

Aiken City Council MinutesREGULAR MEETING

September 14, 2015

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

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Charles Barranco, Tim Coakley, Jessica Campbell, Alicia Davis, Kim Abney, George Grinton, Tommy Paradise, Phil Kestin, Rick Toole, Alexander Johnson, Sara Ridout, Andy O'Byrne, Dan Brown and Tim O'Briant, of the Aiken Standard, and about 35 citizens.

CALL TO ORDER

Mayor Cavanaugh called the regular meeting to order at 7:03 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. He asked those wishing to speak to come to the podium and give their name and address. Mayor Cavanaugh pointed out the clock on the screen. He said the purpose of the clock was so the person speaking will know how long they have been speaking. He said the 5 minute limit would not apply to special presentations.

ADDITIONS OR DELETIONS TO AGENDA

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

MINUTES

The minutes of the Work Session on August 3, 2015, and the Regular meeting of August 10, 2015, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Ebner, that the minutes of August 3 and 10, 2015, be approved.

Councilman Ebner stated as the information unfolds at this meeting on Gem Lakes and in the future, he would like to reserve the right to come back to a couple of pages, namely pages 40 and 41 of 239 in the agenda if necessary. He said he wanted to have that on the record if we have to look back at the minutes of the previous meeting. The motion was unanimously approved.

PRESENTATIONSProclamationAiken Symphony Orchestra Week

Mayor Cavanaugh read a proclamation proclaiming September 17 – 23, 2015 as Aiken Symphony Orchestra Week.

Mr. David Tavernier stated it had only been a year that Aiken Symphony Orchestra went from just an idea to reality. He said we are here just three days away from the debut performance at the Etherredge Center. He said the proclamation that Council prepared is another score, and he felt it represents a big vote of support by Council and so far they have found the community to be very acceptable. Mr. Tavernier introduced Em Ligon, President of the Aiken Symphony Guild. He stated he is President of the Organizing Committee for the Symphony Orchestra, and Em is President of the Symphony Guild. Her organization and the committee have worked very closely over the last year, and it's

through that cooperative effort that we now have the reality of Aiken's own Symphony Orchestra. Mayor Cavanaugh presented the proclamation to Mr. David Tavernier.

National Preparedness Month  
Proclamation

Mayor Cavanaugh read a proclamation proclaiming September as National Preparedness Month in Aiken.

Pink Ribbonettes  
Pink Ribbons in Downtown  
Breast Cancer Awareness Month

Mayor Cavanaugh stated a request had been received from the Pink Ribbonettes to place pink ribbons in the downtown area.

Mr. Klimm stated October is Breast Cancer Awareness Month. Ms. Joan Jarcik, President of Pink Ribbonettes, is present to make their request to Council. They wish to place about 100 pink ribbons along Laurens, Park, Newberry, and Richland Avenue on the street light poles for the month of October. Council has given approval of this request for the last several years.

For Council consideration is approval of the placement of Pink Ribbons in the downtown area during the month of October as requested by the Pink Ribbonettes.

Ms. Jarcik thanked Council for allowing them to do this project. She stated the Pink Ribbonettes is a cancer support and awareness group. They have about 60 members on their roster, and they meet once a month from September through May. This is one of the big projects they do for breast cancer awareness during this month. Mayor Cavanaugh asked how many years she has been doing this. She stated she has been president for three years and she believes they did it a few years before that. Councilwoman Price asked if their luncheon is planned for this year. Ms. Jarcik stated they co-sponsor the pink tea coming up on October 14 in conjunction with USC-Aiken, Aiken Technical College, and Aiken Regional Medical Centers. Councilwoman Diggs asked if that would be at the Etheredge Center. Ms. Jarcik stated that was correct. Councilwoman Price stated they do a wonderful job.

Councilwoman Price moved, seconded by Councilman Dewar, that Council approve the placement of Pink Ribbons in the downtown area during the month of October as requested by the Pink Ribbonettes. The motion was unanimously approved.

BOARDS AND COMMISSIONS

Appointments  
James R. Findley  
Jamene Williams  
Building Code Appeals Committee  
Royal Robbins  
General Aviation Commission  
Leroy Myrick  
Community Development Committee  
Michael Beckner  
Recreation Commission

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

Mr. Klimm stated Council has 11 pending appointments to fill vacancies on different City boards, commissions, and committees. No appointments are presented for Council's consideration and vote at the meeting tonight. However, a list of boards, commissions and committees needing appointments by City Council has been provided to Council.

Council may have some nominations for appointments to be placed on the agenda for the next meeting of Council.

Councilman Merry stated he would like to recommend the reappointment of James R. Findley to the Building Code Appeals Committee.

Councilwoman Price stated she would like to nominate Jamane Williams, a civil engineer, to the Building Code Appeals Committee. He has his own residential business license in plumbing, HVAC, and his electrical construction license. He lives at 1339 President Drive. She stated she would like to recommend the reappointment of Leroy Myrick to the Community Development Committee. She stated he is currently serving as Vice-Chair and also has experience in the Human Resource area. He lives on Colleton Avenue.

Mayor Cavanaugh stated he would like to recommend reappointment of Royal Robbins to the General Aviation Commission and Michael Beckner to the Recreation Commission.

Mayor Cavanaugh stated those recommendations would be on the agenda for the September 28, 2015, meeting.

#### GEM LAKES EXTENSION SUBDIVISION ROADS

City Attorney

Legal Matters

Roads

Cost Estimates for Options

Rick Toole

W.R. Toole Engineering

Andrew Johnson

Portland Cement Association

Mayor Cavanaugh stated Council would consider the Gem Lakes Extension road repair options.

Mr. Klimm stated Mr. Gary Smith, City Attorney, will discuss with City Council the legal matters involved in the issue of the roads in Gem Lakes Extension.

Rick Toole, of W. R. Toole Engineers, Inc., and Andrew Johnson, of Portland Cement Association, are present to review the options for repair of the Gem Lakes Extension roads and to make a final recommendation to Council.

Mr. Klimm stated we are hopefully getting very close to the decision making process. The first would be advice of the experts present and others to try to ascertain in the first instance what option makes the most sense to deal with the reality that the citizens of Gem Lakes Extension area are facing each and every day. He stated if a decision is made this evening, thereafter we will have to enter into conversations and discussion about whose responsibility it is to undertake this work and what options are available for this Council to consider.

Mr. Toole will be available to answer any questions regarding the recommended options

Mr. Rick Toole stated he appreciates the opportunity to sit before Council. He stated Mr. George Grinton, City Engineering and Utilities Director, is present as well as Mr. Andrew Johnson who represents the Portland Cement Association. He said Mr. Johnson would answer questions about a particular recommendation. Mr. Johnson was with the South Carolina Department of Transportation for many years before he retired and was a pioneer in the area of the recommendation in South Carolina that they will make this evening. He has a lot of experience.

Mr. Toole stated the presentation was established based on a request from the Engineering and Utilities Department to try to promote a recommendation in regards to

the options that were presented in the original report. He stated they started with the original recommended construction options. He stated there were six options that were included in the original report. They were numbered 1 through 6. They included a "Do Nothing" option, "Mill and Repave" option, "Patch and Overlay" option, "FDR" full depth reclamation option, "Remove Existing Pavement" option and improving the base material with a soil cement additive, "Remove Asphalt, Base, and Subgrade" option and reconstruction of the pavement system, and a hybrid of that the "Remove Asphalt and Base" option and utilize a soil cement chemical additive to improve the base. He stated following the recommendation of those options in the last presentation, they heard discussions from various Councilmembers, had conversations with the Engineering Department, and consulted among themselves in the industry to determine that two of those options could be actually modified and improved to address the concerns that were brought forth by members of Council. They added an Option 4A "FDR with Subgrade Remediation. This option includes the full depth reclamation with an additional funding source included to address up to 40% of the existing subgrade for additional repair. It was an improvement by addressing the issues associated with subgrade concerns.

Mr. Toole stated the next slide in his presentation shows Options 5, 5A, 6 and 6A, with 5A being a new option. That particular option included also recognizing subgrade concerns that there was an additional funding source in place in the option to allow for identification of failed subgrade areas or subgrade areas of concern to have that removed and replaced with new subgrade material and then the base and paving would be replaced as indicated in Option 5. He stated with this option, they were asked to look at a selection criteria matrix. Selection Criteria Matrix is a numerical evaluation tool that establishes a level of confidence achieved for a preselected set of criteria. This particular process is utilized by Six Sigma. That is where the idea came from and that is the basis of the design for this particular application. He stated there were selection criteria that were identified based on various factors. He stated, on the slide, the selection criteria across the top has room for eight and it can be expanded to whatever is needed. He stated there is also a weighting factor which establishes the level of confidence or the level of importance each selection criteria will achieve in the overall evaluation. The weighting factors are installed across the top of the table. He stated down the left side there is a series of 1-5 and they can be expanded as well. He stated those are project options. Finally, the rating itself on individual criteria for individual options is on the right of the table. They are rated high, medium, or low. There is a numerical valuation associated with the high, medium, and low. This is the mechanism used to evaluate the options to bring some objectivity. The rating factors for each of the selection criteria across the top of the table are multiplied by the rating that is populated in each of those open boxes for each construction alternative. Those multiplied numbers are being added across and on the right hand side, where there is a total that is the total evaluation. It gives a numerical ranking. It helps determine what the best options are. He stated the selection criteria were established based on Toole Engineering's understanding of Council concerns expressed individually and through the last Council meeting where the options were represented, discussions with the Engineering and Utilities Department, experience with similar type projects, and general knowledge of the remediation alternatives that were included. Based on that Council can see the selection criteria were identified as:

1. Address subgrade concerns.
2. Structural suitability of base course.
3. On-going maintenance requirements and serviceability rating.
4. Aesthetics of option.
5. Cost of option.
6. Pavement smoothness.
7. Impact of construction activities.

Mr. Toole stated these selection criteria provide a general list, but they are also critical in their elemental ability to observe and distinguish the importance of the various elements associated with any construction option that may be selected. He stated the next slide in the presentation shows that each selection criteria has a weighting factor associated with it. This also assigns a level of importance of the selection criteria for the overall evaluation process. Looking at the table, it shows that correcting the subgrade, correcting the base, and the ongoing maintenance risks were all rated at 10, which is the highest

level of rating factor utilized. The aesthetic look was reduced to a 9. The cost was an 8. The ride ability was an 8, and the construction impacts to a lesser degree because most of the people did not indicate the impacts of their community by construction was of significance, but it was of concern.

Mr. Toole explained the rating considerations. He stated once you take one of the selection criteria, each of the criteria has to be rated by how each construction option will respond to that selection criteria. There is a level of confidence when any selection criteria will be applied to a particular construction option. The slide shows Low, Medium, and High, and the numerical ratings of 1, 4, and 9. Those numbers will be utilized to populate that chart and give an opportunity to determine what the numerical values are as they move across. He stated the construction options are the options they looked at originally, however, option 4 was modified to be 4A to include soil remediation for the subgrade, and option 5 was modified to 5A to include subgrade remediation. Mr. Toole explained the chart. He stated across the top Council will see the selection criteria that were included: Subgrade, Base, On-going Maintenance, Aesthetic Look, Cost, Smooth Ride, and Construction Impacts. He stated down the side of the table are the seven options that were identified and evaluated. He stated the Project Selection Matrix is populated and the elements are weighted as Low, Medium, and High, with the exception of Cost. He gave Council a little bit of background information. He stated he would start out with comparing option 1 to option 6. Those were heavily discussed during the initial meeting. Several members of the community said the "Do Nothing" option was not an option. He stated it is an option, but the concern is very validly stated. It does not lead up to what needs to happen. He stated that if Council looks at the matrix itself, they will see that the level of confidence of a pavement system that will last and provide any level of satisfaction in the area you will see a low rating, which is the "Do Nothing" option all the way across totals to a value of 60. There is no way to evaluate the subgrade in a continuous approach for that option. The base material will be only repaired in those areas that you have patches for continued maintenance. There is an ongoing maintenance program because they feel that it will be 15 years of continual patch and repair. The cost is astronomical if you add it up over a 15 year period in excess of \$1 million. The smoothness will not be minimized any whatsoever because of the number of patches and the continued failures. The construction impacts will be ongoing throughout the 15 year period. Consequently the ranking for the "Do Nothing" option resulted in a factor of 1 for each of those selection criteria totaling a value of 60.

Mr. Toole directed Council to look at Item 6, which is option 6. He stated this is a traditional repair method for pavement repair. This is removing asphalt, the base, and subgrade and replace it in time according to specifications. In that particular option, the subgrade is addressed and it received a high value of 9. Similarly the base course is reconstructed with a higher level of base configuration and it also received a value of 9. Ongoing maintenance is minimized to a high degree so it has a high value of 9. It is a new paving system so the aesthetic look receives a high value of 9. The cost in and of itself received a low value because the cost was approaching the cost of the "Do Nothing" option, which is in excess of \$1 million. However, the smooth ride has a value of 9 and the Construction Impacts have medium value because of the length of time could extend anywhere from two months to four months in time. He stated the first thing Mr. Grinton questioned was why Mr. Toole deviated from the rating standards for construction costs. Mr. Toole stated it was to allow for the variability and wide range of construction costs associated with the various options. He stated the cost from the original table ranged from roughly \$300,000 to over \$1 million. Taking in \$100,000 increments, they took everything over \$1 million as a rating of 1, \$900,000 - \$1 million is 2, and this continued all the way down to \$300,000 - \$400,000 as a rating of 8. He did not assign a value of 9 to anything. He stated the spread on the cost is 1, 2, 5, 6, 7, and 8. That is the spread of the particular cost.

Mr. Toole stated the construction recommendation based on that particular table and the matrix is basically option 4A, which represents the best option for rehabilitation of the roadway. Option 5A came in a close second as noted in the green at 524 points. However, option 5A, although it provides a similar level of confidence for construction options, there are several things that need to be considered. It does not incorporate the asphalt into the new base course. Option 4A actually grinds the asphalt and the asphalt

grindings are actually incorporated into the new base material along with a chemical additive of cement. Option 5 does not achieve the same structural number as option 4, so the pavement is not quite as strong as option 4 for the same reason. He stated it will result in additional time because the actual existing pavement is physically removed and hauled away from the site and then the base is actually prepared. It has proof rolled areas, subgrade concerns are identified, repaired and then the chemical additive is incorporated into the base material when it is reconstructed. Removal of the asphalt will increase the construction cost. Those were the primary differentiators between options 4A and 5A.

He stated in full depth reclamation, option 4A includes the cost for subgrade remediation if it is required. The Full Depth Reclamation is a proven and effective pavement remediation construction method in South Carolina. He thinks there are over four million square yards in South Carolina in 2014. It is used for exactly the type of remedial work we are looking at in Gem Lakes. He stated the Full Depth Reclamation provides a significant increase in pavement structural number which results in a higher level of service of the pavement. It requires the minimum construction time of all the options and if constructed appropriately, it should provide 15-20 years of actual wearable and useable surface without significant reconstruction.

Mr. Toole referenced a chart in his presentation. He stated it is regarding Portland Cement type concrete, but it also applies to asphalt concrete as well. He stated you can see the pavement life cycle. There is preventive maintenance that is required in the first years of the life of the pavement up through 10-12 years. When you get into the 15-20 year range you are looking at reconstruction. As long as the rehabilitation is maintained, and the corrective maintenance is maintained throughout the life of the pavement, you will get a good system that acts in accordance with the original design parameters. Unfortunately, in the case of Gem Lakes, we are in the reconstruction. We are way out to the right of that particular curve in need of full reconstruction to make that pavement correct. He stated he wanted to give a definition of reclamation and what it entails. He stated basically it is a chemical additive to existing materials, and it takes the pavement, the base, and some of the subgrade, pulverizes it and mixes it. Through laboratory testing, the amount of cement that is required to create the appropriate compressive strength is determined. That is applied to the mix in place and allowed to cure.

Mr. Toole discussed when FDR is appropriate. He stated when the pavement is distressed and the base of the subgrade is the cause for failure, this is an option that should be considered. If full depth patching is required on more than 15 to 20 percent of the total surface area, this is an option that should be evaluated. Also, if the pavement structure is inadequate for current or expected future traffic this can be used. He stated from what they have seen here it is inadequate for existing traffic, much less for future traffic. The FDR process starts out with an existing roadway which has a traditional asphalt surface, a granular base, and subgrade. They use machines that actual pulverize the asphalt surface, the granular base, and a portion of the subgrade. Some of the excess material is removed so that you do not overlay your curbing. They then add the chemical stabilization, in this case cement. It is mixed, shaped, and compacted. Once the final surface is prepared, you come back again with the new surface. In this case an asphalt surface. Mr. Toole presented some photographs to Council. He stated the first photograph was the first project held in South Carolina. It was Highway 97 in 1994. He stated the picture shows what the beginning project looks like, and then another picture shows it 20 years later. This was the first case utilized in South Carolina. They worked out a lot of the bugs in that one. The next project was the Old Zion Road in 2004. He showed pictures of then and then of 2007. He stated he did not have pictures for 2014, but except for the asphalt looking a little grayer, it has no signs of distressing. It is a secondary road, which has a lot more traffic than Gem Lakes.

Mr. Toole stated he thinks it is important that Council understands that the FDR Program has become a primary tool for pavement rehabilitation in South Carolina. They have let 4.5 million square yards in 2014. That is a lot of area. Mr. Alexander Johnson stated they are on target for 2015 going over 6 million square yards, which is approximately 825 miles. He stated in February alone they have let 1.1 million square yards. Mr. Toole stated he would answer any questions. He said Mr. Alexander Johnson is also present to

help answer any specific questions they may have regarding the process and the outcomes anticipated in option 4A.

Mayor Cavanaugh asked what Mr. Toole said about options 4A and 5A. Mr. Toole stated those are the two highest weighted options. Option 4A is the recommended option. Mayor Cavanaugh stated he noticed as he looked at the sheets that there a lot of them that are a very low risk. He stated he gets a little confused. He asked if all of them are very low risk, does that mean they will all stay good for the same period of time. Mr. Toole stated all of the options that are considered very low would have the same expected type of life. He stated the reason for the selection criteria matrix that was utilized was to distinguish those four very low options based on a number of factors, not just the pavement life cycle. Mayor Cavanaugh asked if Mr. Toole was telling Council they need to choose one of those options. Mr. Toole stated that was correct. Mayor Cavanaugh asked which option was the better of the two.

Mr. Toole stated they feel Option 4A is the best option, and if he can use construction cost alone he would take two factors that are easily to resonate with. He stated they are talking about \$365,000 for 4A versus \$1 million for Option 6. If they come up with the same life cycle cost and basically the same pavement condition after 15 years, he would go with the \$365,000. The second issue is the length of time of construction. He understands they can do the FDR in just a couple of days and have it primed and sanded, which can be travelled on by the residents at that point. After 48 to 72 hours it is recommended they use a steel wheel roller and compact it or back and forth roll it to produce microcracks in the FDR before they apply the final surface. They can pave both of those roadway sections in a day or day and a half. It is about two weeks of work at the maximum, whereas if we go with Option 5A we are probably talking about a month's worth of work. For Option 6 the time would be anywhere from two to four months. In two to four months, anything can happen, foul weather, and any adverse weather conditions can delay construction or construction costs could be increased. There could be some negative effects, but Option 6 will require an excavation anywhere from 20-30 inches of material out of an existing road bed in front of everybody's driveway. That would mean for up to two months they could be not allowed to get into their driveway because of the construction requirements, whereas the FDR, after a couple of days, can be driven on.

Councilwoman Price asked if they will be able to see some noticeable improvements within two weeks. Mr. Toole stated it would be completed in two weeks.

Councilman Homoki stated it was never deciphered what the underlying cause of the problem was. He asked if Option 4A would solve that problem regardless of whether it is ground water some of the other things people talked about. Mr. Toole stated he feels it will. He stated he took Mr. Johnson to the site and they elected Option 4A.

Mr. Andrew Johnson, of Portland Cement Association, stated based on their site visit, looking at the nature of the distress, it appears to him that because they do not have any gross distortion of the pavement in the area beyond the patches, that would indicate that the issues with the pavement are typically related to its inability to withstand the traffic loads rather than an underlying weakness in the subgrade. He stated when you have a subgrade type failure, typically what you are doing is you are distorting that soil that is underneath the pavement and actually deforming that material. By subgrade he means the soil that is underneath the pavement. He stated typically that causes the pavement to move at a considerable distance, including the curb and gutter. He stated he did not see distortion of the curb and gutters at the time he visited the site. He stated he would believe that while the subgrade strength may be poor that the pavement structure itself appears to be underperforming what you would expect for the structure.

Councilwoman Price stated she has a question that borders on a legal question, given that the City doesn't own the roads, and we have not discussed how this will be paid for but yet we are coming to a point where we have a recommendation. They will decide if they are going to accept that recommendation and begin to move forward with trying to work to improve the conditions of that road. She asked how that binds the City if it doesn't

work as to contributing to a greater extent to the problem given what we have in front of us.

City Attorney Gary Smith stated before Council can authorize any work to be done, they have to wrestle with the question of how to take over ownership of the roadways. He stated the city cannot perform work like this on roadways that the city does not own. Council has two options in that regard. One is to negotiate with the developers, the owners of the roads, and ask them what they are willing to do in order for the roads to be dedicated to the City so they can take that action, or Council can choose to attempt to condemn the roads. The city would go through the process similar to what DOT does when they are building new roads in the State right of way. They actually go out and purchase the right of way, and if the purchase doesn't work then they go to court and they ask the judge to set forth an appraised amount or value for the roadways. He stated on Option 1 on Mr. Toole's presentation, Council can do nothing with respect to the roads. Nothing can be done if you do that.

Councilman Ebner asked what will be done with the rest of the roads around the City. He stated there are particular roads such as Ascot, West Pleasant Colony, Kensington, and a number of roads that have the same type of failure. He stated once Council addresses this, the domino will line up for fixing other roads. He asked if we continue to address these other roads. He stated the City owns some. Mayor Cavanaugh stated he thinks the City will have to look at each one on its own. He stated it is certainly a valid subject. He stated Council has this issue that we are working on and want to get it done and make it right. He stated to start talking about the other roads is something else. They all might be somewhat different. In his view, each one of them will need to be looked at on its own. It may or may not be the same problem. He said Councilman Ebner seems to think that they are all the same, but he is not so sure they are and until we really look at them he doesn't think we will really know what will happen with them.

Councilman Ebner stated his opinion is that the failure mechanism is very similar. The tests that have been run on the other roads run in that direction. He stated he had a question on the installation. He stated there was a failure on this road on top of the storm water or sewer line. He said it was said it was a leak that caused it in construction. He asked if this stabilization bridges that four foot gap so that the roads will not cave in later on as underneath continues to compact.

Mr. Toole asked if he was referring to the area that failed when the proof rolling was done. Councilman Ebner stated yes. Mr. Toole stated that is a separate issue and has to be addressed as a separate issue. That will require the excavation of poor materials and replace and compaction. He stated they would need to inspect the storm sewer system in that area as well.

Councilman Ebner asked if on this particular road do we need to run some tests down by the lines to be sure that is stable. He stated once this is done, if it's unstable underneath it will continue to be a problem.

Mr. Johnson stated all the pavement design options are based on the assumption of a stable subgrade underneath the pavement. It doesn't have to be particularly strong to function appropriately, but obviously, if there is an area that is undergoing settlement from a lack of appropriate construction technique over a utility line, that will probably continue to settle going forward. Unfortunately the pavement is not to be a bridge. It is intended to primarily protect the subgrade.

Councilman Merry asked if that void was a result of erosion due to a water leak. He was told that was correct. Councilman Merry asked if it was a pressure line or supply line, not a storm sewer line that was leaking that the City owned at the time of leaking. He was told that was correct. Mr. Grinton stated it was also storm water. He stated the storm water pipe had a bad joint and the water came through. He stated what he would recommend, as they have done on Ascot, is to replace all the water services on this section of road and put casings in. He stated in that way the degree of reliability would be improved.



Councilman Merry asked if the potable water leak was at the service point or within the pipe system under the road. Mr. Grinton stated it was in the general area. Councilman Merry stated it seemed to him that erosion of that magnitude would almost have to come from pressurized water not just water dripping out of a non-pressurized storm sewer system. Mr. Grinton stated there is a probability that was the case. Councilman Merry stated if it was true, then he would like to know because if it is true that would seem to clearly delineate whether that particular collapse was a City responsibility or not because the City owns that water line. If that is what caused it, then it is cut and dry whose responsibility it would be. He asked if there was a way to know that definitively. Mr. Toole stated there is no way to definitively announce it one way or the other; however, there are certain factors that can be identified. One, there was excess water that was under pressure running through the system. Secondly, a void was created, and it was created because there was a joint that was not properly put together on the storm line and allowed water to come through and carry soil particles with it and over time the movement of those soil particles continued, and there was a regression failure where there was a void that started creeping back upstream towards the source of the water. He stated there is a combination.

Councilman Merry asked if the storm water line and the potable water line were owned by the City at that time. Mr. Toole stated he didn't know about the storm sewer. Mr. Grinton stated the city did not own the storm water system.

Councilman Merry stated he has had a nagging theory in the back of his head for a long time and as we have moved forward, he has tried to rule it out, but something Mr. Johnson said earlier brought it back. He stated it was regarding the lack of deformation due to subgrade failure, because he, along with everyone else, early on thought that was the problem. He asked if it was possible with the failures that we are seeing in that asphalt, since it is not consistent with some sort of catastrophic subgrade problem, could those failures be consistent with the application of bad asphalt, whether it be too cold or a bad asphalt mix. Mr. Johnson stated it is one of the possibilities that could be. He stated he only saw it after it was patched and not during. He stated from what he was told it was primarily a fatigue type structural cracking. That occurs when you deform the layer of asphalt beyond the point that it can endure repeated loading and it will induce cracking. He stated consequently that could be generated by the asphalt itself having poor resilient properties due to overheating, over rolling, or it could be induced by excessive or lack of stiffness in the system beneath that asphalt layer. He stated it is his understanding there is a sand-clay, an earth type base, underneath and it is possible there are problems with the earth type base. It is possible there could be problems with the asphalt. A lot of it occurred along the gutter line. It may be that the water may have stood in the cut while it was under construction. He has seen that happen quite a few times.

Councilman Merry stated he is asking the question, not that it changes his point of view on responsibility, but it changes his level of assurance in his own mind about what the right fix is. He stated he paved something almost the same time these were done with the same asphalt from the same plant, and it was very impure quality and he refused it. He stated he wondered if this was bad asphalt, and if that was all that was going on. If so, he said he would feel better about Option 4A instead of having to do a full grade in Option 6 or 6A with a full depth reclamation, etc. He stated if he felt like it was potentially asphalt failure itself, a bad asphalt mix, he would feel all the more assured about Option 4A. Mr. Johnson stated from his own experience with forensic investigations on roadway failures, is that it is typically not one thing that was done wrong, but a variety of things that were done in a borderline fashion. He stated it is often a combination factor, not just one bad factor. He stated he would like to give a cleaner answer to the question, but it is hard to know without proof.

Mr. Rich Decker stated to answer Councilman Merry's question about the water, he notified City Engineering twice by email that there was a constant flow of water into that storm drain starting in January. He stated the water was leaking from that pipe since January, constantly, day and night, in dry weather or wet weather. He stated what effect that had in terms of what happened, the City will have to determine. He said there was constant water there, and it was reported. He stated he had two questions. He stated it

was stated in the summary that concerns exist about water and moisture content under the subgrade. He stated he would assume when the pavement is removed that there will be some proof rolling or testing before it is redone. He asked if that was correct. Mr. Johnson stated in the reclamation process there are specific requirements on the degree of compaction required to achieve the desirable strength of the material. If you are building over something that is soft, imagine trying to knead bread on a mattress. You cannot really get compaction. Generally if you have sufficient stiffness to achieve the appropriate compaction, then the pavement will perform unless there is some future drastic change, like a water line, or a severely fluctuating water table that can cause that, but he did not notice that it was consistent with that necessarily.

Mr. Decker stated for a long time the City Engineer had noted water, and Gaul and Kisner's engineer had noted water beneath that road. The City hired a radar detection company, and they twice radared that road and found water underneath those roads. He stated he hopes that we are addressing that potential problem that may exist there because there have been too many reports of water. He said he personally has witnessed at the bottom of that road water actually seeping through the road itself.

Mr. Johnson stated the function of the pavement is to diffuse the loads on the surface to a point that the subgrade underneath is protected from permanent deformation. That is one of the structural functions of the pavement. Consequently, even that water, per se, is not necessarily something that will cause the pavement to fail. It is more the saturation and poor support caused by the water and that excessive movement. He stated the modification process, because it is a cement based process, typically is not prone to the degree of saturation that you would get with granular material such as a sand-clay base. He stated he would hate to give a 100% guarantee that there will never be a problem with the pavement because that never happens. This has been applied in very similar situations in a number of subdivisions with success. He stated he understands Mr. Decker's concerns.

Mr. Toole stated the recommendation still stands to place a French drain behind the curb for that lower area. Mr. Decker stated there were numerous discussions as to where this water was coming from, swales on the properties diverting the water to the street, or maybe there was excess watering in the neighborhood. The bottom line is there were constant reports, almost from the beginning, of water being present in that subgrade even when they were paving. He believes the subgrade was wet when it was being paved. He is concerned about spending the money and coming back in five years and saying we should have done something with the subgrade.

Mayor Cavanaugh stated he has a concern about water as well. He stated he thinks there is water in there and this makes him feel good if what is being presented will do away with any water that is in there and that it will be successful. He asked what degree of success Option 4A will give. Mr. Toole stated he has a high level of confidence that it will give 15 years with normal routine maintenance. Mr. Johnson stated he would agree. He stated while there are always problems with any construction technique, he has never seen a reclaim pavement fail due to weakness. It has typically been other issues related with an improper amount of cement being applied. Typically the reclaimed base is relatively impervious to the effect of water, but obviously if there are severe water conditions where water is coming out of the pavement in great profusion, that can cause problems, however, he did not see that level of water when he was there. He stated that is not to say that condition cannot exist at other times.

Mr. Toole stated it is very evident with the large cuts behind some of the houses there is a high likelihood that they intercepted the groundwater table in those cuts. However, it did not change the groundwater levels that moved towards the lower end. What it did allow is water that was in that zone of saturation where it came through the bank that water would come out onto the surface and travel along the surface. You would see saturation in certain points in yards. The groundwater level, by the time you reach the street, may still be six to eight feet down according to the borings. However, the surface can be saturated as a result of that intersection of a portion of the groundwater flow. That would contribute to the water that eventually entered behind the curb and got under the subgrade

or pavement and got into the base material. He stated the sand-clay base is susceptible to water deterioration in a very quick fashion.

Councilman Merry asked if they were talking about in addition to whatever remediation or step that Council may be considering also changing all of the water services for all the homes on those roads as well as putting in French drains. Mr. Toole stated yes.

Councilman Merry stated those two things combined will probably be over \$100,000.

Mr. Grinton stated for the water services the City will use the utility crews like they have on Ascot and Springstone. It is not approaching \$100,000. He thinks we will see that in the process those costs are included. Councilman Merry stated he did not know they were included. Mr. Toole stated the French drains are included. Mr. Toole stated Mr. Grinton is correct in that the water lines are not included. The French drains are.

Mr. Todd Gaul, of Gaul and Kisner, stated he would like to make some comments that may help. He said you guys don't know what all is there. He stated in the initial construction they did put French drains on both sides, and Larry Morris was involved in that. He said they actually ran cameras to see if the water was getting to it. He has some photos of that, and the City does as well. He said he would be glad to show the City where that was done when we get to that point. He stated, regarding the storm drain, they did repair that and Tilden Hilderbrand was involved in that. He told them how to do it and what to use. On the inside of all of that, he told them best how to do it, what to use and the requirements. He stated on the outside they did not do anything because they did not know the volume of what happened and where it stopped and started. There was no more water in it. He stated he was there when they made the water line repair and the water that was coming out of the pipe stopped as soon as they made the repair. The water stopped coming into that area of the storm drain.

Councilman Merry asked if water from the City's supply line was getting into the storm sewer line. Mr. Gaul stated he has a perfect video showing it. Councilman Merry stated that would explain why Mr. Decker was hearing water in the storm sewer because our supply line was getting in the storm sewer line and then leaking out of the storm sewer line and eroding everything underneath that. Mr. Gaul stated the repair was made on both parts. The city made their repair, and they made it, and they have pictures and video of that as well.

Councilwoman Price stated she is looking for a solution and how everyone can win with this. She stated if the city takes immediate acceptance of the road, it means that we own everything. She stated she is trying to protect the City with her comments and look for a solution for Gem Lakes as well. She stated the first thing she thought of is if we can share expenses but still not own the road. She stated she is not fully comfortable with acceptance yet. She is trying to come up with a level that she is comfortable with in voting for this where there is a solution, we are sharing the cost, and we agree upon a time table the City can accept those roads after a period of time. She asked Mr. Gaul if he wants to work with the city to share in the cost. Mr. Gaul stated at this point they would not. They have spent a tremendous amount of money following the path that they have been guided to. He stated it is getting tough to take.

Mr. Steve Kisner stated he owned 30% of the Gaul and Kisner Partnership. He said he was going to preface his comments by saying he was personally furious about this, but he is not going to let you guys win. He is going to keep his composure. He said he and Todd Gaul had conducted business in this city collectively for nearly 50 years. They have built over 1,000 homes. He said their reputations are impeccable. He said he felt this has come down to their reputations. He felt this City Council has been a problem, and he wants to talk about that. For the last several years he and Mr. Gaul have come to Council meetings. They have come to work sessions. He said they have heard their names slandered over the road issue. He said he felt that a few of Council have encouraged the slander. There have been dozens of articles in the local newspapers. He pointed out how many times have we seen a picture of the truck with the wheel down through the surface of the road in the paper. He said they did not cause that. It was a city water leak. He said they are convinced that the storm drain separated, that the joint separated, and caused the city water leak.

Mr. Kisner stated now Council has attached their names to the construction of homes in Gem Lakes which they did not build. He said some of Council had encouraged that. He said some of Council had written emails about taking our city business license away because of the quality of the homes. He said where are the facts. How do we know that the quality of these homes is bad. How do we know that. We are just dealing in innuendoes. He said somehow this has to stop. He said he wants his reputation. He said that is important to him. He said Council had not helped with that.

Mr. Kisner stated that Councilwoman Price and Mr. Smith stole his thunder. In the last meeting he attended one of Council pointed to the residents and said we are going to fix your roads. He said he was sitting there thinking "you are going to fix their roads and we own them," and Council had reminded him of that constantly over the last several years. He said he and Gaul own the roads, but you are going to fix their roads. Mayor Cavanaugh asked who said that. Mr. Kisner stated he did not want to get personal. Mayor Cavanaugh stated Mr. Kisner is saying things, but he was not going to go into any details. Mr. Kisner stated if they wanted him to, he could go into detail. He said he knew who said it. He said it is in the minutes of the last City Council meeting.

Mr. Kisner stated that he and Mr. Gaul are not going to agree to anything unless a couple of things happen. First of all, we have to agree with the plan. Second, City Council needs to acknowledge the conclusions of the report of W. R. Toole and Wilmer Engineers. He said Council needs to acknowledge it. If Council has not read it, they need to read it and understand what it says. He said it does not say that it was poor workmanship. It does not say it was poor materials. It says that the city specifications are not adequate and the construction traffic of the homes caused the failure. He said that is what the report says. Mr. Kisner said the last thing is, before we do anything to the roads, the city will have to take them over. He said that is up to Council; they can decide. He said he and Mr. Gaul, in conjunction with the city and working with the City Engineering Department over the last five years, have spent \$185,000 making patches and that they were told if they would make the patches the city would take the roads. He asked where is the fairness of this. Mayor Cavanaugh stated the city would take the roads if they did not fail again in a certain period of time. Mr. Kisner stated the patches have not failed in his opinion. Mayor Cavanaugh stated he did not know and would have to leave that with the engineers.

Mr. Kisner stated the direction from the City Engineering Department was if they made the patches, the city would take the roads. He said that is where we are. He said if Council cannot understand his frustration, then he is sorry. He said that is all he has to say.

Mayor Cavanaugh stated back to option 4A. He asked Mr. Toole that if in his judgment that is what should be done. Mr. Toole responded, yes. Mayor Cavanaugh asked if there were any other questions or comments. He said it is up to Council to determine and decide if this is what we are going to do; that is, whether we are going to think about it and come back at the next meeting and do something.

Councilwoman Price stated she would propose that Council meet in executive session to talk about the do's and don'ts, the what ifs if we accept the roads, what can happen over a period with the other roads that we are going to face in some timeline, and certainly we will work on these and repairs. She said it had been said "do nothing" is an option, but it is not an option for her. She felt we need to do something in terms of helping the community. She said she felt we need to be fully aware of what to expect with other issues that will come up beyond the Gem Lakes roads.

Councilman Merry stated that is a very valid concern. He said whatever we do, if we do anything, he thinks the person needs to be couched on the idea that we are not accepting any responsibility, fault, liability, or anything like that, we are simply trying to come up with a practical solution for some good honest taxpaying residents who have bought new houses on the roads that are in bad shape. He said he wants to guard against setting any kind of binding precedent as we try to deal with these roads. He said as the Mayor said this is one individual set of circumstances and all the others are all different. He said we

are perfectly willing to listen to each and every one of them, but this is an individual-one case and can only be applied to this one case.

Councilwoman Price stated she was touched by Gaul and Kisner, and she wanted to personally apologize. She said that is just her. She said if they feel strongly that Council has impacted their reputation and business reputation by which they earn a living, she wanted to say that she is sorry for that, not that she is part of that, but she wanted to say she is sorry for whatever blame they have received for things that are not proven, but a lot of accusations. She said she had heard those things as well. She said she was sorry and hoped that we are at the point now that we are going through a healing period where we can move forward with the recommendation and solution to the problem.

Mayor Cavanaugh stated he liked Councilwoman Price's idea of having an executive session sometime soon, as we need to get all of our thoughts together. He asked what others thought about that. Councilwoman Diggs stated she was in agreement.

Councilwoman Price stated Council is not stalling; we are going to come to a solution. She said this is not a stall; it is coming. She asked that Council be given a chance to talk about what is next in the event other issues come up. She said after hearing what has been presented, she pretty much knows the direction she would like to go, but she felt Council needs to fully discuss the issues.

Councilman Homoki stated in the memo it says also the City Attorney will discuss the legal matters. He asked if that had already been done or is that to be done in executive session. Mr. Smith stated that was his response to Councilwoman Price's question earlier. Certainly if there are other legal issues that Council wants to delve into, that could be done in executive session, whether it is tonight or at another meeting.

Mr. Jeffery Jordan stated he just wanted to make a quick point about can kicking and taking things in piecemeal. It will be a very difficult decision to make a course on the right thing to do. There is the right thing to do and there is the expedient and equitable thing to do. He said the decision Council makes will be binding to some degree in the eye of the community. He said Council can't just say we will take these things case by case, because then it will be if you do it for them why don't you do it for me and that kind of thing. He said, of course, the emotion has to be taken out of a lot of things. It has to be a practical business decision made so you don't have guys who have been in town for 30 years paying taxes and building homes upset because people are running them down in the ground. You can't be defensive about these things, and turn them into personal issues. This is a business decision. This is a bad road. Then whatever decision you make will stick with you and the guys on the street will say, as Councilman Ebner mentioned, you did it over there, you have to do it for me. He said he wanted to caution Council that when they do make their decision that they take all those things in mind, not just about that road, but what is going to happen a year from now when some other resident wants their roads fixed. The question is whether there is money for them or whatever the case may be. He said we have to start thinking strategically and long term, not just what is equitable right now because everybody is upset. We have residents here mad and business people who are mad. It has to be a strategy to make sure good decisions are made in the city.

Councilwoman Price stated that is why she said Council needs to discuss the matter in executive session. She said we are talking about millions of dollars beyond this decision.

Mr. Tim O'Briant stated on an executive session, as the counsel just gave Council some legal advice here in the public for everyone to hear, he said he thinks specific matters related to these roads, ownership of these roads, paving of these roads certainly could be discussed in executive session. He said, however, discussing setting precedent, policy and things to go forward should be discussed in public.

Mr. Klimm stated he wanted to comment that it was our hope today that after hearing from the panel and from our citizens that we might take the first step which is to identify a solution without getting into who is paying for it, whose road it is and how we are

going to deal with that. All those issues and how this impacts other roads are all issues that have to be dealt with. The fact is that we have a panel before us of experts that are telling us what they believe the option is to fix the roads. Without getting into who is paying for them or whatever, he felt it is important, especially since we have heard about how our comments, actions or inactions have impacted about 45 families who have lived with this day in and day out for many years. He said he felt at Council's earliest convenience it would be helpful to at least identify the option that makes the most sense. He said the gentlemen who appeared before Council tonight are not making political statements; they are just telling the facts as they see them via decades of experience. He said the ultimate decision is Council's, but if at a future meeting or the next meeting or whatever, Council is going to turn to staff and ask what are the options, if we are to take any responsibility here anywhere from zero percent of the responsibility to 100% of the responsibility, he said he has to know what option Council is talking about. He said if he knows what option Council is talking about, then staff can lay out options that include items that need to be discussed in executive session, but certainly not financial implications. He said he can't do that if he does not know what Council wants to do.

Councilman Dewar stated he was prepared to make a motion. He moved, seconded by Councilwoman Price, that Council recommend Option 4A for repair of the roads in Gem Lakes Extension Subdivision.

Councilman Merry asked if that is everything right now, forever and good, and no executive session, just chose an option. Mayor Cavanaugh and Councilmembers Dewar and Price all stated this is just one issue and an option. Councilman Merry stated then the motion is following what Mr. Klimm was suggesting. In other words, we would move ahead and study Option 4A as we go into executive session. Councilman Dewar stated it has to be determined who is going to pay for it, etc. Councilman Merry stated he wanted to make sure that was clear. Councilwoman Price stated she supports that.

Councilman Ebner stated he felt the City Attorney needs to put the words to this because the long-term impact of this is important like Mr. Jordan said. He said we need to put the other words in there that this option is for study or something, and it is not a decision to move forward. It is a study option.

Councilman Dewar stated that was not his motion. He said his motion is that based on the input from the presentation by the three individuals as it relates to the Gem Lakes Extension roads, that he would ask Council to endorse Option 4A. There are other issues beyond that, but simply to accept the briefing at the request of the City Manager as a step forward, and that Council endorse Option 4A.

Mr. Smith asked Councilwoman Price if she endorsed that as restated. Councilwoman Price stated she does. She stated Mr. Klimm's comments are very important. He needs something to work with and for Council to give him something to work with in terms of taking the politics out of this, cost out, and where we go from here, so he can come forward to Council with other recommendations.

Councilman Merry stated if Council votes to adopt Option 4A tonight, and we determine through more fact finding or though whatever discussion Council might have in the future, that is not a viable option what does it mean. Councilman Merry said endorsing an option, he likes what it is intended to do, but what does that mean. Does it bind Council to something.

Mr. Smith stated it is possible after Council has given the City Manager this guidance that he could go back and look through the books and not be able to find the funding to do the project. He said that is a possibility. He said the City Manager still has to come back to Council with a path forward based on utilizing Option 4A. Councilman Merry stated the recommendation is not irreversible. Councilwoman Price stated that does not bind Council yet in terms of saying we are accepting the roads. Mr. Smith stated the city may not get the roads. He said there are still some matters that have to be checked out. Councilman Merry stated he liked what we are trying to do; he just wanted to make sure it is clear.

Councilman Homoki stated if Option 4A under discussion when Council starts talking in executive session is untenable, then obviously Council would have to migrate to another option.

Councilman Dewar stated he did not see how the option could be untenable. He said Council had had the presentation and all the facts. Councilman Homoki stated he was just saying it was possible. Councilman Dewar stated he did not think so.

Councilwoman Diggs asked if Council was ready to vote.

Mr. Rich Decker stated he could be wrong, but he believes the City Code requires that the roads not be in private hands. He said we are now seven years into these roads being in private hands. He asked how this is justified. How do you say we are going to have another meeting. Council will discuss it. Council will have another session, etc. He said the City Code says the roads cannot be private. The roads are in private hands. They are liable. He said if he were Mr. Kisner he would want to get the roads off his hands because there is liability there. He said the citizens are paying taxes over there to the city for their roads, and this is what they have over there. He asked if he was incorrect in saying the Code says that the city cannot have a private road in that location.

Mr. Smith stated he was not saying the city was not supposed to take over the roads, but that there is always a possibility the city cannot get the roads. Mr. Decker asked at what point does the City step in and say they have to take the roads over regardless of the condition or whatever. He said it has been seven years. He asked if it is going to be another year.

Councilman Merry stated he would hope there is never a circumstance where the City has to take a road if it is a crummy road. He said if that is the case, there would never be any obligation on the part of the developer to ever develop a road by regulations if the City would have to take it no matter what.

Mr. Decker stated if the City is not going to take a road, then you don't allow citizens to build homes there and occupy it and face this dilemma. Councilman Merry asked how the City could ever enforce the standards if the developer knew they could build something substandard and make the City take it anyway if we could not enforce our standards. Mr. Decker stated the engineering reports were not done correctly, and the testing was not done correctly on the roads. He said that was a city obligation to provide those testing services and insure that the roads were built correctly. That was not done so we really cannot establish what the cause was for the roads failing. We don't have the compaction testing results on these roads. He asked what was the City's responsibility to insure that these roads were constructed correctly—nothing. He said the citizens had lived with these roads for seven years. He said he walks down the road every day and looks at it every day where the road caved in. Councilman Merry stated Council is working on a possible solution.

Councilwoman Price stated the proposal is a step forward. She said Council is not going to say it will take another three months, but this is a step forward for the Gem Lakes Extension Subdivision. Mr. Decker stated where he sees it, it is connected to other developments; it is connected to other issues within the city with other roads and other developments. He said that does not negate the fact that this development is in trouble and needs help.

Mayor Cavanaugh stated Council understands that, and he hopes that he sees over the past few months that we have had experts talking and have two present at this meeting. He said Council is about to make a decision based on what they are suggesting is the best. He said Council is trying to move forward. He said Council had always said they wanted to do what we can and should do to make these roads better. He said Council needs Mr. Decker to help them a little bit. He said Council understands about some of these problem areas. He said we are trying to get there and get them fixed. He said we have other citizens out there too. He said we have 30,000 citizens. Councilwoman Price stated Council has another meeting in two weeks.

Councilman Dewar stated the city has a process for roads. When roads are built they have to satisfy a certain criteria for a certain period of time. In this particular case, it is one year. He said he understands the law now is two years that the roads need to be built and pass inspection. He said we have not gotten to that point with these roads in Gem Lakes. Despite some disagreement or misunderstanding we are following that process. He said it may not play out exactly as it ought to, but Council is going to get to the end result one way or another. He said we are going to resolve this issue, hopefully with cooperation of everyone involved.

Mayor Cavanaugh called for a vote on the motion by Councilman Dewar, seconded by Councilwoman Price, that based on the input and presentation by the three individuals as it relates to the Gem Lakes Extension roads, that Council endorse Option 4A. There are other issues beyond that, but simply to accept the briefing at the request of the City Manager as a step forward, and that Council endorse Option 4A. The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Ebner voted in opposition to the motion.

REZONE – ORDINANCE 09142015

Rebecca M. Green  
616 Whippoorwill Court  
TPN 106-18-18-020

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone .16 of an acre at 616 Whippoorwill Court from RS-6 to RS-15 Single-Family Residential.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED AT 616 WHIPPOORWILL COURT FROM RESIDENTIAL SINGLE-FAMILY (RS-6) TO RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. Klimm stated that Rebecca M. Green, of 616 Whippoorwill Court, is requesting the rezoning of .16 of an acre from RS-6 Single-Family Residential to RS-15 Single-Family Residential. This property was gifted to Ms. Green by Mike Calhoun, who recently requested some adjacent property to be rezoned to Office. This parcel will serve as a buffer between the Office zoning and the residential use. The property gifted to Ms. Green was zoned RS-6 and is to be combined with her current lot, which is zoned RS-15. To comply with the Zoning Ordinance both parcels are required to have the same zoning district in order to be combined.

At the July 14, 2015, meeting the Planning Commission considered the request for rezoning this gifted property from R-6 to RS-15. After discussion the Commission recommended to Council that the .16 acre be rezoned from RS-6 to RS-15.

Council approved this ordinance on first reading at the August 10, 2015, meeting. For Council consideration is second reading and public hearing of an ordinance to rezone .16 of an acre at 616 Whippoorwill Court from RS-6 to RS-15 Single-Family Residential.

The public hearing was held.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve on second and final reading an ordinance to rezone .16 of an acre at 616 Whippoorwill Court from RS-6 to RS-15 Single-Family Residential. The motion was unanimously approved.



MEMORANDUM OF UNDERSTANDINGJuilliard in AikenJoye in Aiken

Mayor Cavanaugh stated there had been a request to renew a Memorandum of Understanding with Joye in Aiken (formerly Juilliard in Aiken).

Mr. Klimm stated Joye in Aiken [formerly Juilliard in Aiken] has brought Aiken tremendous positive publicity since its inception in 2009. It is now time for us to renew our Memorandum of Understanding we have had with them. The proposed MOU will last for five years and our responsibilities will continue to include staff assistance, transportation for performers and their instruments and various promotional efforts. The next festival is scheduled for March 5 – 12, 2016.

We have reviewed this MOU and recommend Council's acceptance.

At the August 10, 2015, meeting Councilmembers had several questions regarding the proposed MOU. Those questions concerned the value of the in-kind services provided by the city, the length of time of the MOU, and the change of name to Joye in Aiken. We have estimated those costs.

Public Safety provided a cost estimate of \$175 to install the banners at one intersection in the downtown for the Joye in Aiken event.

The Parks, Recreation and Tourism Department has estimated the in-kind services they provide by transporting the artists and instruments to the many venues and assisting in promotion of performances to be about \$2,693.

For Council approval is a request to renew the Memorandum of Understanding with Joye in Aiken.

Ms. Janice Jennings, Executive Director, is present to address any of Council's concerns. Ms. Jennings stated she was present in support of the renewal of the Memorandum of Understanding. She said they were excited to continue their partnership with the City of Aiken which has proven to be so very valuable to Joye in Aiken and hope that it will prove to be valuable to the City of Aiken as well. She said President Sandra Field, Co-Founder of the organization, with Steven Naifeh and Greg Smith, had hoped to be present to address Council, but she had to be out of town. She said she would read Dr. Field's remarks, and then she would be happy to answer any questions.

"Mayor Cavanaugh, Mr. Klimm and members of the City Council, thank you for the opportunity to speak to you this evening.

On behalf of Steve Naifeh, our Chairman, and the Joye in Aiken Board of Trustees, I would like to extend our sincere thanks for the tremendous commitment and support that the City has given to Joye in Aiken, formerly Juilliard in Aiken. The City's administrative officials and staff have been key to our success over the past seven years. We could not have logistically managed the large number of artists, instruments, and performances, nor the extensive outreach programs throughout our county without your help. In particular, I just have to give a shout out to the former and current staff of the Parks, Recreation and Tourism Department. They are some of our most tireless and hardworking heroes. Joye in Aiken is indeed a joint effort and we look forward to our continued partnership with the City.

Mayor Cavanaugh, we also want to thank you for being one of our most loyal fans and supporters. Your service and innumerable contributions to this community have helped make Aiken a great place in which to live. We wish you all the best in your retirement and look forward to seeing you and Lee at our festival performances.

Recently, we informed the community that Juilliard in Aiken had been renamed, Joye in Aiken. While the directive for the name change came about because of a change in brand

policy by the Juilliard School, and was not initiated by our organization, I want to assure everyone that our relationship with the school remains as strong as ever. In fact, we are very close to completing our artist roster for 2016. With the help of Elizabeth Joy Roe, one of Juilliard's most distinguished alums and now our new festival curator, we are planning a spectacular March festival that will include Juilliard students, distinguished Juilliard alums, world-renowned organist and Grammy winner, Paul Jacobs, and a few surprises. Stay tuned.

I also want to assure you that we don't think of this partnership as a one-way street. In addition to bringing internationally acclaimed artists and innovative outreach programs that touch the lives of thousands of students throughout our county, particularly those in need, we also want to bring economic stimulus to this community. We strongly believe that Joye in Aiken is now uniquely positioned to play a pivotal role in Aiken's future. Through its seven-year connection to the world-renowned Juilliard School, Joye in Aiken has established a reputation for providing the very best that the performing arts have to offer. Already the reputation extends far beyond the city limits. Analysis of the 2015 Festival ticket sales shows that audience members came from all corners of SC as well as from 20 other states. As we increase the Festivals' visibility, we increase its potential to become an even stronger regional (and perhaps even national) draw, attracting the coveted cultural tourists, bringing an influx of consumers to our local businesses, and creating an even more potent profile for Aiken as a cultural destination.

We look forward to this new chapter in our growth and with your help, will strive to continue bringing joy to thousands of adults and children, and helping put our community front and center in the cultural landscape of the Southeast!

Again, we thank you."

Councilwoman Price stated from what she was hearing because of the name change that has not impacted ticket sales or anything and that the organization is still very, very strong and will continue to have a prominent presence given what is happening now with the sales and interest. The name change has not hurt at all.

Ms. Jennings stated they have absolutely no indication that the name change has damaged the organization at all.

Mayor Cavanaugh stated Joye in Aiken is one of the wonderful things that has happened in Aiken over the many years.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the Memorandum of Understanding with Joye in Aiken as recommended by staff. The motion was unanimously approved.

#### STORM WATER IMPROVEMENTS

Economic Re-Investment Fund

Whiskey Road

Fabian Drive

Teresa's Mexican Restaurant

Mayor Cavanaugh stated there was a request from staff for approval to proceed with storm water improvements between Whiskey Road and Fabian Drive.

Councilman Merry left the Council Chambers at 8:43 p.m. because he is a property owner in the area being discussed.

Mr. Klimm stated that at our last meeting, City Council directed staff to proceed with a bid opening for storm water improvements between Whiskey Road and Fabian Drive near the old Teresa's Mexican Restaurant. A bid opening was conducted on September 3. Three vendors participated in the mandatory pre-bid conference and only one vendor, Gary McElmurray Construction, Inc. of Beech Island, submitted a bid. Their bid was for \$157,063. This is approximately 5% higher than our estimated budget of \$150,000.

Staff and our consulting engineer, Tilden Hilderbrand, have reviewed the bid and recommend its acceptance. We have \$50,000 allocated to this project from the Economic Re-Investment Fund.

Tonight, Council is to provide approval of the bid and funding direction for the remaining \$107,063 of this project. Mr. Klimm stated Mr. Grinton is present to answer any questions about the project.

Mayor Cavanaugh asked why only one bid. Mr. Grinton responded that we are finding that there is a lot of construction going on and contractors are busy. He said we are also finding that costs are escalating more than we were expecting them to. He said we are back into that inflationary cost timeframe. He said they had talked to a lot of designers, and they are all saying that in the last 12 months costs are going up and people are busy.

Mr. Grinton stated he had talked with the various individuals. The total project bid was \$157,063 of which approximately \$34,500 is in the right of way on the streets. He said he felt that is something the Storm Water Fund should pay for. Starbucks has committed to \$46,171 which leaves \$76,338 for which he needs funding identified as to where the cost will be charged. He said the Philip Merry property and the shopping center, if you look at the two properties, contribute approximately one-third of the water that flows into the system that has to be enlarged. He said the shopping center has no motivation to contribute to the project because there are no easements and the water, as far as they are concerned is taken care of now. It just causes trouble for others. He said he had talked with Philip Merry and discussed the matter and the portion of property we are still in the process of getting easements. We have a property plat easement drawing, and when he has the actual easement documents then he plans to contact both Philip Merry and the Reynolds Brothers. He said those are the two he needs easements from before he can proceed with the work. He said the portion of Philip Merry's property and the shopping center property would be contributing the \$35,033, but Mr. Merry is not interested in contributing. The shopping center has no motivation to contribute. Mr. Grinton said he would recommend that we find a way to fund that elsewhere.

Mr. Grinton stated there is also an issue with a portion of the work that is outside of the contract that Starbucks will be installing between their property and the catch basin. He said that is the section that will go across Mr. Merry's property. He felt it would be appropriate to give Starbucks a credit for the cost of that pipe which is about \$4,300. He said the Reynolds are interested in having a fence replaced which Starbucks has said they would be willing to contribute to which will probably cost about \$5,000. He said Starbucks will incur an additional cost above and beyond what he is talking about for this project. He said the difference is \$80,658 which is needed in funding. He said we have \$50,000 identified from Economic Re-Investment so there is a shortfall of approximately \$30,000.

Councilman Dewar asked if the two properties, Merry property and the shopping center, should contribute. He asked why the two properties should contribute.

Mr. Grinton stated the storm system was installed in the 1980's. This is when storm water requirements were first implemented. He said lack of perspective of just looking at the design and some of the facts of storm water, it would appear that the person who owned the property at that time designed something that would handle their property, and they really did not look at what was behind them. He said he thought that both Mr. Merry's property and the Reynold's property were one owner at that time. He said he was not sure they were required to look at the other area at that time. He said he was not sure the regulations were clear that was something that needed to be done. He said he was not trying to say exactly what happened, but it appears to have been that because a larger pipe is needed. He said it gets back to the dilemma and potential we are facing earlier when Council tasked him with solving the problem. He said how do you develop and correct an old problem. How do you fund it. He said these are private property issues. He said the storm water for all the private property happens to be three different property owners. He said when the water gets to the road, yes, the City needs to have its system enlarged. He said we are working to facilitate this to help Starbucks to come into

the community. We are providing them kind of an engineering service to help them resolve the damaging storm water issue. This will ultimately cost them less than what they would have had to do. He said you look at the lay of the issue associated with the Reynolds, Merry, and shopping center properties. He said the Reynolds are being very gracious allowing us to enlarge their pipe. They intend to keep ownership of the pipe. It is not being considered dedicated to the city. Mr. Merry is kind of saying the same thing. He is supportive of allowing the solution to be completed so that Starbucks can come through an easement on his property. Then the shopping center, even though they are contributing, really doesn't have a "dog in the fight" so to speak. They are contributing, but they are not affected. All of these things are a legacy. That situation will continue to go on unless we address and do an engineering correction to it. He said that then becomes the dilemma. Who should pay for what.

Councilman Dewar stated he understands. He said the reason he asked the question is that we are very likely to put a business and an individual in bad light because we are asking them to pay money for something that we probably should not be asking them to pay for to begin with. He said he was not sure they should have been listed any place. He said no matter what we say some people are going to think they are bad because out of their pocket there is absolutely no reason they are going to want to pay some money that the city feels it needs to get the project done. He said he was not sure that it was not the city's responsibility and not the two businesses' responsibility.

Mr. Grinton stated if Council feels the city should pay for it, he would be fine with that. He said the only thing he would be against is the Storm Water Fund paying for the cost because it is not a storm water defined regulatory issue. Storm water can flow any way it wants on private property, and it can cause trouble to neighbors, and the city does not get into that fight. The city takes care of it once it gets to the right of way where the city can carry it properly away from that point of acceptance to the detention ponds, etc.

Councilman Dewar stated if there is an advantage to the particular property owners, then they should be asked to contribute. He said we need to be careful about putting them in a bad light if they decide not to contribute.

Mr. Grinton stated he had talked with the Reynolds, and they are not interested in contributing. He said he had talked to Mr. Merry, and he is not interested in contributing. Councilman Dewar asked if either of those property owners would get any benefit from the project. Mr. Grinton responded that Mr. Merry will and Reynolds' benefit is marginal.

Councilwoman Price asked what Mr. Merry would get. Mr. Grinton responded that there is water which comes down from behind Teresa's Restaurant and at one point in time there was a berm. He said he did not know who constructed the berm, but there was a berm there. It could have been the original owner of the property. That berm has worn partially away and when the gas line came in on their property, they graded it the way they wanted to grade it, and the berm is no longer there; the gas company does not want the berm to be put back. He said that started this issue. Councilwoman Price stated the question is the amount of money. Mr. Grinton stated the Merry property share of 9% came to \$9,214. Councilwoman Price stated tonight Mr. Grinton is asking Council to consider \$157,063. Mr. Grinton responded that is the project bid, and he was asking for identification of how to fund the other \$80,658. He said \$50,000 had been identified as Economic Re-Investment Fund. He said the logical thing may be to increase the amount from \$50,000 to \$80,658 from the Economic Re-Development Fund. He said that would fund all of the cost of the contract accounted for.

Councilwoman Price stated that in terms of the Hospitality Tax, Council has a portion going to the Economic Re-Investment from the Hospitality Tax which is being put to good use in her opinion. She said the intent of the Hospitality Tax is to reinvest and help businesses. She said she was supportive of this.

Councilman Ebner stated if you go back in time he and Mr. LeDuc had somewhat of a disagreement. He said the Storm Water Act was already in place when this was done. They were supposed to account for the water that was coming across that property. As

we develop other areas where the land has not been developed, we will run into this same problem. He said there are a lot of other issues that should have happened. He said he thought it was in about 1984 when things should have happened about easements and all that, but it did not happen. The only way to solve it is what we are doing today. You fix the problem. He said we caused our own problem. He said later we will discuss the TD Bank property. The only way that is going to get developed is to fix the problem. Otherwise it will not happen.

Councilwoman Price stated if we do nothing here, the city will not be helping a business. She asked if that was what Councilman Ebner was saying. Councilman Ebner stated one of these days the other business is going to change, as that is inevitable. He said what Mr. Grinton is saying is that it adds \$35,033 to the Economic Re-Investment Fund to go ahead and fix it. He said he did not understand the Hospitality Tax yet.

Councilman Ebner moved, seconded by Mayor Cavanaugh, that Council authorize the addition of \$35,033 to the \$50,000 already in the Economic Re-Investment Fund to provide the funding needed for the storm water improvement project between Whiskey Road and Fabian Drive with a bid project amount of \$157,063.

Councilman Ebner stated we have an issue. The City Attorney is not in the room, and we have someone to recuse themselves. He said this needs to be put on the record, and it is not. He said when the City Attorney returns to the room, he needs to make that statement.

Councilman. Merry and Mr. Smith returned to the Council Chambers at 8:57 p.m. Councilman Merry was asked to complete the recusal form since he is a property owner in the area of the storm drainage issues.

#### CONCEPT PLAN – ORDINANCE

GMK Associates  
University Hospital  
1021 Silver Bluff Road  
South Aiken Prompt Care-UHS  
TPN 106-19-05-002

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the Concept Plan for South Aiken Prompt Care-UHS at 1021 Silver Bluff Road.

Mr. Klimm read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED AT 1021 SILVER BLUFF ROAD.

Mr. Klimm stated GMK Associates has requested a revision to the Concept Plan for the South Aiken Prompt Care-UHS at 1021 Silver Bluff Road. On October 13, 2014, City Council approved a Concept Plan showing a future expansion area of 1,992 sq. feet in addition to the 7,500 sq. feet of floor space currently under construction. However, the developer has requested that an additional 1,473 sq. feet be added to the future expansion area of 1,992 sq. feet for a total addition of 3,465 sq. feet. The additional expansion area is to house a future Primary Care practice. The requested expansion area has been reviewed by the City of Aiken On-Call Traffic Engineer who has determined that the revised Concept Plan does not warrant an additional traffic study.

The Planning Commission at their August 11, 2015, meeting considered the request to revise the Concept Plan for the South Aiken Prompt Care-UHS on Silver Bluff Road. The Commission voted unanimously to recommend approval of the revision to the Concept Plan as requested with the following conditions:

1. That the concept plan, and any subsequent site/landscape plan submittals, comply with all other previously approved concept plan conditions, except those revised in this concept plan revision request, and the City of Aiken zoning ordinances; and

2. That any subsequent site/landscape plan submittals be approved by the City of Aiken; and

3. That the owner execute an agreement listing the conditions of approval and that the agreement be recorded by the City at the RMC office within 90 days of approval by City Council.

For City Council consideration on first reading is an ordinance to amend the Concept Plan allowing a future expansion area of 1,473 sq. feet to be added to the future expansion area of 1,992 sq. feet for a total addition of 3,465 sq. feet to house a future Primary Care practice at 1021 Silver Bluff Road.

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council pass on first reading an ordinance to amend the Concept Plan allowing a future expansion area of 1,473 sq. feet to be added to the future expansion area of 1,992 sq. feet for a total addition of 3,465 sq. feet to house a future Primary Care practice at 1021 Silver Bluff Road. The motion was unanimously approved.

#### CROSLAND PARK – ORDINANCE

##### Sale of House

1021 Chatfield Street NE

Melvin L. Fair

TPN 120-16-03-010

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration on first reading to approve the sale of 1021 Chatfield Street NE in Crosland Park.

Mr. Klimm read the title of the ordinance.

#### AN ORDINANCE APPROVING THE SALE OF 1021 CHATFIELD STREET NE IN CROSLAND PARK SUBDIVISION.

Mr. Klimm stated Melvin L. Fair has offered to purchase 1021 Chatfield Street NE in Crosland Park for \$62,000 for the property. A pre-qualification letter from SRP Federal Credit Union has been provided indicating he qualifies for a VA mortgage loan to purchase the property. The appraisal for the property shows an appraised value of \$63,000. If an offer less than the appraised value is received for the purchase of property, the offer must be reviewed by City Council for approval.

Staff has reviewed this purchase and recommends Council approval.

For City Council consideration is approval of an ordinance to sell 1021 Chatfield Street NE to Melvin L. Fair for \$62,000, upon the terms and conditions set forth in the Purchase and Sale Agreement.

Councilwoman Price stated there had been discussion about Veterans and using some of the homes in Crosland Park to attract more Veterans. She thanked Ms. Emory Langston for reaching out and getting this accomplished.

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council pass the ordinance on first reading to approve the sale of 1021 Chatfield Street NE to Melvin L. Fair for \$62,000 upon the terms and conditions set forth in the Purchase and Sale Agreement. The motion was unanimously approved.

INFRASTRUCTURE PLAN

- Whiskey Road
- Beatty Lane
- Oak Grove Road
- Sanitary Sewer
- Storm Sewer
- Drainage
- Hass & Hilderbrand

Mayor Cavanaugh stated Council needed to consider approval of a proposal to develop an infrastructure plan for Whiskey Road from Beatty Lane to Oak Grove Road.

Mr. Klimm stated after further evaluation of the sewer line project along Whiskey Road, we believe we need to study further the commercial properties south of the Ladd Britt property to Beatty Lane. We have obtained a proposal from Hass & Hilderbrand to study this area. They will evaluate and submit a report estimating the cost to install sanitary and storm sewer infrastructure to support the economic development of these properties. The cost for Hass & Hilderbrand to do the study is \$3,900. The study cost will be paid for out of Engineering and Utilities Engineering Division Professional Services [002-3111-461.32-10].

For Council consideration is approval of an agreement with Hass & Hilderbrand to conduct a study of the area south of the Ladd Britt property to Beatty Lane for development of an Infrastructure Plan.

Councilman Merry asked if this work is similar or overlapping with any other work that has been discussed by the County by Camille Furgiuele for a Whiskey Road Study. He asked if that study would be looking at storm water. Mr. Grinton stated no. The proposed study is a targeted commercial area. There are very specific boundaries and properties. He said these are the properties they believe could be connected to the ones that are to be done with the TD Bank-George’s Pond Project. He said this study would extend that and determine what we can do and what is possible. In that way when there is new development interest in the area, we would be able to give them an answer as to what they can and can’t do.

Councilman Ebner stated it is his understanding that someone has already called about the Ladd Britt property and these particular items and that is how this item got on the agenda. He said he heard about it and asked Mr. Klimm and Mr. Grinton to get this on the agenda so if somebody comes in both of these properties would already be covered, and we would be able to say it will cost X dollars to tie into the existing sewer and potable water.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve the agreement with Hass & Hilderbrand to conduct a study of the area south of the Ladd Britt property to Beatty Lane for development of an Infrastructure Plan at a cost of \$3,900.

AIRPORT – GRANT

- FAA
- Municipal Airport
- Terminal Apron Expansion

Mayor Cavanaugh stated Council needed to consider acceptance of an FAA Grant for the Terminal Apron Expansion Project at the Aiken Municipal Airport.

Mr. Klimm stated that at the August 10 meeting, City Council approved our application to the FAA for the expansion of the Municipal Airport’s apron. This expansion will more than double the capacity of the airport’s terminal apron. We have formally received a grant offer from the FAA for this project. The breakdown of the grant amounts are below:

FAA Share: \$2,261,288

SC Aeronautics Commission Share: \$125,628

City Share: \$125,628

Tonight, we are asking for Council's approval to accept the grant award. We did not receive official notification of the award until September 9, and we must have it returned to the FAA by tomorrow [September 15] in order to receive the grant award.

We have been notified by the SC Aeronautics Commission that their share of the match money was appropriated by the SC General Assembly this year, and they have their match portion allocated for this project.

We recommend using either the Economic Re-Investment's Capital Enterprise Fund [027-1801-418.90-87] or the Hospitality Tax Funds for our match. This was discussed at an earlier Council meeting.

For Council approval is acceptance of an FAA grant for \$2,261,288 for the terminal apron expansion.

Mr. Klimm stated the Airport Manager and members of the General Aviation Commission are present to answer any questions.

Councilman Dewar stated he had a couple of questions. He pointed out that we are taking a lot of money out the Economic Re-Investment Fund. He said as far as he knows it has \$214,000 in it. He said we need to be careful about spending money. He said he thought all of Council had agreed that we would spend that money on a cash basis. We would not spend it before we had it. He said he was not sure we have \$125,000 in the fund. He said he would say we need to be cautious. The other thing is whether acceptance of this grant would cause us to need to spend any other money to be allocated. He said he understands we are tearing down a couple of hangars. He asked if that money was in the grant or does that have to come out of city funds.

Mr. Grinton stated there is no obligation to spend any other money. However, we do want to replace the hangars that will be removed. He said that was the discussion we had earlier. He said he was not sure that had been resolved at this time.

Councilman Dewar asked if the money to tear down the hangars is part of the grant. Mr. Grinton responded that it is not. He said what we were basically planning to do is we have a contractor who would be interested in removing the hangars, and we would give them the salvage material. He said we don't have all the details worked out, but we are expecting it to be net zero cost.

Councilman Dewar asked if that had to be done before we start on the grant project. Mr. Grinton stated that is correct. He said we have not started that because we had not committed to the grant. He said as soon as we know there is a successful vote to accept the grant, we will move very quickly to get that started. Councilman Dewar asked how long it would take to do the apron expansion. Mr. Grinton stated he thought the project was 150 days. Mr. Bedenbaugh stated about 150 days is the projected construction period of the contract. Councilman Dewar asked if it was likely that the project would be completed before the Masters Tournament. Mr. Grinton responded that was the plan.

Councilman Homoki asked if Council just needs to address the \$2,261,288 grant that Council is accepting or should Council address accepting the SC Aeronautics Commission match of \$125,628 as well or is that is a separate issue. Mr. Bedenbaugh stated it would be the FAA grant only because that has the deadline. He pointed out the letter received from FAA was dated September 8, 2015, and it was not received until September 9, 2015. He said he had spoken to our local representative on the Aeronautics Commission, and that money is covered. As stated it is budgeted as part of their match and one of the projects they would like to fund this year.



Councilwoman Price stated it is a no brainer to get \$2.2 million for \$125,000.

Councilman Dewar stated as long as we have the \$125,000.

Mayor Cavanaugh stated the project would be something good for the community.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council approve acceptance of the FAA grant for \$2,261,288 for the terminal apron expansion project at the Aiken Municipal Airport. The motion was unanimously approved.

Councilwoman Price stated she wanted to add regarding the Economic Re-Investment Fund that Council had promised the voters that the city would be transparent with the Hospitality Tax. She said the expenditures from the fund were being put on the website so citizens know how the funds from the Hospitality Tax are being used and the Economic Re-Investment Fund. Councilman Dewar stated the School Board said that too. Councilwoman Price stated we intend to be transparent with every dollar.

Councilman Ebner stated he felt the whole statement is that we are putting just about all of it on line that we were not doing before. He said we want to continue not only this, but the other items that we have started doing also so everybody knows how the money is being spent.

### RESURFACING

Paving

Highland Park

Valley Green Drive

SCDOT

Mayor Cavanaugh stated Council needed to consider approval to pave Highland Park and Valley Green Drive.

Mr. Klimm stated that recently the sanitary sewer lines on Highland Park Drive and Valley Green Drive were replaced. As a result of this work the roads were patched but this makes the roads uneven. These roads are state roads and are scheduled for resurfacing in FY 2016-17 under the SCDOT CTC funding. We have made arrangements with SCDOT through the Aiken County Transportation Committee (CTC) to move this resurfacing work up to this year by adding the paving to our current paving contractor as a change order. Under this arrangement the City would pay the contractor for this work. Then the City would submit an invoice to SCDOT to be reimbursed for the cost of the paving. The cost for this resurfacing would be \$107,952.41, and would be paid for out of CPST III money [017-3130-433.75-08 3STRS]. Finance Director Kim Abney reports there is sufficient CPST III cash on hand so an Interfund Loan will not be necessary. SCDOT has agreed to this reimbursement in a letter, which will be credited back to the CPST III road resurfacing account.

For Council consideration is the authorization to schedule the resurfacing of Highland Park Drive and Valley Green Drive with the current contractor as a change order so the roads can be paved this paving season. SCDOT will reimburse the City for this paving from the 2016 paving allocation.

Mr. Klimm stated he would be remiss if he did not recognize the incredible work of Senator Tom Young and our Legislative Delegation who worked tirelessly with us to convince the State that this project be done. It is a total win-win for the City, the State and the neighborhoods.

Councilman Dewar stated he would commend the City Manager for jumping on this matter as well. He stated this started out as sort of a negative because after the repair of the sewer pipe the condition of the road that was left was not very good. He said really it was a safety issue. He said that is what prompted everybody to jump through the hoops. He said he appreciated the efforts of George Grinton. He said we have to make sure the paving people don't leave hazards on the road when they finish under any circumstances.

He felt everyone in the neighborhood is very, very grateful that we are moving ahead to get the roads paved.

Councilman Homoki moved, seconded by Councilwoman Price, that Council authorize the resurfacing of Highland Park Drive and Valley Green Drive with the current contractor as a change order so the roads can be paved this paving season with SCDOT reimbursing the City of Aiken for this work from the 2016 paving allocation. The motion was unanimously approved.

PUBLIC SAFETY DEPARTMENT

Mobile Software  
Capital Projects Sales Tax III  
CPST III

Mayor Cavanaugh stated Council needed to consider approval to spend CPST III funds for purchase of mobile software for the Public Safety Department.

Mr. Klimm stated that the Department of Public Safety has used the same Software Suite for 21 years. The software is reaching the end of its useful life, so we approached City Council about replacing it during the FY 2015-16 budget preparation process. After some discussion, Council decided to appropriate \$302,730.00 from CPST III money designated for Public Safety Laptop Computers [017-2110-421.74-05 3PSLT] plus approved \$183,000.00 from the FY 2015-16 General Fund [001-2110-421.74-06] for a total of \$485,730.00 for the acquisition of software and hardware for this project.

City staff undertook a serious and detailed analysis through the procurement process. An RFQ was developed during the first quarter of 2015 and the document was released to prospective vendors in March with a response due date of April 15, 2015. Scheduled site visits were made to users of three different software packages in June and July. A review team consisting of City staff from all divisions of Public Safety, IT and the City Manager’s Office evaluated and determined that Sungard Public Sector best met our needs. After negotiating a proposed price, we would like to present this recommendation to City Council.

The cost of this project would be \$468,484.51, which is under our \$485,730.00 budget. This includes having Sungard finance \$150,000 of the license/component fees as part of the first four years of software maintenance. The annual maintenance costs [which include the financing at 3.0%] will range from \$95,762 to \$99,153 as listed in the table below.

COST SUMMARY

Payments:		Contract/ Implemen- tation	12 Months from CE	Year 2	Year 3	Year 4
Software	Due on Contract	\$261,332.75				
Implementation	Due on Invoice	\$165,000.00				
Travel	Due as incurred	\$ 31,000.00				
Additional Hardware Costs	To be purchased by City IT	\$ 11,151.76				
Annual Software Maintenance			\$55,408	\$56,516	\$57,646	\$58,799
License/Component Fees (\$150K financed at 3%)			\$40,354	\$40,364	\$40,354	\$40,354
Total Due		\$468,484.51	\$95,762	\$96,870	\$98,001	\$99,153

Even with financing some of the fees the proposed annual maintenance costs will be below what we have paid in annual software maintenance costs over the last five years, which are listed below:

Fiscal Year	Mobile Computer Software Maintenance Cost:
FY 2015-16	\$121,138.00
FY 2014-15	\$117,610.00
FY 2013-14	\$114,188.00
FY 2012-13	\$105,731.00
FY 2011-12	\$ 97,899.00

For Council approval is to spend \$302,730.00 of CPST III money as part of the Public Safety Mobile Software Suite.

Mr. Klimm stated for many months an interdisciplinary team from IT, Public Safety Department, and Mr. Bedenbaugh has worked long and hard on this issue, and they have a presentation to make to Council.

Mr. Bedenbaugh stated the committee began last year identifying a path forward for the replacement of software used by Public Safety. They have been using the same software suite for 21 years, and it has reached the end of life. He said they began the process of marching this forward. After discussion with staff a RFQ was developed that was released to prospective vendors in the late winter of 2015 with a due date of April 15, 2015. Six responses were received. Two were eliminated as not meeting specifications. Site visits were made to the top three vendors that were used by individuals or entities in the state. The Software Evaluation Team met again to discuss the vendors and recommended that we accept the proposal of Sungard. The funding appropriated by City Council is identified as a portion from Capital Projects Sales Tax III as well as approximately \$183,000 out of this year's General Fund budget. He said he would like for Captain Kestin to go into more detail as to how the Committee got to this point.

Captain Kestin stated the team started with the RFQ at the beginning of the year. After discussion we eliminated some of the responses to the RFQ. The reason those companies were eliminated from the six we started with and went to three vendors, is that the three vendors were already certified in South Carolina in doing things that we are already doing such as electronic transmittal of incident reports and looking up state driver's license, etc. that the officers have in their car, so we decided to go to the three vendors who are already certified in the State of South Carolina. We know it is a very difficult process to overcome to achieve this. In the month of June we took three trips and had some very wonderful hosts around the state who use the software packages that we were looking at from the three vendors. We spent a whole day with members from the entire Public Safety Division. We had people come from the Sheriff's office to look as they are also interested in a similar package. After making the three site visits with whole day visits with other law enforcement agencies around the state, the Evaluation Team met and came up with a ranking system and reviewed the site visits. He said the site visits were documented. He said it was a unanimous decision not only by the officers, but the IT staff, and records personnel that Sungard would fit our needs the best. They are currently in the country where the software packages that seem to be the most copasetic for the type operation that the City of Aiken has in South Carolina. Another advantage is that they are also in Lexington County so we would join Aiken County. Sungard is also in Columbia County, Georgia. They all use the same software package. One of the advantages of a company like that is there is an immediate sharing of data between the agencies. That helps the crime analysis. It helps in solving crimes, and it helps with sharing of reports. He said that was a big part of it as well.

Captain Kestin stated the city started negotiations with Sungard in July, and the solution they provided us was within the budget appropriated by Council for the software. He said he would be glad to answer any questions.

Councilman Dewar stated he had some questions. He said Captain Kestin talked about sharing with other people who use the same system, but the Sheriff is not. He asked if Public Safety would be able to interface with the Sheriff. Captain Kestin stated they did not have the funding that we have. He said the Sheriff's Department had been included in every step of the process, and they are also looking to upgrade to a new software package. He said he hoped they will consider going to this app when they get their funding. He said they had been included in the city's process. He said they can't say they will. They don't have the money, but it is his understanding their intention is to look heavily at coming on board with the package the City of Aiken has with Sunguard. Councilman Dewar asked what effects will we have. Captain Kestin stated we currently are not interfaced with the Sheriff's Department now so there would be no difference.

Councilman Dewar asked what this does. He asked if it takes all the incident reports. Captain Kestin stated it's the entire software suite. With Computerized Dispatch if a call comes in it is entered. It is transmitted to the cars to the officers to the mobile data terminals in the cars. Writing of incident reports is available to Records Management System, personnel, evidence, storage, case management, training, etc. All of those things are documented in the package for the entire software suite at the Public Safety Department. Councilman Dewar asked if they were able to identify the whereabouts of vehicles on patrol. Captain Kestin stated yes. He said the package includes GPS whereas the current package we have does not. He said there will be controls in the Dispatch Center and in the cars they will have access to vehicle locations.

Councilman Dewar asked what kind of reports will they be able to furnish to Council assuming Council asks for them. He said, for example, he liked to get reports of incidents in his district. He said he does not get all of them, but he gets most of what he needs. He asked if that would be facilitated by the new software. Captain Kestin stated it would be. He said Sunguard has two packages. They are included in this package as a module. One is P to P, Police to Police Sharing, and that is included with sharing with the other agencies. The other is P to C, Police to Community sharing information. He said that is included in their proposal. He said there will have to be some checks and exceptions to allow that to go out to the public because there are certain cases you would not want the public to see, especially if it is a violent crime or victims of violent crimes or victims of sexual assault. Most of the incident reports that are currently sitting in the Incident Report Book at Headquarters for public review will be available on line on the website for view as part of the new package. Councilman Dewar asked if that would mean that the Aiken Standard would not have to go to the lobby of Public Safety to check the reports. Captain Kestin stated that is correct. They will have access on the website to the reports. He said he would imagine that they would still have their reporters come up to Headquarters for additional information. Councilman Dewar stated if Aiken Standard has access does Council have access to it. Captain Kestin stated Council will have access to all the public record incident reports that they can currently get from coming to Headquarters.

Councilman Homoki asked if the package was software and hardware that we were talking about. Captain Kestin stated it is hardware and software. Ms. Angela Hales stated as mentioned we have had a software solution in place for a number of years, and we were faced with, end of life of the current hardware and software, so we had to make a decision either way. The proposed solution gives us some very powerful options. We will be getting a couple of additional servers. We will virtualize that, and we will also expand the communications from those servers to the cars. She said that should give us some real good capability.

Councilman Dewar stated if there are some user guides that are not too detailed, he would like to look at them.

Mr. Bedenbaugh stated the maintenance costs are detailed in the memo to Council. He said that is what we currently pay with our current system. Over the next five years our maintenance costs will range from \$95,762 and \$99,153, whereas over the last five years with our existing system those costs ranged from \$97,899 up to this year of \$121,138. There will be a savings over the next five years in our annual software maintenance.

Councilman Dewar stated the group had done a great job. He said sorry it took Council so long to support them.

Councilman Ebner stated he had some questions in relation to the future. He asked if the software would be put on a depreciation schedule so this will not happen again. He asked how we manage something that is so out of date. He asked if something that is \$300,000 to \$400,000 is put on a depreciation schedule so in ten years we have money for new software. He asked how we are going to manage the future. He pointed out this software and hardware will not get cheaper, but it will change faster.

Captain Kestin stated the software is by far the most expensive part of the project. He said the annual maintenance with Sunguard includes the upgrades to the software package. He said the hardware needs to be put on some type of depreciation schedule.

Councilman Ebner stated he would think the value of this software, and if you throw in the maintenance of it, you are pushing \$700,000. He said he would think that should be on the depreciation schedule.

Mr. Klimm stated he would work with Chief Barranco and Finance Director Abney and other staff in establishing depreciation for the equipment. Councilman Ebner stated he felt it was important to do that. He did not think it had been on depreciation so far. He said it is not on the depreciation schedule now that he is aware of. Captain Kestin stated it is hard to say because the software package they use at Public Safety now is on the state mainframe. The mainframe is run by the IT Department. Now we are talking about virtual servers instead which are very different.

Councilman Ebner stated he probably should not have asked that question, because now the next question is where will the money come from. Councilman Ebner stated the other thing that he thinks is important is the computer or the communicator PC with this is also an expensive item. He asked how many Public Safety has. Captain Kestin responded they have 60 computers. Councilman Ebner stated they have 60 computers, and they run about \$5,000 each. He felt that should also be a depreciation item--\$300,000 on that over 10 or 15 years or whatever the life is. He said there is nothing cheap about this, and we need to keep up to date. He felt the City Manager should look into how we replace these. At some point they have a useful life also.

Councilman Dewar asked how do we have 60 computers. He asked if we have 12 per shift. Captain Kestin stated there are 60 in patrol vehicles that are used for control functions. Councilman Dewar stated is that even though we only have 48 assigned vehicles assigned to the shifts. Captain Kestin stated that includes the Community Services Division and School Resource Officers which are integrated into the patrol function.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve the spending of \$302,730 of CPST III money as part of the Public Safety Mobile Software Suite upgrade. The motion was unanimously approved.

Councilman Merry stated he wanted to compliment Captain Kestin during a very tedious conversation about Public Safety and technology he used the word copasetic. He wanted to compliment him for working that in there.

Mayor Cavanaugh thanked the whole team for their work on this project.

#### UNFREEZE EMPLOYEE POSITIONS

Finance Department

Engineering and Utilities Department

Mayor Cavanaugh stated Council has a request from city departments to unfreeze employee positions.

Mr. Klimm stated when Council approved the 2014-15 budget one of the conditions was the freezing of all existing and proposed positions. To unfreeze these positions department heads could request Council to open up these positions on a case by case basis. We have five positions for Council to consider unfreezing. This would allow the department to fill these positions through the normal hiring process.

The following positions are requested to be unfrozen:

## **PUBLIC SERVICES DEPARTMENT**

Maintenance Worker I - 2 vacancies. Full-time positions. Employees needed to meet the daily requirements to pick up garbage and cut grass.

Vehicle Operator - 2 vacancies. Full-time positions. Employees needed to operate trucks for the pick up of garbage.

Secretary - 1 vacancy. Full-time position. Current employee is retiring. Employee needed to answer the phone and make work orders.

He said as you can see the openings and through retirements, Tim Coakley has really been in a difficult situation. He said we continue to push his department to do more and more work, cutting grass, etc., but he simply does not have the manpower that has been authorized. For Council consideration is to unfreeze five full-time positions in the Public Services Department.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the unfreezing of five full-time positions in the Public Services Department. The motion was unanimously approved.

## ECONOMIC RE-INVESTMENT FUND

### Fund 027

### Staff Person

### Job Description

Mayor Cavanaugh stated staff had made a request for Council to review the draft Business Vitality Manager job description.

Mr. Klimm stated this position was included in this present year's budget submission under the Economic Re-Investment Fund. He said this evening staff is requesting the approval of the business staff person for which the funding was approved several months ago. He said a draft job description had been provided for Council's comments for the proposed Business Vitality Manager's position after consulting with staff members and members of the business community. He said initially he wanted to thank David Jameson, Will Williams, Avery Spears-Mahoney and others for their insights and input on the issue of the relationship between the City and the business community. He said he believes that the filling of this position will be the first step in restoring and/or creating an environment that fosters a planned, healthy business environment in our city. In terms of defining this position, he would first suggest what this position is not. This is not a quick fix, for our challenges are deep and engrained and involve a culture which has evolved over decades and which includes many processes, procedures, rules and regulations that need to be reviewed, evaluated and improved upon. It is not a position designed to duplicate existing positions, programs, roles and responsibilities. There are many entities involved in the process of business development, whether it be the Chamber of Commerce, the ADDA, the Aiken Corporation, the Economic Development Partnership, our friends with the County with their tourism efforts, the University of South Carolina's Business Development Center, to name but a few. The role and responsibility of this position must complement, not duplicate, any of the existing efforts. This position isn't in and of itself a panacea to what ails us. Filling this position will give us a staff advocate where none presently exists. We unfortunately have numerous examples just recently where that presence, that voice, that advocacy could have really made a difference to more than a few hoping to do business in this city. We actually have some who are

present this evening who are going through this process. One, in particular, he took some time out today to hear their story. The fact is without being critical of any one person or of the City in its entirety, there is a large room for improvement in the way we relate to our business community. We also have an outdated and ineffective skeleton or a structure and no business master plan, and we must foster a renewed effort to create a forward thinking and effective business development plan for the city. He asked what are the benefits of the position. He said creating this position brings a new face; a new philosophy to city government; an actual person who demonstrates on a daily basis that city government is not only here to serve our residential community, but also our business community as well. This position will be a staff person that understands that we also must honor and cherish that which is uniquely special about this city, and a person who will bring various interest groups and beliefs together. We need forums so the business advocates in our city can meet with those interested in historic preservation and those concerned with change allowing for the proper caring of concerns with a goal of working for common ground. The person will evaluate our present laws, rules, regulations, ordinances, tax structure, and city government operations, and answer directly to the City Manager and to City Council offering changes and improvements in what we do and what we don't do. He said he had included the sample job description for Council's review and comment. The person is supposed to manage the day to day operations of the city's economic development program while helping to grow the City of Aiken's economy. He said the essential functions are listed in the job description as well. He said he had been here for over 100 days now, and he could not more forcefully advocate for the need for this position and for all of us to reflect on what our relationship is with the business community. The one example that he found out about today is a business that is the perfect business that we should be supporting. It is young folks trying to create and open up a business that happens to be in the arts which is something else we should really be supporting. For the pain and experiences that she and others have faced, he felt all of us can learn a lesson that we need a system that offers some flexibility while honoring that which makes this place so very special. He said there is no face that is an advocate in our entire organization right now, and we need to change that. He said he thought we could change that by adopting the draft job description and moving forward to hiring a Business Vitality Manager. If nothing else right out of the box, it will send a different message to our business community than they have heard over the past months and years. He said it is a first step. It will not change the system over night, but it is a start. He said he would ask humbly for Council's support and approval of the position.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the draft job description for the Business Vitality Manager position and authorize the City Manager to proceed with the advertising and hiring of the person.

Ms. Andria Mikkola stated she just purchased the old Cramer Feed and Food building. She said this is the first time she had addressed Council happily. She asked that Council pardon her attire. She said she had been working. She said she wanted to thank Council for considering this position. She said she did not know who started the idea to have a position available for people like her. She said she did not have time to play the 30 different roles it takes to just be a residential homeowner. She said she is doing that and a thousand other things. To have somebody who is the go between Council and her is so important. She said she wished she could file. She said she was looking at the qualifications. She said she felt the position is really important. She comes from a family of entrepreneurs and understands the importance of HR and PR. That is something you don't take lightly, and she felt it is a really important job. She said she has had numerous issues and problems in working with departments and answering questions. She said she got over the issues and moved on and has been able to succeed from here on out. She said she was looking to continue to succeed. She said she did not know if there was any opposition to the position. She said she was present in support of the position. She said there had been a lot of people on her side. She said it is important for Aiken to have and support small businesses for the residents here. She said let's bring more people in. She said she was doing great in her business and busy all the time. She said hopefully she will be able to open up around Christmas.

Councilman Ebner stated since we are just starting in this, should this be a contract position for the first year or two so we can ease into this. Or, is it appropriate to go ahead and hire somebody full time.

Councilman Merry stated he felt we should go ahead and hire someone. Councilwoman Price stated she felt the person should report to the City Manager. Councilman Ebner stated he did not say that. He said how do you hire that person—either as a contractor or a full time city employee.

Ms. Mikkola stated it was exciting to know that this is happening in Aiken. She said if there is a question about how you go about hiring someone for the position and if you don't know, people like her have ways of knowing how to do it. She said there could be a group they have access to which might be available to help. She asked how the City was going to go about finding someone to fit the job description, and know that the person is right for the job. She said she did not mean anything, but she did not think there was any of you guys on the panel that would fit for it because they are on a different level. She said Council is here for a certain thing. She said it takes a whole different personality for the position. She asked how is the city going to advertise for the job.

Mr. Klimm stated we are going to advertise through the traditional channels, which would include the local press and trade associations. We will work with business groups. He said Ms. Alicia Davis, Human Resources Director, will be involved with dissemination of the advertisement. He asked that if Ms. Mikkola knows of any trade groups that might be helpful for her to pass that information on to Ms. Davis. Ms. Mikkola asked about SCORE and wondered if they would be involved at all. Mr. Klimm stated he will be putting together a group which will have at least one member of SCORE and other business groups represented on the selection committee. Ms. Mikkola asked if anything about the arts would be part of the job description and something they would have to address. She said there is no other job description now that is helping with that responsibility and being able to keep the community together that way. She said she would suggest that someone with at least a bit of arts background be considered. She said it is too hard to maintain a small business here. She said she would love to be involved in how the person is going to be chosen for this position. Ms. Mikkola expressed concern about how the person for the position will be chosen and that the right person be chosen to help the business community.

Councilman Merry stated in picking up from what Ms. Mikkola is saying there is a need for a level of expertise and a person of a certain personality type. He said he felt that particular type of individual is going to be looking for a permanent full time position to go back to Councilman Ebner's question. He felt if we post this as merely a contract job that is only for a year or two we might not really get the same quality of applicant that we would if it was a full time job. He felt that Ms. Mikkola is right that if we are looking for and find the right person for this work our odds are better if this is a full time job.

Mayor Cavanaugh stated he felt we have a City Manager who is quite capable of determining who this person should be.

Councilwoman Price stated that when Ms. Mikkola approached her on Saturday, she told the City Manager who quickly opened the doors. She said the doors are always open for anyone who wants to come in. She said these concerns have come to the City Manager almost weekly. She said her thoughts and concerns go out to Mr. Bedenbaugh and Mr. Klimm because they have spent a lot of time with people coming in with the kinds of problems that Ms. Mikkola has indicated she is facing and multiple ways that folks have come in. She said it is about our process. They want to do business here. They love Aiken. They want to stay here, but they are asking us to help make it easier for them and the advocate as well. She said she felt Mr. Klimm is very capable of selecting the right person for that position.

Mayor Cavanaugh stated there is a motion by Councilman Ebner, seconded by Councilwoman Diggs, that Council approve the draft job description for the Business



Vitality Manager position and authorize the City Manager to proceed with the advertising and hiring of the person. The motion was unanimously approved.

### HOSPITALITY TAX

#### Parks, Recreation and Tourism Department

#### Projects

#### Priority Order

Mayor Cavanaugh stated Council needed to review the Parks, Recreation & Tourism Department projects funded by the Hospitality Tax and approve the priority for the projects.

Mr. Klimm stated that Council will recall that staff made a commitment to Council to appear before them to ask for additional approval outside of the approval that we initially received in the budget for projects being funded by the Hospitality Tax and/or the Economic Re-Investment Fund.

Mr. Klimm stated at this meeting there is a group of PRT projects that we are ready to put out to bid. We also have a request to allow us to implement the recommendations of the recently completed parking plan that mentions some items such as restriping and other recommendations that are in the parking study. He said staff is asking for consideration to allow us to use Hospitality Tax money for that purpose as well.

Mr. Klimm stated that Parks, Recreation & Tourism Director Jessica Campbell has prepared a proposed timeline for completion of the five capital projects to be funded by the Hospitality Tax during Fiscal Year 2015-16. Those projects are:

1. 014-5110-451.72-02 Building Improvements  
Improvements at Weeks/Smith-Hazel (\$42,000)
  - #1 October - Handicap Doors at Weeks/Smith-Hazel - 3 doors. If purchased separately no bids & 4 week turnaround. If purchased as one project 2 month turnaround. \$27,000
  - #4 March – April - Restroom renovation at Weeks - 2 month turnaround; \$15,000
2. 014-5150-455.72-02 Building Improvements
  - #2 October – February Smith-Hazel Roof (\$140,000)- 5 month turnaround
3. 014-5120-452.73-06 Tennis Courts
  - #3 February – April Tennis Courts Resurfacing (\$120,000) - 4 courts at old skatepark location; 3 month turnaround. Would like prior to State Tournament mid-May. Need hot weather to pour asphalt.
4. 014-5150-455.73-05 Parks Equipment & Fixtures
  - #5 April – June Carolina Bay Railing (\$30,000) – 3 month turnaround

Mr. Klimm said Ms. Campbell, PRT Director, is present to answer any questions regarding the individual projects. He said every one of the projects were listed in the initial budget. He said, however, before we spend any more, we wanted to come back as promised to allow Council to review the list.

Mr. Klimm stated in addition we would like to reallocate up to \$40,000 of Hospitality Tax money currently budgeted for a parking garage to restripe downtown parking spaces, standardize curb striping and improve pedestrian crossing points as noted in our recent Downtown Parking Study.

For Council review is the proposed timeline for the five capital projects for PRT to be funded by the Hospitality Tax during Fiscal Year 2015-16 and to approve the reallocation of \$40,000 of Hospitality Tax to implement recommendations in the recently completed parking study of the downtown.

Councilman Homoki stated he had a comment. He said he had received several emails from some of the people who were local vendors who had kiosks during Aiken's Makin' who were concerned about the three or four inches of water that stayed on the road which limited access to certain kiosks. He said basically the porous concrete that we were sold some time ago apparently is not working well. He said sweeping does not help because it crams more stuff into the crevices. He said some of the observations were that possibly a curb cut would allow some of the water to escape into the parkway. He said this is something we should look at because a couple of local churches were looking to make some money for their missionary effort, and people could not get to their kiosk. They said they figure they lost \$400 or \$500 in revenue.

Mayor Cavanaugh stated there was a time that it used to work well, but we keep getting little pieces of trash in the crevices. He said it has to be cleaned out. He said we need to look at that. He said he does remember that cleaning the porous surface needs to be cleaned on a frequency.

Councilman Merry stated that the pervious surface needs to be vacuumed once or twice a year.

Councilman Homoki stated his understanding is that in talking to one of the engineers that sweeping actually aggravates the situation. It just introduces more dust and particles into the openings.

Mr. Grinton stated he had actually spent about three hours today looking into those complaints and walking along the park. The issues with the pervious pavement are as described. He said we took the jet truck and ran some water just to observe how quickly the water was going in. He said he thinks he wants to talk to the Clemson expert who came out and helped with that in a different area. He said the person is a colleague of Dr. Gene Eidson and has worked on this. He said he wants him to come out and actually evaluate those pavements. There is a concern that they were constructed correctly. There is a concern that there is an issue that the maintenance is a factor. We need to take the recommendations and try to make an improvement. The other aspect is that we have been working with the State to help unclog some of the drains. He said there are really two aspects. You still have the drains that should be removing the water in addition to the pervious pavement taking the water away from the surface. He said you create a pretty big reservoir of water that allows all of this to soak in, etc. He said it is obviously not working as it maybe did when it was first done. He said we need to investigate it. He said that will be a fairly significant effort to get the right people to come look. He said he does feel that the vacuum systems with the sweepers that we have are not the right type. They are good sweepers for blowing dust and leaves, but not good for pervious pavement. He said that will be another evaluation. He said staff will come up with a recommendation.

Councilman Homoki stated he recalls that when we did that he specifically asked the project manager or the Clemson individuals about the trash that will clog the pores in the pavement. He maintained that would not be a problem. He said the second thing is that Aiken was going to be a showcase for the world on using pervious concrete. He said he would be curious to see if Clemson has followed up with any other localities that are using the same thing. He wondered if they were running into the same problem. He felt that should be part of the study that we paid for a few years ago.

Mr. Grinton stated it is not part of that. It maybe should have been. Councilman Homoki stated they said it was going to be a world renowned effort. People were going to copy us left and right. He said he was curious to see where their statements are today. Mr. Grinton stated when they were evaluating pervious pavements for The Alley and other areas, their conclusion was that permeable paver brick was going to be better because of the perceived failure in these other systems.

Mayor Cavanaugh stated we need to get back to the issue on the agenda.

Councilman Ebner moved, seconded by Councilman Merry, that Council approve the project timeline for the Parks, Recreation and Tourism Department projects listed in the budget for 2015-16, and also approve the reallocation of \$40,000 from the parking garage project to restriping the downtown parking space, standardize curb striping and improve pedestrian crossing points as noted in the recent Downtown Parking Study. He also asked that staff watch the cash flow on the income versus the outflow. The motion was unanimously approved.

#### AGENDA

Meeting Notice


Agenda Requirements

Executive Sessions

Councilman Ebner stated he had a question on the attachment to the Issues memo. He pointed out page 204 of the agenda. He said the page is about meetings and executive sessions. Since Mr. O'Briant brought it up, he felt it would be good since there is a new Supreme Court ruling for Mr. Smith, City Attorney, to review this information with Council at the next meeting. He said the last paragraph on the second page gets to be very important. From what Mr. O'Briant was saying it kind of hits the middle of the road from what he says and what we do. He asked Mr. Smith to review pages 204 and 205 of this agenda at the next Council meeting.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 9:52 P.M.

  
Sara B. Ridout  
City Clerk