

Aiken City Council MinutesREGULAR MEETING

October 14, 2013

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

Absent: Councilman Merry

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

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:00 P.M. Councilwoman Price 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.

BOY SCOUTS

Troop 421
Cedar Creek

Mayor Cavanaugh recognized a group of Boy Scouts from Troop 421 from Cedar Creek who were present at the Council meeting.

Councilwoman Price stated she serves on the Georgia-Carolina Executive Board for the Scouts. She pointed out the importance of being a Scout when looking for a job. She said being able to show on their resume that they were a Scout and earning their badges will take them far when applying for a job. She encouraged the boys to keep up the good work.

MINUTES

The minutes of the regular meeting of September 23, 2013, were considered for approval.

Mr. Pearce stated that Councilman Ebner had asked that several items be added to the minutes. Councilman Ebner stated the items had been added and thanked him for the items being included.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the September 23, 2013, minutes as submitted. The motion was unanimously approved.

PRESENTATIONS

Frick Award
Public Safety
Fire Academy
Ryan Sparling

Mayor Cavanaugh stated Council would like to recognize the Frick Award recipient.

Mr. Pearce stated Ryan Sparling was present along with his wife and son, as well as Chief Barranco, Captain Brian Brazier, Captain Phil Kestin and Lt. Jake Mahoney. He said they all had taken a role in shepherding Ryan Sparling. He asked that Chief Barranco tell Council the significance of Ryan Sparling's award.

Chief Barranco stated Ryan Sparling, along with two other Public Safety Officers, recently completed the South Carolina Criminal Justice Academy Recruit Training. Along with the training is a comprehensive academic portion. The Robert Frick Award was named after Chief Frick from Columbia who served many years at the S.C. Fire Academy. The Chief Robert Frick Award represents the highest academic average for the whole recruit school. Chief Barranco stated Ryan Sparling had won this award and presented the award to PSO Ryan Sparling.

Council commended PSO Sparling for winning the award.

AT&T

Expanded Services

Video Service

Mayor Cavanaugh stated a presentation would be made by a representative from AT&T regarding expansion of services in the Aiken area and their filing with the S.C. Secretary of State for approval for expansion of their services.

Mr. Pearce stated Ted Creech, of AT&T, will make a presentation to Council regarding their proposed expansion of services. He pointed out that about a year ago Council had a presentation from a representative of Spirit Communications. Mr. Pearce stated the telecommunications industry does not pay a business license, but there is a fee in lieu of the business license. There is a central filing in the Secretary of State's Office versus individual franchise applications in different communities. The filing has been made with the Secretary of State. Mr. Creech has a presentation for Council about expanded services that AT&T will be undertaking. At the end of the presentation, Council will have the opportunity to approve the filing with the South Carolina Secretary of State. He said he had discussed the matter with the City Attorney, Mr. Smith. Mr. Pearce pointed out it is by state statute that the matter comes to Council, but there is no basis to object to the filing.

Mr. Ted Creech, of AT&T, stated he felt it might be a good time to present an update of where AT&T is and where the industry is from a larger, global perspective. He presented some information on slides for Council's information. He said they call this the IP transition. He pointed out the telephone that we have known for many, many decades is working on an older type of network. Everything is moving to an internet-based, internet underlying foundation technology. This may be running over the same cable running down the streets, but the underlying foundation of technology is internet or IP enabled. He said that is what the industry is moving toward in a very quick fashion to modernize and to keep up with consumer demand.

Mr. Creech asked that Council think about where we have come from. The way the world communicates has changed dramatically since 1934. He said there was the old Communications Act at the federal level in 1934 that set some rules in place for telephone to regulate monopolies. Then there was the Telecommunications Act of 1996 that updated that significantly and recognized huge amounts of competition in the industry--competition between telephone companies, cable TV companies, and all other types of communications providers. He pointed out today we don't just have the telephone, but we have wireless, regular cell phones, smart phones, computers, tablets, all kinds of gaming and devices that work most beneficially from being connected with one another through the communications networks. He pointed out that in the old world you had point to point connection, such as one telephone to another telephone. Now you have the internet network which is the center or hub of all kinds of different kinds of communication. He pointed out that you will see a traditional telecommunications company, like AT&T that has offered wire line telephone service for many decades, is now also offering internet service, video TV service, and high speed wireless communication services all with an internet technology foundation.

Mr. Creech stated the number of traditional telephone lines that we have known for decades have gone down dramatically in just the past decade—down by 73% since the

year 2000. Only about one-third of homes still use the traditional landline phone service. He said the good news for AT&T is that there has been a huge surge in broadband internet service, and wireless services and now in video TV services. Mr. Creech pointed out that low-income households, seniors, and rural residents are also choosing new technologies. They are choosing the smart phones for their wireless service and also video service as well. It is more than just watching TV. If you think about what new services they might be adding or bringing to Aiken, and look at the internet network in the larger perspective, it is not just a matter of being able to use our smart phone to pull down a website or check a ball score, etc, but think about the farmer who used to use his telephone to do everything he couldn't do right on his farm property. Now he uses his smart phone to determine when he might need to irrigate his crops. There may be some wireless sensors in the soil that communicate with his smart phone to give him an indication as to when he might need to water his crops. In health care we have to go through all the works of setting appointments with radiologists, going in to get scans, then having a doctor look at those scans, but we can work on telemedicine now and be able to transmit those pictures and images to doctors who can read them. He pointed out another example of the pill bottle. He said what if you had a pill bottle that would text you if your aging mother didn't remove the cap and take her medicine within a two hour period that she was supposed to. Those kinds of capabilities for the wireless broadband IP internet enabled network are possible just beyond someone using their smart phone in a cool fashionable way.

To meet all this growing demand for services, both wireland and wireless, AT&T has invested nearly \$98 billion in its network across the country since 2008. That is the greatest amount of investment in the past 5 years of any public company in the country in any industry. He said AT&T is working now to try to push its wireless and wireline broadband IP internet services further out, including video service to Aiken. He pointed out that their work to speed up their rate of investment in pushing their services out is starting to take place. He pointed out AT&T's 4G wireless LTE, a wireless faster internet and digital and data network capability, is even faster than a lot of wireline. Then there is the internet high speed in the homes and AT&T U-verse TV, which is the subject of the question before Council at this meeting. It is the digital high speed video service coming to people's homes. He said basically they will be taking video feeds and services from their hubs down to their local serving offices in Aiken and in many other areas across the state and will be using a combination of facilities that are already in place. He said they have fiber cable and copper cable, and they can use a hybrid of those to deliver video TV service to a set top box as well as data service, such as high speed internet, as well as voice service, not the traditional telephone line that you had years ago, but a voice telephone service that works over the internet, Voice over Internet Protocol. He said these are the kinds of capabilities that AT&T will start to provide in the City of Aiken with Council's consent. He said he would be happy to answer any questions.

Councilman Dewar asked if you have service over the internet and power is lost, would you still be able to plug a telephone into a jack in the house and have it work. Mr. Creech stated he did not know the answer, but he could get the question answered for him. He said they have backup services, backup capabilities, and backups to backups in the network, and there is wireless as well that often works in that kind of scenario. He said if one has the U-verse service, which is their internet based services, then you will have access to the video and computer internet broadband as well as to the voice. There is a certain amount of time of battery life that exists in the network while they fix the network, or fix the power supply, even to the point of delivering generators to specific network components and equipment cabinets that they have to keep them up and running should there be an elongated outage of commercial power.

Councilman Dewar asked if a resident would have a router in the house that would receive the AT&T system. Mr. Creech said that is correct. There would be a residential gateway and that would communicate with a set top box and with the computer and telephone sets. You don't have to replace your telephone sets.

Councilman Dewar asked where else in the state does AT&T have U-verse and how reliable is it. Mr. Creech stated they are in dozens of markets and jurisdictions across

South Carolina, from Columbia, to Charleston, to Greenville, and to more than 40 jurisdictions in South Carolina.

Councilman Dewar asked what the timeframe for Aiken would be. Mr. Creech stated once AT&T has the consent, they will be working to do the necessary builds to start offering the service. He said it would not be a situation where they would be cutting over all of the City of Aiken. They would have to do some work to build residential area by residential area and even small businesses would be on this platform. They may not have the video service, but they would utilize the underlying U-verse platform for their high speed internet and voice.

Councilwoman Diggs asked how expensive the U-verse would be. Mr. Creech responded it is very, very competitive. He said there are all kinds of packages. He said he could not give specific prices, as they vary a good bit, depending on the number of channels that one subscribes to. He said U-verse service is very competitively priced. He said they have done a very good job with the quality of service. Once they install the service they work with the customer to explain and show them how the service works and work through a tutorial with them. There are a lot of cool features with U-verse and the ability to do a lot of things, like record multiple shows very easily by just punching the remote or by utilizing your AT&T wireless service to remotely be able to turn your smart phone into a TV remote so you can program your service if you are away from the home, record X show at Y time, etc. It is very competitively priced, and a lot of very good features. Channels move very quickly. You press the channel changer and the channels move very quickly from one to the next.

Councilman Homoki asked if AT&T would own the infrastructure that they create or would they be depending on someone else's infrastructure for the network. Mr. Creech stated it would be their network, including the cable and the equipment.

Mayor Cavanaugh asked what kind of competition they have. Mr. Creech stated they have lots of competition in all facets of their business, such as video, voice telephone, internet data, wireless, etc. It is an incredibly competitive market. They have competition in every market that they enter. He said it is interesting that in the video service market, AT&T is coming in as a new entrant to offer additional competition for video TV services to Aiken's citizens and their customers. He said when competition arrives into a market place, good things happen with respect to good quality of service and better prices.

Mayor Cavanaugh stated a motion is needed to approve AT&T's request for approval to provide video services in Aiken.

Councilwoman Price moved, seconded by Councilman Dewar, that Council approve AT&T's application to the Secretary of State for providing video service in Aiken. The motion was unanimously approved.

Mr. Sam McGill, of Atlantic Broadband, stated he had a question about the state Certificate. He said Atlantic Broadband operates under the same state franchise certificate. He said at the time of approval for Atlantic Broadband, Council required an ordinance and two readings to consent to their certificate. He said he was curious as to why the same process is not followed to consent to AT&T's certificate.

Mr. Gary Smith, City Attorney, stated he knew Council had had an ordinance in the past when there was a franchise agreement, and that was before the state law was passed. He said he did not remember there being a requirement under the state law for there to be an ordinance to be passed for approval of the state certificate.

Mr. McGill responded there is not a requirement for an ordinance for the state certificate. He said Atlantic Broadband's franchise expired, and they had a state certificate as well under South Carolina law just as Council did tonight. He said actually the City Manager can sign the consent. He said he was just curious as Atlantic Broadband went through two readings of an ordinance to get their consent for a state certificate. He said Aiken is

the only municipality that has done so through an ordinance, and he was just curious why Aiken City Council was not doing the same thing for AT&T as they did for Atlantic Broadband, though it is not required. This was a few years ago for Atlantic Broadband.

Mr. Pearce stated we can check the statute. He said it was his understanding that Council did not need an ordinance under the current version of the statute. Mr. McGill stated he agrees with Mr. Pearce's understanding of the statute, but it was done differently for Atlantic Broadband a few years ago.

Mr. Smith stated it is a reasonably new statute, and requiring an ordinance might have been a learning process.

Mr. McGill stated the statute for South Carolina has been around for seven or eight years as far as the state franchise. He said he was just curious as the process seems to be different than the process used for Atlantic Broadband.

Mr. Pearce stated staff could look into the matter, and, if there needs to be an ordinance, that can be set up for second reading on October 28, 2013. He said we want to be fair, but his understanding was that we did not need to have an ordinance.

Mr. McGill stated he agreed there is no need for an ordinance under state law, but Atlantic Broadband went through the process of having an ordinance and two readings and no ordinance was required at that time. He wondered why Council was not doing the same for AT&T.

Councilman Ebner asked if the ordinance for a state certificate was at the same time that a three year agreement for internet services was presented, and that took two readings.

Mr. McGill stated that was different. He said this was when Atlantic Broadband's actual franchise expired and Council had to consent to a state certificate just as Council was doing tonight for AT&T for them to offer video services in Aiken. He said the State of South Carolina passed a state franchise to allow anybody to offer services anywhere in the state with consent of the municipality and collect the franchise fees. It makes the barrier of entry very easy for anybody to offer those services. He said it was a great law for the providers, but maybe not as great for the municipalities, as it takes a little of the input from the franchise away from the municipalities. However, he felt it was a great law for the providers.

Mr. Pearce stated the city definitely wants to comply with state statute, and we would check with the law to be sure no ordinance is required. Mr. McGill responded that he would say the city has complied with the law, but a few years ago to provide a consent certificate for Atlantic Broadband, the city required an ordinance.

Councilman Ebner asked what the city did for the company that came before Council just a couple of years ago to install lines. Mr. Pearce stated that was Spirit Communications and that was in 2012 and was done by ordinance. Mr. McGill pointed out Spirit was not offering video.

Councilman Ebner asked if that was different from what Atlantic Broadband and AT&T are talking about. Mr. Pearce stated that is what he is understanding from our City Attorney, but we will check as we want to be sure we are doing it legally.

BOARDS AND COMMISSIONSAppointmentsRose Lee FoxArts CommissionJoseph P. SobieralskiHousing AuthorityRay VisotskiElection Commission

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

Mr. Pearce stated Council has 13 pending appointments to fill vacancies on different City boards, commissions, and committees. Two appointments are presented for Council's consideration and vote.

Councilman Dewar has recommended that Rose Lee Fox be appointed to the Arts Commission to fill the vacant position of Pat Andringa. If appointed the term would expire April 11, 2015.

Councilman Ebner has recommended that Joseph P. Sobieralski be appointed to the Housing Authority to fill the unexpired term of Channing Jones. If appointed the term would expire May 28, 2017.

At the September 23, 2013, meeting Councilman Ebner submitted the name of Ray Visotski as a possible member of the Election Commission to fill the position of H. A. McClearen. No other appointee to this Commission has been made at this time. This position is not an individual Councilmember appointment, but an at-large appointment by all of Council. Terms on the Election Commission are for six years. If appointed, Mr. Visotski's term would expire in August, 2019.

Mr. Pearce stated at the last meeting he had indicated there might possibly be another candidate for the Election Commission. However, that candidate was not living within the Aiken City limits. He said no other name has been submitted at this time.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the appointment of Rose Lee Fox to the Arts Commission with the term to expire April 11, 2015, the appointment of Joseph P. Sobieralski to the Housing Authority with the term to expire May 28, 2017, and the appointment of Ray Visotski to the Election Commission with the term to expire August, 2019. The motion was unanimously approved.

Councilman Dewar stated he would like to recommend Lori Comshaw to the Recreation Commission to fill the vacancy created with the appointment of Rose Lee Fox to the Arts Commission.

Mayor Cavanaugh stated the recommended appointment would be on the next agenda.

CONCEPT PLAN- ORDINANCE 10142013Shoppes at RichlandRichland Avenue WSignsLulu's Car WashTPN 087-19-03-012

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Concept Plan for Shoppes on Richland regarding signage for Lulu's Car Wash.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR THE SHOPPES ON RICHLAND.

Mr. Pearce stated the owners of Lulu's Car Wash location at the Shoppes at Richland have requested an amendment to this center concept plan to install a larger sign than the concept plan or the Zoning Ordinance allows.

The Planning Commission reviewed this request. The Commission members voted 6 to 1 to recommend against allowing a larger sign at the Shoppes at Richland. A copy of the Planning Commission memo regarding this request, their voting results, and their recommendation was provided to Council for reference.

Mr. Carlos Marban, one of the owners of Lulu's, was present at the September 23, 2013, meeting. After discussion of the two proposed signs, Mr. Marban agreed that the sign on U.S. 1 would be a monument type sign, but his partner, Robert Black, now wants to include a reader board on this sign. It will have a brick veneer base to match the shopping center entrance sign. He also agreed to remove the angled roof over the sign. Any parts of it that were shown in red would be replaced with green. On the sign proposed in front of the car wash entrance from the shopping center parking lot, they want to keep the reader board. A revised drawing of the proposed signs was provided for Council's review.

Mr. Pearce stated there was discussion at the last meeting regarding changes in the signs. He said there had been a question about the reader board for the sign on U.S. 1. Mr. Pearce stated he had an email from Mr. Evans after the last meeting. For the sign on the parking lot the request is that the reader board be allowed. There was a question about the sign on U.S. 1 and whether a reader board is being requested. Mr. Pearce stated if there is to be a reader board on either sign, then Council would need to set the display time limit.

Councilman Dewar asked about Council having to approve the display time limit on a proposed reader board. He said he thought the ordinance says the reader board can be changed once every 24 hours.

Mr. Pearce stated with an amendment to the Concept Plan, Council could set a different time for the reader board, as indicated by Mr. Evans.

Councilman Ebner stated there had been questions about that before. He asked if another business could come in and request a change in the time limit for a display board.

Mr. Pearce stated that was his understanding from the information he had received from the Planning Director if the reader board is in a Planned Commercial zone with a concept plan, the business could request a change in the concept plan.

Councilman Ebner stated the question had come up before from other people and from Mr. Wade, who is in the electronic sign business.

Mr. Pearce pointed out there had been a question from the Planning Commission about the scope of the review of the Sign Ordinance.

Mr. Evans, Planning Director, stated the Planning Commission will start talking about signs at their meeting on October 15, 2013. He said there is nothing in the Zoning Ordinance that regulates how often a message can change on an electronic sign. He said he did an interpretation in 2006 that an electronic sign could change once every 24 hours. In a Planned Commercial concept plan, Council could allow changing of the sign to any time they would like. However, if a sign was not in a Planned Commercial zone, he would stick with his interpretation that the sign could be changed once every 24 hours until the ordinance is changed.

Councilman Ebner stated what Mr. Evans said is the ruling that Council has used before. He asked when the Planning Commission will discuss signs. Mr. Evans responded the

Planning Commission will begin their discussion at a work session on October 15, 2013. Mr. Pearce pointed out there is an item under the City Manager's Report pointing out that the Planning Commission is asking for a clarification of the scope of what the Planning Commission should look at on that action item.

The public hearing was held.

Mr. Carlos Marban stated he was present at the last meeting. He said there is some confusion. He said the reader board will not be on the Richland Avenue sign. The sign would be as shown and would be a monument type sign with the brick to match as close as possible the brick on the main entrance sign to the shopping center and would be painted green on the outside. The sign by the entrance to the car wash from the parking lot would have a reader board. He said they had also agreed to make some small modifications to the sign to make it look like the other signs. It would also be a monument type sign. He said where red paint is shown, it will be green. They want to make the sign as color coordinated as possible with the main entrance sign. Mr. Marban stated he did not have a request for a time change for the message on the reader board on the sign in the parking lot. He said they were just going by what was previously told to them for the Pine Log Road sign, which is once a day, once every 24 hours.

Councilman Dewar moved, seconded by Councilwoman Price, that Council approve on second and final reading the ordinance approving two signs for LuLu's Car Wash with the signs being monument type signs, with the brick matching as close as possible the brick on the main entrance sign to the shopping center, any lettering shown as red would be changed to green, with no angled roof over the signs, no reader board on the sign on U.S. 1, a reader board allowed on the sign at the entrance to the car wash from the shopping center parking lot, and the message on the reader board be allowed to be changed once every 24 hours. The motion was unanimously approved.

Councilwoman Price pointed out that Council had just heard a presentation from AT&T about technology and future technology changes. She said we are so far into technology that everything is done with a flash. She said changing the sign more often does not bother her personally, but it may bother others.

Councilman Dewar stated he only said change the message every 24 hours because he knows we will be reviewing the Sign Ordinance. He said he would rather wait for that review to take place than to make any change at this time. He said he would probably support a change more frequent than 24 hours, depending on the business.

WATER TANK – ORDINANCE 10142013A

York Street

South Boundary

AT&T

New Cingular Wireless

Amendment

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to modify the AT&T lease of space on the York Street water tower.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE APPROVING THE AMENDMENT OF A LEASE OF SPACE ON THE YORK STREET WATER TOWER TO NEW CINGULAR WIRELESS PCS, LLC.

Mr. Pearce stated Shirah & Company Representative Tracy Beatty Snow has contacted him about modifying the AT&T lease of space on the York Street water tower for their antenna and related equipment.

The Design Review Board has approved the transaction of the actual placement of the aeriels and equipment installation on the tower.

Our City Attorney has advised that any lease modification of city-owned property is required to be approved via a City Council ordinance. Along with the additional equipment installation, AT&T has requested a modification of their lease.

City Council unanimously approved this ordinance on first reading at the September 23, 2013, meeting. For Council consideration is second reading and public hearing of an ordinance to approve a modified lease with AT&T for new antenna and equipment installation at the York Street water tower.

The public hearing was held.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve on second and final reading an ordinance modifying the lease with AT&T for new antenna and equipment installation at the York Street water tower. The motion was unanimously approved.

REZONING – ORDINANCE 10142013B

Lorrie Sullivan
1450 Richland Avenue E.
TPN 121-11-03-007

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at 1450 Richland Avenue E. from Industrial to General Business (GB).

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT
 1450 RICHLAND AVENUE EAST FROM INDUSTRIAL TO GENERAL
 BUSINESSES.

Mr. Pearce stated Lorrie Sullivan owns about four acres of land at 1450 Richland Avenue E. She has requested this property be rezoned from Industrial (I) to General Business (GB). Since it is zoned Industrial now, Ms. Sullivan is prevented from opening a retail saddlery shop, where tack, saddles, and horse trailers could be sold.

Under our Aiken Comprehensive Land Use Plan, areas in East Aiken are highlighted for uses other than Industrial. Retail uses are already in this area, together with other commercial, government, office, agricultural, residential, and some industrial applications.

The Planning Commission reviewed this request and voted 6-0 to recommend granting this rezoning request, especially since other GB uses are in the vicinity of this four-acre tract.

Council unanimously approved this ordinance on first reading at the September 23, 2013, meeting. For Council approval on second reading and public hearing is an ordinance to rezone four acres of land at 1450 Richland Avenue E as General Business (GB).

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on second and final reading an ordinance to rezone four acres of land at 1450 Richland Avenue E. as General Business (GB). The motion was unanimously approved.

ANNEXATION – ORDINANCE 10142013C

William Kerrigan
108 Collier Street
TPN 122-09-07-006

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to annex property at 108 Collier Street and zone it Residential Single-Family RS-10.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY WILLIAM KERRIGAN AND LOCATED AT 108 COLLIER STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS10).

Mr. Pearce stated William Kerrigan owns a house at 108 Collier Street. Unfortunately, his septic tank system recently failed. He called us for help connecting his house to our sewer utility. We have done so, on the condition that he apply to annex his house into the City limits, which literally surrounds his house. He has made an application to annex.

The Planning Commission has reviewed his annexation petition and voted unanimously to recommend this property be annexed within the city limits.

Council unanimously approved this ordinance on first reading at the September 23, 2013, meeting. For Council approval is second reading and public hearing of an ordinance to annex improved property at 108 Collier Street into the Aiken City Limits.

The public hearing was held.

Councilman Ebner moved, seconded by Mayor Cavanaugh, that Council approve on second and final reading an ordinance to annex 108 Collier Street to the city and zone it Residential Single-Family RS-10. The motion was unanimously approved.

CROSLAND PARK – ORDINANCE

Sale of Property
1407 Aldrich Street NE
Charles Means

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to sell a house in Crosland Park.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CONVEY CERTAIN REAL PROPERTY IN THE CROSLAND PARK SUBDIVISION AT 1407 ALDRICH STREET NE TO CHARLES C. MEANS.

Mr. Pearce pointed out the location of the house that is proposed to be sold. It is in the middle third of the Crosland Park Subdivision.

Mr. Pearce stated Charles Means, a City of Aiken employee who rents a home in Crosland Park, has offered to purchase 1407 Aldrich Street in Crosland Park, for \$77,000. Mr. Pearce stated Council discussed in a work session in July encouraging city employees to move into the subdivision. He qualifies for a \$5,000 state grant, which must be repaid in three years. The Aiken Corporation has been asked to contribute \$2,500 to match the city grant of \$2,500 for this purchase, for a total match of \$5,000. The Executive Committee will match our grant. He pointed out the Aiken Corporation had purchased the house so the city could refit and remodel the house. The title to the property is in the city's name, and that is why it is before Council in an ordinance for sale. Mr. Pearce pointed out that the grant would be a total of \$10,000, with \$5,000 from the state grant, \$2,500 from Aiken Corporation and \$2,500 from the

City of Aiken.

Mr. Pearce stated staff had reviewed this purchase and recommends Council approval, along with the other conditions of purchase.

Mr. Pearce stated there are some items that need to be repaired. Those items include installation of stainless steel appliances, installation of a concrete pad 10 feet by 10 feet for the existing storage shed, repair some doors, repair damage to HVAC unit, repair the washing machine drain hole, and replace the nicked vinyl siding. He pointed out the house had been vacant for about two years. He said it is proposed to close on the house within the next 40 days.

For Council approval is first reading of an ordinance to sell 1407 Aldrich Street to Charles Means for \$77,000 upon the terms and conditions set forth in the Purchase and Sale Agreement.

Councilwoman Diggs asked if the sale would be seen as a second mortgage since Mr. Means would have to pay the state grant back.

Mr. Pearce stated that is correct; it would be a second mortgage.

Councilman Dewar asked if the sale of the house was coming to Council because it is proposed to sell the house at a loss or coming to Council because it is city property and sale of city property has to be approved by Council.

Mr. Pearce stated it is a combination of things. Council had passed an ordinance, and the sales price had been set at \$79,900. Since Mr. Means qualified for the grant money, and considering the discussion at the work session, we wanted to provide an incentive to the employee. That would be something that differs from the original ordinance. That was the reason to bring it to Council for approval.

Councilman Dewar stated he has a couple of concerns. Number 1 is setting a precedent. He said this would be the first house sold in Crosland Park in a while. He asked if Mr. Means' net price would be \$67,000. Mr. Pearce responded his net price would actually be \$72,000, because he does have to repay the state grant. Councilman Dewar asked the process for repaying the state grant. Mr. Pearce stated he could get details before second reading.

Councilman Dewar stated the other thing he is concerned about is that there is a large unknown in terms of the cost for the City to sell the house. He said he did not know the cost for the repairs, the 10' x 10' concrete pad, the stainless appliances, repair doors, install a washing machine drain hole, repair nicked vinyl siding, and repair air conditioning. He was concerned about the repairs and the total money. He said he would like for Mr. Means to buy the house, but he was also concerned about setting a precedent. He asked if when we sell a house, would we be faced every time with supplying new appliances, etc.

Mr. Pearce stated we actually have new appliances in the house. We would just be replacing them with stainless steel. We would have to buy appliances for the next house anyway. He said we could itemize the cost for the items. The 10' x 10' concrete pad would be something we could do in house so it would just be the cost of the material. For the repairs and work on the air conditioning system, we have a technician looking at that. We should have the dollar amount before second reading.

Councilman Dewar asked if anyone else on Council was concerned about setting a precedent.

Councilman Ebner stated we discussed this not only in the work session in Crosland Park, but several other times. He said he thinks the grants were to be for city employees as an incentive to move there, but not for regular citizens. He said the incentive was for city employees to not only work for the city, but live in the city. He said he felt we need to be specific that the incentives are for city employees. He said we have encouraged

offers on houses, but obviously if they give us a ridiculous offer we would not take it. We have encouraged offers for consideration by the city.

Mr. Pearce stated we had a ridiculous offer today which was sent back.

Councilman Ebner stated for city employees we need to encourage them to purchase a home. He said he agrees we need to know what the cost for repairs will be. He said the city will definitely take losses on some houses until we get rid of the current inventory. He said that had been discussed before. He said he supports the incentive for city employees only.

Councilman Dewar pointed out that the Purchase and Sale Agreement was already signed. Mr. Pearce stated, as he understands the law according to the City Attorney, any time you are dealing with real estate it has to be in writing so there is an offer and acceptance subject to Council approval.

Councilman Dewar asked if Council could get more data on the cost of the repairs before second reading. He said his main focus is on setting a precedent. He said he understands the grant is unique to the city employees and not everybody who buys a house will get a grant.

Mr. Pearce pointed out that others may qualify for the state grant other than city employees. Councilman Dewar stated he understood that, but others will not get the \$2,500 from the city matched by the Aiken Corporation. Mr. Pearce stated the Aiken Corporation actually has one more property to sell, so that will limit that grant.

Councilman Homoki asked when the person would be able to move into the house. Mr. Pearce responded we would have to have the second reading of the ordinance on October 28 before we could have the closing. The employee plans to move into the house before Thanksgiving if everything works out.

Mayor Cavanaugh stated it would be good to get somebody moving into the houses. The more people we can get into houses the better.

Councilman Dewar stated he was mindful of the fact that we started Crosland Park with very great ideas and lost control.

Councilwoman Price pointed out the location of this particular property is in a very visible area. Hopefully we can use that as a showcase of what the places can look like.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve on first reading an ordinance to sell 1407 Aldrich Street NE to Charles Means for \$77,000 with the conditions set forth in the Purchase and Sale Agreement. The motion was unanimously approved.

CAPITAL PROJECTS SALES TAX

Advancement of Funds

One Cent Sales Tax

CPST III

Sewer Lift Station

Southwood

Water Line

Boardman Road

Paving

Storm Drain

Two Notch Road

Mayor Cavanaugh stated Council needed to consider a staff request for approval of the advancement of funds from CPST III for infrastructure improvements.

Mr. Pearce stated he had provided Council with a memo from Engineering and Utilities Director George Grinton requesting advancement of CPST III funds. We have three

projects that were not budgeted but are deemed critical at this point that require funds advanced from our current One-Cent Sales Tax list [CPST III]. We specifically need to perform:

1. Southwood Lift Station Parallel Sewer and Manhole Rehabilitation \$194,214.30
2. Boardman Road Waterline Improvements \$ 35,893.80
3. Repave Two Notch Roadway at Grace Ave. and Repair Storm Drain \$ 31,100.00

Total Advance	\$261,208.10
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As pointed out these projects are critical. The Southwood work will battle a severe odor problem. Boardman Road waterline work will raise water pressures to SCDHEC mandated minimums. The Two Notch roadwork will fully repair a situation with very old patches and eliminate standing water issues. The storm drain work will control mosquito breeding, and prevent any outbreak of equine encephalitis. He said at the Steeplechase Office Association and right across from Dogwood Stables and adjacent to the Training Track we have an area that is asphalt with many, many patches. He said we found over the rainy summer that this area has turned into a big bowl that gathers water. We have had a case of equine encephalitis in the County. Of course mosquitoes carry that disease, and we don't want a lot of standing water. We have had numerous requests from the owners of the stables to address that issue.

Mr. Pearce stated we have stormwater funds to carry the water away so it does not stand longer than 24 hours. He said that is a separate amount of money of \$31,100. We do have in Capital Projects Sales Tax II unspent funds for street resurfacing of \$95,000. The \$31,100 could come from money we have on hand, and there would be no need to borrow that. However, we would need to borrow against the CPST III funds for the Southwood and the Boardman Road projects of \$194,214.30 and \$35,893.80. He said that is about \$230,000. He said staff needs Council's approval for that. Council has been very clear that when Capital Projects Sales Tax money is spent that the matter be brought to Council for approval. He said we are expecting a payment from the CPST III tax before the end of the year. Then in the first quarter of 2014 there should be a sizeable payment from the County, and we could repay the borrowed funds at that time.

Councilman Dewar stated the people who live near the Southwood Lift Station have been dealing with the terrible odor, but the city has been extraordinary in helping them. He said he did not know who would be the happiest to have the matter fix, the people in the area or Mr. Grinton, because the city will be saving a lot of chemical money that they used to control the odor. He said it had really been bad, and the people had been dealing with this for a couple of years. He said he appreciated the efforts to take of this matter.

Councilman Ebner moved, seconded by Councilman Dewar, that Council approve the work for all three items, with the Southwood Station and the Boardman Road projects being a loan from CPST III funds with the condition that when the first money comes in for CPST III that the loan of \$230,108.10 be paid back. Then the other loans which Council approved earlier are to be paid back next. The repaving of the Two Notch roadway in the amount of \$31,100 would come from CPST II funds which are in the bank and no loan would be involved. The motion was unanimously approved.

PURCHASE PROPERTY – RESOLUTION 10142013D

Dougherty Road Corridor
Doris Waldrop
911 Murrah Avenue
Aiken Mall

Mayor Cavanaugh stated Council needed to consider a resolution to purchase property at 911 Murrah Avenue for connection to the Aiken Mall property.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING THE PURCHASE OF A LOT WITH IMPROVEMENTS AT 911 MURRAH AVENUE BY THE CITY OF AIKEN.

Mr. Pearce stated during our presentation on the Dougherty Road Corridor Study, they talked about a connection to the Mall property. Mrs. Doris Waldrop appeared and asked when the City would purchase her property.

Staff has reviewed her request and still considers this property key to connecting Dougherty Road to the Mall without the necessity of using Whiskey Road. Mr. Pearce pointed out there is a connection near Sears in the Mall over to the Target shopping center. This would provide an opportunity to connect to Dougherty Road and possibly have some open space or green space. The connection would go up Christee Place to Dougherty Road.

Ms. Waldrop is offering her property for sale at \$120,000. Council will need to approve this purchase. We recommend that an appraisal be a precondition to this purchase being closed. Our appraiser will have this accomplished in advance of the proposed December 10, 2013, closing time. It would have to appraise for at least \$120,000 or more for the sale to proceed. If there is any difference the matter would come back to Council.

Ms. Waldrop's property is the one shown in the study as the best way to connect into the Mall. He said staff had been working on trying to obtain the property for a long time. He said Ms. Waldrop was clear that either the city purchase all of her property or none. She was not willing to sell a portion of the property.

Mayor Cavanaugh asked if we have approval, or what approvals do we need, to continue the road over to the Mall area once Ms. Waldrop's property is purchased.

Mr. Pearce stated URS had a proposed design. He said there is another \$230,000 available for actual road construction to connect Dougherty Road to the Mall. With the purchase of Ms. Waldrop's property, we could proceed with the design and submit that to DOT for approval. We would make an application as a local public agency and be the contractor on the project.

Mayor Cavanaugh stated he was concerned about the space that we have to go through to get to the Mall area. He wondered if that space was a lot that someone owns.

Mr. Pearce pointed out the big lot has the Publix grocery store with outparcels. There is a connector in existence to the immediate right of Publix that could connect to Christee Place. He said something would have to be designed.

Mayor Cavanaugh stated his question was if we purchase the property and get the road going with it crossing over the little roadway that goes behind the stores, would there be a problem with the area between the two buildings in the Publix shopping center. He asked if we have an easement to connect between the two buildings in the Publix shopping center.

Councilman Ebner asked if we have an easement into the shopping center.

Mr. Pearce stated there is a service road behind the buildings in the Publix Shopping Center and a road that goes directly into the parking area. He said the road is already platted as a roadway and recorded in the deed office. Mr. Pearce stated we would have to talk to them about connecting to the road, however, just as we would have to negotiate with anyone in order to connect to the pavement.

Councilman Dewar asked if we should talk to the owners of the roadway in the Publix Shopping Center about connecting there before we buy the Waldrop property.

Mr. Pearce stated we would need to have the resolution to purchase the property before talking with the owners of the Publix Shopping Center. He said it will take four to six weeks to have the Waldrop property appraised. He said staff would go ahead and have discussions with the Publix center owner to find out if they are willing to have the

connection to the center. The connection would help business in the Publix center. There was a question as to whether the Publix Center owner was the Aiken Mall. It was pointed out they were separate parcels and separate owners.

Councilman Dewar asked if the Aiken Mall was in arrears on their taxes, since it is going up for auction. Mr. Pearce stated typically, since it went through foreclosure and a foreclosure sale is subject to the taxes that are owed on the property, the bank, after spending the money for the auction, would pay the taxes and maintain the property.

For Council consideration is a Resolution to purchase 911 Murrah Avenue for \$120,000, so long as this property appraises for at least this amount. Mr. Pearce stated while the appraisal is being done staff would make sure that the Publix Shopping Center has no objection to the connection. He said there was no contact from any representative of the property owner or Publix Shopping Center when the corridor study was done by URS. We have talked with them in the past, and they were very interested in the connection happening. That was a reason for pursuing the matter. He pointed out, however, owners change so staff will start discussions with the owners of the Publix Shopping Center.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the resolution to purchase 911 Murrah Avenue for \$120,000 so long as this property appraises for at least \$120,000 and subject to the favorable discussions with the owner of the Publix Shopping Center regarding access to the shopping center if the road is built. The motion was unanimously approved.

Mr. Pearce stated if it becomes apparent after discussions with the Publix Shopping Center owners that there is no easement and no connection, then the city would not proceed to close on purchase of the property because we could not connect with the Mall. The condition of the purchase is to be able to connect to the Mall.

Councilman Ebner asked if the URS report had been checked. He said he asked them the question about continuity to the Mall. The property along Neilson was private property, and the lady there said no to all proposals for the property between Walmart, Walgreens, etc. He said URS did check with the Publix center.

Mr. Pearce pointed out that north of Dougherty Road there is actually already a platted right of way. He said he had had inquiry if that connection were in place, they would potentially be interested in developing the land.

Councilman Ebner asked if all the connections can be made, would the intent be to not let the property sit there for a couple of years, but to go ahead and demolish the property and mow the grass.

Mr. Pearce stated we would proceed with the project, as there is money already available to do the project.

Councilman Ebner pointed out that the \$120,000 for the purchase of the property as well as the demolition of the house would come out of CPST II. Mr. Pearce stated there is a total of \$350,000 that the citizens approved.

INFORMATION

Planning Commission

Action Agenda

Sign Provisions

Electronic Signs

Trees and Visibility

Mr. Pearce stated he had received an email from Liz Stewart, Chair of the Planning Commission, stating the Planning Commission would like to have clarification of the Action Item regarding Review of Sign Provisions in the Zoning Ordinance regarding Electronic Signs and Trees Blocking Visibility of Signs. He said his understanding is that the Planning Commission wants to make sure the work they do is within the scope of

what Council wants them to do. He asked if Council could give the Planning Commission any clarification, as the Planning Commission will be meeting on Tuesday, October 15, 2013.

Councilman Dewar stated he had brought the point up before. He said as he recalls the Sign Ordinance is about 10 years old.

Mr. Evans, Planning Director, said there had been several reviews of the sign regulations over the years with the last one being about 2002. There had been some comments by some Councilmembers that they wanted to look at more than electronic signs and the tree issue. The Commission just wants to be sure they are doing what Council wants them to do.

Councilman Dewar stated he wants more review, including political signs, for example. He said candidates put signs where they feel they should go to get visibility, and a staff member, whose whole job during the political season is to pick up the signs they put up, comes along and picks them up. He asked that we try to come to a sense where it is reasonable, timely, and people who are running for public office have a public place where they can put the signs up. He said he would just as soon that the Planning Commission look at the entire Sign Ordinance. He pointed out Mr. Wade gave Council a book which he felt reflected some state of the art concepts on signage.

Mr. Evans stated the only information Mr. Wade's binder related to was electronic signs and tree issues.

Councilman Ebner stated the issue of trees had come up a number of times. He said when we look at this are we going to stop planting big trees in front of signs, so in ten years they won't be there.

Mr. Evans stated the ordinance was amended about three or four years ago to allow trees to be spaced further from signs. The Planning Commission will look at that again as part of Mr. Wade's request.

Councilman Ebner stated he felt the Commission did need to look at the tree issue again. He said we have a lot of examples down Whiskey Road, such as Target, the Hampton Inn and the other motel. When leaves are on the trees one can't see the signs for those businesses. He felt it would be good to look at the tree issue. He said it needs to be made easy for someone to go out and inspect it and say the trees within 100 feet of a sign can be cut down and little bushes and plants planted.

Councilman Dewar stated he felt it might be appropriate to see if the Chamber of Commerce has any concerns about the Sign Ordinance.

Mr. Evans said he would wait for instructions from Mr. Pearce.

Mr. Pearce asked if Council would make a motion and second so staff will know what Council wants to do. Mr. Pearce stated Council adopts the Action Items for the Planning Commission, and the Chair of the Commission has asked for some clarification.

Councilman Homoki stated instead of Tom Rapp looking at the trees and signs perhaps Public Safety may be better qualified to look at the intersections. Public Safety has the resources to make a legitimate judgment on what really needs to be trimmed or not. They would consider existing speed limits and visible needs.

Mr. Pearce stated Public Safety had been very helpful to staff. In the Zoning Ordinance, which is the Zoning Official's scope, there is a site line triangle and formula that can be used for measuring. He said that really falls under the Zoning Ordinance. However, Public Safety is helpful in the effort too. He said Public Services works on that with the tree crews, so Tom Rapp is involved. There is a tree trimming group. They check the site line triangles. When we get calls from citizens, we address them. They work on that as they have time. They have spent a lot of time in Crosland Park lately.

Councilman Dewar asked if Council has a copy of the Sign Ordinance.

Mr. Pearce responded the Sign Ordinance is a part of the Zoning Ordinance, which is available on the website.

Councilman Dewar stated if a motion is needed, he would move that Council ask the Planning Commission to look at electronic signs, trees, and look at what other communities do about political signs. He felt political signs have a level of importance. He said in the interim he would look at the Sign Ordinance and reserve the option to ask the Planning Commission to possibly look at something else. He felt all Councilmembers should look at the Sign Ordinance, and if there is anything they feel needs to be updated they need to let the Planning Commission know. He said it is not fair to the Planning Commission to give them marching orders, and then when they come back to Council say they did not do certain things. He said this is Council's chance to give the Planning Commission the guidance they are looking for.

Mr. Pearce stated the Planning Commission would like to know the scope of review. He said if Council would like some time to look at the ordinance, they could review the ordinance and send the information to him. Then the suggestions could be placed on the Council agenda for October 28, 2013.

Mayor Cavanaugh stated he felt that would be a good idea. He felt it would be better to think about it and come back with suggestions before sending the information to the Planning Commission. He felt the matter was not on the agenda for a vote by Council. Mr. Pearce stated Council's direction did not have to be at this meeting, but Council needed to clarify the matter at some point for the Planning Commission. Councilman Ebner pointed out the matter can be discussed, as it is in the agenda packet.

Mr. Pearce stated Council has an Action Item list for the Planning Commission. If Council wants to clarify the item with information from Council, we can have an item on the agenda for a vote.

Mr. Evans stated the Planning Commission will start talking about electronic signs on Tuesday, October 15, 2013. It will take them at least two worksessions to discuss the issues. The intent is to make a recommendation to Council on that one issue before proceeding with anything else. He said Council has some time to give further directions.

Councilman Homoki asked if the Planning Commission would be discussing sign size compared to available frontage.

Capital Projects Sales Tax

016 Fund 2004

017 Fund 2010

Mr. Pearce stated staff had updated the Capital Projects Sales Tax list. He said staff had provided the 016 Projects listed in the order on the ballot. He said the information is the base line that Councilman Ebner had requested. There will be a quarterly report for September 30, 2013. He pointed out the reports given to Council were for the fiscal year 2012-13. He said staff had provided Council with a report on the monies spent and the money remaining as of the end of the fiscal year. The reports will be updated quarterly as discussed by Council.

Councilman Ebner stated he appreciated all the work that has been done. He said there had been some trying times over his four years on Council to get the dollars right. He said he and Mr. Pearce had one item left to discuss, and they would do that later. Over the last couple of months there has been some activity in relation to parks, including Eustis Park. The money comes to about \$9 million. He said several Councilmembers went on a tour with Mr. Pearce. As time has gone by, he felt we need to get some serious intent as to what the community wants to see. He felt we should start with Council first. Then we get a group of very interested citizens from the different areas where we are to spend the money. He felt Council needs to look at that from Council's perspective. He said he had sent Mr. Pearce his thoughts on how to get it moving. He said there is a lot of

money, and it affects more than just the north side. It affects almost the whole city. He said he felt Council needs to direct the City Manager or direct Council to get this moving. He said it will take several years to spend the money. He said we should get it done correctly. He pointed out he, and Councilmembers Diggs and Price met with Mr. Pearce a few days ago.

Mr. Pearce stated that is part of the scope of the Executive Session because it involves economics.

Hitchcock Woods

Councilman Ebner stated the other thing that bothers him is Hitchcock Woods. He said we have been working on that almost 20 years. There is another \$7 million to \$8 million to spend. He pointed out we are still at loggerheads. He said he would say there is only one solution and that is detention ponds. However, the Hitchcock Woods people don't want to hear that. He said he had mentioned to some of them that either we spend the money wisely, or we go ahead and reimpose the money at the next election for something else like infrastructure. He said there are some issues there that are now 18 to 20 years old. He said he did not know how to get that off dead center. He felt the study we are presently doing will not get it off dead center. It may help, but that might be our springboard to say what is realistic to do. He said he did not know how to get that off dead center.

Mr. Pearce stated \$16 million was a figure that was discussed in the big meeting. Depending on the results of the study, Dr. Eidson felt that with appropriate green infrastructure at the source you would not have to spend as much money in the Woods. The study would bear that out.

Councilman Ebner stated there are two sides to that story. He said obviously he was on the other side of Dr. Eidson in this particular case. He said we really need to look at how our money is spent and what percentage of water we contain out of that. Dr. Eidson is well aware of that discussion. Councilman Ebner stated in the meantime we are still about a year to a year and a half away from getting that answer. He said we need to have some discussions off line, not in front of Council, and get them to thinking about if we get rid of 2% of the water out of the city what are we going to do with the other 35% of the water that comes out of the city. He said he did not think those discussions had gone anywhere in the past 20 years.

Councilman Dewar stated he had a conversation with Dr. Eidson a couple of weeks ago. He had led him to believe that he will be coming before Council soon, either this month or next, to give Council an update on the project.

Mr. Pearce stated there will be some announcements next month. That will be the appropriate time for him to come back before Council. He pointed out Dr. Harry Shealy from the Hitchcock Woods Foundation Board, shared with Council the fact that he had been serving on the Board through all the different studies about how to control the erosion in the Woods, and he felt we were finally getting it right with the study by Dr. Eidson.

Councilman Homoki stated it seemed to him that Dr. Eidson said even if you rerouted the water and diverted it down toward the railroad track and then ran it down to Peggy's Pond, that still would not alleviate the requirement for having the 10 foot diameter pipe. He said he was trying to figure out how much water we are really talking about. He said he thought Dr. Eidson mentioned that there were eight sources that were aggravating the situation into Hitchcock Woods. He said he felt we were losing focus by concentrating on the one source that everyone talks about—the one that goes into Sand River. He said when we finish that, it could be 200 years from now and we could be talking about another entry point. He said as soon as we fix one entry point, there will be another entry point to fix. He asked where this ends. There has to be some kind of solution. He suggested detention ponds may be needed. He asked what is so sacrosanct. He said water comes in whether the city is here or not. He felt there should be a workable solution. He said you could imagine if the city were not here. You could still figure out

how much water is going into Hitchcock Woods. He said that is a natural situation; how do you alleviate that.

Councilman Dewar stated as far as he is concerned Dr. Eidson's study will be the last study that he will ever approve. He said he expects that to result in some kind of game plan. He said there is no game plan for the water the County puts in or the State, but by the end of Dr. Eidson's study we should have a game plan for what the City causes to flow into the Woods. He said whether we like it or not, it is incumbent on us to take remedial action.

Councilman Homoki stated his point is that he thought Dr. Eidson said even if all the parks, avenues, streets, etc. were totally worked up to absorb all the moisture, we would still have a horrendous water problem in the Woods. Councilman Dewar stated that is negligible; it does not do much of anything. Councilman Homoki asked what are we studying. We know how much water is coming down from the rainfall and the city area. He said he wished we would start trying to figure out how to solve the problem instead of doing a study. He said his understanding is that the study would be another study to see how we can increase the absorption rate in the city and not really addressing the problem of water going into Hitchcock Woods.

Councilman Dewar stated his understanding is that Dr. Eidson is studying the existing pipes. He is putting robotic things in the pipe to track where the pipes go because the pipes have never been laid out. There is no map of where the pipes are. He thought based on what he discovers, he may be able to make some conclusions. Perhaps he can't, but he will be that further ahead. He said that is his understanding of what he is doing. He said he and Councilwoman Price were reluctant in approving the study. He said it is hoped we get a lot out of the study.

Mayor Cavanaugh stated he felt we will need a small group of people to work together to bring back some ideas. He said we can't get anywhere bringing it to Council and everybody talking. He said we have to look at some of the latest studies and Dr. Eidson's studies.

Councilman Ebner stated that is where he is headed with these two subjects. He said he would use the words Parks and Recreation which includes Eustis Park, and then we have Hitchcock Woods. He said that is \$18 to \$20 million worth of work that he felt we really need to start look at, as these projects are 10 to 15 years old.

Councilman Ebner asked Mr. Pearce if he was going to give Council an update on the Whiskey Road drainage.

Mr. Pearce stated the actual design is on a desk in Columbia. He said when he was in Columbia for a meeting he spoke with that individual. He is supposed to be giving the city responses to the city's responses to their comments.

Councilman Ebner stated that has a checkered history. Up until July when we were meeting on Hitchcock Woods, the word on the street coming out of the City was that we had a pipe size problem. Then all of a sudden our ponds are too small. He asked how we get the right parties in the room—the City and the State. He said this has been going on now for about seven years. He said he was looking to set up a meeting similar to what the Senators did before to get the City and the State together to discuss the problem.

Mr. Pearce stated we will know the problems when we get the comments from the State.

Councilman Homoki pointed out that the City paid a premium price for George's Pond and that area of Athol. He said Council talked about that. It was probably a lot more per acre than we would normally pay. Supposedly, Council was told that George's Pond would be able to handle everything in that area. Councilman Ebner stated that was his whole point.

Mr. Pearce stated he thought the water was under pressure, so DOT would not approve just the use of George's Pond. He said that is part of the back and forth with the State.

Councilman Ebner stated he was trying to be nice and say that we have a mistake, and we need to fix it. He said we have a lot of new actors now that are not familiar with it. He felt DOT needs to come to the City. He thought Hass and Hilderbrand is doing the design. He said Randall and Brad are the guys who "put the ink on the paper." He said we need to have a meeting with the State DOT people, Mr. Grinton and Mr. Hilderbrand. We know we have an error, and we need to get it fixed. He said he thought it had gone back and forth a number of times. He said if he needs to send a request to Mr. Pearce and Mr. Gantt to do that, or, if he needs to have the State Senator do it, he felt we need to get together.

Mr. Pearce stated he had already involved the local delegation in encouraging DOT to give their comments to the City. Councilman Ebner stated when they get them back, let's have the parties get together and get a solution. He said from things he hears going on, we need to be sure we cover from the fall line. He said he asked the question as to whether we are dealing with the fall line, and he did not get a very good answer. He said fall line means which way the water runs, whether it runs to Powderhouse or whether it runs to Whiskey. He said the fall line runs through the cotton patch. He said we need to be sure we are taking care of enough water.

Mr. Pearce stated he totally agrees. He said we did the initial segment of Whiskey Road and did that in-house. We were ahead of schedule and under budget and thought the next segments of that would go as well, but it shut down. Councilman Ebner stated it needs some TLC.

The Ridge at Chukker Creek Gem Lakes Extension Roads

Councilman Ebner stated for the next meeting Mr. Pearce needs to give Council an update on the Ridge at Chukker Creek and the Gem Lakes Roads.

Mr. Pearce stated staff had a conversation with the developer of The Ridge who has indicated that he cannot finish the infrastructure work by the deadline. He is offering to extend the Letter of Credit and provide us with a timeline. He said he does not have anything in writing from them. He pointed out that the Letter of Credit would have expired by the next meeting. The choices are that we either call the existing Letter of Credit, which doesn't cover just the trail, but all the infrastructure in the subdivision, or we allow the developer to extend it, which would be the second extension.

Councilman Ebner stated that should only be a short extension. Mr. Pearce stated he has another Letter of Credit that actually comes due in 2014. We could peg it to that Letter of Credit deadline time unless there is an objection by City Council.

Mr. Pearce stated on the Gem Lakes Estates Extension roads, when we had the worksession with the developers they indicated they wanted to go ahead and develop the four remaining lots that had not been improved. Those lots have been cleared. They wanted to go ahead and put a foundation in before they began the road work. He said he had just received that word late this afternoon. He said as far as their timeline, he hoped to have that before the end of the week.

Councilman Ebner stated we need to have that. He said he was still looking for a stack of papers from CSRA on the roads.

Elliott Davis Audit

Councilman Ebner stated his last item was comments on Elliott Davis. He said he and Mr. Pearce had discussed this, and he had discussed it with Aiken Corporation. He said there are a number of things that are a concern to him as a person as well as a City Councilman. He said it is his understanding that the auditor reports to City Council. But the letters that the auditors have been sending either come through Mr. Pearce and are attached to the agenda or they have not gotten to Council at all. He said he guessed in the

past nobody has asked them a question. He said his initial question was on an Aiken Corporation audit because the audits have not been matching what Aiken Corporation has actually been spending and doing. In the 2012 audit, he had it put in the minutes of the meeting for Aiken Corporation, etc. He said he was flabbergasted that when he meets with the auditors that they send the City a bill for his meeting with them in order to tell them something is wrong with their audit which means there was something wrong with our data.

Councilman Ebner stated he had not asked them any questions on the City audit yet, but there are some detailed questions that he wants to ask. He said Mr. Pearce has sent him an email and said for him to send him the list of questions, and he would find out what the auditor will charge to answer them. Councilman Ebner stated he has learned more about how things work. What the auditors do is basically look at income and expenses and some spot checking. He said he had a particular question about where they account for the \$10 million loans that we have outstanding in the city. He said they have never responded to the emails and information that he sent to Elliott Davis from him to Elliott Davis without a copy to the City. He said the communication letter from Elliott Davis says they communicate very well with City Council. He said that is a bunch of bunk. At least they did not communicate with him. He said he knew that they communicated with Mr. Pearce on it. He said he was disappointed in that. He said Mr. Pearce had told him today that the auditor will be at the October 28, 2013, Council meeting. Councilman Ebner stated as he had mentioned to Mr. Pearce he would like to have a copy of the audit by email before the Council meeting. He said he felt he needed to answer the September 17, 2013, letter that was in the agenda package. He said he did not feel the auditors had lived up to their end of the bargain, at least not with him. Councilman Ebner stated he just wanted to advise Council of that. He said he has to ask Council permission to ask the auditors questions, and he has to get money authorized for them to answer his questions. He said that sounds odd to him, but he is learning.

Councilman Dewar stated he does not agree that it should be that way. He said it is clear, but may not have been clear in the past but certainly is now, that a couple of Council is more active with regard to the audits. He said Elliott Davis is hired by the City Council. Council approves the award of the contract to them, and they should be dealing directly with Council. To be fair to Elliott Davis, they originally gave Council a letter as to what they will do, and Council says this is what we want you to do. Elliott Davis then says this is what we will charge. He said that has probably gone a little out of control because they are not used to Councilmembers calling them. He said he had called them a couple of times on an issue. He said they are not used to doing that, and they did not factor that into their cost. He said he did not know if this was Elliott Davis' last year for the audit or not. He said the auditors need to know that they work for City Council. He said he thought they did know that. He said Council should not have to go through the City Manager to ask the auditors a question. Neither should the auditors have to go through the City Manager to give City Council an answer.

Councilwoman Price wondered if we were in order. She asked the City Attorney if we have a problem with a contractor is that an open discussion in terms of discussing the satisfaction and things that we can speculate, but don't know for sure.

Mr. Gary Smith, City Attorney, stated he did not see a discussion about the city audit on the agenda for this meeting. He said he felt it needs to be on the agenda if Council wants to discuss the audit.

Councilman Ebner stated there were attachments in the city agenda of the letter from the auditor. He said that is the only way that he knows that the information exists. Mr. Smith responded that he did not see it listed on the agenda for discussion. Councilman Ebner stated it is listed on the agenda as an information item.

Councilman Dewar stated we are not asking for a vote anyway. Mr. Smith stated it is not listed on the agenda.

Councilman Ebner stated he would put it on the agenda for next time as two things—one to discuss it and one to ask for money. He said this is in the public domain. He said he

had to remind the auditors that the audit information is in the public domain. The first thing they told him was that they could not give him anything. He said he said wait a minute you are in the public domain. He said he would bring all this up at the next meeting as a point of order.

Public Safety

Councilman Dewar stated he had asked the City Manager some questions regarding Public Safety. He said once again he has the concern that he had earlier this year. He said the response shows that we have about 16 people in various stages of training and performance. He said he would like to meet with Mr. Pearce and Chief Barranco and if other members of Council want to attend that will be fine. He said he would like to go into more detail than we did at the last meeting. He said he genuinely has concern about how we can possibly be meeting our manning requirements.

Councilman Homoki stated the question he has is whether Councilman Dewar is interested in how Public Safety works internally and how they process, or whether he was concerned about how it affects the public service function as pertains to the funding.

Councilman Dewar stated both in a sense. He was concerned about the 16 people that are on the memo that they all received.

Councilman Homoki asked if that affects the services they provide. Councilman Dewar stated it would seem to him that it should because they are not fully trained.

Councilman Homoki stated he understands that, but does that really have an impact on the public services that they are supposed to provide. He said if they have 8 people on shifts at certain times or 6 people on shift, can they meet the emergency requirement. He said that is what Council should be concerned about, not exactly how the Chief does the internal set up.

Councilman Dewar stated he was not trying to do the Chief's job. If they have 8 people who have been through the Police Academy and have been through field training; that have been through the Fire Academy and have been through the field training; and that have completed their 48 to 52 week program, then he is happy letting them go on patrol. However, if they have a person who has been through the Police Academy go on patrol and not been through the Fire Academy, we expect that if there are 8 or 9 vehicles on patrol and we have a fire, we expect to have 8 people who are fully trained and have attended the Fire Academy who can go to the scene of the fire and help out if they need to. He said he did not know if we had ever deployed all 8 at one time. He pointed out we are getting a younger force. He said he did not know what is happening to the experience. He said we were down 24 persons last August and now we have 16 more. Some of these 16 might have been part of the 24, but he did not know. He said he wants to meet and ask the questions.

Mayor Cavanaugh stated we should ask Chief Barranco some of these questions. Councilman Dewar stated that is what he had asked to do. Mayor Cavanaugh stated it should not be Council up here talking about what is right or wrong. He pointed out Barranco is the Chief, and as far as he was concerned Chief Barranco is doing an excellent job. We are making arrests, and we need to ask him if he needs more help in certain places to do a better job. He said on this back and forth about what is happening in Public Safety, we need to go to Chief Barranco and let him tell Council what he thinks and not go back and forth about what we think is not going right. He said he did not think that was doing any good for Chief Barranco or for the morale of Public Safety when we do this.

Councilman Dewar stated he did not say anything about things not going right. He said he asked for a meeting with the City Manager and Chief Barranco.

Mayor Cavanaugh stated Councilman Dewar is questioning how these things can be. He said he and everybody heard the words. He said if there is a problem Chief Barranco should tell us, and he was sure he would. He said that is not to say that Council can't ask

questions. Sure Council can ask questions, but he felt it was not right to not go to the Chief first and have him tell us how he feels. Then Council can make their own decisions about what they find out.

Councilman Dewar stated we have been through the process of going to the staff heads first, so that is why he made the request to meet with the City Manager. He said he was not inclined to go to one of the Department Heads about that kind of thing. He said he had gone to Department Heads for general information.

Mayor Cavanaugh stated Council should go to the City Manager first and ask for a meeting with him and the Chief. He said he was not saying to go around Mr. Pearce. Mayor Cavanaugh stated Council is a team and has to work together on matters. He said the more he hears of the back and forth and things not happening right without going to the proper people to get their opinion, gives him concern. He said after going to the proper people and getting their opinion, Council can make decisions. He felt the City Manager and Chief would be very open to telling Council what they think at the proper time. He said he felt it was wrong for Council to start talking about things that sound like there is a difference of opinion. He said that is not doing us any good.

Councilman Dewar stated he was not interested in getting an opinion, but he was interested in facts—that is all. Mayor Cavanaugh stated he was interested in facts too. He said we should go to the City Manager and Chief for facts.

Mr. Pearce stated he appreciated the offer of Councilman Dewar for other Councilmembers to participate. He said we need to either schedule a worksession or have a presentation at a Council meeting. A worksession would probably be the most productive environment. He said he would like to circulate a couple of different meeting times to see when most of Council can attend so we can hopefully put some of the issues to rest. He said staff is glad to talk with Council about any extent of city operations at any time. He said he was a big believer that we all need the same information at the same time.

Mr. Pearce stated in regards to the audit team, he wanted to be very clear that he does not feel that he needs to filter the questions to the auditors. He said Council approved a contract with the auditors based on an expected scope of work that they perform to provide the city with an audit that is in compliance with state statute. Under state statute the city is required to conduct an annual audit. He said it is not his intent to filter anything. He said he had been thrown in that position several times since becoming City Manager. He said to the extent that something is outside the scope of work, he felt questions on the phone and a brief conversation is one thing. However, if we have four hours of meetings with the auditors, that is something else. He said you have to understand that the auditors have to justify their time to the partners in the audit firm. As far as building in participation levels from Councilmembers, that exceeds what has taken place in the past, and that is an additional expense that he had not budgeted for. He said we can do whatever Council wants to do with the audit and the auditors, but our understanding of the annual audit is that it is a sampling of operations. It is testing to the extent to see that we have money that comes in and money goes out for city operations and that it is accurately reported. If there is a question about that, it would probably be good to have a background presentation by the auditors when we receive the audit at the next meeting to tell us what their methodology is. They don't just work for the City of Aiken. They work for other local governments as well. He said just having that information on the record would provide a good reference point so we all have that to look back on as these questions come up.

Councilman Ebner stated he had asked for a copy of their contract, both from the City Manager and from Elliott Davis. He said he was very disappointed both in how they treated him and the time. He said it got down to an ethics situation. He said he sat there for an hour and a half and talked to them about the Aiken Corporation information that they were using was not right. After that hour and a half they told him that they do a spreadsheet to get the books right. He said he told them you have to be kidding me. He said they should have advised him ahead of time that there were questions that they

should not answer. He said they have not answered his emails. Yet they say they have good communication with the City Council.

Mr. Pearce pointed out that one of the team members Councilman Ebner was trying to contact retired at the end of September. He said he had sent that information to Councilman Ebner. Mr. Pearce stated on the information requested, a new auditor will be at the City Council meeting on October 28.

Councilman Ebner stated he would like to have a copy of the city's contract with Elliott Davis. He said he was one of the outside circumstances—that is what they call it. He said he would repeat again that he was disappointed that they did not accept his comments that the audit for Aiken Corporation, which the City is paying for, was bad information. He said he was telling them that they need to look into this as they have some bad information. He said then they sent him a bill for that.

Mayor Cavanaugh stated he thought Councilman Ebner was right, and he felt no one disagreed with that. He thanked Councilman Ebner for digging into it.

Councilman Ebner stated he would not ask questions about the City audit without getting prior approval to do it. He said trust me as he had run a bill up for the City.

Mr. Pearce stated he wanted the record to be complete. He pointed out that Elliott Davis wound up writing off that expense. The City has not had to pay for the sessions with Councilman Ebner. The other thing is that what turned up in Councilman Ebner's inquiry with the Aiken Corporation financials is the fact that they were doing journal entries. That was discussed in the Executive Committee. He said Mr. Brodie had mentioned that it had come up in the past, but it had never been followed up. The Executive Committee is hiring a CPA to do the journal entries prior to the audit which is what we do with the City annual audit and that works very well. That is completely proper. He said Aiken Corporation is taking the remedial action that they should have taken years ago, but for whatever reason did not take place.

Councilman Ebner stated he was still going to bring this to Council. He said he sent a letter to Elliott Davis and asked that they send the bill to him personally, and then he would go to Council. However, they sent the bill to Mr. Pearce. He said he had asked for a copy of the bill. He said he still thinks if they sent a bill they had an intent, and for them to say they will write it off, that just writes him off. He said obviously he was not pleased with the discussion with them. However, he will bring it to Council at the next meeting officially.

EXECUTIVE SESSION

Mayor Cavanaugh stated Council needed to go into Executive Session to discuss potential economic development opportunities.

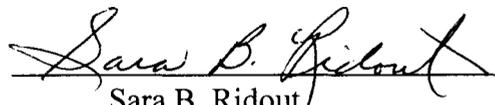
Councilwoman Price moved, seconded by Councilman Ebner, that Council go into Executive Session to discuss potential economic development opportunities. The motion was unanimously approved. Council went into Executive Session at 8:45 P.M.

After discussion Councilman Homoki moved that Council come out of Executive Session. The motion was seconded by Councilman Dewar and unanimously approved. Council came out of Executive Session at 9:57 P.M.

Mayor Cavanaugh stated in Executive Session Council discussed potential economic development opportunities with no votes taken.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:58 P.M.



Sara B. Ridout
City Clerk

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