

Aiken City Council MinutesREGULAR MEETING

April 9, 2012

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

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

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:01 P.M. Mayor Cavanaugh 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.

ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. Councilman Dewar stated at the last meeting during the discussion on the Accommodations Tax allocations he had recommended that \$2,000 be added to the Antiques in the Heart of Aiken. After the meeting he was asked to withdraw that request. He said he would like for the withdrawal of the item be added to the agenda. Mr. Pearce stated he had received a request from the Cumbee Center. They would like permission to place some ribbons and do a balloon release at the Festival Center. He asked that this request be added to the agenda. Councilman Dewar moved, and Councilwoman Diggs seconded the motion, to approve the agenda as amended. The motion was unanimously approved.

MINUTES

The minutes of the regular meeting of March 26, 2012, were considered for approval. Councilman Ebner moved, seconded by Councilman Wells, that the minutes of the March 26, 2012, meeting be approved as submitted. The motion was unanimously approved.

WATER AND SEWER RATES – ORDINANCE 04092012RatesMeter CostsTap FeesWater RatesSewer Rates

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to increase water and sewer rates.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE ESTABLISHING NEW CHARGES FOR WATER AND SEWER SERVICE.

Mr. Pearce stated Engineering & Utilities Director, Larry Morris, provided extensive information to Council regarding our water utility system at this year's Horizons retreat. Last summer, we experienced a significant increase in calls for service due to water leaks occurring. We have put in place several measures to address the challenges brought on by

our aging water utility system as well as by these increased calls to fix leaks. One of those locations was Sandshifter Court. At Horizons Mr. Morris also showed Council a new type of pipe that could be used to fix leaks. That pipe was used on Sandshifter Court, where the city was receiving calls for leak repairs at least once a month. The pipe was installed in January, and we have had no calls since that time.

In order to repair leaks in a more timely fashion, we are requesting an 8% increase in our rates. This increase will help us meet inflationary pressures, pay higher fuel expenses, and add a six -member crew to repair leaks. This increase follows increases in 2010, 2008, 2007, 2006, 2003, and 2002. When these new crews are not fixing leaks they can be installing the new water services.

In addition to these costs, it is time to increase our tap fees and material cost schedule to cover the costs of materials and labor to install them. We have not changed these fees since 1995, and time has now run out on us. We propose this new fee schedule:

		<u>Proposed Rate</u>	<u>Current Rate</u>
Meter and Tap Cost	5/8" x 3/4"	\$580	\$550
	1" x 3/4"	\$725	\$630
Meter Only	5/8" x 3/4"	\$230	\$190
	1" X 3/4"	\$300	\$250

We would charge actual cost for meters in excess of 1".

Mr. Pearce stated in case Council had received some confusing information, he wanted to clarify that with the City of Aiken budget the water system is an enterprise fund. It is not a General Fund account. Surpluses or unspent funds in the General Fund do not affect the Utilities Fund account because by state law and on the bond currently issued that fund is required to support itself. He said staff had recommended the 8% increase in rates due to 2% for inflation. The actual cost of living increase was over 3% last year and no increases were requested.

Council approved this ordinance on first reading at the March 26, 2012 meeting. For Council consideration on second reading and public hearing is an ordinance to increase water and sewer rates by 8% to cover costs and adequate staffing and increase tap fees to cover actual materials and installation costs.

The public hearing was held.

Mayor Cavanaugh asked Mr. Morris to explain why the rate increase is necessary.

Councilwoman Price asked that Mr. Morris also include in his comments the current rates and how much the increase would be.

Mr. Pearce responded that a water customer is currently paying \$.92 per 100 cu. ft. We are asking for an 8% increase. Even with the increase we will still have the second lowest rate in the state. He pointed out the City of Aiken's average customer uses about 800 cu.ft. per month rather than the 802 that is calculated as the state average. The proposed increase will raise the fee about \$3.00 per month.

Mayor Cavanaugh pointed out the Water and Sewer Rate Comparison chart shows 31 cities, including Aiken. It shows their rates compared to Aiken's rates. Even with the increase Aiken's rates will be the second lowest in the state.

Mr. Morris pointed out page 51 of the agenda package, which shows the current calculation and what the proposed monthly rate increase would be. The difference in a bill for 800 cu.ft. would be from \$38.06 to \$41.06, which is basically a \$3 per month

difference with the 8% increase. He also reviewed the Water/Sewer Rate Comparison chart for the 31 cities, pointing out Aiken, with the increase, would still be the second from the lowest rate in the state.

Councilman Dewar stated Council is not asking for a rate increase based on the rates around the state. The information is comforting to know, but we are asking for an increase because of a need for Aiken.

Mr. Morris stated that in his memo to Mr. Pearce, which is included in the agenda packet, he discussed the need for the rate increase. He pointed out the newest round of sales tax funds 017 do not include funding for service replacement. All of the funds were earmarked to replace the main lines. He stated an example is the Whiskey Road line, which runs from Ray Lane to Pine Log Road. He said we average about three breaks a year on the old cast iron line, which is over 50 years old. The line needs to be replaced. The 017 sales tax funds are earmarked for projects like the Whiskey Road line. Also, some of the 017 funds are earmarked to replace aging sewer infrastructure. He pointed out the results of the Sewer System Evaluation Survey in Crosland Park had been presented to Council showing the problems in Crosland Park, and funds are earmarked for this. No funds are designated for services. He pointed out the number of personnel in the Utilities Division going back to 1986. There have only been a couple of additions in personnel since 1986. He said the city prides itself in trying to stay lean and give the best service possible. He felt it is not a good service if the citizens have to wait three to four weeks for a leak to be repaired, and we had that problem last summer. We are asking for six additional personnel so we can address leaks, and instead of patching a leak run a new pipe so we can get better results than in the past. It is very frustrating for the crews to get a call for a leak in the same area that they recently repaired a leak. With new crews we have to have additional equipment and trucks to do the work. That cost is included in the proposed 8% rate increase. Mr. Morris stated he included in the current budget funding in the operation and maintenance funds to start replacing services.

Councilwoman Diggs asked if Council approves the increase and the additional crews are hired to repair the leaks, will the increase be good for some time or would we be asking for another rate increase next year.

Mr. Morris stated the way we have made our increases we have seen that a small increase is needed about every two to three years. Some larger increases have been requested due to increases from the Public Service Authority for sewer treatment. For two years the city did not pass on the sewer rate increases from the PSA for wastewater treatment costs, then we had to ask for a large increase to cover the costs. He pointed out the Utility Enterprise fund cannot borrow money from the General Fund. The Enterprise Fund must be self supporting. He pointed out there are increases the city cannot control, such as increases in electricity, fuel, treatment plant costs from PSA, etc. These costs have to be passed on to the customers. Presently the 8% increase will not put the fund ahead, but will cover current costs for additional crews and equipment to replace lines and repair leaks sooner. He said it is felt that we will have over 10,000 services that we will have to replace. All of these services cannot be replaced in one year, but will probably be done as a three to four year project. We should see a steady decrease in leaks. He pointed out the water leaks represent water on which the city is not collecting revenue.

Mr. Pearce asked Mr. Morris if he sees the six member crews as addressing the water leak problem and installing the new services without a further increase for crews. Mr. Morris stated that is what is anticipated. The new crews' first priority will be leaks, but rather than just repairing a leak we want the crews to run a new service.

Councilman Homoki asked how much water we are losing per year on leaks. Mr. Morris responded it fluctuates, averaging from 18% to 25% of our water being unaccounted for each year, and means that 18% to 25% of our revenue is not being collected. He said it is felt the percentage lost can be reduced to about 10%. There will always be a percentage of water that is lost. He pointed out the Shaws Creek Water Treatment Plant is a surface water plant, and the filters have to be backwashed on a regular basis. The backwash water is water that we will not collect revenue from and is called lost water. It is felt the

percentage lost can be reduced to 10%, however, it will take a lot of hard work to accomplish that.

Mayor Cavanaugh asked Mr. Morris to address water from Shiloh Springs.

Mr. Morris stated Shiloh Springs is another item not funded in the next round of one cent sales tax. He stated DHEC had discovered two years ago that the radium level in the Shiloh Springs water was high. Some of the tests have been at normal level, but because of the violation DHEC is not recalculating our average at this point. Because of the violation DHEC required the city to sign a consent order. That consent order requires the city to put in equipment that can remove any radium that is over 5.0 pCi/L. The consultants have estimated the project to be approximately \$1.5 million. That cost will be part of next year's budget. It is an unfunded mandate, and the city must install the equipment or we will have to close Shiloh Springs. He said Shiloh Springs produces approximately 1.5 million gallons of water per day and has done so even during the long drought periods. It has been a very stable water source for the city. Losing that 1.5 million gallons per day would reduce the total supply of water, especially during the summer months. The radium is a naturally occurring metal that is coming from the kaolin which underlies much of Aiken County in that area. He pointed out the Shiloh Springs bed is on top of a kaolin layer. It is a naturally occurring substance that is picked up by the water. He pointed out that 5.8 is an extremely low number, but it is over the 5.0 allowed by DHEC. The City started using Shiloh Springs in 1909 and has been pumping ever since.

Ms. Debbie Nix, 808 Woodward Street, stated she and her husband own Southern Plumbing and Electrical. She said they are very familiar with what is going on with the city's infrastructure, as they work with it on a daily basis. Ms. Nix stated she had looked back at records from 2002 to the present. She has read every article written by the Aiken Standard on water increases, every agenda, and the minutes for that time period for water increases. She said she was not arguing that there is a need. However, she had been attending Council meetings and videoing the meetings for two years. She said she had watched Council spend a lot of money—millions of dollars. She then quoted from some of the newspaper articles. One regarded a statement by Don Sprawls saying he did not feel good about saying we do not increase taxes and then instead we increase utility rates. She stated he struggled with increasing the water rates. She then continued and stated the citizens were being told it rained too much, so water rates had to increase because the customers were not using enough. That was the 11.3% increase. We were told there was a drought and even though there was more water usage the city still needed more money. She pointed out another article in 2003 stated the city was proposing the upgrading of the water meter system. She stated the city is again proposing to upgrade the water meter system. She further stated the minutes stated the city will need \$5 million over the next 5 years for capital improvements and will need to rehabilitate sewer lines. She said at that time a 7% increase in rates was recommended in the July 9, 2003, City Council minutes. She said in reading the articles she was amazed at the reasons for increasing the water rates. She stated this is a bad time to increase water rates. Many people do not even know about the proposed increase in rates. She pointed out the economy is bad and many people are worried about being able to pay their bills and buy groceries. Everything is increasing. She asked that Council have a heart. She pointed out Council has spent millions of dollars on the train depot. She stated government is growing and growing and then you come to the citizens and say you need money. She said there was a statement by the former City Manager, Roger LeDuc, that the reason the city's water and sewer rates are so low is that the city has been supplementing the water and sewer fund with the local option sales tax funds. She said her question is that the city has known about these problems since 2003 and the citizens have been told that they were going to be fixed, but it is 2012 and they are not fixed yet. She said she did not know why the citizens would believe that the problems are going to be fixed now. She pointed out the city had a \$6 million windfall a few years ago from the sales tax. It was stated that \$3.5 million needed to be used for infrastructure, water and sewer. \$1 million was marked for water and sewer and \$3.5 million was designated for a Senior Citizens building, which has not been built yet at Eustis Park. She stated Council is the gatekeeper and responsible to the citizens of Aiken and supposed to be good stewards of the citizens' tax money. She asked why the city did not use contractors to do some of the water and sewer work. She

felt it would be cheaper than the city hiring employees to do the work. She said there are large contractors that could do the water and sewer work. She pointed out most of the information she presented came from the Council minutes and the Aiken Standard. She stated she wanted to make a correction in one statement. There has not been a 42.8% increase since 2002 in water rates. However, it will be 42.8% if the proposed 8% increase is approved. She asked that Council delay this increase and go back to the drawing board. She pointed out people need to know the facts. People are trying to make a living. She said she knows some people who can't pay their bills. She said with the millions of dollars that go through Council there must be a better way than to increase the water and sewer rates. She asked Council to vote no for the proposed water and sewer rate increases.

Mayor Cavanaugh stated he did not agree with all of Ms. Nix's comments. He said we know what the situation is now. He pointed out there are laws where the city cannot take from one fund to the other. He said the Enterprise Fund, Water and Sewer funds, must be self supporting according to law. He pointed out a comment had been made about the railroad depot. He said most of the money for the depot was raised by volunteers, accommodations taxes, and the one cent sales tax. The accommodations taxes come from people who stay in motels who are visiting Aiken, not from local citizens. He pointed out the citizens voted to approve the one cent sales tax and the allocation of funds to the depot. Mayor Cavanaugh stated people need to look at each of the items and really see where the money comes from for the projects. He stated the city does have problems with the water and sewer lines. He felt that over the years the city has delayed raising the rates as much as they should have, especially in looking at the chart of what other cities charge for water and sewer. That is why Aiken is the second lowest, even with the proposed increase. He said Council had not raised the rates because they did not want to raise the rates as much as they should have been, especially with the economy as it is. They were hoping things would get better. The problems are not getting better and something needs to be done to help correct the problems with the water leaks. He said he had received about 10 emails from citizens asking that Council not increase the water and sewer rates. He said he really didn't want to increase the rates, but something has to be done. Mayor Cavanaugh stated some people had mentioned the taxes on property. He pointed out that the city had not had a tax millage rate increase on property taxes in 22 years. He stated new people coming to the area can't believe the property taxes are so low. He said the emails mentioned water leaks and the length of time it takes to repair the leaks and the water that is being wasted. Mayor Cavanaugh stated a reason for the proposed rate increase is to hire employees to fix the leaks so we will not have water continuing to run. He felt something needs to be done to correct the leak problems.

Councilman Dewar pointed out there is a difference between millage rate increases and property rate increases. He said the Mayor is correct the city has not had a millage rate increase in a long time, but property taxes have increased.

Mayor Cavanaugh stated property taxes have increased with reassessment, the School taxes, and Aiken County taxes. He said he was talking about city taxes and the tax millage rate which has not increased in 22 years. The millage rate has been lowered four times in those 22 years.

Mr. Jerry Guerin stated he has a small business on Highland Avenue. He said he did not disagree or argue with the point that the infrastructure with the water and sewer system is in need of repair or replacement. He said he just cannot understand why looking back through the records over a period of 10 years that all we have seemed to do is repair not replace, as this will not resolve the issue. He wondered why in 2010 when there was a major increase an assessment was not done as to what it would cost to replace the system rather than constantly reacting to breaks and losing water. He felt there probably is no accountability for water that is lost through leaks. He stated a study had not been done in the last ten years as to what it is going to cost the City of Aiken to replace the system and upgrade it to the point where we don't have the constant breaks like he has where he lives in Cedar Creek because of fraudulent contractors and fraudulent people on Council who walked away with the money that should have been put into the infrastructure. He said there needs to be more transparency as to what it is going to cost to replace this system. He pointed out looking at the water rate increases in 2010 and now, that would be a

29.3% increase between 2010 and 2012 with the proposed 8% increase. He said he did not want to be in competition with the other cities and hoped the taxes and rates are lower in Aiken rather than competing with the other cities in the state. That's why people live in Aiken. He said he understands the issues, but thinks there is not enough accountability of what money is spent on. He felt the city should concentrate on the infrastructure, not buying land and developing parks, etc. The primary job should be to take care of the infrastructure within the city, and if there is money left over we can look at the niceties such as train stations, etc.

Mayor Cavanaugh stated looking back perhaps the city should have done things differently. He pointed out that the city does not raise taxes or rates just because the city is lower than other cities. He said Councilmembers pay taxes just like the citizens do.

Mr. Jerry Tindall, owner of Victorian Wedding Chapel on Laurens Street, stated he knows there have been cost of living increases as well as increases for materials. He said anyone in business knows there are overhead costs that have to be factored in. He said he had moved their business into the city in 1998, and they had not increased their fees 42.8% to cover cost of operations such as the city is asking to do for the infrastructure of the city water and sewer. He said his concern is the cost justification. He said anytime he has a business expense and something comes up, planned or unplanned, he still looks at it as to why and what can be done. What is the best avenue to attack the situation. He said the best plan to attack the situation is to throw money at it and make the problem go away. He said that is his concern. He said we can patch or we can repair and replace. He pointed out that some of the increases 2003, 2005, 2007, and in 2010 were for allotments of quite a few million dollars for replacement. He said his concern now is with the percentage increasing again, will that make the problem go away or will it continue. He pointed out that according to the paper work the increase is a done deal because the decision becomes effective May 1 which is only 21 days from now. He said his concern is cost justification as well as are we just talking about something that has already been done.

Councilman Wells pointed out the proposed ordinance would not go into effect if it did not pass second reading. It may be slated to go into effect on May 1, but until the second reading is passed by Council the ordinance could not come into play.

Mr. Tindall stated the city had not raised taxes for the 14 years his business has been in the city. However, the County has raised taxes and the city matches the county because the county is the one that sets the assessment value of the property. He said he had not seen decreases in his taxes, but had seen increases. He said his concern is whether we going to fix the leaks or is the money going somewhere else.

Mayor Cavanaugh stated that was not correct. He pointed out the city's millage rate is 62 and has been lowered from 110 mills over the years. He asked Mr. Tindall if his city taxes had increased.

Mr. Tindall stated his city taxes and county taxes have increased. He said he owns 36 houses in the city. Taxes went up on all the units. He challenged the increase when the assessments were increased several years ago and won the challenge. He challenged the increase in assessment again this year and won the challenge. Aiken County has mailed him a check, but the City of Aiken has not mailed a rebate to him yet. He said for the 36 units he owns, he pays more for city taxes. He said it is not a tax percentage increase, but a valuation of the property increase. When the valuation of the property is increased 38%, when 52% of the valuation of real estate dropped there is a problem.

Mr. Pearce stated the reason for the proposed increase in water rates is the increase in the number of leaks that we have seen in the last year. He pointed out Mr. Morris had made a presentation to Council on the research on the leaks and on the new pipe which has been tested on Sandshifter Court. He stated the national standard for pipe included recycled material. We are finding now with the aging pipe that we are beginning to have leaks and more leaks on the same service line. The one cent sales tax money is being used for infrastructure. That is money that the Enterprise Fund does not have to spend, because the capital improvements are funded by the voter approved one cent sales tax

infrastructure installation. The shortfall is in operations and maintenance. The one cent sales tax money by state statute can only be used for capital improvements, not for operations and maintenance. He said if the city were to have a crew of six employees ready to repair leaks, they could replace the water services when not repairing leaks. In 2003 the increase was for new sender units on the wireless system. Those systems have a 10 year battery life, so in 2013 we will see the need to replace the batteries in the sender units which send the meter reads to the computer in the truck as it passes by. He said we are experiencing a need. He said we have the customer complaints. We have had calls to City Hall and to our Councilmembers regarding the backlog of water leak repairs. The reason for the proposed increase is to have a staff to install the new piping so we fix the problem and then upgrade the water services, which is an ongoing operations and maintenance expense. He said staff had been very clear in the materials that Council has reviewed and the presentation at Horizons in January that that is what the money will be used for. This is an operations and maintenance need. He pointed out the city is not paying the same prices we did in 2003. Since 2003 the city has added almost 3,000 water services to the system. With an expanding system and only adding 2 people in the entire Engineering and Utilities Department, we have not kept up with staffing needs. The proposed increase would allow the funding of new staff members to perform this much needed maintenance to our system. He pointed out the system had increased by 3,000 meters, and staff had not increased. He said this is a problem we need to address. He pointed out in some areas the piping is over 100 years old and will need to be replaced. He said when infrastructure is replaced we do request bids and have outside companies replace water lines. He said the city performs maintenance on the system. He said when we were having a lot of leaks, we contacted several private firms, and they expressed no interest or quoted prices that were too high. It is more efficient for the city to have staff than to hire outside companies to fix water leaks.

Mr. Tindall stated if the proposed ordinance passes, the city would have had a 42.8% increase in rates since 2002. He felt that was a high increase. He asked if Mr. Pearce was saying that the 8% increase would make the problems go away.

Mr. Pearce stated in order for the city to have three two-member crews to repair water leaks and change out the services we know are aging out, the city needs the 8% increase in rates. He said this will not all be done in one year. Just to replace the water meters will take at least two years.

Councilman Dewar stated he felt part of the problem is malfeasance in the past. We have not spent enough money on the infrastructure over the years. It has now caught up with us. He said Council gets a report each month on the number of water leaks, and the number was horrendous last summer. He said he received a lot of calls. People did not understand why the city could not come out in two or three days to fix a water leak when they see the water running down the street which is costing the citizens. He said there is a sense that maybe we did not do enough on infrastructure in the last year. We tried to focus on that and some of Council worked hard to get extra money in sales tax three for infrastructure and were successful. He said we have \$4 million for water in the capital sales tax 3 and \$4 million for sewer. He said it may not be enough. He said the city's infrastructure has been in existence for 50 to 60 years. We have found that some pipes were not put in properly. Some of the pipe did not last as long as we thought it would last. He stated we are using some new pipe, but he did not want to say after 30 days use of new pipe that it was wonderful and that it will fix everything. He pointed out pipe does not wear out that quickly. He said they may find out in two to three years that the new pipe may not be as good as people thought. He said the city is faced with a lot of water leaks, and we have to have the capability to fix them. If we don't fix them, it will cost money. He said it is estimated that the water that goes down the drain because of the inability to fix water leaks is somewhere between \$750,000 and \$1 million. He felt the city has to move and move rather quickly. He said he does not like tax increases, just like everybody else, but this increase is necessary. He said we have to have the capability to repair the water leaks and replace the water meters. The city does have planned infrastructure improvements which will be made when the third round of one cent sales taxes start coming in. He said the city spent a lot of money in sales tax 2 for infrastructure. He said the increase percentage-wise looks terrible when you say there

has been a 42% increase. However, when you look at it as \$3 to \$5, to \$6 per month it doesn't seem as bad. He said he felt the city really needs the 8% increase.

Councilman Dewar stated he agreed with Mr. Tindall on the property tax. He felt the county had increased everything 15% without regard to the market and the economy. He said he could not understand a 15% increase in value at a time when the economy is so bad, with 8% to 9% unemployment.

Councilwoman Price asked Mr. Tindall, considering the intensity of the problem with the infrastructure, what ideas he had in terms of proposing solutions to the problem. Mr. Tindall stated he felt it is too little, too late. He felt the city should have started replacing infrastructure in 2002. He pointed out that 10 years later we are still looking at the same infrastructure problems. He said he agrees that something needs to be done.

Mayor Cavanaugh asked Mr. Morris to speak briefly again on the new pipe—its capability, who certified it, etc.

Mr. Morris stated the American Water Association is the certifying body for the United States. The best pipe that they have certified that the City of Aiken was using was a polyethylene pipe 3408. That material had a percentage of recycled plastics that was allowed by American Water Works Association. The research shows that the 3408 material over a time period would experience "slow growth cracking." Basically this means that as the pressure changes in the material, and since chlorine is in it, over the years the pipe gets brittle and it starts to crack. The pipe used on Sandshift Court was PE 3406. The material they found through AWWA is a material made to flex. It is made to have a wide pressure variation and temperature variation. It is still a polyethylene. It is called cross-linked polyethylene, and it does not get brittle with the variations with pressure that we have in our system. Also, it does not suffer chlorine attack as readily because it does not have a majority of recycled material in it. The 3408 material is a black pipe, which means it has carbon in it. The carbon was put in to counteract the effects of the sun, but that makes it brittle over the years. The PEXA does not have carbon. It cannot be stored in the sun. It is left in the box until it is used. The new material installed has worked well over the past few months. The best material would be copper, but since Aiken's water is so aggressive we cannot use copper. He pointed out many cities use copper pipe. He stated copper is expensive and costs about \$6 a foot. Presently we pay about \$.35 a foot for the polyethylene pipe. We will pay about a \$1.00 a foot for the PEXA pipe. He said there are not a lot of options to replace the lines. He pointed out they had looked at PVC pipe, but it breaks easily and has to be glued together.

Councilman Homoki stated the city needs to emphasize a stronger inspection system when new developments are developed to make sure that we don't run into problems like on Ascot Drive, where the foundations where the pipe are laid are sinking. The whole infrastructure is dropping. Regardless of what is used, we will need to make sure that the inspection while it is being constructed is done correctly.

Mr. Morris pointed out that in 2008 an ordinance was presented to Council concerning development. That ordinance requires that each development have an engineer of record who performs all the compaction tests on the roads and ditches. They also certify the pipe going in the ground is the correct pipe. That has been in place since 2008. Any subdivision approved prior to 2008 does not have to have an engineer of record. He said the city follows the requirement also and followed these regulations when extending East Gate Drive near the Cracker Barrel.

Councilman Dewar asked Mr. Morris to clarify the statement about a development before the 2008 ordinance went into effect. For example, if a new street is being built in Woodside and new pipe is to be installed, would they have to comply with the 2008 ordinance. Mr. Morris responded they would. He pointed out the example of Ascot Drive. That work was done prior to 2008. He said we knew we would have problems with Ascot Drive as the problems were surfacing already.

Councilman Homoki asked then if the Chukker Creek development outside of Woodside would be under the new guidelines. Mr. Morris responded it would be under the new guidelines. He said they had worked with the developer for this area and worked with DHEC making sure the stormwater system meets DHEC standards.

Mayor Cavanaugh asked if anyone else would like to speak and no one responded. He then asked Council for consideration of the issue.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council pass on second and final reading an ordinance to increase water and sewer rates by 8% to cover costs and staffing and also increase tap fees to cover actual materials and installation costs. The ordinance is to be effective May 1, 2012.

Councilman Wells stated he was in the Horizons meeting in January and realizes that water leaks are a problem that the City of Aiken is faced with and piping that is not as good as it should have been. He said he realizes that it would save the city a tremendous amount of money to have the pipe replaced and repair the leaks quicker, but he personally has a difficult time in light of the economy passing along an 8% increase in water and sewer rates to the citizens. He said he had heard from a tremendous number of citizens, some on fixed incomes and others who own small businesses that use a great deal of water such as laundromats that the proposed increase would affect. He pointed out the increase in gas prices and groceries that we are all experiencing. He pointed out that the majority of our senior citizens conserve water, don't water lawns and use as little water as possible. He said he would like to make sure that we have looked everywhere possible for funding to take care of the problems without passing it on to our citizens at this time. If there is a fund somewhere that can be used for these problems he would like for that to be done and delay the 8% increase until better economic times.

Councilwoman Diggs stated she agrees with Councilman Wells on the state of the economy and the burden an increase will put on our citizens. She said she personally does not want to see the rates increase, but after hearing the presentations from Mr. Morris and reading all the material she does not see how Council can get around an increase. She said an increase is the last thing she wants to do and felt an increase would hurt a lot of people.

Mr. Pearce stated staff was very careful and looked at all possible sources. Staff did not want to have to recommend an increase in rates either.

Councilman Homoki pointed out the examples always show the cost for 800 cu.ft. of water. He wondered what household would probably use 800 cu.ft.

Mr. Morris stated the type home depends on the water usage. One with a garbage disposal uses more water. If it is a home, such as in Woodside, where yard sprinklers are required more than 800 cu.ft. would be used. An 800 cu.ft. user is a home that does not have a yard sprinkler or a garbage disposal and has only 3 to 4 people living there. It would amount to about 6,000 gallons per month or 200 gallons a day.

Councilman Ebner stated some statements had been made about past maintenance not being kept up. He said he had been working with this matter for about seven years because the street on which he lives has had water leaks since it was new. He said to put the matter in perspective there are about 18,000 or 19,000 meters in the city. If the cost is increased \$3 for each meter per month, that would be \$54,000 per month or \$650,000 a year. One line leaking for three weeks at one gallon per minute all year long would leak almost that much water in money because of the amount of cubic feet that will be from a leak for that long. He pointed out the sooner we fix the lines, the sooner we can save over \$1 million a year just by fixing the leaks. Of course, the plan is to replace lines. He said he had gone through a lot of the numbers and in the past had worked with Mr. LeDuc, Mr. Morris and now Mr. Pearce on this issue. He said he had been pushing this issue as we are losing a lot of water in leaks, and we need to try to stop the leaks. He said Mr. Morris had said we are leaking 8 1/2% of our water. We pump a little over 4 billion gallons a year and 8% of 4 billion gallons is what we have to stop leaking, and that is a lot of water. He said it is not a good time to increase the rates. He said from talking with

Mr. Pearce the increase should be good for a couple of years because the increase includes inflation for other increases, such as electricity. He said it is not good timing for an increase, but it has to be done. He said he watches the number of leaks and repairs in the monthly report to keep up with what is happening.

Councilwoman Price stated she had talked with a lot of people who are on fixed incomes and they do not want to see the increase. However, given the discussion regarding the issues we are facing and the cost of some of the things that are happening, she is concerned about replacement of the infrastructure and whether the citizens will see more costs incurred if we don't have the right infrastructure. She pointed out a plan had been mentioned. She asked what kind of plan do we have that maps out clearly that the money is going for the replacement of the lines and fixing leaks so we can clearly see what is being done rather than having things done in a spotty way which makes it difficult to see progress. She said she would like to see a strategy for infrastructure replacement. She also asked what other options do we have besides increasing the rates for the customers who are already seeing increases in other items such as gas. She pointed out the citizens get their water and sewer bill each month and notice the cost. However, we get gas and never know what it will be from day to day, as it varies sometimes daily. She said we get the gas and don't say anything because we don't know who to voice complaints to. She pointed out the city and Council are closer to the citizens, and they can come and voice their concerns. She asked if there are other options besides increasing the rates.

Mr. Pearce stated there are other sources of funds. There is the one cent sales tax money for the voter approved infrastructure updates. He pointed out at Horizons staff presented a time line for the various projects. There are sources from depreciation funds that we use every year. We have used reserve funds. The recommended increase is a last resort. He said staff does not like to recommend a rate increase either. The increase is for a specific use and specific purpose and something we have talked about many times. This is a way to address these problems.

Councilwoman Price stated it seems the question is whether we increase the rates now or later, and later will be more costly.

Mayor Cavanaugh called for a vote on the motion made by Councilman Ebner and seconded by Councilwoman Diggs, that Council pass on second and final reading an ordinance to increase water and sewer rates by 8% to cover costs and staffing and also increase tap fees to cover actual materials and installation costs with the ordinance to be effective May 1, 2012. The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Wells opposed the motion.

WATER TANK – ORDINANCE 04092012A

Cell Tower Lease
York Street
Whiskey Road
South Boundary
Lease
Black Dot Wireless
SunCom Wireless
T-Mobile USA, Inc

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve a cell tower lease with Black Dot Wireless for the water tower at York Street and South Boundary.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE APPROVING A LEASE OF SPACE ON THE WHISKEY ROAD, SOUTH BOUNDARY AVENUE, AND YORK STREET WATER TOWER TO BLACK DOT WIRELESS.

Mr. Pearce stated we have been contacted by representatives of Black Dot Wireless to renegotiate terms of the original water tower lease for cell phone antennae installation. Since our initial lease with SunCom, changes in the cell phone industry have brought this

request for renegotiated lease terms with SunCom's successor, Black Dot Wireless. He said after first reading at the March 26, 2012, meeting he had had some follow up conversations with the representatives for T-Mobile, Black Dot Wireless. He said Black Dot Wireless had reviewed materials that he had provided to them. He pointed out that in the memo information provided to Council, Black Dot was talking about renewing at \$12,800 annually. This was a mistake in their calculation. The renewal would be \$13,500 annually, with a 2.50% increase on July 15, 2013, which would be \$13,837.50 annually. There would be a 2.50% increase per year for the balance of the term of the lease, which would be June 30, 2017, with the right to renew the term of the lease for up to two additional five year periods.

Council approved this ordinance on first reading at the March 26, 2012 meeting. For Council consideration on second reading and public hearing is an ordinance approving a new cell tower lease with Black Dot Wireless, agents representing T-Mobile, for the water tower at York Street, South boundary Avenue, and Whiskey Road.

The public hearing was held and no one spoke.

Councilman Wells moved, seconded by Councilman Dewar, that Council pass on second and final reading an ordinance approving the cell tower lease with Black Dot Wireless, agents representing T-Mobile. The motion was unanimously approved.

DEPUTY SOLICITOR – ORDINANCE 04092012B

Part-Time Position
Deputy Solicitor
Legal Department
Amend Budget

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to establish a part-time position of Deputy City Solicitor.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET TO
 CREATE THE POSITION OF DEPUTY CITY SOLICITOR.

Mr. Pearce stated after our review of Legal Department operations, and in order to provide our City Solicitor with choices for staffing prosecutors to assist in trying cases, an ordinance was prepared by City Attorney Gary Smith.

This ordinance establishes a regular part-time position of Deputy City Solicitor. This Deputy would report to the City Solicitor, who would in turn, supervise the Deputy's prosecutory work in City Court. This would give the City Solicitor some flexibility in hiring a Deputy City Solicitor, whether on a contract basis or a regular part-time employee.

Council approved this ordinance on first reading at the March 26, 2012 meeting. For Council consideration is second reading and public hearing of an ordinance establishing the regular, part-time position of Deputy City Solicitor in the Legal Department.

The public hearing was held and no one spoke.

Councilwoman Diggs asked if the part-time person would have city benefits.

Mr. Pearce responded that a part-time employee probably would not work enough hours to qualify for city benefits. In response to a question by Councilman Dewar as to whether the person would be a part-time employee or a contract person, Mr. Pearce responded there would be a choice. The way the ordinance is drafted the City Solicitor could hire someone as a regular part-time employee or on a contract basis, whichever would work better for the City Solicitor. He pointed out the budget has a line item for Other Professional Services, which would cover a contract person. There was not a

regular part-time employee position for Deputy City Solicitor, so this ordinance would create that position.

Councilman Dewar asked if the position would be advertised as a part-time employee, and Mr. Pearce responded his understanding is that it would be advertised that way.

Councilman Homoki pointed out the ordinance does not say anything about a contract employee, and he wondered if that would come under Other Professional Services. Mr. Pearce responded that a contract person would come under Other Professional Services, and the ordinance gives the City Solicitor the opportunity to advertise for a regular part-time Deputy City Solicitor.

Councilman Homoki asked if the City Solicitor could choose not to advertise and hire someone on a contract basis. Mr. Pearce responded that under the City Procurement Code Professional Services are not required to be advertised.

Councilman Homoki pointed out there are different line items for a part-time employee and a contract person. He wondered if they were interchangeable. Mr. Pearce stated we are creating an actual regular part-time position for Deputy City Solicitor. The ordinance does give the City Solicitor a choice. He said he would encourage the City Solicitor to advertise for a regular part-time deputy, since that position is being created.

Mr. Gary Smith stated the purpose of this ordinance is to create the opportunity to allow a part-time employee to be hired to fill the role of Deputy City Solicitor. Presently with the current ordinance you would have to hire a contract person to fill the role, because the 2011-12 budget does not have funds set aside for a part-time position. The position would also be in the 2012-13 budget if the City Solicitor feels she needs the position.

Mr. Pearce stated if the ordinance passes, the position will be created and will be in the budget for FY 2011-12 and FY 2012-13. The position will have a line item for the cost.

Mayor Cavanaugh asked if the position would cover all the necessary immunities that the City Solicitor has. Mr. Pearce responded that the position would be covered as a city employee as a regular part-time position. He said there is a pending Supreme Court case on this matter, and a ruling is expected to come out before the summer recess. He pointed out the ordinance makes the position a part-time employee of the City, so there is no question of their role.

Mayor Cavanaugh asked why the matter of a contract person keeps coming up. Mr. Pearce responded that in the creation of the position, the Professional Services may be a handwriting expert. Also, there may be conflicts with the City Solicitor and Deputy Solicitor and a third party may have to be brought in to try a case. The way the ordinance is drafted, it creates a regular part-time position for the City Solicitor to fill.

Councilman Homoki stated if the City Solicitor hires someone on a contract basis, would they enjoy the immunities that the part-time employee would have. Mr. Pearce responded that is what the Supreme Court is supposed to answer before the summer recess.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council pass on second and final reading an ordinance establishing a regular part-time position of Deputy City Solicitor. The motion was unanimously approved.

WHITEMARSH

Speed Bumps

Councilman Dewar stated he had understood that some people from his district would be present at this meeting to express concern about speed bumps on Whitemarsh. He said some citizens who live on Whitemarsh are present, but he was not sure there were any citizens present who live in the Villas or Patio homes. He wondered if there was anyone present from Houndslake Subdivision that did not live on Whitemarsh who was concerned about the speed bumps.

Mr. Pearce stated the city has rubber speed bumps in place on Whitemarsh, and they have been in place for about a year. He pointed out staff had sent the results of speed studies that were conducted on Whitemarsh to Council and concerned neighbors which show that the speed bumps have actually slowed down traffic on Whitemarsh. Speed was a concern of a petition signed by 21 different addresses that represented 32 people on Whitemarsh who wanted to have speed bumps that would slow the speeders and deter the thru traffic. Whitemarsh became a cut through much like Cardinal and Oriole streets. He said the City is going to try something new, an asphalt speed table. The rubber bumps tend to be kind of rough. He said he understood with the asphalt speed table one can go across those at 15 to 20 mph and not have the jarring effect of the rubber bumps. He said we would like to replace the middle rubber speed bump with the asphalt table to see if that will provide the relief that some citizens expressed at a public hearing as far as a smoother transition across the traffic calming device. He said they don't want to do all three until they know it works. If it doesn't work, it is difficult to clean up, and they would rather clean up one than three. He said they want to go forward with a test asphalt speed table to see how it works and look for other opportunities to put a lower profile, less jarring traffic calming device in place.

Mr. Mark Pitts, 32 Troon Way, stated there had been concern about the speed bumps. He said he was not representing the Homeowner's Association, just himself. He said after receiving Mr. Pearce's letter which said the city wanted to leave two speed bumps and put a new type in the middle, he felt that did not sound right. He said he went on the internet to the International Transportation Engineering Association Guidelines. He read from the guidelines on design and application of speed humps. He said speed humps are sometimes referred to as "sleeping policemen" because the police don't have to be there to watch the speeders. He pointed out most speed humps are 3" to 5" high and 12' to 14' wide, like at Hilton Head. He stated the ones on Whitemarsh are 2 1/2 " to 3" high and 3' wide. A speed bump is a raised pavement area and is typically found on private roadways and parking lots. Speed bumps have a height of 3" to 6" and a length of 1' to 3'. He said the devices on Whitemarsh are speed bumps which are made for parking lots and driveways, not for residential roads. He said speed humps and bumps are different. The impact on vehicles within residential operating speed ranges slow to about 20 mph on streets with properly installed speed humps. He pointed out Whitemarsh is a 25 mph road so one would expect to be able to go 20 to 25 mph without wrecking your car. A speed bump causes significant driver discomfort at typical residential operating speeds and generally result in vehicle damage. He said that is what is on Whitemarsh. He said speed bumps have been routinely installed on private driveways and parking lots. Speed humps, however, have evolved from extensive research and testing and have been designed to achieve a specific result on vehicle operations without imposing unacceptable safety risks. He said the city should have the traffic engineers look at re-engineering this and have one or two speed humps installed. He said what is presently on Whitemarsh should never have been put there as it has caused a lot of controversy among neighbors.

Mr. Pearce showed Council a picture of the proposed asphalt table design. He stated the city initially looked at stop signs and not speed bumps for the area. He pointed out the design for the table is 3" high and 18 feet wide. He said the city is ready to install one table in the area to see how it works.

Councilman Dewar stated both constituents want to control the speed on Whitemarsh. However, Whitemarsh is a thru street for the people who live in the Villas. He pointed out there are three speed bumps on Houndslake Drive, also. He pointed out he stops when he gets to these bumps, and they serve as a stop sign for him. He wondered if we really need three devices on the road or if less would work. He also asked if there should be a bump closer to Houndslake Drive where most of the children live, instead of the three at the other end. He pointed out people in the neighborhood want to work together to resolve the issue. He hoped this could be worked out satisfactorily.

Mr. Bob Delcastilho, 11 Roundhill Court, stated he appreciated the speed bumps being installed because they had greatly reduced the speed in the area. He said he appreciates the fact that some people hate the speed bumps. He said he doesn't like them. He drives over them every day. He said he crosses them at 20 mph and has no problem. He said if

there is a better option that can be tried and that might make everybody in the neighborhood happier, he is willing for it to be tried.

In response to a question by Mayor Cavanaugh as to where the test asphalt table would be located, Mr. Pearce stated it would be in place of the middle rubber bump. He said they want to try it to see if it works better. It was pointed out there have been speed surveys on the street, and people do speed on the street.

Councilman Homoki asked if the bumps impact safety such as fire trucks going over the bumps. Mr. Pearce stated the fire trucks do not have a problem with the present rubber speed bumps, but the proposal would be an improvement.

RESOLUTION – PARK

Second Baptist Church
Columbia Avenue
Teague Street
Recreation Park
Northside Park
TPN 120-14-15-003

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept donation of 11.49 acres for a recreation park from Second Baptist Church and to authorize an option to purchase land.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATED PROPERTY FROM SECOND BAPTIST CHURCH.

Mr. Pearce stated the City had received a letter from Kenneth Baldwin, Church Administrator for Second Baptist Church. He is present, as well as Reverend Doug Slaughter, representing Second Baptist Church. They want to share with Council their plans for a new church sanctuary site on the Northside near Columbia and Teague Streets.

As part of this church campus development, the congregation wants to donate a portion of this property to the City of Aiken. They see this tract as a potential park on the Northside, to complement the redevelopment of the former City landfill, Crosland Park's park, Osbon Park, Smith-Hazel, and Eustis Park.

Mr. Pearce pointed out a map showing the parcel which contains 11.49 acres that the church is proposing to donate to the city. The map also shows a 19.93 acre parcel, which the church would sell to the city at fair market value. The third round of the one-cent sales tax includes the purchase of land for the development of a Northside park. The proposal is a proposed donation of land, with an option to purchase the remaining 19.93 acre parcel if Council desires.

For Council consideration is a Resolution to accept the donation of property on the Northside of Aiken near Columbia Avenue and Teague Street for use as a public recreation facility, as well as the option to purchase the 19.93 acres at fair market value, which would have to be determined by an appraisal. There would be an environmental survey. He said he understands the property has an environmental survey that is about two years old. There would be access issues to the property, and the City would have to make sure public land owned by the City would have access to the property.

Councilwoman Diggs stated she may have a conflict of interest. She stated her employer, Rural Health Services, Inc. would be constructing a facility on Second Baptist Church property, where they will have their Family Life Center. She said Rural Health Services has no interest in the other land. She said if it would be a conflict she could recuse herself. However, she did not see where it would be a conflict of interest.

Mr. Gary Smith, City Attorney, stated it was hard for him to understand all the details from her comments. He said there is no harm in Councilwoman Diggs recusing herself from the discussions so there is no question about a possible conflict of interest. He pointed out to get a detailed answer this needs to be done by the State Ethics Commission before the City Council meeting. He said if Councilwoman Diggs recused herself from the proceedings this would make sure there is no problem. He said when a member of Council recuses themselves they are asked to leave the Council Chambers while Council discusses the matter.

Councilwoman Diggs recused herself and left the Council Chambers at 8:42 P.M.

Reverend Doug Slaughter, Pastor of Second Baptist Church, stated it was a delight to be able to come before Council and offer something rather than asking for something. Second Baptist Church is very community oriented and has done a lot of community development, such as housing. They also have a school. About 7 years ago they started purchasing property downtown. He said they purchased two parcels containing about 70 acres. The property is located between York Street, Columbia Avenue, Teague Street and DuPont Landing. He pointed out that in the 38 acre purchase, about 11.49 acres of that could only be used for parking because of elevation. He said they tried to think of ways they could make the property more beneficial to the community and came up with the idea of donating the land to the City to develop a park. He stated McDonald Law, architect, had looked at the property, as well as Richard Pearce and Glenn Parker. In looking at the possibilities of the land it was felt possibly a major park could be located in the area. He said the church was willing to donate 11.49 acres. However, if the City wanted additional land they would make an additional 19.93 acres available for purchase to extend the park. He said their only stipulation for the 11.49 acres is that the property be used as a park. They do not want a building on the property in the future. Reverend Slaughter shared with Council some of the other land uses in the area. The church plans to build a sanctuary at the corner of York Street and Columbia Avenue. The plans are to build a family life center in the future. He said they are in the process of negotiating with Margaret Weston to put a major health facility on the property, which would house doctors' offices, dental offices, as well as administrative space for the facility. It was felt that it was not only important to have a medical facility but to create some recreational space for exercise, which is important to the health of the community. He said originally the church had not thought about more land for recreation beyond the 11.49 acres. He said with the help of McDonald Law and his vision, a much more significant park was designed for the Northside, which would include softball fields, baseball fields, tennis courts, soccer fields, and basketball courts. The park would be city owned and city maintained. The park would be available not only to the persons who live in this development, but it is not far from Crosland Park, Hahn Village, and Aiken High School. It could be a nice public place for the citizens of Aiken. Their only stipulation is that the land be maintained as a park and for recreational use.

Mr. Glenn Parker, Recreation Director, stated the proposed recreation area is consistent with the city recreation Master Plan, which calls for a northside park. He pointed out a walking path had been proposed for the area which would tie into the development for the health center. He pointed out the map is a concept plan and shows what would fit on the property rather than what would be on the property. He said if the City bought the property we would have public meetings to see what people would like to see on the property. He said he had walked the property, and it is relatively flat. It slopes toward the railroad track a little bit. A holding pond has been designed by the City to go into the upper corner of the property proposed to be sold to the City.

Councilman Dewar asked how many parks are within 5 miles of the area. Mr. Parker responded that Crosland Park, Smith-Hazel, Eustis Park, and Osbon Park are probably within five miles of this area.

Councilman Dewar wondered if a park should be farther out as the Northside goes out to I-20, and the expectation is to work on the road work so we don't have the congested problems we have on the southside of Aiken. He pointed out there are a number of small parks already within a short distance from the Columbia and Teague Street property of Second Baptist Church.

Mr. Pearce stated as far as the third round of the one cent sales tax, the voters approved land purchase on the northside for a park. He stated the Northside Transportation Study does go out to I-20. He said there is no specific geographic place for a park. This was just an offer that came our way. He said they were looking at it as a potential opportunity, as any savings on the purchase of land helps with the initial phase for the park.

Mayor Cavanaugh pointed out the property out to I-20 is in the County and not within the city. Perhaps the County would develop a park farther out.

Councilman Dewar stated he was for accepting anything for free. He pointed out Mr. Baldwin's letter states that the parcel would include a gift of 11.49 acres, with provisions for the City to purchase the remainder of Second Baptist Church owned land needed to develop the park. He said he was in favor of accepting the gift of the 11.49 acres, but he needed more assurance that the City needs a park in this area. Also, he would like to separate the two issues—the gift of land and the purchase of additional land.

Councilwoman Price pointed out Osbon Park was donated land, and it is a small park with no equipment. It is a small park for the surrounding neighborhood. Also, several of the other parks are small areas and are just community parks. She pointed out it is up to the City as to whether they want to purchase the additional land of 19.93 acres. It is discretionary.

Reverend Slaughter stated the City can purchase the additional land or not. The church would still donate the 11.49 acres. He said some members of the church would rather just donate the 11.49 acres for a park and keep the rest of the land for the church's use. He said the original design was to develop all the land with affordable housing. He said the church paid \$160,000 for the land which contains the area to be donated. They feel a recreation park is a better use of the land than a parking lot. He said the church does not have the resources to develop the property at this time. He said if they could partner with the City to develop the land as a park, it would be a great contribution to the community. He said the City would be getting a significant donation, as it is not a worthless piece of property, but the use is limited. As the church develops the property the land will be more valuable. He said the sale of the 19.93 acres came as they talked about how the park could be expanded to include some things missing on that side of town, like baseball and softball fields. He said his understanding also is that the park might be something helpful to Aiken High School and their students. It could be a place where they could practice baseball and softball along with the limited fields that the school has. He said Council could certainly separate the land parcels and consider the donation of the 11.49 acres and not the purchase of the 19.93 acres.

Councilman Homoki suggested that perhaps land could be purchased from the Open Space funds from the one cent sales tax. Other Councilmembers felt these were two different issues, and development of a park would not be open space.

Mr. Pearce pointed out that the Open Space Study would have some criteria for determining what constitutes open space for preservation. He said there is a specific voter approved item for land purchase for Northside Park.

Mr. Parker stated if the City were to develop the park according to what is on paper at this time, the City has nothing like that other than at Citizens Park. There is no other area that the city owns like the proposed park, other than Citizens Park. The City does use the property behind Schofield School that is leased from the School District. The City does not have any other developed athletic fields outside of Citizens Park. In response to a question as to whether this would be a neighborhood park, Mr. Parker stated at 32 acres the park would be much more than a neighborhood park. He said people from all over might come to the park. He pointed out Virginia Acres Park is about 42 acres, so that would give an idea as to how much property would be involved. In response to a question as to whether the Master Plan includes some parks in southside neighborhoods, Mr. Parker stated the plan looks at parks further south on Whiskey Road with an area of about 15 acres.

Councilman Ebner expressed concern about access to the property proposed to be donated or purchased. He was concerned about having a landlocked piece of property and not having a permanent access to it.

Mr. Pearce responded there would have to be an easement to get to the property. Councilman Ebner felt if it were a public park, that an easement would not be appropriate, but permanent access would be needed to get to the property. Mr. Pearce stated there could be an easement agreement to provide the access which could be recorded at the deed office.

Councilman Ebner stated his past experience is that something comes up with easements, and maintenance is needed. If it is a permanent access it would be the city's. He pointed out if the City were to get the property now, there is no road. It is just woods and would sit there for a number of years until it is developed and a road put in.

Mayor Cavanaugh pointed out if the City were to accept the land and then some years later decides they don't want to put a park there, but wants to put a park somewhere else perhaps the City would give the land back to the church. He said the church might want the land at some point in the future.

Reverend Slaughter stated an option is to delay the acceptance of the land and later the City could revisit the offer. At that time the church may want to donate the land or may not. He said in looking at the overall plan, one of the things they felt would be beneficial would be to have a park in the area. He said the church is developing more housing in the area and felt donation of the land for a recreation park would be a win-win. He said if Council does not want to approve the resolution at this time, but wants to think about it, the church does not lose anything. He said the church would not want to have a park there if people could not get to it.

Councilman Ebner stated he felt if Council approves the resolution that they should amend it to show that the City would have public access to the park area. He said he has a concern about not having any access to the property. He said he would hate to have landlocked land.

Mr. Pearce stated having access could be a part of any motion made to accept the donation of land.

Councilman Dewar pointed out that the resolution as written only addresses the donation of property, and not the purchase of additional land. He said Mr. Baldwin's letter seems to say the church would donate some land, but the City has to buy other land.

Reverend Slaughter stated that was not the intent. The City could accept the donation and not purchase additional land.

Councilman Dewar stated he would support acceptance of the donation of the property. He said he would like to see the Master Plan showing future park development in the city. He said he would like to make sure there is a need for a park in this area. He said he was sensitive to the entire northside area as opposed to what exists now on the northside area. He said it is hoped that the rest of the northside area will be developed in future years.

Reverend Slaughter stated a concern of Council is access to the property.

Mr. Pearce pointed out that Council can add wording to their motion regarding access if they wish.

Councilman Dewar stated he had no concerns about accepting the donation of property from Second Baptist Church. Councilwoman Price pointed out there needs to be wording regarding mutual access to the property. Reverend Slaughter stated his concern is that the property be designated for recreational use only.

Councilman Dewar stated perhaps the resolution should be reworded adding something regarding access to the property and the stipulation that the property be used only for a recreation park.

Mr. Pearce stated a motion could be made to carry the matter over to the April 23, 2012 meeting so the details could be added to the resolution.

Councilman Ebner stated he would agree that access and the stipulation for recreation use only do need to be included in the resolution.

Councilman Dewar moved, seconded by Councilwoman Price that the resolution be tabled and reworded to include the items of concern. The motion was unanimously approved.

Councilwoman Diggs returned to the Council Chambers at 9:04 P.M.

FLOOD DAMAGE PLAN – ORDINANCE

Flood Damage Prevention Plan

FEMA

Flood Insurance Study

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Flood Damage Prevention Plan.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN FLOOD DAMAGE PREVENTION ORDINANCE.

Mr. Pearce stated in order to comply with applicable Federal and State mandates, our Flood Damage Prevention Ordinance has to be amended from time to time as revisions are provided to us by the Federal Emergency Management Agency [FEMA].

In order to remain in compliance with these mandates, we are required to adopt an ordinance that recognizes the results FEMA received in its most recent Flood Insurance Study. This study has precipitated new flood plain maps that will be maintained on file at the Engineering and Utilities Department Administrative Building on DuPont Drive.

Our Engineering and Utilities Department Director and City Attorney have reviewed these revisions and prepared the ordinance needed for our City's continued participation in the federal Flood Insurance Program.

Mr. Pearce stated the changes recommended need to be effective June 19, 2012, so people who have property or structures in the flood plain can obtain flood insurance.

For Council consideration on first reading is an ordinance to adopt an updated Flood Damage Prevention Ordinance.

Councilman Ebner stated there are numerous dams in the area. He wondered what happens when one of the dams breaks. He wondered if that was considered in the flood plain.

Mr. Larry Morris stated the flood plain is set by the FEMA mapping. Even if an area is below a dam, unless FEMA's elevations show that it is within a 100 year flood plain it would not show as part of the flood plain.

Councilman Ebner stated if it is shown in the 100 year plan, then the houses downstream from the dam could be covered if they bought flood insurance. Mr. Morris responded if they were shown within the 100 year flood plain they would be covered if they purchased the insurance.

Mr. Pearce stated we need this update to our Flood Damage Prevention Plan in order for people to be able to obtain that insurance.

Mr. Morris stated without the changes to the ordinance FEMA will drop us and will not allow flood insurance coverage.

Councilman Dewar stated he had been burned by FEMA in the past when changing plans. He wondered how the citizens would find out if they have been affected by the recent FEMA flood map.

Mr. Morris stated flood maps are available in his office that citizens can review. They can also go to the FEMA website and look at the maps.

Councilman Dewar asked if a citizen could call the Engineering office and give his address and ask if there had been any change in the flood map or would they expect the citizen to come to the office and look at the map.

Mr. Morris stated someone in the office would help each citizen that wants to look at the maps. He said we do request the citizen to come to the office so we can identify exactly where they live.

Councilman Dewar stated this is a major issue for a lot of people who don't find out they are in a flood zone until they buy a piece of property or until they try to renegotiate their loan with the bank. Then all of a sudden they are told they are in a flood plain, and they have to have flood insurance. He wondered if Mr. Morris had a sense of the changes FEMA had made to the maps.

Mr. Pearce responded that a listing of changes should be included in the materials provided in the agenda packet.

Mr. Morris stated also the City Planning Department requires that every piece of property that is surveyed must be surveyed to a Class A survey. That Class A survey by state law requires the surveyor that signs and seals the survey to put on there that the property is either in or not in a 100 year flood plain. This is actually on the plat. If someone is purchasing a piece of property they should have a plat of the property. Plats are not updated unless a piece of property is sold or if it is refinanced.

Mr. Pearce stated that information is on public record at the deed office. He said the flood plain maps are on file with the City for the citizens of Aiken, while the County has the records of those in the County. The deed information is on public record at the deed office.

Councilman Dewar stated his concern is that FEMA makes changes. He felt it is reprehensible for someone to find out they now have to have flood insurance when they refinance. He said it is not easy for people to find out they are in a flood plain.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve an ordinance on first reading to adopt an updated Flood Damage Prevention Ordinance and that second reading and public hearing be set for the next regular meeting. The motion was unanimously approved.

TRAFFIC MANAGEMENT ORDINANCE

Traffic Studies

Planned Commercial Zone

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Traffic Management section of the Zoning Ordinance regarding traffic studies in Planned Commercial zones.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING THE
PLANNED COMMERCIAL ZONE REQUIREMENT FOR TRAFFIC STUDIES.

Mr. Pearce stated that he and Mr. Evans had taken a look at this. He said we have had at least two applicants in the last year that were Planned Commercial. The way the ordinance is currently drafted a traffic study is required, but they did not see the benefit of requiring the study.

Mr. Pearce stated at the joint meeting with the Planning Commission, and during our annual Horizons retreat, Council asked that Commission members review the Traffic Management Ordinance, and specifically its application to Planned Commercial developments.

Planning Commission members have completed this review. They have recommended specific revisions to Section 4.3.8 of the Zoning Ordinance. With these revisions, the Planning Commission will still be able to recommend that a traffic study be done in appropriate cases.

Mr. Pearce stated the major change to the ordinance is that "A traffic study shall be submitted if required by the Traffic Management Ordinance." This is in lieu of just being required and gives more discretion as far as when a traffic study should be done.

For Council consideration on first reading is an ordinance to amend the Traffic Management ordinance regarding traffic studies for Planned Commercial development.

Mayor Cavanaugh asked if it was absolutely clear as to when a traffic study is required and when it is not required.

Mr. Ed Evans, Planning Director, stated the Traffic Management Ordinance is very specific about when a traffic study has to be done and when it does not have to be done.

Councilman Dewar asked why the change is needed then.

Mr. Evans responded that in 2003 the requirement for a traffic study in Planned Commercial was adopted. The following year is when the Traffic Management Ordinance was adopted. The amendment to the Planned Commercial Zone was the first step towards requiring traffic studies. Once the Traffic Management Ordinance was adopted there was no need to keep the provision in Planned Commercial. He pointed out that Boots, Bridles and Britches and Lacey Cosmetology are both zoned Planned Commercial. They had to do traffic studies because of the provision in the Planned Commercial zone. The Traffic Management Ordinance would not have required a study. He said it did not make a lot of sense to require them to do a traffic study when the Traffic Management Ordinance did not require it.

Councilman Dewar stated Council had discussed this issue and that Councilman Wells had initially brought the matter up. At the time the concern was that a 5 acre piece of property would just have a hair salon and that a hair salon would not require a traffic study. The concern was that the hair salon goes out of business and a "Walmart" goes on the property. The question is now what happens, as the traffic would change with the use change. He asked if we could be sure that we would get a traffic study for a large project that goes into that kind of property.

Mr. Evans responded that Council would have adopted a Concept Plan showing particular uses. The decision of whether to require a traffic study would be based on the Concept Plan. If the plan is changed from a cosmetology school to a Walmart, that would be a change to the Concept Plan. That would probably trigger a traffic study pursuant to the Traffic Management Ordinance, but even if it did not Council would have to approve the Concept Plan, and Council could require a study even if the Traffic Management Ordinance did not.

Councilman Dewar stated this must be similar to what the Planning Commission will be talking about at their meeting regarding the Fresh Market at the South Park Shopping Center.

Mr. Pearce responded the Fresh Market will be changing the footprint of the buildings on the tract, which will require a traffic study.

Councilman Dewar stated he wanted to make sure we don't get trapped by approving a concept plan in the beginning and then losing control over it because something else is going to be developed within the same framework. For example, he said he did not think a developer would come to Council and say they want to put a beauty salon on 5 acres. He said they should tell Council what they expect to go on the entire 5 acre parcel. He said considering what they plan to build then, we would decide if a traffic study is needed.

Mr. Pearce stated Council could decide because Council approves a concept plan for the tract.

Mr. Evans stated if somebody proposed a change to an adopted concept plan and the amount of traffic that could be generated by that proposed change was the same as the original concept plan, then it probably would not trigger a study. There would have to be an increase in traffic. However, if that were the case and if it came before Council and Council did not feel comfortable about it and wanted a study, Council could require a traffic study before approving the new concept plan.

Councilman Dewar asked in the case of the Fresh Market who made the decision there needed to be a traffic study.

Mr. Pearce stated the Fresh Market made the decision because they were changing the buildings on the property and uses on the property.

Mr. Evans stated the Traffic Management Ordinance required them to do a study.

Mr. Pearce stated it was Fresh Market's decision to change the use in the center and expand the square footage that triggered the study.

Councilman Dewar asked if Mr. Pearce and Mr. Evans were assured that the city won't lose control of a concept plan project in the city that changes the original type of business.

Mr. Pearce stated the intent is to not have a carte blanche requirement and cause a developer unnecessary expense. Council still has the right to intervene. The Traffic Management Ordinance drives the need for the traffic study. He said we are trying to resolve a conflict between the Zoning Ordinance and the Traffic Management Ordinance.

Councilman Dewar asked who looks at the Traffic Management Ordinance to make that decision. Mr. Pearce responded the Planning Director does. Councilman Dewar asked if it would be given to the Planning Commission or would the Planning Director make the decision. He said the Planning Commission had not been made aware of the discussion that Council had on this subject when the packet was presented to the Planning Commission.

Mr. Evans stated if it is a minor amendment to a Planned Concept Plan, that can be approved by the Planning Director. If it is a big change, then that goes to the Planning Commission and Council. It is the Planning Director's decision as to whether or not that happens. As far as a traffic study goes, if the traffic study shows the level of service dropping lower than a D, the Planning Director cannot approve it. It must be referred to City Council. If everything is a D or better, it can be approved by the Planning Director.

Councilman Dewar stated he had some concerns. He said he wanted to make sure that projects don't get away. He said he was not interested in increasing unnecessary cost to developers, but neither is he interested in creating more traffic problems.

Mr. Pearce pointed out this ordinance would be cleaning up a conflict between the Zoning Ordinance and the Traffic Management Ordinance.

Councilman Ebner stated there was a discussion several months ago when Councilman Wells brought this matter up. He said he wanted to be sure that we have not trapped ourselves. He said perhaps we could look at the notes from that meeting to be sure that we have complied with what was said then. He pointed out the discussion about a 5 acre tract and someone developing one acre. He said Council approved that. He said he developed a cosmetology school, and then all of a sudden he makes a college out of it. He said they want to be sure that a change does not slip through.

Mr. Gary Smith stated the concept plan approval process can be as specific as Council wants it to be. If Council wants to make sure that the use of a property is limited to certain uses, Council can specify that in the concept plan. The concept plan can say Council is approving use A thru F, but if they want to use G thru I, they have to come back and get approval by Council. Council can make the approval very specific. He said after this discussion the Planning staff may look at that and decide that may be a standard condition for a Planning Commercial approval process where they have a condition as part of the concept plan that says we are approving the plan for these specific uses only and not including other uses.

Councilman Ebner stated under Section 4.3.8.E.7 of the Zoning Ordinance the paragraph gives instructions of what the traffic study should be. He wondered if those instructions were in the Traffic Management Ordinance. Mr. Evans responded that wording is also included in the Traffic Management Ordinance.

Councilman Ebner moved, seconded by Councilman Wells, that Council pass on first reading an ordinance to amend the Zoning Ordinance regarding traffic studies for Planned Commercial development and that second reading and public hearing be set for the next regular meeting of Council. The motion was unanimously approved.

LEASE – RESOLUTION 04092012C

Wendy's
Whiskey Road
Franclif LLC
Driveway
Easement

Mayor Cavanaugh stated a resolution had been prepared to renew the lease with Franclif LLC regarding the driveway for Wendy's on Whiskey Road.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING RENEWAL OF A LEASE WITH FRANCLIF LLC.

Mr. Pearce stated as part of our City efforts to interconnect parcels of property, we have entered into leases with adjacent property owners. These leases have helped alleviate unnecessary use of our main arterial roads by motorists.

One such lease is the driveway at the Wendy's restaurant located at the corner of Pine Log and Whiskey Roads. This driveway lease helps customers access the Staples Shopping Center rather than have to drive back onto Pine Log Road or Whiskey Road. In order for us to continue this lease, we need City Council approval via a resolution to extend this lease.

Mr. Morris negotiated with Franclif 10 years ago to get the driveway easement at Wendy's. It is time to renew the lease. This driveway has worked very well and Ms. Simmons is agreeable to renewing the lease. Another easement that has worked very well is from the Aiken Mall to the Target Shopping Center. These interconnections really help with helping alleviate some of the traffic on the main roads.

For Council consideration is a Resolution to renew the lease with Franclif LLC for driveway access to the Wendy's restaurant.

Councilman Dewar moved, seconded by Mayor Cavanaugh, that Council approve the resolution authorizing renewal of the lease with Franclif LLC for driveway access from Wendy's on Whiskey Road to the Staples Shopping Center for a 10-year term. The motion was unanimously approved.

AIKEN CORPORATION – RESOLUTION 04092012D

Loan
Office Building
Newberry Street
URS Office Building

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration regarding Aiken Corporation repaying the loan for the URS building on Newberry Street.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING REPAYMENT TERMS OF THE AIKEN CORPORATION LOAN FROM CITY OF AIKEN RESERVE FUNDS ON THE CORPORATE OFFICE BUILDING ON NEWBERRY STREET.

Mr. Pearce stated the proposed resolution is to establish a payoff for the loan on the half of the office building on Newberry Street that is owned by Aiken Corporation and operated by LED.

Mr. Pearce stated Aiken Corporation representatives have informed us they are in the process of refinancing the Newberry Street office building loan with the City of Aiken. As part of their settlement of this debt with the City, we seek approval of the method of calculating the loan payoff amount.

The debt owed to the City of Aiken is:

	<u>Balance</u>
Newberry Street Office Building	\$1,871,740,64*

The City of Aiken, in turn, owes Aiken Corporation for options that were purchased for various Crosland Park homes with Aiken Corporation housing funds:

	<u>Balance</u>
Options Purchased	116,500.00
Net Owed to City of Aiken	\$1,755,240.00*

*Plus per diem from date of last payment on this loan. This adjusted payoff amount will also include escrowed interest accrued from October, 2011, to the date of actual payment pursuant to Ordinance 10242011.

Mr. Pearce stated the Finance Department has looked at this account. The payoff figure is \$1,871,554.06. Interest on the payment that would have been made by April 10, 2012, is \$98.03. Then there is per diem interest. The closing is scheduled to take place Thursday, April 12, 2012. The interest accrued through the closing date would be \$2,256.12.

Mr. Pearce pointed out that at the end of October, 2011, Council allowed the refinancing of the loan. There was an escrow. That was the escrow between 1% plus the LGIP rate and 4% which were the terms of the original loan. That deferred interest escrow is up to \$25,331.86. That makes a total payoff as of Thursday, April 12, 2012, of \$1,901,240.07.

Mr. Pearce stated staff asks for approval from Council to proceed with the closing figure to retire the debt owed by Aiken Corporation/LED to the City of Aiken. This is part of a refinance package. He said he had spoken with Mary Guynn, the closing attorney, and she has assured him that they are prepared to go forward with closing on April 12, 2012.

For City Council approval is a Resolution authorizing repayment terms for the Aiken Corporation/LED Newberry Street office building loan to City reserve funds.

Councilman Ebner moved, seconded by Councilwoman Diggs that Council approve the resolution authorizing repayment terms for the Aiken Corporation/LED Newberry Street office building loan to City reserve funds. The motion was unanimously approved.

Mr. Wade Brodie, Chairman of Aiken Corporation, stated he would like to take the opportunity to thank City Council for agreeing with the Aiken Corporation vision ten years ago and working with the Aiken Corporation during this time and funding a loan which allowed the Aiken Corporation to build the office building on Newberry Street. This office brings 30 jobs downtown. It also allowed the Playhouse facility to be completed and there is no debt on the facility. He said the building will benefit the City for years to come.

Councilmembers thanked Mr. Brodie for all his efforts over the years.

Councilwoman Price stated Mr. Brodie had been criticized a lot about the Aiken Corporation and its work. She pointed out she works in the office building which was built on Newberry Street. She stated many people come into town every day through their office. She stated they eat downtown and shop downtown. She said a number of the business owners would tell one about the people who come into town and shop downtown. She said if it had not been for Mr. Brodie's vision and others, the downtown area would not be thriving as it is. She thanked Mr. Brodie for all he had done and for his vision. She said there are many people who do appreciate the efforts.

ACCOMMODATIONS TAX COMMITTEE RECOMMENDATIONS

2012-13

Antiques in the Heart of Aiken

Councilman Dewar stated he would like to withdraw his request made at the March 26, 2012, meeting, that \$2,000 additional Accommodations Tax funds be allocated to the Antiques in the Heart of Aiken event, and that the original allocation of \$16,000 be allocated for the event.

Mr. Gary Smith stated if Council unanimously agrees Council can vote to suspend the rules of procedure to allow Council to consider Councilman Dewar's request. Council was unanimous in asking that the rules of procedure be suspended.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve his request to withdraw the request made at the March 26, 2012, meeting that \$2,000 additional Accommodations Tax funds be allocated to the Antiques in the Heart of Aiken event and that the original allocation of \$16,000 be allocated for the event. The motion was unanimously approved.

BUILDING PERMITS

Councilman Dewar asked if there was an existing list of open building permits in the city. He pointed out building permits are good for several years and they can be renewed. He wondered if there was a database of existing permits that have been approved that have not yet been built.

Mr. Pearce stated a list of building permits that are currently open and no Certificate of Occupancy issued can be obtained.

BOARDS AND COMMISSIONSAppointments

Mayor Cavanaugh asked if Council would like to make any recommendations for appointments to boards and commissions.

Councilman Ebner stated he would like to recommend reappointment of Channing Jones to the Housing Authority.

Councilman Wells recommended the reappointment of Susan Victor to the Accommodations Tax Committee and the reappointment of Scott Raines to the Arts Commission.

Councilwoman Price stated she would like to recommend the reappointment of Helen Simpkins to the Senior Commission, reappointment of Angela Key to the Accommodations Tax Committee, and reappointment of JoAnne Saunders to the Arts Commission.

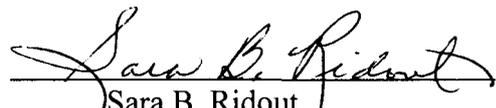
CUMBEE CENTER TO ASSIST ABUSED PERSONSNational Sexual Assault Month

Mr. Pearce stated the Cumbee Center to Assist Abused Persons wants to do their fourth annual walk a mile in her shoes walkathon in observance of National Sexual Assault Month. The walkathon will start at the Court House and end at the Festival Center on Newberry Street. They would like to place teal ribbons on the light poles at the Festival Center and do a balloon release at the fountain. This event would take place on Thursday, April 12, 2012

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council approve the request of the Cumbee Center for a walkathon, placing of teal ribbons on Newberry Street at the Festival Center and the balloon release on April 12, 2012. The motion was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:36 p.m.


Sara B. Ridout
City Clerk