to pay the cost of this testing and study.

For Council approval is a proposal from the Clemson University Institute of Applied Ecology for Hydrological Evaluation of the Sand River Headwaters Stormwater Infrastructure.

Mr. Larry Morris, Engineering and Utilities Director, pointed out a map in the agenda packet which shows areas that need to be looked at as far as storm drainage. He said this map had been reviewed by Dr. Eidson. He pointed out the flows from these areas all go into Sand River. He said Clemson did a good job on Park Avenue with the green infrastructure installed. It is working and working very well. He pointed out the system handled very well all the rain which we had in February without a problem. He said what we hope to achieve for the areas shown on the map in the agenda packet is to quantify additional flow where we could put additional green infrastructure in the areas and further reduce the flow into Sand River. Dr. Eidson feels very strongly that, if we can stop the flow from getting to Sand River as we are doing on Park Avenue, that we will get more for our money. They would look at the flow in some very revolutionary ways which would include in-screen flow monitors in a storm man hole. Then when a storm event happens they will be washed through the system, and they will be able to radio track them, so they will know not only the quantity of flow, but will also know where they are going, and how the key manholes shown on the map actually work. It will be a good project and one that will give us a lot of information and guide us where to go next and actually get a good result for our funding. He stated we are very pleased with the project which was done downtown on Park Avenue and with the parking lot that was designed and installed by city employees behind the Administration and Finance Building on Laurens Street. He pointed out that the rain that fell on that parking lot formerly ran off, but now none of it runs off. He said the project is to use the data to determine areas where we can cut down on the water flow into Sand River.

Councilman Dewar stated his impression was that what has been done so far has taken care of about 5% of the inflow into the main area of the Woods. Mr. Morris responded that he did not know that he could put a percentage on the amount of water that does not now go into the Woods. He said in talking with Dr. Sawyer about this, the actual measured flow difference that they see is 2% overall. However, they did not feel that they could claim that 2% overall, although the flow showed that because that is within "margin of error" on any scientific data that is presented.

Councilman Ebner stated Mr. Morris is right. It is in the "margin of error." The number that is in the 112 page report is .4% of the estimated total water shed. He pointed out you have to be careful with the numbers, because when you start dealing with the government if you over project figures, you will have problems later.

Councilman Dewar stated he raised the numbers only to get to the point he wants to make. He questioned on a bigger picture what are we actually doing. He asked if we would be measuring the other 98% that goes into the Woods and track it all the way through the Woods. He said if that is what we are going to do, what benefit does that give us.

Mr. Morris responded that we would not actually be tracking the flow through the Woods. We would track the flow where our discharge goes into the Woods. He said we can't control the water that is falling in Hitchcock Woods and makes it way to Sand River. That would be beyond the scope of what we could do. However, we can quantify the water that is going to the Woods and, by knowing how much, then we will know what type of green infrastructure we can use, whether it be more porous pavement, or additional rain gardens in some more parkways in these areas so we get a better handle on quantity.

Councilman Dewar stated then the focus is still on external stormwater going into the Woods. Mr. Morris responded that is correct, including the city's stormwater downtown and in the developed area that goes into the Woods. Councilman Dewar asked if it rains heavy in the Woods, does any of the water get into the city's stormwater system. Mr. Morris responded that if it is raining in Hitchcock Woods, no, the water goes directly into the system that is already in Hitchcock Woods, including Calico Branch to Sand River. Councilman Dewar asked if the water that goes into the Woods from downtown eventually winds itself through the Woods and comes out on the other side. Mr. Morris responded that it does. The water that is discharged from the downtown core, which is what the proposed study would address, actually discharges to the headwaters of Sand

River. That water ends up going into the area adjacent to the property on Dibble Road at Westcliff Drive and goes under the bridge on Dibble Road. Councilman Dewar asked if the Hitchcock Woods Foundation was aware of the proposed study. Mr. Morris responded that the Foundation is aware, and several members of the board are present at this meeting.

Mr. Morris stated the proposed study is to control the stormwater at the source. He said if the water can be controlled at the source, as we have done on Park Avenue, then we can really reduce the problems that we see in Sand River.

Councilman Dewar asked Mr. Morris, from a technical perspective, if he could in visualize actions that would control the over 99%. Mr. Morris stated he did not know what percent we would get because he does not know how much water is out there. He said we have an estimated amount of water based on theoretical calculations. The study will actually give us physical measurement of storm events and the water that is going into the Woods. That will tell us how much we can capture.

Councilman Dewar stated the assumption is that whatever water is going in is what has caused the ecological problem with Sand River. Mr. Morris stated the water coming from the downtown area is what we have seen over the years to be causing the problem at Sand River canyon.

Mr. Pearce stated the point about the proposal is that it is data collection. He said we could just go out and build a lot of green infrastructure with the money that we have. There are 167 parkways in the city, and all of those collect water. The point is that we want to put the infrastructure placement where it has the best opportunity to abate the runoff into the Woods, so we spend the money wisely for the future phases. He said we have some money on hand, but we have more money coming in from the third round of the One Cent Capital Projects Sales Tax revenue. The thought was that with the good working relationship that we have with Clemson in this pilot project, as far as determining the best location for the next phases, the data collection would help.

Mr. Morris stated the proposed study would give the city hard information for design of a porous pavement area or for a rain garden in a parkway. We would know how much water we are trying to collect and be able to design the infrastructure accordingly.

Mr. Pearce stated in conversations with the professors at Clemson the pilot project on Park Avenue was a good opportunity to try a lot of different technology, but there would not need to be that much of an installation in some of the parkways in other areas. For instance, on Colleton Avenue and other areas, there would not need to be a lot of curb and gutter and pervious pavement, as there are not parking spaces there like in commercial areas. There is a way to utilize the existing parkway without a big visual impact. The data collection would help as far as what installation to install in a particular location in the city to help abate the runoff.

Councilman Homoki asked if he could foresee any physical changes, improvements, modifications, or installations that actually go into Hitchcock Woods as a consequence of the results of the study.

Mr. Morris stated what we are hoping for is that we can reduce enough water going into the Woods so we can actually reduce what we do need to do in the Woods. He pointed out a previous solution was to pipe the water from the South Boundary area all the way through and get down into the pond area below the show grounds at a cost of several million dollars. By reducing the flow to the Woods we could reduce the size of the pipe or maybe use a different solution that would be more acceptable to the Foundation and cause less problems to the Woods.

Councilman Homoki pointed out Mr. Morris had stated we could possibly reduce the size of the pipe in the Woods, and he wondered if that meant regardless of what we do there will be a pipe that runs the water from South Boundary past the show area. Mr. Morris stated he did not know that he could make the statement that we could ever get rid of the

pipe totally, but he felt that anything we can do to reduce the water before it gets into the city's system of pipes that discharge at South Boundary would lessen the size of anything that has to be done in the Woods.

Councilman Homoki stated if a pipe is installed, regardless of size, would Sand River still be a river at times or would it be a sandy stretch. Mr. Morris stated it would still have to have water in it to maintain the ecological character of the Woods. The water that falls in the Woods would still make its way to Sand River.

Councilman Homoki stated then the pipe would be for the city generated water. Mr. Morris stated that is correct, and we would not try to size the pipe to actually take the water from the rest of the Woods, but would make it such that the water from the rest of the Woods would actually flow on top of the pipe itself and you really would not know it was there. He said the smaller we can make the pipe, the less impact it would have on the Woods when the project actually comes to fruition.

Mr. Pearce stated that at this point that is conjectured and is the reason we need the data.

Councilman Merry stated in summary the project is measuring the problems and trying to come up with a solution to the problems so we can answer all the questions.

Councilwoman Price asked about the cost of the phase of work done on Park Avenue and others. Mr. Pearce responded the cost was about \$3.3 million. A vast majority of that cost was covered by the EPA grant that was administered through DHEC. Councilwoman Price asked what we expect the cost to be for the infrastructure that is to be done based on the proposed study. Mr. Pearce stated we don't know a proposed cost of the infrastructure, as we don't have the data to know what the installation would be. He said Council would be kept informed on the project. He said the study would provide the data and recommendations of how to go forward. He said Council has reserved the right to determine the order of the projects. He said based on that, depending on the investment that would be involved, staff would come back to Council. He said the grant money for the project had been spent.

Councilman Dewar asked if the proposed study would be the first Capital Projects Sales Tax money to be spent on Hitchcock Woods drainage.

Councilman Ebner stated some funds have been spent from the funds designated in the Capital Projects Sales Tax for Hitchcock Woods drainage, but not much.

Councilman Ebner stated he had talked with Mr. Rabold and Dr. Eidson last year and received some detailed information. He pointed out that at this time the city does not have a Consent Order from DHEC to do any work. Mr. Morris stated we do not have a Consent Order and do not want a Consent Order from DHEC.

Councilman Ebner expressed concern about some wording used. He pointed out the wording "testing of our tributaries into the Horse Creek Watershed." He was concerned that someone might say we are ruining their pasture land. He felt we need to be cautious of the words we use when we describe what we are doing. He thought we are dealing with our problem in the city.

Mr. Morris stated we are dealing with our problem in the city, and the proposed study is a data gathering stage. We are not committing to any type of design at this time. Councilman Ebner stated he did not think we should commit anything downstream of Horse Creek's water shed either, but let that flow on through the county. He felt we should be careful of how we use our words.

Mr. Morris stated any project that we might do would be coordinated through DHEC as well as the Hitchcock Woods Foundation. He said, as far as the wording of conducting testing of our tributaries through the Horse Creek Watershed, which includes Sand River in our Historic Hitchcock Woods, we would be required to do that through our NPDES permit that will be issued later this year. The rules have changed, and now the secondary

cities are being required to do testing. Prior to this permit we have not been required to test. Horse Creek has been placed on a TMDL (Total Maximum Daily Load allowance). Since Sand River goes into that, we will be required to test Sand River, and it will be in our permit. It is not a consent order, but is part of our permit that will be issued.

Councilman Ebner asked that when Woolpert did the watershed study if they included all of the water in total going into Hitchcock Woods—from the geodetic high elevations within the county or just include city water. Mr. Morris responded that the study that Woolpert did was a master plan study which did include all of the areas that discharged into the Woods. Sand River is just one of those discharge areas. He said they did include them in the study. They did go to the high ground like a continental divide, where the water would run each way when they did their calculations.

Councilman Ebner stated he was for the study, but wanted to be sure we follow our track record of what we have already established. He pointed out that the Hitchcock Foundation, Clemson University and the City have done a lot of homework. He then presented a copy of a slide from information that Dr. Eidson put together. He pointed out the area marked was designated as Downtown, South Boundary and Dibble Road. He felt it was important as the study is done that we refer to what has already been designated.

Mr. Morris stated the area that we are concerned about at this time, under the information that Dr. Eidson has prepared, is in the Sand River head waters section and is included in the map in the agenda packet. He said we are concentrating on those areas. We would not be concentrating on Clark Road, Palmetto, Coker Spring, etc.

Councilman Ebner pointed out that on the plan there is a monitor station going in on the Coker Springs exit. Mr. Morris responded that the monitoring stations are there, and there is a possibility of going farther down Sand River and putting a monitoring station there, especially as we get toward the Dibble Road exit of the Woods. With the new stormwater permit, we will have to monitor and sample. He said it would behoove the city to do that and tie it in with Dr. Eidson's work.

Councilman Ebner asked if we were doing the South Boundary quadrant, the other half of the railroad cut, when we say downtown. Mr. Morris stated South Boundary is included. Councilman Ebner pointed out then that we would be doing downtown and South Boundary, basically what was outlined before. Mr. Morris stated that is the area that discharges into the large pipe that discharges into the headwaters at Sand River.

Councilman Ebner stated as we do the study at some point somebody is going to have to do some protracting or extraction of numbers. He said if we take .4% of the water and it cost \$3.3 million, then the \$16 million 10' diameter pipe gets cheap. He asked who will be responsible for taking numbers and escalating them up to project level. He asked if that was part of the study or who will do that.

Mr. Morris stated that is not part of the proposed study. He said once we get the data and know what we can do and what type design work needs to be done, it will be up to the engineers to actually take the information that Clemson provides and do the design work and work up estimates.

Councilman Ebner stated if we spent \$3.3 million for .4%. We would need 250 times that to get rid of all the water, but we would not eliminate all the water anyway.

Mr. Pearce pointed out the expenditures included the pervious pavement and several other installations that we would not necessarily have to do throughout the city.

Councilman Ebner stated the numbers get big and get up into the hundreds of millions to do this work. He said he had talked with Dr. Eidson today and also last year. He said the city is greatly involved, as this work is Capital Projects Sales Tax money, which is taxpayers' money. He pointed out Mr. Morris had defined for him that we would do two of the identified watersheds. We would not do Coker Springs. Mr. Morris stated we are

working with the Sand River headwaters watershed, which does include South Boundary and the area over toward Beaufort. He said Coker Springs is an offshoot. He said we are not getting the problem there that we are getting in the downtown section.

Councilman Ebner stated Mr. Morris had stated we are going with a geodetic high elevation which would be the divide where the water would either go to the Edisto River or down the Savannah River. Mr. Morris stated it could also go into a different watershed that goes to Hitchcock Woods. He said we are not concerning ourselves with anything except the downtown Sand River headwaters.

Councilman Ebner stated a lot of water dumps onto the railroad track bed. He wondered if there were some way to monitor that water as it flows down the railroad bed and into the Sand River. Mr. Morris stated that is part of what the flow monitoring would be doing. He said he had mentioned the small units they would use. He said they will put them into the piping and when a stormwater event comes along it will cause those to float up and flow down the pipe.

Councilman Ebner asked if the water that flows down the railroad track will be monitored wherever it dumps into the Woods. He stated it is a healthy stream that runs down the railroad track. Mr. Morris stated that is correct. Mr. Morris pointed out that the map he had noted in the agenda packet designates key manholes that would be monitored for the storm system. He said we would know what is coming in there and by adding those up and taking the time of concentration, we will know what is going in the railroad bed.

Mr. Pearce stated he had the opportunity last week to ride the railroad line in the high rail trucks with the current lessee of the railroad from Norfolk Southern. Mr. Hawkins had some very legitimate and serious concerns about the integrity of the track. He has already spent about \$250,000 on the track.

Councilman Ebner asked if the radio frequency identification would go down all the lines in the two watersheds and try to get the drawings brought up to date. Mr. Morris stated in talking to Dr. Eidson he was not sure we can do all of the lines. These are fairly expensive monitors they will be using. They will have to capture them at the end of the line to be able to re-use them. He said this is a very high risk piece of equipment, in the sense that as the stormwater is flowing if it catches on something such as a limb or hits a stone, it could crack and break. He said he could not say we will do all the lines, but we will do the major lines, which includes the 48" and 36" lines.

Councilman Ebner pointed out the study would serve as basic data for future design. He said he would call it basic data when it is collected rather than just study data. Mr. Morris stated that is just verbiage. He said they would be collecting data for design.

Councilman Ebner stated when he read the contract, it was broad in what it said. It said in the downtown area. He said he was concerned that we get a full blown study of the two designated areas. He wondered if we need to clarify the contract to get that, or if there is a good enough verbal understanding to get that. Mr. Morris stated the map was included to designate what areas are to be covered.

Councilman Ebner stated he was not questioning what we are doing, but wanted to be sure we are getting everything we need so we don't have to do this a third time. He pointed out that on the map included in the agenda packet that there is a monitor on the Coker Springs effluent. Mr. Morris stated that is correct, but we are not currently planning to do any design work for green infrastructure there, but we want to know what Coker Springs is bringing in. He pointed out Coker Springs is a very small area compared to the other areas, but we do want to know how much water is there. At this time we are not planning on projects there, but we do need to know what the water is doing, as it does come in roughly at the show grounds in the Woods. We need to know that amount so when we put a monitoring station there, if we do, we will know what we have to split out from it.

Councilman Ebner stated Mr. Morris had mentioned in his opening statements that some of the monitoring stations would be used as part of our new permitted monitoring that we have to do. He wondered if they would become a permanent station. Mr. Morris stated that is correct. He said we are working with Brown and Caldwell to update our Stormwater Pollution Prevention Plan. He said this is part of our new permit that has to be issued this year. It should have been issued in 2011, but at this time DHEC still has not issued permits. He said we are trying to meet what DHEC says it is going to issue, and that does include redoing our mapping, which the proposed study would do. It also includes monitoring stations and includes chemical analysis on Sand River, because Horse Creek does have the TMDL for fecal chloroform.

Councilman Ebner stated then the secondary part is so the taxpayers can get some secondary use out of the monitoring. It was mentioned that they will do soil samples, etc. Mr. Morris stated we should get a lot for our money because it is not just for the design of detention, green infrastructure, etc. It will help us remap our system, which is required by DHEC. Councilman Ebner stated he felt that was an important point for Council to consider, that all of it is not just going for the watershed study, but there is some permanent investment involved. He said in talking with Dr. Eidson the monitors are a portable type installation and can be moved from place to place. He said he was for the study, but he wanted to be sure it is clarified and feel that we are getting what we need both for the permit as well as our future planning.

Mr. Jim Kelley stated he was present to voice his opposition to the proposal. He said he was interested in the project because he is a homeowner on the northwest side of Houndslake North at the corner where Houndslake North intersects with Hitchcock Woods and Fox Chase. He said he is a lover of Hitchcock Woods and very interested in the project. He said he felt he was qualified to speak on the project, as he has 32 years of experience with Dupont, with most of the time in research and development management, technology development, technology implementation, capital project management, and manufacturing. He said since retirement he has been an independent consultant, mainly on work at the Savannah River Site and at the Hanford site. He then reviewed an example of some of the work at the Hanford Site, which he felt applied to this and the learnings. He said in 2006 he was commissioned as part of a team by the Secretary of Energy to review the \$12 billion waste treatment plant which was under construction at the Hanford Site. The Secretary wanted to make sure that the technology was okay for that project before he went back to Congress and ask for more money. After six months the team reported that the project was not a viable project, because major parts of the process would not work. He said the report was not well received. In 2012 most of that project was shut down by the government because it was deemed that the process would not work. He said bad news is not always wrong.

Mr. Kelley stated he had three major concerns with the proposal. He said you are asking to spend \$367,000 of the taxpayers' money to fund a research and development project from Clemson. He said he was not anti-Clemson, because he is a Clemson graduate. He said if the city is really interested in helping to solve the Hitchcock Woods stormwater problem, in his opinion a request for proposals should have been submitted for the \$367,000 work, rather than asking Clemson to submit a proposal. Mr. Kelley stated this is a lot of money to be handed out based on somebody's opinion. Secondly, he said he questioned the wisdom on the approach being taken on the Hitchcock Woods stormwater problem. In Clemson's 2009 Sand River Remediation Alternative document, they selected as a preferred option, an option that was horrifying to him. He said their preferred option was to build a 7,500 foot long 10 foot diameter pipe within Hitchcock Woods. He wondered how many decades it would take for the Woods to recover from such a construction project. He said one of the basic principles in solving a technical problem, such as this stormwater problem, is first to understand what the problem is. He said he feels that no one understands or has a clear definition of what the problem is. He asked how you can solve a problem if you don't understand what it is. In Clemson's 2009 assessment report, they clearly state that even if the total 105 acres of green space within the city was all converted to the green infrastructure type mechanisms, it would not affect the diameter of the pipe going into Hitchcock Woods. He said they knew that when they spent the \$3.3 million. He said that was taxpayer money, because it was federal money. He said they still spent the \$3.3 million on the green infrastructure, even

though they knew it would not affect the size of the pipe line that eventually would have to be installed in Hitchcock Woods. Mr. Kelley stated he would suggest that instead of the city spending \$367,000 on this research proposal, that they hire another engineering company who does not have a vested interest in the outcome of the study to provide a different view of what a solution might be. It would probably be a less horrifying solution than a 10 foot diameter, 7,500 foot long pipe installed in Hitchcock Woods. He said he would think they would come up with something cheaper than the \$16 million that is forecast for it to cost. He said he also felt it would have significantly less environmental damage than a 10 foot diameter, 7,500 foot long pipe installed in the Woods.

Mayor Cavanaugh asked Mr. Morris if he had any knowledge of that report by Clemson. Mr. Morris stated he would have to go back and review the report. He said he knew that in the original documentation, and as discussed at this meeting, Clemson was looking at what we could do to reduce the water going into the Woods. He said he would state that the more we can reduce the amount of water going into the Woods, the size of the pipe would be able to be reduced. He said removing water before it gets to the pipe, then we should be able to realize some savings on the pipe. He said Mr. Kelley had suggested to get another engineer without a vested interest to look at the problem. He said the city has had many, many studies over the years of Hitchcock Woods by different engineers. He said we have looked at it from every angle, such as forming lakes in the Woods, some type of channelization, piping part of the water around the Woods starting from behind the building used by Christ Central on Laurens Street and taking the water down the railroad tracks and to the swamp area just west of Dibble Road. He said we have looked at many alternatives. One of Clemson's charges when they first started working with the city was to assimilate all the reports and have public meetings. We had several public meetings to talk about the reports and the impact to the Woods and what could be done. There has been a tremendous amount of public input and engineering thought put into study of the Woods. What Clemson has come up with is that the more we can stop water before it gets to the Woods, the better off we are. He said he would have to agree with that option.

Councilman Dewar asked if it was true that total remediation of all 105 acres would still not affect the size of the pipe needed in Hitchcock Woods. Mr. Morris stated until we can get some data collection, we really don't know. He said the 2009 study was going off of empirical data. He said that occurred before we got the green infrastructure in. He pointed out that a person who has seen results in the Woods, besides himself, has seen the results of a 2 inch rain not really having an impact on Sand River compared to what's coming off Coker Spring. He said a couple of days after the rain had ended Coker Springs still had some water running and Sand River was dry. He said there was an impact. He said by being able to collect the data and see what we have, he felt we have a much better opportunity to do something that will be meaningful.

Councilman Homoki asked if we had checked with the Hitchcock Woods Foundation to see if the people were amenable to having a pipe run through the Woods. He said the construction of something of that scale in the Woods would have an effect on the Woods. Mr. Morris stated the Woods Foundation personnel were involved in the public meetings and have seen all the information that was provided. He said some of the people from the Hitchcock Woods Foundation are present at this meeting. He said they wanted the city to be able to mitigate the damage in the Sand River canyon and that seemed to be the best possibility for everyone involved before the green infrastructure was put into place.

Mr. Pearce stated he understood that Mr. Kelley has had some conversation with Professor Eidson. He pointed out that there was a public meeting in the Conference Center and the \$16 million figure was discussed. He said Professor Edison and the professors working with him had been clear that with the green infrastructure installation that cost is significantly reduced. He said Professor Eidson could come and speak on the matter.

Councilman Homoki stated we are saying that we have reduced the water flow due to the modifications so why do we need another study if the ultimate is that we will be putting a

pipe down Sand River. He said why not concentrate on how to put a pipe down Sand River and forget about the proposed data study on the water flow in the city.

Mr. Pearce stated the situation in which we have been is discussion and study for four or five decades. The installation has had a measurable impact. He said he thought it might have surprised the Clemson team just how effective the pervious pavement for the parking spaces has been. He said that was a pilot project that used federal grant money. He said lessons were learned from the project and some good information was gained from the project. He said what we are looking at is the next phases for controlling erosion into Hitchcock Woods. He said the stormwater runoff is scouring the Woods. He said it has been presented publicly that we were going to study the next areas where work needed to be done. The proposed study is data gathering so we can come back and talk about specifics. He felt it was premature to talk about pipe and pipe length at this meeting. We really need the data to see what the ultimate goal would be. Without the measurement we don't know the measures to take.

Councilman Homoki asked what are the options—a 10 foot pipe, an 8 foot pipe, 6 foot pipe. Mr. Morris stated we don't know without knowing how much water we can take out before it gets to the Woods. He said we did not have the green infrastructure in 2009. He said once the green infrastructure was in, we saw how well it worked. He said the structure handled over 9 inches of rain in downtown in February. He said we did not have water standing on the porous pavement, whereas before the porous pavement all that water would have gone down to Hitchcock Woods. He pointed out, however, the green infrastructure is only on five blocks of Park Avenue, but the water was handled by the green infrastructure.

Councilman Dewar asked what we have seen at the entrance to the Woods from what we have done in installation of the green infrastructure. Mr. Morris stated we are wanting to stop the erosion in the canyon area and keep the sand from moving into the show grounds and moving through the Woods all the way down beyond Dibble Road.

Councilman Dewar stated we don't have a big picture of what it will take to fix Hitchcock Woods. He said what we would be doing with the contract, if it is let, is that we will get more data on water that is flowing into the Woods from different areas than Park Avenue. He said we know from all that we have done that it has made a minimal impact on problems going into the Woods. Mr. Morris stated the green infrastructure installed is only along five blocks of Park Avenue. He said that is a minor part of the downtown area. He said if he could take the area marked on the map in the agenda packet and make a major impact on the entire area, that would impact most of the downtown corridor.

Councilman Dewar pointed out that the 2009 Clemson report indicates that if all 105 acres were fixed it would have an immeasurable impact. Mr. Morris pointed out the 2009 report was before the green infrastructure was installed. He pointed out that how well the infrastructure is working has even surprised Clemson. He again pointed out the heavy rains in February and how well the green infrastructure had worked and none of the water went into the Woods. He said he felt the proposed study would help quantify what they are looking for to be able to go out into the other areas to lessen water from those areas going into Hitchcock Woods.

Mr. Jim Kelley stated he had received the link to the final report that Clemson issued in February, 2013, on the first phase of the green infrastructure. He said they make no claims of any statistically significant reduction in the water going into Hitchcock Woods. There may be observations, but they made no claims. It is not statistically significant. He said the \$3.3 million got the city no significant reduction. He said he received the link from Councilman Ebner. It is the link to Clemson's final report. He pointed out the 2009 Sand River Assessment Remediation report. He said it was not Clemson who did that study, but was Clemson's consultant that they hired. He said somebody has to belly up to that and refute that. He said they clearly said there is not enough surface area in the green spaces within the City of Aiken to make enough of an impact on the water going into Hitchcock Woods to reduce the size of the pipe.

Councilman Merry asked Mr. Kelley if he was proposing that the city do nothing. Mr. Kelley responded that he proposes that the city not spend the money on the grant, but get another engineering company that does not have a vested interest in the outcome of the study to provide some alternatives. He said he felt Council and the taxpayers were being held hostage by the possibility of building a 7,500 foot long, 10 foot diameter pipe in Hitchcock Woods.

Councilman Homoki asked Mr. Kelley if he agreed that we will eventually have to have a pipe of some sort. Mr. Kelley responded that he did not know, that he was not that expert. He said Clemson says that is their preferred alternative. He said his common sense tells him that is a stupid alternative. He said why would you destroy the Woods. He said it would be equivalent to building a mile and a half highway through Hitchcock Woods. He said it would have that kind of environmental damage. He said that is why Council should get another option that might be a whole lot more viable, and that they can evaluate as to whether to spend more R & V money, or if there is another option other than building a highway through the Woods.

Councilman Merry stated he was a recent addition to the debate, but he did not hear anyone saying they want to build a 7,500 foot long, 10 foot diameter pipe in Hitchcock Woods. He said he has also heard it said that we have had engineer after engineer for four decades studying this and looking at many possible alternatives. He said he had worked with developments and had to deal with water. He said it is like herding cats. He said the problem is that if you don't know how many cats you have to collect, then you never know how many are still out there and what you still have to do. He said it seems to him that you have to know how many cats you are trying to herd before you come up with a solution.

Mayor Cavanaugh stated it sounds like that is what we are trying to do. We are trying to get that information. He said we probably don't want any pipes, but probably will have to have some size pipe.

Councilman Dewar asked if we have the report that was issued in February, 2013. Councilman Ebner stated that Mr. Rabold sent the link to him. He asked that Mr. Rabold send the link to the City Manager. Councilman Ebner stated he had forwarded the link to some people.

Mr. Doug Rabold, Executive Director of Hitchcock Woods Foundation, stated it is now 2013, and we are talking about something that started in 2008. He reviewed some history on the matter. He said in 2008 the City of Aiken Council and staff, Aiken County staff and some Councilmembers, SCDNR, SCDHEC, and USEPA with a multitude of professors from Clemson met for a period of 10 months. The end result of that process called for a large pipe in the Woods. The reason was because the canyon has already done the excavation no more excavation is needed. You lay a pipe in what was already a big wide ditch. That pipe was not just to convey the water, but the pipe was to store the water. It was to detain the water. It was instead of building a detention pond or detention ponds all throughout the water shed. It was the one giant long detention pond that would release the water slowly. That was the plan that City Council and those at the meeting agreed upon. However, that plan had a little piece to it that said let's try green infrastructure if we can get the community to agree. Then USEPA saw the wisdom in doing that. It is a solution that USEPA is interested in seeing done throughout the country, and for that reason they gave Clemson and the City of Aiken a grant to do a research project. He said when you talk about the \$3.3 million dollars that included a research component, not just engineering or instruction, but a long term research project. He said that does not need to reoccur. He said you now have the conclusion and the data set from that research project. In moving forward a part of that study says these are the different things that were done. He pointed out that just about everything you can think about, including permeable pavement, permeable asphalt, rain gardens, bioswales, etc. were done along Park Avenue. He said what Clemson learned was that there was a degree of redundancy in what they did, but they did not know until they tried it at this particular location with these particular rain dynamics what they would find. That is why

it was a research project. They learned from it and found that we could probably just do permeable pavement and not have to go into the parkways to do bioswales or rain gardens, or we could do the work within the parkways and not need to do the pavement. It was instructive in moving forward. It told us what the technology was and what the technology would accomplish. He said the next part of the story is applying the technology. A couple of ideas were being kicked around by the city of doing a project here and a project there. The question came up as to whether we would know that we would be getting the best bang for the buck in those locations. He said that was the genesis for this new research project to determine where we can best identify the areas where there is the magnitude of flashing of stormwater and the volume of stormwater. Once we know where those areas are, we determine whether we do a rain garden, a bioswale, or permeable pavement. We have those options to determine in moving forward. He said we have two studies. One was a test of the infiltration technologies. The second project is to look at how we find places where we can most intelligently apply them. Because of the research that will be done as a consequence of this project, there is more of likelihood that the city might also find grant resources because we are moving forward intelligently.

Mr. Peter Gray stated he had been in Aiken since 1953, except for a short time on a research project in Canada. He said he retired from the Savannah River fourteen years ago. He said he lives at the end of Berrie Road where there is an entrance to Hitchcock Woods. He said he had owned five houses in Aiken and four of them have been right on the edge of Hitchcock Woods. He said he had been a member of the Board of Trustees of Hitchcock Woods for a little over 30 years. He said he had been voted in as a trustee emeritus for Hitchcock Woods. He said he had been on the Stormwater Committee for Hitchcock Woods. He said, however, he had only been invited to one of the meetings between Hitchcock Woods and the city. He said a large amount of what has been talked about never came to him, even though he is an engineer by degree and a member of the Hitchcock Woods Foundation for the past 30 years. He said some of the things are new to him. He said if we want to talk about a pipe through the Woods, one thing you might decide not worthy is a 10 foot diameter pipe that goes down Sand River, turns around and comes back up Sand River and turns and goes back down Sand River. He said that represents a long three legged storage area. He said even a pipe that goes straight through the Woods does not have the capacity to store the water that comes into the Hitchcock Woods. He said there are two pipes that go into the Hitchcock Woods. One is from downtown and one is from the South Boundary area. The two pipes meet just before they go underneath South Boundary near the area of the building occupied by Christ Central on Laurens Street. He said if you took a pipe from the building and go along the railroad tracks to Dibble Road, the height of that pipe would have enough force to provide a head to drive the water without any pumps. The water would go all the way to where the railroad tracks cross Dibble Road. He said on the far side of the railroad tracks at Dibble Road you could ask the Foundation to give the city a 10 foot wide path along the edge of Dibble Road all the way to get to where the water comes out of the Woods close to the gas stations and goes under the Dibble Road bridge. He said that solution would work and would require no power to operate. It would never put any effort in terms of destroying the beauty of Hitchcock Woods. He said the canyon at the headwaters of Sand River, even though it is being destroyed by stormwater, has been there all along and is a big part of Hitchcock Woods. He felt to try to bury a pipe in the Sand River canyon would destroy the beauty of the canyon. He said he supports Jim Kelley in his statements and he also feels that the city should look at the engineering rather than spending a lot of money on research studies.

Councilwoman Price asked Mr. Gray on what basis he was making his recommendations for the piping down the railroad to Dibble Road and that it would reduce the flow and be a better recommendation for reducing the water in Hitchcock Woods. She wondered if it was based on his observance or longevity.

Mr. Gray stated he was told by the city that when the first phase of work was done there would be a large amount of data that would come out on how these modifications performed and what water quantities came from where, etc. He said he had not seen any of that report yet. He said he was told by the city that the two pipes, the one from downtown and the other one from South Boundary, come together just before they go

underneath the road at South Boundary. One is a 4 foot diameter pipe and one is a 6 foot diameter pipe. Those two go into the 10 foot diameter pipe. He said a 10 foot diameter pipe is an overkill. He said he did not know why the city has a 10 foot diameter pipe at that point. He said if the pipe from the downtown carries all the water successfully in a 4 foot diameter, then put a 4 foot diameter pipe from the Christ Central building and run it along the railroad track. When you get to Dibble Road go under the railroad tracks and go along the edge of the Hitchcock Woods property with a ditch until you get to the place where the water comes from Hitchcock Woods and goes under Dibble Road at the bridge. He said the fact that there is a 4 foot diameter pipe there now means that a 4 foot diameter pipe would work.

Mr. Pearce stated the data is available on the internet. He said Clemson Institute has posted all the data they have collected. He pointed out the link information was included in the newsletter that was included in the water bill.

Mr. Gray pointed out that he was a member of the Hitchcock Woods Foundation Stormwater Committee and he had only been invited to one meeting with the city. He said he was the only engineer in the 25 members of the group.

Councilman Merry asked Mr. Gray what harm he felt there was in trying to measure the amount of water in the most statistically accurate way possible. He said it seemed to him that we were trying to take the most advanced technology available and trying to measure the water in the most accurate way possible. He said he would not be voting on a pipe at this meeting, but we were talking about getting the best data possible to determine what does need to be done. Mr. Gray responded there is no harm in that at all. He continued to state that he felt that a 4 foot diameter pipe down the railroad track to Dibble Road and then under the bridge at Dibble Road could take care of the water. He said he did not like the sound of a 10 foot diameter pipe or a 4 foot diameter pipe or any pipe in the canyon. He said Mr. Kelley was opposed to spending \$367,000 to do another study. He said we may already have the information we need to decide what is the best thing to be done.

Mr. Pearce stated we have the information on the pilot project which is the green infrastructure along Park Avenue. The proposed study is for additional data.

Councilwoman Price stated the other question Mr. Kelley had was whether the proposal is a sole source contract for Clemson and whether the city had asked for an RFP. There was concern as to whether we are leaning more to Clemson because there was an EPA grant for \$3.3 million and Clemson got the grant. Now there is the \$367,000 grant. She was concerned if there is another \$16 million project cost, if that will be sole sourced to Clemson as well.

Mr. Gray stated he agreed with Mr. Kelley on not being a sole source. He said taxpayers want their taxpayer money that goes to any entity to be wisely spent. He said the first thing to consider is who can do the best job; you have specifications, and you ask several people for a proposal for the work. You evaluate their cost, their record, and their performance. He said his concern is that he was told we would get data, and he has not seen any data yet.

Dr. Harry Shealy stated he was very much in favor of the project for several reasons. He said he believes in collecting base line data to try to find out what you have so you can deal with the problem. He said he would like to correct a few things about the green infrastructure. He said he was excited about it, not necessarily because it has reduced the flow of water into Hitchcock Woods, but it puts water into the aquifer. He said he had been preaching for years that if we don't recharge our aquifers we will all be drinking sand or be desalinating the oceans, which is an expensive proposition. He said he was very much in favor of putting as much of the green infrastructure in as possible in order to prevent water from standing on hard surfaces and evaporating, or when it runs off into the Woods it really does cause bad erosion in the Woods and it flashes on down on through the valley until it hits the Savannah River and it never percolates into the water table. He said he was in favor of trying to find some data for the areas shown on the map. He said he disagrees with Mr. Gray on liking the way the grand canyon looks. He said he

does not like the water rushing through there and picking up sediment and taking it further down in the Woods. He said up until about the 1990s the sedimentation was settling out across Dibble Road into Peggy's Pond. In 1995 it began to back into the Woods because it had loaded up downstream. He said that caused deforestation of a whole swamp area because of the sediment load. It killed all the trees. He said it will back up even further and kill more stuff. He said it is more than just water coming into the Woods. It is killing plants because of the sediment load that it is carrying. He said he was in favor of Council approving the project. He said he had been with the Hitchcock Woods for a very long time like Peter Gray. He said he had worked with Mr. Gray and Mr. Morris for many years. He said up until about five years ago he was head of the Stormwater Committee. He said presently he is the Chair of the Hitchcock Woods Foundation. He said he supports Council approving the proposed project.

Mayor Cavanaugh stated his involvement with meetings with the Hitchcock Woods Foundation started with quarterly meetings in 1991. He said there have been many studies on stormwater runoff in Hitchcock Woods and what to do about the problem. He said he was impressed with Dr. Eidson. He pointed out he is a native Aikenite, and he wants the best for Aiken. He said Dr. Eidson played in the parks and played down at Sand River. He said one reason he was leaning toward Clemson doing the project is because Dr. Eidson knows the background of everything that has been done so far and how it comes together with what we are talking about tonight in trying to find out where all the water is coming from and getting the base line. He said to change engineers at this point could be costly. He said the Clemson team knows the background. He felt it was a natural that the city have Clemson do the project at least on this particular project. He said what is done in the future might be something else. He felt we should go ahead with the experts that have worked on this in the past. Mayor Cavanaugh stated some members of the Hitchcock Foundation have stated that they have noticed a difference in the water coming into Hitchcock Woods. He said he was not sure, but in the future we may eventually have to put a pipe in Hitchcock Woods. He said we are not to that point yet and need to do some more research to determine what we do need to do.

Dr. Shealy stated he had always been in favor of lessening the amount of water before it gets to the Woods. He said he was much in favor of stopping the water before it gets to Hitchcock Woods. He said slowing down the water is not really the problem, but reducing the amount of water. He said there was a large expenditure of money at one time for gabions and for reducing the velocity. He said reducing the volume is what he has always advocated. He said if reducing the volume can be done with green infrastructure he is in favor of it. He felt it was a good idea to collect base line data.

Councilman Merry pointed out funding for the proposed project would come from One Cent Sales tax, and it has been voted on by the taxpayers to be spent for study and for dealing with the stormwater going into Hitchcock Woods.

Councilman Dewar stated it was a legitimate project. Money has been set aside for Hitchcock Woods remediation, and if the project is considered as aiding Hitchcock Woods remediation then it would be appropriate.

Ms. Peggy Penland stated as a real estate developer she knows that you can't size a pipe until you know how much water will go into it. She said she would prefer that the pipe not be 10 feet in diameter. She said the bigger the pipe the more expensive it is per linear foot. She said she was for harvesting rain water and rain gardens. She said she had not read the data on the green infrastructure project. She said she felt Clemson would be good stewards of the city's money. She said she is in favor of the project.

Councilman Dewar stated it is frustrating to have to choose between two credible sides. He said he was not comfortable in this issue to make that decision. He said he was impressed with what Mr. Kelley said. He said he would like to see the 2009 report. He said he got a copy of the link to the information today. He said he read the executive summary of the report, but would like to read more of the report. He said we have a basic disagreement. He said Mr. Kelley is maintaining that the data we will get will not be useful data in resolving the problem. He pointed out that Dr. Eidson is not present to

defend his request for the grant. He said he had been very impressed with what Dr. Eidson had done for the city with the green infrastructure work that he has done. He said he was not comfortable making a decision supporting anything until he has looked at the 2009 report. He stated he felt Council should consider having another session on this item until Council can look at the 2009 data and try to resolve the approach. He said the ultimate approach is to fix Hitchcock Woods. He said that can be done to an extent by reducing the water going into Hitchcock Woods. He said there seems to be different ways of doing it. He wondered if the grant would give the city any data that would be meaningful in helping get the ultimate objective. He said he was not comfortable at this point in supporting the contract. He said he would like to have the matter continued to another session to give Council the opportunity to look at the 2009 report and have Dr. Eidson come to the meeting, and to get input from the Hitchcock Foundation because it is very critical for their future as well.

Councilman Homoki stated he thought part of the remediation effort that the \$3.3 million was spent for was going to measure the amount of water that actually landed on the city during a rain, and there was going to be a facility to measure how much that would reduce or increase the water going into Sand River. He said he was perplexed that we don't have that information. He asked why we have the measuring capacity in the parkways and yet no way to compare it. He said a rain gauge would have done the same thing if we are not measuring the difference between what goes into Sand River prior to the installation and after the installation.

Mr. Pearce stated flow is measured, and the data is available through the Institute's website. It has always been available throughout the whole project. As far as the percentage of flow difference, Mr. Morris pointed out in his initial presentation there is a margin of error in the study. With the margin of error there was a measurable reduction and there was effect from the project being installed. Mr. Pearce pointed out the project was a pilot project. Clemson did research and there was equipment that measured the flow rate of the water. The problem was the stormwater runoff. The proposed additional data collection is to find out where the appropriate installations would need to go to help meet the goal of abating the runoff in Hitchcock Woods in the next phase of the project. He said he could ask Dr. Eidson to be present at the next Council meeting. He said the reports could be provided to Council again. He said the only thing we are trying to do is take the area Mr. Morris has identified and collect data by putting measuring devices through our existing stormwater system and come back to Council with the results.

Councilman Homoki stated obviously more information is needed. He said his concern is that they were told we could measure the difference in the flow of water, but obviously if it is within the margin of error it doesn't exist. He said if it does exist, no one could provide the information. Secondly, is the concern about the 2009 report where it states that if all the area had pervious areas and other green infrastructure, there would not be a significant effect on the water flow into Hitchcock Woods. He said he was at a loss and wondered what we are trying to accomplish.

Mayor Cavanaugh stated he would like to suggest that Council continue the item regarding the contract for Green Infrastructure testing by Clemson University and invite Dr. Eidson to be present at the next Council meeting to discuss the matter. He felt that not having Dr. Eidson at this meeting is something that is missing. He said Dr. Eidson needs to be present to talk from the basis of his experience and what he sees for the project.

Mayor Cavanaugh moved that Council continue discussion on the item regarding the contract for Green Infrastructure testing by Clemson University to the next meeting or whatever meeting Dr. Eidson can attend. The motion was seconded by Councilwoman Price and unanimously approved.

Councilman Dewar stated he would suggest that the speakers at this meeting be notified when the item will be on the agenda again and be given whatever documents Council is given.

GARAGE SALEWaiverThree Consecutive DaysSunday155 Greenville Street NW

Mayor Cavanaugh stated Council needed to consider a request for a waiver from the City Code regarding Garage Sales.

Mr. Pearce stated he had received a letter from Jill Ryon. She owns the business York Cottage Estate Sales. She has conducted numerous estate sales in Aiken for a very long time. She has a special situation regarding Jane and Bob Talbert, who was a dentist in Aiken for years. They had a house at 155 Greenville Street NW. The house is full of items, since the Talberts were avid collectors. Ms. Ryon will typically have a sale on Friday and Saturday mornings. He said the family tried to reduce the inventory earlier, but in Ms. Ryon's opinion there is no way two days will be sufficient for the sale. She has written to ask that she either be allowed to have the estate sale Thursday, Friday, and Saturday or either Friday, Saturday, and Sunday the weekend after the Masters, April 18, 19, and 20 or 21.

Mr. Pearce stated Section 34 of the Aiken City Code governs City Garage Sales. Section 34-32 (a) allows these sales to be up to two consecutive days. Section 34-37 prohibits these sales on Sundays.

Jill Ryon has written to request a waiver from these provisions to:

- (1) Allow the sale of the Jane and Bob Talbert Estate at 155 Greenville Street NW to be three consecutive days, and
- (2) To allow the 3rd day to be Sunday, April 21st, or, in the alternative, to be Thursday, April 18, 2013.

For Council consideration is approval of the requested waivers from City Code Section 34 regarding Garage Sales by Jill Ryon of York Cottage Estate Sales.

Mayor Cavanaugh suggested that Council grant the request, but he was concerned how we determine in the future whether a sale would warrant a three day sale.

Mr. Pearce stated staff can review the regulations and see if some changes should be made. He said he had encouraged Ms. Ryon to provide the city with some suggestions since she has done estate sales in this area. He said Ms. Ryon has an immediate need as the family wanted to have a sale this spring.

Mayor Cavanaugh suggested that the sale be conducted on Thursday, Friday and Saturday and not on Sunday and Councilmembers agreed.

Councilman Dewar asked if there was a church in the area, and Mr. Pearce pointed out the home is across the street from the Jewish Synagogue. Mr. Pearce stated he had talked with Chief Barranco, and since there would be services at the Synagogue on Saturday, we will make sure that the members of the Synagogue would be able to find parking.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve the waiver from the City Code regulations regarding garage sales and allow Ms. Ryon to conduct an estate sale on three consecutive days, Thursday, Friday and Saturday, April 18, 19, and 20, 2013. The motion was unanimously approved.

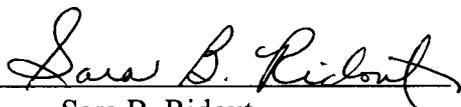
INFORMATIONBudget

Mr. Pearce stated there had been a question regarding when the budget worksession would be held this year. He said last year the budget worksession was held on April 30, at 4 P.M. He asked if Councilmembers could meet this year on April 30 at 4 P.M. for a budget worksession.

Councilmembers discussed various dates, and it was the general consensus of Council that the budget worksession be held on Wednesday, May 1, 2013, at 4 P.M.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:56 P.M.

  
Sara B. Ridout  
City Clerk